



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

Thursday, January 13, 2022

5:00 PM

VIDEO CONFERENCE AND IN-PERSON

Notice is given that a **Regular Meeting** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, January 13, 2022** commencing at **5:00 p.m.** The meeting will be conducted pursuant to Texas Government Code, Section 551.127. A member of the Board will be physically present and preside over the meeting at the **District office, located at 1124 Regal Row, Austin, Texas** as authorized under Texas Government Code Sections 551.127(c) and (e). The meeting is open to the public to attend in person at the **District Office**. Members of the Board (other than the Board member presiding over the meeting), employees of the District and members of the public may also participate from a **remote location by video conference call** as authorized under Texas Government Code Sections 551.127(a-1), (c) and (k).

This meeting will be audio/video recorded and the recording will be available on the District's website after the meeting. A copy of the agenda packet for this meeting will be available on the District's website at the time of the meeting.

Those participating via videoconference call should follow the instructions provided below. **Please note that telephone conference participation is unavailable.**

INSTRUCTIONS FOR JOINING MEETING

Join the Meeting using the Zoom link– use your computer audio/video features

<https://us02web.zoom.us/j/83815354713?pwd=VIE5MjhLTUQ2QVFhRmRmSNGhOdz09>

Meeting ID: 838 1535 4713

Passcode: 821328

Helpful Tips – For tips on how to set up Zoom on your device prior to the Board Meeting, visit the District's Board Meeting webpage: <https://bseacd.org/transparency/agendas-backup/>

INSTRUCTIONS FOR PUBLIC COMMENTS

1. Register for Public Comment prior to Board Meeting Day - Persons wishing to provide public comment either in person or virtually must register by calling (512-282-8441) or emailing tammy@bseacd.org by **5:00 p.m. on Wednesday, January 12, 2022**. Please include the following information in the registration:

- a. first and last name
 - b. email address
 - c. phone number
 - d. the agenda item on which you wish to comment
 - e. indicate whether you would like to comment the day of or have your written comments submitted read into the record, and
 - f. include written comments, if any.
2. Public Comments at the Board 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.** Only persons who have registered in advance to give public comment during the meeting will be allowed to provide comment.

DOCUMENTATION FOR AGENDA ITEMS

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.

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 Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **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 December 2, 2021 Special Called meeting and December 9, 2021 Regular Meeting. **Not for public review at this time**

4. Public Hearing.

Aqua Texas – Bliss Spillar, (2611 FM 2325 Wimberley, Texas 78676) filed a Production Permit application on June 24, 2021, with the Barton Springs/Edwards Aquifer Conservation District (District) to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well that was drilled in June 2021. The well will be used to provide water supply to the Bliss Spillar Water Supply System. The requested pumpage volume is commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with drought curtailments and provisions for a Historic Trinity Production Permit. The well is located in Hays County at Copperleaf Drive, Manchaca, TX (30°8'34.15" N 97°52'48.74"W).

5. Discussion and Possible Action.

- a. Discussion and possible action related to the application filed by Aqua Texas – Bliss Spillar for a Historic Trinity Production Permit to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well as discussed in the Public Hearing. **Pg. 26**
- b. 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 -Bliss Spillar noncompliance with its permit and District Drought Rules. **Pg. 42**
- c. Discussion and possible action on Initial Assessment regarding whether redistricting is required considering the new 2020 census data; and, if so, consider adoption of criteria to apply to development of new districting plans, and guidelines for public participation in the redistricting process. **Pg. 98**
- d. Discussion and possible action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the General Manager. **NBU**
- e. Discussion and possible action on an Agreement between the District and Wimberley Valley Watershed Association for access to drill and complete a groundwater monitor well and to conduct groundwater monitoring. **Pg. 106**

6. General Manager's Report. Discussion and possible action.

Topics

- a. Review of Status Report and update on team activities/projects. **Pg. 115**
- b. Update on development projects over the recharge zone.
- c. Aquifer status update.
- d. Upcoming events of possible interest.

7. 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.

8. Adjournment.

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 December 2, 2021 Special Called meeting and December 9, 2021 Regular Meeting.**

Financial Reports –December 2021

January 13, 2022 Board Meeting

1. Profit and Loss Budget vs Actual

September 1, 2021 through December 31, 2021

2. Profit and Loss Previous Year Comparison

September 1, 2021 through December 31, 2021

3. Balance Sheet Previous Year Comparison

As of December 2021 (compared to December 2020)

4. Check Register – TRUIST Bank Account

December 1, 2021 through December 31, 2021

1. Profit and Loss Budget vs Actual

September 1, 2021 - December 31, 2021

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
PROFIT AND LOSS - BUDGET VS ACTUAL**

September 1 - December 31, 2021

	Sept 1-Dec 31, 2021	Budget	% of Budget	Notes
INCOME				
4400.0 · Interest Income	138.78	1,000.00	13.88%	December not posted yet.
4625.0 · MISCELLANEOUS INCOME	1,040.94	0.00	100.0%	Includes TML Payroll Audit Refund.
4800.0 · USAGE AND PRODUCTION FEES	789,492.83	1,527,582.00	51.68%	
4810.0 · OTHER FEES	7,595.00	12,300.00	61.75%	Well development application and pluggings
TOTAL INCOME	798,267.55	1,540,882.00	51.81%	
EXPENSE				
6000.0 · UTILITIES	6,969.67	22,000.00	31.68%	Electric, water, well telemetry, phone, and internet.
6005.0 · Print/Copy/Photo Services	179.78	2,000.00	8.99%	
6007.0 · Postage/Freight/Shipping	300.00	2,500.00	12.0%	
6010.0 · Office Supplies	1,657.64	6,000.00	27.63%	
6010.2 · Office Furniture	0.00	1,500.00	0.0%	
6011.0 · Computer Hardware-Plotter Supplies	2,382.92	6,000.00	39.72%	
6014.0 · Software Acquisition & Upgrades	92.00	6,000.00	1.53%	
6015.0 · IT Monthly Maintenance	5,807.50	19,140.00	30.34%	
6016.0 · Meeting Expense	431.79	2,000.00	21.59%	
6019.0 · Subscriptions/Publications	1,007.37	4,200.00	23.99%	
6020.0 · Advertising	100.00	4,000.00	2.5%	
6021.0 · MISCELLANEOUS EXPENSES	-58.47	0.00	100.0%	
6022.0 · Accounting System Operation	1,183.15	6,600.00	17.93%	Includes Jourmyx Timekeeping System
6023.0 · MAINTENANCE (Office and Auto)	4,058.06	20,400.00	19.89%	
6025.4 · Facilities Repairs	0.00	5,000.00	0.0%	Septic system issue will be posted here next month.
6040.0 · LEASES (Copier and Postage Machine)	3,229.80	10,650.00	30.33%	
6065.0 · DIRECTOR EXPENSES	0.00	2,500.00	0.0%	
6066.0 · Directors Compensation	2,400.00	25,000.00	9.6%	
6075.0 · DUES & MEMBERSHIPS	2,874.00	6,100.00	47.12%	
6080.0 · COMMUNICATIONS AND OUTREACH	1,270.00	19,011.00	6.68%	

	Sept 1-Dec 31, 2021	Budget	% of Budget	Notes
6081.0 · REGULATORY COMPLIANCE	1,680.00	21,000.00	8.0%	
6084.92 · GENERAL MANAGEMENT	282.36	34,523.00	0.82%	
6089.0 · AQUIFER SCIENCE	4,756.61	34,800.00	13.67%	
6090.0 · Conservation Credits	0.00	20,184.00	0.0%	\$44,741.10 will be posted by auditor adjustment.
6100.0 · INSURANCE - DISTRICT	1,719.80	7,047.00	24.41%	Property, Liability, Auto, and E&O.
6150.0 · INSURANCE - GROUP	37,358.73	173,900.00	21.48%	Employee Health/Dental/Life/Vision
6160.0 · LEGAL SERVICES	17,475.00	85,000.00	20.56%	General Matters
6170.0 · PROFESSIONAL SERVICES	21,786.37	106,150.00	20.52%	Audit, and quarterly retirement services fees. (There are 7 items budgeted within this category, but just not used yet.)
6179.0 · LEGISLATION	3,000.00	12,000.00	25.0%	
6180.0 · PROFESSIONAL DEVELOPMENT	2,166.23	19,000.00	11.4%	
6199.0 · SALARIES AND WAGES	268,198.49	951,668.00	28.18%	
6203.0 · TAXES & BENEFITS	34,018.80	133,527.00	25.48%	
6800.0 · PROJECTS-Hays Co/HTGCD Jacobs Well	0.00	83,000.00	0.0%	Project Expenses should be commencing soon.
TOTAL EXPENSE	426,327.60	1,852,400.00	23.02%	
NET ORDINARY INCOME	371,939.95	-311,518.00		Negative effect (shortfall) to budget before accounting for the transfers to balance the budget, shown below.
OTHER INCOME				
9000.00 · Transfer from Reserves	0.00	311,868.00	0.0%	\$175,000 from Cash Flow Reserve; \$3361 scholarship
TOTAL OTHER INCOME	0.00	311,868.00	0.0%	donations; \$83,000 Jacobs Well Project; \$50,507 from General.
NET INCOME	371,939.95	350.00		Matches the budget windfall. It is the difference between the negative amount in Net Ordinary Income before the transfers in from other accounts, used to balance the budget.

2. Profit and Loss - Previous Year Comparison

September 1, 2021 - December 31, 2021

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
PROFIT AND LOSS - PREVIOUS YEAR COMPARISON
September 1 - December 31, 2021

	Sept 1 - Dec 31, 2021	Sept 1 - Dec 31, 2020	\$ Change	% Change
INCOME				
4400.0 · Interest Income (December not yet posted)	138.78	619.03	-480.25	-77.58%
4625.0 · MISCELLANEOUS INCOME (includes TML Payroll Audit refund)	1,040.94	29.44	1,011.50	3,435.8%
4800.0 · USAGE AND PRODUCTION FEES (reduction is CoA Water Use fees)	789,492.83	891,476.25	-101,983.42	-11.44%
4810.0 · OTHER FEES (Well Development pApplications, Pluggings)	7,595.00	5,437.50	2,157.50	39.68%
TOTAL INCOME	798,267.55	897,562.22	-99,294.67	-11.06%
EXPENSE				
6000.0 · UTILITIES	6,969.67	6,770.64	199.03	2.94%
6005.0 · Print/Copy/Photo Services	179.78	284.17	-104.39	-36.74%
6007.0 · Postage/Freight/Shipping	300.00	465.92	-165.92	-35.61%
6010.0 · Office Supplies	1,657.64	317.23	1,340.41	422.54%
6011.0 · Computer Hardware-Plotter Supplies	2,382.92	100.00	2,282.92	2,282.92%
6014.0 · Software Acquisition & Upgrades	92.00	1,703.64	-1,611.64	-94.6%
6015.0 · IT Monthly Maintenance	5,807.50	4,000.00	1,807.50	45.19%
6016.0 · Meeting Expense	431.79	502.67	-70.88	-14.1%
6019.0 · Subscriptions/Publications	1,007.37	0.00	1,007.37	100.0%
6020.0 · Advertising	100.00	323.00	-223.00	-69.04%
6021.0 · MISCELLANEOUS EXPENSES	-58.47	1,336.31	-1,394.78	-104.38%
6022.0 · Accounting System Operation (includes Journyx timekeeping software)	1,183.15	1,245.20	-62.05	-4.98%
6023.0 · MAINTENANCE (Office and Auto)	4,058.06	3,542.99	515.07	14.54%
6025.4 · Facilities Repairs (approx \$3000 septic issue expense to be posted next month)	0.00	920.00	-920.00	-100.0%
6040.0 · LEASES (Copier and Postage Machine)	3,229.80	3,061.37	168.43	5.5%
6065.0 · DIRECTOR EXPENSES	0.00	-411.23	411.23	100.0%
6066.0 · Directors Compensation	2,400.00	5,900.00	-3,500.00	-59.32%
6075.0 · DUES & MEMBERSHIPS	2,874.00	3,729.12	-855.12	-22.93%
6080.0 · COMMUNICATIONS AND OUTREACH	1,270.00	883.17	386.83	43.8%
6081.0 · REGULATORY COMPLIANCE	1,660.00	0.00	1,660.00	100.0%
6084.92 · GENERAL MANAGEMENT	282.36	0.00	282.36	100.0%

	Sept 1 - Dec 31, 2021	Sept 1 - Dec 31, 2020	\$ Change	% Change
6089.0 · AQUIFER SCIENCE	4,756.61	4,559.58	197.03	4.32%
6100.0 · INSURANCE - DISTRICT (Property, Liability, Auto, E&O)	1,719.80	2,133.48	-463.68	-21.24%
6150.0 · INSURANCE - GROUP (Employee Health/Dental/Life/Vision)	37,358.73	44,862.44	-7,503.71	-16.73%
6160.0 · LEGAL SERVICES (General Services)	17,475.00	31,297.00	-13,822.00	-44.16%
6170.0 · PROFESSIONAL SERVICES (2020 included the Election expense)	21,786.37	133,592.50	-111,806.13	-83.69%
6179.0 · LEGISLATION	3,000.00	6,000.00	-3,000.00	-50.0%
6180.0 · PROFESSIONAL DEVELOPMENT	2,166.23	88.78	2,077.45	2,340.0%
6199.0 · SALARIES AND WAGES	268,198.49	288,223.12	-20,024.63	-6.95%
6203.0 · TAXES & BENEFITS	34,018.80	31,350.13	2,668.67	8.51%
TOTAL EXPENSE	426,327.60	576,831.23	-150,503.63	-26.09%
NET INCOME	371,939.95	320,730.99	51,208.96	15.97%

CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES. Those sub-categories have been collapsed.

3. Balance Sheet - Previous Year Comparison

As of December 2021
(compared to December 2020)

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

As of December 31, 2021

	December 31, 2021	December 31, 2020	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
1000.0 · Cash in Bank-Checking Truist	98,169.86	82,439.67	15,730.19	19.08%
1010.0 · Cash in Bank - Payroll Truist	8,421.58	9,760.70	-1,339.12	-13.72%
1030.0 · TexPool Funds - General				
1030.1 · Aquifer Protection Reserve	52,050.00	52,050.00	0.00	0.0%
1030.2 · Deposits Held (EP SOAH deposit remainder has been refunded)	0.00	54,575.62	-54,575.62	-100.0%
1030.21 · Cash Flow Reserve (approved reduction for operational budget)	175,000.00	350,000.00	-175,000.00	-50.0%
1030.3 · Hays Co/HTGCD Jacobs Well (funds now in operational budget)	0.00	83,000.00	-83,000.00	-100.0%
1030.0 · TexPool Funds - General - Operational	916,899.39	388,068.71	528,830.68	136.27%
Total 1030.0 · TexPool Funds - General	1,143,949.39	927,694.33	216,255.06	23.31%
1040.0 · TexPool Funds - Contingency	504,813.09	504,678.84	134.25	0.03%
1045.0 · TexPool Funds - Reserve	61,065.29	61,049.04	16.25	0.03%
Total Checking/Savings	1,816,419.21	1,585,622.58	230,796.63	14.56%
Accounts Receivable				
1200.0 · Accounts Receivable	-3,859.07	21,168.56	-25,027.63	-118.23%
Total Accounts Receivable	-3,859.07	21,168.56	-25,027.63	-118.23%
Other Current Assets				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses	11,779.29	9,780.30	1,998.99	20.44%
1499.0 · Undeposited Funds-A/R payments (received but not yet deposited)	0.00	34,402.92	-34,402.92	-100.0%
Total Other Current Assets	12,079.29	44,483.22	-32,403.93	-72.85%
Total Current Assets	1,824,639.43	1,651,274.36	173,365.07	10.5%

	December 31, 2021	December 31, 2020	\$ 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	-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	2,092,223.74	1,918,858.67	173,365.07	9.04%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Other Current Liabilities				
2010.0 · Rebates Payable - Conservation Credits (to be updated)	20,183.63	20,183.63	0.00	0.0%
2100.0 · Deferred Revenue	75,741.00	75,741.00	0.00	0.0%
2110.0 · Direct Deposit Liabilities	1,035.00	1,035.00	0.00	0.0%
2200.0 · Fica & Medicare Withheld	72.33	0.00	72.33	100.0%
2220.0 · Federal Income Tax Withheld	-982.01	-1,035.01	53.00	5.12%
2230.0 · Employer Fica & Med Payable	-66.92	-139.25	72.33	51.94%
2250.0 · TWC Unemployment Tax Payable	0.87	31.78	-30.91	-97.26%
2270.0 · Payroll Liabilities	0.09	0.09	0.00	0.0%
2300.0 · Accrued Vacation Payable	53,961.70	45,936.54	8,025.16	17.47%
Total Other Current Liabilities	149,945.69	141,753.78	8,191.91	5.78%
Total Current Liabilities	149,945.69	141,753.78	8,191.91	5.78%
Total Liabilities	149,945.69	141,753.78	8,191.91	5.78%

	December 31, 2021	December 31, 2020	\$ Change	% Change
Equity				
3000.0 - Fund Balance	1,204,910.84	1,090,946.64	113,964.20	10.45%
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	371,940.13	320,730.99	51,209.14	15.97%
Total Equity	1,942,278.23	1,777,104.89	165,173.34	9.3%
TOTAL LIABILITIES & EQUITY	2,092,223.92	1,918,858.67	173,365.25	9.04%

4. Check Register

TRUIST BANK
December 1 – December 31, 2021

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
MONTHLY CHECK REGISTER
December 1 - December 31, 2021

Type	Date	Num	Name	Memo	Amount	Balance
Liability Check	12/01/2021	EFT12022021	United States Treasury	74-2488641 Employee V Payroll Taxes	-3,031.92	85,349.28
Liability Check	12/01/2021	EFT12012021	Reliance Trust Company	Employee V Retirement	-1,444.02	82,317.36
Check	12/01/2021	26124	Bickerstaff	Legal General and Personnel Services	-2,282.50	80,873.34
Check	12/01/2021	26125	Orsak Landscape Services	November Lawn Service	-65.00	78,590.84
Check	12/01/2021	26126	Camp, Justin P.	Smartphone 1st Quarter Sept-Nov	-150.00	78,525.84
Check	12/01/2021	26127	Bell-Enders, Kendall	Smartphone 1st Quarter Sept-Nov	-150.00	78,375.84
Check	12/01/2021	26128	Raymond, Tammy A.	Smartphone 1st Quarter Sept-Nov	-150.00	78,225.84
Check	12/01/2021	26129	Watson, Jeffery A.	Smartphone 1st Quarter Sept-Nov	-150.00	78,075.84
Check	12/01/2021	26130	Swanson, Erin Y.	Smartphone 1st Quarter Sept-Nov	-150.00	77,925.84
Check	12/01/2021	26131	Wilson, Dana C.	Smartphone 1st Quarter Sept-Nov	-150.00	77,775.84
Check	12/01/2021	26132	Smith, Brian A.	Smartphone 1st Quarter Sept-Nov	-150.00	77,625.84
Check	12/01/2021	26133	Redman, Michael J.	Smartphone 1st Quarter Sept-Nov	-150.00	77,475.84
Check	12/01/2021	26134	Marino, David S.	Smartphone 1st Quarter Sept-Nov	-150.00	77,325.84
Check	12/01/2021	26135	Pedernales Electric Cooperative	November Electricity	-351.74	77,175.84
Check	12/01/2021	26136	Waste Management of Texas, Inc.	December Trash/Recycle	-355.11	76,824.10
Check	12/01/2021	26137	Exxon Mobil Business Card	November Gasoline	-39.19	76,468.99
Check	12/01/2021	26138	Jan-Pro of Austin	December Cleaning Service	-260.00	76,429.80
Deposit	12/01/2021			Deposit (permittee production fee payments)	66,177.15	76,169.80
Liability Check	12/02/2021	EFT120221	United States Treasury	74-2488641 Bi-weekly Employee Payroll Taxes	-7,201.33	142,346.95
Liability Check	12/02/2021	120221	Reliance Trust Company	Retirement	-3,872.25	135,145.62
Transfer	12/06/2021			Funds Transfer to Payroll Account	-20,000.00	131,273.37
Check	12/07/2021	26139	Montemayor Britton Bender PC	2nd installment - Annual Financial Audit FY 2021	-5,000.00	111,273.37
Check	12/08/2021	26140	Westbay Instruments	Monitor well equipment status and calibration	-1,213.00	106,273.37
Check	12/08/2021	26141	Westbay Instruments	Monitor well equipment rebuild	-863.38	105,060.37
Check	12/08/2021	26142	Integriek	December VOIP Phone and IT Service	-1,967.50	104,196.99
Check	12/08/2021	26143	Home Depot	Aquifer Science tools	-39.97	102,229.49
Check	12/10/2021	26144	Hays Free Press	Aqua TX Admin Complete Notice	-100.00	102,189.52

