



**NOTICE OF MEETING AND PUBLIC HEARING OF THE
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
BOARD OF DIRECTORS**

Thursday, December 14, 2023

5:00 PM

IN-PERSON

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, December 14, 2023** commencing at **5:00 p.m.** at the **District office, located at 1124 Regal Row, Austin, Texas.**

This meeting will be audio recorded and the recording will be available on the District’s website after the meeting.

Public Comments at the Board Meeting – Please complete a comment card prior to the start of the meeting. Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.**

AGENDA

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 Donati), 418.18374 (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. **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.)*
 - a. Approval of Financial Reports under the Public Funds Investment Act, Directors’ Compensation Claims, and Specified Expenditures greater than \$5,000. **Pg. 4**
 - b. Approval of minutes of the Board’s November 9, 2023, Regular Meeting and Public Hearing. **Not for public review at this time**
 - c. Selection of a consultant to prepare a proposal for conducting a well-impact analysis for the Trinity Aquifer.

4. **General Manager's Report. Discussion and possible action. Topics**

- a. Review of key team activities/projects. **Pg. 25**
 - i. Trinity Sustainable Yield Study
 - ii. Database update
 - iii. Staff changes
 - iv. Conferences and training
- b. Aquifer status update.
- c. Upcoming events of possible interest.

5. **Presentation.**

Presentation by the District's financial auditor on the FY 2023 Annual Financial Audit Report.

6. **Public Hearing.**

The Public Hearing concerns proposed revisions to the District Rules related generally to: Application for Registration, Production Permits, Source and Recovery Permits, Transport Permits, Well Plugging, Well Development, Well Drilling, Or Well Modification Authorization, Permits for Existing Wells In Shared Territory, Action on Permits, Permit Compliance, Monitoring, and Mitigation, General Permits By Rule, Temporary Permits, Rules Governing Protests and Requests for Contested Case Hearings, Petition for Adoption or Modification of Rules. **Pg. 38**

7. **Discussion and possible action.**

- a. Discussion and possible action on EEOC No. 451-2024-00138 charge of discrimination by Brian Smith against the District. **NBU**
- b. Discussion and possible action related to approval of the receipt and approval of the FY 2023 Annual Financial Audit report provided by the District's financial auditor. **NBU**
- c. Discussion and possible action related to approval of the proposed revisions to the District Rules. **See Public Hearing Backup**
- d. Discussion and possible action related to the approval of the FY 2023 Annual Report including Appendix B. **Pg. 109**
- e. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Aqua Texas Sierra West for failure to reduce pumping during District declared drought. **Pg. 176**
- f. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments. **NBU**
- g. Discussion and possible action on declaring Stage IV Exceptional Drought. **NBU**
- h. Discussion and possible action related to the election of Board Officers. **NBU**

8. Director 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.

9. Adjournment.

Please note: This agenda and available related documentation, if any, have been posted on the District website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you. The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

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.)

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- b. Approval of minutes of the Board's November 9, 2023, Regular Meeting and Public Hearing.**
- c. Selection of a consultant to prepare a proposal for conducting a well-impact analysis for the Trinity Aquifer.**

Financial Reports – November 2023

December 14, 2023 Board Meeting

(These report numbers are pre-audit adjustments)

1. Profit and Loss Budget vs Actual

September 1, 2023 through November 30, 2023

2. Profit and Loss Previous Year Comparison

September 1, 2023 through November 30, 2023

3. Balance Sheet Previous Year Comparison

As of November 30, 2023 (compared to November 30, 2022)

4. Check Register – TRUIST Bank Account

November 1, 2023 through November 30, 2023

1. Profit and Loss Budget vs Actual

September 1, 2023 - November 30, 2023

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

PROFIT AND LOSS - BUDGET VS ACTUAL

September 1 - November 30, 2023

	Sept 1 - Nov 30, 2023	Budget	% of Budget	Notes
INCOME				
4400.0 · Interest Income	19,964.83	40,000.00	49.91%	September through October, November not posted yet
4625.0 · MISCELLANEOUS INCOME	676.03			
4800.0 · USAGE AND PRODUCTION FEES	902,331.82	1,648,612.00	54.73%	Permittees, CoA/AWU, Transport, Annual Renewals
4810.0 · OTHER FEES	77,841.50	12,300.00	632.86%	Well Development, Applications, DMFs, Pluggings, etc. Enforcement \$18,402; Drought Orders \$44,800; DMFs \$9015
TOTAL INCOME	1,000,814.18	1,700,912.00	58.84%	
EXPENSE				
6000.0 · UTILITIES	6,554.63	22,000.00	29.79%	Electricity, Water, Phone, Internet, Smartphone, Telemetry
6005.0 · Print/Copy/Photo Services	29.17	2,000.00	1.46%	
6007.0 · Postage/Freight/Shipping	31.37	2,000.00	1.57%	
6010.0 · Office Supplies	1,559.98	6,000.00	26.0%	
6010.2 · Office Furniture	0.00	5,000.00	0.0%	
6011.0 · Comp Hardware-Plotter Supplies	5,289.77	25,000.00	21.16%	Generally meant to include two employee desktop replacements
6014.0 · Software Acquisition and Upgrades	0.00	6,000.00	0.0%	
6015.0 · IT Monthly Maintenance	9,339.88	30,000.00	31.13%	
6016.0 · Meeting Expense	537.65	4,500.00	11.95%	
6017.3 · Sponsorships	0.00	5,000.00	0.0%	
6019.0 · Subscriptions/Publications	263.43	5,000.00	5.27%	
6020.0 · Advertising	1,244.06	4,000.00	31.1%	
6021.0 · MISCELLANEOUS EXPENSES	83.00			Includes monthly bank service charge fees
6022.0 · Accounting System Operation	698.00	7,500.00	9.31%	Includes Quickbooks Subscription, Payroll
6023.0 · MAINTENANCE (Office and Auto)	3,830.39	23,500.00	16.3%	Includes Alarm, Landscaping, Janitorial, Trash, Auto-Gasoline
6030.0 · CAPITAL OUTLAY-over 5,000	0.00	40,000.00	0.0%	Proposed Vehicle
6040.0 · LEASES	2,554.80	9,650.00	26.48%	Copier and Postage Machine
6065.0 · DIRECTOR EXPENSES	0.00	2,500.00	0.0%	

	Sept 1 - Nov 30, 2023	Budget	% of Budget	Notes
6066.0 · Directors Compensation	5,000.00	25,000.00	20.0%	
6075.0 · DUES & MEMBERSHIPS	2,560.00	6,100.00	41.97%	
6080.0 · COMMUNICATIONS AND OUTREACH	214.34	20,300.00	1.06%	
6081.0 · REGULATORY COMPLIANCE	686.00	7,500.00	9.15%	
6084.92 · GENERAL MANAGEMENT	407.02	25,000.00	1.63%	
6089.0 · AQUIFER SCIENCE	637.23	15,000.00	4.25%	
6095.0 · CONTRACTED SUPPORT	25,373.17	130,750.00	19.41%	Includes Intera \$9905, AAG HR \$5453, USGS 6750
6100.0 · INSURANCE - DISTRICT	1,696.09	7,047.00	24.07%	Property, Liability, Auto, E&O
6150.0 · INSURANCE - GROUP	30,197.06	134,650.00	22.43%	Employee Health, Dental, Life/Disability, Vision
6160.0 · LEGAL SERVICES	12,364.40	85,000.00	14.55%	General Matters
6170.0 · PROFESSIONAL SERVICES	49,577.46	111,150.00	44.6%	Audit, Database, Retirement Fees, Election
6179.0 · LEGISLATION	2,000.00	12,000.00	16.67%	Not in session
6180.0 · PROFESSIONAL DEVELOPMENT	1,001.47	25,000.00	4.01%	All Teams
6199.0 · SALARIES AND WAGES	198,173.52	751,339.00	26.38%	
6203.0 · TAXES & BENEFITS	32,076.66	112,549.00	28.5%	Includes Payroll Tax, Workers Comp Insurance, Retirement Match
6800.0 · PROJECTS	2,530.00	2,500.00	101.2%	
TOTAL EXPENSE	396,510.55	1,670,535.00	23.74%	
OTHER INCOME				
9000.00 · Transfer from TexPool General	0.00	105,375.00	0.0%	\$ 39,875 and \$65,500 FROM TexPool General and Aquifer
TOTAL OTHER INCOME	0.00	105,375.00	0.0%	Protection Reserve (General sub-account)
OTHER EXPENSE				
9001.00 · Transfer to Contingency	0.00	135,000.00		To transfer at year-end after all income has been received
TOTAL OTHER EXPENSE	0.00	135,000.00		
NET OTHER INCOME	0.00	-29,625.00		This is the net difference between the two transfers in of \$150,375 and the one transfer out of \$135,000.
NET INCOME	604,303.63	752.00		

2. Profit and Loss - Previous Year Comparison

September 1, 2023 – November 30, 2023

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
PROFIT AND LOSS - PREVIOUS YEAR COMPARISON**

September 1, 2023 - November 30, 2023

	Sept 1 - Nov 30, 2023	Sept 1 - Nov 30, 2022	\$ Change	% Change
INCOME				
4400.0 · Interest Income *	19,964.83	13,124.03	6,840.80	52.12%
4625.0 · MISCELLANEOUS INCOME (Database \$39,875 refund in previous year)	676.03	41,389.47	-40,713.44	-98.37%
4800.0 · USAGE AND PRODUCTION FEES (permittees, CoA, transport, renewals)	902,331.82	848,835.32	53,496.50	6.3%
4810.0 · OTHER FEES (well development, applications, DMFs, pluggings, penalties) **	77,841.50	31,886.78	45,954.72	144.12%
TOTAL INCOME	1,000,814.18	935,235.60	65,578.58	7.01%
EXPENSE				
6000.0 · UTILITIES	6,554.63	4,767.58	1,787.05	37.48%
6005.0 · Print/Copy/Photo Services	29.17	1,147.89	-1,118.72	-97.46%
6007.0 · Postage/Freight/Shipping	31.37	615.70	-584.33	-94.91%
6010.0 · Office Supplies	1,559.98	1,908.58	-348.60	-18.27%
6011.0 · Comp Hardware-Plotter Supplies (Computer Switch and WAPs)	5,289.77	545.00	4,744.77	870.6%
6015.0 · IT Monthly Maintenance	9,339.88	6,413.10	2,926.78	45.64%
6016.0 · Meeting Expense	537.65	2,494.30	-1,956.65	-78.45%
6019.0 · Subscriptions/Publications	263.43	263.43	0.00	0.0%
6020.0 · Advertising (Three Public Hearings in 2024)	1,244.06	332.00	912.06	274.72%
6021.0 · MISCELLANEOUS EXPENSES	83.00	977.12	-894.12	-91.51%
6022.0 · Accounting System Operation (Quickbooks with Payroll)	698.00	1,020.20	-322.20	-31.58%
6023.0 · MAINTENANCE - Office and Auto (difference is A/C replacement in previous year)	3,830.39	9,468.43	-5,638.04	-59.55%
6040.0 · LEASES (Copier and Postage Machine)	2,554.80	2,289.90	264.90	11.57%
6065.0 · DIRECTOR EXPENSES	0.00	60.25	-60.25	-100.0%
6066.0 · Directors Compensation	5,000.00	1,500.00	3,500.00	233.33%
6075.0 · DUES & MEMBERSHIPS (includes TAGD)	2,560.00	2,610.00	-50.00	-1.92%
6080.0 · COMMUNICATIONS AND OUTREACH	214.34	1,062.03	-847.69	-79.82%

	Sept 1 - Nov 30, 2023	Sept 1 - Nov 30, 2022	\$ Change	% Change
6081.0 · REGULATORY COMPLIANCE	686.00	3,250.00	-2,564.00	-78.89%
6084.92 · GENERAL MANAGEMENT	407.02	0.00	407.02	100.0%
6089.0 · AQUIFER SCIENCE	637.23	374.84	262.39	70.0%
6095.0 · CONTRACTED SUPPORT - All Teams (includes USGS \$ 6750; AAG HR \$ 5453 and Intera Well Inventory Database \$9904)	25,373.17	2,625.00	22,748.17	866.6%
6100.0 · INSURANCE - DISTRICT (Property, Liability, Auto, E&O)	1,696.09	3,018.40	-1,322.31	-43.81%
6150.0 · INSURANCE - GROUP (Employee Health, Dental, Life/Disability, Vision)	30,197.06	29,601.62	595.44	2.01%
6160.0 · LEGAL SERVICES (General Matters)	12,364.40	12,985.00	-620.60	-4.78%
6170.0 · PROFESSIONAL SERVICES (Audit, Database, Retirement Fees) ***	49,577.46	17,748.97	31,828.49	179.33%
6179.0 · LEGISLATION	2,000.00	2,000.00	0.00	0.0%
6180.0 · PROFESSIONAL DEVELOPMENT	1,001.47	1,826.05	-824.58	-45.16%
6199.0 · SALARIES AND WAGES	198,173.52	190,749.50	7,424.02	3.89%
6203.0 · TAXES & BENEFITS	32,076.66	26,498.93	5,577.73	21.05%
6800.0 · PROJECTS (Sustainable Studies - Intera)	2,530.00	0.00	2,530.00	100.0%
TOTAL EXPENSE	396,510.55	328,153.82	68,356.73	20.83%
NET INCOME	604,303.63	607,081.78	-2,778.15	-0.46%

CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES.

Those sub-categories have been collapsed.

* October Interest; November not posted yet

** Includes Enforcement Fines and Penalties \$18,402; Drought Agreed Orders \$44,800; DMFs \$9015, Well Applications \$2626.

*** Audit \$13,734; Database \$27,000; Retirement \$8840

3. Balance Sheet - Previous Year Comparison

As of November 30, 2023
(compared to November 30, 2022)

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
BALANCE SHEET - PREVIOUS YEAR COMPARISON**

As of November 30, 2023

	November 30, 2023	November 30, 2022	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
1000.0 · Cash in Bank-Checking Truist	67,848.96	85,773.07	-17,924.11	-20.9%
1010.0 · Cash in Bank - Payroll Truist (change due to payroll timing)	9,439.60	29,995.47	-20,555.87	-68.53%
1030.0 · TexPool Funds - General				
1030.1 · Aquifer Protection Reserve- Drought Management	53,750.00	53,750.00	0.00	0.0%
1030.12 · Aquifer Protection Reserve - Well Pluggings (new sub-account) *	160,365.00	0.00	160,365.00	100.0%
1030.21 · Cash Flow Reserve (to cover unexpected expenses)	175,000.00	175,000.00	0.00	0.0%
1030.0 · TexPool Funds - General - Operational	1,069,716.99	880,578.62	189,138.37	21.48%
Total 1030.0 · TexPool Funds - General	1,458,831.99	1,109,328.62	349,503.37	31.51%
1040.0 · TexPool Funds - Contingency	638,723.96	511,113.30	127,610.66	24.97%
1045.0 · TexPool Funds - Reserve (Vacation and Comp payable)	68,336.63	65,369.37	2,967.26	4.54%
Total Checking/Savings	2,243,181.14	1,801,579.83	441,601.31	24.51%
Accounts Receivable				
1200.0 · Accounts Receivable				
1200.1 · A/R DMF - invoiced but not yet paid	5,320.00	1,850.00	3,470.00	187.57%
1200.0 · Accounts Receivable - Permittee Production Fees - invoiced but not yet paid (2nd quarter billings including CoA for \$219,660 had just been mailed out)	322,712.18	302,772.23	19,939.95	6.59%
Total 1200.0 · Accounts Receivable	328,032.18	304,622.23	23,409.95	7.69%
Total Accounts Receivable	328,032.18	304,622.23	23,409.95	7.69%
Other Current Assets				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses (Journyx Timekeeping \$4188 not renewed)	8,547.75	12,165.76	-3,618.01	-29.74%
1499.0 · Undeposited Funds-A/R payments (received, posted, not yet deposited)	23,630.60	31,437.63	-7,807.03	-24.83%
Total Other Current Assets	32,478.35	43,903.39	-11,425.04	-26.02%
Total Current Assets	2,603,691.67	2,150,105.45	453,586.22	21.1%

	November 30, 2023	November 30, 2022	\$ Change	% Change
Fixed Assets				
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	19,329.69	19,329.69	0.00	0.0%
1420.0 · Vehicles	52,363.03	52,363.03	0.00	0.0%
1430.0 · Accumulated Depreciation (number will be adjusted with the audit)	-608,852.24	-608,852.24	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%
Total Fixed Assets	293,054.31	293,054.31	0.00	0.0%
Other Assets				
1500.0 · Organizational Costs	300,783.26	300,783.26	0.00	0.0%
1510.0 · Accumulated Amortization	-326,324.26	-326,324.26	0.00	0.0%
1600.0 · Deposits Paid (Utilities)	71.00	71.00	0.00	0.0%
Total Other Assets	-25,470.00	-25,470.00	0.00	0.0%
TOTAL ASSETS	2,871,275.98	2,417,689.76	453,586.22	18.76%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Credit Cards				
2007.0 · Truist VISA	70.00	851.38	-781.38	-91.78%
Total Credit Cards	70.00	851.38	-781.38	-91.78%
Other Current Liabilities				
2100.0 · Deferred Revenue (number will be adjusted with the audit)	75,741.00	75,741.00	0.00	0.0%
2110.0 · Direct Deposit Liabilities	1,035.01	-21,611.59	22,646.60	104.79%
2200.0 · Fica & Medicare Withheld	-3.98	-11.31	7.33	64.81%
2220.0 · Federal Income Tax Withheld	-1,065.01	-1,065.01	0.00	0.0%
2230.0 · Employer Fica & Med Payable	-143.23	-150.56	7.33	4.87%
2250.0 · TWC Unemployment Tax Payable	18.00	3.22	14.78	459.01%
2270.0 · Payroll Liabilities	96.09	0.09	96.00	106,666.67%
2300.0 · Accrued Vacation Payable	42,511.01	61,792.98	-19,281.97	-31.2%
Total Other Current Liabilities	118,188.89	114,698.82	3,490.07	3.04%

	November 30, 2023	November 30, 2022	\$ Change	% Change
Total Current Liabilities	118,258.89	115,550.20	2,708.69	2.34%
Total Liabilities	118,258.89	115,550.20	2,708.69	2.34%
Equity				
3000.0 - Fund Balance	1,783,286.20	1,329,630.51	453,655.69	34.12%
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	604,303.63	607,081.78	-2,778.15	-0.46%
Total Equity	2,753,017.09	2,302,139.55	450,877.54	19.59%
TOTAL LIABILITIES & EQUITY	2,871,275.98	2,417,689.75	453,586.23	18.76%

* Income received for drought penalties are to be transferred into this new

TexPool General sub-account:

\$74,705 Enforcement Fines

\$63,200 Agreed Order Fees

\$22,460 Drought Management Fees

4. Check Register

TRUIST BANK

November 1 – November 30, 2023

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
MONTHLY CHECK REGISTER**

November 1, 2023 - November 30, 2023

Type	Date	Num	Name	Memo	Amount	Balance
Liability Check	11/02/2023	1122023EFT	Reliance Trust Company	Employee Bi-weekly Payroll Retirement		126,191.12
Liability Check	11/03/2023	11022023EFT	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-3,898.54	122,292.58
Check	11/03/2023	26967	Tammy Raymond	To replenish Petty Cash Fund	-7,660.14	114,632.44
Check	11/03/2023	26968	Vintage IT Services	October IT Services	-259.85	114,372.59
Transfer	11/06/2023			Funds Transfer - Payroll	-2,284.50	112,088.09
Check	11/06/2023	26969	Pedernales Electric Cooperative	Electricity 9/21/2023 - 10/22/2023	-20,000.00	92,088.09
Check	11/06/2023	26970	WM Corporate Services	Trash Service - Dumpster 11/1/2023 - 11/30/2023	-426.55	91,661.54
Check	11/06/2023	26971	WM Corporate Services	Recycle Service - Dumpster 11/1/2023 - 11/30/2023	-449.45	91,212.09
Check	11/06/2023	26972	Charter Communications	Internet Service 10/30/2023 - 11/29/2023	-189.09	91,023.00
Check	11/06/2023	26973	Jan-Pro of Austin	Office Cleaning November	-231.19	90,791.81
Check	11/06/2023	26975	Home Depot	Supplies - Combination Locks, Shelf, Zip Ties, Floodlights	-310.00	90,481.81
Check	11/06/2023	26976	TX State University	Well Sample Testing	-512.15	89,969.66
Check	11/06/2023	26977	Loftus, Timothy T.	TWCA Travel Reimbursement-Hotel, Mileage, Parking	-650.00	89,319.66
Check	11/06/2023	26979	Austin Alliance Group	HR On Demand 10/15/2023 - 10/31/2023, and Leadership	-1,001.47	88,318.19
Check	11/06/2023	26980	Montemayor Britton Bender PC	Annual Financial Audit Installment #2	-1,106.50	87,211.69
Check	11/06/2023	26981	Bickerstaff	Legal General and Personnel through October 15	-10,000.00	77,211.69
Check	11/10/2023	26974	LRE Water	Database Contract Remainder	-3,960.00	73,251.69
Transfer	11/11/2023			Funds Transfer (to replenish low checking balance)	-27,000.00	46,251.69
Deposit	11/14/2023			Deposit (permittee production fee payments)	35,000.00	81,251.69
Check	11/15/2023	26982	Texas AgriLife Extension Service	Water Samples	20,605.05	101,856.74
Check	11/15/2023	26983	Staples	Folders, Ruler	-150.00	101,706.74
Check	11/15/2023	26984	LCRA-ELS	Water Sample Testing	-19.96	101,686.78
Check	11/15/2023	26985	Ready Refresh	Bottled Water Delivery	-350.00	101,336.78
Check	11/15/2023	26986	First Citizens Bank & Trust Co.	November Copier Lease	-139.81	101,196.97
Check	11/15/2023	26987	Pitney Bowes Global Financial	Postage Machine Quarterly Lease 12/10/23 - 03/09/24	-675.00	100,521.97
Check	11/15/2023	26987			-264.90	100,257.07

Type	Date	Num	Name	Memo	Amount	Balance
Check	11/15/2023	26988	Quill LLC	Red Ink, File Folders, Pens	-86.24	100,170.83
Check	11/15/2023	26989	GateHouse Media Texas Holding	Public Hearing Rules Notice 10/20/2023	-341.75	99,829.08
Check	11/15/2023	26990	Sam's Club	First Aid Kit, Sparkling Water, Bowls, Toilet Paper	-200.63	99,628.45
Check	11/15/2023	26991	San Marcos Daily Record	Public Hearing Rules Notice 10/20/2023	-126.00	99,502.45
Liability Check	11/16/2023	11162023	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-7,660.24	91,842.21
Liability Check	11/16/2023	111623	Reliance Trust Company	Employee Bi-weekly Payroll Retirement	-3,898.54	87,943.67
Check	11/16/2023	26992	Telco Experts	November Telephone	-559.00	87,384.67
Check	11/20/2023	26993	City of Austin	Water Service 10/9/2023 - 11/9/2023	-20.73	87,363.94
Check	11/20/2023	26994	San Marcos Daily Record	Public Hearing Notice Ad for 12/14/2023	-83.81	87,280.13
Liability Check	11/21/2023	11212023EFT	United States Treasury	74-2488641 Director Comp Liabilities	-153.00	87,127.13
Transfer	11/21/2023			Funds Transfer - Payroll	-20,000.00	67,127.13
Check	11/28/2023	27008	Newton, Jacob O	1st Quarter Smartphone Reimbursement	-150.00	66,977.13
Check	11/28/2023	27010	Wilson, Dana C.	1st Quarter Smartphone Reimbursement	-150.00	66,827.13
Transfer	11/28/2023			Funds Transfer (to replenish balance)	30,000.00	96,827.13
Check	11/28/2023	27011	Swanson, Erin Y.	1st Quarter Smartphone Reimbursement	-150.00	96,677.13
Check	11/28/2023	27012	Bell-Enders, Kendall	1st Quarter Smartphone Reimbursement	-150.00	96,527.13
Check	11/28/2023	27013	Loftus, Timothy T.	1st Quarter Smartphone Reimbursement	-150.00	96,377.13
Check	11/28/2023	27014	Watson, Jeffery A.	1st Quarter Smartphone Reimbursement	-150.00	96,227.13
Check	11/28/2023	27015	Raymond, Tammy A.	1st Quarter Smartphone Reimbursement	-150.00	96,077.13
Liability Check	11/30/2023	11302023	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-7,903.18	88,173.95
Liability Check	11/30/2023	113023	Reliance Trust Company	Employee Bi-weekly Retirement	-3,898.54	84,275.41
Liability Check	11/30/2023	26995	United Healthcare	December Health Insurance	-9,710.28	74,565.13
Check	11/30/2023	26996	AFLAC	November Supplemental Insurance Employee-paid	-64.00	74,501.13
Check	11/30/2023	26998	Sun Life Assurance	December Dental/Life/Disability/Vision Insurance	-1,271.74	73,229.39
Check	11/30/2023	26999	The Loomis Company	December Gap Insurance	-815.98	72,413.41
Check	11/30/2023	27000	Barton Properties	Public Hearing Notice Rules 11/22/2023	-84.00	72,329.41
Check	11/30/2023	27001	SiedgelLaw Group	October Legislative Consulting Fee	-1,000.00	71,329.41
Check	11/30/2023	27002	Vivint, Inc.	Alarm Monitoring 11/15/2023 - 12/14/2023	-44.89	71,284.52
Check	11/30/2023	27003	Charter Communications	Internet 11/30/2023 - 12/29/2023	-231.19	71,053.33
Check	11/30/2023	27004	Pedernales Electric Cooperative	Electricity 10/22/2023 - 11/20/2023	-376.33	70,677.00

Type	Date	Num	Name	Memo	Amount	Balance
Check	11/30/2023	27005	Orsak Landscape Services	Yard Maintenance 11/18/2023	-130.00	70,547.00
Check	11/30/2023	27006	Vintage IT Services	December IT Support	-2,398.04	68,148.96
Check	11/30/2023	27007	Hlavaty, Shay L	1st Quarter Smartphone Reimbursement	-150.00	67,998.96
Check	11/30/2023	27009	Camp, Justin P.	1st Quarter Smartphone Reimbursement	-150.00	67,848.96
					<u>-58,342.16</u>	<u>67,848.96</u>
					<u>-58,342.16</u>	<u>67,848.96</u>

Item 4

General Manager's Report Discussion and possible action topics

Topics

- a. Review of key team activities/projects.**
 - i. Trinity Sustainable Yield Study**
 - ii. Database update**
 - iii. Staff changes**
 - iv. Conferences and training**
- b. Aquifer status update.**
- c. Upcoming events of possible interest.**

Summary of December 2023 Team Activities and On Deck for January/February 2024

Aquifer Science Team

December Activities:

- Data evaluation and report writing for Trinity drought synoptic water level study.
- Field measurements of Barton Springs and Blanco River to verify USGS gauges.
- FY 2024 Habitat Conservation Plan (HCP) report editing and updates.
- Lovelady drought trigger well maintenance and data evaluation with USGS.

On Deck:

- Barton Springs discharge measurements with USGS and COA.
- FY 2024 Habitat Conservation Plan MAC meeting.
- Scientific monitor well drilling at Barton Springs/Garrison park

Administration Team

December Activities:

- December monthly billings and 2nd quarter billings (Dec/Jan/Feb) went out on November 16, 2023. January billings to go out on December 16, 2023.
- Drought Management Fees now being assessed for 15th month. Details in Status Report.

