



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

Thursday, April 13, 2023

5:00 PM

IN-PERSON

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, April 13, 2023** commencing at **5:00 p.m.** at the **District office, located at 1124 Regal Row, Austin, Texas.**

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

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

AGENDA

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and 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 March 9, 2023 Regular Meeting. **Not for public review at this time**
 - c. Approval of a Master Services Contract amendment for Brian Zavala. **Pg. 22**

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

- a. Review of key team activities/projects. **Pg. 25**
 - i. Updates on:
 - 1. Database project
 - 2. In-house Trinity model status
 - 3. GMA 10 RFQ
 - 4. Draft ILA with City of Austin for new monitoring wells
 - 5. Communications and Outreach – job applications and IGI activity
 - ii. Other staff-related news
- b. Aquifer status update.
- c. Upcoming events of possible interest.

5. Public Hearing.

DC South Fork, LLC (3939 Bee Caves Road, Suite C-100) and Creedmoor-Maha Water Supply Corporation (13709 Schriber Road) filed a well drilling application on July 5, 2022, with the Barton Springs/Edwards Aquifer Conservation District (District) for one new nonexempt well. The well is proposed to be discretely completed in the Middle Trinity aquifer and is planned to be used as a public water supply well to support residents connected to the Creedmoor Maha WSC. A separate Production Permit Application will be required in order to operate and produce from this well in the future. The proposed well is located in Travis County on a 2-acre tract located at Twin Creek Park Dr (30°7’49.702” 97°49’18.017”). **Pg. 37**

6. Discussion and Possible Action.

- a. Discussion and possible action on a well drilling application for DC South Fork, LLC and Creedmoor-Maha Water Supply Corporation for a new nonexempt well located in the Middle Trinity Aquifer to be used as a Public Water Supply well. **Pg. 37**
- b. Discussion and possible action related to a legislative update by SledgeLaw Group. **NBU**
- c. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Creedmoor Maha Water Supply Corporation. **Pg. 48**
- d. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Monarch Utilities Inc. **Pg. 103**
- e. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments. **In Folders**
- f. Discussion and possible action on a complaint against the general manager and a contract for a workplace investigation. **NBU**

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.

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

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Consent Agenda

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

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- b. Approval of minutes of the Board's March 9, 2023 Regular Meeting.**
- c. Approval of a Master Services Contract amendment for Brian Zavala.**

Financial Reports – March 2023

April 13, 2023 Board Meeting

(These reports cover the first seven months of FY 2023)

1. Profit and Loss Budget vs Actual

September 1, 2022 through March 31, 2023

2. Profit and Loss Previous Year Comparison

September 1, 2022 through March 31, 2023

3. Balance Sheet Previous Year Comparison

As of March 31, 2023 (compared to March 31, 2022)

4. Check Register – TRUIST Bank Account

March 1, 2023 through March 31, 2023

1. Profit and Loss Budget vs Actual

September 1, 2022 - March 31, 2023

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

BUDGET VS ACTUAL - PROFIT AND LOSS

September 1, 2022 - March 31, 2023

	Sept 1, 2022 - Mar 31, 2023	Budget	% of Budget	Notes
INCOME				
4400.0 · Interest Income	32,188.81	1,600.00	2,011.8%	For all funds, including TexPool
4625.0 · MISCELLANEOUS INCOME	41,638.09	0.00	100.0%	\$39,875 Intera Database Payment (unbudgeted account by design)
4800.0 · USAGE AND PRODUCTION FEES	1,235,735.08	1,619,554.00	76.3%	Permittees, Co/A/WU, Transport, Annual Renewals
4810.0 · OTHER FEES	97,756.21	12,300.00	794.77%	Well Development, Applications, DMFs, Pluggings, etc.
TOTAL INCOME	1,407,318.19	1,633,454.00	86.16%	Includes \$38,705 Penalties for PCSI and Bliss Spillar, and Aqua BS bond
EXPENSE				
6000.0 · UTILITIES	12,240.65	22,000.00	55.64%	Electricity, Water, Phone, Internet, Smartphone, Telemetry
6005.0 · Print/Copy/Photo Services	1,457.10	2,000.00	72.86%	High percentage due to large envelope order
6007.0 · Postage/Freight/Shipping	904.38	2,000.00	45.22%	
6010.0 · Office Supplies	3,257.13	6,000.00	54.29%	
6010.2 · Office Furniture	0.00	1,000.00	0.0%	
6011.0 · Comp Hardware-Plotter Supplies	4,704.35	6,000.00	78.41%	In general, meant to cover two employee desktop replacements
6014.0 · Software Acquisition & Upgrades	3,238.74	6,000.00	53.98%	
6015.0 · IT Monthly Maintenance	14,826.60	44,100.00	33.62%	
6016.0 · Meeting Expense	3,237.58	4,500.00	71.95%	Includes retirement party
6017.3 · Sponsorships	0.00	3,750.00	0.0%	
6019.0 · Subscriptions/Publications	1,330.48	5,000.00	26.61%	
6020.0 · Advertising	446.50	4,000.00	11.16%	
6021.0 · MISCELLANEOUS EXPENSES	1,478.20	0.00	100.0%	Includes monthly bank service charge fees
6022.0 · Accounting System Operation	2,416.20	6,000.00	40.27%	Includes Jourmyx timekeeping software, Quickbooks Subscription, Payroll
6023.0 · MAINTENANCE - Office and Auto	14,182.95	21,500.00	65.97%	Includes A/C Repair, Alarm, Landscaping, Janitorial, Brush removal
6040.0 · LEASES	5,813.26	9,650.00	60.24%	Copier and Postage Machine
6065.0 · DIRECTOR EXPENSES	0.00	2,500.00	0.0%	
6066.0 · Directors Compensation	3,850.00	25,000.00	15.4%	
6075.0 · DUES & MEMBERSHIPS	3,579.00	6,100.00	58.67%	
6080.0 · COMMUNICATIONS AND OUTREACH	2,183.03	17,050.00	12.8%	

	Sept 1, 2022 - Mar 31, 2023	Budget	% of Budget	Notes
6081.0 · REGULATORY COMPLIANCE	3,250.00	7,500.00	43.33%	
6084.92 · GENERAL MANAGEMENT	0.00	5,000.00	0.0%	
6089.0 · AQUIFER SCIENCE	4,718.96	15,000.00	31.46%	
6095.0 · CONTRACTED SUPPORT - All	6,708.99	40,750.00	16.46%	New placement (moved out of Team Budgets)
6100.0 · INSURANCE - DISTRICT	5,279.28	7,047.00	74.92%	Property, Liability, Auto, E&O
6150.0 · INSURANCE - GROUP	68,405.24	150,660.00	45.4%	Employee Health, Dental, Life/Disability, Vision
6160.0 · LEGAL SERVICES	27,437.50	85,000.00	32.28%	General Matters
6170.0 · PROFESSIONAL SERVICES	56,892.47	183,850.00	30.95%	Audit, Database, Retirement Fees, Election
6179.0 · LEGISLATION	18,000.00	36,000.00	50.0%	In session
6180.0 · PROFESSIONAL DEVELOPMENT	2,056.05	20,000.00	10.28%	All Teams
6199.0 · SALARIES AND WAGES	493,132.50	852,865.00	57.82%	
6203.0 · TAXES & BENEFITS	57,476.85	128,327.00	44.79%	Includes Payroll Tax, Workers Comp Insurance, Retirement Match
6800.0 · PROJECTS	0.00	17,500.00	0.0%	Sustainability Studies, HCP ILA Commitments
TOTAL EXPENSE	822,503.99	1,743,649.00	47.17%	
NET ORDINARY INCOME	584,814.20	-110,195.00	-530.71%	Negative effect to the budget (shortfall), before accounting for the transfers to balance the budget, shown below.
OTHER INCOME				
9000.00 · Transfer from Reserves	0.00	110,200.00	0.0%	
TOTAL OTHER INCOME	0.00	110,200.00	0.0%	\$107,200 FROM General and \$3000 from TexPool Aquifer Reserve (General sub-account).
NET INCOME	584,814.20	5.00		This is the difference between the negative amount in Net Ordinary Income before the transfers in from other accounts, needed to balance the budget.

2. Profit and Loss - Previous Year Comparison

September 1, 2022 – March 31, 2023

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

PROFIT AND LOSS - PREVIOUS YEAR COMPARISON

September 1, 2022 - March 31, 2023

	Sept 1, 2022 - Mar 31, 2023	Sept 1, 2021 - Mar 31, 2022	\$ Change	% Change
INCOME				
4400.0 · Interest Income	32,188.81	322.65	31,866.16	9,876.39%
4625.0 · MISCELLANEOUS INCOME (includes \$39,875 Itera database payment)	41,638.09	1,071.66	40,566.43	3,785.38%
4800.0 · USAGE AND PRODUCTION FEES (permittes, CoA, transport, renewals)	1,235,735.08	1,116,792.56	118,942.52	10.65%
4810.0 · OTHER FEES (well development, applications, DMFs, pluggings) *	97,756.21	10,297.94	87,458.27	849.28%
TOTAL INCOME	1,407,318.19	1,128,484.81	278,833.38	24.71%
EXPENSE				
6000.0 · UTILITIES	12,240.65	11,516.34	724.31	6.29%
6005.0 · Print/Copy/Photo Services	1,457.10	1,180.05	277.05	23.48%
6007.0 · Postage/Freight/Shipping	904.38	747.57	156.81	20.98%
6010.0 · Office Supplies	3,257.13	2,373.12	884.01	37.25%
6010.2 · Office Furniture	0.00	57.35	-57.35	-100.0%
6011.0 · Comp Hardware-Plotter Supplies	4,704.35	4,281.80	422.55	9.87%
6014.0 · Software Acquisition & Upgrades (new-ArcGIS, and Adobe now posts here)	3,238.74	529.50	2,709.24	511.66%
6015.0 · IT Monthly Maintenance	14,826.60	10,097.50	4,729.10	46.83%
6016.0 · Meeting Expense (FY 2023 includes retirement party for \$1,859)	3,237.58	1,145.67	2,091.91	182.59%
6019.0 · Subscriptions/Publications	1,330.48	2,649.85	-1,319.37	-49.79%
6020.0 · Advertising	446.50	2,218.84	-1,772.34	-79.88%
6021.0 · MISCELLANEOUS EXPENSES	1,478.20	417.60	1,060.60	253.98%
6022.0 · Accounting System Operation (includes Jourmyx timekeeping, QB, and PR)	2,416.20	2,189.95	226.25	10.33%
6023.0 · MAINTENANCE (Office and Auto) - \$4400 in FY 2023 for A/C repairs	14,182.95	10,079.06	4,103.89	40.72%
6040.0 · LEASES (Copier and Postage Machine)	5,813.26	5,519.70	293.56	5.32%
6065.0 · DIRECTOR EXPENSES	0.00	0.00	0.00	0.0%
6066.0 · Directors Compensation	3,850.00	9,850.00	-6,000.00	-60.91%
6075.0 · DUES & MEMBERSHIPS	3,579.00	3,662.63	-83.63	-2.28%
6080.0 · COMMUNICATIONS AND OUTREACH	2,183.03	1,510.00	673.03	44.57%
6081.0 · REGULATORY COMPLIANCE	3,250.00	1,722.22	1,527.78	88.71%
6084.92 · GENERAL MANAGEMENT	0.00	3,889.01	-3,889.01	-100.0%

	Sept 1, 2022 - Mar 31, 2023	Sept 1, 2021 - Mar 31, 2022	\$ Change	% Change
6089.0 · AQUIFER SCIENCE	4,718.96	6,333.35	-1,614.39	-25.49%
6095.0 · CONTRACTED SUPPORT - used to be under Teams (GSI-Modeling, AAG-HR)	6,708.99	0.00	6,708.99	100.0%
6100.0 · INSURANCE - DISTRICT (Property, Liability, Auto, E&O) **	5,279.28	3,534.66	1,744.62	49.36%
6150.0 · INSURANCE - GROUP (Employee Health, Dental, Life/Disability, Vision)	68,405.24	66,146.76	2,258.48	3.41%
6160.0 · LEGAL SERVICES (General Matters)	27,437.50	36,587.50	-9,150.00	-25.01%
6170.0 · PROFESSIONAL SERVICES (Audit, Database, Retirement Fees)	56,892.47	32,458.35	24,434.12	75.28%
6179.0 · LEGISLATION (Increase is because Lege is currently in Session)	18,000.00	6,000.00	12,000.00	200.0%
6180.0 · PROFESSIONAL DEVELOPMENT (All Teams)	2,056.05	4,344.28	-2,288.23	-52.67%
6199.0 · SALARIES AND WAGES (GM vacancy 9/3/2021 - 1/24/2022)	493,132.50	450,308.04	42,824.46	9.51%
6203.0 · TAXES & BENEFITS	57,476.85	60,290.99	-2,814.14	-4.67%
6690.0 · Reconciliation Discrepancies	0.00	0.01	-0.01	-100.0%
6800.0 · PROJECTS (Jacobs Well Project is completed)	0.00	22,491.85	-22,491.85	-100.0%
TOTAL EXPENSE	822,503.99	764,133.55	58,370.44	7.64%
NET INCOME	584,814.20	364,351.26	220,462.94	60.51%

CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES.

Those sub-categories have been collapsed.

* \$38,705 is Aqua and PCSI overpumpage, and Aqua bond payments that did not occur in the previous fiscal year.