Check	12/10/2021	26145	Time Warner Cable	December Internet Service	-222.16	101,867.36
Check	12/10/2021	26146	Montemayor Britton Bender PC	FY 2021 Financial Audit - 3rd and final installment	-3,237.50	98,629.86
Deposit	12/10/2021			Deposit (permittee production fee payments)	43,024.31	141,654.17
Check	12/11/2021	26149	CIT Technology Fin Serv, Inc	December Copier Lease	-675.00	140,979.17
Check	12/13/2021	26150	Integritek	ES Desktop	-1,673.15	139,306.02
Check	12/14/2021	26151	Smith, Brian A.	GSA Dues, and Geology License Renewal	-209.00	139,097.02
Check	12/15/2021	26152	Texas Social Security Program	Annual Administrative Fee for TX Social Security	-35.00	139,062.02
Check	12/15/2021	26153	GSI Environmental	Groundwater Modeling Support Task Order 2	-1,295.00	137,767.02
Check	12/15/2021	26154	Ready Refresh by Nestle	December Bottled Water Fee	-9.99	137,757.03
Check	12/15/2021	26155	Raymond, Tammy A.	Reimbursement for Name plates, Board items, Holiday, Mileage	-491.13	137,265.90
Liability Check	12/15/2021	26156	AFLAC	December Insurance Premium (employee-paid)	-107.30	137,158.60
Liability Check	12/15/2021	26157	United Healthcare	January Employee Health Insurance Premium	-9,988.16	127,170.44
Liability Check	12/16/2021	EFT12162021	United States Treasury	74-2488641 Bi-weekly Employee Payroll Taxes	-6,667.39	120,503.05
Liability Check	12/16/2021	EFT121621	Reliance Trust Company	Bi-weekly Retirement	-3,636.87	116,866.18
Check	12/16/2021	26158	SledgeLaw Group	November Legislative Services	-1,000.00	115,866.18
Liability Check	12/16/2021	26159	Sun Life Financial	January Dental/Life/Vision Insurance Premium	-1,130.51	114,735.67
Check	12/16/2021	26160	Fidelity Security Life Insurance Co	January Gap Insurance Premium	-827.22	113,908.45
Check	12/16/2021	26161	Travis County Alarm Permit	2022 Annual Alarm Permit	-50.00	113,858.45
Check	12/17/2021	26162	Truist Credit Card	Various Charges - Conferences, Alarm, Supplies	-1,680.20	112,178.25
Deposit	12/17/2021			Deposit (permittee payments including CoA)	210,984.05	323,162.30
Check	12/20/2021	26163	City of Austin	December Water Bill	-20.38	323,141.92
Transfer	12/21/2021			Funds Transfer (balance too high after large deposit)	-200,000.00	123,141.92
Transfer	12/21/2021			Funds Transfer (transfer to payroll)	-15,000.00	108,141.92
Liability Check	12/30/2021	EFT12302021	United States Treasury	74-2488641 Bi-weekly Employee Payroll Taxes	-6,570.57	101,571.35
Liability Check	12/30/2021	EFT123021	Reliance Trust Company	Bi-weekly Retirement	-3,401.49	98,169.86
					12,820.58	98,169.86
					<u>12,820.58</u>	<u>98,169.86</u>

Item 4

Public Hearing

Aqua Texas – Bliss Spillar, (2611 FM 2325 Wimberley, Texas 78676) filed a Production Permit application on June 24, 2021, with the Barton Springs/Edwards Aquifer Conservation District (District) to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well that was drilled in June 2021. The well will be used to provide water supply to the Bliss Spillar Water Supply System. The requested pumpage volume is commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with drought curtailments and provisions for a Historic Trinity Production Permit. The well is located in Hays County at Copperleaf Drive, Manchaca, TX (30°8'34.15" N 97°52'48.74"W).

Item 5

Board Discussions and Possible Action

- a. Discussion and possible action related to the application filed by Aqua Texas – Bliss Spiller for a Historic Trinity Production Permit to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well as discussed in the Public Hearing.**

**Application Summary and Staff Recommendations
1/13/202**

DESCRIPTION OF APPLICATION

Applicant: Aqua Texas, Inc.

Type of Application: Well Permit Application for new public water supply in the Lower Trinity Management Zone

REASON FOR REQUEST

Aqua Texas, Inc's Copper Hills Water System is a public water system (TCEQ PWS# TX1050082) serving residents within the Copper Hills Subdivision. Well No. 5 will be located at an existing plant site and the water will be used to supply customers within Aqua's CCN serving the Chaparral Water System Hays, Copper Hills Water System and Southwest Territory (aka Bliss Spillar Systems). All three of these water systems are owned by Aqua Texas, are interconnected and share the same CCN.

Aqua Texas, Inc. is seeking to utilize Copper Hills Well No. 5 to add needed well capacity to meet demands. The existing wells that currently serve Copper Hills are shallow Edwards Aquifer wells which become stressed during times of high usage (drought, system outage, etc.). Water from the well will not be leased, resold, transferred or transported to other users than the customers of Aqua within their CCN.

The requested pumping volume for Well No. 5 is 6,000,000 gallons per year with a pumping rate of 100 gallons per minute. According to TCEQ records (Drinking Water Watch), the average daily usage for the Copper Hills water system is approximately 17,000 gallons per day (~6.2 million gallons per year). Aqua Texas would like for Well No. 5 to be able to provide much of that volume, in an effort to reduce pumping from the Edwards Aquifer wells. The anticipated pump will be 6-inches in diameter, powered by a 20 horsepower submersible motor. The pump will be set at a depth of 793 feet below ground level.

WELL/RECEIVING AREA LOCATION

The proposed well is located in Hays County on a 1 acre tract located on Copperleaf Drive (30° 08' 34.15"N, 97° 52' 48.74" W). The well is located on a property that is adjacent to the SH 45SW right of way corridor. Attachment A shows the location of the proposed new well (Well #4) and the location of the previously drilled wells (Well #1, Well #2, and Well #3). The produced groundwater is proposed to be used primarily for a future 36.9-acre mixed-use development.

WELL DESIGN

The well is expected to be completed in the Lower Trinity. The total well depth of the lower Trinity Well will be approximately 1,500 -1,700 ft below ground surface and completed so that water is only produced from the Lower Trinity Sligo and Hosston Formations (Attachment B).

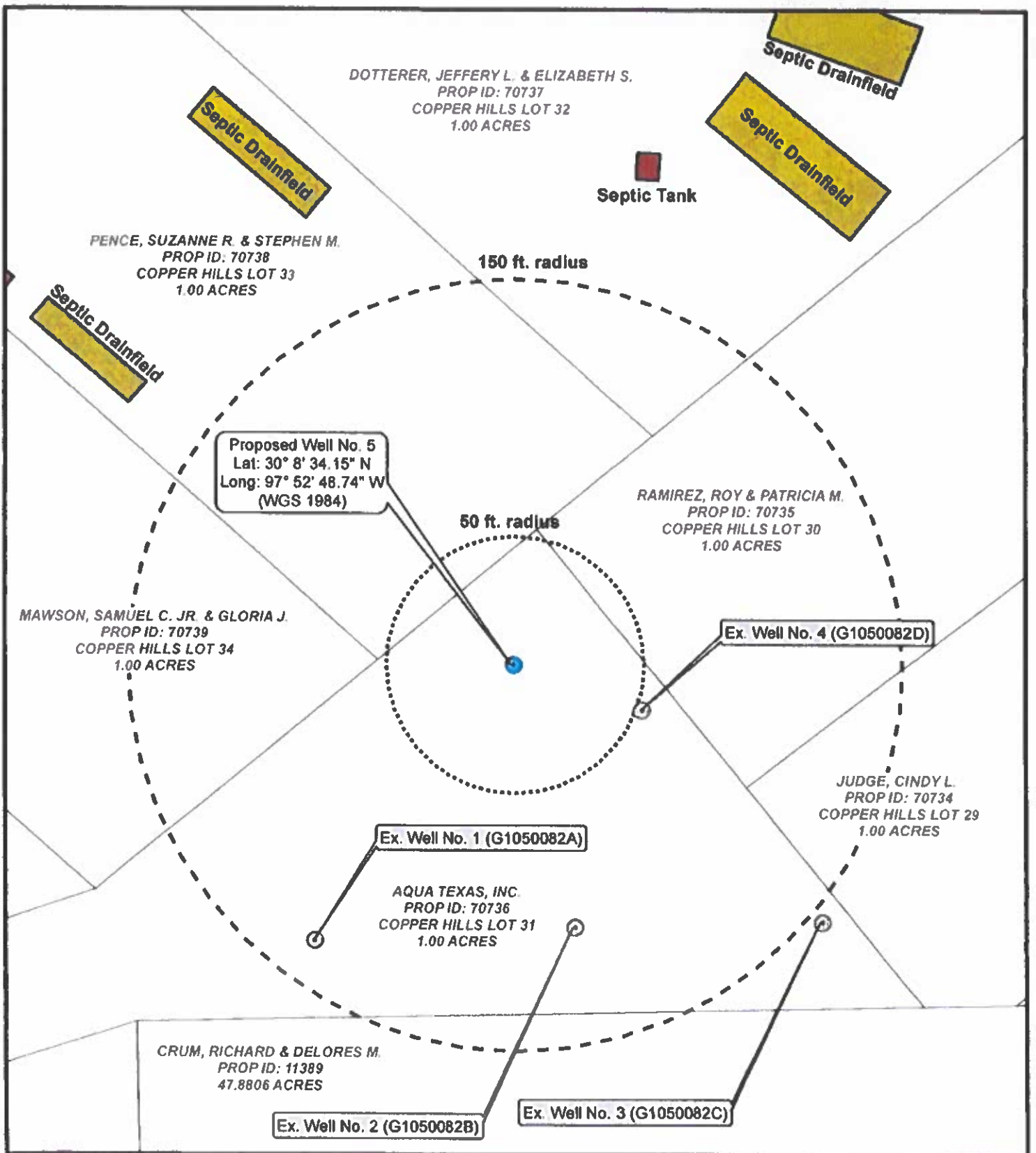
APPLICATION REVIEW

- Staff has reviewed the application and has determined that the application has satisfied all the requirements pursuant to the application checklist requirements in District Rule 3-1.4. and that the required documentation and payment of fees have been satisfied.
- Staff has determined that the applicant has sufficiently addressed the criteria and considerations for Board action in accordance with District Rule 3-1.6(A).
- Staff has confirmed that the applicant filed proper notice and the required 20-day public comment period has expired in accordance with District Rule 3-1.4.B. (Attachment C).

STAFF RECOMMENDATIONS - 1/13/2022

Staff recommends **approval** of the above-referenced well permit application.

Appendix A
Well Location Map



Scale: 0 25 50 Feet

Drawn By: KK Date: 10-5-20

Quad Name and No:
 Signal Hill, TX 30097-B8

Projection: UTM NAD 83 Z 14



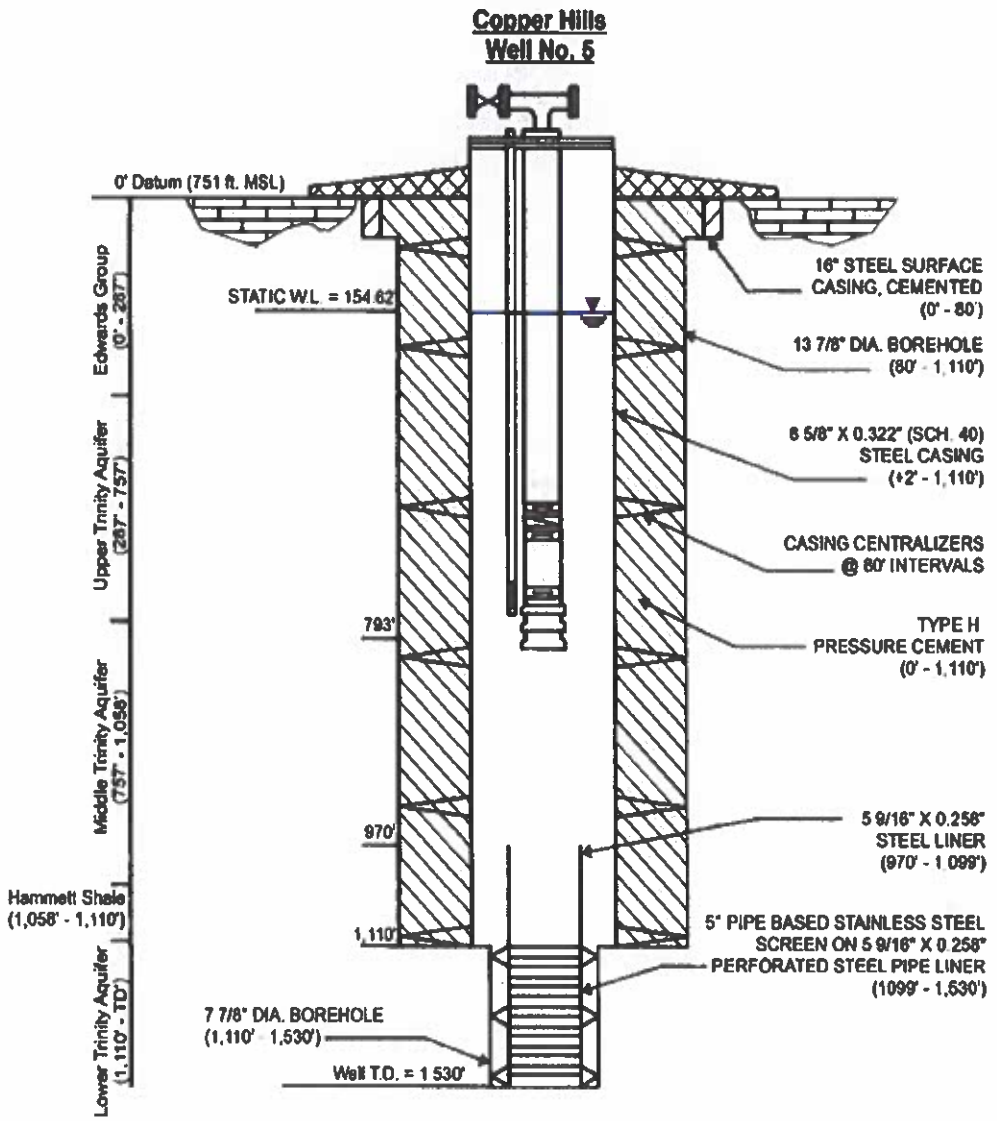
Copper Hills Well No. 5: Setbacks Map

Aqua Texas, Inc.
 Copper Hills Water System
 PWS #TX1050082
 Hays County, Texas



Wet Rock Groundwater Services, L.L.C.
 Groundwater Specialists
 TBPC Firm No: 50038
 317 Ranch Road 620 South, Ste. 203
 Austin, Texas 78734 Ph: 512.773.3226
 www.wetrockgs.com

Appendix B
Well Schematic



- Notes:
- Well profiles created with the information from State Well Report, geophysical log, and drill cuttings.
 - Figure for schematic purposes; not drawn to scale.

Figure 3: Well profile schematic of the Copper Hills Well No. 5



**Attachment C
Proof of Public Notice**

San Marcos Publishing, LP
San Marcos Daily Record
P.O. Box 1109, San Marcos, Texas 78667
(512) 392-2458

State of Texas
County of Hays

Before me, the undersigned authority, holding the office of Notary Public in and for Hays County, Texas, personally appeared Lance Winter, who being by me here and now duly sworn, upon oath says:

My name is Lance Winter, and I am the Publisher, of the San Marcos Daily Record, a newspaper of general circulation in Hays County and Caldwell County, Texas, and a newspaper which has been regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of

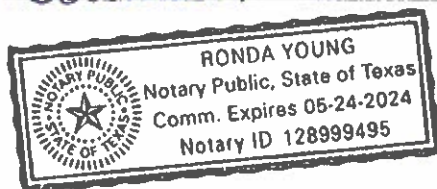
1 day on the following dates:
December 3, 2021

Agua TX Legal Notice (they published)

The said Publisher, Lance Winter further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.


Signature of Affiant

Subscribed and Sworn to me, by the said Publisher Lance Winter this 14th day of, December, 2021 to certify which witness my hand and seal of office.




NOTARY PUBLIC in and for
Hays County, Texas

File Copy

Classifieds

PUBLIC NOTICES

City of Buda, Buda, Texas 78810. TO BE OPENED: 2:00 p.m. January 19, 2022.

submitted with HAYS COUNTY to subdivide 16.470 acres of property located at along Campo Del Sol Parkway, Buda, TX

Hays County Commissioners Court will hold a public hearing to consider: Henderson Subdivision, Lot 2-A, Cancellation.

requirements. The permit and draft permit are available for review at the Hays County Courthouse, 100 Mercer Street, Dripping Springs, Texas 78620.

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been submitted with HAYS COUNTY to subdivide 34.503 acres of property located at along Campo Del Sol Parkway, Buda, TX 78810. Information regarding the application may be obtained from Hays County Development Services (512) 393-2150. Tracking number: PLN-1861-NP.

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been submitted with HAYS COUNTY to subdivide 26.027 acres of property located at along Campo Del Sol Parkway, Buda, TX 78810. Information regarding the application may be obtained from Hays County Development Services (512) 393-2150. Tracking number: PLN-1859-NP.

ADMINISTRATIVELY COMPLETE APPLICATION

Aqua Texas – Bliss Spillar, (2611 FM 2325 Wimberley, Texas 78676) filed a Production Permit application on June 24, 2021, with the Barton Springs/Edwards Aquifer Conservation District (District) to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well that was drilled in June 2021. The well will be used to provide water supply to the Bliss Spillar Water Supply System. The requested pumpage volume is commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with drought curtailments and provisions for a Historic Trinity Production Permit. The well is located in Hays County at Copperleaf Drive, Manchaca, TX (30°8'34.15" N 97°52'48.74"W).

Publication of this notice was published on December 3, 2021, in the *San Marcos Daily Record* which began a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District. The comment period will end December 22, 2021. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, baeacd@baeacd.org. You may also contact the applicant's representative, Brian Robinson of Aqua Texas at 512-887-4520.

MAILING LIST. If you submit a comment, request a hearing or a reconsideration, please provide your name and address to the mailing list for this specific application by the Office of the Chief Clerk, Hays County, permanent mailing list for a specific county mailing list, clearly specify the application number of the Chief Clerk at the address above.

All written public comments must be submitted to the Office of the Chief Clerk, Hays County, P.O. Box 13087, Austin, TX 78713. Email: publiccomment@hayscountytx.gov within 30 days of the date of publication of this notice.

INFORMATION AVAILABLE ONLINE. For more information regarding this application, visit the Commission's website at www.tceq.texas.gov. Search the database using the application number. Search the database using the application number at the top of this notice.

AGENCY CONTACTS AND COMMENTS. Comments must be submitted either electronically or in writing to the Texas Commission on Environmental Quality, Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78713. If you submit to the TCEQ with a comment, please include the application number in the subject line of your email. For more information, please call the TCEQ Public Information Office at (512) 261-2727 or visit their website at www.tceq.texas.gov. Call 1-800-687-4040.

Further information may also be obtained at the address stated above or by calling the Commission at (512) 261-2727. Issuance Date: November 4, 2021.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

December 01, 2021

Sent via regular mail and email

Aqua Texas – Bliss Spillar
ATTN: Attn: Brent Reeh, Brian Robinson, or Scot Foltz
2611 FM 2325
Wimberley, TX 78676

RE: Staff Administrative Completeness Review of a Production Permit Application submitted by Aqua Texas to produce from a well in the Lower Trinity Aquifer for the purpose of Public Water Supply.

Dear Mr. Foltz:

The above referenced application and the subsequent additional information submittal have been received and reviewed and have been determined to have sufficiently addressed the information requirements in accordance with District Rule 3-1.4(A). **Therefore, the application is determined to be administratively complete as of December 01, 2021.**

Please note that the next step in your application process is to publish public notice. To facilitate you in publishing a notice, I have enclosed instructions that describe the District's notice requirements.

Once you have received this letter of an administratively complete determination **appropriate notice must be provided within ten(10) business days** pursuant to District Rule 3-1.4(B)(2), which states:

"...Applicants shall publish notice not later than ten (10) business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative."

Upon submitting the notice information for publication, please contact our office to provide the target publication date and to ensure that all requirements are met and all necessary documentation is provided.

The publication of the notice initiates a **20-day public comment period that begins the day after the date of publication**. Should significant public comment be received by the district, the General Manger may use his discretion to schedule a public hearing.

If you have any further questions, please feel free to contact me by phone at (512)282-8441 or by e-mail at mredman@bseacd.org.