On Deck: (January/February)

- Financial Audit to be presented at December board meeting, along with Annual Report and Appendix B.
- Magellan /CoA Wells Project Tracking

Regulatory Compliance Team

December Activities:

- Staff continues to work on new applications and assisting permittees with drought compliance.
- Staff will assist permittees adjusting to new Stage IV requirements. Will also assist permittees subject to Class A to B reclassifications.
- Staff continues analyzing monthly pumpage to confirm compliance/non-compliance of drought curtailments.
- Staff continuing to work through enforcement process with non-compliant permittees.
- Staff will continue to oversee the completion of Creedmoor-Maha's new Middle Trinity well.
- Staff continuing to provide input to database project on relevant modules.

On Deck:

- Ongoing review of potential updates to current enforcement plan and rules.
- Preparations for public hearing at the January meeting for new Well Drilling Authorization application.

Policy and Project Team

December Activities:

- Finalize database project with LRE.
- Well Impact Analysis
- HCP annual report prep
- Ruby Ranch ASR discussion

On Deck:

- Ongoing sustainable yield data compilation, research, and decision-making framework.
- Helping with regulatory compliance duties when asked.

Communications and Outreach Team

December Activities:

- Collaborate with various departments to confirm new website content is accurate and up to date.
- Develop, coordinate, and disseminate Zilker and Garrison parks monitoring well communications.
- Assist with the hiring of new Administration Coordinator and remove job posting once position is filled.

On Deck

- Disseminate Stage IV communications to media outlets, permittees, and public if/when declaration is made.
- Collaborate with permittees as needed to develop water conservation materials (specifically Aqua Texas).

**STATUS REPORT UPDATE
FOR THE DECEMBER 14, 2023 BOARD MEETING**

Summary of Significant Activities – Prepared by Staff Leads

Upcoming Dates of Interest

- Texas Groundwater Association (TWGA) Annual Convention – January 23-26, 2024, San Marcos, TX
- Texas Alliance of Groundwater Districts (TAGD) Business Meeting – January 30-31, 2024, Round Rock, TX

DROUGHT MANAGEMENT

Drought Status and Water-Level Monitoring (*Justin*)

After experiencing a generous average of 6 inches of rainfall in October that saturated the ground and contributed to some aquifer recharge, the Texas Hill Country has reverted to below-average conditions in November. The area has only recorded 1.4 inches, which is 1.5 inches below the historical average. Specifically, Camp Mabry to ABIA region received approximately 1.2 inches, Buda to Wimberley averaged 1.4 inches, and San Marcos received around 1.7 inches.

As of December 7, the 10-day average reading from the real-time USGS gauge at Barton Springs indicates a flow of 24 cubic feet per second (cfs). The rainfall in late October and early November led to an elevated flow at the springs, reaching a peak of 38 cfs. This small amount of recharge lifted the flow above the 17 cfs level, where it had predominantly remained throughout the summer and fall. BSEACD staff will conduct a manual field measurement in mid-December to verify the accuracy of the USGS gauge reporting.

On December 7, the Lovelady well recorded a 10-day average water level of 457.1 feet above mean sea level (ft-msl), which is at the District's Stage IV Exceptional Drought threshold. With little rain in the 10-day forecast as of December 7 – approximately 0.50 inches – it is likely that levels will drop below the Stage IV threshold in the near future.

Following the October rainfall, there has been little to no rise in water levels in the Sky Ranch Upper Trinity monitor well, while the Borheim Middle Trinity monitor well has displayed a positive response. The flow gauge at Jacob's Well spring recorded zero flow after a brief rise following the late October rains. Additionally, the Blanco River at Wimberley has seen increased flows this fall, representing an improvement from the summer.

Meteorological winter begins December 1 and continues through the end of February. The National Center for Atmospheric Research is now predicting a Super El Niño this winter – the first since 2016. El Niño events are categorized by Niño 3.4 index. This metric is a measure of average sea surface temperatures in a certain area of the tropical Pacific Ocean. If this is forecasted to be more than 1.12 degrees Fahrenheit above average, it's categorized as a Super El Niño. Similar conditions in the winter of 1997-1998 resulted in 10.22" of rain throughout the season—nearly three inches above the historical average of 7.25".

DISTRICT PROJECTS

GMA Joint Planning

➤ ***GMA 10 Coordination (Tim)***

The GMA 10 joint-planning group is working with Alyson McDonald of Collier Consulting. The fourth joint-planning process, culminating in February 2027 with the presentation of final explanatory reports, is estimated to cost \$110,081. The estimated cost to the District is \$24,000 over the next three to four fiscal years beginning with FY 2024. An ILA between the six GMA 10 planning members is very close to being finalized for review/approval by each of the groundwater districts. For example, the district has approved the latest draft language. The ILA will be brought before the Board for approval no later than the December meeting. The next planning meeting is scheduled for January 22, 2024. All meetings are hosted by the Edwards Aquifer Authority in San Antonio.

Trinity Aquifer Sustainable Yield Study & Planning

➤ ***Policy Concepts and Advisory Workgroup Planning (Kendall)***

As a prerequisite to launching a well-impact analysis next fiscal year, INTERA has finalized the reconciliation of well data between the District's database and the TWDB's well inventory.

Staff met with INTERA on November 20th to review our in-house Trinity Aquifer Sustainability Model to make recommendations on any necessary changes that might be needed to complete sustainability metrics and unreasonable impact analysis.

An RFQ for a well-impact analysis was issued and closed on November 1. The District received three statement's of qualification and interest from Collier Consulting, LRE Water, and Robert Gailey Consulting Hydrogeologist PC (RMG). Staff requested a detailed proposal and presentation from LRE water and Robert Gailey Consulting and hope to make a recommendation to the Board by December 8th.

Technical Evaluations (Jeff)

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are continuing to collect and evaluate water level data from our network of Trinity monitoring wells. In September staff completed data collection for our Trinity Aquifer synoptic drought study which will produce a water level map of the aquifer under the present drought conditions. Data is currently being evaluated and we anticipate publishing results of the study before the end of the 2023 calendar year. This study will provide valuable data and insights on how the Trinity has responded to the current severe drought in different locations, which will be important for informing the Trinity Sustainable Yield project.

The first phase of work on the Trinity Aquifer Sustainability (TAS) model (previously called the "in-house model) has been completed. A comprehensive report with technical details of model construction has been published on the District website. An executive summary was also published summarizing key model findings for non-technical audiences, and is available for download in PDF format on the District website. The next phase of modeling will involve building a series of predictive models from the calibrated TAS model to provide quantitative estimates of impacts of various pumping scenarios on Trinity Aquifer water levels and spring flow. These predictive models will incorporate stakeholder input to identify key questions of interest for the model to answer. Staff met with INTERA to discuss their review of the TAS on November 20, 2023 and suggestions for the model improvements during the next phase of modeling.

Habitat Conservation Plan (Staff)

- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen (DO) in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. Deployment of this equipment will take place after the monitor well is installed. Staff submitted an application for a grant from the City of Austin in February which would help pay for the conversion of a standard monitor well to a multiport well. As of May 2023, there is tentative approval of the grant request and AS staff are preparing details of the project with COA staff. The purpose of the monitor well is to understand how groundwater flows from the deeper portions of the Edwards Aquifer to the springs and how DO is distributed vertically in the aquifer. The HCP identified low levels of DO as a threat to the endangered salamanders. A potential remedy for low DO during severe drought is augmentation of DO in the shallow aquifer so that the threat of low DO is reduced.
- **Barton Springs Flow Measurements:** On Monday, October 2, 2023 Staff met with collaborating agency staff from US Fish and Wildlife, the US Geological Survey, and the City of Austin to discuss options for improving Barton Springs flow measurements, which have been shown to have lower accuracy during low flow drought conditions. Also on Monday, October 2, AS staff met with Brian Hunt at the Bureau of Economic geology to test a new flow measurement instrument at Barton Springs. Data collected from this field outing will be compared with flow data collected from other BSEACD and other agencies using the old method, to evaluate if the new instrument (which is called an Acoustic Doppler Current Profiler) can provide higher accuracy flow data. AS staff will continue to work with staff from collaborating agencies to explore solutions for improving flow data accuracy.

Database Management System – LRE Water (Kendall, Tim)

LRE is working to finalize the first phase of the database. The final punch list is 75% complete and we are working out some data calculation issues. Staff will be working with LRE to identify the final deliverables within the scope and any deliverables that should be shifted to a “Phase 2” database project.

ILA Commitments (Staff)

The District has an ILA with COA to coordinate studies for the respective HCPs such as scientific feasibility studies and monitoring evaluations; to collaborate on the planning of future Kent Butler Summits; and to exchange technical information regularly on an annual basis. An annual technical meeting is held between the District and COA in December each year to discuss each organization’s activities related to their respective HCPs. The next meeting will be held in December 2023.

Region K Planning Activities (Tim, Kendall)

Staff were unable to attend the meeting on December 1, 2023.

New Maps, Publications, or Reports

A list of recent publications can be found at: <https://bscaed.org/scientific-reports/>

RULEMAKING, PERMITTING, AND ENFORCEMENT

Rulemaking (*Tim, Erin, District Counsel, R and E Committee*)

Rules have been updated during the past two consecutive Public Hearings in October and November and will be updated a third time at the December Public Hearing.

Drought (*Erin*)

- Will continue working with Aqua Texas, Creedmoor – Maha, and Monarch Utilities to ensure compliance per their Agreed Orders.
- Executed Agreed Order with Tindol Restaurant Group, LLC. Staff will continue working with Tamra to ensure all technical requirements are met and assess any penalties for months October and November 2023, if necessary.
- Will assist permittees in adjusting to new Stage IV curtailments, especially permittees eligible for Class A to B reclassification.
- Will continue monthly pumpage analysis to determine all permittee’s compliance status of drought curtailments.
- Will continue to assist permittees in ensuring they successfully comply with their UDCPs and Stage IV drought curtailments for December.

Enforcement and Compliance Matters (*Erin*)

<i>Compliance/Enforcement</i>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Aqua Texas – Bear Creek Park	Edwards	PWS	Agreed Order Executed.
Aqua Texas – Bliss Spillar (Edwards)	Edwards	PWS	Agreed Order Executed.
Creedmoor-MAHA	Edwards	PWS	Agreed Order Executed.
Monarch Utilities, Inc.	Edwards	PWS	Agreed Order Executed.
Tindol Restaurant Group, LLC	Middle Trinity	Commercial	11/28/2023 Agreed Order Signed and Executed.
Aqua Texas – Sierra West	Middle Trinity	PWS	Enforcement Proceedings on 12/14/2023 at regular meeting.

Permitting Activity (*Erin, Jacob*)

<i>Upcoming</i>					
<i>Precinct</i>	<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request (GPY)</i>
1 – Pickens	Replacement	Middle Trinity	Schonefeld, Joey	Domestic	17 GPM - Exempt
1 - Pickens	LPP	Middle Trinity	Martinez, Sergio	Domestic	500,000
2-Stansberry	Plugging	TBD	Rangel, Alonso	Plugging	0

<i>In Review</i>					
	<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request (GPY)</i>
1 - Pickens	LPP	Upper Trinity	Pena, Estrella	Domestic	500,000
1 - Pickens	Plugging	Middle Trinity	Schonefeld, Joey	Domestic	0 - Plugging
1 - Pickens	Volume Increase	Middle Trinity	Tindol Restaurant Group	Commercial	2.5 million?
1 - Pickens	WDA	Middle Trinity	Whiskey Ridge	Commercial	0 - Monitoring

Recently Approve and/or Admin Complete

1 - Pickens	LPP	Edwards	Amaro, Andres	Domestic	500,000

AQUIFER STUDIES *(Jeff, Justin, and Tim)*

Permitting Hydrogeologic Studies:

Working with Regulatory Compliance on permitting issues as needed. AS staff continue to review geophysical logs of wells prior to final completion of the wells on an as-needed basis. In April, AS staff reviewed a drilling proposal submitted by Creedmoor-Maha for a Trinity well to be installed in their Edwards well field off of Twin Creeks Road. The Board of Directors approved a well drilling permit in May and drilling operations began in November. AS staff will work with the Reg Comp team and drillers to evaluate geophysical logs and ensure accurate aquifer picks for well completion. A review of the City of Buda ASR permit application by AS staff is underway.

Groundwater Studies: *Dye Tracing, Water Quality, Aquifer Characterizations*

- Coleman’s Canyon- continuing to collect water-level data from the multiport well every month to 6 weeks. Groundwater sampling of these two wells was performed in May and June as part of the TWDB summer sampling program.
- There are no dye-trace studies planned at this time because of minimum to no flow in streams and springs.
- A synoptic water level study characterizing the Trinity Aquifer during severe drought conditions is underway. Data collection for this study was finished in September 2023 and data evaluation is currently underway. We plan to publish results of the synoptic drought study by the end of 2023.
- Aquifer science staff are working with the GM, City of Austin staff, and others to drill two new Edwards Aquifer wells in January 2024: one next to Barton Springs Pool in Zilker Park and one at Garrison Park in south Austin.

Field Activities:

- Cooperating with USGS and City of Austin staff to confirm accurate real-time gauge reporting at Barton Springs and Lovelady. Conducting bi-weekly to monthly field measurements. AS staff tested a new flow measurement instrument to measure Barton Springs flow on 10/2/23. Data from this instrument will be compared with flow measurements using the traditional method to determine if it can provide a more accurate flow measurement, especially during low-flow periods. A follow-up field visit is planned for 12/14/23 to collect another set of Barton Springs flow data with the new instrument.
- Cooperating with USGS staff to confirm accurate real-time gauge reporting at Jacob’s Well and the Blanco River at Wimberley.
- Calibrating telemetry monitoring equipment at the Needmore index well (Amos) and reviewing pumping and water-level data as drought worsens.
- Antioch- Continuing to maintain the system and to collect data on flow into the vault (when there is flow). A recent visit to Antioch Cave to assess operating components and electronics indicated the need to recondition most electrical systems.
- Well monitoring- Because of drought, staff are increasing the amount of time maintaining equipment in numerous monitor wells and downloading and interpreting data; and occasionally checking on wells that have been reported as “dry”.
- City of Austin monitor well drilling to begin in January 2024.
- Texas Water Development Board annual water chemistry sampling (20 wells).
- Magellan Pipeline annual sampling.

Trinity Aquifer Modeling Development:

- Trinity Aquifer Sustainability model (TAS): The first phase of modeling has been completed and a report has been published on the District website detailing specifics of model construction.
- BRAAT modeling: Staff was informed during an October 2023 meeting that the BRAAT modeling project has stalled due to a variety of issues related to contracting, budgeting, and technical challenges related to model development. It is unclear at this point if a model useful to BSEACD will arise from the BRAAT project.
- New TWDB Southern Trinity GAM model: In July 2023 staff participated in a kickoff meeting hosted by TWDB modeling staff for the Southern Trinity GAM model. This regional model will cover the BSEACD portion of the Trinity Aquifer. AS will be in regular contact with the TWDB modeling team to provide data and technical guidance on model construction.

COMMUNICATIONS AND OUTREACH (Shay)

Drought Communications/ Newsletter

Drought Update

On November 30, 2023 District email subscribers received a Drought Update in the November/December newsletter. This was also posted across social media outlets and the website.

Lovelady Article

With Lovelady at the Stage IV threshold, staff wrote an article discussing the history of Lovelady and the role it plays in determining District drought status. This article is on the website, shared in the newsletter, and posted across all social media channels.

5 Water Saving Tips for the Holidays

To help well owners and the general public conserve water, staff wrote a helpful article about simple ways to reduce their water consumption throughout the holiday season. This was also included in the newsletter, on the website, and posted across social media.

Job Posting

Staff shared the Administrative Coordinator job posting across all social media again this month. A total of eight people applied for the position. Additionally, Communications & Outreach extended invitations to five of the applicants. Four were interviewed between December 1 and December 7.

Well Water Checkup

The District had 10 well owners participate in the November Well Water Checkup. The low engagement could be a result of limited promotion time and the fact well owners are accustomed to the District holding checkups in the spring. Well owners obtained sample kits from the office and returned them filled. Then staff delivered samples to the Extension office in Wimberly. Texas A&M Agrilife Extension tested the samples and emailed well owners directly with their results. The Extension office invited the District to host another Well Water Checkup in the spring of 2024.

Zilker and Garrison Parks Monitor Wells Communications

With drilling taking place in January 2024, staff developed a communications plan to inform the community about the project and minimize concern and questions. Staff has created a draft informational webpage and FAQs that will be shared with Save Our Springs, Save Barton Creek Association, and Friend of Barton Springs board and staff members. Informational signs have been designed for both drilling sites. A draft press release has been created and will be distributed later this month.

New Website

Communications & Outreach built out over a dozen web pages focused on Aquifer Science research and projects. Breaking this information down into separate pages allows the District to share more in-depth information in an approachable format and highlight relevant publications for viewers to read. Communications & Outreach continues to collaborate with Aquifer Science, Regulatory Compliance, and Administration to ensure information on newly created pages are accurate and up to date.

ADMINISTRATION
(November 4, 2023 – December 7, 2023)

Accounts Receivable / Permittee Cycle Billings

On November 16, monthly billings for December and 2nd Quarter billings went out for \$ 325,548.

CoA Water Use Fee \$219,660
29 Quarterly Permittees \$ 89,844
6 Monthly Permittees \$ 16,044

On December 16, monthly billings for January will go out for \$16,044.

Annual Financial Audit

The annual financial audit began on October 9 and ran through October 25. The audit is on the December board meeting agenda for a presentation for Board approval.

Annual Report and Appendix B

Team sections are being updated and compiled for December Board approval.

Drought Management Fees (DMFs)

Tracking monthly DMFs began in October 2022 (for September pumpage). Total DMFs invoiced for FY 2023 is \$22,460. Total DMFs invoiced to date in FY 2024 (September 1 through December 4) is an additional \$9,105 for a combined total of \$31,475.

Financial Reporting – Website Transparency Section (Texas Comptroller’s Office)

Transparency Star-related: Most current, available financial reports are to be posted on our website and accessible within three clicks, as required by the Texas Comptroller of Public Accounts Transparency Star Program. Balance Sheets, Profit and Loss Statements, and Check Registers (Operating and Payroll) through November 2023 is posted on the District website.

Project Tracking – Magellan/CoA/BSEACD Wells

To commence in December.

The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, monthly adjusting journal entries, accounts payable, payroll, contract/grant/project tracking, office maintenance and repairs, budget monitoring, bi-weekly payroll journal updates, directors’ compensation, pre-pays, DMFs, posting public meetings, preparing meeting backups, etc. These types of tasks are not listed in this report because they are repetitive. Administration status reports are generally more summarized than the other teams, as we list our extra-ordinary tasks outside of our routine tasks, while supporting all other teams.

Item 5

Presentation

Presentation by the District's financial auditor on the FY 2023 Annual Financial Audit Report.

Item 6

Public Hearing

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Application for Registration, Production Permits, Source and Recovery Permits, Transport Permits, Well Plugging, Well Development, Well Drilling, Or Well Modification Authorization, Permits for Existing Wells In Shared Territory, Action on Permits, Permit Compliance, Monitoring, and Mitigation, General Permits By Rule, Temporary Permits, Rules Governing Protests and Requests for Contested Case Hearings, Petition for Adoption or Modification of Rules.

Proposed Rules

3-1.4. APPLICATION FOR REGISTRATION, PRODUCTION PERMITS, SOURCE AND RECOVERY PERMITS, TRANSPORT PERMITS, WELL PLUGGING, WELL DEVELOPMENT, WELL DRILLING, OR WELL MODIFICATION AUTHORIZATION.

3-1.5.1 PERMITS FOR EXISTING WELLS IN SHARED TERRITORY.

3-1.6. ACTION ON PERMITS.

3-1.11. PERMIT COMPLIANCE, MONITORING, AND MITIGATION.

3-1.20. GENERAL PERMITS BY RULE.

3-1.55.1 TEMPORARY PERMITS

3-155.2

3-155.3

3-1.55.4

4-9.13. RULES GOVERNING PROTESTS AND REQUESTS FOR CONTESTED CASE HEARINGS.

4-10.4. PETITION FOR ADOPTION OR MODIFICATION OF RULES.

3-1.4. **APPLICATION FOR REGISTRATION, PRODUCTION PERMITS, SOURCE AND RECOVERY PERMITS, TRANSPORT PERMITS, WELL PLUGGING, WELL DEVELOPMENT, WELL DRILLING, OR WELL MODIFICATION AUTHORIZATION.**

A. Administrative Completeness of Application.

1. Applications for well registrations, Production Permits, Conditional Production Permits, Transport Permits, well pluggings, well development, well drilling, amendments, or well modification authorizations shall be made in the name of the well owner or property owner on a form or forms provided by the District. The sworn, original application must be submitted and signed by the owner or an authorized agent of the owner who may be required to provide the District with a notarized authorization from the owner. This agent may be the well driller, lessee or renter of the property or well, power of attorney, or other appropriate agent. District staff will determine if an application is administratively complete.
2. Applicant's Signature:
 - a. If the Applicant is an individual (landowner), the application shall be signed by the Applicant or his/her duly appointed agent. The agent must present Power of Attorney as authority to represent the Applicant.
 - b. If the application is submitted by a partnership, the application must be signed by at least one of the general partners duly authorized to bind all of the partners. A copy of the Resolution or other authorization to make the application must be submitted along with the application.
 - c. If the application is submitted by a corporation, government agency, county, municipality, or any other political subdivision, the application shall be signed by a duly authorized official. A copy of the Resolution or other authorization to make the application must be submitted along with the application.
 - d. In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.
 - e. If the Applicant is any other entity, the application shall be signed by the duly authorized representative of such entity. In any case, proof of authorization must accompany the application.
3. An administratively complete application shall consist of the submission to the District of an original, completed, signed, and notarized application, payment of all applicable application fees, inspection fees, and other

District-imposed fees; submission of any required maps, documents, ownership information, or supplementary information required by the General Manager or the General Manager's designated representative; the submission of a Hydrogeological Report if required by Rule 3-1.4(D); and any other documentation required by the District as part of the application. The District will not take action on an application which is not administratively complete or which has preceded in a manner not consistent with District Rules. Applicants submitting incomplete applications will be notified by the District in writing.

4. Applicants exempted under the District Rules from obtaining a Production Permit must submit a District-approved application form for well registration with the District, and pay the applicable application and inspection fees. Such exempted wells are still subject to District Well Construction Standards.
5. Application and production permit requirements are the same for groundwater to be used inside the District's jurisdiction or to be transported outside of the District's jurisdiction. Applicants drilling a well or seeking a Production Permit for which the well will produce less than two million gallons per year may submit one application which will have one permit review process.
6. Fees included with Application. The application must be accompanied by the application fee, and other fees as appropriate. The application fee must be submitted with the application in order to start the processing review period. Payment of all fees, including water production fees, remains the responsibility of the property owner.
7. All applications for **Well Drilling Authorization or Modification** for nonexempt wells must contain, in addition to any information determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Nature, Purpose, and Location. Provide a detailed statement describing:
 - i. The nature and purpose of the various proposed uses including proposed uses by persons other than the well owner;
 - ii. The proposed well location, location map, and the proposed receiving area from groundwater produced from the well; noting any proposed transfer; and

- iii. The location and purpose of any water to be resold, leased, or transported.
- b. Pumpage Volume. Provide a detailed statement describing:
 - i. The estimated pumping rate, and
 - ii. The anticipated pumpage volume.
- c. Well Schematic. A proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, calculated grout volumes, surface completion specifications, and any other pertinent well construction information.
- d. Well Development Plan. A plan that describes the process for handling cuttings and fluids during well development.
- e. ASR Wells. For ASR wells, provide the additional information:
 - i. Anticipated source and recovery volumes associated with this well
 - ii. A description of the proposed ASR concept and project operational design, including site configuration, instrumentation, flushing, operation management, recharge rates and methods, and equipment (e.g. well head/downhole piping, valves, etc).
- f. Aquifer Test Plan and Hydrogeological Report. An aquifer test plan to include the required information as specified in the District's *Guidelines for Hydrogeological Reports and Aquifer Testing*. A Hydrogeological Report in accordance with Section D below, will be required for any new or modified wells that will be part of an existing permitted aggregate well system and will have an anticipated pumpage greater than two million gallons per year from the referenced new or modified well.
- g. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5.

- h. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided and notice must be mailed accordingly:
 - i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply services areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.
 - ii. A mailing list of registered well owners within a half -mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
- 8. All applications for **Source and Recovery Permits** must contain, in addition to any information required pursuant 30 TAC § 331 or determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Nature and Purpose: Provide a detailed statement describing the nature and purpose of the proposed ASR project including the proposed end uses of the waters stored and recovered.
 - b. Site Location: Provide detailed maps describing:
 - i. The extent and boundary of the ASR project area;
 - ii. The estimated Target Storage Volume radius;

- iii. The location of all source water;
 - iv. The wellfield layout design including all proposed ASR recovery wells, source production wells, monitoring wells, and the regional hydraulic gradient flows;
 - v. The distribution system and connection piping for the ASR project, including the route for how source water will be distributed to the storage and recovery well location;
 - vi. Receiving point of the recovered water;
 - vii. The location of all other registered wells in the half mile radius of the recovery well.
- c. If the applicant is seeking a Class D Production Permit as an authorized source water, please describe the following:
- i. The estimated pumping rate at which Class D water will be withdrawn from each source production well;
 - ii. The requested annual Class D volume and a description of how the requested pumpage volume was determined. The applicant shall provide pumpage volume calculations based on the anticipated pumping capabilities, pumping times, pumping frequency, storage and recovery capabilities of all the ASR wells, and other pertinent data to substantiate approximate groundwater production. Authorized permit volumes shall be determined based upon factors such as source production well capacity, injection well intake capacity, anticipated injection rates and aquifer storage capacity. The requested pumpage volume should be reasonable and non-speculative.
- d. Provide a detailed statement describing the receiving aquifer and location coordinates for all ASR wells for which stored water will be recovered. Provide information on water quality, geochemistry, and hydrogeology.
- e. Provide a detailed statement describing the anticipated source (s) waters to be stored. Provide information on water quality, geochemistry, and water treatment for all source water.
- f. ASR Site Configuration. Provide a detailed statement describing:

- i. Anticipated source and recovery volumes associated with this well.
 - ii. A description of the proposed ASR concept and project operational design, including site configuration, instrumentation, flushing, operation management recharge rates and methods, and equipment (e.g. well head/downhole piping, valves, etc).
 - iii. Provide a well schematic with well construction specifications for all ASR wells. Please provide a discussion on how each well will be used for storage and recovery.
- g. Project Operations and Demand Trends. Provide a detailed statement describing:
- i. The target storage volume (TSV) for the ASR project. Describe whether the operation will implement and preserve a storage buffer within the receiving aquifer and the anticipated buffer volume.
 - ii. An estimate of total volume to be stored annually.
 - iii. Project Phases. Describe the project phases over the long-term, the planned schedule for those phases, the duration of those phases, the anticipated source waters for each phase, estimated volumes of those sources waters to be produced and the anticipated volumes to be stored and recovered for each phase. Provide a 10-year outlook for estimated annual recovery.
 - iv. Project Operations. Describe the storage and recovery periods/timeframes. Describe whether the system will be operated for seasonal storage, long-term storage, or both. Describe the recovery volume as an estimate of total volumes to be recovered on an annual basis.
- h. Recoverability Analysis. Provide a recoverability analysis to determine a recoverable amount as defined in the District's Rule 2. A report shall be submitted and describe the applicant's methods for estimating the percentage of stored water that will be recovered. The report shall describe the following:
- i. Whether storage in receiving formation can successfully be recovered for beneficial use, taking into account the injected water may be commingled to some degree with the native groundwater;

- ii. Volume of source waters to be stored;
 - iii. Buffer zone water;
 - iv. Estimated recovery efficiency based on target water quality criterion;
 - v. Potentiometric data;
 - vi. Porosity, permeability, and transmissivity data;
 - vii. Migration and regional flow gradients;
 - viii. Natural discharge;
 - ix. Relevant groundwater modeling;
- i. Hydrogeological Report. A Hydrogeological Report, in accordance with District Rule 3-1.4(D).
 - j. Accounting Plan. Provide a detailed reporting format and diagrams describing how all ASR waters and recharge pressures will be accounted for and reported. The accounting plan shall depict where the meters will be located on the system piping, and the type of meters that will be installed. The plan shall describe how the following will be metered, calculated and reported on a monthly basis:
 - i. The volume of source water produced (Class D);
 - ii. The volume of source water(s) stored (total for each source water); and
 - iii. The volume of recovered water from storage (total volume recovered);
 - iv. The total storage volume of all source waters remaining after recovery (total for each source water);
 - v. The volume of native groundwater withdrawn from the ASR well (if applicable);
 - vi. Monthly average recharge pressures for each ASR well.