** FY 2023 includes \$1,188 Crime Policy that renews every 4 years.

3. Balance Sheet - Previous Year Comparison

As of March 31, 2023
(compared to March 31, 2022)

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

As of March 31, 2023

	As of March 31, 2023	As of March 31, 2022	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
1000.0 · Cash in Bank-Checking Truist	88,722.47	77,971.14	10,751.33	13.79%
1010.0 · Cash in Bank - Payroll Truist	10,423.10	36,828.33	-26,405.23	-71.7%
1030.0 · TexPool Funds - General				
1030.1 · Aquifer Protection Reserve	53,750.00	52,050.00	1,700.00	3.27%
1030.21 · Cash Flow Reserve	175,000.00	175,000.00	0.00	0.0%
1030.0 · TexPool Funds - General - Operational	1,029,680.72	897,164.74	132,515.98	14.77%
Total 1030.0 · TexPool Funds - General	1,258,430.72	1,124,214.74	134,215.98	11.94%
1040.0 · TexPool Funds - Contingency	617,388.59	504,935.65	112,452.94	22.27%
1045.0 · TexPool Funds - Reserve (Vacation and Comp payable)	66,053.94	61,080.15	4,973.79	8.14%
Total Checking/Savings	2,041,018.82	1,805,030.01	235,988.81	13.07%
Accounts Receivable				
1200.0 · Accounts Receivable				
1200.1 · A/R DMF (Drought Management Fees - invoiced but not yet paid)	4,940.00	0.00	4,940.00	100.0%
1200.0 · Accounts Receivable - invoiced but not yet paid	54,271.65	13,585.46	40,686.19	299.48%
Total 1200.0 · Accounts Receivable	59,211.65	13,585.46	45,626.19	335.85%
Total Accounts Receivable	59,211.65	13,585.46	45,626.19	335.85%
Other Current Assets				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses	7,741.88	8,245.53	-503.65	-6.11%
1499.0 · Undeposited Funds-A/R payments (received, posted, not deposited)	30,035.56	4,136.51	25,899.05	626.11%
Total Other Current Assets	38,077.44	12,682.04	25,395.40	200.25%
Total Current Assets	2,138,307.91	1,831,297.51	307,010.40	16.77%

	As of March 31, 2023	As of March 31, 2022	\$ Change	% Change
Fixed Assets				
1400.0 · Field Equipment	376,487.89	376,487.89	0.00	0.0%
1410.0 · Office Equipment & Furniture	19,722.90	19,722.90	0.00	0.0%
1410.1 · Computer Hardware & Software	19,329.69	19,329.69	0.00	0.0%
1420.0 · Vehicles	52,363.03	52,363.03	0.00	0.0%
1430.0 · Accumulated Depreciation	-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	2,405,892.22	2,098,881.82	307,010.40	14.63%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Credit Cards				
2007.0 · Truist VISA	957.13	598.61	358.52	59.89%
Total Credit Cards	957.13	598.61	358.52	59.89%
Other Current Liabilities				
2010.0 · Rebates Payable - Conservation Credits (program discontinued)	0.00	44,741.10	-44,741.10	-100.0%
2100.0 · Deferred Revenue	75,741.00	75,741.00	0.00	0.0%
2110.0 · Direct Deposit Liabilities	1,035.01	434.74	600.27	138.08%
2200.0 · Fica & Medicare Withheld	-11.31	0.00	-11.31	-100.0%
2220.0 · Federal Income Tax Withheld	-1,065.01	-1,035.01	-30.00	-2.9%
2230.0 · Employer Fica & Med Payable	-150.56	-139.25	-11.31	-8.12%
2250.0 · TWC Unemployment Tax Payable	90.58	90.58	0.00	0.0%
2270.0 · Payroll Liabilities	0.09	0.09	0.00	0.0%
2300.0 · Accrued Vacation Payable	49,476.60	54,839.94	-5,363.34	-9.78%
Total Other Current Liabilities	125,116.40	174,673.19	-49,556.79	-28.37%

	As of March 31, 2023	As of March 31, 2022	\$ Change	% Change
Total Current Liabilities	126,073.53	175,271.80	-49,198.27	-28.07%
Total Liabilities	126,073.53	175,271.80	-49,198.27	-28.07%
Equity				
3000.0 - Fund Balance	1,329,577.22	1,181,186.90	148,390.32	12.56%
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	584,814.20	376,995.86	207,818.34	55.13%
Total Equity	2,279,818.68	1,923,610.02	356,208.66	18.52%
TOTAL LIABILITIES & EQUITY	2,405,892.21	2,098,881.82	307,010.39	14.63%

4. Check Register

TRUIST BANK
March 1 – March 31, 2023

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

MONTHLY CHECK REGISTER

March 1, 2023 - March 31, 2023

Type	Date	Numb	Name	Memo	Amount	Balance
Check	03/01/2023	26659	Smith, Brian A.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,885.57
Check	03/01/2023	26660	Watson, Jeffery A.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,735.57
Check	03/01/2023	26661	Swanson, Erin Y.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,585.57
Check	03/01/2023	26662	Wilson, Dana C.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,435.57
Check	03/01/2023	26663	Loftus, Timothy T.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,285.57
Check	03/01/2023	26664	Raymond, Tammy A.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	79,135.57
Check	03/01/2023	26665	Bell-Enders, Kendall	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	78,985.57
Check	03/01/2023	26666	Camp, Justin P.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	78,835.57
Check	03/01/2023	26667	Gilbert, Alyssa P.	2nd Quarter Smartphone Reimbursement (Dec/Jan/Feb)	-150.00	78,685.57
Deposit	03/02/2023			Deposit - permittee production fees	32,046.45	78,535.57
Check	03/07/2023	26668	WM Corporate Services	March Trash and Recycling	-543.73	110,582.02
Check	03/07/2023	26669	Texas Water Conservation Assn	2023 Annual Membership	-889.00	110,038.29
Check	03/07/2023	26670	Jan-Pro of Austin	March Janitorial Service	-310.00	109,149.29
Check	03/07/2023	26671	Hays Free Press	Public Notice Ad for DC Southfork	-114.50	108,839.29
Check	03/07/2023	26672	Wex Bank	Gasoline Card through 02/23/2023	-75.70	108,724.79
Check	03/08/2023	26673	Charter Communications	Internet 3/1/2023 - 3/29/2023	-231.19	108,417.90
Check	03/08/2023	26674	Telco Experts	3/1/2023 - 3/31/2023 Phone Service	-459.99	107,957.91
Check	03/08/2023	26675	Bickerstaff	General Matters 1/17/2023 - 2/15/2023	-5,692.50	102,265.41
Deposit	03/08/2023			Deposit-permittee production fees including CoA, and Aqua BS \$36,000 Order Fee	285,013.73	387,279.14
Liability Check	03/09/2023	392023	Reliance Trust Company	Employee Bi-weekly Retirement	-4,445.14	382,834.00
Liability Check	03/09/2023	3092023	United States Treasury	74-2488641 Bi-weekly Payroll Liabilities	-7,673.09	375,160.91
Transfer	03/09/2023			Funds Transfer (funds too high in Truist after large deposit)	-285,000.00	90,160.91
Check	03/10/2023	26676	Ready Refresh	March Water Delivery	-64.25	90,096.66
Transfer	03/13/2023			Funds Transfer - Payroll	-20,000.00	70,096.66
Check	03/13/2023	26677	LRE Water	Database Services through 02/25/2023	-9,000.00	61,096.66
Liability Check	03/14/2023	3142023	United States Treasury	74-2488641 Director Liabilities CW VPW	-91.80	61,004.86
Check	03/14/2023	26678	Edgar Prado	Brush removal	-150.00	60,854.86
Check	03/15/2023	26679	SledgeLaw Group	February 2023 Legislative Consulting	-4,000.00	56,854.86

Type	Date	Num	Name	Memo	Amount	Balance
Check	03/15/2023	26680	CIT Technology Fin Serv, Inc	March Copier Lease and Property Tax	-968.56	55,886.30
Check	03/15/2023	26681	Fidelity Security Life Insurance Co.	April Gap Insurance	-794.62	55,091.68
Liability Check	03/15/2023	26682	AFLAC	March Employee-paid Supplemental Insurance	-107.30	54,984.38
Liability Check	03/15/2023	26683	Sun Life Assurance	April Life/Disability/Dental/Vision	-1,241.47	53,742.91
Liability Check	03/15/2023	26684	United Healthcare	April Health Insurance	-7,954.84	45,788.07
Check	03/16/2023	26685	Orsak Landscape Services	Lawn service/ limb cleanup	-170.00	45,618.07
Deposit	03/17/2023			Deposit - permittee production fees	7,986.06	53,604.13
Transfer	03/20/2023			Funds Transfer (funds too low in checking)	50,000.00	103,604.13
Check	03/21/2023	26686	Vivint Inc.	March Alarm System	-44.89	103,559.24
Check	03/21/2023	26687	City of Austin	Water 2/9/2023 -3/10/2023	-21.47	103,537.77
Liability Check	03/23/2023	32323	Reliance Trust Company	Employee Bi-weekly Retirement	-4,399.56	99,138.21
Liability Check	03/23/2023	3232023	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-7,405.05	91,733.16
Check	03/23/2023	26688	Tammy Raymond	Replenish Petty Cash Fund	-161.07	91,572.09
Check	03/23/2023	26689	Austin Alliance Group	HR Consultant On Demand 2/1/2023 - 2/28/2023	-147.09	91,425.00
Check	03/23/2023	26690	Vintage IT Services	April IT Monthly Maintenance	-2,227.60	89,197.40
Check	03/28/2023	26691	Pedernales Electric Cooperative	Electricity 2/20/2023 - 3/22/2023	-369.40	88,828.00
Check	03/28/2023	26692	Quill Corporation	Paper and Supplies	-105.53	88,722.47
					<u>8,836.90</u>	<u>88,722.47</u>

**Amendment No. 4 to the Agreement for Web Maintenance Services Between
Barton Springs/Edwards Aquifer Conservation District
and
Brian Zavala**

This is Amendment No. 4 to the contract ("Agreement") between the Barton Springs/Edwards Aquifer Conservation District (hereinafter "District" or "BSEACD"), and Mr. Brian Zavala as contractor (hereinafter "Contractor") dated March 27, 2014; previously amended August 31, 2016; August 15, 2018; and September 1, 2020. This amendment dated April 13, 2023, extends the term of the Agreement, adds a task, increases compensation and changes contact persons for the District. All other provisions will remain as is in the existing Agreement, as amended.

Amendment No. 4 is entered into by the District and the Contractor as evidenced by the signatures below with an effective date of April 1, 2023. Except as specified in this Amendment, all other provisions of the Agreement as previously amended continue. Sections II, III and IV of the Agreement are amended as follows:

**Section II
Scope, Compensation, and Deliverables**

Section II shall be modified as follows:

Under Phase IV, Task 2 – Content Management System Maintenance add the following task to the CMS-related tasks:

- Perform proactive security and other types of website maintenance including, but not limited to, routine software updates to protect the integrity of the District's website.

Under Phase IV, Task 2 – Content Management System Maintenance replace the second sentence of the last paragraph with:

The hourly rate will be \$75 for such work, with up to 6 hours, or \$450, per month, allocated to this maintenance.

**Section III
Term; Termination**

Section III shall be modified to replace the first two sentences of Section III as follows:

The term of this contract amendment ends on August 31, 2026, and Contractor warrants its capability and willingness to perform the work until this termination date. It is acknowledged by Contractor that funds for this agreement are budgeted only for the current fiscal year, ending August 31, 2023, and while it is the District's intent to fund future fiscal years under this agreement, the District can only commit to a budget for then-current fiscal year ("Funding Limitation").

**Section IV
Relationship of the Parties; Liaison**

Section IV shall be modified as follows:

Replace the last sentence of Section IV with:

Dr. Timothy Loftus will be the District's representative and authority for contractual matters of scope, schedule, and budget; and will provide technical direction to and manage the liaison with the Contractor.

No other changes to the Agreement are authorized.

The parties have executed this agreement in Austin, Texas, on the dates shown below.

**For Barton Springs/Edwards Aquifer
Conservation District,**

For Brian Zavala,

Blayne Stansberry
Board President

Date

Brian Zavala
Principal of Contractor

Date

Attest:

Approved as to Form:

Christy Williams
Board Secretary

Date

William D. Dugat, III
Counsel

Date

Item 4

General Manager's Report Discussion and possible action topics

Topics

- i. Updates on:**
 - 1. Database project**
 - 2. In-house Trinity model status**
 - 3. GMA 10 RFQ**
 - 4. Draft ILA with City of Austin for new monitoring wells**
 - 5. Communications and Outreach – job applications and IGI activity**
- ii. Other staff-related news**
- b. Aquifer status update.**
- c. Upcoming events of possible interest.**

Summary of April 2023 Team Activities and On Deck for May/June 2023

Aquifer Science Team

April Activities:

- Analyzing Edwards and Trinity water-level data for responses to April rainfall.
- Setting up telemetry equipment at Amos and JWNA wells.
- Final draft of In-house Model (IHM) report is being reviewed by TAC.

On Deck:

- Barton Springs discharge measurements to track USGS gauge accuracy in drought conditions.
- AS will finalize IHM report in May after review of TAC comments.
- Planning for sampling for summer TWDB program.

Administration Team

April Activities:

- May monthly billings to go out on April 16, 2023.
- Drought Management Fees now being assessed for 6th month. Details in Status Report.
- Quarterly Tax Filings

On Deck: (May/June)

- FY 2024 Preliminary Budget Document Preparation.
- New HR E-file structure-building in process.

Regulatory Compliance Team

April Activities:

- Staff continues to work on new applications and assisting permittees with drought compliance.
- Staff continues analyzing monthly pumpage to confirm compliance/non-compliance of drought curtailments.
- Staff will continue working through the enforcement process with all non-compliant permittees.
- Staff drafting documents to address non-compliance of Creedmoor MAHA and Monarch Utilities.
- Staff answering questions/concerns of public regarding Carpenter Ranch Road, LLC applications during 20-day comment period.

On Deck:

- Staff will prepare a presentation for Carpenter Road Ranch, LLC well drilling authorization applications.
- Ongoing review of potential updates to current enforcement plan and rules.

Policy and Project Team

April Activities:

- Database project with LRE (map, data migration/clean up, wells module).
- Trinity Sustainability Project kick off meeting with INTERA.
- Trinity Well Inventory Project follow up meetings.
- Legislative review and tracking.

On Deck:

- Ongoing legislative committees and legislative review.
- Ongoing sustainable yield data compilation, research, and decision-making framework.
- Economic analysis scope of work.
- GMA 10 meeting and review of statements of interest and qualifications in response to issuance of an RFQ.

Communications and Outreach Team

(position currently vacant)

- Institute for Government Innovation (IGI) at TSU is providing support with social media updates and communications strategy ideas.
- The hiring committee is reviewing applications in response to the ongoing vacancy announcement.

**STATUS REPORT UPDATE
FOR THE APRIL 13, 2023 BOARD MEETING**

Summary of Significant Activities – Prepared by Staff Leads

Upcoming Dates of Interest

- National Ground Water Association (NGWA) Managed Aquifer Recharge Conference – April 24-25 (San Antonio)
- Government Social Media Conference – May 2-4 (Reno)
- TAGD Spring Business Meeting – June 6-7 (Pflugerville)
- Texas Groundwater Summit – August 29-31, (San Antonio)

DROUGHT MANAGEMENT

Drought Status and Water-Level Monitoring (Justin)

We currently remain in Critical Drought status (Stage III). It was officially declared on October 20, 2022. One of the District's drought triggers, Lovelady Monitor Well, passed below its Critical Drought (Stage III) trigger on October 17, 2022.

February rainfall delivered an average of 1.3 inches across the District, about 0.7-inch shy of its historical average of 2 inches. March rainfall also delivered an average of 1.4 inches which helped brighten our beautiful wildflowers but yielded little aquifer recharge and leaves us 1.4 inches short of the March historical average (2.8inches). As of April 6, over an inch has fallen within the District so far this month.