Sincerely,

Michael Redman
Regulatory Compliance Team Lead

Enclosure:
Instructions for Public Notice

2402 Robin Road
Manchaca, TX 78652
512-289-4291
Aedin7717@gmail.com

December 16, 2021

**Re: Public Notice for production Permit Application – Aqua Texas, Inc.
Copper Hills Water System Well No. 5**

To whom it may concern:

I received an unsigned letter dated December 7, 2021 regarding the above matter. Although I consider this topic to be an important business matter, the letter was not written on letterhead but rather on a plain sheet of paper, with no return address and no indicator of who the sender was. I now gather that the letter was probably sent by or on behalf of Aqua Texas – however, the letter was not on Aqua Texas letterhead which I find stunning. I get the impression that the letter was written in a manner to satisfy the bare minimum requirements of the Barton Springs/Edwards Aquifer Conservation District (the “District”) to notify residential well owners such as myself of permit application. I have additional comments below – but I would like to register my objection to what appears to be an intentionally vague and opaque letter that is totally inadequate to inform well owners of the potential impact this new well may have on the existing private wells in the area.

If the letter I received is supposed to pass as “adequate” for notice purposes – or whatever the standard is – then I would urge the District to up its game and to have some oversight on the communications sent to well and property owners. To be adequate, at a minimum, notices like these should be on letterhead and should clearly identify who is sending the letter. This is pretty basic stuff.

Additionally, I notice that the letter was sent only to me – my name is spelled incorrectly and whoever sent me the letter should correct their records. However, you should also note that the property is owned jointly with another owner, John Frazell, who was not provided with any notice concerning this application.

We have two residences on our property. One residence is serviced by Aqua Texas. However, all drinking water to that residence comes from the well on our property. (The water from Aqua tastes absolutely awful – by having our well in place, we have avoided having to purchase bottled water for drinking purposes and the well has supplied our drinking water as long as we have lived here.) The entire water supply to the second residence on our property is serviced entirely by our well. If the consequence of having Aqua Texas pump water from their new well is to diminish or eliminate our well water supply, the consequences to us will be dire as that is the only water supply to that residence.

I’ve pasted in below in colored font, the contents of the letter I received and have added my side by side questions and commentary:

"Aqua-Texas - Bliss Spillar, (2611 FM 2325 Wimberley, Texas 78676) filed a Production Permit application on June 24, 2021 with the Barton Springs/Edwards Aquifer Conservation District (District) to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well that was drilled in June 2021. The well will be used to provide water supply to the Bliss Spillar Water Supply System. The requested pumpage volume is commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with drought curtailments and provisions for a Historic Trinity Production Permit. The well is located in Hays County at Copperleaf Drive, Manchaca, TX (30° 8' 34.15" N 97° 52' 48.74" W)

According to District records, you have a registered well that is within 0.5 miles of the applicant's proposed well. Publication of notice was published on December 3, 2021 in the San Marcos Daily Record which began a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District through the close of business on December 22, 2021. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bscaacd@bscaacd.org. You may also contact the applicant's representative, Brian Robinson of Aqua Texas at 512-667-4520.

The letter indicates that I may wish to participate in a contested application – I want to understand this process in case it is something that I do wish to consider. In the meantime, I would like this letter and my commentary included in the public comment record.

Kind regards,

Aedin Meagher
512-289-4291

Commented [AM1]: What exactly does this mean – is "Aqua Texas – Bliss Spillar" a separate Aqua Texas entity? Why is there a Wimberley address?

Commented [AM2]: If the permit application was filed in June 2021, why was the notice to me only sent a couple of weeks prior to the deadline for public comment? And in particular, I note that was sent in advance of the December holiday – it seems like it may have been intentionally sent in the possibility that it might get overlooked in the Christmas rush – it almost did get overlooked in my household for this exact reason!

Commented [AM3]: Please provide a description of the Bliss Spillar Water Supply System? What area does it service? How many households does it service?

Commented [AM4]: What is the intended use?

In laymen's terms, what is the estimate of "reasonable demand for the intended use"?

How will the pumpage volume impact my well?

If the pumpage volume depletes my water supply in my well, what provisions are being made to ensure that I am provided with an alternative water supply to my property and that the alternative will not be the necessity to subscribe to Aqua Texas for the second unit?

Commented [AM5]: Please describe what these curtailments and provisions consist of.

Commented [AM6]: Why were no drawings or maps provided to illustrate the proximity?

Commented [AM7]: We live in Northern Hays County within a few hundred yards of the Travis County line – we also live in a world where almost nobody subscribes to a printed newspaper anymore. Requirement for publication in a print format is ridiculous if it is the only requirement – what about Nextdoor? This is where people

Commented [AM8]: I am definitely interested in formally participating in a hearing regarding this application. I have been provided exactly zero information on how the Aqua Texas well will impact the current well on my property which supplies 100% of the water to one residence as well as 100% of the drinking water to my other residence.

Commented [AM9]: I understand but am not sure that this letter may have been sent by Mr. Robinson – can I please have clarification on who sent me this unsigned letter?

Bill & Stacey Knight
2208 Chaparral Park Rd.
Manchaca, TX. 78652

Barton Springs Edward Aquifer District
1124 Regal Row
Austin, TX. 78748

We protest any water being pumped from the Copper Hills Water System Well No. 5. Due to the current growth in the area, we feel that our well will be compromised.

If ours were to be damaged, are you going to drill us a new well?

Pumping up to 6 million gallons is a lot of water. Your well casing could split, collapse & then that would affect the Barton Creek Aquifer. We've seen this happen in past.

We can be reached at 512-280-9344 work, 512-422-6499 Stacey Cell,
512-415-5458 Bill Cell.

We protest,

A handwritten signature in black ink that reads "Stacey & Bill Knight". The signature is written in a cursive, flowing style.

Stacey & Bill Knight

Dakota & Melissa Rector
2204 Chaparral Park Rd.
Manhaca, TX 78652

December 20, 2021

To: Barton Springs Edward Aquifer District
1124 Regal Row
Austin, TX ~~78748~~

To Whom It May Concern:

We protest any water being pumped from
the Copper Hills Water System Well No. 5.
Due to the current growth in the area,
our well will be compromised.

We can be reached at (512) 745-6845 or
via email at melissacalderon1014@gmail.com.

We protest,

Dakota and Melissa Rector

Enclosure

Additional Questions, Concerns, and Notes:

- 1) Our well was installed in 2017 and cost \$20,000 - we are not part of Agua Texas, Copper Hills Water System.
- 2) What is the recharge zone for Lower Trinity?
- 3) Perform a draw down test on my well located within 0.5 miles of the well on Copperleaf drive.
- 4) Does Agua Texas plan to reimburse the residents owning their wells and/or drill them new wells if theirs fail due to an annual withdraw of 1,000,000 gallons of water?

We protest,
Dakota and Melissa Rector

Item 5

Board Discussions and Possible Actions

- b. Discussion and possible action related a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceedings concerning Aqua Texas -Bliss Spillar noncompliance with its permit and District Drought Rules.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

BSEACD STAFF INVESTIGATION REPORT

I. Basic Information

Report Date: October 14, 2021

Permittee/Respondent: Aqua Texas – Bliss Spillar

Permittee Contact 1: Scot Fultz
Phone: 512-990-4400 x56101
Mailing Address: 2611 FM 2325
Wimberley, TX 78676

Property Address: Copperleaf Drive
Lat: 30°8'34.15" Long: 97°52'48.74"
Manchaca, TX 78652

BSEACD Staff: Kendall Bell-Enders, Regulatory and Policy Project Manager
Michael Redman, Regulatory Compliance Team Lead

II. Investigation Summary

The District declared Alarm Stage Drought at the October 8, 2020 Board meeting. The District’s enforcement plan¹ provides for monthly review of permittee drought target production allocation. The evaluations of Aqua Texas – Bliss Spillar began with the month of November because the month of October was the initial month of 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 Bliss Spillar Historical Edwards permit falls under Tier 2 because it is permitted for 12,875,000gallons 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

¹ Staff used the Enforcement Plan in effect at the time of violations in its review of Aqua Texas -Bliss Spillar

Under the District’s enforcement plan, only Tier 3 permittees (larger volume permittees) will be evaluated during the first three months of drought, excluding the initial month. After the 3rd month of drought, Tiers 1 and 2 permittees are evaluated during 4 – 6 months.

Aqua Texas Bliss Spillar’s pumping was assessed during month 4 of District declared drought due to over pumping the drought target allocation since the start of drought (See table 2). The permittee was not evaluated until March because the Board waived February pumpage exceedances for all permittees due to the winter storm. The evaluation of Aqua Texas – Bliss Spillar under the process described above follows:

Year	Month	Drought Stage	Target	Pumpage	Level	% To Target	Notes
2020	November	Alarm	721,000.00	1,322,000.00	B	83%	Not assessing; only Tier 3
2020	December	Alarm	648,900.00	1,150,000.00	B	77%	Not assessing; only Tier 3
2021	January	Alarm	648,900.00	817,000.00	B	26%	Not assessing; only Tier 3
2021	February	Alarm	669,500.00	933,000.00	B	39%	Not assessing; Winter Storm
2021	March	Alarm	679,800.00	1,502,000.00	C	121%	Started assessing; Tier 2. 1 st occurrence of non-compliance for Tier 2
2021	April	Alarm	762,200.00	1,189,000.00	B	56%	2 nd occurrence non-compliance
2021	May	Alarm	824,000.00	1,128,000.00	B	37%	3 rd occurrence.
2021	June	Alarm	978,500.00	1,335,000.00	B	36%	4 th occurrence

Table 2: Aqua Texas Bliss Spillar monthly pumpage during Stage II Alarm Drought

Under section 4.0 of the District’s enforcement plan , Aqua Texas was given and attended a 1st occurrence pre-enforcement meeting to discuss over pumpage of allotment and lack of implementation of its User Drought Contingency Plan. This meeting took place after Aqua Texas submitted its March pumping reports in April. Aqua Texas had multiple occurrences of over pumping the drought target allotment for the months of April through June.

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

On 10/8/2020, the Board of Directors declared Stage II Alarm drought.

On 11/5/2020, Per the District’s enforcement plan, section 3.0, staff was to count the month of October as the initial drought stage month. This lets permittees start implementing UDCP measures to start reducing its monthly pumpage down to the drought target allotments.

On 12/5/2020, District staff reviewed Aqua Texas Bliss Spillar’s pumping for the month of November, and noted that the permittee had over pumped the drought target amount by 83% for the month. Per the District’s enforcement plan section 3.0, the permittee was not yet to be reviewed for enforcement.

On 1/5/2021, District staff reviewed Aqua Texas Bliss Spillar's pumping and noted that the permittee had over pumped the drought target amount by 77% for the month of December. Per the District's enforcement plan, section 3.0, the permittee was not yet to be reviewed for enforcement.

On 2/5/2021, District staff reviewed Aqua Texas Bliss Spillars pumping and noted that the permittee had over pumped the drought target amount by 26%' for the month of January. Per the District's enforcement plan, section 3.0, the permittee was not yet to be reviewed for enforcement.

On 3/5/2021, District staff reviewed Aqua Texas Bliss Spillar's pumping and noted that the permittee had over pumped the drought target amount by 39% for the month of February. Per the District's enforcement plan, section 3.0, the permittee was to be reviewed for enforcement, however, the Board waived the month of February due to the winter storm.

On 4/5/2021, District staff reviewed Aqua Texas Bliss Spillar's pumping and noted that the permittee had over pumped the drought target amount by 121% for the month of March. Per the District's enforcement plan, section 4.0, for a 1st occurrence of non-compliance, Staff sent a letter and email to Aqua Texas to arrange a Zoom meeting to discuss the causes of the non-compliance. The letter was sent to the attention: Brent Reeh (Mr. Reeh) CTX Area Manager and Brian Robinson (Mr. Robinson), via email and certified letter on 4/26/2021 (Attachment A). Mr. Reeh and Mr. Robinson responded, via email, on 4/26/2021 and indicated availability for May 4th at 10 am for a "pre-enforcement" meeting.

On 5/4/2021, at 10:00 am, Michael Redman (Mr. Redman), Kendall Bell-Enders (Mrs. Bell-Enders), Mr. Reeh, and Mr. Robinson met via Zoom to discuss pre-enforcement actions and reasons why the permittee was unable to curtail the usage. On May 18, 2021, the Staff sent a follow up letter, via email and regular mail, to Mr. Robinson and Mr. Reeh (Please see attachment B). The letter described items that the permittee needed to complete and provide to the District. If the permittee failed to complete the items or show a continuance of non-compliance, the District could proceed with enforcement actions.

On 5/5/2021, District staff reviewed Aqua Texas Bliss Spillar's pumping and noted that the permittee had over pumped the drought target amount by 56% for the month of April. After hearing no response to the May 18, 2021 letter, Mr. Redman sent out a follow up email on 5/25/2021 to ensure that Mr. Robinson and Mr. Reeh had received the May 18, 2021 follow up letter. The Staff did not receive a written response from Aqua Texas Bliss Spillar. An Aqua Texas staff member did stop at the District to pick up drought signs the afternoon of 5/25/2021.

On 6/5/2021, District staff reviewed Aqua Texas Bliss Spillars pumping and noted that the permittee had over pumped the drought target amount by 37% for the month of May. After hearing no response from Mr. Reeh or Mr. Robinson, at the District Board Meeting on 6/10/2021, District staff and Board discussed Aqua Texas's disregard to District staff's requests. Vanessa Escobar (Mrs. Escobar) District General Manager and District Director Dan Pickens (Mr. Pickens) decided to hold a meeting with Aqua (Attachment C). Mr. Redman sent an email on 6/16/2021 to Mr. Reeh and Mr. Robinson to request a meeting on 6/24/2021 at 2:00 pm with Mrs. Escobar and Mr. Pickens. Getting no response from Mr. Reeh or Mr. Robinson, Mr. Redman sent a follow up email on 6/18/2021 to follow up with the request for a meeting, and Aqua Texas Bliss Spillar did not respond (Please see attachment D). Because there was no response made, District staff issued a letter on 6/25/2021 via email and certified letter dated

6/29/2021 (Attachment E). The letter requested that a meeting be scheduled between Aqua Texas and the District by July 15, 2021. If a meeting was not scheduled by that date, District staff was going to take the matter before the Board.

On 7/5/2021, District staff reviewed Aqua Texas Bliss Spillar's pumping and noted that the permittee had over pumped the drought target amount by 36% for the month of June. At the 7/8/2021 Board Meeting, the Board of Directors moved to direct the staff and legal counsel to draft a notice of alleged violation and bring it back to the Board for approval and issuance as the first step in enforcement action in setting a show cause hearing against Aqua Texas-Bliss Spillar. The Board also declared the ending of the Drought Declaration. (Please see attachment F).

At the Board Meeting on 8/12/2021, the Board met in Executive Session regarding Aqua Texas Bliss Spillar. No action was taken (Please see Attachment G).

On 9/2/2021 at 9:00 am, Mrs. Bell-Enders, Mr. Redman, Mr. Reeh, Mr. Robinson, and Mr. Foltz met via zoom to discuss the overpumpage during drought and the lack of communication from Aqua during declared drought. Mr. Robinson and Mr. Reeh apologized for not communicating with staff and that it had just been a very busy time. Mr. Foltz also indicated moving forward he should be included on any future communication regarding drought and compliance issues to ensure there is not a lack of response.

The Board of Directors held a Board Meeting on 9/9/2021, where Aqua Texas was discussed in executive session and no action was taken.

On 10/1/2021 at 9:00 am, Mrs. Bell-Enders, Mr. Redman, Mr. Reeh, Mr. Robinson, and Mr. Foltz met via Zoom to discuss the draft UDCP in a pending permit application and possible Board enforcement for drought violations. Mr. Foltz noted that these new terms and conditions would benefit Aqua Texas and that they are willing to work with staff to ensure future compliance and better communication between parties. Another discussion regarding demand, water per capita, occurred in which District staff is now looking into the feasibility of Aqua Texas needing more water for their Lower Trinity permit.

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.
- §3-7.5** Each permittee is required to prepare, adopt and implement User Drought Contingency Plans (UDCPs) consistent with 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:

- 10/08/21: The Board of Directors declared Stage II Alarm drought
- 11/05/21: Meter Readings were considered initial month
- 12/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 83% for the month of November
- 01/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 77% for the month of December
- 02/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 26% for the month of January
- 03/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 39% for the month of February
- 04/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 121% for the month of March.
- 04-26-21: Pre-enforcement meeting scheduled, letter sent via certified mail and email sent
- 05/04/21: Meeting with Mr. Redman, Mrs. Bell-Enders, Mr. Reeh, and Mr. Robinson via zoom to discuss pre-enforcement actions and inability to curtail.
- 05/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 56% for the month of April
- 05/18/21: Follow-up letter sent via regular mail and email
- 05/25/21: Follow-up email regarding receipt of Follow-up letter
- 06/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 37% for the month of May
- 06/10/21: District Board Meeting, Mrs. Escobar and Mr. Dan Pickens to establish meeting with Aqua Texas to discuss over pumping
- 06/16/21: Email sent to Aqua Texas to establish meeting with Mrs. Escobar and Mr. Pickens on 6/24/21 at 2:00 pm.
- 06/25/21: District issues Enforcement Letter via email
- 06/29/21: District issues Enforcement Letter via Certified Mail
- 07/05/21: Aqua Texas Bliss Spillar had over pumped the drought target amount by 36% for the month of June
- 07/08/21: Board Meeting with Board starting enforcement steps for Show Cause Hearing and the Drought Declaration lifted
- 08/12/21: Board Meeting with Board discussing Aqua Texas in Executive Session
- 08/20/21: Meeting established with Aqua Texas for 9/2/21 at 9:00 am
- 09/02/21: Meeting with Mr. Redman, Mrs. Bell-Enders, Mr. Foltz, Mr. Reeh, and Mr. Robinson via zoom to discuss overpumpage during drought and discuss lack of communication from Aqua during drought
- 09/09/21: Board Meeting with Board discussing Aqua Texas in Executive Session
- 09/22/21: Email exchange to schedule meeting for 10/01/21 at 9:00 am
- 10/01/21: Meeting with Aqua Texas to discuss possible enforcement by the Board

V. Documentation

- Attachment A – 4/26/2021 Pre-Enforcement letter and certified mail receipt
- Attachment B – 5/18/2021 Follow Up Letter and email
- Attachment C – 6/10/2021 Approved Board Meeting Minutes
- Attachment D – 6/16/2021 & 6/18/2021 email requests for meeting with Mrs. Escobar and Mr. Pickens

- Attachment E – 6/25/2021 enforcement letter and email, 6/29/2021 certified mail receipt
- Attachment F – 7/8/2021 Approved Board Meeting Minutes
- Attachment G – 8/12/21 Approved Board Meeting Minutes



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

April 26, 2021

Sent via certified mail and email

Aqua Texas – Bliss Spillar
Attn: Brent Reeh or Brian Robinson
2611 FM 2325
Wimberley, TX 78676

Re: Initial meeting to assess reasons for UDCP non-compliance

Dear Permittee:

As you are aware, the Barton Springs/Edwards Aquifer Conservation District (“District”) initially declared Stage 2 Alarm Drought on October 8, 2020. In evaluating your reported pumpage for compliance with your User Drought Contingency Plan (UDCP) and its mandatory pumpage reduction target, the District determined that your pumpage is non-compliant.

We are hereby requesting a brief, initial meeting with you to address the reasons behind what appears to be serious overpumpage relative to your monthly target amounts. We recognize that there may be factors unique to your situation that may be contributing to the overpumpage and your resulting non-compliance. By initiating a continuing dialogue through this meeting, perhaps together we can identify possible causes of the excessive water use/loss or other possible relevant causes for overpumpage. While we want to be as fair and equitable as possible, please understand that this dialogue is not intended to indemnify you from enforcement actions in the future for chronic overpumpage. In this meeting, you should be prepared to help identify and make real, specific commitments that achieve the necessary pumpage reductions and/or other appropriate actions to meet your monthly target volume.

During this current drought, District staff will continue monitoring and verifying your monthly pumpage performance. Rather than being compelled to issue fines and penalties, we would much prefer to work in partnership with you to help you achieve compliance with your agreed permit requirements and, ultimately, to minimize the adverse impact of what is proving to be a persistent and extended period of drought.

Please contact us within 5 days of receipt of this letter to schedule this initial meeting. If you require more information about this matter, feel free to contact me at (512) 282-8441 or by email mredman@bseacd.org.