- k. ASR Monitoring. Provide a description of how the ASR project will be operated, monitored and evaluated. The plan should outline, at minimum, the monitoring parameters and activities, a monitoring and sampling schedule, data sources that will be used, and a list of responsible personnel.
- l. UCP and UDCP. A User Conservation Plan (UCP), a User Drought Contingency Plan (UDCP), and the State proposed/approved Drought Contingency Plan (if required by TCEQ).
- m. Related Permits and Authorizations. Provide a copy of all ASR application materials submitted to the TCEQ to obtain or modify an ASR Permit or ASR Test Permit. Provide any relevant materials or correspondence submitted to TCEQ Drinking Water division or Edward Aquifer Protection Program division relating to ASR operations. Provide notice of any pending, denied, or remanded authorization from a local, state, or federal agency relating to ASR.
- n. Active Source Permits. Provide a copy of all permits relating to the source waters.
- o. Reports. Provide a copy of all feasibility and testing reports relevant to the ASR project.
- p. Transfers. If the stored and recovered groundwater is to be resold, leased, or otherwise transferred to others, provide the location to which the groundwater will be delivered, the purpose for which the groundwater will be used, and a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for sale, lease, or transfer of groundwater.
- q. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5 and Rule 5.
 - iii. A declaration that the applicant will take all necessary steps to ensure the water quality of the aquifer is protected due to the operations of an ASR project.

- iv. A declaration that the applicant understands a landowner owning surface property over the TSV radius owns the water unless ownership has been severed.
 - v. A declaration that the applicant will comply with all applicable TCEQ rules pursuant to 30 §TAC 331.
- r. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided, and notice must be mailed accordingly:
- i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply service areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.
 - ii. A mailing list of registered well owners within a half-mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. A mailing list of groundwater conservation districts or entity that have jurisdiction over other water sources, and for which those water sources will be used for storage and recovery within this District.
 - v. For wells with an anticipated total storage volumes of more than 200,000,000 gallons, the applicant will be required to mail notice as dictated below:
 - a. Applications for 200-300 million gallons per year shall provide notice via first class mail within a one-mile radius from the proposed well, existing well, or well field.

- b. Applications for 300-400 million gallons per year shall provide notice via first class mail within a one and one-half (1.5) mile radius from the proposed well, existing well, or well field.
 - c. Applications for more than 400 million gallons per year shall provide notice via first class mail within a two-mile radius from the proposed well, existing well, or well field.
 - s. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
- 9. All applications for **Production Permits** for nonexempt wells must contain, in addition to any information determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Permit Type. Provide a statement of the type of Production Permit that is being requested (e.g. Historical Trinity, Class C Conditional Edwards, etc.).
 - b. Nature, Purpose, and Location. Provide a detailed statement describing:
 - i. The nature and purpose of the various proposed uses including proposed uses by persons other than the well owner,
 - ii. The well location and the proposed receiving area from groundwater produced from the well; note any proposed transfer, and
 - iii. The location and purpose of any water to be resold, leased, or transported.
 - c. Pumpage Volume. Provide a detailed statement describing:
 - i. The estimated pumping rate at which water will be withdrawn from each well, and
 - ii. The requested permit pumpage volume; a description of how the requested pumpage volume was determined. The applicant shall provide pumpage volume calculations based

on the type of use, anticipated pumping capabilities, pumping times, pumping frequency, and other pertinent data to substantiate approximate groundwater production. The requested pumpage volume should demonstrate reasonable non-speculative demand.

- d. Demand Trends. Provide a detailed statement describing:
 - i. A projected annual volume breakdown by type of use (e.g. PWS, commercial, irrigation, industrial).
 - ii. A projected quarterly timeline detailing the anticipated pumpage volumes for the first three to five years of pumping.
 - iii. An explanation of future demands and long term system growth.
 - iv. For public water suppliers, provide an estimated or calculated per capita and/or household consumption.
- e. Conservation Practice. Describe any conservation measures or practices that are anticipated or are currently in place.
- f. Demonstration of Backup Supply. For Class B or Class C Edwards Production Permits subject to Rule 3-1.24(D)(E), provide a detailed statement describing:
 - i. An explanation that includes adequate documentation of the applicant's capability and commitment to use an Alternative Water Supply in the event of a drought declaration. Must provide specific information or contractual agreements that demonstrate the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some Alternative Water Supply source(s) on a 100% basis.
 - ii. For Public Water Supply systems, the reasonable likelihood that all necessary physical infrastructure and supporting agreements, rates, and tariffs will be in place within the first year of the permit.
 - iii. A declaration statement stating the applicant's capability and commitment to use an Alternative Water Supply in the event of a drought declaration.
- g. Hydrogeological Report. A Hydrogeological Report, in accordance with Section D below.

- h. UCP and UDCP. A User Conservation Plan (UCP), a User Drought Contingency Plan (UDCP), and the State proposed/approved Drought Contingency Plan (if required by TCEQ).
- i. Related Permits and Authorizations. Provide notice of any application to the TCEQ to obtain or modify a Certificate of Convenience and Necessity (CCN) to provide water or wastewater service with water obtained pursuant to the requested Production Permit. Provide notice of any pending, denied, or remanded authorization from a local, state, or federal agency relating to water or wastewater.
- j. Transfers. If the groundwater is to be resold, leased, or otherwise transferred to others, provide the location to which the groundwater will be delivered, the purpose for which the groundwater will be used, and a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for sale, lease, or transfer of groundwater.
- k. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5 and Rule 5.
- l. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided and notice must be mailed accordingly:
 - i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply services areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.

- ii. A mailing list of registered well owners within a half-mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. For wells with an anticipated annual pumpage volume more than 200,000,000 gallons, the applicant will be required to mail notice as dictated below:
 - a. Applications for 200-300 million gallons per year shall provide notice via first class mail within a one-mile radius from the proposed well, existing well, or well field.
 - b. Applications for 300-400 million gallons per year shall provide notice via first class mail within a one and one-half (1.5) mile radius from the proposed well, existing well, or well field.
 - c. Applications for more than 400 million gallons per year shall provide notice via first class mail within a two-mile radius from the proposed well, existing well, or well field.
 - m. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
10. In addition to the above information, Production Permit applications or major amendment applications with proposed annual groundwater production for more than 200,000,000 gallons will require an aquifer test work plan and a monitoring well network plan pursuant to Section D below related to Hydrogeological Reports and Aquifer Tests. The applicant may request a 90-day extension subject to approval by the General Manager if needed to satisfy the requirements of Subsection D.
11. Potential for Unreasonable Impacts. All applications required to conduct an aquifer test and submit a Hydrogeological Report pursuant to District Rule 3-1.4.D. will be evaluated by the General Manager to assess the potential to cause unreasonable impacts pursuant to District Rule 3-1.4.G. Applications for proposed production that are found to have potential for

causing unreasonable impacts will receive written notification of the General Manager's preliminary finding prior to the expiration of the application review period. Upon receipt of written notification of the General Manager's preliminary finding, the applicant will be granted a 90-day extension to the application review period to provide the following additional application requirements unless the applicant requests that the application be directly referred to the Board as provided below.

- a. The applicant shall submit a written description of avoidance measures and actions that the applicant proposes to implement either before or after groundwater production commences in an effort to avoid the occurrence of unreasonable impacts.
- b. The applicant shall submit a compliance monitoring plan subject to District review and approval and consistent with minimum plan requirements pursuant to District Rule 3-1.11.B.
- c. The applicant shall submit other facts and considerations deemed necessary by the General Manager.
- d. In addition to the above requirements, the applicant may opt to submit a mitigation plan subject to District review and approval and consistent with minimum requirements pursuant to District Rule 3-1.11.C. The District-approved mitigation plan shall be incorporated into a binding agreement between the permittee and the District, which will be incorporated as special provisions of the permit.

The above plans and information shall be submitted within 30 days of receipt of notification of the General Manager's preliminary finding of potential for unreasonable impacts and may be incorporated in whole or in part as special provisions of the permit. Alternatively, the applicant may request that the application be directly referred to the Board, pursuant to District Rule 3-1.4.G.6, for consideration without the completed information requirements under Subsection 10 a-d above prompted by the General Manager's preliminary finding of unreasonable impacts provided that the application requirements of items 1-9 of this Section have been satisfied.

12. In addition to the above information required for Production Permit applications, an application for a Transport Permit must contain the following information:
 - a. Information describing the projected effect of the proposed transporting of water on aquifer conditions, including flow at Barton Springs, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District.

- b. Information describing the availability of water in the proposed receiving area during the period for which the water transport is requested.
- c. A description of the indirect costs and economic and social impacts associated with the proposed transporting of water.
- d. Any proposed plan of the applicant to mitigate adverse hydrogeologic, social, or economic impacts of the proposed transporting of water in the District.
- e. A description of how the proposed transport is addressed in any approved regional water plan(s) and the certified District Management Plan.
- f. A technical description of the facilities to be used for transportation of water and a time schedule for any construction thereof.

B. Notice.

1. Applicants must provide public notice for the following types of permit applications:

- a. All new individual Production Permit applications for more than two million gallons;
- b. Well Drilling Authorizations or Modification applications for wells with anticipated annual pumpage of more than two million gallons;
- c. Notice of intent to transport any groundwater out of the District;
- d. All major permit amendments, as defined in Section 3-1.9 of these Rules;
- ~~e. A Regular Production Permit processed by the District after issuing a Temporary Permit as provided under Section 4(e) H.B. 3405; and~~
- fe. All new Source and Recovery Permit applications

2. Such notices shall be published in one or more newspapers of general circulation in the county in which the subject well is located as determined by the District, in a form approved by the District. Public notice shall include a 280-day public response period beginning the day after the day said notice is published in a newspaper of general circulation within the District. If the notice is published in more than one newspaper, the public comment period expires the later of the date specified in the notice or 280 days after the day said notice is published in the newspaper of general circulation within the District. Applicants shall publish notice not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

3. All required permit applications must have notice provided by the applicant, in a form approved by the District, by first class mail to all registered well owners with wells located within a radius described in Rule 3-1.4.A.(7)(gh) and Rule 3- 1.4.A.(8)(b)(vii) (for Source and Recovery Permit applications). Notification of any property owner served by a retail water utility is not required of any applicant if notice is provided to the retail water utility. Applicants shall provide notice by first-class mail not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

4. Applicants may not publish notice or provide notice by mail until the General Manager or the General Manager's designated representative determines that the application for which notice is required is administratively complete.

5. Under no circumstances will a public hearing be held, or action taken on the application by the Board prior to the termination of the 280-day public response period.

6. All public notices for newspaper circulation, covered by this Section, must contain at least the following information:

- a. The name and address of the applicant;
- b. The date the application was filed;
- c. The location and a description of the well that is the subject of the application; and
- d. A brief summary of the information in the application; and
- e. ~~Notice of a Regular Production Permit application processed by the District after issuing a Temporary Permit as provided under Section 4(e) of H.B. 3405 will include a notice of the preliminary decision by the General Manager describing the terms and conditions of the regular permit.~~

7. All public notices for mailout, covered by this Section, must contain at least the following information:

- a. ~~The notice to include~~ name and address of the applicant in 14 point type printed at the top of the notice in such a manner that clearly and conspicuously shows the notice is from the applicant on company letterhead; individual well owner applicants are to coordinate with the District so that notice is sent on District letterhead on behalf of the individual (i.e., noncompany) applicant;
- b. The date the application was filed;
- c. The location and a description of the well that is the subject of the application;
- d. A map showing all properties within the a half-mile radius from of the proposed well shown GPS coordinates and nearby roads and/or other distinguishing geographic features clearly nearby identified; and
- e. A brief summary of the information in the application; and

~~e. Notice of a Regular Production Permit application processed by the District after issuing a Temporary Permit as provided under Section 4(e) of H.B. 3405 will include a notice of the preliminary decision by the General Manager describing the terms and conditions of the regular permit.~~

8. Upon completion of the published and mailed public notice, the District shall be provided with proof of publication of public notice. The applicant shall submit to the District office within ten business days after the date of publication an original newspaper clipping which shows the date of publication, ~~and the name of the newspaper, and the date the notices were mailed along with the names and addresses of the intended recipient(s).~~ to the District office within ten business days after the date of publication.

~~9. Upon completion of the mailed public notice, the District shall be provided with proof of notice sent to neighboring residents via certified first class mail. The applicant shall submit certified first class mail receipt(s), which shows the date the notices were mailed, within ten business days after the date of mail out.~~

C. Decision to Hold Public Hearing.

1. On any application for nonexempt well permits not authorized by a general permit, the General Manager may schedule a hearing if the General Manager determines that a hearing will be beneficial to the District's consideration of the application, if the applicant requests a hearing, or if the General Manager receives protests to the application and the protest includes a request for a public hearing from any person having a personal justiciable interest, including any party to whom notice is provided in accordance with Paragraph B above and otherwise complies with District Rule 4-9.13(B). ~~A hearing will not be held for Temporary Permits issued under Section 4(d) of H.B. 3405.~~

2. The District shall conduct a public hearing for:

- a. major amendment applications,
- b. Transport Permit applications,
- c. new Production Permit applications with proposed groundwater production of more than 2,000,000 gallons annually,
- ~~d. an application to convert a Temporary Permit into a Regular Production Permit pursuant to Rule 3-1.55, and~~
- ed. All new Source and Recovery Permit applications.

3. The General Manager shall make a determination whether to schedule a hearing on an application within 60 days of the date the application is administratively complete.

4. The Board of Directors at a regular or special Board meeting may conduct a hearing on any application.

5. A hearing on an application will be held within 35 days of the date the determination to schedule a hearing is made.
6. Except for hearings referred to the State Office of Administrative Hearings (SOAH), the final hearing may occur at the same time and immediately following the preliminary hearing. For a hearing conducted by SOAH, the final hearing on the application concludes on the latest of the dates of SOAH’s proposal for decision; any exceptions to the proposal for decision, and any replies to exceptions to the proposal for decision are presented to the Board of Directors.
7. Hearings shall be conducted in accordance with District Rule 4-9 related to notice and hearing process.

D. Hydrogeological Report and Aquifer Tests.

1. Applicants seeking to export groundwater out of the District, to obtain a major amendment or a minor amendment in accordance with 3-1.9(F)(G), to obtain a Source and Recovery Permit for ASR, or to permit a new nonexempt well with an annual pumpage volume of more than 2,000,000 gallons, shall conduct an aquifer test and submit to the District a current Hydrogeological Report addressing the potential impacts associated with the proposed groundwater production or export.
2. The Aquifer Test and Hydrogeologic Report must be prepared by a Texas licensed professional geoscientist or engineer pursuant to the District’s guidance document, *Guidelines for Hydrogeologic Reports and Aquifer Testing (Guidelines)*.
3. Aquifer Tests. A written aquifer test work plan shall be submitted to the General Manager for review and approval prior to commencement of the test and shall include the required information for aquifer test work plans as specified in the *Guidelines*. Planning and implementation of the aquifer test work plan shall be closely coordinated with the District to ensure that the proposed study is consistent with District standards and expectations specified in the *Guidelines*.
 - a. The aquifer test shall be conducted and the report completed pursuant to the *Guidelines* and the following tiered requirements:

Table: Tiered Structure for Aquifer Testing Requirements

	Anticipated Production Volume, or Anticipated Target Storage Volume	Aquifer Test Requirements
Tier 1	>2,000,000 to 12,000,000 gallons per year	Abbreviated pump test and report

Tier 2	>12,000,000 to 200,000,000 gallons per year	Hydrogeologic report and <u>may</u> require installation of new observation wells if existing wells are not available or adequate for monitoring. For ASR projects, additional water quality monitoring may be required in lieu of installing observation wells.
Tier 3	>200,000,000 gallons per year	Will require an aquifer test work plan and monitoring well network plan. <u>Will</u> require installation of one or more new observation wells.

- b. For wells with proposed annual pumpage or for ASR projects with a proposed TSV over 200,000,000 gallons (Tier 3), the aquifer test work plan shall also include a monitoring well network plan. Pursuant to the *Guidelines*, a monitoring well network shall be established by installing one or more new observation wells and identifying a sufficient number of existing wells adjacent to the well or well field prior to commencement of the aquifer test in accordance with the District-approved monitoring well network plan. The final aquifer test work plan and monitoring well network plan must be approved by the District.
- c. The monitoring well network plan shall contain the following minimum requirements:
- i. General Information:
 - a. Goal and purpose of project.
 - b. Description of local geologic and hydrogeologic conditions.
 - c. Location map showing network well locations (including proposed and existing wells) and rationale for well locations.
 - ii. Design and Construction:
 - a. Well design plans or schematics on construction of each new well.
 - b. Completion and construction data for each existing well that will be used in the monitoring well network (e.g. State well reports if available, geophysical data, downhole video, non-pumping and pumping water levels, well and casing depth and diameter, pump depth, or schematics for proposed modifications).

- c. Monitoring well equipment specifications and installation.
 - d. Designated hydrogeologist/engineer and well drilling contractor.
 - iii. Schedule for completion of work.
 - iv. Assurances that the District can maintain access to the monitoring well network and equipment.
 - v. Parties responsible for maintaining, repairing, and equipping the monitoring well network.
 - d. The established monitoring well network may potentially be converted to a compliance well network as part of a permit provision.
4. Hydrogeological Report. The report must include hydrogeologic information as specified in the *Guidelines* and shall provide findings and conclusions addressing the response of an aquifer to pumping over time and the potential for causing unreasonable impacts. Applicants may not rely solely on reports previously filed with or prepared by the District. If a Hydrogeological Report is required by this Section, the Hydrogeological Report is a required component of all administratively complete Production Permit and ASR applications.
5. Well Construction. All proposed pumping and ASR wells must be completed and equipped for the ultimate planned use or, at minimum, completed and equipped to isolate the target production zone for the ultimate planned use and production rate. Observation wells may be required per the *Guidelines*. The applicant is responsible for all cost associated with the design, engineering, well construction, and other related expenses.
6. Variance to Hydrogeologic Reports and Aquifer Test Requirements. The District may consider a variance from certain requirements. Technical information and a memorandum from a Texas licensed geoscientist or engineer supporting and documenting the rationale for the variance shall be submitted to the General Manger for consideration and approval. Factors that may be considered include:
- a. Relatively low requested production volume;
 - b. Sufficient data exists for the well or vicinity (e.g. existing hydrogeologic reports or aquifer tests);

- c. Low potential for unreasonable impacts; and
 - d. Other relevant factors.
- 7. District Review. The General Manager will review the applicant's submitted Hydrogeologic Report and will determine whether there is potential for unreasonable impacts (as defined by District Rule). Permit applications may be deemed incomplete due to Hydrogeologic Reports that do not meet the District's minimum standards or deviate significantly from the *Guidelines* without prior District approval. An applicant who incurs cost related to conducting an aquifer test knowingly bears the risk that the permit request may be denied or modified.
- E. Applications submitted during District-declared drought. Applications to drill any well requiring a Production Permit that are submitted during a District-declared drought will be referred to the Board for consideration and/or public hearing. Applicants should be aware that during times of District-declared drought, the Board may require additional information from the applicant, may place special conditions on the application and/or permit, may authorize the drilling but modify the Production Permit, or may delay or deny the application entirely if the Board determines that it does not meet all the requirements of District Rules 3-1.4 and 3-1.6.
- F. Applications approved during District-declared drought. Although the District must take action on permit applications in accordance with Rule 3-1.4(C), for wells (a) within the Freshwater Edwards Management Zones, or (b) that are intended by the applicants to provide groundwater as a substitute to water being provided at the time of permit issuance by those water utilities that are able to provide water to the applicants, any permits having applications that are approved by the Board during a District-declared drought, including amendments of existing permits to increase permitted pumpage, shall contain a special provision delaying the effective date of the permit so long as the District remains in a District-declared drought.
- G. Applications found to have potential for unreasonable impacts.
 - 1. Policy. The District seeks to manage total groundwater production on a long-term basis while avoiding the occurrence of unreasonable impacts. The preferred approach to achieve this objective is through an evaluation of the potential for unreasonable impacts using the best available science to anticipate such impacts, monitoring and data collection to measure the actual impacts on the aquifer(s) over time once pumping commences, and prescribed response measures to be triggered by defined aquifer conditions and implemented to avoid unreasonable impacts. Mitigation, if agreed to by the applicant, shall be reserved and implemented only after all reasonable preemptive avoidance measures have been exhausted and shall serve as a contingency for the occurrence of unreasonable impacts that are unanticipated and unavoidable through reasonable measures.

2. Evaluation of potential for unreasonable impacts. All applications required to conduct an aquifer test and submit a Hydrogeological Report pursuant to District Rule 3-1.4.D. will be evaluated by the General Manager to assess the potential to cause unreasonable impacts. The evaluation of the potential for unreasonable impacts will apply the best available science and be performed on the basis of the Hydrogeologic Report, the aquifer test, and other factors relevant to the proposed production from the subject well/well field including but not limited to:
 - a. local geology and aquifer conditions including water quality;
 - b. construction and location of the subject well/well field;
 - c. target production zone, production capacity, and proposed production rate of the subject well/well field;
 - d. construction/completion of existing wells in the area of influence;
 - e. drawdown over time and distance attributed to pumping from the subject well/well field;
 - f. drawdown attributed to drought conditions and seasonal increases in pumping from existing wells;
 - g. drawdown attributed to pumping from existing wells and from future domestic and livestock wells;
 - h. proposed production relative to the Modeled Available Groundwater;
 - i. projected impacts on the relevant Desired Future Condition(s); and
 - j. projected impacts to regional surface water resources (springs and streams).
3. General Manager's Preliminary Finding. Pursuant to District Rule 3-1.4.A.10, the General Manager shall evaluate the application and issue to the applicant a preliminary finding, subject to Board consideration, of the potential for unreasonable impacts.
4. General Manager's Statement of Position. For applications found to have potential for unreasonable impacts that are not directly referred to the Board, the General Manager shall provide a statement of position with the findings and recommendations for consideration by the Board. The statement of position may include recommended special permit provisions

incorporating elements of the measures and plans submitted pursuant District Rules 3-1.4.A.10 and 3-1.11, and other reasonable measures necessary to avoid or mitigate for unreasonable impacts. Such measures may include:

- a. reduction of authorized permit volume and/or pumping rate;
 - b. phased permit volumes with conditional increases;
 - c. ongoing aquifer monitoring;
 - d. one or more index wells with defined compliance levels and prescribed responses;
 - e. temporary pumping curtailments;
 - f. permanent permit volume reductions;
 - g. mitigation measures if applicable; and
 - h. other reasonable measures necessary to avoid the occurrence of unreasonable impacts.
5. Board Action. Pursuant to District Rule 3-1.6.A. related to consideration of unreasonable impacts, the Board may consider applications found by the General Manager to have potential for unreasonable impacts and may take action to approve or deny the permit application in full, approve for a reduced amount, approve with special provisions or take any other appropriate action to avoid or mitigate unreasonable impacts.
6. Direct Referral Process. In lieu of completion of the additional information requirements prompted by the General Manager's preliminary findings pursuant to District Rule 3-1.4.A.10, the applicant may opt to request direct referral of the application to the Board for a hearing on whether the application complies with all statutory and regulatory requirements, including whether there is the potential for causing unreasonable impacts.
- a. The applicant may request direct referral by submitting a written request to the General Manager within ten days of receipt of the notification of the General Manager's preliminary finding of potential for unreasonable impacts. Within a reasonable time after receipt of the request, the General Manager shall declare the application administratively complete, provided that the application contains all required information pursuant to District Rule 3-1.4.A.1-9, and shall promptly provide written notification to the applicant in accordance with Rule 3-1.6.B.

- b. An application that is directly referred to the Board is subject to and the applicant must comply with District Rules 3-1.4 and 4-9 regarding notice; comment and hearing; and, if desired, request for contested case hearing, and request for a contested case to be conducted by SOAH.
- c. Persons desiring to comment on or protest an application subject to a direct referral must likewise comply with the applicable District Rules 3-1.4 and 4-9.
- d. The General Manager will include with such applications for the Board's consideration, the preliminary findings of potential for unreasonable impacts and supporting evidence, but shall not include recommendations for special permit provisions to avoid or mitigate for unreasonable impacts described under Rule 3-1.4.A.10.a-d.
- e. If after hearing, the Board determines an application has the potential for causing unreasonable impacts, the Board may order a remand to reopen the record for further proceedings on recommendations to avoid or mitigate for unreasonable impacts.

3-1.5.15

PERMITS FOR EXISTING WELLS IN SHARED TERRITORY.

- A. Any well existing on or before June 19, 2015 which has not been permitted and which is not exempted from permitting under 3-1.3.B(3), is required to obtain a permit from the District provided by and subject to the provisions of these Rules.
- B. Applications for permits for existing nonexempt wells must be timely filed with the District. Failure of the District to provide notification of the requirements to obtain permits to eligible persons shall not be grounds for failing to meet requirements of these Rules.
- C. Any owner of an existing nonexempt well who failed to apply for a permit in a timely manner may make application for a permit pursuant to Rule 3-1.4; provided, however, if the well was in operation during the period from June 19, 2015 until the application was made, past water production fees shall be paid for each month of operation. Upon written request of the well owner or permittee, the Board may waive any or all past due fees. Upon completion of an application in accordance with Rule 3-1.4 and upon payment of the application processing fee, the current annual production fee, and any required past water production fees unless waived by the Board, the District will issue a permit to the applicant in accordance with the applicable provisions of these Rules.

3-1.6. ACTION ON PERMITS.