On April 6, the Lovelady well had a level of 459.8 ft msl, 2.9 ft below the trigger level for Critical drought (Stage III) and about 2.7 ft above Stage IV Exceptional drought. Lovelady crossed under the Stage II trigger on May 26 and under Stage III on October 17.

Also on April 6, Barton Springs was flowing at 24 cfs (10-day average). 14 cfs below the Stage II Alarm drought trigger point of 38 cfs. The Stage III Critical trigger is 20 cfs. Barton Springs crossed under the Stage II drought trigger in late June 2022. April showers will likely keep spring flow above Stage III for the foreseeable future.

The Austin/Hill Country area has received below- annual- average rainfall in 2022 in part due to ongoing La Niña conditions (declared by NOAA on 10/14/21). However, the National Oceanic and Atmospheric Administration (NOAA) climate forecasters declared on March 9, 2023 that La Niña conditions have left the building and the Pacific Ocean-atmospheric system has transitioned to neutral conditions. They're also forecasting a transition into El Niño which could mean returning to average rainfall conditions in the typically-wettest time of the year (March-June), which would help when we need it most to bolster against the usual Texas summer dryness. This would stave off an unprecedented descent into Stage 4 Exceptional Drought, which has been an expected consequence of slowing spring flow and water level declines in both the Edwards and Trinity aquifers.

Drought Communication (Erin)

Critical Drought Communications

Monthly Drought Update via eNews/social media/website: Communications and Outreach is putting out a monthly drought alert via icontact. It is also shared on the District's social media channels and website. In addition, we put out a drought video on Jan. 26. **In January, we also put out a 2022 Aquifer Conditions review in the District blog and newsletter.**

Drought Update – Jan. 4, 2023 <http://icont.ac/4OtaN>

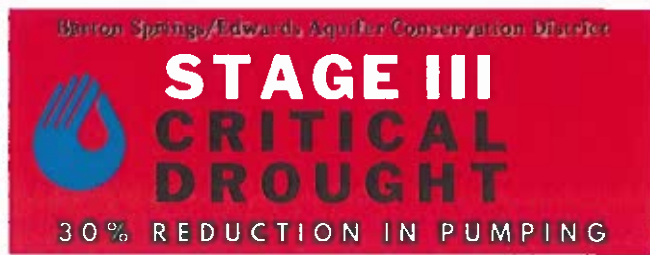
Drought Update – Jan. 26, 2023 <https://www.youtube.com/watch?v=ekRHwBcUVWs&t=2s>

2022 Aquifer Conditions Review <https://bseacdblogs.blogspot.com/2023/01/2022-aquifer-conditions-review.html>

Arroyo Doble picked up mail inserts for Stage III Critical Drought in January.

Signage Put Out by Permittees in November

- Arroyo Doble H20 – 1 Sign
- City of Hays PGMS – 4 Signs
- Ruby Ranch PGMS – 4 Signs
- Oak Forest PGMS – 4 Signs
- Mystic Oaks – 4 Signs
- Forest Oaks MHC – 1 Sign



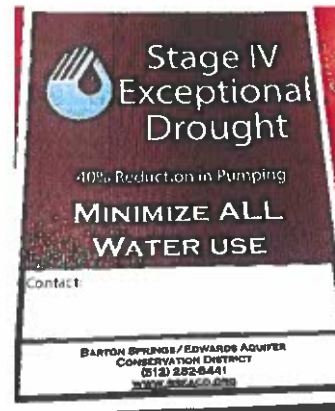
Signage Put Out by Staff in October

- FM 150/Kyle (Including Rollingwood Neighborhood) – 8 Signs
- Bliss Spillar/FM 1626 – 10 Signs
- Wyldewood Neighborhood – 2 Signs
- Lowden Lane – 1 Sign
- Ranch Road 12 – 10 Signs
- Hilliard Road – 10 Signs

Permittee Signage Pick-Up in October

- Arroyo Doble H20 – 2 Signs
- Mountain City Water Utility – 4 Signs
- Elliot Ranch PGMS – 4 Signs

Exceptional Drought (Stage IV) Material Prep: Regulatory Compliance and Communications and Outreach have started prepping Exceptional Drought (Stage IV) materials in case the District declares Stage IV in the future. Permittee yard signs were ordered and delivered, graphics for website/social media/newsletter have been made, along with mailouts/fliers.



DISTRICT PROJECTS

GMA Joint Planning

➤ ***GMA 10 Coordination (Tim)***

The GMA 10 joint-planning group issued an RFQ on March 3rd for consulting services related to the current joint-planning process. The deadline for submissions is May 1, 2023. The next meeting is scheduled for May 10 in San Antonio, Texas.

Trinity Aquifer Sustainable Yield Study & Planning

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

The GM and staff are continuing to research and compile policy concepts related to sustainable yield and unreasonable impacts. Staff had a kick on meeting with Intera on the Trinity well Impact Analysis in mid-March and another meeting with them on the Trinity Sustainability Project in early April.

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 and aquifer responses to the ongoing and worsening drought. The results of this analysis should provide insight on both the severity and spatial distribution of drought impacts at various locations within the district, and should also inform us as to whether the District's current drought triggers provide an adequate gage of Trinity Aquifer health at worsening stages of drought. Aquifer Science staff are reviewing water-quality data from Trinity wells and springs. An update to previous assessments is needed because of new wells and new data from previously sampled wells. These data will help us understand any changes to water quality as a result of drought and pumping.

The Trinity in-house model (IHM), currently under development, will allow for simulation of different pumping and drought scenarios over time, and water-level data collected during the present drought will eventually assist us in calibrating/validating the model for drought conditions in future iterations of the model. A Technical Advisory Committee (TAC) consisting of 12 professionals with knowledge of the hydrogeology of central Texas and of numerical groundwater models, is reviewing the final draft of the IHM model draft report. The report will provide a valuable tool for guiding policymaking discussions for the Trinity Sustainable Yield project.

We are members of a technical committee to guide the development of a numerical groundwater model (BRAAT) of the aquifers influenced by the Blanco River. Southwest Research Institute started work on the BRAAT model in September of 2021 but contracting issues stalled development of the model. Modelling efforts restarted in July 2022 after the contracting issues were resolved. A meeting of the technical committee was held on December 7, in which the head modeler provided an update on BRAAT modeling efforts. The BRAAT team has estimated that the model should be completed by late summer or fall of 2023.

Habitat Conservation Plan (Brian)

- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen (DO) in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. Deployment of this equipment will take place after the monitor well is installed. We submitted an application for a grant from the City of Austin in February which would help pay for the conversion of a standard monitor well to a multiport well. The purpose of the monitor well is to understand how groundwater flows from the deeper portions of the Edwards Aquifer to the springs and how DO is distributed vertically in the

aquifer. The HCP identified low levels of DO as a threat to the endangered salamanders. A potential remedy for low DO during severe drought is augmentation of DO in the shallow aquifer so that the threat of low DO is reduced.

Database Management System – LRE Water (Tim/Kendall)

District staff has had several meetings with LRE since the kickoff. LRE has completed most of phase 1 (data migration and map) and is getting feedback from staff. Staff has had multiple meetings with LRE in March and early April. LRE is still working on data migration, map, and is beginning to work on the wells module. District staff is working on data clean up and QA/QC.

ILA Commitments (Brian)

The District has an ILA with COA to coordinate studies for the respective HCPs such as scientific feasibility studies and monitoring evaluations; to collaborate on the planning of future Kent Butler Summits; and to exchange technical information regularly on an annual basis. An annual technical meeting is held between BSEACD and COA in December each year to discuss each organization’s activities related to their respective HCPs. The meeting for 2022 was held on December 12.

Region K Planning Activities (Tim)

The next meeting is scheduled for April 26, 2023 and will be conducted in Burnet.

Training, Presentations, and Conferences (All Teams):

- Aquifer Science: N/A
- Regulatory Compliance: N/A
- Administration: N/A
- Communications and Outreach: N/A
- General Manager: N/A

New Maps, Publications, or Reports:

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

LITIGATION AND LEGISLATION

Litigation and SOAH Activities (Kendall)

There is no activity to report.

RULEMAKING, PERMITTING, AND ENFORCEMENT

Rulemaking (Erin, Kendall)

If there is direction from the Board, staff will initiate a narrow rulemaking effort on administrative or procedural changes regarding rules related to the potential for unreasonable impacts (PUI). Staff has had discussions internally and with legal counsel regarding the Enforcement Plan, including drought enforcement. Other areas that are being discussed are notice language and change of ownership timelines. However, the enforcement plan analysis and any rule changes are on a temporary hold so staff can prioritize work on sustainable yield concepts and other preparations that have been suggested by our attorney. Staff did meet in February to discuss guiding principles for enforcement changes.

In November, staff gave a presentation to the Board on District rules pertaining to the PUI. Staff provided a debrief on the challenges and lessons learned from applying the rules to large permit applications prior to annexation and discussed administrative considerations such as inadequate fees, staff time, timelines, and public comment process for PUI applications. Staff recommended initiating narrow rulemaking on administrative and procedural changes and will be working on the rule concepts in this fiscal year.

Drought (Erin)

- Continuing to work through the enforcement process to address the non-compliance of drought curtailment volumes for Creedmoor-Maha and Monarch Utilities, Inc.
- Held 4 pre-enforcement meetings with permittees deemed non-compliant in February.
- Will continue monthly pumpage analysis to determine all permittee’s compliance status of drought curtailments.
- Will continue to assist permittees in ensuring they successfully comply with their UDCPs and Stage III drought curtailments for March.

Enforcement and Compliance Matters (Erin)

<i>Compliance/Enforcement</i>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Aqua Texas – Bliss Spillar (Edwards)	Edwards	PWS	Agreed Order completed
Creedmoor-MAHA	Edwards	PWS	DPA Item at 13 April Meeting
Monarch Utilities, Inc.	Edwards	PWS	DPA Item at 13 April Meeting

Permitting Activity (Erin, Alyssa)

<i>Upcoming</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
TBD	Edwards	Haley, Ricky	Domestic/Irrigation?	TBD
LPP	Middle Trinity	Van Zyl, Jean	Domestic	500,000
Exempt – Domestic	Middle Trinity	Cavanaugh, Mandy	Domestic	7GPM – Exempt
LPP	TBD	Bruno, Justin	Domestic	500,000
LPP	TBD	Tabb, Jennifer	Domestic	500,000

<i>In Review</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
IPP - >2 MIL	Middle Trinity	DC Southfork/Creedmoor	PWS	195,000,000
IPP	Middle Trinity	Carpenter Ranch Road, LLC	Commercial/PWS	7.3 million
IPP	Edwards	Kidd and Caldwell, LLC	Commercial/Domestic	600,000
<i>Recently Approved</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
Plugging	Edwards	Klinger, Kyle	Abandon	0 -Plugging
LPP	Middle Trinity	Matrtinez	Domestic	500,000
Exempt	Middle Trinity	Jones, Jason	Domestic	7GPM- Exempt
LPP	Middle Trinity	Ledesmen, Jose	Domestic	500,000
IPP	Edwards	Kidd and Caldwell, LLC	Commercial/Domestic	600,000

AQUIFER STUDIES **(Aquifer Science Team)**

Permitting Hydrogeologic Studies:

Working with Regulatory Compliance on permitting issues as needed. AS staff are reviewing geophysical logs of wells prior to final completion of the wells. Aquifer Science staff are reviewing a drilling proposal submitted by Creedmoor-Maha for a Trinity well to be installed in their Edwards well field.

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

- Coleman's Canyon- Hydraulic conductivity testing was conducted at the Coleman's Canyon multiport well in July and that data is now being evaluated for aquifer zone characterization. We are continuing to collect water-level data from the multiport well every month to 6 weeks.
- There are no dye-trace studies planned at this time because of minimum to no flow in streams and springs.

Field Activities:

- Cooperating with USGS and City of Austin staff to confirm accurate real-time gauge reporting at Barton Springs and Lovelady. Conducting bi-weekly to monthly field measurements.
- Updating telemetry monitoring equipment at the Needmore index well (Amos). Reviewing pumping and water-level data as moderate amounts of rain over the past few months have slowed entry into the next stage of drought. We are reviewing water-level and flow data following the moderate to heavy rain of early April.
- Antioch- Continuing to maintain the system and to collect data on flow into the vault (when there is flow). A recent visit to Antioch Cave indicated that gravel-sized rocks are entering one of the valves and potentially limiting the amount of recharge into the cave.
- Well monitoring- Because of drought, we are increasing the amount of time maintaining equipment in numerous monitor wells and downloading and interpreting data. We are occasionally checking on wells that have been reported as "dry".

Trinity Aquifer Modeling Development:

- BRAAT modeling: Southwest Research Institute started work on this model in September 2021, but activity was on hold as funding issues were resolved. SWRI restarted the project in late July and are continuing to make progress. A meeting with the BRAAT review team was held on December 7. It is estimated that the BRAAT model will be completed by late summer of fall of 2023.
- In-house model: A preliminary draft report on the model was completed in May 2022 and a presentation was made to the Board. Subsequently, improvements to the model were made and another round of model calibration was completed. The Technical Advisory Committee (TAC) is reviewing the final draft of the IHM report. We expect comments from the TAC by the end of April.

COMMUNICATIONS AND OUTREACH
(position currently vacant)

A vacancy announcement was released on March 3rd with an application-submission deadline that was recently extended from April 3 to April 17. The District has received a number of applications to date. A hiring committee has been formed and is composed of Justin Camp, Tammy Raymond, and Tim Loftus.

The Institute for Government Innovation (IGI) at Texas State University has hired a student worker to help fulfill the new Interlocal Agreement between the IGI and the District. The General Manager met with the IGI team to meet the new student assigned to our project, Ms. Becca Cade, and discuss both a short-term and longer-term (i.e., mid-April through May) strategy for communicating with the District's constituents and followers. New social media posts were issued during the week of April 3rd to draw attention to the ongoing drought and recent Drought Update that was posted on the District's website on March 30.

GENERAL ADMINISTRATION

(March 4, 2023 – April 7, 2022)

Accounts Receivable / Permittee Cycle Billings

On April 16, May monthly billings (for June useage) will go out for a total of \$20,360.

Budget and Fee Schedule FY 2024

Budget preparation has begun. Committee usually meets in June/July. Budget and Fee Schedule have to be finalized and approved by July 31 at the latest, according to CoA Settlement Agreement (30 days before the end of our fiscal year).

Drought Management Fees (DMFs)

Tracking monthly DMFs began in October (for September pumpage).

Nine March assessments for February pumpage/DMFs for a total of \$3,440: Creedmoor, Aqua-Bliss Spillar, Monarch, LBJ Wildflower Center, Cook Walden, Hays County Youth, CoA Nature Center, Goforth, and Texas Old Town.