Sincerely,



Michael Redman
Assistant General Manager

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Agua Texas - Blinn Spillar
 Attn: Brent Ruch or Brian Robinson
 2611 FM 2325
 Wimberley, TX 78676



9590 9402 4896 9032 9814 67

2. Article Number (Transfer from service label)
 7010 0290 0001 2495 9748

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X TC R18 C19 Agent Address
 B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Wimberley, TX 78676

OFFICIAL USE

Postage	\$0.00
Certified Fee	\$3.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.00

Postmark: MANHACAT TEXAS 78652 APR 28 2021

Sent To: Agua TX - Blinn Spillar Attn: Brent Ruch or Brian Robinson
 Street, Apt. No. or PO Box No.: 2611 FM 2325
 City, State, ZIP+4: Wimberley, TX 78676

PS Form 3800, August 2006 See Reverse for Instructions

7010 0290 0001 2495 9748



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

May 18, 2021

Via email and regular mail

Aqua Texas – Bliss Spillar
Attention: Brent Reeh & Brian Robinson
2611 FM 2325
Wimberley, Texas 78676

Re: Follow-up to Initial Drought Enforcement Meeting – Bliss Spillar

Dear Mr. Reeh & Mr. Robinson:

This letter serves as follow-up correspondence to describe the initial meeting conducted on May 4, 2021 and the action items that would be required moving forward. Mr. Reeh and Mr. Robinson, representing Aqua Texas, and District staff met to discuss the substantial overpumpage and non-compliance with their permit terms and the District's Drought Reduction Rules. This discussion focused primarily on the measures described in the permittee's User Drought Contingency Plan (UDCP) including the mandatory pumpage reductions required during District-declared drought.

The objectives of this meeting were to initiate a dialogue and to identify what primary causes were responsible for the reported overpumpage and the resulting non-compliance. As a result of our discussion, we also identified what measures should be implemented to remedy these causes and received commitments on your part to implement them for the purpose of achieving the pumpage reductions necessary to comply with your UDCP. Per our discussion, the following causes for non-compliance were identified:

- Covid-19 Limitations – residents working from home has led to an increase across all systems;
- Customers are not curtailing like they should;
- The Edwards Aquifer wells are shut down at the Lower Trinity well drilling site and the SW Territory Edwards wells are picking up the demand; and
- People are stealing the drought signs.

To remedy these causes for non-compliance, the following commitments are necessary to implement:

- By 5/25/21 the Permittee will schedule, pick up and set out drought signs at all systems, including specifically throughout the service area for the Bliss Spillar system;
- By 5/25/21 the Permittee will provide copies of notice letters that have already been mailed to the Bliss Spillar system to date and will provide the District with a list of dates for which those letters were sent;
- By 5/31/21 the Permittee will send out new drought notice letters and will provide the District with a copy of that letter;
- By 5/25/21 the Permittee will review the average usage per customer and will provide the District an estimate of that average use plus an estimate of how many “high users” they have within their system that they intend to target with additional drought curtailment messaging;
- Permittee will include a conspicuous reminder of the drought stage on each bill as required by the signed UDCP.
- Permittee will provide a direct point of contact person that can provide a timely response regarding permit questions and concerns; and

Implementation of each of these measures shall be documented by the permittee and available to the District upon request. During this current drought, District staff will continue monitoring and verifying your monthly pumpage performance to assess the effectiveness of the measures identified.

We will also continue to work in partnership with you to help you achieve compliance with your agreed permit requirements, however, **please note that failure to honor these commitments and/or any continued non-compliance or failure to show improvement could result in enforcement actions in accordance with District Rules 3-1.11, 3-1.13, 3-7.10, and 3-8 for non-compliance with District Drought Rules.**

If you require more information about this matter, feel free to contact me at(512) 282-8441.

Michael Redman
Assistant General Manager

From: [Michael Redman](#)
To: [Reeh, Brent C; rrobinson@aquaaamerica.com](mailto:rrobinson@aquaaamerica.com)
Cc: [Vanessa Escobar](#); [Erin Swanson](#); [Kendall Bell-Enders](#)
Subject: Follow Up Letter Aqua Texas - Bliss Spillar
Date: Tuesday, May 18, 2021 12:40:00 PM
Attachments: [Aqua Texas Follow Up Letter.pdf](#)

Mr. Reeh & Mr. Robinson:

It was nice talking to you all on the 4th. Please see the follow up letter to our initial overpumpage meeting. The letter outlines the reasons and remedies that we all discussed for the overpumpage.

Please let me know if you all have any questions.

Thank you,

Michael Redman
Assistant General Manager
www.bseacd.org
512-282-8441

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Meeting & Public Hearing
Telephone & Videoconference
June 10, 2021**

Board members present at commencement: Blayne Stansberry, Christy Williams, and Dan Pickens. Craig Smith joined at 4:06 p.m. and Blake Dorsett was absent. Staff present included: Vanessa Escobar, Michael Redman, Dana Wilson, Brian Smith, Justin Camp, Erin Swanson, Kendall Bell Enders, David Marino, 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 Stansberry called the virtual meeting to order at 4:00 p.m., noting that a quorum of the Board was present.

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

There were no public comments of a general nature.

3. Consent 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 May 13, 2021 Work Session, May 15, 2021 Special Meeting and May 19, 2021 Work Session.

Director Pickens moved approval of the consent agenda items 3a. and 3b. noting an invoice from Bickerstaff Heath in the amount of \$6187.50.

Director Williams seconded the motion and it passed unanimously with a vote of 3 to 0.

4. Public Hearing - GMA 10 DFCs

The District will hold a public hearing on: 1) proposed Desired Future Conditions (DFCs) for the Austin Chalk (Uvalde County), Buda Limestone (Uvalde County), Edwards (BFZ) San

Antonio Segment within Edwards Aquifer Authority, Freshwater Edwards Aquifer (BFZ) Northern Subdivision, Freshwater Edwards Aquifer Western Subdivision (Kinney County), Saline Edwards Aquifer (BFZ) Northern Subdivision Zone, Leona Gravel (Uvalde County) and 2) proposed Non-Relevant Aquifer classification for the Trinity (Plum Creek Conservation District) adopted by GMA-10. The Board will accept oral comment, testimony, and written documentation and information relevant to the proposed DFCs and Non-Relevant Aquifer Classifications.

President Stansberry opened the Public Hearing at 4:06 p.m.

Mr. Redman stated that to this date we have not received any comments written or verbal on the DFCs, but that the public comment period extends to July 22nd. He then explained that during an Open Meeting held on April 20, 2021, GMA 10 voted and approved for distribution the DFCs for the regional groundwater planning process. He went through the timeline.

Director Smith asked if there were any changes in DFCs from the last process.

Mr. Redman said there are no changes in this cycle, but they will use the Trinity Sustainable Yield to determine if changes are needed. He explained that the official time to adopt DFCs is every five years, but they can be changed anytime within that period if needed.

With no public comments, President Stansberry closed the Public Hearing at 4:18 p.m.

5. Presentation.

5a. Presentation related to an update from Brian Zabcik with 'No Dumping Sewage' organization.

Mr. Zabcik gave a presentation on a study that was conducted on wastewater discharges in the hill country from 2017-2020. He went on to say that a group has been formed to fight further discharge permits from being granted.

6. Discussion and possible action.

6a. Discussion and possible action related to permittee's monthly drought compliance.

Ms. Swanson gave an update on the monthly drought compliance of the permittees. She said that in the six month of drought staff starts monitoring Tier 1 along with 2 and 3. She said that all of Tier 3 permittees are in compliance, but that Aqua Texas in Tier 2 is still out of compliance.

Mr. Redman said that they met with Aqua Texas in early May, then sent them a follow up letter on May 18th asking for additional criteria and they only submitted one. He said that the GM and Board President or the Precinct Director, Dan Pickens would need to step in at this point.

Ms. Escobar stated that staff asked for basic information and that they ignored the request. As Mr. Redman stated a meeting with the GM and Precinct Director would be the next step.

Director Pickens agreed to meet with them.

No formal action was needed.

6b. Discussion and possible action on a Drilling Authorization extension request for Gragg Tract LP to drilling a Lower Trinity well.

Ms. Swanson stated that this authorization is for a fourth well in the lower Trinity. She explained that there is no production permit associated with this permit.

Mr. Walters explained that they had decided to delay drilling the well due to the lack of supplies available during the pandemic.

President Stansberry asked if there was a time frame.

Mr. Walters said they are monitoring things on a week to week basis but would like to start drilling within the next 90 to 150 days.

Director Smith moved approval of a one-year extension on the well drilling authorization.

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

6c. Discussion and possible action on rule making efforts.

Mr. Redman walked the Board through the rule making process and requested permission to schedule a Public Hearing.

Mr. Pickens moved to direct staff to schedule a Public Hearing on July 8, 2021.

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

6d. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (General Manager & Assistant General Manager).

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 5:18 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 5:48 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

No action was taken in open session.

6e. Discussion and possible action on the preliminary draft budget.

Ms. Escobar explained the District's bank accounts and budget cycle.

Director Smith moved to approve the preliminary draft budget and direct staff to schedule a Public Hearing on July 8, 2021 on the proposed budget.

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

The Board took a brief recess from 6:05 p.m. to 6:20 p.m.

4. General Manager's Report.

Topics

- a. Update on cybersecurity training.
- b. Update on Aquifer conditions and status of drought indicators.
- c. Update on regulatory matters relating to Vintage Oaks Wedding Venue.
- d. Review of Status Report and update on team activities/projects.
- e. Upcoming events of possible interest.
- f. Update on Cause N. D-1-GN-000835 in 250th Judicial District Court of Travis County, *TESPA v BSEACD and Needmore Water LLC*.

Ms. Escobar, staff, and Mr. Dugat gave updates on the items above.

7. Directors' Reports.

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

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

Board members that had outside and Zoom meetings gave reports.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 6:56 p.m.

Approved by the Board on July 8, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Tammy Raymond
Tammy Raymond, Assistant Secretary
to the Board of Directors

From: [Michael Redman](#)
To: rrobinson@aquaaamerica.com; [Reeh, Brent C](#)
Cc: [Vanessa Escobar](#)
Subject: Aqua Texas Meeting regarding Drought Enforcement
Date: Wednesday, June 16, 2021 12:19:00 PM

Good Afternoon Gentlemen,

This email is a formal request from the District to schedule an enforcement meeting with representatives of Aqua Texas. Due to the lack of responsiveness and follow through on the commitments outlined in the May 18, 2021, correspondence letter regarding the Aqua Texas-Bliss Spiller System. The District's General Manager, Vanessa Escobar, and Board Director of Precinct 1, Dan Pickens, request a meeting with you on June 24 at 2:00 pm at the District Office (1124 Regal Row, Austin TX 78748). We will discuss the matter of Aqua Texas's drought non-compliance.

Please respond to this email to acknowledge and confirm the meeting.

Thank you,

Michael Redman
www.bseacd.org
512-282-8441

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

From: [Michael Redman](#)
To: rbrobinson@aquaaamerica.com; [Reeh, Brent C](#)
Cc: [Vanessa Escobar](#); [Kendall Bell-Enders](#)
Subject: FW: Aqua Texas Meeting regarding Drought Enforcement
Date: Friday, June 18, 2021 1:31:00 PM

Good Afternoon Gentlemen,

I was checking in to see if you all had availability next week for a meeting regarding drought enforcement. Please respond to this email to acknowledge and confirm the meeting availability.

Thank you.

From: Michael Redman
Sent: Wednesday, June 16, 2021 12:19 PM
To: rbrobinson@aquaaamerica.com; Reeh, Brent C <BCReeh@aquaaamerica.com>
Cc: Vanessa Escobar <vescobar@bseacd.org>
Subject: Aqua Texas Meeting regarding Drought Enforcement

Good Afternoon Gentlemen,

This email is a formal request from the District to schedule an enforcement meeting with representatives of Aqua Texas. Due to the lack of responsiveness and follow through on the commitments outlined in the May 18, 2021, correspondence letter regarding the Aqua Texas-Bliss Spiller System. The District's General Manager, Vanessa Escobar, and Board Director of Precinct 1, Dan Pickens, request a meeting with you on June 24 at 2:00 pm at the District Office (1124 Regal Row, Austin TX 78748). We will discuss the matter of Aqua Texas's drought non-compliance.

Please respond to this email to acknowledge and confirm the meeting.

Thank you,

Michael Redman
www.bseacd.org
512-282-8441

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

June 25, 2021

Via email, regular mail, and certified mail

Aqua Texas – Bliss Spillar
Attention: Brent Reeh & Brian Robinson
2611 FM 2325
Wimberley, Texas 78676

Re: Drought Enforcement Meeting – Bliss Spillar

Dear Mr. Reeh & Mr. Robinson:

The purpose of this letter is to request that you or a duly authorized representative of Aqua Texas – Bliss Spillar (Aqua), contact me, at the contact information below, to establish a meeting to discuss violations of the Drought Rules of the Barton Springs/Edwards Aquifer Conservation District (“District”). If a meeting is not scheduled before July 15, 2021, I will ask the District Board of Directors (“Board”) at its July 8, 2021, Board meeting to require you to appear at 4:00 p.m. on August 12, 2021, at the District offices, 1124 Regal Row, Austin, Texas, to show cause why the Board should not initiate an enforcement action against you for non-compliance with the rules of the District.

As outlined in the enclosed May 18, 2021, letter District staff met with you on May 4, 2021, and identified measures to reduce Aqua pumpage to comply with your User Drought Contingency Plan. The following causes for non-compliance were identified on May 4, 2021:

1. Covid-19 limitations;
2. residents working from home has led to an increase across all systems;
3. Customers are not curtailing like they should;
4. The Edwards Aquifer wells are shut down at the Lower Trinity well drilling site and the SW Territory Edwards wells are picking up the demand; and
5. People are stealing the drought signs.

To remedy these causes for non-compliance, the following objectives were necessary to implement:

1. By 5/25/21 the Permittee will schedule, pick up and set out drought signs at all systems, including specifically throughout the service area for the Bliss Spillar system;

2. By 5/25/21 the Permittee will provide copies of notice letters that have already been mailed to the Bliss Spillar system to date and will provide the District with a list of dates for which those letters were sent;
3. By 5/31/21 the Permittee will send out new drought notice letters and will provide the District with a copy of that letter;
4. By 5/25/21 the Permittee will review the average usage per customer and will provide the District an estimate of that average use plus an estimate of how many “high users” they have within their system that they intend to target with additional drought curtailment messaging;
5. Permittee will include a conspicuous reminder of the drought stage on each bill as required by the signed UDCP; and
6. Permittee will provide a direct point of contact person that can provide a timely response regarding permit questions and concerns.

Out of the 6 objectives that you agreed to at the May 4, 2021, meeting, only objective 1 was performed. On June 16, 2021, we emailed you to set up a follow-up meeting. As of the date of this letter we have not received a response.

We will continue to work with you to achieve compliance with your agreed permit requirements, however, **please note that failure to contact the District and schedule a meeting by July 15, 2021, will result in a Board initiated show cause hearing to initiate enforcement actions in accordance with District Rules 3-1.11, 3-1.13, 3-7.10, and 3-8 for non-compliance with District Drought Rules.**

I may be contacted at (512) 282-8441 or at vescobar@bseacd.org.

Vanessa Escobar
General Manager

Enclosed:

May 18, 2021 Follow-up Letter
Aqua Texas Bliss Spillar UDCP

From: [Michael Redman](#)
To: rrobinson@aquaamerica.com; [Reeh, Brent C](#)
Cc: [Vanessa Escobar](#); [Kendall Bell-Enders](#); [Erin Swanson](#)
Subject: Please Respond As Soon As Possible
Date: Friday, June 25, 2021 3:04:00 PM
Attachments: [Aqua Texas Enforcement Letter 6-25-2021.pdf](#)
[Aqua Texas Follow Up Letter.pdf](#)
[Aqua Texas - Bliss Spillar Edwards - Drought Target Chart.pdf](#)

Good Afternoon,

Please see attached Letter, Follow-up letter, and UDCP. If you have any questions, please contact Vanessa Escobar at the number below or at vescobar@bseacd.org.

Thank you,

Michael Redman
www.bseacd.org
512-282-8441

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

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Aqua Texas
2611 Fm 2325
Wimberley, TX 78676



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**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Meeting & Two Public Hearings
Telephone & Videoconference
July 8, 2021**

Board members present at commencement: Blayne Stansberry, Christy Williams, Dan Pickens, and Craig Smith. Staff present included: Vanessa Escobar, Michael Redman, Dana Wilson, Justin Camp, Erin Swanson, Kendall Bell Enders, David Marino, 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 Stansberry called the virtual meeting to order at 4:00 p.m., noting that a quorum of the Board was present.

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

There were no public comments of a general nature.

3. Consent 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 June 10, 2021, Special Meeting and Public Hearing.

3c. Approval of Master Service Contract with GSI Environmental, Inc. to provide tutorials on groundwater modeling using Groundwater Vistas, and to assist with transition of the District's steady-state, in house model to a transient model.

3d. Approval of Amendment No. 1 to the Hays County ILA and MOU (related to study of the Trinity 'Aquifers in Hays County and the Region) executed on October 19, 2019, to extend the termination date to August 31, 2022.

3e. Approval of Amendment No. 2 to the HTGCD ILA related to Construction of a Monitor Well in the Trinity Aquifer, executed on March 12, 2020, and amended on October 8, 2020,

with Amendment No. 1 The only change is the extension of the termination date to August 31, 2022.

Director Smith moved approval of the consent agenda items 3a. through 3e. noting an invoice from Bickerstaff Heath in the amount of \$5527.50.

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

4. Public Hearings.

4a. Public Hearing - Rules & Bylaws

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Conservation Credits; Drilling Authorization Extensions; Fee Schedule; Drought Management Fees; Notice of Violation of Overpumpage of Annual Production Permit; Penalty Criteria, Penalty Range and Enforcement for Overpumpage of Annual Production Permit; and, other general administrative clarifications and corrections.

President Stansberry opened the Public Hearing at 4:08 p.m.

Mr. Redman briefed the Board on the proposed rule changes.

There were no public comments.

President Stansberry closed the Public Hearing at 4:12 p.m.

5. Discussion and possible action.

5a. Discussion and possible action on the approval of the proposed changes to the District's Rules & Bylaws.

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 4:14 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 4:24 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved to adopt the Ruled and Bylaws as proposed.

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

4. Public Hearings.

4b. Public Hearing – Budget & Fee Schedule

The Public Hearing concerns the District’s proposed fiscal year 2022 Budget and Fee Schedule. At the conclusion of this Public Hearing the Board may approve the fiscal year 2022 proposed Budget and the fiscal year 2022 Fee Schedule.

President Stansberry opened the Public Hearing at 4:26 p.m.

Ms. Escobar briefed the Board on the proposed Budget and Fee Schedule

There were no public comments.

President Stansberry closed the Public Hearing at 4:26 p.m.

5b. Discussion and possible action on approval of the FY 2022 Fee Schedule by Resolution #070821-01.

Mr. Redman briefed the Board on the proposed changes to the Fee Schedule.

Director Smith moved to adopt the FY 2022 Fee Schedule by Resolution #070821-01.

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

5c. Discussion and possible action on approval of the FY 2022 proposed Budget.

Ms. Escobar briefed the Board on the FY 2022 proposed Budget.

Director Smith moved to adopt the FY 2022 Budget as proposed.

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

5d. Discussion and possible action related to permittee’s monthly drought compliance.

Ms. Swanson gave an update on the monthly drought compliance of the permittees. She said that all permittees are in compliance, with the exception of Aqua Texas.

5e. Discussion and possible action on the Status of Aquifer Conditions and possible change in drought status.

Mr. Camp briefed the Board on aquifer conditions and the status of the District’s two monitor wells. He said that both of the District’s monitor wells are above drought stage II.

Ms. Escobar said that based on the data, staff recommends lifting Drought Stage II to Stage I voluntary 10% reduction in pumping.

After Board discussion, Director Pickens moved to lift Drought Stage II.

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

Ms. Escobar stated that a press release would be sent to the public, and permittees would be notified that they can return to their normal pumpage.

5f. Discussion and possible action related to authorize the General Manager to require a representative of Aqua Texas-Bliss Spillar to appear before the Board of Directors in August at a Show Cause Hearing, if necessary, for noncompliance with District Drought Rules and its Permit.

Mr. Redman explained that staff met with the permittee on May 4th and gave them six objectives to comply with, and that they had agreed upon. They only met one objective and that was to pick up drought signs. On June 16th we emailed them asking for a follow-up meeting and did not receive a response. On June 26th we sent them a letter by email, regular mail, and certified mail, informing them that if they did not communicate with staff, they would be required to appear at the August 12th meeting to show cause why the Board should not initiate an enforcement action against them for non-compliance with the rules of the District.

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 5:38 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 6:12 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved to direct the staff and legal counsel as the first step in enforcement action in setting a show cause hearing against Aqua Texas-Bliss Spiller, that the staff and counsel draft a notice of alleged violation and bring it back to the Board for approval and issuance.

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

5g. Discussion and possible action related to accept resignation of Director Blake Dorsett and to fill the vacancy on the Board of Directors.

President Stansberry stated that we received Director Dorsett's resignation and that due to personal reasons he unfortunately will not be able to serve out his term. She said that he has been an invaluable Director on the Board and will be missed.