- A. Permits. Before approving, modifying, delaying, or denying a permit, the District shall consider whether:
1. The application conforms to the requirements of these Rules and is accompanied by the appropriate fees,
 2. The proposed use of water is dedicated to beneficial use at all times including whether there are reasonable assurances of definite, non-speculative plans and intent to use the water for specific beneficial uses during the Production Permit term,
 3. The proposed use of water would not cause or contribute to waste, and the applicant has agreed to avoid waste and achieve water conservation. In assessing the acceptability of the proposed volume of water to be permitted, the District will apply industry and regional standards for permitted usage to assure the prospective use is commensurate with reasonable, non-speculative demand,
 4. The proposed use of water would not unreasonably affect existing groundwater and surface water resources by causing the potential for unreasonable impacts. In determining whether the proposed use of water is unreasonable under this Subsection, the District may consider the criteria of the term “unreasonable impacts” as defined in District Rule 2-1, Definitions of Terms, and any other information relevant to whether the proposed use is unreasonable,
 5. The proposed use of water would not be otherwise contrary to the public welfare,
 6. The proposed use of water is consistent with the approved District Management Plan or an approved regional water supply plan,
 7. The applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure, and report closure to the District and all other applicable government agencies,
 8. The water is used within the term of the Production Permit,
 9. The approved User Drought Contingency Plan (UDCP) for the prospective well yields a maximum volume of authorized groundwater production from the Western and Eastern Freshwater Edwards Management Zones that, when added to all other authorized amounts under District permits for these management zones, as restricted by UDCPs, and to other estimated

withdrawals from specified (exempt) wells withdrawals in these management zones, does not exceed the Extreme Drought MAG that the District has determined, using considerations identified in 3-1.6(A)(12) below, is required to achieve the Extreme Drought DFC Withdrawal Limitation for the Edwards Aquifer, as specified in Section 3-1.23(A) of these Rules,

10. The approved User Drought Contingency Plan for the prospective well in any other management zone yields a maximum volume of authorized groundwater production that, when added to all other authorized amounts under District permits for that management zone, as restricted by their UDCPs, and to other estimated withdrawals from exempt wells in these management zones, does not exceed the amount required to achieve the applicable DFC for the aquifer, as specified in Section 3-1.23 of these Rules. In making this determination, the District shall consider the following:
 - a. the applicable MAG amount,
 - b. the TWDB estimate of total groundwater produced by exempt wells,
 - c. the amount of groundwater under permits that have been previously authorized by the District,
 - d. a reasonable estimate of the amount of groundwater actually produced under permits issued by the District, and
 - e. yearly precipitation and production patterns.
11. For Class B and Class C Conditional Production Permits, the applicant has demonstrated to the Board's satisfaction the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some Alternative Water Supply source(s) on a 100% basis,
12. In order to protect the public health and welfare and to conserve and manage the groundwater resources in the District during times of drought, the District may prioritize groundwater use, place special requirements on, modify, delay, or deny a Production Permit for a new well during a District-declared drought, and
13. The District may impose more restrictive permit conditions on new permit applications and on applications for increased use by historic users if the limitations:
 - a. Apply to all subsequent new permit applications and increased use by historic users, regardless of type or location of use,

- b. Bear a reasonable relationship to the District's approved Management Plan, and
 - c. Are reasonably necessary to protect existing use.
- B. Time for Action. After the application is administratively complete, the General Manager or the General Manager's designated representative will promptly provide written notification to the applicant. ~~For applications to convert Temporary Production Permits to Regular Production Permit pursuant to Rule 3-1.55, the General Manager will provide the applicant a preliminary decision describing the recommended terms and conditions of the Regular Production Permit.~~ The District shall promptly consider and act on each administratively complete application (see Rule 3-1.4(C)). If a hearing is called to consider any of the foregoing applications, the District will conduct the hearing within 35 days after the General Manager determines that a hearing is necessary, and the District's Board will act to approve, modify, delay, or deny the application within 60 days after the date the final hearing on the application is concluded. The failure of the District to act within this time period shall not affect the District's jurisdiction over or the merits of an application. An administratively complete application requires submission of all information set forth within these Rules.

If any applications for nonexempt wells are administratively incomplete 90 days after receipt of the application by the District, the District, by certified mail, return receipt requested, will notify the applicant of the missing documentation and the need to complete the application. Applications that remain administratively incomplete will expire 90 days following the above-mentioned notice to the applicant. Upon expiration of the application, the applicant may request reconsideration or an extension by the Board. Request must be made within ten days of receiving notice of an expired application.

- C. Action by General Manager. The District's General Manager or the General Manager's designated representative may act for the District in approving any application for well registration; new in-District Production Permits for 2,000,000 gallons or less; minor amendments of 2,000,000 gallons or less; and well drilling, plugging, well modification, or other well development applications so long as the District does not receive any protests to the application nor any requests for a contested case hearing from any person having a personal justiciable interest, including any party to whom notice is provided in accordance with Rule 3-1.4(B), above. The General Manager shall schedule a public hearing for all major amendment applications, for all Transport Permit applications, and for all new Production Permit applications with proposed groundwater production of more than 2,000,000 gallons annually, ~~and for applications to convert Temporary Permits into Regular Production Permits pursuant to Rule 3-1.55,~~ and refer the applications to the Board for action. The General Manager will refer all new nonexempt well drilling applications, all Production Permit applications, and all major pumpage

amendments received by the District during periods of District-declared Drought to the Board for action.

3-1.11. PERMIT COMPLIANCE, MONITORING, AND MITIGATION.

- A. Permit Conditions and Requirements. All 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. In addition, to terms and conditions related to Rule 3-7. Drought, each permit issued shall also be subject to the following conditions and requirements:
1. The permit is granted in accordance with the provisions of S.B. 988 of the 70th Texas Legislature in conjunction with Chapter 36, Texas Water Code, and the Rules, regulations and Orders of the District as may be in effect from time to time, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules, regulations, and Orders of the District.
 2. The permit confers no vested rights in the holder and the permit is non-transferable. Written notice must be given to the District by the permittee prior to any sale or lease of the well covered by the permit. The permit may be revoked or suspended for failure to comply with its terms, which may be modified or amended pursuant to the requirements of the Act and any applicable Rules, regulations and Orders of the District.
 3. A permit shall be subject to amendment by the District of the amount of water authorized for pumpage based upon a review of the District's sustainable yield model and a determination by the District that an amendment is necessary after considering adequate water levels in water supply wells and degradation of water quality that could result from low water levels and low spring discharge.
 4. The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.
 5. The permittee shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn, the purpose of the withdrawal, and, for any transporting of water outside the District, the amount of water transported and the identity and location of the recipients. Such records shall be submitted to the District office on a monthly basis, unless some other reporting period is specified in the permit, even if there is zero pumpage or transport for the time period and shall also be available for inspection at the permittee's principal place of business by District representatives. Immediate written notice shall be given to the District in the event a withdrawal or transporting of water exceeds the quantity authorized by the permit or Rules. Unless the permittee can present evidence that the pumpage or transport which exceeded the permitted

amount is due to an isolated incident that is not likely to be repeated and/or would not result in continued higher demands, the permittee must immediately submit an application to increase the permitted pumpage or transport volume based on the amount of pumpage or transport which exceeded the permitted amount projected for the remainder of the fiscal year.

6. The well site or transport facilities shall be accessible to District representatives for inspection during normal business hours and during emergencies. The permittee agrees to cooperate fully in any reasonable inspection of the well site or transport facilities and related monitoring or sampling by District representatives. The well owner shall provide a 24-hour emergency contact to the District.
7. The application pursuant to which a permit has been issued is incorporated therein, and the permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of a permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall prevail.
8. Driller's logs must be submitted within 60 days of the drilling of a well.
9. For all new public water supply wells, a 150-foot radius sanitary control easement around the well must be recorded with county of record and evidence of said easement or a variance from TCEQ shall be provided to the District 60 days upon completion of the well.
10. Monitoring of groundwater pumpage is to be accomplished in the manner specified in the District's metering policy and any modifications thereto.
11. Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal or transporting amounts outside of the District in excess of the amount authorized for transport, shall be punishable by civil penalties as provided by the Act and these Rules.
12. If special provisions are inconsistent with other provisions or regulations of the District, the Special Provisions shall prevail.
13. A Transport Permit may contain any term, condition, or limitation determined to be warranted by the District's Board based on the factors set forth in Rule 3-1. 6(A), and Section 36.122(d) of the Act.

14. Permittees will notify the District upon filing an application with the TCEQ to obtain or modify CCN to provide water or wastewater service in a service area that lies wholly or partly within the District or for which water shall be supplied from a well located inside the District.
15. Upon request of the District, permittees that are water utilities and that are not in compliance with their permit conditions concerning water use, are required to furnish the District the individual monthly water usage of all end-user customers that exceed the presumptive excessive-use criteria set forth in Section 3-3.7(C) of these Rules.
16. Permittees holding Class B or Class C Conditional Production Permits under Rule 3-1.24(D)(E) must maintain at all times the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some alternative water supply source(s) on a 100% basis, including (a) all necessary physical infrastructure and supporting agreements, rates, and tariffs required for such substitution, and (b) the commitment to use the alternative supply as warranted by District-declared drought conditions.
17. A Permit does not authorize use on property within the District other than the well owner's property without prior approval from the District for Multi-user Wells. For Permits approved for Multi-user Wells, the well owner shall be considered the sole permittee and shall be solely responsible for compliance with all applicable rules, permit conditions, and requirements including the multi-user well metering and reporting requirements pursuant to District Rule 3-2.
18. After notice and an opportunity for a hearing, the Permit may be reduced if the authorized withdrawal volume is deemed to be no longer commensurate with reasonable non-speculative demand or if 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.
19. After notice and an opportunity for a hearing, the Permit may be reduced or curtailed if the authorized withdrawal volume is determined to cause unreasonable impacts or failure to achieve the applicable DFC of the aquifers.
20. Wells must be maintained in good non-deteriorated condition and in compliance with Rule 5 related to District Well Construction Standards.
21. After receiving official notification from the District, the permittee shall implement the approved mitigation plan.

B. Compliance Monitoring Plan and Compliance Monitoring Well Network. Except as provided by Rule 3-1.4.G.6., any Production Permit application that, through an evaluation of the Hydrogeological Report and aquifer test data, has been found by the General Manager to have the potential to cause unreasonable impacts, pursuant to Rule 3-1.4.G. will require submittal and implementation of a compliance monitoring plan including a compliance monitoring well network. The purpose of the compliance monitoring plan and network is to provide data needed to assess the impacts of the pumping on the aquifer(s) over time and compliance with permit conditions in place to avoid unreasonable impacts.

1. Compliance Monitoring Well Network. A compliance monitoring well network shall be established by installing a sufficient number of index wells to measure drawdown and water quality around the well or well field. Spring flow should also be monitored if the spring is sourced from the same formation and within the vicinity of the proposed well or well field. Planning and implementation of the plan and network shall be closely coordinated with the District to ensure that the proposed plan is consistent with District standards and expectations. The final plan and network must be approved by the District and installed prior to commencement of pumping. The permittee or applicant will be required to pay for all cost associated with the design, engineering, construction, sampling and maintenance of the monitoring well network and equipment except such that may be agreed upon by the District. The permittee or applicant shall provide assurances of legal District access to the monitoring well network. A permittee or applicant who incurs cost related to implementing the plan and operating the network assumes the risk that the Board may modify, reduce, adjust, or curtail the permitted volume.
2. Minimum Compliance Monitoring Plan Requirements. The compliance monitoring plan shall be a legally binding agreement between the District and permittee or applicant and should include detailed information on the construction, operation, sampling and analysis, and maintenance of the new compliance monitoring well network. The plan shall be subject to approval by the General Manager and shall, at minimum, include the following:
 - a. General Information:
 - i. Goal and purpose of project.
 - ii. Description of local geologic and hydrogeologic conditions.
 - iii. Location map showing monitoring well network well locations (including proposed and existing wells) and rationale for well locations.
 - b. Design and Construction:

- i. Well design plans and schematics on construction of each new index well.
 - ii. Completion and construction data for each existing well that will be used in the monitoring well network (e.g. State well reports, available geophysical data, downhole video, pump depth, or schematics for proposed modifications).
 - iii. Monitoring well equipment specifications and installation.
 - iv. Designated hydrogeologist and well drilling contractor.
 - c. Schedule for Completion of Work.
 - d. Monitoring Well Access. The permittee or applicant will ensure that the District can maintain access to the monitoring well network and equipment.
 - e. Maintenance and Repair Commitments. Identify parties responsible for maintaining, repairing, and equipping the monitoring well network.
 - f. Groundwater Sampling and Analysis Plan.
 - i. Sampling procedure, schedule, and frequency.
 - ii. Target constituents.
 - iii. Water level measurement procedure, schedule, and frequency.
 - g. Other Relevant Information.
- C. Mitigation Plans. For Production Permit applications found by the General Manager to have the potential to cause unreasonable impacts related to groundwater quality degradation or well interference, pursuant to Rule 3-1.4.G, the applicant may opt to submit a mitigation plan subject to District review and approval to serve as a contingency for the occurrence of unreasonable impacts that are unanticipated or unavoidable through reasonable measures. Mitigation Plans, if adopted by agreement between the permittee and the District, will be incorporated as special provisions of the permit.
 - 1. Planning and Implementation. Planning and implementation of the plan shall be closely coordinated with the District to ensure that the proposed plan is consistent with District standards and expectations. After an investigation is initiated and the permittee has received official notification

from the District, the permittee shall implement the approved mitigation plan pursuant to the conditions and requirements of the permit. A permittee or applicant who incurs cost related to implementing the plan assumes the risk that the Board may modify, reduce, adjust, or curtail the permitted volume.

2. Plan Requirements. A Mitigation Plan shall address the following minimum requirements.
 - a. Financial Commitment. A description of permittee's financial commitment to implement mitigation actions. Responsible parties for managing the funding must be specified.
 - b. Impact Area. A geographical description of the designated impact area within the potential area of influence. A profile of impact estimation should be included to outline the risk analysis within the designated impact area.
 - c. Contingency Supply. An outline of actions and temporary procedures that will be taken by the permittee to provide a supplemental or alternative source of potable water to the owners of the wells that were determined to be unreasonably impacted. Responsible parties must be specified.
 - i. These measures shall be temporary in nature until the permittee can provide a permanent solution of well remediation or well replacement.
 - ii. The quantity and quality of the supplemental or alternative water supply shall be equal to or greater than the original water supply yield and quality available from the impacted water supply well.
 - d. Mitigation Actions. A description of the actions that will be taken to remediate or replace the impacted well(s). Mitigation actions may be categorized into 'action tiers' for which there are specific diagnostics and responses taken to comply with this condition. Responsible parties must be specified.
 - e. Implementation Schedule. A description of the schedule and timeline for implementing each phase of the mitigation plan. Responsible parties must be specified. A schedule and timeframe must be provided for each 'mitigation action tier' which includes the timing and frequency of diagnostic and response actions.
 - f. Implementation Documentation. A description of the types of documents and reports that will be produced to document actions

and schedules of implementation tasks. Responsible parties must be specified.

- g. Third Party Contractors. A list of the third party contractors, mutually agreed upon by the District and permittee, to carry out well services, well repairs, well construction, or well equipment replacement. The responsibilities of each contractor, District and permittee must be specified.

3-1.20. GENERAL PERMITS BY RULE.

For wells of certain characteristics and in certain prescribed situations, the District may issue several different types of permits by rule, generally with abbreviated application documentation and timelines. General permits by rule do not require notice and public hearings and are used for administrative convenience when their use is not inconsistent with the District's overall mission. The District may issue a general permit by rule as an administrative action, provided the requirements of the permit are met.

A. General Requirements and Conditions for General Permits by Rule.

1. Unless otherwise prohibited by the District and subject to the conditions and eligibility requirements specified for each general permit, wells are authorized to operate pursuant to this Section without an individual permit from the District.
2. A completed Well Registration form shall be submitted with the appropriate fees in accordance with Rule 3-1.2.
3. Wells authorized by this Section shall be registered in accordance with Rule 3-1.1.
4. A well authorized pursuant to this Rule is not subject to production fees.
5. In lieu of authorization pursuant to this Rule, the Board at its sole discretion may require authorization by obtaining an individual permit.
6. Wells authorized pursuant to this Rule are subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and laws of the State of Texas.

B. Limited Production Permit.

The purpose of this provision is to permit by rule the drilling and completion of nonexempt domestic and livestock use wells and the production of groundwater from wells.

1. Eligibility Criteria. To be eligible for authorization under this general permit, wells must:
 - a. not meet Exempt criteria under Rule 3-1.3B, and
 - b. not be located in an area in which a water supplier has a valid CCN or, if located in an area where a water supplier has a valid CCN, the supplier is not readily able to supply water without extraordinary additional cost or time delay to the applicant.

2. Conditions and Requirements. Each authorization under this general permit shall be subject to the following conditions and requirements:

a. ~~p.~~ The well does not produce more than 500,000 gallons per year for applications filed prior to December 14, 2023.

b. ~~The well does not produce more than 250,000 gallons per year for applications filed on or after December 14, 2023.~~

c.b. The well is equipped with a meter under Rule 3-2.1.

cd. The permittee shall keep accurate records and meter readings on an annual basis for the amount of groundwater withdrawn, the purpose of the withdrawal, and such records shall be submitted to the District office on an annual basis no later than September 5th of each year,

ed. The permittee shall adopt, and implement a UCP consistent with Rule 3-6,

ef. Any well completed in the Freshwater Edwards Management Zones and authorized for production under this General Permit may be subject to temporary curtailments during a District-declared Emergency Response Period, pursuant to Rule 3-7-6.C related to Drought, and as deemed necessary by the Board to preserve the DFC, and

gf. Any other conditions that the District may require.

3. Wells authorized by this permit are subject to the permit conditions and requirements of Rule 3-1.11, the well spacing requirements of Rule 3-1.12, and the provisions of Rule 3-4.

4. A permittee may apply to redrill or replace a currently permitted well while preserving the Limited Production Permit designation if it complies with the requirements of this Section and Rule 3-4.6.

C. Nonexempt Monitor Well Permit.

The purpose of this provision is to permit by rule the drilling and completion of nonexempt monitor wells and the production of restricted amounts of groundwater from nonexempt monitor wells.

1. Conditions and Requirements. Each authorization under this general permit shall be subject to the following conditions and requirements:

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- a. The applicant shall submit along with the appropriate fees, an application using forms provided by the District for presenting the following information:
 - i. a detailed statement describing the nature and purpose of the proposed monitor well(s),
 - ii. a map clearly indicating the location of each well,
 - iii. a sampling and monitoring plan,
 - iv. a water well closure plan, or a declaration that (1) the applicant will comply with well plugging and capping guidelines set forth in these Rules, and (2) will report well closures as required in Rule 3-5, and
 - v. any other information required by the District that is pertinent to the evaluation of the application.
- b. Groundwater produced from the well is not in excess of the volume that is necessary for the sole purpose of conducting sampling and monitoring consistent with the sampling and monitoring plan;
- c. The well is equipped with a meter under Rule 3-2.1. This condition may be waived by the General Manager provided that the applicant demonstrates that the well is not equipped with a dedicated pump.
- d. The permittee shall keep accurate records on a monthly basis of the dates of each sampling event, the meter reading or the estimated volume of groundwater withdrawn with each sampling event, the purpose of the withdrawal, and such records shall be submitted to the District office on a monthly basis;
- e. Authorization under the general permit shall be renewed on an annual basis. With renewal, the permittee shall submit the following:
 - i. an annual renewal fee,
 - ii. an updated monitoring and sampling plan,
 - iii. an annual report describing the project status, a summary of monthly records maintained pursuant to A(5) of this Section, any water level or analytical data associated with each sampling event, and any other pertinent information required by the District, and

- iv. any studies or reports generated using data acquired from the monitor well(s).
 - f. The District shall be provided access to the monitor well(s) for sampling and data collection upon reasonable prior notice; and
 - g. The District may require other conditions on the basis of site-specific or use-specific circumstances.
 - 2. Wells authorized by this permit are subject to the permit conditions and requirements of Rule 3-1.11 and the provisions of Rule 3-4.
 - 3. This general permit is applicable to nonexempt monitor well(s) registered on or after January 26, 2006.

D. Test Well and Aquifer Test Permit.

The purpose of this provision is to permit by rule the drilling and completion of temporary test wells and the temporary production of restricted amounts of groundwater from test wells.

- 1. Application Requirements The applicant shall submit, along with the appropriate fees, an application using forms provided by the District for presenting the following information:
 - a. a detailed statement describing the nature and purpose of the proposed test well and anticipated production volume,
 - b. an aquifer test work plan to include the required information as specified in the District's *Hydrogeological Report and Aquifer Test Guidelines (Guidelines)*,
 - c. a map clearly indicating the location of the test well,
 - d. a proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, surface completion specifications, and any other pertinent well construction information.

- e. a water well closure plan or a declaration that the applicant will (1) comply with well plugging and capping guidelines set forth in these Rules, and (2) report well closures as required in Rule 3-5, and
 - f. any other information required by the District that is pertinent to the evaluation of the application.
2. Aquifer Tests and Hydrogeological Reports.
- a. The District will not accept an aquifer test or Hydrogeological Report conducted on a temporarily completed test well, for the purposes of satisfying the application requirements of an individual Production Permit.
 - b. The District may consider an aquifer test and Hydrogeological Report that is conducted on a test well if the well is completed and equipped to a design that is representative of permanent completion, such that the target production zone is isolated.
 - c. If the applicant intends to conduct an aquifer test on a test well and prepare a Hydrogeological Report to support an individual Production Permit application, the applicant shall submit the following information:
 - i. an aquifer test work plan to include the required information as specified in the District's *Guidelines* subject to review and approval by the General Manager. For anticipated annual Production Permit volumes more than 200,000,000 gallons, the applicant must submit an aquifer test monitoring plan and establish an aquifer test monitoring network in accordance with Rule 3-1.4.D.
 - ii. a proposed well design schematic for the alternate completion design with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, surface completion specifications, and any other pertinent well construction information.
 - d. If an aquifer test and Hydrogeological Report are conducted on a test well for the purposes of satisfying the application requirements of a Production Permit, an additional aquifer test may be required as a special permit provision after the well is permanently completed for its ultimate planned use.
3. Conditions and Requirements. Each authorization under this permit by

rule shall be subject to the following conditions and requirements:

- a. Groundwater produced from the well is not in excess of the volume that is necessary to conduct an aquifer test as specified in the aquifer test work plan.
 - b. The well shall be equipped with a meter in accordance with Rule 3-2.1.
 - c. The permittee shall keep accurate records of the metered pumpage during the aquifer test. Such records shall be submitted to the District upon completion of the test.
 - d. Authorization under this permit by rule shall expire upon completion of the aquifer test as specified in the aquifer test work plan or within six months of approval, whichever occurs first. Temporary test wells shall either be plugged or modified and permanently completed in accordance with District Rules and Well Construction Standards within six months of completion of the wells.
 - e. The well shall be completed in accordance with the District's Well Construction Standards and, at minimum, shall not be open at the surface or allow water zones of different chemical quality to commingle.
 - f. The District may require other conditions on the basis of site-specific or use-specific circumstances.
 - g. Authorized Testing Volume. The District will authorize a temporary testing volume. A fee will be assessed for volumes over 10 million gallons in accordance with the fee schedule.
4. This general permit by rule is subject to the permit conditions and requirements of Rule 3-1.11 and the provisions of Rule 3-4.
 5. This general permit is applicable to test well(s) registered on or after September 10, 2009.

E. General Conservation Permit.

The purpose of this provision is to provide a protected, accumulative permit by rule that will be the holding vehicle for all Historic Use groundwater that was previously authorized groundwater production but is now associated with permanently retired permitted pumpage with Historic Use Status. Appropriate volumes associated with such retired water shall be added to the Conservation Permit. There is only one

Conservation Permit and it is held by the District. The groundwater volume in the Conservation Permit is considered a committed use under permit as part of the Extreme Drought MAG and is included in the Ecological Flow Reserve.

- F. ASR Pilot Test Permit. The purpose of this provision is to permit by rule the temporary production and recovery of restricted amounts of Class D Fresh Edwards groundwater for the purpose of ASR pilot testing as defined in these rules.
- I. Application Requirements. The applicant shall submit, along with the applicable fees, an application using forms provided by the District for presenting the following information.
 - a. Nature and Purpose. Provide a detailed statement describing the nature and purpose of the proposed ASR project including the proposed end uses of the waters stored and recovered.
 - b. Site Location. Provide detailed maps describing:
 - i. The extent and boundary of the ASR test project area;
 - ii. The location of all source water wells;
 - iii. The wellfield layout design including all proposed ASR recovery wells, source production wells, monitoring wells, and the regional hydraulic gradient flows;
 - iv. The distribution system for the ASR test project, including the route for how source water will be distributed to the storage and recovery well location; and
 - v. The location of all other wells in the half mile radius of the ASR well.
 - c. Pumpage Volume. Provide a detailed statement describing:
 - i. The total anticipated production volume for the test;
 - ii. The estimated pumping rate of production from the source groundwater well;
 - iii. The estimated rate of recharge into the storage/recovery well; and
 - iv. The estimated rate of recovery from the storage/recovery well.

- d. **Work Plan.** Provide a testing work plan to include the required information as specified in the District's *Guidelines for Hydrogeological Reports and Aquifer Testing*. The test work plan shall be coordinated with District staff.
 - e. **Accounting Plan.** Provide a detailed reporting format and diagrams describing how all ASR waters will be accounted for and reported. The accounting plan shall depict where the meters will be located on the system piping, and the type of meters that will be installed. The plan shall describe how the following will be metered, calculated, and reported on a monthly basis:
 - i. The volume of source water produced (Class D);
 - ii. The volume of source water(s) stored (total for each source water); and
 - iii. The volume of recovered water from storage (total volume recovered);
 - iv. The total storage volume of all source waters remaining after recovery (total for each source water);
 - v. The volume of native groundwater withdrawn from the ASR well (if applicable);
 - vi. Monthly average recharge pressures for each ASR well.
 - f. **Related Authorizations.** The applicant is responsible for obtaining required permit authorizations from TCEQ. The applicant shall obtain and submit a copy, of the TCEQ authorization applicable to this testing effort, to the District.
 - g. Any other information required by the District that is pertinent to the evaluation of the application.
2. **Conditions and Requirements.** Each authorization under this permit by rule shall be subject to the following conditions and requirements:
- a. **Testing During Drought.** Any test that commences shall be allowed to continue or complete testing of fully authorized volume until the District declares Stage 3 Critical Drought. Upon declaring Stage 2 Alarm Drought the applicant will receive notice from the District that any source production and storage associated with this testing must be completed before the declaration of Critical Stage 3 Drought. Recovery of the stored water associated with this test is

allowable during any drought stage. Permittees with other source water may inject volumes during any drought stage but will be subject to the provisions of that permit. An applicant may request a variance to this condition pursuant to District Rule 3-1.25.

- b. **Related Authorizations.** The permittee is responsible for compliance with all applicable statutes and TCEQ rules associated with the Edwards Aquifer Protection Zone, and injection of water for storage, or the use of recovered water.
- c. **Term.** Authorizations will expire within 2 years of the effective date of the issued authorization. An applicant may only request one ASR testing authorization per well field. The General Manager may consider and approve a 1 yr extension request if a testing program is underway and will be completed during the one year extension. Extension request must be made in writing 30 days prior to original expiration date.
- d. **Authorized Testing Volume.** For the purposes of aquifer testing, the District will authorize a limited production volume of Edwards water, not to exceed 30 million gallons per authorization. Volumes over 10 million gallons of authorized Edwards water will be assessed a production fee in accordance with the fee schedule. Authorized Edwards volumes are to be used for testing purposes only. Any unused or unrecovered Edwards testing volumes will not be credited towards other permitted uses. The Permittee may use other permitted source waters for the ASR test project in accordance with TCEQ 30 §TAC 331.19, TCEQ 30 §TAC 331.186.
- e. **Metering.** The wells associated with this ASR testing shall be equipped with one or more meters to account for the storage and recovery of water. The permittee shall keep accurate records and meter readings on a monthly basis and such records shall be submitted to the District office on a monthly basis no later than the 5th of each month.
- f. **Reporting.** In accordance with District Rule 3-2 and Rule 3-1.15, ASR permittees shall monitor each ASR well and submit:
 - i. Monthly records of meter readings for the following:
 - a. The volume of source water produced (Class D);
 - b. The volume of source water(s) stored (total for each source water); and

- c. The volume of recovered water from storage (total volume recovered);
 - ii. Monthly volume calculations for the following:
 - a. The total storage volume of all source waters remaining after recovery (total for each source water); and
 - b. The volume of native groundwater withdrawn from the ASR well (if applicable).
 - iii. Monthly average recharge pressures for each ASR well.
 - g. Status Report. One year after the initial pilot testing authorization is issued the permittee shall provide a project status report describing the current status of activities related to TCEQ permitting efforts, storage and recovery activities, sampling and analyses, and any changes to the pilot test work plan.
 - h. Summary Report. Provide a project summary report detailing all results from testing, monitoring and analyses, and all conclusions reached from the information to the District within 60 days after the completion of pilot testing.