Total DMFs invoiced for FY 2023 beginning in October is \$11,940.

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

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

Miscellaneous

Administration is setting up personnel and benefits e-files as part of a new HR file structure, as instructed.

Quarterly Tax Reporting

TWC C-3, and IRS 941 quarterly payroll reports have been filed (due by April 30).

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 5

Public Hearing

DC South Fork, LLC (3939 Bee Caves Road, Suite C-100) and Creedmoor-Maha Water Supply Corporation (13709 Schriber Road) filed a well drilling application on July 5, 2022, with the Barton Springs/Edwards Aquifer Conservation District (District) for one new nonexempt well. The well is proposed to be discretely completed in the Middle Trinity aquifer and is planned to be used as a public water supply well to support residents connected to the Creedmoor Maha WSC. A separate Production Permit Application will be required in order to operate and produce from this well in the future. The proposed well is located in Travis County on a 2-acre tract located at Twin Creek Park Dr (30°7'49.702" 97°49'18.017").

**Application Summary and Staff Recommendations
03/30/2023**

DESCRIPTION OF APPLICATION

Co-Applicants: Creedmoor – MAHA Water Supply Corporation
DC South Fork, LLC

Type of Application: Well Drilling Authorization for new well in Middle Trinity Management Zone

Request: Co-applicants request to drill one (1) well in the Middle Trinity Aquifer for the purpose of public water supply to support current and planned future residents connected to the Creedmoor – MAHA Water Supply Corporation’s system. A separate Production Permit Application will be required in order to operate and produce from this well in the future.

REASON FOR REQUEST

Creedmoor – MAHA Water Supply Corporation and DC South Fork, LLC filed one (1) well drilling authorization application on August 16, 2023, with the District for a new nonexempt Middle Trinity well. The co-applicant, Creedmoor – MAHA Water Supply Corporation, currently holds two (2) production permits with the District including a one (1) historical Edwards and one (1) Class A Conditional Edwards. These permits are for the groundwater production of six (6) existing wells. No additional volume allocations have been issued to Creedmoor – MAHA W.S.C. since the most recent volume amendment was approved back on 9/1/2002. The proposed use of the new well will be to increase capacity to meet future development demands of Creedmoor MAHA W.S.C.’s residents. If the applicant finds the groundwater production and quality to be adequate and desirable, the applicant will file a future production permit application in which case they would have to support that request by completing a full-scale aquifer test and hydrogeological report.

WELL/RECEIVING AREA LOCATION

The proposed well is located in Travis County on a 2.066-acre tract located at the southeastern corner of Twin Creek Park Drive (30° 07’ 49.72” N, 97° 49’ 18.017” W). Attachment A shows the location of the proposed new well (Well #7) 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 development with the Creedmoor – MAHA Water Supply Corporation’s service area.

WELL DESIGN

The well is expected to be completed in the Middle Trinity. The total well depth of the lower Trinity Well will be approximately 1,540’ ft below ground surface and completed so that water is only produced from the Cow Creek Formation (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.A 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 - 04/7/2023

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

Appendix A
Well Location Map

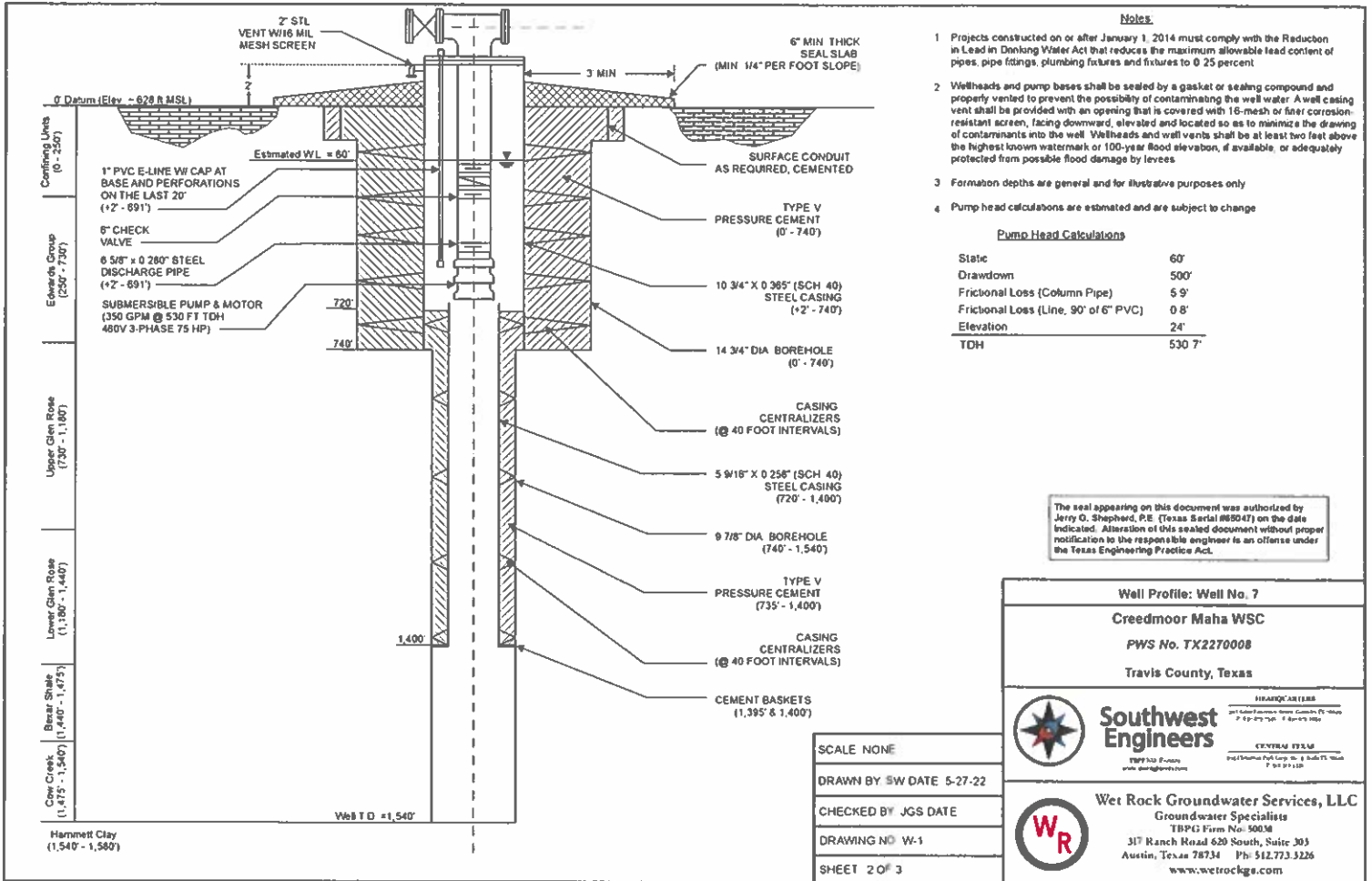
Creedmoor MAHA W.S.C. and DC South Fork, LLC

Proposed Middle Trinity Well Location

Legend
★ Proposed Well Location



Appendix B
Well Schematic



Attachment C
Proof of Public Notice

LOCALiQ

Austin
American-Statesman

PO Box 631667 Cincinnati, OH 45263-1667

PROOF OF PUBLICATION

Barton Springs Edwards
Aquifer Cons Dist Stc F
Barton Springs Edwards
1124 Regal ROW
Stc A

Austin TX 78748-3701

STATE OF TEXAS, COUNTIES OF BASTROP, BELL, BLANCO,
BURNET, CALDWELL, COMAL, CORYELL, FAYETTE,
GILLESPIE, GUADALUPE, HAYS, KERR, LAMPASAS, LEE,
LLANO, MILAM, TRAVIS & WILLIAMSON

The Austin American Statesman, a newspaper that is generally
circulated in the counties of Bastrop, Bell, Blanco, Burnet,
Caldwell, Comal, Coryell, Fayette, Gillespie, Guadalupe, Hays,
Kerr, Lampasas, Lee, Llano, Milam, Travis and Williamson, State
of Texas, printed and published and personal knowledge of the
facts herein state and that the notice hereto annexed was
Published in said newspapers in the issues dated on:

ACO American Statesman 03/29/2023

and that the fees charged are legal.
Sworn to and subscribed before on 03/29/2023



Legal Clerk



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THIS IS NOT AN INVOICE!

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VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

Notice is given that the
Barton Springs/Edwards
Aquifer Conservation
District Board of Directors
will hold a Public Hearing at
its regularly scheduled meet-
ing on Thursday, April 13,
2023, at 5:00 p.m. at the
District office located at 1124
Regal Row, Austin, Texas.
DC South Fork, LLC (3939
Bee Caves Road, Suite C-100)
and Creedmoor-Maha Water
Supply Corporation (13709
Schriber Road) filed a well
drilling application on July 5,
2022, with the Barton
Springs/Edwards Aquifer
Conservation District
(District) for one new nonex-
empt well. The well is
proposed to be discretely
completed in the Middle
Trinity aquifer and is
planned to be used as a
public water supply well to
support residents connected
to the Creedmoor Maha
WSC. A separate Production
Permit Application will be
required in order to operate
and produce from this well in
the future. The proposed well
is located in Travis County
on a 2 acre tract located at
Twin Creek Park Dr
(30°7'49.702" 97°49'18.017").
For further information,
please contact the District,
1124 Regal Row, Austin,
Texas 78748, (512) 282-8441,
bseacd@bseacd.org. You
may also contact the appli-
cants, DC South Fork, LLC
at (512) 368-4000 and Creed-
moor-Maha Water Supply
Corporation (512) 642-5622.
March 29, 2023 8606051

Item 6

Board Discussions and Possible Action

- a. Discussion and possible action on a well drilling application for DC South Fork, LLC and Creedmoor-Maha Water Supply Corporation for a new nonexempt well located in the Middle Trinity Aquifer to be used as a Public Water Supply well.**

Item 6

Board Discussions and Possible Actions

- b. Discussion and possible action related to a legislative update by SledgeLaw Group.**

Item 6

Board Discussions and Possible Actions

c. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Creedmoor Maha Water Supply Corporation.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

BSEACD STAFF INVESTIGATION REPORT

I. Basic Information

Report Date: April 6, 2023

Permittee/Respondent: Creedmoor Maha Water Supply Corporation

Permittee Contact 1: Matthew Pickle
Phone: 512-642-5622
Mailing Address: 13709 Schriber Road
Buda, TX 78610

Property Address: Lat: 30°7'48.04" Long: 97°49'19.41"
30°7'37.71" Long: 97°48'58.84"
Manchaca, TX 78652

BSEACD Staff: Erin Swanson, Regulatory Compliance Manager

II. Investigation Summary

The District declared Alarm Stage Drought at the June 9, 2022 Board meeting. Then on October 20, 2023 the District's General Manager, Tim Loftus declared Critical Stage Drought. The District's enforcement plan¹ provides for monthly review of permittee drought target production allocation. The evaluations of Creedmoor-Maha Water Supply Corporation (Creedmoor) began with the month of July, the first full month following a drought-stage declaration per 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). Historical Edwards and Class A Conditional Edwards permits fall under Tier 3 because the total permitted volume is 247,065,600 gallons per year.

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

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

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

¹¹ Staff used the Enforcement Plan in effect at the time of violations in its review of Creedmoor

Under the District’s enforcement plan, only Tier 3 permittees (the largest volume permittees) will be evaluated during the first three full months of drought for Level C overpumpage, excluding the month that drought is declared. After the 3rd month of drought, assessment evaluations expand to include Tier 3 and 2 permittees for Level B and C overpumpage during months 4 – 6. From month 7 and on all Tiers and overpumpage levels are evaluated.

Creedmoor’s pumping was assessed during month 1, July, of District declared drought due to over pumping the drought target allocation since the start of drought (See table 2). The evaluation of Creedmoor under the process described above follows:

Year	Month	Drought Stage	Target	Pumpage	Level	% To Target	Notes
2022	July	Alarm	22,754,351	18,022,396		-1%	Compliant
2022	August	Alarm	22,566,297	17,346,880		-23%	Compliant
2022	September	Alarm	18,805,248	16,280,250		-13%	Compliant
2022	October	Alarm	15,608,356	17,573,180	A	13%	Not Assessing; only Level B and C overpumpage is assessed during months 4–6.
2022	November	Critical	11,518,214	15,735,180	B	37%	1st occurrence of non-compliance.
2022	December	Critical	10,366,394	16,706,969	B	61%	2 nd occurrence of non-compliance.
2023	January	Critical	10,366,394	15,425,290	B	49%	3 rd occurrence of non-compliance.
2023	February	Critical	11,068,539	13,163,110	A	19%	4 th occurrence of non-compliance.

Table 2: Creedmoor monthly pumpage during declared Drought Stages.

Under section 4.0 of the District’s enforcement plan, Creedmoor 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 was held on December 20, 2022 after District staff received the pumpage report and was able to assess pumpage for the month of October. The discussion that occurred at the meeting is described below. Creedmoor

overpumped the drought target allotment for the months of November– February.

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

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

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

On 10/20/22, The General Manager declared Stage III Critical drought.

On 12/05/2022, District staff reviewed Creedmoor’s pumping for the month of November and observed that the permittee had over pumped the target drought volume by 37% for that month. Per the District’s enforcement plan section 4.0, the permittee was assessed their first occurrence of non-compliance.

On 12/15/22, District staff sent a courtesy email to Creedmoor’s General Manager Mr. Matthew Pickle explaining the pumpage findings and to arrange a virtual meeting to discuss the potential causes for non-compliance, how UDCP requirements are being met, and to work through potential resolutions. Mr. Pickle responded the same day and agreed to meet with staff via Zoom on Tuesday December 20, 2023 at 10am.

On 12/20/2022, District Regulatory Compliance Manager, Erin Swanson, met with Creedmoor’s General Manager Matthew Pickle. Mr. Pickle explained contributing factors including:

1. Leaks due to the December freeze.
2. Demand trends have changed since the last drought documents update back in 2019 so Mr. Pickle requested to update monthly allocations on the drought target chart.
3. The population is increasing, which is adding to demand on the system. (According to District records, Creedmoor has not received additional volume allocations since 2002).

Mr. Pickle also explained that they are seeking additional water supplies to meet the increasing demand by looking into options including installing a well in the Saline Zone and partnering with a second party to fund drilling of a new Middle Trinity well. Finally, he explained their education efforts.

On 01/05/2023, District staff reviewed Creedmoor’s pumping for the month of December and observed that the permittee had over pumped the target drought volume by 61% for that month. Per the District’s enforcement plan section 4.0, the permittee was assessed its second occurrence of non-compliance.