Director Pickens moved to accept Director Dorsett's resignation and to fill the vacancy of Precinct 3 Director through Board appointment, and have staff send out a press release soliciting letters of interest.

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

5h. Discussion and possible action to elect a Board Secretary.

Director Pickens nominated Director Williams to fill the role as Secretary to the Board.

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

Ms. Escobar explained that the staff had a few slides on an Enforcement Plan and wanted to know if the Board would like to see those tonight or wait until the next meeting.

The Board elected to hear a short presentation from Ms. Bell-Enders.

5a. Discussion and possible action on the approval of the proposed changes to the District's Rules & Bylaws.

Ms. Bell-Enders presented the Permittee Enforcement Plan criteria to the Board.

6. General Manager's Report.

Topics

- a. Update on options to conduct Board meetings in person, by telephone and video conference.
- b. Update on personnel matters – Hybrid phase of remote/in person.
- c. Update on upcoming Board Committee activity
- d. Review of Status Report and update on team activities/projects.
- e. Upcoming events of possible interest.

Ms. Escobar, staff, and Mr. Dugat gave updates on the items above.

7. Directors' Reports.

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

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

Board members that had outside and Zoom meetings gave reports.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 6:47 p.m.

Approved by the Board on August 12, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Meeting
Telephone & Videoconference
August 12, 2021**

Board members present at commencement: Blayne Stansberry, Christy Williams, Dan Pickens. Craig Smith joined at 4:06 p.m. Staff present included: Vanessa Escobar, Michael Redman, Dana Wilson, Justin Camp, Erin Swanson, Kendall Bell Enders, David Marino, 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 Stansberry called the virtual meeting to order at 4:04 p.m., noting that a quorum of the Board was present.

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

There were no public comments of a general nature.

3. Consent 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 July 8, 2021, Special Meeting and Twp Public Hearings.

3c. Approval of the renewal of the current Master Service Contracts list and new additions to the approved vendor list.

3d. Pre-Approval of check payment in amount of \$7600.00 for USGS Lovelady well monitoring.

3e. Approval of Westbay equipment in the amount of \$6046.80 to complete our contracted equipment contribution of \$15,000 in the current HTGCD ILA, that goes towards the Hays County/HTGCD Jacob's Well project.

Director Pickens moved approval of the consent agenda items 3a. through 3e.

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

4. Discussion and possible action.

4a. Discussion and possible action related to the District's Communications and Outreach Plan.

Mr. Marino gave a presentation on the District's Communication and Outreach plan focusing on the District's educational programs and increased communication with the general public. He acknowledged that the plan might change in the future. He also thanked Ms. Escobar, Director Pickens, and Director Williams for their involvement in the plan creation.

After discussion, Director Pickens moved to adopt the Communication and Outreach plan as drafted, acknowledging that it might change in the future.

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

4d. Discussion and possible action related to enforcement against Aqua Texas -Bliss Spillar for noncompliance with District Drought Rules and its Permit.

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 4:21p.m.

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

The Board reconvened into open session at 5:33 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

No action was taken.

4b. Discussion and possible action on adopting amendments to the Enforcement Plan and Procedures.

Director Smith stated that he is concerned that this plan puts more on the staff than the permittee in violation.

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 5:35 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 5:41 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Ms. Bell-Enders gave a presentation on the enforcement plan changes including criteria, penalty adjustments, and over pumpage violations.

Director Smith stated that he appreciates the work that has gone into this plan but that its overly technical and detailed. There are many "shalls" that should be "mays" and that we will regret adopting these because it will be more work on staff.

Director Pickens disagreed with Director Smith saying that it's our responsibility to enforce pumpage rules.

President Stansberry said that she would not object to revising some of the "shalls" to "mays" giving the Board some flexibility, and asked Director Smith if he had any recommendations.

Director Smith said that he wasn't prepared to make specific recommendations at this time.

Director Williams said that it's good to have a process that is consistent and structured rather than based on subjected discretion.

Director Pickens moved approval of adopting the new rules and procedures for enforcement.

Director Williams seconded the motion and it passed with a vote of 3 to 0. Director Smith abstained.

The Board took a brief recess from 6:03 p.m. to 6:18 p.m.

4c. Discussion and possible action related to renewal of annual Production Permits for FY 2022 contingent on compliance with District rules and renewal requirements.

Mr. Redman explained that the staff reviewed all the permits and special conditions if applicable as well as payments. He said that staff recommends approval of all annual production permits.

Director Smith moved to approve all annual production permits per staff's recommendation.

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

4e. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including transition plans related to the resignation of the General Manager.

Ms. Escobar stated that she provided her resignation to President Stansberry and the Board over a week ago and plans to help with the transition over the next five weeks.

President Stansberry commented that Vanessa has had a remarkable impact during her eight-year tenure at the District. Coming in as GM right before a pandemic she did an excellent job shepherding staff through such a transition with virtual meetings and new Directors. As well as her role in Regulatory Compliance with EP and Annexation. She thanked her for everything she has done for the District and that she will be missed.

Directors Smith stated that he was glad to have worked with Vanessa, that she did a wonderful job and wished her the best in her promising career.

Directors Williams said that she wished she could have worked with Vanessa longer but that she is sure that their paths will cross in the future.

Director Pickens had nothing but praise for Vanessa's performance and attitude.

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 6:27 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 7:08 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved that in the interim period before a new General Manager is hired, the management will be carried out by a Management Team, and that Brian Smith will be the designated General Manager for any statutory or regulatory requirements that would require action. He also directed staff to issue and post the General Manager position the following day.

5. General Manager's Report.

Topics

- a. Update on options to conduct Board meetings in person, by telephone and video conference.**
- b. Update on personnel matters – Hybrid phase of remote/in person operations.**
- c. Review of Status Report and update on team activities/projects.**
- d. Upcoming events of possible interest.**
- e. Update on drought management fees for permittee noncompliance during the drought period of October 8, 2020 – July 8, 2021.**

Ms. Escobar, staff, and Mr. Dugat gave updates on the items above.

6. Directors' Reports.

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

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

Board members that had outside and Zoom meetings gave reports.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:21 p.m.

Approved by the Board on September 9, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary

***** MEMORANDUM *****

Date: November 18, 2021
To: District Board of Directors
From: Kendall Bell-Enders and Michael Redman, Regulatory Compliance Team
Subject: Staff enforcement recommendations for Aqua Texas Bliss Spillar (Aqua)

Background:

The District declared Alarm Stage Drought at the October 8, 2020 Board meeting. The District's enforcement plan provides for monthly review of permittee drought target production allocation. The evaluations of Aqua Texas – Bliss Spillar (Aqua) began with the month of November because the month of October was the initial month of 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 and levels (See table 1). Aqua's Historical Edwards permit falls under Tier 2 because it is permitted for 12,875,000 gallons per year. Permittees are further evaluated based upon the percentage and magnitude of overpumpage (A, B and C).

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

Under the District's enforcement plan, only Tier 3 permittees will be evaluated during the first three months of drought, excluding the initial month. After the third month of drought, Tiers 2 and 3 permittees are evaluated during 4 – 6 months. Aqua's overpumpage was assessed for non-compliance during month 4 (February) however the Board waived February pumpage exceedances for all permittees due to the winter storm so Aqua's overpumpage was not assessed until March (table 2).

Pursuant section 4.0 of the District's enforcement plan, Aqua was given and attended a first occurrence pre-enforcement meeting to discuss the reasons for the overpumpage and to ensure the implementation of its User Drought Contingency Plan. This meeting was scheduled after Aqua submitted its March pumping reports in April. The meeting took place on 5/4/2021 and a follow up letter was sent to the permittee describing items that the permittee needed to complete and provide to the District by 5/25/21.

Year	Month	Days	Drought Stage	Target	Pumpage	Level	% To Target	Notes
2020	November		Alarm	721,000.00	1,322,000.00	B	83%	Not assessing; only Tier 3
2020	December		Alarm	648,900.00	1,150,000.00	B	77%	Not assessing; only Tier 3
2021	January		Alarm	648,900.00	817,000.00	B	26%	Not assessing; only Tier 3
2021	February		Alarm	669,500.00	933,000.00	B	39%	Not assessing; Winter Storm
2021	March		Alarm	679,800.00	1,502,000.00	C	121%	Started assessing; Tier 2. 1 st occurrence of non-compliance for Tier 2. Pre-enforcement
2021	April		Alarm	762,200.00	1,189,000.00	B	56%	2 nd occurrence non-compliance – scheduled pre-enforcement meeting in early/mid April
2021	May		Alarm	824,000.00	1,128,000.00	B	37%	May 4 th – pre-enforcement meeting. May 18 th – follow up letter (asked for evidence by 5/25). No response
2021	June		Alarm	978,500.00	1,335,000.00	B	36%	June 25 th – 2 nd pre-enforcement request or possible enforcement. Drought end at end of June.

Table 2

Alleged Violations:

District records indicate a minimum of approximately thirty-seven (37) alleged daily violations of **District Rule §3-7.5** for failure to implement measures of the user drought contingency plan. Rule §3-7.5 provides each permittee is required to prepare, adopt and implement User Drought Contingency Plans (UDCPs) consistent with these Rules. Daily violations related to rule §3-7.5 were calculated only for the days beginning when the staff imposed a deadline that Aqua provide evidence that it had implemented the UDCP conditions and ending when the drought declaration was lifted (5/25/21 – 6/30/21). Aqua did not provide evidence of implementation and it is the staff's belief that Aqua did not implement the required measures.

District records also indicated approximately three (3) alleged violations of **District Rule §3-7.6** for failure to reduce pumpage during District declared drought in accordance with monthly pumpage limits of the UDCP. District Rule §3-7.6(A)(1) provides all permittees shall achieve individual monthly target pumpage volumes for each drought stage by reducing established monthly baseline pumpage by the respective percentage reductions associated with each drought stage. Daily violations related to Rule 3-7.6 were calculated only for the second occurrence of non-compliance per the enforcement plan, for permittees with a first occurrence of non-compliance and recurrent months of reported non-compliance after pre-enforcement efforts (April- June 2021). Aqua was informed each month of the drought overpumpage violations and staff initiated pre-enforcement notifications in early April. Because pumping is recorded on a monthly and not a daily basis it is unknown which days, other than the last day of the month, that Aqua overpumped. Consequently, only the last day of April, May and June is used to calculate overpumpage resulting in three (3) daily violations.

Base Penalties:

Penalties were determined from the ranges specified in District rules and guidelines for violations and penalty assessments. The penalties range from \$250-\$500 daily for violations of Rule §3-7.5 and staff calculated daily penalties from May 25th (staff deadline for evidence that UDCP conditions were being implemented) through June 30th. Penalties range from \$200-\$1,600 daily for violations of Rule 3-7.6 for Tier 2 permittees and staff calculated penalties from April (second occurrence and after pre-enforcement for first occurrence) through June. Penalties are calculated for the last day of each month only (3 days). Penalties based on three severity options (low, mid, and high) within the specified ranges are provided below (Table 3) for Board consideration.

Rule Violation	Level	Months	No. of Days in Violation	Daily Penalties			Total Penalties		
				low	mid	high	low	mid	high
§3-7.5	NA	May 25 th – June 30 th	37	\$250	\$375	\$500	\$9,250	\$13,875	\$18,500
§3-7.6	B	April-June (last day of month)	3	\$400	\$600	\$800	\$1,200	\$1,800	\$2,400
Sub Total							\$10,450	\$15,675	\$ 20,900

Table 3

In accordance with section 4.1 of the District’s adopted enforcement plan, the amount of the penalties assessed shall be determined considering the following factors:

- (1) **The severity or seriousness of the violation;**
- (2) Whether the violation was willful, intentional, or could have been reasonably anticipated and avoided;
- (3) **Whether the violator acted in good faith to avoid or mitigate the violation, or to correct the violation after it became apparent and compensate those affected;**
- (4) The economic gain obtained by the violator through the violation;
- (5) Whether similar violations have been committed in the past;
- (6) The amount necessary to deter future violations;
- (7) Any other matter that justice may require;

In consideration of these factors, particularly factors 1 and 3, staff calculated penalties from the mid-range category for each of the 40 daily violations or a total of **\$15,675**. The mid-range is warranted given the duration and magnitude of the violations and the lack of communication and follow through after the pre-enforcement meeting.

Resolution Conditions

As an incentive to achieve immediate compliance and early resolution of the violations, staff recommends a reduced penalty of **\$3,919** (75% reduction) and the following compliance requirements:

- Update and combine the Bliss Spillar UDPC documentation for all associated permits as follows:
 - During a District declared drought and upon District request the permittee shall:
 - Provide proof of monthly leak detection, surveys and/or reviews conducted and submit to the District upon request;
 - Provide to the District photo proof of drought signs or posters, placed in visible places, within the service area during District declared drought;
 - Documented evidence, sent to the District, of a conspicuous reminder of the current and/or prospective drought stage sent via stage via a direct delivery method such as but not limited to direct mailing, reverse 911, email, etc.
 - Documented evidence, sent to the District upon request, of historic and current customer use comparison that is provided in each bill; and
 - Documented evidence, sent to the District, of issued warnings for occurrence of waste to residential customers who demonstrate excessive monthly consumption or proscribed use (greater than 30,000 gallons/month or 20,000 gallons/month for Stage III Critical Drought and beyond)

Staff Recommendation:

Aqua has agreed to and signed a UDPC that includes the above-described resolution conditions and Aqua's staff have indicated that they are willing to work with staff to ensure future compliance and better communication between the parties. Therefore, staff recommends forgoing a Notice of Alleged Violation (NOAV) and Agreed Order at this time and deferring the penalty (\$3,919) until the permittee has a first occurrence of non-compliance per the enforcement plan (after third consecutive month of drought) during the next District-declared drought. District staff will forgo any pre-enforcement meeting with the permittee for this past violation and will immediately seek penalties. Any future drought enforcement matters will proceed as normal under the rules and revised enforcement plan.

Drought Enforcement Plan Excerpts

Drought Management and Enforcement Process

1.0 Drought Enforcement Strategy

The District's approach to drought management described here flows from and is consistent with District Rules 3-7.8 and 3-8. It describes the appropriate implementation mechanisms, public awareness efforts, aquifer and drought monitoring, and permittee performance monitoring and assessment to be used during drought. Compliance and enforcement efforts specified below elaborate District Rule 3-8 and center on assessment of permittee performance on a monthly basis to identify the various levels of non-compliance with mandatory pumpage reductions. This monthly assessment will focus the District's early efforts on permittees with the more egregious levels of over-pumpage, on the basis of both the percentage of pumpage over their monthly pumpage limits and the volumes of their permitted pumpage.

2.0 Implementation Mechanisms

2.1 Drought Declaration Notices

The District will declare the commencement of drought by sending written notice to all District permittees when specified aquifer conditions are met in accordance with the approved District drought trigger methodology and after the Board has approved the declaration. The staff will assess the continuation of and stage of an indicated drought continuously, and notify all permittees when a more or less severe drought stage is declared and when the drought no longer exists

2.2 Public Awareness

Once drought is officially declared by the District, the District will implement measures to provide public awareness including but not limited to:

- Web site updates on aquifer conditions and permittee pumpage performance
- Press releases and guest columns in the local newspapers
- Recurring articles and columns in District newsletter
- Drought and aquifer condition updates provided via e-newsletter to permittees
- Outreach and education by District educators.

2.3 Monthly Compliance Evaluations

- Monthly evaluations of permittee performance and compliance with monthly drought limits will begin on the latest date that all meters readings are required to be submitted each month (the 5th of each month). Staff will identify permittees who have failed to report meter readings by the monthly reporting deadline while in District-declared drought. District will notify all those who have not reported that the District will obtain the meter readings at a fee of \$50 to the permittee. District staff will follow up with meter readings for all delinquent permittees to ensure necessary readings are available to assess drought compliance.
- Should a more or less severe drought stage be declared in the middle of a particular month, the District will evaluate and measure compliance with the less stringent drought stage requirements for that month that the status change occurred. Compliance with the measures of the newly declared stage will be required in the following month.
- Staff will generate a list of non-compliant permittees based on permitted volume and percentage over-pumped. Non-compliance will be categorized in tiers in accordance with the following criteria:

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%

- Staff will send notices of overpumpage to all non-compliant permittees to notify them of their overpumpage and to inform them of their level of non-compliance. This notice will also include the amount of a drought management fee if a fee is assessed
- Staff will identify and red flag suspect permittee meter readings, on the basis of previous readings, and conduct follow-up meter reading verifications.
- Staff will monitor pumping trends of those permittees that repeatedly over-pump monthly limits while in Drought and take action based on Enforcement Procedures outlined below.
- Staff will evaluate compliance trends of all other permittees to identify efforts to comply or escalating overpumpage.
- Staff will report and update monthly, all non-performing permittees after the third consecutive enforceable month of District declared drought, by posting a list of those permittees not meeting their monthly pumpage limits on the District website and at the District office for public review.

2.5 Determination of Occurrence of Non-compliance

Determinations of an occurrence of substantial non-compliance will be made based on 1) repeated events of non-compliance, 2) specific causes of overpumpage, and 3) the permittee's response to the reported overpumpage. In determining an occurrence, the District will take into consideration the permittee's demonstrated efforts to achieve pumpage reductions and any documented trends in prior water use reductions.

3.0 Timelines and Phasing of Determinations

Initial Month of a Drought Stage: No enforcement will be initiated for non-compliance in the initial month of Alarm Stage Drought if the timing of the declaration does not allow for a full month (after notice has been provided to the permittees) to begin assessing compliance with monthly limits. Overpumpage notices will be sent to all permittees who over-pumped their monthly pumpage limits to inform them of the on-going pumpage assessment being conducted by the District during drought and to notify them of the District's authority to enforce against non-compliance. For the initial month of Critical Stage Drought, the permittees will only be subject to the conditions of the Alarm Stage Drought until such time that a full month is available to assess compliance.

1-3 Months: Enforcement efforts will focus initially on the more egregious and sustained non-compliance by the large volume permittees. During the first three consecutive enforceable months of District declared drought, monthly assessment of overpumpage violations will focus on *Tier 3* permittees with *Level B/C* non-compliance. As a practical matter, the initial assessment and enforcement activities during this period will focus on *Tier 3* permittees with *Level C* non-compliance plus those who are irrigators.

4-6 Months: After the third consecutive enforceable month of District declared drought, monthly assessment of non-compliance will be expanded to include *Tier 2* permittees. Evaluation of compliance with Critical Stage Drought requirements will be begin after the first full enforceable month and will focus on *Tier 2* and *Tier 3* permittees with *Level B/C* non-compliance.

After 6 Months: After the first six (6) consecutive enforceable months of District declared drought, monthly assessment of non-compliance for *Tier 2* and *Tier 3* permittees will include *Level A/B/C* and will be expanded to include *Tier 1* permittees. Enforcement efforts for *Tier 1* permittees permitted for more than 2,000,000 gallons annually will be reserved for only those occurrences that are egregious and/or recurrent in nature. This will be determined when a *Tier 1* permittee reports six (6) or more months of level B or greater overpumpage or when the monthly volume overpumped equals a volume that would trigger an enforcement action for a *Tier 2* permittee. Enforcement efforts for *Tier 1* permittees permitted for 2,000,000 gallons or less will generally be reserved only for non-compliance that warrants enforcement as determined by the Board.

4.0 Drought Enforcement Procedures

Levels of non-compliance will be assessed with actions taken in accordance with the Districts Enforcement Plan and Procedures and the following enforcement protocol for those permittees with consistent or increasing levels of non-compliance*.

1st Occurrence: For the initial occurrence of non-compliance, a meeting or teleconference will be arranged with the permittee representative and the District GM and staff to discuss the particular causes of the non-compliance. The discussion will focus on compliance with the measures of the UDCP and identifying causes of excessive water use/loss or other possible relevant causes for overpumpage. Specific commitments and timelines to achieve pumpage reductions will be requested and documented.

2nd Occurrence: For those permittees with a first occurrence of non-compliance and recurrent months of reported non-compliance, staff may refer the case to the Board with a recommendation to issue a NOAV. Further enforcement efforts will proceed in accordance with the District *Enforcement Procedures* and the *Penalty Assessment Guidelines*.

For those permittees with a first violation who continue to have recurrent months of reported non-compliance but with some improvement, a meeting will be arranged with the permittee representatives, GM and staff, and the appropriate District Director at the District office. Discussion will focus on the implementation of the documented measures, the success or failure of those specific measures, and the commitments to achieve pumpage reductions resulting from the first violation discussions. More detailed analysis of causes for continued non-compliance will be conducted to result in more specific and binding measures for committed pumpage reductions by the permittee.

3rd Occurrence:

For permittees with a second occurrence who continue to have multiple months of reported non-compliance, the GM may refer the case to the Board with a recommendation to issue an NOAV. Further enforcement efforts will proceed in accordance with the District *Enforcement Procedures* and the *Penalty Assessment Guidelines*.