3-1.55.1 TEMPORARY PERMITS.

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. Any person eligible for a Temporary Permit who failed to apply by September 19, 2015 will not be eligible for a Temporary Permit but may submit an application for a Production Permit pursuant to Rule 3-1-4 and may be subject to past production fees.

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

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

2. A Temporary Permit issued under this Section does not confer any rights and privileges to the well owner or permittee other than those set forth in this Section.

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3. Any person who relies on the Temporary Permit granted by this Section to drill, operate, or engage in other activities associated with a water well assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.

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4. Temporary Permit Applications. Applications for Temporary Permits shall be made in the name of the well owner or property owner on a form or forms provided by the District. The sworn, original application must be submitted and signed by the owner or an authorized agent of the owner who may be required to provide the District with a notarized authorization from the owner. This agent may be the well driller, lessee or renter of the property or well, power of attorney, or other appropriate agent.

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5. Administrative Completeness of Temporary Permit Application. An administratively complete Temporary Permit application shall consist of the submission to the District of an original, completed, signed and notarized application, payment of all applicable application fees; submission of any required maps, documents, ownership information, or supplementary information required by the General Manager or the General Manager's designated representative;

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and any other documentation required by the District as part of the application. District staff will determine if an application is administratively complete.

6. Fees included with Application. The application must be accompanied by the application fee, and other fees as appropriate. The application fee must be submitted with the application to start processing review period. Payment of all fees, including production fees, remains the responsibility of the property owner.
7. Processing Timeframes. Processing timeframes for the Temporary and Regular Production Permits will begin simultaneously with the submittal of a two-part application. Upon submission of the application, the processing timeframes for each part will run concurrently and, if deemed administratively incomplete, will expire in accordance with provision 3-1-55-2(13)(3) related to Action on Temporary Permits.

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3-1-55.2 TEMPORARY PRODUCTION PERMITS.

1. Temporary Production Permits Applications. Temporary Production Permit Applications must contain the following information in sufficient detail to be acceptable to the District:
 1. A detailed statement of the nature and purpose of the proposed use including proposed uses by persons other than the well owner.
 2. Requested annual permit volume not to exceed the maximum production capacity and supporting documentation providing the basis for determining the requested volume.
 3. A declaration that the applicant will comply with the District Rules and Bylaws, all Orders, and permits promulgated pursuant to the District Rules.
 4. A declaration acknowledging that the Temporary Permit conveys no vested rights or privileges other than those set forth in this Section.
 5. A declaration that the applicant assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.
 6. A copy of the legally binding contract entered into on or before June 19, 2015 that demonstrates a commitment to drill, operate, or perform other activity related to well.
 7. The location of each well and the estimated rate at which water will be withdrawn from each well.

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8. The location of the proposed receiving area for the water to be produced.
9. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.

2. Action on Temporary Production Permits:

1. Before issuing a Temporary Permit, the General Manager shall consider whether:
 - a. The application conforms with the requirements of this Section;
 - b. The application is administratively complete and is accompanied by the appropriate fees; and
 - c. The person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application.
2. Provided the application conforms to the above requirements, the General Manager shall approve and issue a Temporary Permit for the requested permit volume not to exceed the maximum production capacity without notice or hearing and within 30 days of the date of receipt of the application.
3. Applications that remain administratively incomplete will expire 30 days following the date of receipt of the application. Upon expiration, the District will provide notification, by certified mail, to the applicant of the expired application. Administratively incomplete applications will be referred to the Board for final action.

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3. Temporary Production Permit Term. Temporary Production Permits shall provide authorization to drill, operate, or perform another activity related to the nonexempt well and are only valid from June 19, 2015 (the effective date of H.B. 3405) until the date that the District makes a final, appealable action on issuance of a Regular Production Permit.

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4. Temporary Production Permit Conditions and Requirements. All Temporary 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. In addition, each permit issued shall be subject to the following conditions and requirements:

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1. The Temporary Production Permit is granted in accordance with the provisions of H.B. 3405 of the 84th Texas Legislature in conjunction with Chapter 36, Texas Water Code, and the Rules, regulations and Orders of

the District and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules, regulations, and Orders of the District applicable to permit holders.

2. ~~The Temporary Permit issued under this Section does not confer any rights and privileges to the well owner or permittee other than those set forth in this Section.~~
3. ~~Any person who relies on the Temporary Permit granted by this Section to drill, operate, or engage in other activities associated with a water well assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.~~
4. ~~A functioning water meter must be installed within 30 days of the issuance of the Temporary Permit pursuant to Rule 3-2.~~
5. ~~The permittee shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn, and the purpose of the withdrawal. Such records shall be submitted to the District office on a monthly basis, unless some other reporting period is specified in the permit, even if there is zero pumpage or transport for the time period, and shall also be available for inspection at the permittee's principal place of business by District representatives. Immediate written notice shall be given to the District in the event a withdrawal of water exceeds the quantity authorized by the permit or Rules.~~
6. ~~Production shall not exceed the permitted volume authorized in the Temporary Production Permit.~~
7. ~~The produced water shall be dedicated to beneficial use at all times.~~
8. ~~Temporary Production permittees are not required to comply with provisions of Rule 3-7 related to temporary drought curtailments.~~
9. ~~The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.~~
10. ~~The well site shall be accessible to District representatives for inspection during normal business hours and during emergencies. The permittee agrees to cooperate fully in any reasonable inspection of the well site related to monitoring or sampling by District representatives. The well owner shall provide a 24-hour emergency contact to the District.~~

11. The application pursuant to which a permit has been issued is incorporated therein, and the permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of a permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall prevail.

12. Violation of the permit's terms, conditions, and requirements, including pumping amounts in excess of authorized withdrawal, shall be punishable by civil penalties as provided by the Act and these Rules.

5. Temporary Production Permit Fees and Payment of Fees—The Temporary Permit holder shall timely pay to the District all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the Temporary Permit and District Rule 3-4.16 related to Fees and Payment of Fees.

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3-4.55.3 TEMPORARY WELL DRILLING AUTHORIZATIONS.

1. Temporary Drilling Authorization Application—A person that meets the eligibility criteria in provision 3-4.55.1(A)(3) is required to submit a separate Temporary Well Drilling Authorization application and associated fee for each proposed new well or well modification. In addition to the application requirements of provision 3-4.55.2(3) and (4), applications for Temporary Well Drilling Authorization must contain the following information in sufficient detail to be acceptable to the District:

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1. A proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, calculated grout volumes, surface completion specifications, and any other pertinent well construction information.

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2. A well development plan that describes the process for handling cuttings and fluids during the well development.

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3. The location of each proposed well and the estimated rate at which water will be withdrawn from each well.

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4. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5.

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5. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.

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2. ~~Temporary Drilling Authorization Conditions and Requirements.—A Temporary Well Drilling Authorization shall only authorize a person to construct, drill, or modify a nonexempt well within the District in compliance with approved District Rules, specifically Rule 3-4 related to drilling authorization term, drilling records, drilling and completion of wells, and installation of well pumps and equipment; and Rule 5 related to well construction standards.—This authorization is not a permit to produce groundwater from the well; a Production Permit is also required for that purpose.~~

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3-1.55.4 CONVERSION OF TEMPORARY PRODUCTION PERMITS TO REGULAR PRODUCTION PERMITS.

1. ~~Regular Production Permit Applications.—Review of applications to convert Temporary Permits to Regular Production Permits shall begin with the submittal of the two-part application for both authorizations pursuant to Rule 3-1.55-1(G) related to processing timeframes.—Regular Production Permits will be processed in a manner consistent with the applicable provisions for Production Permits, specifically Rule 3-1.4 related to administrative completeness of applications, notice, hearings, Hydrogeological Reports, and other related provisions.~~

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2. ~~Action on Regular Production Permits.—Before issuing a Regular Production Permit, the District shall consider whether:~~

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1. ~~The application conforms with the requirements of this Section;~~
2. ~~The application is administratively complete and is accompanied by the appropriate fees;~~
3. ~~The applicant has complied with terms of the Temporary Permit:~~
 - a. ~~The applicant's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;~~
 - b. ~~The applicant timely paid to the District all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to temporary permit in the same manner as other permit holders in the District;~~
 - c. ~~The applicant complies with other Rules and Orders of the District applicable to permit holders; and~~
4. ~~The production volume set forth in the Temporary Production Permit will cause:~~

- a. A failure to achieve the applicable adopted DFC for the aquifer; or
- b. An unreasonable impact on existing wells. For purposes of an analysis of unreasonable impacts under this Subsection, the District shall consider items 1-5 in the definition of unreasonable impacts.

Applicants with an administratively complete application shall be issued a Regular Production Permit for the amount of groundwater production set forth in the Temporary Production Permit unless the District finds that authorizing that amount will cause one of the effects pursuant to 4 (a) or (b) above. The District may issue an Order approving a Regular Production Permit for a reduced amount if the District finds that authorizing the groundwater production in the amount set forth in the Temporary Production Permit will cause one of these effects:

- 3. Time for Action on Regular Production Permits. After the application is administratively complete, the District shall promptly consider and act on each administratively complete application pursuant to the applicable provisions of Rules 3-1.4 and 3-1.6, and Bylaw 4-9 related to notice, hearing and time for action on permits.

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Applications that remain administratively incomplete within the allotted time period will expire. Upon expiration, the District will provide notification, by certified mail, to the applicant of the expired application. Administratively incomplete applications will be referred to the Board for final action following notice and hearing. If the Board declares the application incomplete and therefore expired, the Temporary Production Permit shall expire.

- 4. Regular Production Permit Conditions and Requirements. 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. Specifically, Regular Production Permits shall be subject to the provisions of Rule 3-1.11 related to Permit Terms and Conditions and 3-7 related to Drought.

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4-9.13. RULES GOVERNING PROTESTS AND REQUESTS FOR CONTESTED CASE HEARINGS.

- A. Notice of Protest. In the event any person should desire to protest or oppose any pending application or other matter identified in Rule 4-9.1(A) above, the person wishing to protest must file by United States mail, facsimile, e-mail, or hand delivery to the General Manager, Board, or hearing officer, a written notice of protest or opposition, providing the basis for such protest and opposition as described in Paragraph (B) below, and request a contested case hearing on or before the date on which the public response period expires pursuant to District Rule 3-1.4(B).
- B. Protest Requirements. Protests and request for contested case hearings shall be submitted in writing with a duplicate copy to the opposing party or parties and shall comply in substance with the following requirements:
1. Each protest shall show the name and address of the protestant.
 2. The protestant shall identify any injury that will result from the proposed action or matter to be considered by the Board.
 3. If the protest is based upon claim of interference with some present right of protestant, it shall include a statement of the basis of protestant's claim of right.
 4. Protestant shall call attention to any amendment of the application or adjustment which, if made would result in withdrawal of the protest.
 5. Protestant shall demonstrate a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest not common to members of the public that is within the District's regulatory authority and affected by a permit or permit amendment application.
 6. If a contested case hearing is desired, the party desiring the hearing must include a statement, "I/we request a contested case hearing."
 7. If a party requesting a contested case hearing desires for the hearing to be referred to and conducted by the SOAH, then the hearing request must include a statement "I/we request that the SOAH conduct the contested case hearing." A party requesting a hearing before SOAH shall pay all costs associated with the contract for a SOAH hearing in accordance with District Bylaw 4-9.16.
- C. The District shall limit participation in a hearing on a contested application to the General Manager, applicant, and only persons who 1) have timely requested a

hearing in Paragraph (A) above, and 2) who must have a personal justiciable interest as defined by Paragraph (B)(5) above.

~~D. — A holder of a Temporary Permit desiring to contest the preliminary decision of the General Manager on an application to convert the Temporary Permit into a Regular Production Permit, must file with the General Manager a written request for a contested case hearing, and if desired, for the hearing to be conducted by SOAH, on or before the date on which the public response period expires pursuant to District Rule 3-1-4(B).~~

D5. Following an uncontested hearing, an applicant may, not later than the 20th day after the date the Board issues an Order granting the application, demand in writing a contested case hearing if the Order:

1. includes special conditions that were not a part of the application as finally submitted; or,
2. grants a maximum amount of groundwater production that is less than the amount requested in the application; ~~or~~
3. ~~reduces the amount of groundwater from a permitted well for a holder of a Temporary or Regular Permit pursuant to Section 4(g) of H.B. 3405.~~

4-10.34.

PETITION FOR ADOPTION OR MODIFICATION OF RULES.

- A. A person with a real property interest in groundwater located within the District may petition the District to request the adoption or modification of a rule.
- B. Petitions shall be submitted in writing to the General Manager, and shall comply with the following requirements:
 - 1. each rule requested must be submitted by separate petition;
 - 2. each petition must be signed and state the name and address of the petitioner(s) and identify with a brief written description and drawing the petitioner's real property interest in groundwater within the District;
 - 3. each petition shall include:
 - a. a brief explanation of the proposed rule;
 - b. the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any;
 - c. a statement of the statutory or other authority under which the proposed rule is to be promulgated; and
 - d. an allegation of injury or inequity that could result from the failure to adopt the proposed rule.
- C. The General Manager may reject a petition for failure to comply with the requirements of subsection (B) of this section.
- D. Not later the 90th day after the date the District receives the petition that complies with this section, the Board shall either deny the petition and provide an explanation for the denial in the minutes of the Board meeting or in a letter, or engage in rulemaking consistent with the granted petition as provided by Section 36.101 of the Water Code.
- E. There is no private cause of action for a decision to accept or deny a petition.

Item 7

Board Discussions and Possible Action

- a. Discussion and possible action related to EEOC No. 451-2024-00138 charge of discrimination by Brian Smith against the District.**

Item 7

Board Discussions and Possible Actions

b. Discussion and possible action related to approval of the receipt and approval of the FY 2023 Annual Financial Audit report provided by the District's financial auditor.

Item 7

Board Discussions and Possible Actions

c. Discussion and possible action related to approval of the proposed revisions to the District Rules.

Item 7

Board Discussions and Possible Actions

- d. Discussion and possible action related to the approval of the FY 2023 Annual Report including Appendix B.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

DRAFT

**ANNUAL REPORT
FISCAL YEAR 2023**

(To be Board-approved on December 14, 2023)

BOARD OF DIRECTORS (August 31, 2023)

Blayne Stansberry, President	Precinct 2	November 2014 - November 2026
Dan Pickens, Vice President	Precinct 1	November 2020 - November 2024
Christy Williams, Secretary	Precinct 4	November 2020 - November 2024
Lily Lucas, Director	Precinct 3	November 2021 - November 2024
Vanessa Puig-Williams, Director	Precinct 5	November 2022 - November 2026

DISTRICT STAFF

August 31, 2023

General Management Team

Timothy Loftus, Ph.D.

General Manager

Administration Team

Dana Wilson

Senior Administrative Manager/Team Leader

Tammy Raymond

Senior Administrative Coordinator

Aquifer Science Team

Jeff Watson, P.G.

Hydrogeologist

Justin Camp

Senior Hydrogeologist Technician

Communications and Outreach Team

Shay Hlavaty

Communications and Outreach Manager

Regulatory Compliance Team

Erin Swanson

Regulatory Compliance Manager/Team Leader

Jacob Newton

Regulatory Compliance Specialist

Kendall Bell-Enders

Senior Policy and Project Manager

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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 2023, covering the period from September 1, 2022 to August 31, 2023.

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 2023; 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 70th 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 84th Texas Legislature House Bill (HB) 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 Territories. 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.

There was a vacant position on the Board due to a resignation from the director in Precinct 3. Lily Lucas was appointed by the Board to fill that vacancy in December 2021.

Three director precincts (precincts 2, 3, and 5) were up for a possible election during FY 2022 for the November 8, 2022 election (FY 2023). Two directors were unopposed, and the third resigned and a new director took his place with no opposition. Since there was no opposition for any of the three directors, the election was cancelled.

In accordance with District Bylaws, the Board elects its officers for one-year terms in December of each year. At the time of this report, this has not yet taken place. The elected officers in December 2022 were Blayne Stansberry, President; Dan Pickens, Vice President; and Christy Williams, 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.

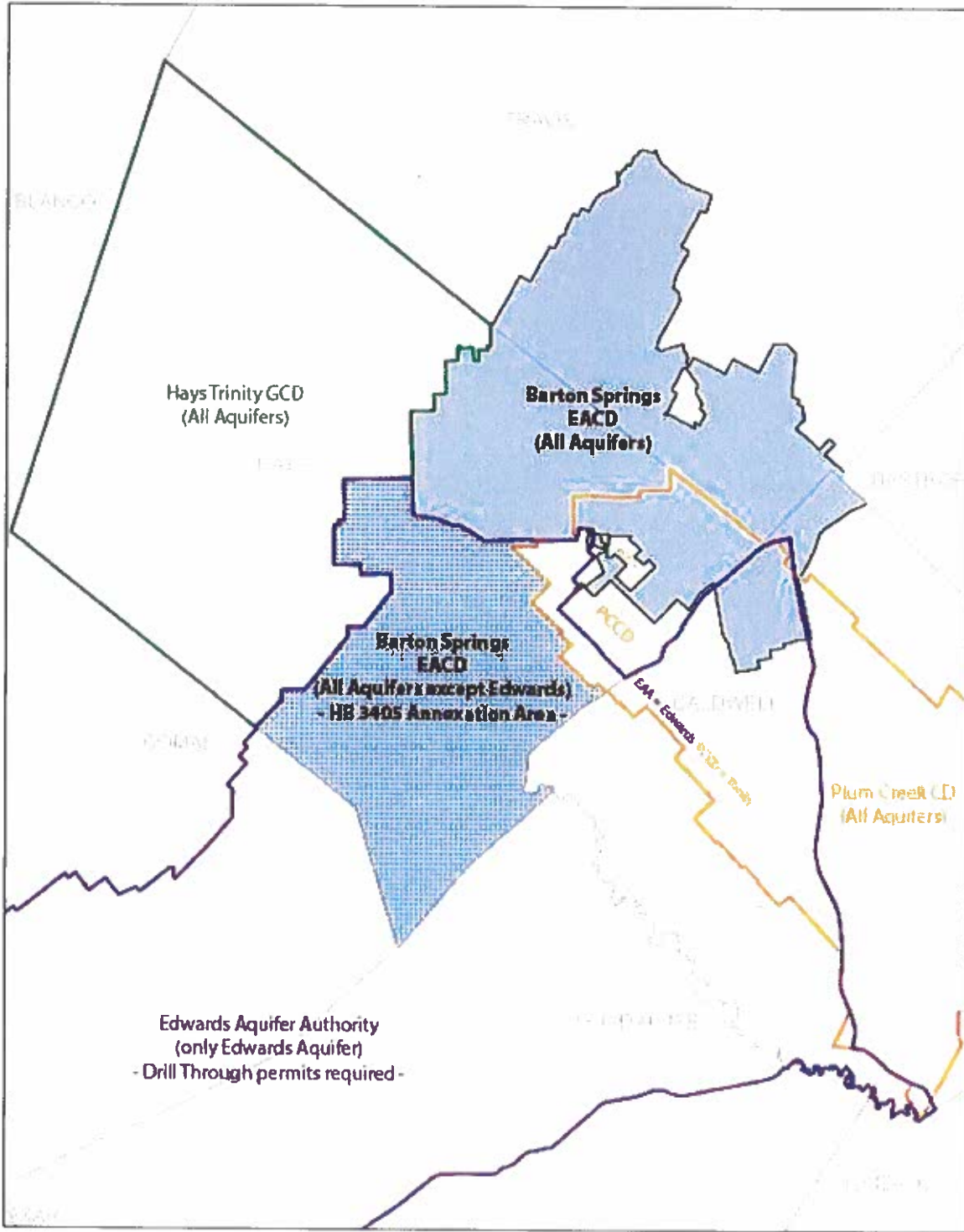


Figure 1 - The District's territory including the expanded Shared Territory and the adjacent Groundwater Conservation Districts and their respective jurisdiction over aquifers.

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 of the District Management Plan (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 2023

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 2023, 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 2022 District MP.

2.1 General Management Team

FY 2023 began with Dr. Timothy T. Loftus as the District's GM. The GM also serves as the District's Chief Operating Officer and is responsible for the day-to-day business of the District. In addition to managing a staff of eight-to-nine people, the GM is an *ex-officio* member of all the other teams. The key areas of functional responsibilities for the GM include ensuring staff performance 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 2023, some highlights for the office of the GM:

- **Cybersecurity Policy** – HB 3834 passed amending the Government Code to require the establishment of state verified cybersecurity training programs. The District established internal policy guidance on the requirements for Board and staff cybersecurity training. Each year the District must verify and report the employee completion of the training, and periodically audit to ensure compliance. The Administration Team keeps certification records and receipt of submission to the Texas Department of Information Resources (DIR). In the summer of 2023, Board and staff completed the training. The training certificates are maintained by the Administration Team.
- **Legislative Session** – During FY 2023, the Texas Legislature met for the 88th Legislative Session. The GM, staff, and Board strategized with SledgeLaw Group throughout the regular session (and subsequent special sessions as necessary) and together were successful in getting Senate Bill (SB) 1745 – the District's fee equalization bill – through both chambers and over to the Governor's office for last-step action. The new law became effective on September 1, 2023. During the Regular Session, the GM was at the Capital a total of three times including twice on behalf of SB 1745: once before the Senate Committee on Water, Agriculture, and Rural Affairs, and once before the House Natural Resource Committee; and once again before the House Natural Resources Committee to testify on behalf of a different bill introduced by State Representative Erin Zwiener.

- **Regional and Joint Planning** –The GM became involved in the Joint-Planning process during the summer of 2022 and attended one meeting in August. In FY 23, the GM volunteered to serve the joint-planning process as Groundwater Management Area (GMA) 10 Coordinator and is supported by staff in that role. The Plum Creek Conservation District agreed to serve as the Administrative Coordinator for GMA 10.
- **Trinity Sustainable Yield Study and Planning** - In FY 2023, the District’s in-house modeling effort concluded its first phase. Phase 1 of the effort included a thorough peer-review process. The Board was presented with model results and both an executive summary and detailed technical report were released in July 2023. Discussions followed for “what’s next” in the context of Trinity Sustainable Yield and other related analyses that the GM and staff have deemed necessary. These discussions concluded, among other things, that a complementary well-impact analysis should be conducted as soon as it’s practical to do so. It was agreed that an outside consultant would be needed to do the work and plans were underway to achieve that aim as FY 2023 came to an end.
- **New Hires** – As mentioned elsewhere in this report, a new Communications and Outreach Manager, Ms. Shay Hlavaty, was hired in June following a four-month vacancy in that office. A new Regulatory Compliance Specialist, Mr. Jacob Newton, was hired in July to support the District’s Regulatory Compliance Manager, Ms. Erin Swanson.
- **Litigation** – The District was not involved in any litigation matters during FY 2023.

2.1.1 Board and Staff Training, and Open Meetings Act:

There were no Open Meetings Act violations in FY 2023.

A summary of training for Board and staff included: Cybersecurity Training, Texas Alliance of Groundwater Districts (TAGD) Business Meeting – June 6, 2023, TAGD Annual Summit/Conference – August 2023, and Region K Meetings . The GM also arranged for Leadership Training, given by the Austin Alliance Group, in early FY 2024.

2.2 Administration Team

Ms. Dana Wilson, Senior Administrative Manager, and Administrative Team Leader, and Ms. Tammy Raymond, Senior Administrative Coordinator, are the 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 2023, some highlights for the Administration Team included:

- Board and staff 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 Review Board (PRB), as required by law.

- Maintained District financial records to receive a clean financial audit in December 2023 (Appendix A).
- Developed and monitored the District annual budgets. In FY 2023, there were two versions. The initial budget was brought before the Board in a public hearing held on July 14, 2022 where it was approved. The Board approved a budget revision on September 14, 2023.
- 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.
- Continued monthly District transparency efforts, specifically in the area of finance (on the District's website Transparency tab), since achieving a Financial Transparency Star Award from the Texas Comptroller's office in FY 2017.

2.3 Aquifer Science Team

The Aquifer Science Team is involved in various internally- and externally-funded groundwater research and assessment programs. The team consists of Jeff Watson, P.G., Staff Hydrogeologist and Justin Camp, Hydrogeologic Technician; 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 and groundwater resources in the District, and to advise the Board on policy-related decisions.

In FY 2023, 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:

- Jeff Watson attended the American Groundwater Trust Conference, June 6 - 7, 2023 in North Austin.
- Jeff Watson attended the TAGD Groundwater Summit, August 29 - August 31, 2023.
- Jeff Watson attended several virtual training sessions with GSI on groundwater modeling; Jeff Watson also attended a PYTHON for Groundwater Modeling virtual course.
- Justin Camp attended the TAGD Boot Camp, June 6, 2023.
- Jeff Watson attended a stakeholder advisory forum for development of the new Texas Water Development Board (TWDB) Southern Trinity Groundwater Model, July 13, 2023.

Presented technical information and studies to the public and students:

- Jeff Watson presented model construction details to the BSEACD in-house model Technical Advisory Team for peer review on October 13, 2022.
- Justin Camp gave a presentation to the Hays County Master Naturalists at Jacob's Well Spring Natural Area on the Hydrogeology of the Trinity Aquifer and Associated Springs, March 4, 2023.
- Justin Camp and Director Dan Pickens gave a presentation to St. Stephen's community church group on regional aquifer science and drought conditions, March 15, 2023.
- Justin Camp demonstrated the functionality of the Rolling Oaks Westbay Multiport well and presented the gathered data to Director Dan Pickens, March 15, 2023.
- Jeff Watson gave a technical presentation at the Texas Groundwater Association Geoscience Seminar, March 31, 2023.
- Jeff Watson gave a presentation on the District's Trinity Aquifer Sustainability Model (TAS) groundwater model at a Hays Trinity Groundwater Conservation District board meeting, April 6, 2023.
- Justin Camp gave a presentation to TAGD Boot Camp on Advanced Acoustic Technology, June 6, 2023.
- Aquifer Science staff co-led a field trip with City of Austin staff to discuss the Borheim/Stoneledge Quarry Recharge Enhancement Project with interested Hays County residents, August 8, 2023.

In FY 2023, other highlights for the Aquifer Science Team included:

- Completed the first phase of the District's TAS and published a comprehensive report outlining model construction details. The model will be used to guide Trinity Sustainable Yield policymaking efforts.
- Began work on a study of impacts from the 2022/2023 drought on the Trinity Aquifer in Hays County. Results of the study are planned for publication by end of calendar year 2023.
- Maintained a monitor well network of about 50 wells with instruments that collect hourly data. The District's HOBO weather station at the District office also collects hourly data and reports to an online dashboard accessible on the District website.
- Routinely measured water levels in the seven multiport monitor wells that are completed in the Edwards and Trinity Aquifers.
- Determined and documented drought status, including keeping the District's monthly E-news up to date. Cooperated with staff from CoA and United States Geological Survey (USGS) to evaluate and improve the accuracy of Barton Springs flow measurements at very low springflow conditions due to ongoing 2023 drought.
- Worked cooperatively with the City of Buda for test design and data collection during their aquifer storage and recovery (ASR) pilot project testing.
- Mentored a graduate student from University of Texas at San Antonio on a semester-long project evaluating the Trinity Aquifer hydrogeology in Hays County.
- Maintained the Antioch Cave Recharge Enhancement Project as required by the District's MP and Habitat Conservation Plan (HCP) permit. Staff entered and surveyed the cave on November 9, 2022 to evaluate conditions and quantify sediment accumulation in the cave passage.
- 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 territory. In June 2023, staff sampled six springs and well sites for hydrocarbon contaminants as a screening test for BTEX and TPH.
- Collected and analyzed data from two new dedicated monitoring wells in the vicinity of Jacob's Well to better understand the spring system and implications of impacts to springflow to downstream Edwards Aquifer recharge.
- Collected water-quality data (major ions and isotopes) from about 24 sample locations in FY 2023 in cooperation with the TWDB.
- Held the annual meeting between CoA and District staff to discuss the status of their respective HCP projects (December 12, 2022).
- District staff hosted the annual HCP Management Advisory Committee (MAC) meeting to discuss the accomplishments of the District's HCP projects (February 1, 2023).
- Collected water-quality data (major ions) from the CoA Nature and Science Center well during below average flow conditions at Barton Springs for the HCP Interlocal Agreement (ILA) (October 4, 2022).