On 01/12/2023 Mr. Pickle attended the regular meeting of the BSEACD Board of Directors on behalf of Creedmoor. during which he reiterated directly to the Board several points he made in

the pre-enforcement meeting. He explained the outdated Target Volume Chart, issues with leaks, and the increasing demands on the system. He explained they were pursuing a contract with a company that builds desal plants, and that they also currently had a Well Drilling Authorization application submitted with the District for a new Middle Trinity well.

On 01/19/2023, civil engineer with MRB Group, Kelby Combest, sent in adjusted monthly allocations on behalf of Creedmoor. Kelby had been in touch with District staff a few days prior via phone to discuss how to submit these adjustments.

On 01/23/2023, District staff Tim Loftus and Erin Swanson met with RW Harden staff Liz Ferry and Kevin Spencer along with Richard Whiting of Seven Seas Water Group. Richard and Seven Seas currently have several established desal plants within the Caribbean and recently were contracted by the City of Alice, TX to install a plant for them as soon as 2024. Seven Seas Water Group is now working to expand operations into the Hill Country and are scheduled to make a proposal/presentation to Creedmoor in April.

On 01/30/2023, District staff Erin Swanson sent Kelby Combest the updated target volume chart for Creedmoor that reflected the new allocation changes. Mr. Combest sent back the signed and approved copy of the chart. Allocations were updated within the District database and will take effect in February 2023.

On 02/05/2023, District staff reviewed Creedmoor's pumping and noted that the permittee had over pumped the drought target amount by 49% for the month of January. Per the District's enforcement plan, section 4.0, for a third occurrence of non-compliance.

On 02/17/2023 District Staff Erin Swanson notified Creedmoor that its Well Drilling Authorization for the installation of a new Trinity Well was deemed administratively complete.

On 03/05/2023, District staff reviewed Creedmoor's pumping and noted that the permittee had over pumped the drought target amount by 19% for the month of February. Per the District's enforcement plan, section 4.0, for a fourth occurrence of non-compliance.

On 03/20/2023, District Staff Erin Swanson requested via email additional documentation that UDCP requirements were being met from Creedmoor General Manager Matthew Pickle.

On 03/28/2023, District Staff Erin Swanson received documentation from Mr. Pickle supporting their education and outreach efforts during the current drought.

III. Alleged Violations:

The District has recorded violations of the following District rules:

§3-1.11 (A)(11) Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal or transporting amounts outside of the District in excess of the amount authorized for transport, shall be punishable by civil penalties as provided by the Act and these Rules.

§3-7.6 (A)(1)

All permittees not granted a variance from the Drought Rules shall achieve individual monthly (prorated for partial months) target pumpage volumes for each drought stage by reducing established monthly baseline pumpage by the respective percentage reductions associated with each drought stage.

IV. Chronology of Events:

- 06/09/22: The Board of Directors declared Stage II Alarm drought.
- 08/05/22: Meter Readings were considered for the initial month.
- 10/20/22: District's General Manager declares Stage III Critical Drought.
- 12/05/22: Creedmoor had overpumped the drought target amount by 37% for the month of November.
- 12/15/22: Pre-enforcement meeting scheduled; letter sent via email.
- 12/20/22: Meeting with Ms. Swanson and Mr. Pickle via zoom to discuss pre-enforcement actions, UDCP requirements, and inability to meet curtailment volumes.
- 01/05/23: Creedmoor had overpumped the drought target amount by 61% for the month of December.
- 02/05/23: Creedmoor had overpumped the drought target amount by 49% for the month of January.
- 03/05/23: Creedmoor had overpumped the drought target amount by 19% for the month of February.

V. Documentation

- Attachment A – 12/08/2022 Board Meeting minutes
- Attachment B – 12/15/2022 & 12/20/2022 Pre-enforcement meeting request email and meeting confirmation
- Attachment C – 03/20/2023 & 03/28/2023 emails and attachments received from Creedmoor's general manager providing supporting documentation for completion of their education and outreach efforts.
- Attachment D – 01/12/2023 Board Meeting minutes
- Attachment E – 02/09/2023 Board Meeting Minutes

ATTACHMENT A: 12/08/2022 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
December 8, 2022**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Vanessa Puig-Williams. Christy Williams arrived at 5:15 p.m. Lily Lucas was absent. Staff present included: Tim Loftus, Dana Wilson, Brian Smith, Justin Camp, David Marino, Jeff Watson, Erin Swanson, Alyssa Gilbert, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

1. Call to Order.

President Stanberry called the meeting to order at 5:03 p.m., noting that a quorum of the Board was present.

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

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

3. Consent Agenda.

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

b. Approval of minutes of the Board's November 10, 2022 Regular Meeting.

c. Approval of a Master Services Contract with INTERA, Inc. for groundwater-related technical support.

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

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

5. Presentations.

5a. Presentation by the District's financial auditor on the FY 2022 Annual Financial Audit Report.

Mr. Archie Montemayor gave a report on the findings of the FY2022 Annual Financial Report. He ended with saying that it was determined to be considered a “clean audit” with no problems to report.

6. Discussion and possible action.

6a. Discussion and possible action related to the receipt and approval of the FY 2022 Annual Financial Audit report provided by the District’s financial auditor.

After discussion, Director Pickens moved receipt and approval of the FY 2022 Financial Audit as presented by Mr. Montemayor.

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

5. Presentations.

5b. Presentation by Staff on policy-related topics concerning unreasonable impacts and/or sustainable use of the Trinity Aquifer(s).

President Stansberry stated that this item would be postponed until the next meeting.

4. General Manager’s Report.

Topics

a. Review of Status Report and update on team activities/projects.

b. Aquifer status update.

d. Upcoming events of possible interest.

Staff gave updates on the items above.

6b. Discussion and possible action on approving the FY 2022 Annual Report including Appendix B.

Dr. Loftus gave a presentation on the highlights of the FY 2022 Annual Report including the eight goals and objectives.

After discussion, Director Williams moved approval of the FY 2022 Annual Report including Appendix B, stating that all eight goals and objectives had been met.

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

6c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Swanson gave a report on the status of the permittees and their User Drought Contingency Plans curtailments. She said that a new Tier 3 Permittee, Creedmoor Maha overpumped and that a

pre-enforcement meeting will be scheduled with them. She said that Tier 2 Permittee, Huntington Utility had overpumped due to a leak in the system and quickly resolved it. Staff met with Aqua Texas staff on November 28th and she is not anticipating that the Bliss Spillar system will be in compliance soon. They are unable to use their new Lower Trinity well for emergency purposes according to TCEQ and will also be hiring an engineering firm to identify ways to move water around more efficiently between the three subsystems – Chaparral, Copperhills, and Southwest Territory - that collectively account for the Bliss Spillar system.

No action was needed.

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 gave reports on activities they have been involved with since the last meeting.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 6:23 p.m.

Approved by the Board on January 12, 2023.

By: Blayne Stansberry Attest: Christy Williams
Blayne Stansberry, Board President Christy Williams, Board Secretary

ATTACHMENT B: Pre-Enforcement Meeting Request and Confirmation

From: [Matthew Pickle](#)
To: [Erin Swanson](#)
Subject: RE: Drought Compliance
Date: Thursday, December 15, 2022 2:49:20 PM

10 on Tuesday will work. Will you be sending an invite?

Matt Pickle
General Manager
Creedmoor Maha WSC
13709 Schriber Road
Buda, TX 78610

Direct: 512-642-5622
mpickle@creedmoorwsc.com



From: Erin Swanson <eswanson@bseacd.org>
Sent: Thursday, December 15, 2022 2:45 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: RE: Drought Compliance

Matt,

Thanks for the quick response. How would Tuesday at 10am work? As far as the discussion goes, the main things to cover are the two items you mentioned. I will likely have a few additional questions about the leaks and a few questions about the education/notification campaign after run me through it, so that should be the majority of the discussion. Later today, I am going to run through the User Drought Contingency Plans that you signed back in 2019 to see if there is anything else we need to discuss. I will let you know if I come up with anything. I have attached a copy of all 3 UDCP's for quick reference.

I do also briefly want to discuss the potential conversion of the Class A permit if/when Stage IV Exceptional Drought is declared. Aquifer levels are kind of holding steady at the moment with the rains, but they could trend downwards again if the rains stop. So I just want to make sure you and I both have a clear understanding of how that might impact the permits if/when that time comes.

Once we confirm a time, I will get a Zoom meeting scheduled and send over an invitation. If you need anything or have any questions, please let me know.

Thanks Again,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Matthew Pickle <mpickle@creedmoorwsc.com>
Sent: Thursday, December 15, 2022 12:23 PM
To: Erin Swanson <eswanson@bseacd.org>
Subject: RE: Drought Compliance

Erin,

I am available Monday after 10 or Tuesday all day. A zoom meeting will work for me. We have recently repaired a number of leaks that we estimate to account for between 2M and 3M gallons in November. I'll be prepared to discuss this and the notification/education campaign we have conducted with our customers. Is there anything else you think we might discuss?

Matt Pickle
General Manager
Creedmoor Maha WSC
13709 Schriber Road
Buda, TX 78610

Direct: 512-642-5622
mpickle@creedmoorwsc.com



From: Erin Swanson <eswanson@bseacd.org>
Sent: Thursday, December 15, 2022 12:11 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: Drought Compliance

Good Morning,

I hope things are going well with you. I wanted to reach out to you about the target drought curtailment pertaining to the Edwards groundwater production permits help by Creedmoor-Maha WSC. Based on the meter readings submitted earlier this month, the target volume for November 2022 has been overpumped. The target volume for November was 11,518,214 gallons but the actual volume pumped was 15,735,180 resulting in an overpumpage of 37%. Please see the PDF attached for the drought analysis report.

Per our enforcement plan adopted last year, we are now issuing what we call drought non-compliance occurrences to any Tier 2 or 3 permittees that overpump their target curtailment volume by 25% or more. For the first occurrence we will set up a pre-enforcement meeting to go over the UDCP and its requirements as well as determine what the issue could be and run through any options that could help resolve that issue. It is our hopes to get you all back into compliance with these curtailment volumes as soon as possible. If a second occurrence is issued, the enforcement process would begin for this issue and additional penalties could be assessed. Also, November was our first full month of Stage 3 Critical drought so curtailments are greater than previous months which could making meeting these target volumes more difficult.

My schedule is fairly open next week with the exception of Thursday and Friday, so depending who you feel should attend for Creedmoor, could you please let me know a few dates/times that would work for you so that I can get something on the calendar. I am available to have the meeting over Zoom or in person so whatever is easiest for you and whomever else you think should attend, please let me know and I will plan accordingly.

If any of you have questions, please let me know.

Thank You,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: [Erin Swanson](#)
To: [Matthew Pickle](#)
Subject: FW: Drought Compliance
Date: Tuesday, December 20, 2022 9:53:00 AM

Matt,

Please see the Zoom link below.

Thanks,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Erin Swanson
Sent: Thursday, December 15, 2022 2:56 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: RE: Drought Compliance

Matt,

Please see the meeting invitation and information for our Zoom below.

BSEACD Staff is inviting you to a scheduled Zoom meeting.

Topic: Drought Compliance Pre-Enforcement Discussion
Time: Dec 20, 2022 10:00 AM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/85621048288>

Meeting ID: 856 2104 8288
One tap mobile
+13462487799,,85621048288# US (Houston)
+14086380968,,85621048288# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US

Meeting ID: 856 2104 8288

Find your local number: <https://us02web.zoom.us/j/85621048288>

If you need anything before the meeting, please let me know. If not, have a good weekend and I'll talk to you next week.

Thanks,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Erin Swanson
Sent: Thursday, December 15, 2022 2:53 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: RE: Drought Compliance

I am setting it up now so I will have it over to you shortly.

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row

Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Matthew Pickle <mpickle@creedmoorwsc.com>
Sent: Thursday, December 15, 2022 2:49 PM
To: Erin Swanson <eswanson@bseacd.org>
Subject: RE: Drought Compliance

10 on Tuesday will work. Will you be sending an invite?

Matt Pickle
General Manager
Creedmoor Maha WSC
13709 Schriber Road
Buda, TX 78610

Direct: 512-642-5622
mpickle@creedmoorwsc.com



From: Erin Swanson <eswanson@bseacd.org>
Sent: Thursday, December 15, 2022 2:45 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: RE: Drought Compliance

Matt,

Thanks for the quick response. How would Tuesday at 10am work? As far as the discussion goes, the main things to cover are the two items you mentioned. I will likely have a few additional questions about the leaks and a few questions about the education/notification campaign after run me through it, so that should be the majority of the discussion. Later today, I am going to run through the User Drought Contingency Plans that you signed back in 2019 to see if there is anything else we need to discuss. I will let you know if I come up with anything. I have attached a copy of all 3 UDCP's for quick reference.

I do also briefly want to discuss the potential conversion of the Class A permit if/when Stage IV Exceptional Drought is declared. Aquifer levels are kind of holding steady at the moment with the

rains, but they could trend downwards again if the rains stop. So I just want to make sure you and I both have a clear understanding of how that might impact the permits if/when that time comes.

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Regulatory Compliance Manager

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To: Erin Swanson <eswanson@bseacd.org>
Subject: RE: Drought Compliance

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Matt Pickle
General Manager
Creedmoor Maha WSC
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Direct: 512-642-5622
mpickle@creedmoorwsc.com



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Sent: Thursday, December 15, 2022 12:11 PM
To: Matthew Pickle <mpickle@creedmoorwsc.com>
Subject: Drought Compliance

Good Morning,

I hope things are going well with you. I wanted to reach out to you about the target drought curtailment pertaining to the Edwards groundwater production permits help by Creedmoor-Maha WSC. Based on the meter readings submitted earlier this month, the target volume for November 2022 has been overpumped. The target volume for November was 11,518,214 gallons but the actual volume pumped was 15,735,180 resulting in an overpumpage of 37%. Please see the PDF attached for the drought analysis report.

Per our enforcement plan adopted last year, we are now issuing what we call drought non-compliance occurrences to any Tier 2 or 3 permittees that overpump their target curtailment volume by 25% or more. For the first occurrence we will set up a pre-enforcement meeting to go over the UDCP and its requirements as well as determine what the issue could be and run through any options that could help resolve that issue. It is our hopes to get you all back into compliance with these curtailment volumes as soon as possible. If a second occurrence is issued, the enforcement process would begin for this issue and additional penalties could be assessed. Also, November was our first full month of Stage 3 Critical drought so curtailments are greater than previous months which could making meeting these target volumes more difficult.

My schedule is fairly open next week with the exception of Thursday and Friday, so depending who you feel should attend for Creedmoor, could you please let me know a few dates/times that would work for you so that I can get something on the calendar. I am available to have the meeting over Zoom or in person so whatever is easiest for you and whomever else you think should attend, please let me know and I will plan accordingly.