* If a permittee is non-responsive to any of the bulleted elements of these enforcement procedures, the GM may recommend to Board that either an NOAV be issued, a Show Cause Hearing be conducted, or an enforcement action be pursued on the violation immediately, whichever is more likely to elicit a constructive response.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

NOTICE OF ALLEGED VIOLATION

January 13, 2022

Certified Mail- Return Receipt Requested & Electronic Mail

Aqua Texas – Bliss Spillar
Attn: Brent Reeh, Brian Robinson, or Scot Foltz
2611 FM 2325
Wimberley, TX 78676

RE: Notice of Alleged Violations of District Rules & Bylaws.

Dear Permittee:

On July 8, 2021, the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District (District) determined that sufficient information exists to warrant this notice, alleging that the well owner at Copperleaf Drive, Manchaca, TX (30°8'34.15" N 97°52'48.74"W) violated the District Rules & Bylaws. District records demonstrably indicate alleged violations of **District Rule §3-7.5** for failure to implement measures of the UDCP during Stage II Drought, and of **District Rule §3-7.6** for failure to reduce pumping during District declared drought. A copy of the District's investigation report is enclosed.

The District expects complete compliance with all District Rules, and your permit with the District is predicated on that compliance. Pursuant to §36.102 of the Texas Water Code and the penalty schedule contained in §3-7.10 of the District's Rules, the District is authorized to assess civil penalties of up to \$500 for each act of violation and for each day of violation for Rule §3-7.5 and up to \$5,000 for each act of violation and for each day of violation for Rule §3-7.6. The indicated penalties are based on several factors including: (1) the seriousness of the violations; (2) the history of past violations; (3) the amount necessary to deter future violations; (4) efforts made to correct the violations; and (5) any other matters that justice may require. Accordingly, the District Staff will be recommending to the Board of Directors at a future hearing on the matter **the assessment of a penalty of \$15,675 unless the matter is resolved by agreement**. A copy of the District penalty calculation is enclosed.

If necessary, the District will file civil suit to enforce and achieve compliance with its rules but prefers to resolve the case without the need for litigation. **As an incentive to achieve immediate compliance and early resolution of the violations, the District will agree to defer the assessment penalty if you agree to comply with the following requirements:**

- 1) Update and combine the Bliss Spillar UDCP documentation for all associated permits as follows:

During a District declared drought and upon District request the permittee shall:

- i. Provide proof of monthly leak detection, surveys and/or reviews conducted and submit to the District upon request;
- ii. Provide to the District photo proof of drought signs or posters, placed in visible places, within the service area during District declared drought;
- iii. Documented evidence, sent to the District, of a conspicuous reminder of the current and/or prospective drought stage sent via stage via a direct delivery method such as but not limited to direct mailing, reverse 911, email, etc.;
- iv. Documented evidence, sent to the District upon request, of historic and current customer use comparison that is provided in each bill; and
- v. Documented evidence, sent to the District, of issued warnings for occurrence of waste to residential customers who demonstrate excessive monthly consumption or proscribed use (greater than 30,000 gallons/month or 20,000 gallons/month for Stage III Critical Drought and beyond)

2) Post a payment bond of \$15,675 in a form acceptable to the District.

The deferred amount will be waived upon full compliance with the terms of the Agreed Order and if no instances of noncompliance occur within five years from the Agreed Order's Effective Date. If Aqua Texas fails to comply with all requirements of the Agreed Order, or Aqua Texas is noncompliant with provisions of its UDCP including failing to reduce monthly pumping limits during District-declared drought during the five-year period from the Agreed Order's Effective Date, Aqua Texas must pay the full deferred penalty.

If Aqua Texas fails to pay the \$15,675, the posted bond will be payable to the District as provided in the Agreed Order.

Please note that the offer made here for early resolution of these violations should not be construed as an admission by the District and is inadmissible under Texas Rules of Evidence to prove invalidity of the alleged violations or the amount of the penalty. Moreover, the District has no obligation to reduce penalties associated with these violations after the early resolution period terminates.

IF YOU ACCEPT THE SETTLEMENT OFFER, PLEASE SIGN THE ATTACHED AGREEMENT AND RETURN TO BSEACD WITHIN THIRTY (30) DAYS. AFTER 30 DAYS, THE OFFER WILL BE WITHDRAWN AND THE DISTRICT WILL PURSUE OTHER ENFORCEMENT MEANS.

If you choose to contest these allegations, notify the District within thirty (30) days of this notice. You will be cited to appear and will be provided a hearing before the Board where you may show cause why an enforcement action should not be initiated against you. Failure to respond to this notice in the specified timeframe will result in the referral of this matter to the District Board of Directors and the scheduling of a formal public hearing at which time the District Staff will provide a recommendation to the Board to file a lawsuit against you and seek civil penalties, court costs and attorney's fees.

If you have any questions regarding this matter, contact the Regulatory Compliance Team, by phone at (512) 282-8441.

Sincerely,

General Manager

cc: Mr. Bill Dugat, Esq., District Counsel

**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING AQUA TEXAS
BLISS SPILLAR**

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**BEFORE THE BARTON
SPRINGS/EDWARDS
AQUIFER
CONSERVATION
DISTRICT**

AGREED ORDER

**I.
JURISDICTION AND STIPULATIONS**

The Board of Directors (“Board”) of the Barton Springs/Edwards Aquifer Conservation District (“District”) has considered this agreement of the parties resolving an enforcement action regarding Aqua Texas Bliss Spillar (Aqua Texas) under the authority of Texas Water Code Ch. 36. The General Manager of the District and Aqua Texas appear before the Board and together stipulate that:

1. Aqua Texas owns and operates Bliss Spillar Water Supply located at Copperleaf Drive Manchaca, Texas, (30°8’34.15” N 97°52’48.74” W).
2. Aqua Texas utilizes water supplied by public water supply well permitted by the District as a Commercial Well.
3. Aqua Texas’s permit issued by the District includes standard Permit Conditions and Requirements in accordance with District Rule 3-1.11.
4. The District and Aqua Texas agree that the District has jurisdiction to enter into this Agreed Order and that Aqua Texas is subject to the District’s jurisdiction.
5. Aqua Texas received notice of the violations alleged in Section II on or about June 25, 2021.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Aqua Texas of any violation alleged in Section II, nor of any statute or rule.
7. A penalty in the amount of \$15,675.00 is assessed by the District for the violations alleged in Section II. The penalty is deferred contingent upon Aqua Texas's timely and satisfactory compliance with all the terms of this Agreed Order and its continued compliance with the User Drought Contingency Plan (UDCP) and drought-related pumping limitations. The deferred amount will be waived upon full compliance with the terms of this Agreed Order and no instances of future noncompliance within five years from the Effective Date. If Aqua Texas fails to timely and satisfactorily comply with all requirements of this Agreed Order, or Aqua Texas is noncompliant with provisions of its UDCP including failing to reduce monthly pumping limits during District-declared drought during the five-year period from the Effective Date, Aqua Texas must pay the deferred penalty. To ensure compliance with payment of the deferred penalty, Aqua Texas must post a payment bond in a form acceptable to the District. The bond will be payable to the District if Aqua Texas fails to pay the \$15,675 deferred penalty, if required, as provided herein.
8. Any notice and procedure that might otherwise be authorized or required in this action are waived in the interest of a timelier resolution of the matter.
9. The General Manager of the District and Aqua Texas have agreed on a settlement of the matters alleged in this enforcement action, subject to approval of the Board.

10. The General Manager may, without further notice or hearing, seek further enforcement proceedings in a court of competent jurisdiction if the General Manager determines that Aqua Texas has not complied with one or more of the terms or conditions of this Agreed Order.
11. This Agreed Order shall terminate five years from its Effective Date or upon compliance with all of the terms and conditions set forth in this Agreed Order, whichever occurs sooner.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II.
ALLEGATIONS

As a permittee of the District, Aqua Texas is alleged to have violated District Rule §3-7.5 for failure to implement measures of its User Drought Contingency Plan (UDCP) and failed to reduce pumpage during District-declared drought in accordance with monthly pumpage limits of the UDCP as required by District Rule §3-7.6(A)(1).

III.
DENIALS

Aqua Texas generally denies each allegation in Section II.

IV.
ORDERING PROVISIONS

1. The Board orders the following:
 - a. the penalty of \$15,675 is deferred contingent upon Aqua Texas's timely and satisfactory compliance with all the terms of this Agreed Order and its continued compliance with its UDCP and any drought-related pumping limitations.
 - b. The deferred amount will be waived upon full compliance with the terms of this Agreed Order and no instances of future noncompliance within five years from the Effective Date.
 - c. Aqua Texas must pay the entire penalty of \$15,675 if Aqua Texas violates the terms of this Agreed Order and fails to comply with its UDCP and any drought-related pumping limitations for a period of five years beginning on the Effective Date. Payment must be made within 30 days of notification of noncompliance by the General Manager.
 - d. Aqua Texas must post a payment bond in a form acceptable to the District. The bond will be payable to the District if Aqua Texas fails to pay the \$15,675 deferred penalty as required under Section IV, paragraph 1c.

2. The payment of any penalty and Aqua Texas's compliance with all of the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The District shall not be constrained in any manner from requiring corrective action or penalties for violations that are not raised here.

3. Penalty payments, if any, shall be made payable to Barton Springs/Edwards Aquifer Conservation District and shall be sent with notation "Aqua Texas's Agreed Enforcement" to:

Barton Springs/Edwards Aquifer Conservation District
ATTN: _____
1124 Regal Row
Austin, TX 78748

4. Aqua Texas shall undertake the following technical requirements:

a. Aqua Texas must update and combine the Bliss Spillar UDCP documentation in all of its District-issued permits requiring that during a District-declared drought and upon District request Aqua Texas shall:

- i. Provide proof of monthly leak detection, surveys and/or reviews conducted and submit to the District upon request;
- ii. Provide to the District photo proof of drought signs or posters, placed in visible places, within the service area during District declared drought;
- iii. Documented evidence, sent to the District, of a conspicuous reminder of the current and/or prospective drought stage sent via stage via a direct delivery method such as but not limited to direct mailing, reverse 911, email, etc.
- iv. Documented evidence, sent to the District upon request, of historic and current customer use comparison that is provided in each bill; and
- v. Documented evidence, sent to the District, of issued warnings for occurrence of waste to residential customers who demonstrate excessive monthly consumption or proscribed use (greater than 30,000 gallons/month or 20,000 gallons/month for Stage III Critical Drought and beyond)

5. The provisions of this Agreed Order shall apply to and be binding upon Aqua Texas. Aqua Texas is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.

6. If Aqua Texas fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe (not including drought), Aqua Texas's failure to comply is not a violation of this Agreed Order. Aqua Texas shall have the burden of establishing to the General Manager's satisfaction that such an event has occurred. Aqua Texas shall notify the General Manager within seven days after Aqua Texas become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The General Manager may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Aqua Texas shall be made in writing to the General Manager. Extensions are not effective until Aqua Texas receives written approval from the General Manager. The determination of what constitutes good cause rests solely with the General Manager.

8. This Agreed Order, issued by the Board, shall not be admissible against Aqua Texas in a civil proceeding, unless the proceeding is brought by the District to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the District's jurisdiction, or of a rule adopted or an order or permit issued by the District under such a statute.

9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. The Effective Date is the date the District signs the Agreed Order.

SIGNATURE PAGE

Barton Springs/Edwards Aquifer Conservation District:

For the Board

Date

For the General Manager

Date

ATTEST:

Aqua Texas:

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the District, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by Aqua Texas;
- Lawsuit for contempt, injunctive relief, additional penalties, and/or attorney fees, or referral to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to civil trial for any future enforcement actions; and
- District seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or Typed)
Authorized Representative of Aqua Texas

Date

Item 5

Board Discussions and Possible Actions

c. Discussion and possible action on Initial Assessment regarding whether redistricting is required considering the new 2020 census data; and, if so, consider adoption of criteria to apply to development of new districting plans, and guidelines for public participation in the redistricting process.

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

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RESOLUTION #01132022-01

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
RESOLUTION ADOPTING GUIDELINES
FOR USE IN REDISTRICTING 2021 PROCESS**

WHEREAS, this Board of Directors has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. and the Voting Rights Act, 52 U.S.C.A. § 10301; article 16, section 59 of the Texas Constitution; Tex. Water Code Ann. § 36.059; Chapter 8802 of the Texas Special District Local Laws Code Ann.; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Board of Directors ("Board"); and

WHEREAS, these guidelines relate to persons who have specific redistricting plans which may come before the Board; and

WHEREAS, the Board welcomes any comments relevant to the redistricting process.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that in order to ensure that any plan that might be submitted is of maximum assistance to the Board in its decision making process, the Board hereby sets the following guidelines to be followed by each person submitting a redistricting plan for consideration:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The Board wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for African-Americans, Hispanics, Asians, and Anglo/Other for each proposed district, based on the 2020 Census Data. If a plan is submitted without a population breakdown, the Board may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire entity, so the Board may consider the effect of any plan on the entire district. All plans are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the Board will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire district, it may be impossible for the Board to assess its impact on one or more protected minority groups.

4. Plans should conform to the criteria the Board will be using in drawing the precincts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Board may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the Board of Directors by the close of the public hearing.

BE IT SO ORDERED.

Adopted on this _____ day of _____, 2022.

BARTON SPRINGS/EDWARDS AQUIFER
CONSERVATION DISTRICT

Blayne Stansberry, President

ATTEST:

Christy Williams
Secretary, Board of Directors

THE STATE OF TEXAS

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RESOLUTION #01132022-02

THE COUNTY OF TRAVIS

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**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
RESOLUTION ADOPTING CRITERIA
FOR USE IN REDISTRICTING 2021 PROCESS**

WHEREAS, this Board of Directors has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. and the Voting Rights Act, 52 U.S.C.A. § 10301; article 16, section 59 of the Texas Constitution; Tex. Water Code Ann. § 36.059; Chapter 8802 of the Texas Special District Local Laws Code Ann.; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, on review of the 2020 Census data, it appears that a population imbalance exists requiring redistricting of the District's director precincts; and

WHEREAS, it is the intent of the District to comply with Section 2 of the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence and state law; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the District in the consideration of districting plans; and

WHEREAS, established criteria will provide the District a means by which to evaluate and measure proposed plans; and

WHEREAS, redistricting criteria will assist the District in its efforts to comply with all applicable federal and state laws;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the District, in its adoption of a redistricting plan for director precincts, will adhere to the following criteria to the greatest extent possible when drawing precinct boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single director precinct, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, director precincts should be composed of whole voting precincts. Where this is not possible or practicable, director precincts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.

4. Although it is recognized that existing director precincts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing director precincts.
5. Director precincts must be evaluated for relatively equal total population according to the 2020 federal Census and comply with § 8802.053 of the Texas Special District Local Laws Code and § 36.059(b) of the Texas Water Code. Population equality is to be evaluated within the category of precinct (*i.e.*, City of Austin or Suburban/Rural/Shared Territory to which each director precinct belongs).
6. The director precincts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

The District will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted to the District by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of director precincts and should redistrict the entire District. The District's Board of Directors may decline to consider any plan that is not a complete plan.

All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the District's Board of Directors should conform to these criteria.

This resolution shall be effective upon passage by the Board of Directors.

BE IT SO ORDERED.

Adopted on this _____ day of _____, 2022.

BARTON SPRINGS/EDWARDS AQUIFER
CONSERVATION DISTRICT

Blayne Stansberry, President

ATTEST:

Christy Williams
Secretary, Board of Directors

Item 5

Board Discussions and Possible Actions

d. Discussion and possible action related to on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the General Manager.

Item 5

Board Discussions and Possible Actions

e. Discussion and possible action related on an Agreement between the District and Wimberley Valley Watershed Association for access to drill and complete a groundwater monitor well and to conduct groundwater monitoring.

**Agreement for
Access to Drill and Complete a Groundwater Monitor Well and to Conduct Groundwater
Monitoring
Between
Barton Springs/Edwards Aquifer Conservation District
and
Wimberley Valley Watershed Association**

This **Agreement for Access to Drill and Complete a Groundwater Monitor Well and to Conduct Groundwater Monitoring** (“Agreement”) is made by and between **Barton Springs/Edwards Aquifer Conservation District**, a groundwater conservation district and political subdivision of the state created by an act of the 70th Legislature and subject to various requirements of State Law governing groundwater districts, including Texas Water Code Chapter 36 (“BSEACD”) and **Wimberley Valley Watershed Association (WVWA)**, a 501c3 tax exempt organization. BSEACD and the WVWA are sometimes referred to herein individually as a “Party” and collectively as the “Parties”.

Whereas, increased demands on groundwater in central Hays County could potentially cause unreasonable impacts to existing groundwater users. BSEACD intends to conduct studies of the Trinity Aquifers in central Hays County, including the evaluation of the potential impacts on the aquifers, water-supply wells and other water resources from increased pumping from the aquifers;

Whereas, BSEACD will conduct a study of the Middle and Lower Trinity Aquifers in central Hays County consistent with Texas Water Code Sections 36.106, 36.107, and 36.109, comprising one Monitor Well, on or within the vicinity of Property owned by WVWA described as that certain parcel in the Washington Mitchell Survey A-335, filed in Volume 3240, Page 300 (Parcel ID: R129677) of the Deed Records of Hays County (the “Property”). These studies will support the update and extension of the Hill Country Trinity Groundwater Availability Model and provide significant information to evaluate potential impacts to these aquifers on which nearby residents and ranches depend for their water supply (the Monitor Well installation and subsequent monitoring and study is referred to as the “Project”);

Whereas, subject to the terms and conditions of this Agreement, WVWA will allow reasonable access to BSEACD for the Project including access to construct, maintain and monitor groundwater in a Monitor Well;

Whereas, subject to the terms and conditions of this Agreement, BSEACD will install one Monitor Well that will be drilled to a depth to locate and monitor the Middle and Lower Trinity Aquifers;

Whereas, BSEACD believes that the installation of a monitor well upgradient of Jacob’s Well will significantly increase the understanding of groundwater flow to Jacob’s Well and the impacts to flow from Jacob’s Well by pumping;

Whereas, the installation of a Monitor Well, dye tracing, stream-flow measurements, and other activities will provide data that could support numerical groundwater models and to provide data for management of the groundwater resources of Hays County;

Now, therefore, the Parties hereto, in consideration of these promises and mutual obligations herein undertaken, do agree as follow:

Section 1. Purpose and Public Benefit

This Agreement is made pursuant to Section 36.067 of the Texas Water Code for the operations associated with the field investigations to evaluate the Middle and Lower Trinity Aquifers, i.e., the implementation of the Project. The Project will provide a public benefit as the information and technology that will be available from the Project will provide valuable information on these aquifers and potential impacts to water-supply wells and other water resources in the area. The Agreement is for the mutual benefit of each and is not detrimental to either Party.

Section 2. Agreement Term

The initial term of this Agreement shall be for twenty-five years, to commence on the date this Agreement is signed by the last of the Parties (Effective Date) and will automatically renew each year after that unless one of the Parties notifies the other Party in writing of any changes.

Section 3. Project Implementation and Operation

3.1 BSEACD Duties.

- a. The BSEACD shall design and install one Monitor Well on the Property that will be drilled to and completed in the Middle and Lower Trinity Aquifers. BSEACD will own the right to use, including but not limited to, inserting a steel tape, electronic line or other device into and collecting water samples from the Monitor Well during the term of the Project. WVWA will continue to own the Property, water rights and mineral rights related to the Monitor Well. Except as otherwise described herein, BSEACD will not cause any damages to the surface of the Property that will impair the use or value of the real property. The Monitor Well will be completed to a depth of about 500 feet and will include about 7 monitor zones. Unless the Monitor Well is repurposed for use by WVWA, BSEACD is responsible for properly plugging the Monitor Well whenever it ceases to be used for monitoring the Middle and Lower Trinity Aquifers.
- b. BSEACD will install a small concrete pad, about 6 feet by 6 feet around the well casing, and four protective posts, with heights of about three feet, will be installed on each corner of the concrete pad. The location of the drill site, concrete pad and four protective posts is shown in **Exhibit A**.
- c. BSEACD will conduct aquifer tests, water availability, hydrological, and related environmental assessments of the Middle and Lower Trinity Aquifers accessed by the Monitor Well. Drilling and installation activities are expected to take about three weeks. Initial aquifer testing and sampling will take an additional three weeks. For the remainder of the agreement period, visits to the site will be less frequent with visits occurring about one day every three months.

3.2 WVWA Duties

- a. WVWA owns the Property and will provide an area for BSEACD to install, operate and sample a Monitor Well on the Property at a mutually agreeable location as shown in **Exhibit A** with access from Colemans Canyon Road for installation and monitoring.
- b. WVWA will provide BSEACD and its invitees, contractors and employees reasonable ingress to and egress from the Property, including to the Monitor Well for groundwater monitoring activities during the Project for the duration of this Agreement. Reasonable access under normal conditions is 7am until 7pm, Monday through Friday with occasional access required on Saturday and Sunday.
- c. WVWA agrees that if WVWA needs to drill a water well, install a septic tank, septic tank drain field, or any other activity that could disrupt the Project, including groundwater data collection from the Monitor Well, WVWA shall make diligent effort to avoid unreasonable interference with the Project.