Published Papers and District Documents:

- Watson, J.A. and B.A. Smith, 2023, The BSEACD Trinity Aquifer Sustainability Model: A Tool for Evaluating Sustainable Yield of the Trinity Aquifer in Hays County, Texas, BSEACD Report of Investigations 2023-0717, July 2023. 100p.
- Watson, J.A., 2023, Technical Memorandum: Evaluation of Potential for Unreasonable Impacts From Jarica Investments, LLC Application for Individual Production Permit, August 23, 2023, 4p.
- Smith, B.A., Watson, J.A., and J. Camp, 2022, Preliminary Report on the Installation of Two Multilevel Monitor Wells Near Jacob's Well: BSEACD Technical Memo 2022-0831, 80 p.

2.4 Communications and Outreach Team

Mr. David Marino oversaw the Communications and Outreach Department from September 2022 - February, 2023. Ms. Shay Hlavaty filled the position in June and continues to run the department.

This department focuses on engaging, informing, and educating well owners, permittees, and stakeholders along with the general public about the important roles, responsibilities, and work of the District.

In FY 2023, highlights for the Communications and Outreach Team included:

- **Social Media** - The Communications and Outreach Team continued to build engagement and expand reach across the District's social media channels in FY 2023. The District's audience grew across all social media platforms. Through these outlets, the Communications and Outreach Team educated the community on groundwater and aquifer basics, shared drought-related news, and informed audiences about the ongoing work of the District. You can view each of the outlets here: [Facebook](#), [Instagram](#), [Twitter](#), [LinkedIn](#)
- **Newsletters** - From September – February of FY 2023, the Aquifer Zone Newsletter was released on a quarterly basis. Starting in July with the new manager, the newsletter was shifted from being quarterly to every other month. The new newsletters were also shortened, rebranded, and included more links to resources, District Spotlights, and Drought Updates to increase website visits.
- **Drought Updates** - These updates provided 10-day averages for Barton Springs and Lovelady, summarized weather conditions for the District, shared groundwater levels and spring flow, and reported monthly rainfall. These emails were updated and redesigned to increase engagement and open rates.
- **Permittee Communications** - The District provided brochures, signage, and resources for permittees as the District transitioned from Stage II to Stage III drought. Additionally, as the District neared Stage IV in summer of 2023, the Communications and Outreach Team collaborated with individual permittees to create personalized resources for their customers.
- **District staff participated in and led an educational segment of the Groundwater to the Gulf (G2G) program in August, 2023 and taught approximately 50 educators from across the state while collaborating with dozens of groundwater-related organizations.**
- **Several staff members participated in Save Our Springs' 2023 Barton Springs University, and educated hundreds of students and community members through an aquifer presentation and hands-on activity about water conductivity.**
- **Media Coverage** - On October 20, 2022, the Board declared [Stage III Critical Drought](#). Communications and Outreach Team wrote and shared a press release across the District's communications channels and media contacts. Additionally, on July 21, 2023, the Communications and Outreach Team sent out a press release and shared a [spotlight](#) on the District website sharing that Barton Springs was nearing the District's Stage IV Exceptional Drought threshold. Resulting news articles and segments are listed in Appendix B of this Annual Report.

2.5 Regulatory Compliance Team

The Regulatory Compliance Team consists of a Regulatory Compliance Manager, a Regulatory Compliance Specialist, and a Senior Regulatory Policy Manager 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. Erin Swanson serves as the Regulatory Compliance Manager; Kendall Bell-Enders, Senior Regulatory Policy Manager; and Jacob Newton, 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 2023, some highlights of the Regulatory Compliance Team included:

- Development Activities Over Recharge & Contributing Zones - The District continues to monitor for proposed Texas Pollutant Discharge Elimination System (TPDES) permits and Texas Land Application Permits (TLAP) in the contributing and recharge zones of the Barton Springs segment of the Edwards Aquifer. In 2023, staff did not provide comments on any TPDES or TLAP permits. However, in early September, staff did receive a Notice of Receipt of Application and Intent (NORI) for Hays Commons Development, Inc. for a TLAP over recharge zone.
- Desired Future Condition (DFC) Planning - Staff actively collaborated in DFC planning discussions with neighboring GCDs, GMA 10 representatives, and TWDB staff. The GM served as GMA 10 chair for the majority of FY 2023. In that role, along with staff help, he guided the discussions and planning activities for GMA 10 with the primary focus on the third round of DFC planning. GMA 10 hired a consultant, Collier Consulting, to coordinate the next round of DFC planning.
- Trinity Sustainable Yield – In 2023, staff continued to research and compile technical and policy concepts related to sustainable yield and unreasonable impacts. Staff met internally and with consultants multiple times in FY 2023 to discuss ways to evaluate and document potential impacts to well owners and the environment using clear quantifiable methods and identify the criteria used to determine when a condition leads to unreasonable impacts.
- Habitat Conservation Plan – On December 12, 2022, staff held the annual HCP ILA meeting with the CoA. The District and the CoA agreed to collaborate and coordinate on routine and planned communication and activities including flow/aquifer level measurements and monitoring, and regional issues.
- Management Plan - Per statutory requirements, staff and programmatic teams actively worked towards implementing the goals and objectives of the MP. In October 2022, the Board adopted the updated MP, and in December 2022, the TWDB approved the plan that was in effect during FY 2023.
- Database Development and Upgrade – In November of 2022, staff entered into a contract with LRE to develop a database. LRE and staff worked extensively and collaboratively throughout FY 2023, and the majority of the modules including wells, permits, and a map were completed by the end of FY 2023. Phase 1 of the project is expected to be completed by December 2023.
- External Communication and Coordination - Work groups and projects involving staff participation included:
 - Edwards Aquifer recharge and contributing zone development activity coordination
 - Regular meetings of the Regional Water Quality Protection Plan workgroup
 - Texas Department of Licensing and Regulation (TDLR) - Well Construction Standards
 - TAGD – Legislative Subcommittees

- Texas Water Conservation Association (TWCA) – Groundwater Subcommittee
- GMA 10
- BRATWURST Technical Committee
- 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 that permitted wells and well systems are operated as intended. Staff also maintains an open dialogue with permittees when compliance matters arise, and facilitates solutions through pre-enforcement discussions.
- Inspections and Investigations - During FY 2023, staff conducted a number of inspections relating to the processing of permit applications. Staff completed a total of 8 inspections related to special investigations, site permittee inspections, and well permit applications. Staff collected 30 water quality samples during routine permit inspections or from new well construction inspections. There were seven formal enforcement actions initiated in FY 2023. Three of these actions were for non-compliance of meeting monthly drought target volumes, and the other four were for overpumpage of annual permitted volumes.

Barton Springs Pool Plume Event - An event occurred between December 18 - 20, 2018, where three separate, discrete, and visible discharges of turbidity from Barton Springs into Barton Springs Pool were observed. CoA staff worked with District 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 ¼ of mile (4,000 ft) SSW from Barton Springs. Once the source was identified, the CoA and the District worked together to develop additional drilling protocols within proximity to Barton Springs to minimize future turbidity plumes related to drilling activities.

In FY 2023, staff continued coordination with CoA staff to ensure drilling protocols developed in FY 2019 for the Risk Management Zone were followed to minimize future turbidity plumes related to drilling activities.

A summary of the inspections, investigations, and site visits conducted in FY 2023 is provided below.

Inspections/ Investigations/ Visits	FY 2021	FY 2022	FY 2023
Exempt Well Inspections	0	0	2
Limited Production Permit Inspections	5	3	4
Individual Production Permit Inspections	3	2	0
Test Well Inspections	0	0	0
Plugging Inspections	2	1	1
Special Investigation Inspections	5	1	1
Other Permittee Meetings/Visits *	0	6	20
<i>*Multiple meetings were held with some permittees.</i>			
TOTAL	15	13	28

- 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, and a fee was assessed, in accordance with the Rules.

The annual meter reading requirement for all Limited Production Permits (LPPs) were due in September 2023. Email correspondence and notifications were provided to the nonexempt domestic users in an effort to ensure compliance; however, approximately 50% did not timely submit a meter reading.

- User Drought Contingency Plans, and User Conservation Plans (UDCPs and UCPs) - In FY 2019, staff worked with interns to update 136 permit records in order to incorporate updated drought planning documents into their records. According to the District MP, all permittees must update their UDCP and UCP plans at least every five years. Therefore, since all UDCPs were updated in FY 2019, staff did not update them in FY 2023.
- 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 typically conducts an overpumpage analysis every few years and conducted the analysis in FY 2019, therefore staff did not conduct an overpumpage analysis in FY 2023.
- The District has been actively encouraging alternative source projects to reduce the dependency on the aquifers during drought. Staff has collaborated with water suppliers on ASR projects in providing regulatory and technical guidance. The City of Buda submitted their ASR application in July of 2023 and has continued to work with Ruby Ranch on their ASR system.
- 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 June 9, 2022 and remained in Stage II drought through the end of FY 2022. 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 during FY 2023. A monthly drought compliance report for all individual permittees was provided to the Board in August 2023 during District-declared drought, and that report can be found on the drought management website pages.
- 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 2023, 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 processed two registration forms in FY 2023.

- 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 2023 is provided in the table below.

New Wells Drilled	FY 21	FY 22	FY 23
New Exempt Wells	7	5	6
Limited Production Permits (Nonexempt Domestic Wells)	11	8	10
Individual Wells	2	1	0
Test Wells	0	0	0
Replacement Wells	0	0	0
TOTAL	20	14	16

A summary of the processed permit applications in FY 2023 is provided in the table below.

Processed Permit Applications	FY21	FY22	FY23
Minor Amendment	4	5	1
Major Amendments	0	0	0
New Exempt Well	9	11	8
Limited Production Permit (Nonexempt Domestic Wells)	15	10	19
Individual Production Permit	1	4	1
Individual Well Drilling Authorizations or Well Modification	1	0	0
Test Well	0	0	0
Well Plugging	5	9	5
Replacement Well	0	0	1
TOTAL	35	39	35

A summary of the individual production permits processed in FY 2023 is provided in the table below.

	Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
1	600,000	Caldwell and Kidd, LLC	Class A Conditional	Commercial	Edwards

2.5.1 Permit Summary:

A summary of the active individual production permits to date in FY 2023 is provided in the table below.

Active Individual Permits	FY 21	FY 22	FY 23
Conditional A Edwards	22	26	27
Conditional B Edwards	3	3	3
Conditional C Edwards	5	5	5
Conditional D Edwards	2	2	2
Historical Edwards	73	73	73
Historical Trinity	34	34	35
Historical Chalk or Alluvial	2	2	2
Transport Permits	2	2	2
Total	143	147	149

A summary of the active general permits to date in FY 2023 is provided in the table below.

Active General Permits	FY 21	FY 22	FY 23
Limited Production Permits (LPP)	175	183	194
Test Permits	0	0	0
Monitoring Permits	0	0	0
Total	175	183	194

2.5.2 Production Summary and Exempt Estimates:

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 (MZ) is provided below.

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

FY 2023 Permitted Pumpage by Management Zone			
Edwards MZs	Gallons	cfs	acre-feet
Historical (Individual)	2,322,152,096	9.84	7,126
Historical (LPP)	2,500,000	0.011	8
Total Historical	2,324,652,096	9.85	7,134
Conditional (Individual)	371,960,008	1.58	1,142
Conditional (LPP)	62,500,000	0.26	192
Total Conditional	434,460,008	1.84	1,333
Total Edwards	2,759,112,104	11.70	8,467

Trinity MZs	Gallons	cfs	acre-feet
Historical (Individual)	620,196,117	2.63	1,903
Historical (LPP)	32,000,000	0.14	98
Total Trinity	652,196,117	2.77	2,001

Other Aquifers MZs	Gallons	cfs	acre-feet
Historical (Individual)	2,500,000 gal	0.011	8
Historical (LPP)	0	0	0
Total Other Aquifers	2,500,000	0.01	8
Total Permitted	3,413,808,221	14,47	10,477

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

FY 2023 Production from Individual Permittees		
Production Zone	Actual Production	Permitted Individual Production
Edwards	1,514,648,117	2,694,112,104
Trinity	256,857,779	620,196,117
Austin Chalk or Alluvial	37,720	2,500,000
Total (Gallons)	1,771,543,616	3,316,808,221
	(5436.67 ac ft)	(10,178.91 ac ft)

FY 2023 Production from Limited Production Permits		
Production Zone	Actual Production*	Permitted Limited Production
Edwards	13,581,880	65,000,000
Trinity	6,686,272	32,000,000
Austin Chalk or Alluvial	0	0
Total (Gallons)	20,268,152	97,000,000
	(62.20 ac ft)	(297.68 ac ft)
<i>*Actual production is a volume estimate calculation described in the findings and conclusions of the BSEACD Staff Report 2010. Average Annual exempt well production is approximately 104,573 gpy</i>		

A summary and description of the estimated exempt well production volumes for the Edwards and Trinity Management Zones is also provided below.

testing

**Edwards Aquifer –
Estimated Exempt Wells Production**

Average Annual Volume per Exempt Well (gpy)	104,573
Total Est Volume of Exempt Well Production (gpy) *	105,932,449
<i>Est # of wells</i>	1013
<i>cfs</i>	0.45
<i>% of Permitted Edwards Production</i>	3.09%
<i>% of Actual Edwards Production</i>	6.48%
<i>Permitted Edwards Production(gpy)</i>	2,729,112,104

*2010 BSEACD Staff Report – Avg Exempt Well Use = 104,573 gpy

**Trinity Aquifer –
Estimated Exempt Wells Production**

Average Annual Volume per Exempt Well (gpy)	104,573
Total Est Volume of Exempt Well Production (gpy) *	121,095,534
<i>Est # of wells</i>	1158
<i>cfs</i>	0.51
<i>% of Permitted Trinity Production</i>	18.57%
<i>% of Actual Trinity Production</i>	31.48%
<i>Permitted Trinity Production (gpy)</i>	652,196,117

*2010 BSEACD Staff Report – Avg Exempt Well Use = 104,573 gpy

Edwards Aquifer Exempt Use Estimates

The most current estimate for Edwards exempt well production is described in a 2010 District report (Banda et al., 2010). The methodology findings are fully described and involve using GIS to count the total number of potential exempt water wells within the District, and determine how to add them to existing databases of wells. A volume of annual estimated production from exempt wells was based upon water-use profiles and metered data. The 2010 report findings conclude that the estimated production volumes for Edwards Exempt wells was 104,050,000 gal (0.44 cfs) and the estimated number of exempt wells was 995. This volume was approximately equal to 5% of the permitted volume at that time and was thought to be a proportion that could be applied going forward. However, considering that the current estimate of exempt Edwards wells is about 1013, the number, and therefore volumetric use of exempt Edwards is relatively constant, and substantiates the use of the 0.44 cfs.

Very few exempt Trinity wells existed in the District prior to the HB 3405 annexation. After annexation of a large portion of Hays County, the total number of exempt Trinity wells within the District was largely unknown due to the complexity of geology, aquifer completion, and lack of available information. In 2019, staff developed a method to help estimate the number of exempt wells completed in the Trinity Aquifer in the District that focused on the annexation area. The results of the methodology are briefly described in the District Staff Report 2019 (Gary et al., 2019). The methodology estimates the number of exempt Trinity wells using GIS, and considers existing well completions, water service areas, geology, and County Appraisal District information. Results estimated that the number of exempt wells was 1158 wells. Considering meter data and average annual household use, the estimated production volumes for Trinity Exempt wells are approximately 121,095,534 gal (0.51 cfs).

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 2023 began with a status of “Alarm Drought” due to a dry spring and summer 2022. Below-average rainfall continued through the fall and on October 17, 2022 the water level at the Lovelady monitor well dropped below its Critical Drought status threshold and the Board declared Stage III Critical Drought on October 20, 2022; the last time the District was in Stage III Critical Drought was October 2013. Only the months of February, August and November provided rainfall above average in calendar year 2022.

Calendar year 2023 began with a combined 7.6 inches of rain from January to April (1.5 inches below historical average), which provided enough recharge to keep spring flow and water levels hovering just above the Stage III thresholds. As drought conditions persisted, in part due to ongoing La Niña conditions (declared by NOAA on October 14, 2021), only April brought above-average rainfall.

A combined 12.8 inches of spring rain fell from March through June 2023, only 0.7 inches below historical average and more than twice as much as the same period in 2022 (6.7 inches). On March 9, 2023, NOAA declared that La Niña conditions had ended and later in June declared that El Niño conditions had developed. May and June, which are historically the wettest months of the year in Central Texas, were closer to their historical monthly averages (-0.9 & -0.4 respectively) than the 2022 deficit.

Despite the arrival of El Niño and some increased rainfall in the spring, water levels and spring flows continued downwards while Jacob’s Well flow began reporting 0.0 flow in July – the sixth time since the summer of 2000. With a combined 1.4 inches of rain from July to September (5.8 inches below historical average) and 78 days in 100-plus degree heat, Austin recorded its driest summer since 1910 and the State of Texas experienced its second hottest summer on record behind 2011. With little-to-no recharge, aquifer levels and spring flow continued to decline.

October, typically the second wettest month (average rainfall is 3.9 inches), delivered an average of 6 inches, providing some recharge and keeping Lovelady water levels and Barton Springs flow hovering just above Stage IV Exceptional Drought stage. As of mid-November, water levels at the Lovelady monitor well are reporting 457.2 ft-msl, only 0.1 ft above the Stage IV threshold.

To summarize, the Austin/Hill Country area has received an average 24 inches of rainfall so far in 2023 (through November 17, 2023), 8 inches below the annual average, an improvement from the 14-inch deficit in 2022 and 36 inches in 2021. Forecasted above-average rainfall with El Niño conditions indicate that calendar year 2023 will end closer to, but still behind, our annual average and could be in for a wet winter and spring 2024. Conservation remains critical to be resilient through this significant period of Central Texas drought.

3.2 Grant Programs

During FY 2023, the GM and Aquifer Science staff applied for a grant from the CoA’s Barton Springs Salamander Conservation Fund. Preliminary approval was granted, but approval from City Council will ultimately be needed given the funding request of \$84,000. The matter is expected to be on City Council’s agenda in December 2023 (FY 2024). These funds will be used as part of a public-private partnership with Magellan Partners to install two new monitoring wells in city parks. As part of a letter agreement dating back to 2013, Magellan Partners will pay for the installation costs of two new monitoring wells. The conservation grant award will enable the District to convert one of the two wells into a more sophisticated Westbay multiport well. The multiport well will be installed in Zilker Park while the other standard

monitoring well will be installed in Garrison Park. Both wells will be installed in FY 2024 following over a year's worth of project proposal development, planning, and coordination with the CoA's Parks and Recreation Department, Watershed Protection Department, Law Department, City Manager's office, and Magellan Partners. To supplement an existing ILA with the CoA, a new Memorandum of Understanding was created to address project details and add to the ongoing partnership between the CoA and the District.

3.3 Professional Services

The District expended \$209,707 for professional services in FY 2023.

This amount included legal fees of \$81,313 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 main billing categories: General Matters and Personnel.

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

Additional professional services for FY 2023 also reported in the above amount include the District's third-party retirement plan administrator, The Standard, for \$32,874.

The District retained Montemayor Britton Bender PC early in 2016 to perform its annual financial audits. The fee for these professional services is \$14,250 for FY 2023, 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 88th 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 2023.

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 Truist, which are FDIC-insured. Monies are moved electronically between these Truist 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, included 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 Management Plan. 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 2022. 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 staff to assist the Board's evaluation of the progress made in FY 2023 toward the goals, objectives, and performance standards identified in the prevailing District MP.

On December 14, 2023, 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 unanimously approved the progress toward each and all objectives in FY 2023 as being satisfactory. The basis for that decision-making is included in this Annual Report as Appendix B.

This assessment for FY 2023 measured the progress towards the goals and objectives of the current MP, which was approved by the TWDB on November 21, 2022.

APPENDIX A

Independent Annual Financial Audit Report

(To be Board-approved in December 2023)

APPENDIX B

Assessment of Progress toward Management Plan Goals and Objectives

(To be Board-approved in December 2023)

FY 2023

DRAFT

Appendix B

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

To be Board-approved in December 2023

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

- A. 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 2023, the District updated its MP that was approved by the Texas Water Development Board (TWDB) on December 19, 2022. Updates reflected new data developed by both the District and the TWDB.

In order to achieve the goals, management objectives, and performance standards adopted in the MP, on December 14, 2023, the District's Board of Directors (Board) evaluated progress made, and approved the District's FY 2023 Annual Report and Appendix B (Assessment of Progress toward Management Plan Goals and Objectives). Appendix A (the annual financial audit) was also presented at the December 14, 2022 Board Meeting.

- 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 Annual Report.

During FY 2023, there were no new rules or rule amendments adopted by the Board.

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 (MZ) and permit type will be provided in the Annual Report.

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

FY 2023 Production from Individual Permittees		
Production Zone	Actual Production	Permitted Individual Production
Edwards	1,514,648,117	2,694,112,104
Trinity	256,857,779	620,196,117
Austin Chalk or Alluvial	37,720	2,500,000
Total (Gallons)	1,771,543,616	3,316,808,221
	(5436.67 ac ft)	(10,178.91 ac ft)

FY 2023 Production from Limited Production Permits		
Production Zone	Actual Production*	Permitted Limited Production
Edwards	13,581,880	65,000,000
Trinity	6,686,272	32,000,000
Austin Chalk or Alluvial	0	0
Total (Gallons)	20,268,152	97,000,000
	(62.20 ac ft)	(297.68 ac ft)
<i>*Actual production is a volume estimate calculation described in the findings and conclusions of the BSEACD Staff Report 2010. Average Annual exempt well production is approximately 104,573 gpy</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, Communications and Outreach, and Regulatory Compliance teams.

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 MZ and permit type that will be provided in the annual report.

A summary table of the [estimated exempt well production volumes](#) for the Edwards and Trinity MZs is provided below.

Edwards Aquifer –

Trinity Aquifer –

Estimated Exempt Wells Production

Estimated Exempt Wells Production

Average Annual Volume per Exempt Well (gpy)	104,573
Total Est Volume of Exempt Well Production (gpy) *	105,932,449
<i>Est # of wells</i>	1013
<i>cfs</i>	0.45
<i>% of Permitted Edwards Production</i>	3.09%
<i>% of Actual Edwards Production</i>	6.48%
<i>Permitted Edwards Production(gpy)</i>	2,729,112,104

Average Annual Volume per Exempt Well (gpy)	104,573
Total Est Volume of Exempt Well Production (gpy) *	121,095,534
<i>Est # of wells</i>	1158
<i>cfs</i>	0.51
<i>% of Permitted Trinity Production</i>	18.57%
<i>% of Actual Trinity Production</i>	31.48%
<i>Permitted Trinity Production (gpy)</i>	652,196,117

*2010 BSEACD Staff Report – Avg Exempt Well Use=104,573 gpy

*2010 BSEACD Staff Report – Avg Exempt Well Use=104,573 gpy

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.

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

Website

The District website’s homepage prominently displays the drought trigger chart with up-to-date data for both Lovelady and Barton Springs. Additionally, there is a small banner above the website navigation bar showing the current drought status in red. One of the slides on the homepage banner also states the District remains in Stage III drought and is linked to the Drought Information and Resources page.

Updates were also made to the following drought pages to make information easier to understand and locate for the District’s audience:

- [Drought Information and Resources](#)
- [Drought Status](#)
- [Drought FAQ](#)

Newsletters

Communications and Outreach continued to share newsletters with subscribers. These newsletters included drought updates with 10-day averages for Barton Springs and Lovelady, weather and rain conditions for the District, and weather outlooks and predictions. From September-February, updates were included in quarterly newsletters and monthly emails. During the absence of a Communications and Outreach Manager, newsletters were not emailed to subscribers.

Starting in June with the new Communications and Outreach Manager, newsletters were sent once again on a bi-monthly basis instead of quarterly. Newsletters were also posted as a slide on the District home page and shared across social media. These emails were redesigned to help increase engagement and open rates. FY 2023 newsletters can be viewed on the website; see below.

- [Fall 2022](#) - Newsletter
- [Winter 2023](#) – Newsletter
- [August 2023](#) - Newsletter

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 Board expects to receive and approve the FY 2023 Annual Financial Audit report provided by the District's financial auditor at its Board Meeting on December 14, 2023. It will be included in the Annual Report as Appendix A.

Timely develop and approve fiscal-year budgets and amendments.

In FY 2023, there were two budget versions. The initial budget was brought before the Board in a properly-noticed public hearing held on July 14, 2022 where it was approved. The Board approved Budget Revision 1 on September 14, 2023.

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 Public Information Act (PIA), any training provided to staff or directors, or any claims of violation of the PIA will be provided in the Annual Report under the General Management Team Highlights.

The Administration Team 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 (PIA).

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.

The Administration Team developed, posted, and distributed all materials and backup documentation for all 11 District Regular Meetings and one Special Called Meeting held in FY 2023. There were also five Public Hearings. All meeting minutes were approved by the Board at a subsequent 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. Election 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).

Three director precincts (precincts 2, 3, and 5) were up for a possible election during FY 2022 for the November 8, 2022 election (FY 2023). Two directors were unopposed, and the third resigned and a new director took his place with no opposition. Since there was no opposition for any of the three directors, the election was cancelled.

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 2023 is provided in the table below.

Processed Permit Applications	FY21	FY22	FY23
Minor Amendment	4	5	1
Major Amendments	0	0	0
New Exempt Well	9	11	8
Limited Production Permit (Nonexempt Domestic Wells)	15	10	19
Individual Production Permit	1	4	1
Individual Well Drilling Authorizations or Well Modification	1	0	0
Test Well	0	0	0
Well Plugging	5	9	5
Replacement Well	0	0	1
TOTAL	35	39	35

A summary of the individual production permits processed in FY 2023 is provided in the table below.

Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
600,000	Caldwell and Kidd, LLC	Class A Conditional	Commercial	Edwards

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 2023, staff conducted a number of inspections relating to the processing of permit applications. Staff completed a total of 8 inspections related to special investigations, site permittee inspections, and well permit applications. Staff collected 30 water quality samples during routine permit inspections or from new well construction inspections. There were seven formal enforcement actions initiated in FY 2023. Three of these actions were for non-compliance of meeting monthly drought target volumes and the other four were for overpumpage of annual permitted volumes.

Inspections/ Investigations/ Visits	FY 2021	FY 2022	FY 2023
Exempt Well Inspections	0	0	2
Limited Production Permit Inspections	5	3	4
Individual Production Permit Inspections	3	2	0
Test Well Inspections	0	0	0
Plugging Inspections	2	1	1
Special Investigation Inspections	5	1	1
Other Permittee Meetings/Visits *	0	6	20
<i>*Multiple meetings were held with some permittees.</i>			
TOTAL	15	13	28

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

A summary of the actual versus permitted production volumes for each MZ is provided above in the Objective 1-2 Performance Standard update.

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

- A. 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.

During FY 2023, the Texas State Legislature did meet, but there were no new laws passed that directly relate to this goal.