If any of you have questions, please let me know.


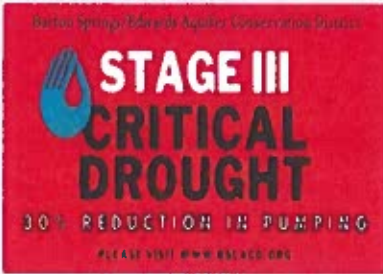
Thank You,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

ATTACHMENT C: Evidence of Education and Outreach Efforts

Bill Mailing Stuffers

WATERING DAY CALENDAR		CALENDARIO DE DIAS DE RIEGO
No watering from 10AM to 8PM Hand watering is allowed anytime.		No se permite riego de 10AM to 8PM Se permite regar a mano en cualquier momento.
ODD numbered addresses TUESDAYS		RARO direcciones numerados MARTES
EVEN numbered addresses THURSDAYS		INCLUSO direcciones numerados JUEVES

Stage III—Critical Water Use Restrictions 30% reduction water-use is required	Etapa III—restricciones de Uso Crítico de agua 30% De Reduccion De Uso De Agua es Requerido
Mandatory Water Use Restrictions will be imposed on CMWSC members:	Se impondrán restricciones obligatorias al uso de agua a los miembros del CMWSC:
No watering between 10 AM and 8 PM Hand watering is allowed anytime.	No se permite riego entre 10 AM and 8 PM Se permite regar a mano en cualquier momento.
Designated Watering Days:	Dias de Riego Designados:
ODD numbers addresses: TUESDAYS EVEN numbers addresses: THURSDAYS	RARO direcciones numeros: MARTES INCLUSO direcciones números: JUEVES
	haga clic <u>aquí</u> para más detalles.
Click <u>HERE</u> for details.	

Website (pop-up and slides): <https://creedmoormahawsc.com/home>

Creedmoor-Maha Water Supply Corp
Committed to Providing Clean, Safe Water for All Our Members
(512) 243-2113
[Contact Us](#)

Home Customer Service Forms & Reports News & Notices About Us

STAGE III CRITICAL DROUGHT
30% REDUCTION IN PUMPING
PLEASE VISIT WWW.BSEACD.ORG

BILL PAYMENT
Drought Contingency
Water Quality Reports (CCR)
Public Notice

Local Weather
Today Tomorrow Wednesday

Alerts

Home Customer Service Forms & Reports News & Notices About Us

WATERING DAY CALENDAR
No watering from 10:00 AM to 8:00 PM
Hand watering is allowed anytime.
ODD numbered addresses: TUESDAYS
EVEN numbered addresses: THURSDAYS

CALENDARIO DE DIAS DE RIEGO
No se permite riego de 10:00 AM to 8:00 PM
Se permite regar a mano en cualquier momento.
RARO direcciones numeradas: MARTES
INCLUSO direcciones numeradas: JUEVES

BILL PAYMENT
Drought Contingency
Water Quality Reports (CCR)
Public Notice

Local Weather
Today Tomorrow Wednesday

Alerts
Stage III Drought Alarm
October 29, 2022

Welcome to the Official Website of Creedmoor-Maha Water Supply Corp

Home Customer Service Forms & Reports News & Notices About Us

Stage III—Critical Water Use Restrictions
30% reduction water-use is required
Mandatory Water Use Restrictions will be imposed on CMWSC members:
No watering between 10 AM and 8 PM
Hand watering is allowed anytime.
Designated Watering Days:
ODD numbers addresses: TUESDAYS
EVEN numbers addresses: THURSDAYS
Click [HERE](#) for details.

Etapa III—restricciones de Uso Crítico de agua
30% De Reduccion De Uso De Agua es Requerido
Se Imponerán restricciones obligatorias al uso de agua a los miembros del CMWSC:
No se permite riego entre 10 AM and 8 PM
Se permite regar a mano en cualquier momento.
Dias de Riego Designados:
RARO direcciones numeros: MARTES
INCLUSO direcciones números: JUEVES
haga clic [aquí](#) para más detalles.

BILL PAYMENT
Drought Contingency
Water Quality Reports (CCR)
Public Notice

Local Weather
Today Tomorrow Wednesday

Alerts

Website (water schedule letter):

https://clients.ruralwaterimpact.com/documents/141/Stage_III_English_and_Spanish.pdf

pdf
day: Todoist SunCoast Learning... H2O Analytics Corp... CMWSC Developm... GIS Map H2O A

Creedmoor Maha Water Supply Corporation

STAGE III – MANDATORY CRITICAL WATER USE RESTRICTIONS

Mandatory Water Use Restrictions will be imposed on its customers - 30% reduction water use:

Irrigation of landscaped areas with hose-end sprinklers with a positive shutoff nozzle and/or automatic irrigation systems shall be limited to:

No watering between 10:00 AM and 8:00 PM.

Designated Watering Days:
 1) Addresses ending in odd numbers: TUESDAYS ONLY.
 2) Addresses ending in even numbers: THURSDAYS ONLY.

Commercial
 Vehicle washing may be done at anytime on the immediate premises of a commercial car wash or commercial service station. Such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

Landscaped Areas
 Irrigation of landscaped areas is permitted at any time if using a handheld hose, faucet-filled bucket of five (5) gallons or less, or drip irrigation system on designated watering days.

Vehicles
 Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days.

Pools/Jacuzzi/Other
 Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi type pool is prohibited except on designated watering days.

Ornamental Fountains or Ponds
 Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

Parks/Golf Courses/Green-belts
 Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except by hand-held hose and only on designated watering days.

The following uses of water are defined as nonessential and are **prohibited**:

- Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, hard-surfaced areas.
- Use of water to wash down buildings or structures for purposes other than immediate fire protection.
- Use of water for dust control (unless dust control is a requirement of a specific TCEQ permit).
- Flushing gutters or permitting water to run or accumulate in any gutter or street. Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak.
- Any other waste of water.



2 / 2 - 80% + [] []



Corporación de Suministro de Agua Creedmoor Maha

ETAPA III – RESTRICCIONES CRÍTICAS OBLIGATORIAS DE USO DEL AGUA

Se Impondrán restricciones obligatorias de uso de agua a sus clientes - 30% de reducción del uso de agua:

El riego de las zonas ajardinadas con aspersores de extremo de manguera con boquilla de cierre positivo y/o sistemas de riego automático se limitará a:

No regar entre las 10:00 AM y las 8:00 PM.

Días de riego designados:

- 1) Direcciones que terminan en números impares: SOLO MARTES.
- 2) Direcciones que terminan en números pares: JUEVES SOLAMENTE.

Comercial

El lavado de vehículos se puede realizar en cualquier momento en las instalaciones inmediatas de un lavado de autos comercial o estación de servicio comercial. Dicho lavado puede estar exento de estas regulaciones si la salud, la seguridad y el bienestar del público dependen de la limpieza frecuente de vehículos, como camiones de basura y vehículos utilizados para transportar alimentos y productos perecederos.

Zonas ajardinadas

El riego de áreas ajardinadas está permitido en cualquier momento si se usa una manguera de mano, un balde lleno de grifo de cinco (5) galones o menos, o un sistema de riego por goteo en **los días de riego designados**.

Vehículos

El uso de agua para lavar cualquier vehículo motorizado, motocicleta, bote, remolque, avión u otro vehículo está prohibido, excepto en los días de riego designados.

Piscinas/Jacuzzi/Otros

El uso de agua para llenar, rellenar o agregar a cualquier piscina cubierta o al aire libre, piscinas para niños o piscina tipo jacuzzi está prohibido, excepto en los días de riego designados.

Fuentes ornamentales o estanques

Se prohíbe la explotación de cualquier fuente o estanque ornamental con fines estéticos o paisajísticos, excepto cuando sea necesario para sustentar la vida acuática o cuando dichas fuentes o estanques estén equipados con un sistema de recirculación.

Parques/Campos de Golf/Cinturones Verdes

El uso de agua para el riego de campos de golf, parques y áreas del cinturón verde está prohibido, excepto con manguera de mano y solo en los días de riego designados.

Los siguientes usos del agua se definen como no esenciales y están **prohibidos**:

- Lave las aceras, pasillos, calzadas, estacionamientos, canchas de tenis, áreas de superficie dura.
- Uso de agua para lavar edificios o estructuras con fines distintos de la protección inmediata contra incendios.
- Uso de agua para el control del polvo (a menos que el control del polvo sea un requisito de un permiso TCEQ específico).
- Enjuagar canaletas o permitir que el agua corra o se acumule en cualquier canalón o calle. Falta de reparación de un controlable fuga dentro de un plazo razonable después de haber sido notificado ordenando la reparación de dicha fuga.
- Cualquier otro desperdicio de agua.



Facebook: <https://www.facebook.com/CreedmoorMahaWater>

Creedmoor / Mustang Ridge Residence Page

Creedmoor-Maha Water Supply Corporation
March 20 at 11:32 AM

Do you use CMWSC water? We now have a watering schedule (see below). We're in a Stage III drought so water conservation is vital during this time.

<p>Stage III—Critical Water Use Restrictions 30% reduction water-use is required</p> <p>Mandatory Water Use Restrictions will be imposed on CMWSC members:</p> <p>No watering between 10 AM and 8 PM Hand watering is allowed anytime.</p> <p>Designated Watering Days: ODD numbers addresses: TUESDAYS EVEN numbers addresses: THURSDAYS</p> <p>Click HERE for details.</p>	<p>Etapa III—restricciones de Uso Critico de agua 30% De Reduccion De Uso De Augua es Requerido</p> <p>Se impondrán restricciones obligatorias al uso de agua a los miembros del CMWSC:</p> <p>No se permite riego entre 10 AM and 8 PM Se permite regar a mano en cualquier momento.</p> <p>Días de Riego Designados: RARO direcciones números: MARTES INCLUSO direcciones números: JUEVES</p> <p>haga clic aquí para más detalles.</p>
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Creedmoor / Mustang Ridge Residence Facebook Page

<https://www.facebook.com/groups/1915006325490107>

Like Comment Share

Write a public comment...









Creedmoor-Maha Water Supply Corporation
March 20 at 11:31 AM

We are in a Stage III Critical Drought where homeowners are required to reducing your water usage by 30%. Please help us conserve.
Found a water leak? Report it to us at 512-243-2113. You may get \$50 off your next water bill. Check for water leaks on your property. Water leaks between the meter and your home is the responsibility of the homeowner. Water leaks between the meter and the road is the responsibility of the CMWSC.


Barton Springs/Edwards Aquifer Conservation District


STAGE III CRITICAL DROUGHT
30% REDUCTION IN PUMPING
PLEASE VISIT WWW.BSEACD.ORG

Twitter Account: <https://twitter.com/CreedmoorMWSC>

-  Home
-  Explore
-  Notifications
-  Messages
-  Bookmarks
-  Twitter Blue
-  Profile
-  More

← **Creedmoor Maha Water Supply Corporation**
11 Tweets

- 
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- 
-  5
- 

 **Creedmoor Maha Water Supply Corpo...** @CreedmoorM... · Mar 20 ...
We are in a Stage III Critical Drought. Help conserve water by reducing your water usage by 30%.
Found a water leak? Report it to us at 512-243-2113.
Check for water leaks on your property. Water leaks between the meter and your home is the responsibility of the homeowner.



Nextdoor Account: <https://nextdoor.com/business-profile/preview>






- Home / Twitter
- Today: Todoist
- SunCoast Learning...
- H2O Analytics Corp...
- CMWSC Developm...
- GIS Map
- H2C

nextdoor



Creedmoor Maha Water Supply Corp

Overview Recommendations Activity

-  Page
-  Ads
-  Posts
-  Inbox
-  Notifications

 **Creedmoor Maha Water Supply Corp**
Edited 20 Mar



STAGE III DROUGHT: We are in a Stage III Critical Drought. Help conserve water by reducing your water usage by 30%.
See more...

Be the first to react  Like  Comment  Share

 Add a comment...

Quarterly
Newsletter

January-March 2023

Creedmoor Maha Water Supply Corporation



General Manager's Message

I hope everyone had a Merry Christmas and a Happy New Year! 2023 is shaping up to be a big year for Creedmoor Maha WSC.

The winters in Central Texas have been much colder than normal the last 3 years. We have experienced hard freezes regularly. Each time this has strained the water system from the many broken water lines. Here are a few tips to help you winterize your water lines and avoid broken pipes from freezing weather.

Ideally, the water line running from your meter to your house would be

buried at least 2 feet deep. This will insulate it from hard freezes.

If your waterline is exposed anywhere before it enters your home, wrap the pipe in insulation.

All outdoor hose bibs and faucets need to be wrapped in insulation or covered with a specially designed foam cup.

If you live in a modular home, it is important to have a skirt wrapped around the base of the house to keep cold air out. This will protect the pipes under your floor.

Stay Warm and safe and have a Happy New Year!

Holiday Schedule

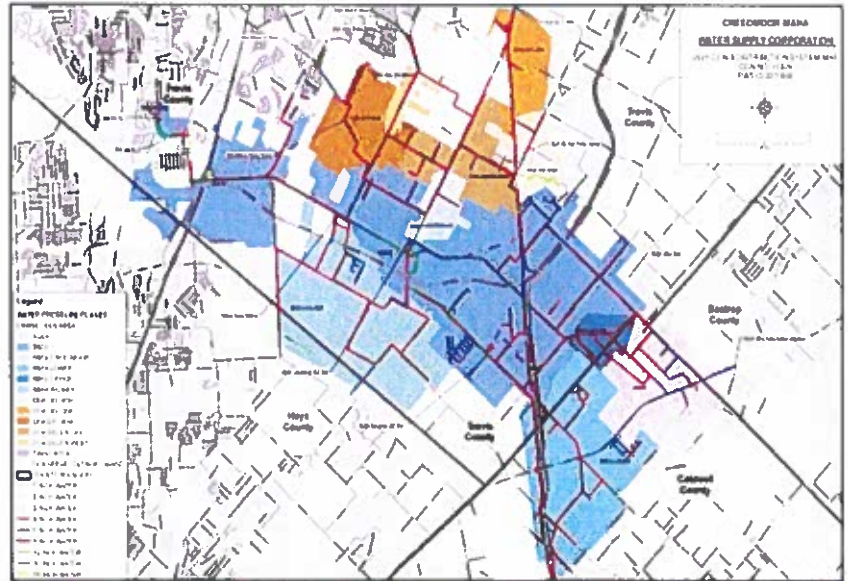
- January 2: New Years Day Observance
- January 16: Martin Luther King Day
- February 20: President's Day
- April 7: Good Friday

CMWSC Staff

- General Manager:.....Matthew Pickle
- Assistant to GM:.....Darla Damron
- CSR Manager:.....Kristi Temple
- Business Manager:.....Cassie Taylor
- Operations Manager:.....Scott R.