Section 4. Ownership of the Project and/or Project Technology.

The Project as described in Section 3 is a study of the Middle and Lower Trinity Aquifers funded in substantial part by public funds, and even though proprietary technology may be used in conducting certain tests in the course of the Project, the data, results, findings, conclusions, and recommendations developed by or reported to the BSEACD arising from the Project shall be in the public domain at the conclusion of the Project, and no ownership or proprietary rights of those Project outcomes will be asserted by any Party or other entity. The above notwithstanding, WVWA shall have the right to use all data, results, findings, conclusions, and recommendations developed by the Project for any purpose it deems appropriate.

Section 5. Access to Project Results

The Parties agree that they shall have access to, and the right to audit, examine, or reproduce, any and all records, data and/or results in BSEACD's possession arising from the Project at any time during normal business hours during Project activity. Notwithstanding the foregoing, the Parties agree the records of the Project are subject to document retention and destruction policies of the Parties, provided BSEACD, as a public entity, is at a minimum in compliance with the State of Texas Records Retention Policy.

Information, documentation, and other material in connection with the Project and Agreement may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code.

Section 6. Independent Contractor

This Agreement shall not be construed as creating an employer/employee relationship, a partnership, joint enterprise, or a joint venture between the Parties. The BSEACD and WVWA are cooperating independent contractors.

Section 7. Default

A Party to this Agreement shall be in default under the agreement if the Party fails to fully, timely and faithfully perform any of its material obligations under the Agreement, and, following notice of default as provided in Section 8 (Termination), fails timely to cure the alleged default as provided in Section 8.

Section 8. Termination

In the event of default by a Party, the other Party shall have the right to terminate the Agreement for cause, by written notice delivered to the Party alleged to be in default via certified mail. The notice shall be effective within thirty (30) days, unless otherwise specified, after the date of receipt of such notice. During this time period, the Party alleged to be in default may cure the event of default or provide evidence sufficient to prove to the other Party or Parties' reasonable satisfaction that such default does not exist or will be cured in a time satisfactory to the Party alleging the default. WVWA may terminate this Agreement at any time after the initial twenty five-year term if it reasonably believes the Project is causing a negative impact on its operations.

Section 9. Effective Date

The Effective Date of this Agreement shall commence upon the execution by the last of the Parties to this Agreement.

Section 10. Assignment

A Party to this Agreement may not assign or transfer its interests under this Agreement.

Section 11. Entirety of the Agreement

This Agreement constitutes the entire Agreement and understanding between the Parties and supersedes all previous agreements, understandings, discussions, or representations concerning its subject matter. This Agreement may not be amended in whole or in part except in a written amendment executed by all Parties to this Agreement. Notwithstanding the foregoing, to the extent that the terms of new state law are inconsistent or conflict with this Agreement, the terms of the state law control. In such a case, the Parties will work together to amend the terms of this Agreement to be consistent with the terms of the new state law or this Agreement will terminate if mutually acceptable terms are not reached.

Section 12. Performance

The obligations arising under this Agreement shall be performed in Hays County, Texas.

Section 13. Jurisdiction and Venue

The Parties agree that this Agreement is governed by the laws of the State of Texas and that venue for a dispute arising from this Agreement shall be in Hays County, Texas.

Section 14. Severability

If a term or provision of this Agreement is determined to be void or unenforceable by a court of competent jurisdiction, the remainder of this Agreement remains effective to the extent permitted by law.

Section 15. Notices

Any notice, request, or other communication required or appropriate to be given under this Agreement shall be in writing and shall be deemed delivered three (3) business days after postmarked if sent by U.S. Postal Service Certified or Registered Mail, addressed to the person designated for receipt of notice, postage prepaid and Return Receipt Requested. Notices delivered by any other means (fax, e-mail, courier) shall be deemed delivered upon receipt of a successful fax, e-mail, or courier confirmation report by the addressee; provided, that the notice is specifically directed to the attention of the person designated for receipt of notice; and provided, further, that any fax or e-mail notice shall be promptly followed by mailing or delivery by courier of a copy of the notice statement in hard-copy form, directed to the person designated for receipt of notice. Routine communication may be made by first class mail, facsimile, or other commercially accepted means. Notices shall be addressed as follows:

BSEACD:

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748
Attention: Brian Smith
Telephone: (512) 282-8441
Facsimile: (512) 282-7016
Email: brians@bseacd.org

WVWA:

Wimberley Valley Watershed Association
PO Box 2534
Wimberley, Tx 78676
Attention: David Baker
Telephone: (512) 722-3390
Email: admin@wimberleywatershed.org

Section 16. Indemnity, Defense, Release and Governmental Immunity

To the extent permitted by the constitution and laws of the state of Texas, BSEACD agrees to indemnify, defend, hold harmless and release WVWA from and against all claims, demands, losses, liabilities and causes of action of every kind and character in any way resulting from the acts or omissions of BSEACD its agents, employees, representatives or contractors in connection with the exercise by BSEACD of its rights hereunder.

Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or equity to any of the Parties, nor to create any legal rights or claims on behalf of any other party. By entering into this Agreement BSEACD does not waive, modify, or alter to any extent whatsoever the availability of the defense of governmental (sovereign) immunity under the laws of the State of Texas, if applicable.

Section 17. Authority and Execution of this Agreement

The Parties have read the Agreement in its entirety and understand all of its terms and provisions. Each Party expressly warrants to the other Party that: (a) the person signing this Agreement on behalf of each Party has the authority and power to execute it on behalf of that Party; (b) after the Agreement's execution, the Parties will be bound by all provisions of this Agreement, subject to the doctrine of governmental immunity; and (c) this Agreement was approved by the respective governing bodies of the BSEACD and WWVA at separate public meetings properly noticed and, for BSEACD, conducted pursuant to Chapter 551 of the Texas Government Code, the Texas Open Meetings Act. This Agreement may be executed (by original or facsimile) by the Parties in one or more counterparts, each of which shall be considered one and the same agreement. Each individual signing this Agreement on behalf of a Party warrants that he or she is legally authorized to do so and that the Party is legally authorized to perform the obligations undertaken.

The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.

BSEACD

Barton Springs/Edwards Aquifer Conservation District

Blayne Stansberry
Board President

Date

ATTEST:

Christy Williams
Board Secretary

Date

Approved as to Form:

William D. Dugat III
Counsel

Date

WVWA

By: _____

Name: David Baker

Title: Founder and Executive Director

Date of Execution: _____

Approved as to Form:

Malcolm Harris
WVWA Board President

Date

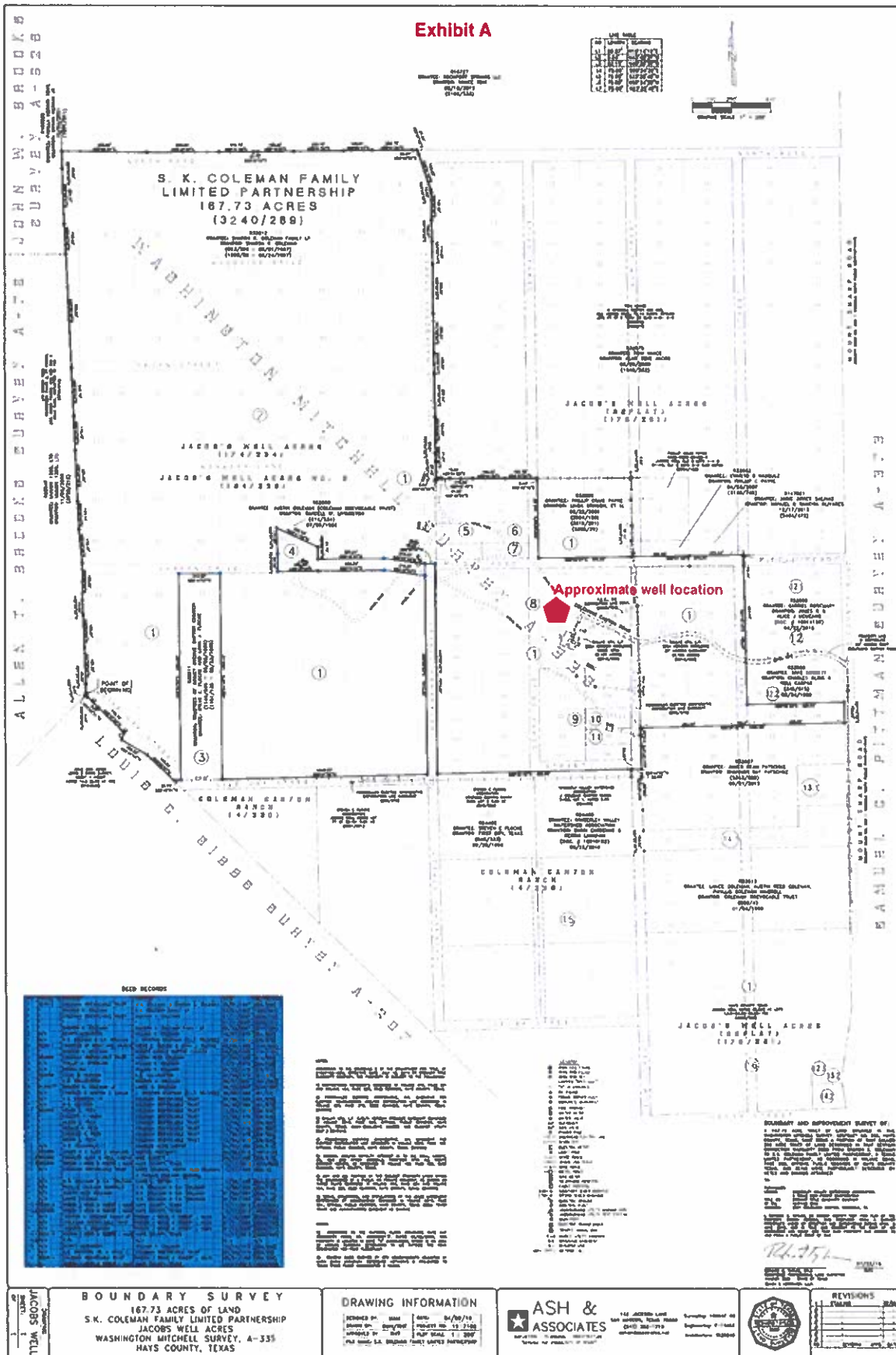
ATTEST:

Date

After recording, return to:

BSEACD
1124 Regal Row
Austin, Texas 78748
Attention: Tammy Raymond

Exhibit A



DEED RECORDS

DEED	BOOK	PAGE	DATE
1	124	21	08/01/98
2	124	22	08/01/98
3	124	23	08/01/98
4	124	24	08/01/98
5	124	25	08/01/98
6	124	26	08/01/98
7	124	27	08/01/98
8	124	28	08/01/98
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40	124	60	08/01/98

	BOUNDARY SURVEY 167.73 ACRES OF LAND S.K. COLEMAN FAMILY LIMITED PARTNERSHIP JACOBS WELL ACRES WASHINGTON MITCHELL SURVEY, A-335 HAYS COUNTY, TEXAS	DRAWING INFORMATION PREPARED BY: [Name] CHECKED BY: [Name] DATE: 04/05/10 PLOTTED BY: [Name] PRINTED ON: 11 21x36 PLOT SCALE: 1" = 330' PLOT DATE: 04.08.10	 ASH & ASSOCIATES 1432 JACOBS LANE WEST SUITE 1000, HAYS COUNTY HAYS, TEXAS 77701 940.208.7726 ash@ashandassociates.com www.ashandassociates.com Surveying Station # 150 Engineering # 15080 Instrumentation 02150	REVISIONS TABLE NO. DATE BY REASON _____ _____ _____
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Item 6

General Manager's Report

(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)

Topics

- a. Review of Status Report and update on team activities/projects.**
- b. Update on development projects over the recharge zone.**
- c. Aquifer status update.**
- d. Upcoming events of possible interest.**

Summary of January Team Activities and On Deck for February/March

Aquifer Science Team

January Activities:

- Evaluating data for aquifer status but we are probably several months from entering drought
- Working with City of Buda as they do injection testing in their ASR well
- Working with Bill Walters on completion of the Gragg # 4 well near Hwy 45
- Working with modeling consultants (GSI) on converting steady-state model to transient
- Gragg Well #4 aquifer test has been completed; data is currently being evaluated

On Deck:

- Will continue to follow aquifer conditions and impact from recent and predicted rain
- Continue working with modeling consultants on in-house model and with the BRAAT model
- Continue working on monitor wells at Jacob's Well that will likely be installed in February

Administration Team

January Activities:

- Quarterly tax reporting, & end-of-year reporting to include W-2s and new 1099 NECs.
- SDLLC Annual Reporting with the Comptroller's Office.
- Conservation credits donation requests with flyers have been sent to credit earners.
- PRB annual report / Annual Trust Accounting

On Deck:

- Management Plan/HCP annual report (for all teams).
- Audit journal entry adjustments.

Regulatory Compliance Team

January Activities:

- Buda ASR pilot project and permitting
- Aqua Texas NOAV & Investigation Report
- Aqua Texas LT well permit completion
- Habitat Conservation Plan
- New wells

On Deck:

- Management Plan renewal
- Database completion
- Sustainable Yield Study
- Potentially entering back into drought

Communications and Outreach Team

January Activities:

- New General Manager Press Release
- January Newsletter
- Put out Kent S. Butler Scholarship Information
- Science in 60 Seconds Video
- Aquifer Update Video

On Deck:

- Continue to promote Aquatic Science Adventure Camp Scholarships – Deadline to apply is March 23, 2022
- Continue promoting Kent S. Butler Scholarship Information – Deadline to apply is April 20, 2022.
- Find judges for both Aquatic Science and Kent S. Butler Scholarships

**STATUS REPORT UPDATE
FOR THE JANUARY 13, 2022 BOARD MEETING**

Summary of Significant Activities – Prepared by Staff Leads

Upcoming Dates of Interest

- GMDA Annual Conference – January 18-20 (San Antonio)
- Geoscience Seminar – January 25 (Springtown)
- TGWA Annual Convention – January 25-28 (Frisco)
- TAGD Business Meeting and GCD Boot Camp – February 8-9 (Austin)
- Panhandle Water Conservation Symposium – February 16 (Amarillo)
- Informal Science Education Association Conference February 16-18 (Austin)
- Texas Land Conservation Conference – March 2-4 (Austin)
- Texas GIS Forum – March 7-11 (Austin)
- TWCA Annual Convention March 9-11 (Fort Worth)
- Government Social Media Conference – March 29-31 (Dallas)
- TAGD Business Meeting – May 17-18 (Arlington)

DROUGHT MANAGEMENT

Drought Status and Water-Level Monitoring (Justin)

No Drought was officially declared at the July 8, 2021 Board meeting after 8 to 11 inches of rain between May 1 and July 1 had reversed the downward trend of aquifer levels and spring flow. Lovelady water level and Barton Springs flow continued to rise until 8/21/21 when Lovelady level turned the corner downward. Barton Springs flow also ceased to rise and began to drop on 8/9/21 after a dry August and September. 10 inches of rain fell between October 1 and November 3 and again reversed the downward trend when Lovelady began to rise on 10/17/21 and Barton Springs on 10/1/21.

As dry La Nina conditions settle in (declared by NOAA on 10/14/21) we've received only 1 inch of rainfall since 11/4/21. On 12/11/21 Lovelady has turned the corner downwards. Barton Springs flow too has been dropping since the last substantial rain of 2.2 inches on 11/3/21

On January 7, 2022, the Lovelady well had a level of 490.3 ft msl, 12 ft above the drought trigger level. On January 7, 2022, Barton Springs was flowing at 68 cfs (10-day average), well above the drought trigger point of 38 cfs.

Drought Communication (David, Michael)

Staff has updated District resources and the website to reflect the current Stage 1 drought stage. Written permittee notifications and public notice of non-drought conditions were mailed and emailed out. Educational resources have been prepared and are available upon request for permittees. Digital educational downloads are available on the website with the Drought Media Tool-Kit located on the Drought Education Page and includes links to other helpful resources. <https://bseacd.org/drought-edu/>

DISTRICT PROJECTS

GMA Joint Planning

➤ *GMA 10 Coordination (Michael)*

The last GMA 10 meeting was held on October 26, 2021, where the representatives discussed management plans, adopted the DFCs and approved the Explanatory Reports with the recommendation that formatting be fixed. The Explanatory Reports were submitted Dec 21, 2021 and are under review by the TWDB. The next GMA 10 meeting is TBD.

➤ *Explanatory Report Development (Michael, Jeff)*

➤ The Explanatory Reports were approved by GMA 10 at the October 26, 2021 meeting with the recommendation that the formatting be fixed and then reports be submitted. The Explanatory Reports were submitted Dec 21, 2021 and are under review by the TWDB.

Trinity Aquifer Sustainable Yield Study & Planning

➤ *Advisory Workgroup Planning (Kendall)*

GM and staff are continuing to review research on sustainability goals, metrics and thresholds. Staff has met with our facilitator four times to discuss the project timeline, communication, and certain components of an Advisory Work Group. Staff has begun discussions to evaluate the level of public participation, the fundamental objectives of the Advisory Work Group, the scope, and process and workflow to engage the participants, all of which will be incorporated into the Advisory Work Group Plan. Staff recently met with the facilitator to discuss the process overview and is working to finalize the level of participant engagement. Staff is meeting internally to discuss how to work through the unreasonable impact factors and what data and information is needed to assess. This project effort has overall been put on pause while staff works through the transition period. However, staff did meet with our facilitator in September and November to discuss additional details and to settle on a good place to pause the efforts where they can be picked back up when Kendall Bell-Enders is back from leave and a new GM is on board.

Technical Evaluations (Brian, Jeff)

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are evaluating water-level data for a number of Trinity wells to look for long-term trends. We are working with Hays County to install Trinity monitor wells in the Jacob's Well area. We are working with Wimberley Valley Watershed Association on an access agreement for the well that will be installed on their property near Jacob's Well. Work on the first phase of the District's own numerical modeling has been completed. This phase involved the development of a steady-state model. We are currently converting the steady-state model into a transient model which will allow simulation of different pumping and drought scenarios over time. We have hired a consulting firm called GSI to assist us with progressing the model to transient, and had our project kick-off meeting with GSI staff on July 31. We are continuing to meet biweekly with GSI. We are members of a technical committee to guide the development of a numerical groundwater model of the aquifers influenced by the Blanco River.

A meeting of the technical committee was held on January 6, 2022. Southwest Research Institute started work on the model in September.

Habitat Conservation Plan (Brian, Erin)

- **COA/BSEACD Technical Meeting:** In December 2021, Aquifer Science will host a meeting with staff from the City of Austin Watershed Protection Department to discuss activities related to the HCPs of each entity and to share data and reports about these activities.
- **MAC Meeting & Annual Report:** Staff prepared the annual report for review by the Management Advisory Committee (MAC). The MAC met on 1/26/2021 for its annual meeting and provided minimal edits and comments. The comments were incorporated into the final report and the report was submitted to USFWS on 2/25/21.
- **Implementation Schedule:** Staff is reviewing previous planning documents and will develop a new implementation timeline and schedule to guide project tasks and activities for the 1- to 3-year timeframe.
- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. The Watershed Protection Department has offered to install monitoring equipment in Barton Springs Pool to measure dissolved oxygen as the springs experience wet to drought conditions. Those instruments will likely be deployed in winter 2022.

Database Management System - Intera Inc (Michael, Kendall)

Staff met with Intera in mid-August to prioritize work that needs to be done to finalize the database workflows and mockups. Staff has worked diligently to the finalization of database mockups, workflows, and scope and module documentation. Staff had an all-day meeting with Intera on Nov. 4, 2021 to review mock ups and workflows for all modules in the database and to clarify any outstanding issues or questions and to hand off to Intera for review and assessment Staff has few minor wrap up items to get to Intera by Nov. 19th. Intera will review the information and discuss with the database developer team and management to assess the amount of time need to complete the task and if there any additional resources or money will be needed. Intera will likely hold off on presenting this information until Kendall Bell-Enders gets back from leave.

ILA Commitments (Brian)

The District has ILA commitments with Hays County and HTGCD to install two monitor wells in the Jacob's Well Area. Information from these wells will be used to better understand the flow system that delivers Middle Trinity groundwater to Jacob's Well, and to develop our numerical groundwater models. Installation of these monitor wells should be completed by late fall 2021. These two ILAs are being extended until August 31, 2022. Hays County signed an ILA allowing BSEACD to access a location in Jacob's Well Natural Area for one of the wells. This ILA was approved by the Board at the November 18 Board meeting. Another ILA has been drafted between the District and Wimberley Valley Watershed Association and will be on the January 13, 2022

Board meeting agenda. This ILA will allow for installation of the second monitor well in this program on WVWA property near Jacob's Well.