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

Development Activities Over Recharge and Contributing Zones:

No new development activities moved forward with one exception. A drilling permit application was approved for a new RV park that is situated on the Edwards Aquifer Recharge Zone.

The District continues to monitor as many proposed/new developments as possible and Texas Pollutant Discharge Elimination System (TPDES) permits in the contributing and recharge zones of the Barton Springs segment of the Edwards Aquifer. Furthermore, the District continues to track legislation regarding wastewater discharges in the Edwards Aquifer Contributing Zone.

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 2023 is provided in the table below.

Processed Permit Applications	FY21	FY22	FY23
Minor Amendment	4	5	1
Major Amendments	0	0	0
New Exempt Well	9	11	8
Limited Production Permit (Nonexempt Domestic Wells)	15	10	19
Individual Production Permit	1	4	1
Individual Well Drilling Authorizations or Well Modification	1	0	0
Test Well	0	0	0
Well Plugging	5	9	5
Replacement Well	0	0	1
TOTAL	35	39	35

A summary of the individual production permits processed in FY 2023 is provided in the table below.

Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
600,000	Caldwell and Kidd, LLC	Class A Conditional	Commercial	Edwards

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).

Staff worked cooperatively with the Ruby Ranch Water Supply Corporation (RRWSC) and their consultants to monitor water quality, water levels and water chemistry sampling and meter accounting of injection and extraction phases of their aquifer storage and recovery (ASR) operation (the 4th in Texas). The District also worked cooperatively with the TCEQ Underground Injection Control (UIC) Permits Section to assist in permit provisions. RRWSC is currently authorized to inject 15,000,000 and recover 12,300,000 gallons over a one-year period. In FY 2020, RRWSC was given a Conditional D permit for Edwards groundwater to inject into the Trinity Aquifer. In FY 2021, RRWSC began their first Conditional D permitted ASR recovery in September 2020 and from June-August 2021, with a total of 3,117,700 gallons recovered from Trinity formations. Water-quality data collected by RRWSC was shared with the District and evaluated by Aquifer Science staff.

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).

Staff met with City of Buda staff and their consultant as they prepared a permit application for an ASR system. Staff participated in collecting cuttings and core samples from the ASR test well that Buda installed. In FY 2021, the District received an ASR Pilot Test Plan which was reviewed and found satisfactory by staff to prove the feasibility of the project.

Staff worked cooperatively with the City of Buda to collect data during ASR pilot testing initiated in late 2022. Aquifer Science staff will continue to work with Buda during pilot testing to ensure adequate data is collected during the tests, including monitoring of water levels with the District's Antioch Westbay well to observe potential impacts during pumping from the Buda Trinity ASR well. The Buda ASR project is much larger scale than the RRWSC ASR project. Once pilot testing has been finished, subsequent evaluation of the Buda ASR testing data, along with data from the previous RRWSC ASR testing, will give the District a better understanding of the viability of the Middle Trinity Aquifer as an ASR target reservoir and help guide policymaking decisions for future proposed ASR projects.

In FY 2023, Regulatory Compliance and Aquifer Science Teams had discussions with consultants of Bill Walters (Hays Commons, also referred to as the Gragg Tract) on additional testing of the Lower Trinity Aquifer and potential plans for a Lower Trinity permit application with the District. Water levels in the four Gragg Tract Lower Trinity wells, none currently pumping, are being monitored by the District. The Aqua Texas-Bliss Spillar Lower Trinity well was also added to the District's monitoring well network in FY 2023.

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.

- 2022 Barton Springs University - Several staff members participated in Save Our Springs' 2023 Barton Springs University. Staff members led a hands-on activity educating participants about conductivity of water and presented to students about the Edwards Aquifer and the field of hydrogeology. It's estimated that 300 students attended Barton Springs University with dozens learning directly from District staff. This was shared across District social media and in the monthly newsletter.
- Hill Country Alliance (HCA) –HCA staff reached out to the District asking the team to share their new document: Tools for Managing Groundwater in the Texas Hill Country. HCA and District staff met in June 2023 and discussed the work of HCA and future opportunities for the organizations to collaborate. They discussed the idea of hosting an event with other GCDs to promote this document and help community members better understand how GCDs operate.
- Groundwater to the Gulf - District staff participated in and led an educational segment of the Groundwater to the Gulf program in August, 2023. Communications and Outreach staff attended most of the educational events to learn, network, and take photos and videos for District social media. Aquifer Science staff taught and estimated 50 participating educators about spring flow and its significance for understanding groundwater levels and then showed them how to measure flow with students using oranges. This was posted across all District social media outlets and in the District's newsletter.
- 2023 Groundwater Summit – Communications and Outreach staff attended TAGD's 2023 Groundwater Summit in San Antonio to grow staff knowledge of groundwater management throughout Texas and to network with professionals in the field. Staff took photos and shared about the District's participation across social media outlets.

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 2023, staff attended meetings of the Lower Colorado Regional Water Planning Group and reported on any key updates at the Board Meetings. The GM and the alternate served as the Groundwater Management Area (GMA) 10 representatives through August 31, 2023 and continue to serve as liasions. Meetings attended are:

October 22, 2022

January 11, 2023

April 26, 2023

July 12, 2023

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 approximately 50 monitor wells quarterly, in addition to numerous other wells throughout the year, including seven multiport monitor wells. Data is collected and organized into individual spreadsheets and databases. Staff also regularly samples wells and springs for detailed geochemical analyses as a cooperator for the TWDB (20 sites in FY 2023). All data has been compiled in the TWDB database that is publicly available.

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.

Staff provided key technical support in the development of a conceptual model for the aquifers of the Blanco River watershed. That report (<https://bseacd.org/uploads/Martin-et-al.-2019-BRAAT.pdf>) was published at the end of FY 2019. Since then, staff have continued to work with the modeling team to provide technical guidance during ongoing model development and construction phase of the project.

Staff attended a virtual meeting for kickoff of the TWDB Southern Trinity Groundwater Availability Model, which will include the District confined Trinity Aquifer within its model domain. Aquifer Science staff will continue to participate in technical stakeholder meetings and coordinate with TWDB modeling staff to ensure the best available science is being incorporated into the new TWDB model.

Aquifer Science staff began development of the Trinity Aquifer Sustainability Model (TAS) in FY 2020. The TAS (formerly referred to as the “In-house Model”) domain covers parts of Travis, Hays, Blanco, and Comal counties. A steady-state version of the model was completed in late 2020. In FY 2021-2022, staff have worked to transition the model from steady-state to transient state. Transient models are substantially more complex than steady-state and allow for simulation of the aquifer system under changing conditions such as prolonged drought and/or increases in localized or regional pumping. In FY 2023, the first phase of TAS modeling was completed, and a comprehensive report was published on the District website detailing model parameters and summarizing preliminary modeling results. This report can be found at the following link:

<https://bseacd.org/2023/07/trinity-aquifer-sustainability-model/>

A second phase of TAS modeling is planned to begin in FY 2024 in which the model will be further improved and refined, and additional predictive model scenarios will be produced to guide the Trinity Sustainable Yield policymaking and stakeholder engagement process. Once completed, the TAS will provide a valuable tool which will allow policy makers and stakeholders to evaluate the potential impacts of management decisions on the Trinity Aquifer. In addition, development of the TAS has been a valuable training exercise for Aquifer Science staff, who are now better equipped to evaluate and interact with other groundwater models which are currently under development (such as the Blanco River Aquifer Assessment Tool and the new TWDB Southern Trinity Groundwater Availability Model).

No significant changes in water-quality data were observed during FY 2023. Aquifer conditions began with a status of Alarm Drought in September 2022 due to a previously very dry spring and summer. Below average rainfall continued through the fall and on October 17, the water level at the Lovelady monitor well dropped below its Critical Drought status threshold and the Board declared Stage III Critical Drought on October 20, 2022. As of November 2023, the District remains in Critical Drought status.

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.

The Aquifer Science staff continues to collect data in the southwestern portion of the District where the Trinity Aquifer is under the influence of significant non-exempt and exempt pumping. Continued monitoring of these and other locations will be critical for evaluating the Trinity Aquifer's response to pumping and drought within the District, and to what extent large pumping centers have the potential to cause unreasonable impacts. In FY 2022, staff completed drilling two new dedicated monitoring wells in the vicinity of Jacob's Well Spring. One well is a dual-completion well and one well is a multiport well. Water level and geochemical sampling data was collected from these new wells in FY 2023 which will be used to refine the District's conceptual model of groundwater flow and spring flow in the Trinity Aquifer. These data provide a valuable dataset for calibration of numerical models currently under construction.

- As indicated above, development of numerical models is underway to assist in the evaluations of potential unreasonable impacts from pumping from the large capacity wellfields and from other pumping and drought scenarios.
- Aquifer Science staff continued data collection and analysis on the Trinity Aquifer to further expand the conceptual understanding of the Trinity groundwater system within. These data will be crucial for informing the District's ongoing efforts to develop a sustainable yield policy framework for managing the Trinity Aquifer.

Objective 4-3. Implement separate MZs 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 collected groundwater data from selected wells and performs field assessments such as logging wells and collecting water quality samples.

- The Aquifer Science Team collected 24 samples from sample sites including wells and springs from the Edwards and Trinity Aquifers for major ions and isotopes.
- The Regulatory Compliance Team collected 6 water quality samples during routine permit inspections or from new well construction inspections.

A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each MZ 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 2023 is provided in the table below.

Processed Permit Applications	FY21	FY22	FY23
Minor Amendment	4	5	1
Major Amendments	0	0	0
New Exempt Well	9	11	8
Limited Production Permit (Nonexempt Domestic Wells)	15	10	19
Individual Production Permit	1	4	1
Individual Well Drilling Authorizations or Well Modification	1	0	0
Test Well	0	0	0
Well Plugging	5	9	5
Replacement Well	0	0	1
TOTAL	35	39	35

A summary of the individual production permits processed in FY 2023 is provided in the table below.

Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
600,000	Caldwell and Kidd, LLC	Class A Conditional	Commercial	Edwards

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.

Staff attended 100% of the GMA 10 meetings that were held in FY 2023: March 1, 2023; July 17, 2023. The GMA discussions included the following topics:

- Discussion of new planning cycle and expected Request for Qualifications for the next round of modeling and report writing.
- Development and issuance of an RFQ for a consultant for the 4th round of joint planning.
- Selection of a consultant to support GMA 10 during the 4th round of joint planning.

Objective 4-5. Implement the measures of the Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP) from the United States Fish and 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 Environmental Impact Statement (EIS). On September 20, 2018, the USFWS issued a 20-year ITP. On April 11, 2019, the Board approved an Interlocal Agreement (ILA) between the District and the City of Austin (CoA) to collaborate and coordinate on routine and planned activities relative to each entity's respective HCP.

The District and the CoA meet annually to discuss their efforts, independent and joint, related to the HCP. The first annual meeting to discuss their respective HCP-related activities was held on December 10, 2019. The second annual meeting was held via Zoom during the pandemic on December 16, 2020. The third meeting was held on December 6, 2021. A fourth meeting was held on December 12, 2022.

On February 1, 2023, a meeting was held with the District HCP Management Advisory Committee (MAC) to discuss the District's HCP-related activities for FY 2022. On February 24, 2023, the fourth HCP Annual Report was submitted to the USFWS.

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 CoA contracts with the USGS to maintain the data for Barton Springs.

During ongoing Critical Stage III drought in FY2023 staff coordinated with CoA and USGS to collect verification measurements for Barton Springs flow at very low flow conditions and better understand potential causes of inaccuracies being reported by the USGS real-time gage data at these low flow values. Staff also met with CoA, USGS, and USFWS personnel on October 2, 2023 to discuss options for improving Barton Springs flow data accuracy.

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.

In 2018, 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 District's established Edwards Aquifer triggers are indeed representative of drought conditions, regardless of the aquifer. In FY 2023, staff continued to monitor Trinity Aquifer water-level drops in response to the ongoing drought and evaluate whether the established Edwards drought triggers are still representative of Trinity Aquifer conditions. To date, the established triggers appear to be adequate. Staff will continue to evaluate Trinity Aquifer water levels as drought conditions persist. If Trinity Aquifer behavior deviates significantly from the Edwards, a reevaluation of established drought triggers may be warranted.

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

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 began FY 2023 in Stage II Alarm drought. The District declared Stage III Critical Drought on October 14, 2022 and remained in this stage through the end of FY 2023. 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 from the beginning of FY 2023 through October 2023 with Stage III Critical enforcement measures being assessed for the remainder of FY 2023. Monthly drought compliance reports for all individual permittees were provided to the Board each month of FY 2023 during District-declared drought, and those reports can be found on the drought management website pages.

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.

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.

Media Outreach

On October 20, 2022, the Board declared Stage III Critical Drought. This was shared as a spotlight on the District website, updated on the Drought Information & Resources web page, posted on social media, and sent out as a press release to media outlets. (Resulting articles and segments are listed below.)

On July 21, 2023, the Communications and Outreach Team sent out a press release and shared a spotlight on the District website. This article stated that Barton Springs was nearing the District's Stage IV Exceptional Drought threshold and was included in the monthly newsletter and across all of the District's social media outlets. 17 reporters from 12 media outlets contacted the District about the press release for news articles and/or tv segments. (Resulting articles and segments are listed below.)

News Outlet	Resulting product	Location Online	Date Published
Austin Chronicle	Article online	www.austinchronicle.com/news/2022-09-02/public-notice-a-drop-in-the-aquifer/	9/2/2022
KVUE	Article online and live segment	www.kvue.com/article/weather/texas-drought/barton-springsedwards-aquifer-district-enters-critical-drought-stage/269-c4dc540d-ad03-441d-b8dd-460dcd63d686	10/20/2022
KXAN	Article online	www.kxan.com/news/local/austin/barton-springs-edwards-aquifer-district-hits-critical-drought-level-for-the-1st-time-since-2013/	10/20/2022
KXAN	Interview on Zoom	www.kxan.com/news/local/austin/barton-springs-flow-is-low-officials-preparing-for-next-level-of-drought/	7/26/2023
KXAN	Live segment	www.kxan.com/video/barton-springs-segment-of-edwards-aquifer-approaching-historic-low/8860213/	7/28/2023
Austin Monitor	Article on website	www.austinmonitor.com/stories/2023/07/aquifer-district-expecting-unprecedented-drought-declaration/	7/27/2023
Hays Free Press	Article in paper	www.haysfreepress.com/2023/08/02/bseacd-foresees-transition-stage-iv-drought/	8/2/2023
KSAT Austin Chronicle	Article with video included	www.ksat.com/news/local/2023/08/02/before-and-after-photos-show-dire-conditions-at-popular-swimming-hole-jacobs-well/	8/2/2023
Austin Chronicle	Briefly mentioned BSEACD	www.austinchronicle.com/news/2023-08-11/how-much-of-the-colorado-should-we-leave-up-to-elon-musks-discretion/	8/11/2023
KXAN	Interview on Zoom	NA	8/14/2023
Austin American Statesman	Article online	www.statesman.com/story/news/local/2023/08/14/jacobs-well-blue-hole-barton-springs-swimming-areas-danger-from-drought-bacteria-humans/70500072007/	8/14/2023
Inside Climate News	Article online that was shared with multiple sources	www.insideclimateneews.org/news/15082023/central-texas-dry-wells-water-shortage/	8/15/2023

Permittee Communications

As the District neared Stage IV this summer, the Communications and Outreach Team communicated and collaborated with permittees to help them educate and prepare their end-users in case of a declaration.

- August 23, 2023 - An email was sent to permittees from the GM to inform them about Barton Springs nearing the Stage IV Exceptional Drought threshold.
- August 17, 2023 - The District planned an outreach event with Creedmoor Maha WSC to educate their end-users about the District, aquifer conditions, and why/how to reduce their water consumption. When Barton Springs discharge levelled off and remained in Stage III, CMWSC asked to hold off on the event until the District entered Stage IV.
- August 22, 2023 - Slaughter Creek Acres WSC contacted the District and requested an explanation for why some permits would be permanently reclassified if the Stage IV threshold was crossed. The GM shared [this document](#) and SCAWSC said it was very helpful.
- August 30, 2023 – Texas Water Utilities requested content to share with its end users to educate them about the drought status. The Communication staff collaborated with Texas Water Utilities’ communications team to write an email to inform customers about the District and the fact it remains in Stage III drought.

Drought Updates

Communications and Outreach continued to share Drought Update emails with subscribers. These updates provided 10-day averages for Barton Springs and Lovelady, summarized weather and rain conditions for the District, shared groundwater levels and spring discharge, and weather outlooks. From September – February updates were included in quarterly newsletters and monthly emails. During the absence of a Communications and Outreach Manager, Drought Updates were not emailed to subscribers.

Starting in June with the new Communications and Outreach Manager, Drought Updates were sent once again and included in the bi-monthly newsletters, disseminated in standalone emails on the off months, posted as spotlights on the District website, and shared across social media. These emails were rebranded to help increase engagement and open rates. FY 2023 Drought Update emails and newsletters that include Drought Updates may be viewed on the District website.

- [September 2022](#) Drought Update
- [October 2022](#) Newsletter
- [November 2022](#) Drought Update
- [February 2023](#) Newsletter
- [February 2023](#) Drought Update
- [July 2023](#) Newsletter
- [August 2023](#) Drought Update

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, 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 MP Adoption.

In FY 2019, the Regulatory Compliance Team worked with interns to update 136 permit records in order to incorporate updated drought planning documents into their records. According to the District MP, all permittees must update their UDCP and UCP plans at least every five years. Therefore, since all UDCPs were updated in FY 2019, staff did not update them in FY 2023.

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 typically conducts an overpumpage analysis every few years, and conducted the analysis in FY 2019, therefore staff did not conduct an overpumpage analysis in FY 2023.

The District has been actively encouraging alternative source projects to reduce the dependency on the aquifers during drought. Staff has collaborated with water suppliers on ASR projects in providing regulatory and technical guidance. Staff has been working with the City of Buda on ASR feasibility. The Ruby Ranch ASR project was approved and has been in operation since the summer of FY 2021. Staff also assisted in assessing the feasibility of Lower Trinity Aquifer for water supply.

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 MZ and permit type including the volume reserved in the freshwater Edwards Conservation Permit for ecological flows will be provided in the Annual Report.

A summary of the actual versus permitted production volumes for each MZ is provided in Objective 1-2. The amount of historical Edwards Aquifer permitted water that has been retired since 2009 is 82,025,125 gallons per year that can be targeted for a conservation permit. Additionally, 1,200,000 gallons per year of Historical Trinity Aquifer permitted water has been retired; no Conditional A permitted water has been retired.

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 the Annual Report.

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

Each permittee is required to have an approved User Drought Contingency Plan (UDCP) that outlines conservation actions to be taken under each drought stage. Staff provided bill inserts and road signs to all permittees upon request in drought declaration to help them comply with messaging requirements set forth in the UDCP. Stage III Critical Drought signage was put out throughout permittee areas of the District.

Permittees are encouraged to share this information with their end users. Examples of bill inserts and handouts:

- Flyer - https://bseacd.org/uploads/Critical_Poster18x24-1.pdf
- Mail Inserts - https://bseacd.org/uploads/Critical_drought_bill_insert.pdf
- Drought Handout - <https://bseacd.org/uploads/All-About-Drought-1.pdf>

Staff actively promoted aquifer status through eNews, press releases, the District website, and social media platforms. Information about publicized declared drought stages and associated demand reduction targets can be found in sections about Objective 1-4 and 5-3.

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. The symposium provides water utilities with the information needed to implement successful water conservation programs, effectively engage customers, and plan for the future. This program provides conservation-oriented strategies (including conservation-oriented rate structures) for mayors, city councils, board members of Municipal Utility Districts (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 sponsored, supported, and participated in various events promoting water conservation and alternate water sources such as the Central Texas Water Conservation Symposium, Groundwater to the Gulf, and Barton Springs University.

District conservation education webpages were updated regularly with new resources. The following resources were also shared across District social media outlets throughout the year:

- [BSEACD – Water Conservation Tips](#)
- [City of Buda – Water Conservation Tips](#)
- [City of Austin Water Use Calculator](#)
- [City of Buda – Water Conservation](#)
- [Texas Water Development Board – Water Conservation Brochures](#)

See Objective 5-3 for a list of articles and press releases.

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) 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 staff in FY 2023 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.

The operational equipment and hardware at Antioch Cave to improve the operation and performance of the BMP are fully functional and in good working order. In-situ 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, ASR, 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 FY 2023, the District worked with other entities in the area, such as the City of Buda and RRWSC, to evaluate the potential for the Trinity Aquifers as reservoirs for ASR facilities. See above section: Objective 3-2 for a brief summary of staff's work with Buda WSC on their ASR pilot testing program.

https://bscaed.org/uploads/RubyRanchASR_Status-Report_FINAL.pdf

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

A summary of the actual versus permitted production volumes for each MZ is provided in Objective 1-2.

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.

The USFWS issued the District's ITP in September 2018. The District submitted its fourth annual report to USFWS on February 24, 2023.

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 Annual Report.

FY 2023 began with a Stage II Alarm status and remained that way until October 20, 2022 when the GMP declared Stage III Critical drought, effective November 1, 2022. The fiscal year ended in Stage III Critical drought status.

Discharge at Barton Springs was 66.9 cfs on September 1, 2021 and 28.1 cfs on August 31, 2022. The depth to water level (feet below land surface) at the Lovelady monitoring well began the fiscal year at 163.49 feet and ended the fiscal year at 187.73, a decline of 24.24 feet.

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

A summary of the actual versus permitted production volumes for each MZ is provided above in Objective 1-2.

- 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.

The USFWS issued the District's ITP in September 2018. The District submitted its fourth annual report to USFWS on February 24, 2023.

- 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 Annual Report.

Please see Objective 8-1 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 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. GMA 10 is without a means to monitor "average regional drawdown across the planning area. The District made progress in FY 2023 with an in-house numerical model that will help to inform drawdown (within the District) under a variety of conditions. One such scenario is pumping in response to the extant network of Trinity wells in combination with a drought-of-record. Results were delivered in early FY 2023.

As reported last year, the average daily springflow at Barton Springs over the time period of September 1, 2014 to August 31, 2021 was 77 cfs. For the fiscal year 2022 just ended and the seven years beginning September 1, 2015, the average daily springflow declined 2 cfs to 75 cfs. Precipitation during the seven years ending August 31, 2021 was greater in Hays and Travis counties than during the seven years ending August 31, 2022. Which of the two seven-year periods best reflects average recharge conditions is uncertain without considerably more data analysis.

The DFC expression is:

“Springflow at Barton Springs during average recharge conditions shall be no less than 49.7 cfs averaged over an 84-month (7-year) period; and during extreme drought conditions including those as severe as a recurrence of the 1950’s drought of record, springflow at Barton Springs shall be no less than 6.5 cfs average on a monthly basis.”

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.

For a summary of aquifer conditions, see Objective 8-1 above.

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)

	Management Plan Objectives	Performance Standards
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 annual report.
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 annual report.</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))

	Management Plan Objectives	Performance Standards
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)

	Management Plan Objectives	Performance Standards
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"> 1. available/proposed infrastructure, 2. financial factors, 3. logistical/engineering factors, and 4. potential secondary impacts (development density/intensity or recharge water quality). A summary of District activity related to this objective will be provided in the annual report.
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"> 1. available/proposed infrastructure, 2. financial factors, 3. logistical/engineering factors, and 4. potential secondary impacts (development density/intensity or recharge water quality). A summary of District activity related to this objective will be provided in the annual report.
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 annual report.
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"> 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. 	<p>A. 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>B. 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>C. 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"> A. Perform a technical evaluation of the application, aquifer test, and hydrogeological report; B. Use best available science and analytical tools to estimate amount of drawdown from pumping and influence on other water resources; and C. Recommend proposed permit conditions to the Board for avoiding unreasonable impacts if warranted. <p>A list of permit applications that are determined to have potential for unreasonable impacts will be provided in the annual report.</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"> 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>. 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>.

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 HCP.	Attend at least 75% of the GMA meetings and annually report on meetings attended, GMA decisions on DFCs, and other relevant GMA business.
4-5	Implement the measures of the District Habitat Conservation Plan (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.	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.

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

	Management Plan Objectives	Performance Standards
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 DO concentration trends at the spring outlets, as warranted.	<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.</p> <p>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	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>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	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>A. During District-declared drought, publicize declared drought stages and associated demand reduction targets in monthly eNews bulletins and continuously on the District website.</p> <p>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-production permittees in developing drought planning strategies to comply with drought rules, including:</p> <ol style="list-style-type: none"> 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. 	<p>A. Require an updated UCP/UDCP 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.	<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.
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.	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.

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>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.</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 <u>annual report</u> 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>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).</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 <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> <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 GMA 10. 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 7

Board Discussions and Possible Actions

e. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Aqua Texas Sierra West for failure to reduce pumping during District declared drought.



BSEACD STAFF INVESTIGATION REPORT

I. Basic Information

Report Date: December 14, 2023

Permittee/Respondent: Aqua Texas, Inc. – Sierra West

Permittee Contact 1: Scot Foltz or Lauren Saviour
 Phone: 512-990-4400 x56101
 Mailing Address: 1106 Clayton Lane, Suite 400W
 Austin, TX 78723

Property Address: 235 Marigold Court
 Lat: 30°3'19.31" Long: 97°59'43.69"
 Driftwood, TX 78619

BSEACD Staff: Erin Swanson, Regulatory Compliance Manager

II. Investigation Summary

The District declared Alarm Stage Drought at the June 9, 2022 Board meeting. Then on October 20th, the District’s General Manager, Tim Loftus declared Critical Stage Drought. The District’s enforcement plan¹ provides for monthly review of permittee drought target production allocation. The evaluations of Aqua Texas – Sierra began with the month of July because the month of June was the initial month of a Drought Stage, which is not reviewed under the District’s enforcement plan.

Under section 3.0 of the District’s enforcement plan, permittees are evaluated during drought according to three permitted pumpage tiers (See table 1). Aqua Texas’ Sierra West Historical Trinity permit falls under Tier 2 because it is permitted for 30,000,000 gallons per year.

Permittees are further evaluated based upon three levels (A, B and C). Each level is associated with how much a permittee over pumps its drought target allocation.

Permitted Pumpage (gallons/year)		% Pumpage over Monthly Limits	
Tier 1:	<12,000,000	Level A:	<25%
Tier 2:	≥ 12,000,000 and < 120,000,000	Level B:	≥ 25% and 100%
Tier 3:	≥ 120,000,000	Level C:	≥ 100%

Table 1: Permitted Pumpage and % pumped over drought target volumes

¹¹ Staff used the Enforcement Plan in effect at the time of violations in its review of Aqua Texas – Sierra West

Under the District’s enforcement plan, only Tier 3 permittees (the largest volume permittees) will be evaluated during the first three months of drought, excluding the initial month. After the 3rd month of drought, evaluation of Tier 2 permittees began during month 4 -6.

Aqua Texas Sierra West’s pumping was assessed during month 13, July of 2023, of District declared drought due to over pumping the drought target allocation since month 14, August of 2023 (See table 2). The evaluation of Aqua Texas – Sierra West under the process described above follows:

Year	Month	Drought Stage	Target	Pumpage	Level	% To Target	Notes
2022	July	Alarm	2,904,000	3,484,000		20%	Not assessing Tier 2 permittees.
2022	August	Alarm	2,880,000	2,370,000		-18%	Not assessing Tier 2 permittees.
2022	September	Alarm	2,400,000	1,889,000		-21%	Not assessing Tier 2 permittees.
2022	October	Alarm	1,992,000	2,026,000		2%	Assessment expansion to Tier 2 permittees begins; in compliance.
2022	November	Critical	1,470,000	1,368,000		-7%	In compliance.
2022	December	Critical	1,323,000	1,020,000		-23%	In compliance.
2023	January	Critical	1,323,000	1,192,000		-10%	In compliance.
2023	February	Critical	1,365,000	945,000		-31%	In compliance.
2023	March	Critical	1,386,000	1,077,000		-22%	In compliance.
2023	April	Critical	1,554,000	1,194,000		-23%	In compliance.
2023	May	Critical	1,680,000	1,566,000		-7%	In compliance.
2023	June	Critical	1,995,000	2,016,000		1%	In compliance.
2023	July	Critical	1,024,701	1,268,000		2%	In compliance.
2023	August	Critical	1,016,232	1,284,000	B	36%	1 st occurrence of non-compliance.
2023	September	Critical	2,100,000	2,400,000	A	14%	2 nd occurrence of non-compliance.
2023	October	Critical	1,743,000	1,891,000	A	8%	3 rd occurrence of non-compliance.
2023	November	Critical	1,470,000	1,089,000		-26%	In compliance.