CMWSC Board of Directors

- Board Pres
- Vice Pres
- Secretary
- Director...
- Director...
- Director...
- Director...
- Director...
- Director...



Want to serve on the CMWSC Board of Directors?

Qualifications to serve as a board member:

- 1) Must be a member or shareholder in good standing of CMWSC
- 2) Must be *18 years of age (*Water Code Sec. 67.0051)

Application Requirements:

- 1) File a candidate application with the CMWSC office by January 27, 2023
- 2) Have a signed petition by 20 qualified members
- 3) Have a signed written consent to serve
- 4) Include biographical information and statement of qualifications

*All candidate applications must be returned by 01/27/2023.

Stop by our office to pick up a candidate application.



CMWSC
Emergency
Utility Loc

Between
After 4PM

CMWSC
Ann
Wednesday

IMPORTANT DATES

1st of every month—4th business day of every month (unless a weekend or holiday) - Bills are due

Disconnection is on the 10th (unless a weekend or holiday) of the following month after bill due date.

CLICK HERE TO PAY YOUR BILL



FECHAS IMPORTANTES

El primer día de cada mes—El cuarto día de cada mes (a menos que sea un fin de semana o festivo) - las facturas vencen

La desconexión es el día 10 (a menos que sea un fin de semana o festivo) del mes siguiente después de la fecha de vencimiento de la factura.

HAGA CLIC AQUÍ PARA PAGAR SU FACTURA

WARNING
DUE DATES ARE CLOSER
THAN THEY APPEAR

Barton Springs / Edwards Aquifer Conservation District

STAGE III
CRITICAL DROUGHT

50% REDUCTION IN PUMPING

PLEASE VISIT WWW.EAACC.ORG

Report a Qualified leak and get \$50.00 off of your next bill. Call 512.243.2113 to report a leak.

STAGE III
CRITICAL DROUGHT
30% REDUCTION IN PUMPING
PLEASE VISIT WWW.BSEACD.ORG



Welcome to the Official Website of Creedmoor-Maha Water Supply Corp

Our Mission

At Creedmoor-Maha Water Supply Corp, we are committed to providing safe, high quality water

Bill Payment Options

Looking for the most convenient way to pay your bill? We offer e-check, credit card, and more

Surcharge Added 2019

Beginning in 2019, members saw a surcharge applied to their water bills. The purpose of the surcharge is

BILL PAYMENT

Drought Contingency

Water Quality Reports (CCR)

Public Notice

Local Weather

Today

Tomorrow

Wednesday



0°/0°



0°/0°



0°/0°

Alerts

Stage III Drought Alarm

October 20, 2022

Sign Up for Alerts & Notices from Creedmoor Maha WSC

Unsubscribe

Main webpage Sign up for Alerts:

[https://
creedmoormahawsc.com/home](https://creedmoormahawsc.com/home)

ATTACHMENT D: 01/12/2023 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 12, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Lily Lucas. Christy Williams arrived at 5:20 p.m. Vanessa Puig-Williams was absent. Staff present included: Tim Loftus, Brian Smith, Kendall Bell-Enders, Justin Camp, David Marino, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

1. Call to Order.

President Stanberry called the meeting to order at 5:07 p.m., noting that a quorum of the Board was present.

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

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

3. Consent Agenda.

3a. 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 8, 2022 Regular Meeting.

Director Pickens moved approval of consent agenda items 3a. and b.

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

4. General Manager's Report.

Topics

a. Review of Status Report and update on team activities/projects.

b. Aquifer status update.

d. Upcoming events of possible interest.

Staff gave updates on the items above.

5. Presentation.

Presentation by Staff on policy-related topics concerning unreasonable impacts and/or sustainable use of the Trinity Aquifers(s).

Ms. Bell-Enders gave a presentation on a Trinity Aquifer Sustainability Plan – Policy Analysis. She spoke about legal considerations, developing groundwater policy, key milestones such as the Edwards Sustainable Yield Study, Desired Future Conditions, and unreasonable impacts. She also spoke on the drought of record, management zones, and compliance.

She answered questions from the Board and talked about the next steps.

6b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.

Ms. Swanson went through the investigation report and explained how potential penalties were calculated for the Aqua Texas Bliss Spillar System. She said that since they are a Tier 2 permittee, the first month for overpumping calculations was in August and September. A letter regarding the overpumpage of June and July was sent to them, and she and Dr. Loftus had lunch with upper management and their attorney to try to obtain better communication.

President Stansberry acknowledged Mr. Brent Rhea from Aqua Texas and asked how long they have managed the Bliss Spillar system.

Mr. Rhea answered 18 years. He said that the system has 3 sites/wells and that there have been many new homes built over the years. He also said that they hired a new leak detection company to check the systems to come out every 3 years and are scheduled to come out in a couple of weeks. He said that they are limited to enforce on outside use only, he said that most of the usage is coming from indoors.

Dr. Loftus asked about their lower Trinity well and if it is contributing factor to overpumping.

Mr. Rhea answered that it is contributing because if they could use that Trinity well, they wouldn't have to use the Edwards well as much. He said that the water is high in iron, so they are having to blend and they are waiting on approval from TCEQ. He said that there have been some changes in the corporation and communication has not been the best. They have hired a new person to help with communication to groundwater districts.

Director Lucas asked if the overarching issue is the 3 different zones and moving that water.

Mr. Rhea answered that if they were able to move the water more efficiently it wouldn't solve the problem but would help tremendously.

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 5:42 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 6:25 p.m. President Stansberry stated that no final actions or decisions were made while in Executive.

Dr. Loftus stated that based on the past 3 months of overpumping, Aqua Texas is eligible for Drought Enforcement penalties of up to \$73,000. He recommends that staff draft an Agreed Order to be brought back to the Board next month. We can have a more detailed discussion of a way forward with Aqua Texas and deal with this in a way that minimizes the burden on staff and the permittee.

Director Lucas moved to have staff work with the District's attorney to draft an Agreed Order and bring it back to the Board next month.

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

6a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Swanson stated that staff is looking at Tier 2 and 3 permittees during months 4 through 6 of drought. She stated that the only Tier 2 permittee out of compliance is Aqua Texas. She said that Tier 3 permittees, Monarch, and Creedmoor Maha did not meet their drought curtailments. She said that it was Monarch's first occurrence, and a pre-enforcement meeting would be set. She went on to say that Creedmoor Maha has had their second occurrence.

Mr. Pickle, General Manager of Creedmoor Maha, explained that when the UDCP was originated he doesn't believe that they put realistic curtailments during winter months. He said that most all of his area is rural, and they do not irrigate, all of the water is used indoors. He said that it's really hard to know the exact population in the homes as well. During the second week of December, they discovered a large leak, and the water was running into a creek. Then during the Christmas freeze there were many broken pipes, he had a team go out on Christmas day shutting off water. He said that the majority of homes are old and singlewide trailers. He went on to say that they are pursuing other sources of water that will take at least a year, but will hopefully take the stress off of their Edwards water. He said that currently they have some Austin water but they are not allowed to mix it.

President Stansberry asked about the use of Trinity brackish water.

Mr. Pickle said that they are applying to the District for a permit for a Trinity well. He ended with saying that they have a leak detection system and are usually below 10 percent usually 4 or 5 percent.

No action was taken by the Board.

6c. Discussion and possible action and update on the HCP Management Advisory Committee and annual report process/timeline.

Dr. Brian Smith stated that one of the District's commitments to the Habitat Conservation Plan and Incidental Take Permit is to convene a Management Advisory Committee (MAC) at least once a year to review an annual report that will be submitted to USFWS. He said that the members are appointed by the Board of Directors and that the current members consist of the following:

Jennifer Walker- environmental community
Nathan Bendik- City of Austin
Blake Neffendorf- public water supply permittee
Scott Nester- property owner in District-aquifer
Susan Meckel- river authority
Clif Ladd- interested private citizen
Ben Hutchins, Ph.D.- technical/ecological research expert
Jack Sharp, Ph.D.- technical/ecological research expert
Staff from USFWS and Texas Parks and Wildlife Department

He went on to say that Laurie Dries-salamander biologist/expert, and Jon White-county government have resigned from the MAC. He recommended the following new members:

Liza Colucci- salamander biologist/expert
Vicky Kennedy- county government
Alexandra Thompson- county government
Brian Hunt- interested private citizen

He reported that after preparation of the draft annual report, the MAC would meet between January 24th and February 2nd, then present the draft annual report to the Board on February 9th and submit it to the USFWS by February 28th.

After questions from the Board, Director Pickens moved approval of the new recommended members to the MAC.

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

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 gave reports on activities they have been involved with since the last meeting.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:42 p.m.

Approved by the Board on February 9, 2023.

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Tammy Raymond
Tammy Raymond, Assistant Board
Secretary

ATTACHMENT E: 02/09/2023 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 9, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Vanessa Puig-Williams. Lily Lucas and Christy Williams were absent. Staff present included: Tim Loftus, Brian Smith, David Marino, Justin Camp, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

1. Call to Order.

President Stanberry called the meeting to order at 5:12 p.m., noting that a quorum of the Board was present.

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

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

3. Consent Agenda.

3a. 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 January 12, 2023 Regular Meeting.

Director Pickens moved approval of consent agenda items 3a. and b. noting invoices from LRE Water in the amount of \$18,000.

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

4. General Manager's Report.

Topics

a. Review of Status Report and update on team activities/projects.

b. Aquifer status update.

d. Upcoming events of possible interest.

Staff gave updates on the items above.

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

Ms. Swanson reported that we are six months into drought and moving into the third phase. She said the first change is that we are expanding the assessment of Tiers 2 and 3, looking at all levels of overpumpage. The second change is that Tier 1 Permittees over 2 million gallons will be subject to enforcement. Per our enforcement policy Tier 1 permittees permitted for 2 million gallons or less will generally be reserved only for noncompliance that warrants enforcement as determined by the Board. She also reported the following:

Tier 3 Permittees that overpumped.

Creedmoor Maha – They have adjusted their monthly allocations on their UCDP, they are looking at Desal water, and they are applying to drill a new well.

Monarch -- A pre-enforcement meeting was scheduled but rescheduled due to the ice storm.

Centex – A pre-enforcement meeting is scheduled.

Tier 2 Permittees that overpumped.

Aqua Texas Bliss Spillar
City of Hays
Aqua Texas Onion Creek

Tier 1 Permittees that overpumped.

Trinity Episcopal
Texas Old Town

After Board discussion there was no action taken.

5b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.

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 5:58 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 6:36 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Pickens made the following motion:

- I. To direct staff to issue Aqua Texas an NOAV
- II. Include as part of the NOAV an Agreed Order for early resolution. Agreed order should provide:
 - A. Maximum penalty of \$73,000 reduced to \$36,000 contingent on compliance with the Agreed Order.
 - B. Future process for penalty assessment and payment during drought including:
 - i. Determination of average daily use.
 - ii. Determination of when average daily use exceeds UDCP baseline monthly pumpage.
 - iii. Determination of total number of days each month of over pumping.
 - iv. Provision for daily penalties for each day of over pumping:
 1. \$400 during Alarm Stage
 2. \$800 during Critical and Exceptional Stages
 - v. Provide notice of total monthly penalty by staff each month.
 - vi. Payment from Aqua Texas within 30 days of staff notice.
 - C. Report describing the most efficient way to move water between systems and include a description of needed improvements.
 - D. Monthly reporting of leak detection and 2022 annual water loss in the Chaparral system.

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

5c. Discussion and possible action on Caldwell and Kidd, LLC Class A Conditional Production Permit application for commercial use of up to 600,000 of gallons of water per year for an existing exempt well located at 12000 Meredith Dr., Austin, TX 78748 including consideration by the Board of Directors of special conditions or delaying the effective date for an application submitted and/or considered during District-declared drought.

President Stansberry stated that this item would be postponed.

5d. Discussion and possible action on production fees charged outside of the Shared Territory.

The Board discussed the current production fees charged outside of the Shared Territory and possible changes to those fees in the future.

No action was taken.

5e. Discussion and possible action on approval of the draft US Fish & Wildlife ITP Annual Report.

Dr. Smith reported that this is the fourth Annual ITP Report. He said that the Management Advisory Committee (MAC) met with staff on February 1st, and received a couple of suggestions that were

incorporated into the report. After formatting, the report will be submitted to the U.S. Fish & Wildlife Service by the deadline of February 28th.

After discussion, Director Puig-Williams moved approval of the FY 2022 draft ITP Annual Report and submission to the US Fish & Wildlife.

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

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 gave reports on activities they have been involved with since the last meeting.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:10 p.m.

Approved by the Board on March 9, 2023.

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary

Item 6

Board Discussions and Possible Actions

d. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Monarch Utilities Inc.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

BSEACD STAFF INVESTIGATION REPORT

I. Basic Information

Report Date: April 6, 2023

Permittee/Respondent: Monarch Utilities, Inc.

Permittee Contact: Chuck Barry
Phone: 512-531-6271
Mailing Address: 1620 Grand Avenue Parkway
Suite 140
Pflugerville, TX 78660

Property Address: Multiple Well Fields in Buda, TX area

BSEACD Staff: Erin Swanson, Regulatory Compliance Manager

II. Investigation Summary

The District declared Alarm Stage Drought at the June 9, 2022 Board meeting. Then on October 20, 2023 the District's General Manager, Tim Loftus declared Critical Stage Drought. The District's enforcement plan¹ provides for monthly review of permittee drought target production allocation. The evaluations of Monarch Utility, Inc. began with the month of July because the month of June was the initial month of a Drought Stage, which is not reviewed under the District's enforcement plan.

Under section 3.0 of the District's enforcement plan, permittees are evaluated during drought according to three permitted pumpage tiers (See table 1). Monarch Utility Inc.'s Historical Edwards and Class A Conditional Edwards permits fall under Tier 3 because the total permitted volume is 324,400,000 gallons per year.

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

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

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

¹ Staff used the Enforcement Plan in effect at the time of violations in its review of Monarch Utility, Inc.

Under the District’s enforcement plan, only Tier 3 permittees (the largest volume permittees) will be evaluated during the first three months of drought for Level C overpumpage, excluding the initial month. After the 3rd month of drought, assessment evaluations expand to include Tier 3 and 2 permittees for Level B and C overpumpage during 4 – 6 months. From month 7 and on all Tiers and overpumpage levels are evaluated.