The ILA with COA is intended 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.

Status update – An annual technical meeting was held in December 2020. In January 2021, the annual MAC meeting was held. Kent Butler Summit small group discussions took place in Jan- Feb 2021. COA/BSEACD plan to have additional discussions and planning efforts to coordinate the details of the DO studies and the monitor well installation.

Region K Planning Activities (Michael)

Region K meet on September 15, 2021, to discuss picking candidates for the empty representatives. The group has also tasked the Bylaws committee with looking at the feasibility of changing the number of members on Region K. The Region K consultants gave a presentation on the upcoming regional planning process and timelines. There was also discussion regarding members acting as liaisons to nearby regional planning groups. The next meeting will be held on Wednesday, January 26, 2022 at LCRA.

Strategic Planning Implementation (GM):

Vanessa developed a summary and provided the notes to the Board committee. Vanessa and David started a draft strategic plan and a draft implementation plan. These drafts have been provided to the committee for use in the future with the new General Manager.

WPAP

Staff recently received the Oak Hill Parkway Project WPAP and CZP for Construction of segments 2B and 3.

Oak Hill Parkway project traverses both the Edwards Aquifer Recharge Zone and Contributing Zone. For construction purposes, the Oak Hill Parkway Project has been broken into five segments. Segment 2 is further divided into 2A and 2B with Segments 2B and 3 within the Recharge Zone. Construction of the portion of the Oak Hill Parkway Project within the Recharge Zone will consist of the following elements:

Segment 2B:

- Four-lane frontage roads in each direction
- Four-lane mainlane bridges in each direction
- Intersection widening and improvements at William Cannon and US 290
- Sidewalks and shared use paths
- Mainlane overpass bridges at the William Cannon/US290 intersection
- Reconstruction of McCarty Ln. and William Cannon, south of US 290
- Hydraulic bridge crossings at Williamson Creek

Segment 3:

- Three-lane frontage road in each direction
- Four-lane mainline in each direction
- Sidewalks and shared use paths
- Bridge widening at the Old Fredericksburg Rd. overpass
- Bridge widening at the Monterey Oaks Blvd overpass

The permanent stormwater section to reduce TSS by 80% with a combination of vegetative filters strips, a sedimentation/filtration water quality pond, and two existing water quality ponds

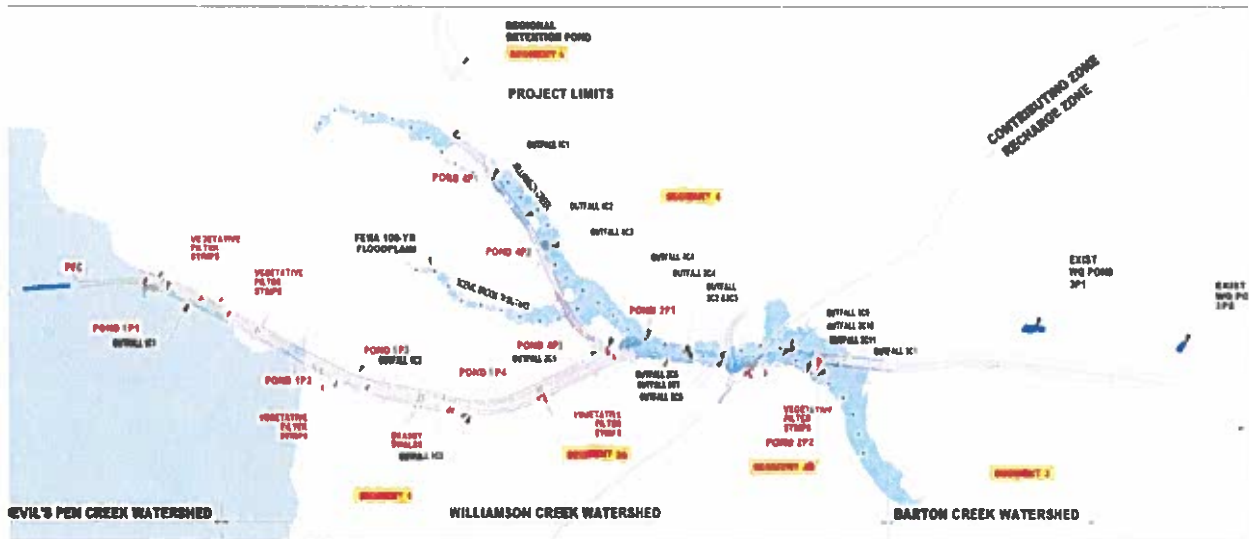
Four sensitive features (F1, F4, F5, and F6) were identified in the GA. Features F1 and F5 are within Williamson Creek and will be protected. F4 and F6 will be impacted by construction and will be sealed.

The temporary stormwater section is proposed BMPs including sediment traps with dewatering bags, rock berms, soil retention blankets, concrete traffic barrier (modified RFD2) and inlet protection facilities.

Oak Hill Parkway project traverses both the Edwards Aquifer Recharge Zone and Edwards Aquifer Contributing Zone. Additionally, the project passes through three watersheds: Devil's Pen Creek Watershed, Williamson Creek Watershed and Barton Creek Watershed. From the design and construction standpoint, the project is divided into Segments 1 through 4 and Offsite Detention Pond is separated as a standalone work element from these segments. For the purpose of EAPP permits, Segment 2 is further divided into Segments 2A and 2B by the boundary line of Recharge and Contributing Zones. See attached project exhibit for boundaries of Recharge & Contributing Zones, Watersheds and project segmentations.

Upon past meetings with TCEQ and TxDOT, and further refinement to project construction schedule and availability of ROW, Colorado River Constructors, OHP (CRC) proposes the following phasing structure with regard to EAPP permit applications for the project.

Work Type	Work Elements	EAPP Permit to Include
Grading <i>Approved.</i> WPAP ID: 11002486, CZP ID: 11002490	<ul style="list-style-type: none"> Clearing and grubbing Grading/Excavation Retaining Walls, Sound Walls City of Austin Water and Wastewater Lines Note: Wastewater line within Recharge Zone will go through EAPP SCS application approval process.	<ul style="list-style-type: none"> WPAP plan Right to possess and use of ROW TCEQ Site Plan Note: Plan sheets related to Impervious Cover will not be provided.
Offsite Detention Pond (Segment 5) <i>Approved.</i> CZP-E ID: 11002585	<ul style="list-style-type: none"> Clearing and grubbing Construction of earthen dam/berm up to 20 ft high, 700 ft long with concrete spillway Site access and maintenance pad 	<ul style="list-style-type: none"> CZP Exception plan Right to possess and use of ROW Signed and sealed plans for full construction Plan sheets related to Impervious cover and Permanent BMPs
Wastewater Line in Recharge Zone	<ul style="list-style-type: none"> City of Austin wastewater line within Recharge Zone Wastewater line that is extended from Recharge Zone to the next manhole in Contributing Zone 	<ul style="list-style-type: none"> SCS plan Right to possess and use of ROW Signed and sealed plans for full construction Plan sheets for temporary BMPs
Non-Standard BMP; Clear & Grade 4 Parcels; Williamson Creek Overbank Excavation	<ul style="list-style-type: none"> Non-standard BMP Parcels 23,45,73,108 Clear and Grade Williamson Creek Overbank Excavation 	<ul style="list-style-type: none"> WPAP Exception Plan Right to possess and use of ROW Signed and sealed plans
Full Construction (Final Design Segments 2B and 3)	<ul style="list-style-type: none"> Final Pavement, Bridges, Drainage Structures Permanent BMPs 	<ul style="list-style-type: none"> WPAP plans Right to possess and use of ROW TCEQ Site Plan
Full Construction (Final Design Segments 1 and 2A)	<ul style="list-style-type: none"> Final Pavement, Bridges, Drainage Structures Permanent BMPs 	<ul style="list-style-type: none"> CZP plans Right to possess and use of ROW TCEQ Site Plan
Full Construction (Final Design Segment 4)	<ul style="list-style-type: none"> Final Pavement, Bridges, Drainage Structures Permanent BMPs 	<ul style="list-style-type: none"> CZP plans Right to possess and use of ROW TCEQ Site Plan



Training, Presentations, and Conferences (All Teams):

- Aquifer Science: N/A
- Regulatory Compliance: FEMA online courses
- Administration: N/A
- Communications and Outreach: N/A
- General Manager: N/A
- All Staff: N/A

New Maps, Publications, or Reports:

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

The latest eNewsletter published in November 2021 can be found at:
<https://bseacd.org/publications/newsletters/>

LITIGATION AND LEGISLATION

Litigation and SOAH Activities (Kendall)

- **Electro Purification Production Permit:**

Current Activity: No further actions have been taken and no new updates are available as of December 2, 2021.

Recent Background: On April 14th the GM and counsel met with EP to discuss their desired requests relating to amending their permit application request. We discussed administrative processes and options relating to their permit request as well as the GM's current position statement.

On March 9th the GM issued a letter to EP returning the July 17, 2017 application of Electro Purification LLC and explaining that there is no further action that the GM intends to take in connection with the remand. On March 11th the applicant, EP, responded to the GM's 3/9 letter, stating that they interpret the EP application to still be active and necessitating Board Action.

The district submitted pre-filed testimony and a revised GM Position Statement in December 2020. Depositions were scheduled for Jan-Feb 2021. On Jan 11, 2021 EP filed a Notice of Nonsuit and request to remand the application back to the District. On Jan 15, 2021, the District filed a response to the applicant's Notice of Nonsuit and requested that the ALJs find that with a nonsuit, that EP has withdrawn the application. On Jan 25, 2021 EP filed a response disagreeing with the District's request that the ALJs find the application withdrawn. On Feb 4, 2021, the ALJs dismissed the EP matter and remanded the matter back to the District. The original hearing on the merits will no longer be set for the dates of April 12-16 & 19-20, 2021.

RULEMAKING, PERMITTING, AND ENFORCEMENT

Rulemaking (Michael, Kendall)

There are no immediate plans for additional rule making at this time.

Enforcement and Compliance Matters (Michael, Erin)

<i>Compliance/Enforcement</i>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Aqua Texas – Bliss Spillar	Edwards	PWS	Board will be discussion further action at the December Board meeting.

Permitting Activity (Michael, Erin)

<i>In Review</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
IPP	Lower Trinity	Aqua Texas – Bliss Spillar	PWS	6,000,000
LPP	Waiting on Paperwork	Mary Burton	Domestic	500,000
LPP	Middle Trinity	Collins, Phil	Domestic	500,000
<i>Recently Approved</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
IPP	Edwards – Class A	Goebler, Matthew	Commercial	1,834,560
LPP	Middle Trinity	Patton, Brian	Domestic	500,000
Plugging	Edwards	Lennar Homes	Abandon	0 - Plugging
Change of Ownership	Edwards	Ford Restaurant Group (Rudy's Country Store)	Commercial	1,875,000

AQUIFER STUDIES **(Brian)**

Permitting Hydrogeologic Studies:

- Aqua Texas Inc- Aquifer Science staff were involved with Aqua Texas as they are tested a Lower Trinity well in Chaparral Park. The District recently issued a production permit for the well. Aquifer Science staff worked with the developers of the Gragg tract near the south end of Hwy. 45 as they installed the fourth well in their well field. These wells all tap into the Lower Trinity Aquifer.

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

- Colemans Canyon- As part of the Jacob's Well study, we are collecting data from domestic wells in the area. A dye-trace study will be conducted in 2022 with Hays County, EAA, and HTGCD.
- Planning for installation of two monitor wells near Jacob's Well. We expect to start drilling in February 2022.

Field Activities:

- Antioch- Continuing to maintain the system and to collect data on flow into the vault.
- Well Monitoring- Continuing to maintain equipment in numerous monitor wells and to download and interpret data.

Trinity Aquifer Modeling Development:

- BRATWURST Modeling- Southwest Research Institute started work on this model in September 2021.
- In-house model- Working with GSI to transition the steady-state model into a transient model.

COMMUNICATIONS AND OUTREACH
(David Marino)
December 2021

Website: During the month of December, a number of items were added to the spotlights page including: Thanksgiving Holiday, Barton Springs and Lovelady Level Check – Dec. 2, 2021, Barton Springs and Lovelady Check – Dec. 8, 2021, 2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest, Barton Springs and Lovelady Level Check – Dec. 22, 2021, Edwards Aquifer Signs, Christmas Holiday Office Closure, Barton Springs and Lovelady Well Level Check – Dec. 29, 2021, New Year Holiday Office Closure, The *BSEACD Newsroom* page was also updated with latest press releases, upcoming meetings, videos, etc. <https://bseacd.org/publications/bseacd-newsroom/>

Website Analytics 2021		Top Page Searches			
Month	Total Page Views	Unique Page Views	October	November	December
September	2,731	2,415	Homepage 738 Views	Homepage 504 Views	Homepage 406 Views
October	3,333	2,974	Publications/Maps 216 Views	About Us/Staff 115 Views	Publications/Maps 89 Views
November	2,453	2,168	About Us/Board 211 Views	About Us/Board 106 Views	About Us/Staff 83 Views
December	1,959	1,798	Career Opportunities 163 Views	Publications/Maps 88 Views	About Us/Board 68 Views
			Regulatory/Well-Owner Information 148 Views	Transparency/Agendas 80 Views	Transparency/Agenda 62 Views

General Manager Hiring Committee: (Communications and Outreach set up all interviews and led this entire process) On Dec.2, 2021, the Board held a special meeting to interview the final two candidates for General Manager. The Board asked the hiring committee’s opinion on the two candidates. The candidates are Tim Loftus and Susan Meckel. The hiring committee consists of Craig Smith, Dan Pickens, Brian Smith, Michael Redman, and me. We had four total candidates, with the fifth candidate dropping out. The four candidates went through two interviews each, one with hiring committee staff (Brian, David, Michael) and one with hiring committee board members (Dan and Craig). Collectively, the hiring committee then narrowed down the top two candidates based on several factors, including:

- Board Management Experience
- Management/Administrative Experience
- Groundwater Policy Knowledge
- Strategic Planning Experience
- Leadership Experience

- Communication Skills
- Budget Management
- Technical Background

Questions for each candidate touched on the subjects in the list above. All four candidates had solid qualifications and it has been a process narrowing down the final two candidates.

Next Steps: The Board is expected to announce their decision at the Jan. 13, 2022 Board Meeting.

2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest: The Barton Springs Edwards Aquifer/Conservation District will offer several scholarships (overnight and day camp options) to the attend the 2022 Edwards Aquifer Research and Data Center’s Aquatic Science Adventure Camp at Texas State University in San Marcos. Deadline to apply is March 23, 2022 and all the information is out on the District’s website and social media channels. Communications and Outreach worked with Texas State on this. Communications and Outreach also updated the scholarship rules and is requiring both an essay and an art submission. Below is what we are allotting to this year’s aquatic scholarships. Amounts could change depending on what we get in conservation credit donations.

\$2,000 – Overnight Expedition Camps 5 Nights, 6 Days – 2 Scholarships
\$500 – Aquatic Investigators Day Camp – Week-Long – 1 Scholarship
\$500 – Explorer Day Camp – Week-Long – 1 Scholarship
\$60 – Discovery Day Camps – Six \$60 Day Camps – Total \$360
Total - \$3,360

Kent Butler Scholarship/Aquatic Camp Scholarships: Communications and Outreach has updated contact list for Kent Butler Scholarship. The information for Kent Butler Scholarship will go out in January. Information will be updated on website and social media. Below is we are allotting to this year’s scholarships. Amounts could change depending on what we get in conservation credit donations.

2,500 – 1 Winner
1,000 – 1 Winnter
Total - \$3,500

Texas Alliance of Groundwater Districts: Met with Julia Stanford with TAGD. We discussed upcoming education committee initiatives. Communications and Outreach Manager serves on TAGD Education Committee.

Annual HCD Meeting: Attended the Annual HCP Meeting

Website Redesign: No updates this month. This is on hold until new General Manager comes in.

Press Releases:

2022 Aquatic Science Adventure Camp Application and Rules

<https://bseacd.org/uploads/Aquatic-Science-Adventure-Camp-Application-Form-with-Texas-State-Flyer-FINAL.pdf>

Media Coverage:

MyPointTV – Science in 60 Seconds: Streamflow Measurement Video – Dec. 29, 2021

MyPointTV – Edwards Aquifer Signs – Dec. 29, 2021

Videos:

Merry Christmas – Dec. 25, 2021

<https://www.wevideo.com/view/2504294381>

Edwards Aquifer Recharge

<https://www.youtube.com/watch?v=ZOKph1R-0EY>

Edwards Aquifer Signs – Why Should You Care? – Dec. 17, 2021

<https://www.youtube.com/watch?v=NL04fyqGelo&t=2s>

How to Check the District’s Drought Status – Dec. 9, 2021

<https://www.youtube.com/watch?v=7aU4mBFfKgM>

Do I live in the District – Dec. 7, 2021

<https://www.youtube.com/watch?v=jQ0XN4AhRgM&t=2s>

Happy December – Dec. 1, 2021

<https://www.wevideo.com/view/2471582769>

Social Media (Twitter, Facebook, Instagram): Happy New Year Video, Throwback Thursday: Antioch Whirlpool, Water Wise Wednesday: Leak Detection, New Years Office Closure, Barton Springs and Lovelady Level Check – Dec. 29, 2021, Shared Austin Watershed Salamander Egg Post, Monitoring the Edwards and Trinity Aquifers VIDEO, 2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest – Dec. 28, 2021, Merry Christmas VIDEO, Barton Springs and Lovelady Level Check – Dec. 22, 2021, Reminder: Christmas Holiday Closure, Happy First Day of Winter, How Does Recharge Work – Video, Shared TWDB Major Rivers Post, Christmas Holiday Closure, 2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest – Dec. 20, 2021, Edwards Aquifer Signs VIDEO, Throwback Thursday: Barton Springs Pool, Shared TWDB Water Weekly Report – Dec. 15, 2021, Shared TWDB Tips for Avoiding Water Damage and Water Loss This Winter Post, Barton Springs and Lovelady Level Check – Dec. 14, 2021, 2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest – Dec. 13, 2021, Christmas Decoration Photos in Office, Fun Fact Friday: How Much Rainfall Becomes Groundwater VIDEO, How to Check the District’s Drought Status VIDEO, Dec. 9, 2021 Board Meeting Reminder, Shared TWDB Tips for Avoiding Water Damage and Water Loss This Winter Post, Barton Springs and Lovelady Level

Check – Dec. 8, 2021, Do I live in the District VIDEO, Shared TWDB Water Weekly Report – Dec. 7, 2021, Dec. 9 Board Meeting, Fun Fact Friday: Aquifers in the District, Barton Springs and Lovelady Level Check – Dec. 2, 2021, New Board Member Lily Lucas Sworn In Photos, Happy December VIDEO

BSEACD Monthly Social Media Roundup/Groundwater News

Social Media Roundup (December 2021):

<https://bseacd.org/uploads/BSEACD-Social-Media-Roundup-December-2021.pdf>

Monthly Groundwater News/Dates of Interest (December 2021):

<https://bseacd.org/uploads/BSEACD-Monthly-Groundwater-News-Dates-of-Interest-December-2021.pdf>

The top performing post on Facebook for the month of December was the “Aquatic Science Adventure Camp Scholarship” being open. It reached 763 people. The top performing video on Facebook was the “Happy December” video with 78 views. The top tweet on Twitter for the month of December was “Water Wise Wednesday: Leak Detection”. It had 311 impressions. The top performing video on YouTube for the month of December was “Edwards Aquifer Signs: Why Should You Care?” It had 15 views

GENERAL ADMINISTRATION
(December 4, 2021 – January 6, 2021)

Accounts Receivable/Permittee Cycle Billings

On January 16, February monthly billings will be mailed out for a total of \$20,026.21.

Conservation credits (credit memos) and scholarship donation forms have been mailed to the permittees that earned the credits.

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

These are four separate reports and in different format (data over formatting) than the four monthly financial reports that are included in the monthly Board backups.

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 December 2021 have been posted on the District website.

Transparency Star Program, Annual Income and Expense Graph has been updated.

Office Maintenance

Plumbing and septic issue has been handled.

Pension Review Board – Annual Report and Trust Accounting

SDLLC Annual Reporting - Special Purpose District Public Database

Tax Reporting – Quarterly 941, TWC C-3, annual W-2s, W-3, 1099-MISC, new 1099 NECs, and 1096.

TCEQ Reporting – Annual Audit submitted to TCEQ Executive Director.

Annual Report is now posted on the District website, and has been submitted to the TCEQ Executive Director.

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-paids, 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 7

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 8

Adjournment