Table 2: Aqua Texas Sierra West’s monthly pumpage during declared Drought Stages.

Under section 4.0 of the District's enforcement plan, staff reached out to Aqua TX representatives in attempt to coordinate a pre-enforcement meeting to discuss over pumpage of allotment and lack of implementation of its User Drought Contingency Plan. This meeting was held on 11/30/2023 after several communications with Aqua Texas staff beginning on 9/20/2023.

Below describes the dates and discussions District Staff had with Aqua Texas regarding meeting drought target allocations.

On 06/09/2022, the Board of Directors declared Stage II Alarm drought.

On 08/05/2022, per the District's enforcement plan, section 3.0, staff was to consider the month of July as the initial drought stage month to begin assessing compliance. This allows time for the permittees to start implementing UDCP measures to start reducing its monthly pumpage at/or below the target curtailed drought allotments.

On 09/05/2023, District staff reviewed Aqua Texas Sierra West's pumping for the month of August and observed that the permittee had over pumped the target drought volume by 36% for that month. Per the District's enforcement plan section 3.0, the permittee was eligible to be reviewed for potential enforcement and was issued its first occurrence of non-compliance.

On 9/20/2023, District staff sent an email to Aqua Texas, Inc. to arrange a pre-enforcement meeting to discuss the causes of the non-compliance. The email was sent to Scot Foltz (Mr. Foltz) Environmental Compliance Manager, Brent Reeh (Mr. Reeh) CTX Area Manager, and Environmental Compliance Specialist Lauren Savior (Ms. Savior), via email 04/24/2023 (Attachment A). Lauren Savior responded the same day to inform District staff that they were looking into the situation and would be in touch soon.

10/02/2023, Lauren Savior of Aqua Texas, Inc. provided District staff with some additional details of their investigation into the Sierra West system's overpumpage along with copies of outreach materials used in their conservation campaign efforts within the neighborhood.

On 10/05/2023, District staff reviewed Aqua Texas Sierra West's pumping for the month of September and observed that the permittee had over pumped the target drought volume by 14% for that month. Per the District's enforcement plan section 3.0, the permittee was eligible to be reviewed for potential enforcement and was issued its second occurrence of non-compliance.

On 11/05/2023, District staff reviewed Aqua Texas Sierra West's pumping for the month of October and observed that the permittee had over pumped the target drought volume by 8% for that month. Per the District's enforcement plan section 3.0, the permittee was eligible to be reviewed for potential enforcement and was issued its third occurrence of non-compliance.

On 11/20/2023, District staff followed up a second time with Aqua Texas in regards to overpumpage of the Sierra West system and to set up a more formal pre-enforcement discussion. This meeting was scheduled for 11/30/2023.

On 11/30/2023, District staff Erin Swanson and Jacob Newton met via Zoom with Lauren Savior,

Environmental Compliance Specialist and Brent Reeh, CTX Area Manager, of Aqua Texas sent a second email to Aqua Texas, Inc. to attempt to arrange a pre-enforcement meeting to discuss details about the system and its end-users. Ms. Savior also expressed interest in doing a collaborative campaign with District staff targeted towards Sierra West end-users in hopes of promoting additional conservation efforts.

On 12/05/2023, District staff reviewed Aqua Texas Sierra West's pumping for the month of November and observed that the permittee had under pumped the target drought volume by -26% for that month. Aqua Texas' Sierra West system is on compliance for the month of November.

On 12/06/ 2023, District Staff, Shay Hlavaty and Aqua Texas' Lauren Savior agreed to meet on January 8th, 2024 to discuss potential collaboration efforts in addition to outreach materials already provided by Ms. Hlavaty.

III. Alleged Violations:

The District has recorded violations of the following District rules:

- §3-1.11 (A)(11)** Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal or transporting amounts outside of the District in excess of the amount authorized for transport, shall be punishable by civil penalties as provided by the Act and these Rules.
- §3-7.6 (A)(1)** All permittees not granted a variance from the Drought Rules shall achieve individual monthly (prorated for partial months) target pumpage volumes for each drought stage by reducing established monthly baseline pumpage by the respective percentage reductions associated with each drought stage.

IV. Chronology of Events:

- 06/09/22: The Board of Directors declared Stage II Alarm drought
- 07/05/22: Meter Readings were considered initial month.
- 10/20/22: General Manager, Dr. Tim Loftus, declares Stage III Critical drought.
- 9/05/23: Aqua Texas Sierra West over pumped the drought target amount by 36% for the month of August.
- 10/05/22: Aqua Texas Sierra West over pumped the drought target amount by 14% for the month of September.
- 11/05/22: Aqua Texas Sierra West over pumped the drought target amount by 8% for the month of October.

V. Documentation

- Attachment A – 09/20/2023 & 10/02/2023 1st notification and response emails
- Attachment B – 09/14/2023 Board Meeting minutes
- Attachment C – 11/20/2023 & 11/29/2023 pre-enforcement meeting scheduling efforts

**ATTACHMENT A: 9/20/2023 and 10/2/2023 1st
Notification of Overpumpage and Response E-Mails**

From: [Erin Swanson](#)
To: [Savior, Lauren](#)
Subject: RE: [EXTERNAL] Aqua Texas - Sierra West
Date: Wednesday, September 20, 2023 3:50:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Hi Lauren,

Sounds good. I will wait to hear back from you then.

Have a good evening.

Thanks,



Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



From: Savior, Lauren <LSavior@aquaamerica.com>
Sent: Wednesday, September 20, 2023 3:36 PM
To: Erin Swanson <eswanson@bseacd.org>
Subject: RE: [EXTERNAL] Aqua Texas - Sierra West

Hi Erin,

Just wanted to let you know we have received your email. We're working through some internal discussion right now to narrow down the issue. Hope to have some answers for you soon. At that time, I'll reach out to schedule a call.

Thank you,



Lauren A. Savior

Environmental Compliance Specialist

Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56136



From: Erin Swanson <eswanson@bseacd.org>

Sent: Wednesday, September 20, 2023 9:52 AM

To: Savior, Lauren <LSavior@aquaaamerica.com>; Foltz, Scot W <SWFoltz@aquaaamerica.com>

Cc: Reeh, Brent C <BCReeh@aquaaamerica.com>; Jacob Newton <jnewton@bseacd.org>

Subject: [EXTERNAL] Aqua Texas - Sierra West

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Lauren,

First, thank you so much to you and Brent for attending the meeting last Thursday. I know you two had to sit through a lot before we got to Aqua's agenda item but having you two there eased some of the concerns that the Board had.

I am reaching out this morning because for the 3rd month in a row, we noted an overpumpage of the Sierra West system. I haven't said anything until now as the overpumpages for June and July were only 1% and 2% so basically you all were still right on target. August though there was a significant jump in overpumpage as it was by 36%. I have attached a drought analysis report that you can reference for more details. Anyway, as you know, per our enforcement plan we are supposed to begin pre-enforcement measures once a system begins overpumping.

Would you have time for a quick phone call just to touch base on this one and maybe provide me a few details on if you suspect what the issue might be. I would very much appreciate it.

Take Care,

Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108

1124 Regal Row Austin, TX 78748

From: [Savior, Lauren](#)
To: [Erin Swanson](#); [Foltz, Scot W](#)
Cc: [Reeh, Brent C](#); [Jacob Newton](#)
Subject: RE: [EXTERNAL] Aqua Texas - Sierra West
Date: Monday, October 2, 2023 10:14:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[BSEACD Drought Reminder Cover Letter FINAL LAS 10022023.pdf](#)

Good morning,

After some internal discussion and research, we were able to rule out any operational issues within the system. A customer usage analysis showed that we had a significant increase in consumption July through August. This is the main reason you are seeing that jump on the drought analysis chart. A consumption analysis will be done at the end of our next billing cycle, and enforcement measures will be taken where applicable. We will also look at adjusting our internal excessive use limit for this system to be more restrictive based on what trends are observed.

Please see the attached notice that we have sent out to customers regarding the current water restrictions and excessive use limit. We have also circulated a second round of social media posts in Central Texas which recently went out at the end of September. I have attached those graphics for your review as well. Going forward our plan is to push out conservation reminders and educational material more frequently, which will help customers stay aware of the current drought conditions.

Let us know if you have any questions or if you would still like to schedule a call.

Thank you,



Lauren A. Savior

Environmental Compliance Specialist

Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56136



From: Erin Swanson <eswanson@bseacd.org>

Sent: Wednesday, September 20, 2023 9:52 AM

To: Savior, Lauren <LSavior@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>

Cc: Reeh, Brent C <BCReeh@aquaamerica.com>; Jacob Newton <jnewton@bseacd.org>

Subject: [EXTERNAL] Aqua Texas - Sierra West

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Lauren,

First, thank you so much to you and Brent for attending the meeting last Thursday. I know you two had to sit through a lot before we got to Aqua's agenda item but having you two there eased some of the concerns that the Board had.

I am reaching out this morning because for the 3rd month in a row, we noted an overpumpage of the Sierra West system. I haven't said anything until now as the overpumpages for June and July were only 1% and 2% so basically you all were still right on target. August though there was a significant jump in overpumpage as it was by 36%. I have attached a drought analysis report that you can reference for more details. Anyway, as you know, per our enforcement plan we are supposed to begin pre-enforcement measures once a system begins overpumping.

Would you have time for a quick phone call just to touch base on this one and maybe provide me a few details on if you suspect what the issue might be. I would very much appreciate it.

Take Care,



Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



ATTACHMENT B: 09/14/2023 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
September 14, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, Lily Lucas, and Vanessa Puig-Williams. Christy Williams arrived at 5:25 p.m. Staff present included: Tim Loftus, Kendall Bell-Enders, Erin Swanson, Jacob Newton, Justin Camp, Jeff Watson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stanberry called the meeting to order at 5:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments of a General Nature).

There were no citizen communications on items not listed on the agenda.

3. 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.)

3a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.

3b. Approval of minutes of the Board's August 10, 2023 Regular Meeting and Two Public Hearings.

3c. Approval of amendment #3 to Brian Zavala's contract for website design.

3d. Approval of a memorandum of understanding with the City of Austin detailing the installation of monitor wells.

Director Pickens moved approval of consent agenda items 3a. through 3d. noting invoices from Bickerstaff in the amount of \$5100, USGS in the amount of \$6750 and two \$9000 invoices from LRE Water totaling \$18,000.

Director Puig-Williams seconded the motion and it passed unanimously with a vote of 4 to 0.

4. General Manager’s Report. Discussion and possible action.

Topics

- a. Review of key team activities/projects.
- b. Aquifer status update.
- c. Upcoming events of possible interest.

Dr. Loftus and staff gave updates on the topics above.

5. Discussion and possible action.

5a. Discussion and possible action related to the approval of an amendment to reconcile the FY 2023 Budget.

After discussion, Director Puig-Williams moved approval of an amendment to reconcile the FY 2023 Budget including moving \$10,000 from elections to facility repairs and \$31,000 to the database.

Director Lucas seconded the motion and it passed unanimously with a vote of 5 to 0.

5b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Mr. Newton gave an update on the permittees UDCP curtailments as follows:

Tier 3 permittees not in compliance:

Creedmoor-Maha Water Supply Corporation
Monarch Utilities

Tier 2 permittees not in compliance:

Aqua Texas, Inc. – Bliss Spillar
Aqua Texas, Inc. –Sierra West
Aqua Texas, Inc. – Bear Creek Park
Hays Consolidated I.S.D.
Cimarron Park Water Company

Tier 1 permittees

Cook-Walden/Forest Oaks
Tindol Restaurant Group

He explained the procedure going forward for each permittee and reminded the Board that we have Agreed Orders with Creedmoor Maha and Aqua Texas Bliss Spiller. He said that staff would be meeting with the other permittees.

No action was needed by the Board.

5c. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceedings concerning Aqua Texas, Bear Creek Park.

Ms. Swanson explained the investigation report on Aqua Texas – Bear Creek Park including their pumpage from July 2022 through August 2023. She said that staff reached out to Aqua Texas in attempts to participate in a first occurrence pre-enforcement meeting to discuss the reasons for the over pumpage and to ensure the implantation of their UDCP. This meeting was never scheduled after the first attempt on 4/24/23 and a second attempt on 7/27/23. Ms. Swanson said that penalties can range from \$200 to \$3200 daily and are based on three severity options within the specified ranges. The low range is \$12,800, mid-range is \$19,200 and the high range is \$25,600. In consideration of these factors, District staff recommends the low range due to a leak that caused the over pumpage and that this is Bear Creek Park’s first ever violation with the District. Staff also recommends that the Board defer the assessed penalty amount of \$12,800 for the over pumpage of the Aqua Texas’s Bear Creek Park production permit’s monthly drought curtailment volumes for the months of March, April, May, June, July, and August, and enter into an Agreed Order.

Dr. Loftus reminded the Board that when we enter into an Agreed Order with a permittee there are usually a number of special provisions that they have to meet, or they will be charged the full penalty. If they continue to over pump there will be a drought penalty levied for every month that they continue to over pump.

Director Puig-Williams asked if the leak has been repaired.

Mr. Rhea from Aqua Texas answered yes that they have a leak detection company called Miles and Miles of Texas that they use to find leaks and then they are repaired.

Ms. Savior the Environmental Compliance Specialist for Aqua Texas, said that she drove around the system earlier in the week and she noticed that there may be some customer service line leaks, so she reached out to staff, and they are knocking on doors to let the homeowners know since that is their responsibility.

President Stansberry asked, “what is your process if they do not repair their leaks.”

Ms. Savior said that they can install flow restrictors on their outdoor use, but they can’t control the indoor use.

After further discussion, President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 6:08 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 6:51 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

President Stansberry stated that when staff assessed the penalty, they were looking at this permit individually, but this is not the first Aqua permit that has over pumped during drought. She said that this is the fourth system. She said that the Board agreed that the mid-range penalty should be assessed but to defer that penalty if they meet the special conditions of the Agreed Order.

Director Pickens moved to assess the penalty at the mid-range level of \$19,200 but to follow the staff's recommendation to defer the penalty if the special conditions outlined in the Agreed Order are met.

Director Williams seconded the motion and it passed unanimously with a vote of 5 to 0.

5d. Discussion and possible action on one combination nonexempt well drilling and Historical Trinity Production Permit application for the commercial use of up to 789,000 gallons of water per year filed by Jarica Investments, LLC for one well in the middle Trinity Aquifer to be located at 350 Lonesome Trail in Driftwood, TX 78619 including consideration by the Board of Directors of special conditions or delaying the effective date for an application submitted and/or considered during drought.

President Stansberry stated that this item is a continuation from the last meeting where the Board asked staff to run a model using the 788,400 gallons of water per year to see if there would be any impacts on nearby wells.

Dr. Loftus explained that at the last meeting staff recommended approval of the application based on science, facts, and our knowledge of the aquifers along with the size of the permit in question. He gave a presentation of the number of wells in the Trinity and permitted volumes based on FY 2022 information, then turned it over to Mr. Watson.

Mr. Watson said that as Dr. Loftus stated, the Board directed staff to do a technical evaluation of this permit for unreasonable impacts. He went on to say that typically on a permit this small evaluation is not necessary because it's assumed that such a small pumping volume would have relatively minor impacts on water levels. He gave an overview of the geology in the upper and middle Glen Rose of the Trinity Aquifer. He said that they used analytical models where they take formulas that estimate an amount of draw down that would be caused by a specified amount of pumping, then plugging in our known aquifer parameters into that formula and run the model for a set amount of time. That will predict what various amounts of drawdown will be at various distances from the well. Typically, we run these models on wells that have already been drilled, along with an aquifer test where you would drive your aquifer parameters from the aquifer tests data, then plug those parameters into the model and run the model to predict the impact that pumping will be on drawdown. He said that this method is commonly used across the country. He said that we do not have the parameters that would have derived from the well because it doesn't exist yet, but we do have a wealth of data from the 2018 Electro Purification aquifer test. He said that they took the permitted volume that Jarica Investments is requesting and converted it into a constant pumping rate, that comes out to about 1.5 gallons per minute and ran the model for 30 years. He said that

they actually ran two models, one as if the well was completed in the lower Glen Rose and a second if they dug the well just a little bit deeper in the Cow Creek. The results showed that in the lower Glen Rose model after 30 years of pumping there would be a little less than four feet of drawdown. The Cow Creek model is more productive which means you would have slightly less drawdown than the lower Glen Rose. Therefore, this well will not anticipate unreasonable impacts to nearby wells.

Mr. Les Carnes urged the Board not to approve the commercial well drilling application and production permit filed by Jarica Investments. Among other things, he said that the well would be in a residential neighborhood where people do not water their lawns and conserve water on a consistent basis and wells are still going dry.

Director Puig-Williams stated that she understands the concerns that the citizens have, but that the District is trying to focus on aquifer wide management of the Trinity's sustainability. She said that she trusts the staff's recommendation.

After further discussion, Director Puig-Williams stated that due to the staff's recommendation, moved to approve the well drilling and Historical Trinity Production permit application for up to 789,000 per year filed by Jarica Investments, LLC.

Director Williams seconded the motion and it passed with a vote of 4 to 1. Director Pickens voted against the motion.

5. Discussion and possible action.

5g. Discussion and possible action on a moratorium on accepting new permit applications.

President Stansberry stated that Mr. Carnes had signed up to speak on this item.

Mr. Carnes urged the Board to declare a moratorium that is long overdue on new permit applications because it is their duty as Board members to protect the aquifer.

After discussion, President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 7:47 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 8:37 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

President Stansberry stated that this item would be postponed to a future meeting so that staff can gather additional information of management zones.

5f. Discussion and possible action on the draft preliminary changes to the District's Rules and Bylaws.

President Stansberry stated that The Board has rule changes in the backup that deal with adding language on how we assess drought penalties. She said that what we have now is a drought curtailment scheme in our Edwards and Trinity Aquifers that differs. The Board would like to direct staff to look at using our more stringent Edwards drought curtailments within the Trinity areas. We want to look at the management zones of Trinity because they are not the same. The eastern side has much more water where the western side is much more vulnerable.

She then paused this item to take up item 5h.

Director Puig-Williams left the meeting at 8:41 p.m.

5h. Discussion and possible action on Petition filed by Hays Commons Land Investment LP at the Texas Commission on Environmental Quality to create the Hays Commons Municipal Utility District.

President Stansberry stated that two citizens signed up to speak on this item.

Mr. Jim Camp stated that he lives in Southwest Territory on the Hays County line and that himself and others reached out to Director Dan Pickens and the General Manager about this potential permit over a year ago. We always knew that development would come when I-45 was extended but when Milestone took over, they have plans to develop in higher density. It went to a wastewater treatment plant disburseable at 200,000 gallons a day in an area that is karst filled with caves and sinkholes. Now the City of Hays turned down their MUD proposal and they have gone to the TCEQ. We hope that the Board can help us because we believe that it could impact our wells.

Mr. Tony Valdez a Civil engineer with Travis County, and a Council Member for the City of Hays, expressed his concern that Milestone proposed a TLAP and that drinking water could be contaminated.

Dr. Loftus gave background on the Hays Commons Land Investment LP.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 8:54 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 9:07 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

President Stansberry stated that the District has never been involved with a MUD and with the uncertainty and challenges the Board would not get involved at this time.

5f. Discussion and possible action on the draft preliminary changes to the District's Rules and Bylaws.

Mr. Dugat went through the preliminary rules and the Board discussed additional changes, including Conflicts of Interest and drought enforcement penalties.

Director Pickens moved to accept the suggested changes to our rules and include them at the October 12th Public Hearing.

Director Williams seconded the motion and it passed unanimously with a vote of 4 to 0.

5e. Discussion and possible action on declaring Stage IV Exceptional Drought.

Dr. Loftus stated that we heard from Mr. Watson tonight that we have not crossed the threshold yet, but we are close. Without significant rain we may be there by next month.

6. Director 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.

President Stansberry stated that Director's reports will be given at the next meeting due to the time.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 9:18 p.m.

Approved by the Board on October 12, 2023.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary

**ATTACHMENT C: 11/20/2023 and 11/29/2023 1st
Pre-Enforcement Meeting Scheduling E-Mails**

From: [Savior, Lauren](#)
To: [Erin Swanson](#)
Cc: [Reeh, Brent C](#); [Foltz, Scot W](#)
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park
Date: Tuesday, November 21, 2023 1:09:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[Sierra West Excessive Use Violation Customer Notice with FR LAS.docx](#)

Hi Erin,

I spoke with the operations team and the tank issue at Copper Hills was resolved within 45 mins of me reporting it, which was about 30 mins time after BSEACD staff left the plant. There was an electrical issue with the controls associated to the new lower trinity well.

In regards to Sierra West, I have sent out the attached violation notice to 4 customers after I did an analysis of the last billing cycle ending Nov16th, 2023. We only had 4 customers exceed the 20,000 gallon excessive use limit, and all other users are at reasonable usage per billing cycle. Most customers in this system are conservation minded and I have seen a positive response as reminders regarding STAGE 3 drought requirements have been sent out. I do think that we can get average daily use down a bit more and we might have to consider lowering our internal excessive use limit.

I do have some additional information I want to discuss. Please let me know when you are free to meet for a zoom call, it would be much easier to talk things out I think (:

Thank you!



Lauren A. Savior
Environmental Compliance Specialist
Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56136



From: Erin Swanson <eswanson@bseacd.org>

Sent: Monday, November 20, 2023 9:19 AM

To: Savior, Lauren <LSavior@aquaamerica.com>

Cc: Reeh, Brent C <BCReeh@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>

Subject: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Lauren,

I hope all is going well. Justin mentioned he visited the Copper Hills system with you last Friday and that you all had a storage tank malfunction and that it was overflowing. I made note of this in our records, but when the issue is repaired can you please let me know so that I can pass this information along to our Board when we update them at our December meeting. I would very much appreciate it.

Also, I just wanted to give you a heads up, that the Sierra West system has now been out of compliance for several months now. There were overpumpages in June and July 2023, but being at 1% and 2%, I didn't count these months and am considering August the first real month of non-compliance with an overpumpage of the curtailed drought target volume by 36%. Anyway, the Board has asked about enforcement on this system, so the plan is to go through this process for this system at the December meeting. Just wanted to give you a heads up so that someone can be in attendance, if possible. They always appreciate when you or Brent are there to answer any questions. If anything changes, I will let you know.

Anyway, for the main reason for my email...attached please find the penalty assessments for both the Bliss Spillar-Edwards and the Bear Creek Park systems overpumpages of their October 2023 curtailed drought target volumes.

If you have any questions or concerns, please let me know.

Thanks,



Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



From: [Savior, Lauren](#)
To: [Reeh, Brent C](#); [Erin Swanson](#)
Cc: [Foltz, Scot W](#)
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park
Date: Wednesday, November 29, 2023 10:06:53 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

9 AM works perfect. I can set up the call.

From: Reeh, Brent C <BCReeh@aquaamerica.com>
Sent: Wednesday, November 29, 2023 9:55 AM
To: Erin Swanson <eswanson@bseacd.org>; Savior, Lauren <LSavior@aquaamerica.com>
Cc: Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

Erin,
I'm good with 9am tomorrow morning.

As far as the new Well, I will get with the Field office and make sure they include the requested data from now on.

Thanks,
Brent



Brent C. Reeh
CTX Area Manager
1106 Clayton Lane, Suite 400W
Austin, Texas 78723
512-990-4400 – Ext 56126 – Office
512-844-9699 – Cell

From: Erin Swanson <eswanson@bseacd.org>
Sent: Wednesday, November 29, 2023 9:27 AM
To: Savior, Lauren <LSavior@aquaamerica.com>
Cc: Reeh, Brent C <BCReeh@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lauren,

Would 9am tomorrow work for you? Mornings are usually easier for me.

As far as the Lower Trinity well goes, if it is online as you mentioned, we need that reading to be included on the meter reading reports for Bliss Spillar from now on. For the initial reading we will also need the brand name and serial number so that we can get that information into our records. I had my specialist Jacob double check October's report, and he confirmed this reading was not included.

Anyway, let me know about tomorrow.

Thank you,



Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



From: Savior, Lauren <LSavior@aquaaamerica.com>

Sent: Wednesday, November 29, 2023 9:08 AM

To: Erin Swanson <eswanson@bseacd.org>

Cc: Reeh, Brent C <BCReeh@aquaaamerica.com>; Foltz, Scot W <SWFoltz@aquaaamerica.com>

Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

Hi Erin,

Information I received on the lower trinity well was that the issue was resolved and the well is back online. The well originally went online at the end of October and was offline briefly only for a few days last week. Any additional specifics you may need, I'll defer to Brent.

My schedule is clear all day tomorrow, I'm good with any time you have available.

Thanks!



Lauren A. Savior
Environmental Compliance Specialist
Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56136



From: Erin Swanson <eswanson@bseacd.org>
Sent: Monday, November 27, 2023 8:20 AM
To: Savior, Lauren <LSavior@aquaamerica.com>
Cc: Reeh, Brent C <BCReeh@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

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Good Morning Lauren,

I hope you had a great holiday break.

I appreciate the update on the Copper Hills situation. Just one question, are you still working with TCEQ on resolving the water quality issue with the lower trinity well? I apologize if you or Brent already mentioned it, I couldn't remember if it was getting closer to being able to be brought online.

Also, I am happy to be available for a Zoom to further discuss the Sierra West situation. I should be available anytime this week except for Friday. I am out of the office that day. If you have a time or day that works for you, I am sure that I can make it work. Just let me know what works with your schedule.

Take Care,



Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



From: Savior, Lauren <L.Savior@aquaaamerica.com>
Sent: Tuesday, November 21, 2023 1:09 PM
To: Erin Swanson <eswanson@bseacd.org>
Cc: Reeh, Brent C <BCReeh@aquaaamerica.com>; Foltz, Scot W <SWFoltz@aquaaamerica.com>
Subject: RE: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

Hi Erin,

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I do have some additional information I want to discuss. Please let me know when you are free to meet for a zoom call, it would be much easier to talk things out I think (:

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Lauren A. Savior
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Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
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From: Erin Swanson <eswanson@bseacd.org>
Sent: Monday, November 20, 2023 9:19 AM

To: Savior, Lauren <LSavior@aquaaamerica.com>

Cc: Reeh, Brent C <BCReeh@aquaaamerica.com>; Foltz, Scot W <SWFoltz@aquaaamerica.com>

Subject: [EXTERNAL] October Penalty Assessment - Bliss Spillar Edwards and Bear Creek Park

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If you have any questions or concerns, please let me know.

Thanks,



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

Erin Swanson
Regulatory Compliance Manager

512-282-8441 Ext 108
1124 Regal Row Austin, TX 78748

www.bseacd.org



Item 7

Board Discussions and Possible Actions

f. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Item 7

Board Discussions and Possible Actions

g. Discussion and possible action on declaring Stage IV Exceptional Drought.

Item 7

Board Discussions and Possible Actions

h. Discussion and possible action related to the election of Board Officers.

Item 8

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 9
Adjournment