Monarch Utility, Inc.’s pumping was assessed during month 1, July, of District declared drought due to over pumping the drought target allocation since the start of drought (See table 2). The evaluation of Creedmoor-MAHA Water Supply Corporation under the process described above follows:

Year	Month	Drought Stage	Target	Pumpage	Level	% To Target	Notes
2022	July	Alarm	33,478,080	32,868,000		-2%	Compliant
2022	August	Alarm	33,478,080	25,049,000		-25%	Compliant
2022	September	Alarm	21,540,160	20,456,000		-5%	Compliant
2022	October	Alarm	20,761,600	19,656,000	A	-5%	Compliant
2022	November	Critical	15,668,520	16,499,000	A	5%	Not Assessing; only Level B and C overpumpage is assessed during months 4–6.
2022	December	Critical	12,489,400	15,688,000	B	26%	1 st Occurrence of non-compliance.
2023	January	Critical	11,354,000	14,101,000	A	24%	2 nd Occurrence of non-compliance.
2023	February	Critical	12,262,320	13,340,000	A	9%	3 rd Occurrence of non-compliance.

Table 2: Monarch Utilities, Inc. monthly pumpage during declared Drought Stages.

Under section 4.0 of the District’s enforcement plan, Monarch Utilities, Inc. was given and attended a 1st occurrence pre-enforcement meeting to discuss over pumpage of allotment and current efforts of implementation of its User Drought Contingency Plan. This meeting was held on February 16, 2023 after District staff received the pumpage report and was able to assess

pumpage for the month of December. The discussion that occurred at the meeting is described below. Aqua Texas overpumped the drought target allotment for the months of December - February.

Below describes the dates and discussions District Staff had with Monarch Utility, Inc. regarding meeting drought target allocations.

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

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

On 01/05/2023, District staff reviewed Monarch Utilities, Inc.'s pumping and noted that the permittee had over pumped the drought target amount by 26% for the month of December. Per the District's enforcement plan, section 4.0, for a 1st occurrence of non-compliance.

01/23/2023, District staff sent an email to Environmental Health and Safety manager, Chuck Barry, and Environmental and Health Safety Specialist, Alyssa Scott and Alyssa Scott of Monarch Utilities, Inc. requesting a virtual meeting to discuss non-compliance, UDCP requirements, and work through potential resolutions.

On 02/05/2023, District staff reviewed Monarch Utilities, Inc.'s pumping and noted that the permittee had over pumped the drought target amount by 24% for the month of January. Per the District's enforcement plan, section 4.0, for a 2nd occurrence of non-compliance.

On 02/15/2023, after being delayed to staff shortages and freezing conditions in late January 2023, District staff and Monarch Utilities, Inc's staff arranged to meet February 16, 2023 at 9:30am.

On 02/16/2023, District staff Erin Swanson and Alyssa Gilbert met with representatives for Monarch Utilities, Inc. including Environmental Health and Safety Manager, Chuck Barry, Environmental Health and Safety Specialist Alyssa Scott, Michael Davidson, and Mike Ybarra. Monarch Utilities staff informed staff that there were 2 major line breaks that occurred. One in December contributing to an estimated loss of 2.7 million gallons, and a second event in January leading to an estimated loss of 1.9 million gallons. Their staff also explained more connection requests for the system are increasing demand for the system. Mike Ybarra will track connection usage and notify any high users.

On 03/05/2023, District staff reviewed Monarch Utilities, Inc.'s pumping and noted that the permittee had over pumped the drought target amount by 9% for the month of February. Per the District's enforcement plan, section 4.0, for a 3rd occurrence of non-compliance.

On 03/20/2023, District staff requested additional documentation of compliance with the User Drought Contingency Plan requirements.

On 03/24/2023, Alyssa Scott responded to the email request from 3/20 explaining that Monarch Utilities, Inc.'s staff were conducting an internal meeting regarding the overpumpage issue and would be in touch soon after to provide more details.

III. Alleged Violations:

The District has recorded violations of the following District rules:

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

IV. Chronology of Events:

- 06/09/22: The Board of Directors declared Stage II Alarm drought
- 07/05/22: Meter Readings were considered initial month.
- 01/05/23: Monarch Utilities Inc. overpumped the drought target amount by 26% for the month of December.
- 02/05/23: Monarch Utilities Inc. overpumped the drought target amount by 24% for the month of January.
- 02/15/23: Pre-enforcement meeting scheduled; request sent via email.
- 02/16/23: Meeting with Ms. Swanson, Ms. Gilbert, Mr. Barry, Ms. Scott, Mr. Davidson, and Mr. Ybarra via Zoom to discuss inabilities to meet curtailment volumes, UDCP requirements, and potential resolution options.
- 03/05/22: Monarch Utilities, Inc. overpumped the drought target amount by 9% for the month of February.

V. Documentation

- Attachment A – 01/12/2022 Board Meeting minutes
- Attachment B – 01/23/2023 – 02/15/2023 Pre-enforcement request emails
- Attachment C – 02/09/2023 Board Meeting Minutes

ATTACHMENT A: 01/12/2023 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 12, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Lily Lucas. Christy Williams arrived at 5:20 p.m. Vanessa Puig-Williams was absent. Staff present included: Tim Loftus, Brian Smith, Kendall Bell-Enders, Justin Camp, David Marino, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

1. Call to Order.

President Stanberry called the meeting to order at 5:07 p.m., noting that a quorum of the Board was present.

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

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

3. Consent Agenda.

3a. 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 8, 2022 Regular Meeting.

Director Pickens moved approval of consent agenda items 3a. and b.

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

4. General Manager's Report.

Topics

a. Review of Status Report and update on team activities/projects.

b. Aquifer status update.

d. Upcoming events of possible interest.

Staff gave updates on the items above.

5. Presentation.

Presentation by Staff on policy-related topics concerning unreasonable impacts and/or sustainable use of the Trinity Aquifers(s).

Ms. Bell-Enders gave a presentation on a Trinity Aquifer Sustainability Plan – Policy Analysis. She spoke about legal considerations, developing groundwater policy, key milestones such as the Edwards Sustainable Yield Study, Desired Future Conditions, and unreasonable impacts. She also spoke on the drought of record, management zones, and compliance.

She answered questions from the Board and talked about the next steps.

6b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.

Ms. Swanson went through the investigation report and explained how potential penalties were calculated for the Aqua Texas Bliss Spillar System. She said that since they are a Tier 2 permittee, the first month for overpumping calculations was in August and September. A letter regarding the overpumpage of June and July was sent to them, and she and Dr. Loftus had lunch with upper management and their attorney to try to obtain better communication.

President Stansberry acknowledged Mr. Brent Rhea from Aqua Texas and asked how long they have managed the Bliss Spillar system.

Mr. Rhea answered 18 years. He said that the system has 3 sites/wells and that there have been many new homes built over the years. He also said that they hired a new leak detection company to check the systems to come out every 3 years and are scheduled to come out in a couple of weeks. He said that they are limited to enforce on outside use only, he said that most of the usage is coming from indoors.

Dr. Loftus asked about their lower Trinity well and if it is contributing factor to overpumping.

Mr. Rhea answered that it is contributing because if they could use that Trinity well, they wouldn't have to use the Edwards well as much. He said that the water is high in iron, so they are having to blend and they are waiting on approval from TCEQ. He said that there have been some changes in the corporation and communication has not been the best. They have hired a new person to help with communication to groundwater districts.

Director Lucas asked if the overarching issue is the 3 different zones and moving that water.

Mr. Rhea answered that if they were able to move the water more efficiently it wouldn't solve the problem but would help tremendously.

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 5:42 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 6:25 p.m. President Stansberry stated that no final actions or decisions were made while in Executive.

Dr. Loftus stated that based on the past 3 months of overpumping, Aqua Texas is eligible for Drought Enforcement penalties of up to \$73,000. He recommends that staff draft an Agreed Order to be brought back to the Board next month. We can have a more detailed discussion of a way forward with Aqua Texas and deal with this in a way that minimizes the burden on staff and the permittee.

Director Lucas moved to have staff work with the District's attorney to draft an Agreed Order and bring it back to the Board next month.

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

6a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Swanson stated that staff is looking at Tier 2 and 3 permittees during months 4 through 6 of drought. She stated that the only Tier 2 permittee out of compliance is Aqua Texas. She said that Tier 3 permittees, Monarch, and Creedmoor Maha did not meet their drought curtailments. She said that it was Monarch's first occurrence, and a pre-enforcement meeting would be set. She went on to say that Creedmoor Maha has had their second occurrence.

Mr. Pickle, General Manager of Creedmoor Maha, explained that when the UDCP was originated he doesn't believe that they put realistic curtailments during winter months. He said that most all of his area is rural, and they do not irrigate, all of the water is used indoors. He said that it's really hard to know the exact population in the homes as well. During the second week of December, they discovered a large leak, and the water was running into a creek. Then during the Christmas freeze there were many broken pipes, he had a team go out on Christmas day shutting off water. He said that the majority of homes are old and singlewide trailers. He went on to say that they are pursuing other sources of water that will take at least a year, but will hopefully take the stress off of their Edwards water. He said that currently they have some Austin water but they are not allowed to mix it.

President Stansberry asked about the use of Trinity brackish water.

Mr. Pickle said that they are applying to the District for a permit for a Trinity well. He ended with saying that they have a leak detection system and are usually below 10 percent usually 4 or 5 percent.

No action was taken by the Board.

6c. Discussion and possible action and update on the HCP Management Advisory Committee and annual report process/timeline.

Dr. Brian Smith stated that one of the District's commitments to the Habitat Conservation Plan and Incidental Take Permit is to convene a Management Advisory Committee (MAC) at least once a year to review an annual report that will be submitted to USFWS. He said that the members are appointed by the Board of Directors and that the current members consist of the following:

Jennifer Walker- environmental community
Nathan Bendik- City of Austin
Blake Neffendorf- public water supply permittee
Scott Nester- property owner in District-aquifer
Susan Meckel- river authority
Clif Ladd- interested private citizen
Ben Hutchins, Ph.D.- technical/ecological research expert
Jack Sharp, Ph.D.- technical/ecological research expert
Staff from USFWS and Texas Parks and Wildlife Department

He went on to say that Laurie Dries-salamander biologist/expert, and Jon White-county government have resigned from the MAC. He recommended the following new members:

Liza Colucci- salamander biologist/expert
Vicky Kennedy- county government
Alexandra Thompson- county government
Brian Hunt- interested private citizen

He reported that after preparation of the draft annual report, the MAC would meet between January 24th and February 2nd, then present the draft annual report to the Board on February 9th and submit it to the USFWS by February 28th.

After questions from the Board, Director Pickens moved approval of the new recommended members to the MAC.

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

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 gave reports on activities they have been involved with since the last meeting.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:42 p.m.

Approved by the Board on February 9, 2023.

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Tammy Raymond
Tammy Raymond, Assistant Board
Secretary

ATTACHMENT B: Pre-Enforcement Meeting Request and Confirmation

From: [Erin Swanson](#)
To: [Alyssa Scott](#)
Cc: [Chuck Barry](#); [Michael Davidson](#); [Mike Ybarra](#); [Alyssa Gilbert](#)
Subject: RE: Monarch Utilities Pre-Enforcement
Date: Wednesday, February 15, 2023 3:40:00 PM
Attachments: [image001.png](#)

Alyssa,

9:30 am works just fine for us. I set up a Zoom meeting and the invitation information is below. Let me know if you have any questions, but if not we look forward to briefly chatting tomorrow morning.

Thanks,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

Barton Springs GCD is inviting you to a scheduled Zoom meeting.

Topic: Pre-Enforcement Meeting - Monarch Utilities
Time: Feb 16, 2023 09:30 AM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/85608582251>

Meeting ID: 856 0858 2251
One tap mobile
+13462487799,,85608582251# US (Houston)
+12532158782,,85608582251# US (Tacoma)

Dial by your location

- +1 346 248 7799 US (Houston)
- +1 253 215 8782 US (Tacoma)
- +1 408 638 0968 US (San Jose)
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 507 473 4847 US
- +1 564 217 2000 US

+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US

Meeting ID: 856 0858 2251

Find your local number: <https://us02web.zoom.us/j/kcOFduoapl>

From: Alyssa Scott <ascott@swwc.com>

Sent: Wednesday, February 15, 2023 3:37 PM

To: Erin Swanson <eswanson@bseacd.org>

Cc: Chuck Barry <tbarry@swwc.com>; Michael Davidson <mdavidson@swwc.com>; Mike Ybarra <mybarra@swwc.com>; Alyssa Gilbert <AGilbert@bseacd.org>

Subject: RE: Monarch Utilities Pre-Enforcement

Hi Erin,

No worries at all! I've spoken with the team, and we are available tomorrow morning around 9:30-10am. Will that work for you?

Thanks again for your patience.

Regards,

Alyssa Scott

Environmental Health & Safety Specialist | Texas Water Utilities
1620 Grand Avenue Parkway #140 | Pflugerville, TX 78660
Phone 806.790.3189 | Fax 512.252.8782
E-mail ascott@swwc.com



**Texas
Water Utilities**

A SouthWest Water Company

From: Erin Swanson <eswanson@bseacd.org>

Sent: Tuesday, February 14, 2023 10:02 AM

To: Alyssa Scott <ascott@swwc.com>

Cc: Chuck Barry <tbarry@swwc.com>; Michael Davidson <mdavidson@swwc.com>; Mike Ybarra <mybarra@swwc.com>; Alyssa Gilbert <AGilbert@bseacd.org>

Subject: RE: Monarch Utilities Pre-Enforcement

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please forward spam and suspicious messages to spam@swwc.com

Hi Alyssa,

Now I am the one delaying things! I'm so sorry, we were all working from home the week of the freeze and last week was a Board meeting week and there was a lot needed from me for that meeting.

As of January, as far as usage, we are shifting into the 3rd phase of our enforcement process. This means we are looking at ALL overpumpage now even if it's 1% over. Before in the second phase we were looking at anything over 25%. With this change it appears that Monarch will receive its second occurrence of non-compliance for drought. We can discuss this in more detail during our future meeting. Attached is the drought compliance report for both of these months.

What is everyone's availability Thursday this week and/or early next week? I don't have anything yet on my calendar, but I have 6 of these meetings to schedule so hopefully we can get it all figured out. You all are the priority though as we still haven't gotten the pre-enforcement meeting in yet.

Let me know what works best for you all.

Thanks,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Alyssa Scott <ascott@swwc.com>
Sent: Thursday, February 2, 2023 10:03 AM
To: Erin Swanson <eswanson@bseacd.org>
Cc: Chuck Barry <tbarry@swwc.com>; Michael Davidson <mdavidson@swwc.com>; Mike Ybarra <mybarra@swwc.com>
Subject: RE: Monarch Utilities Pre-Enforcement

Good morning, Erin.

I apologize for my own delay. I was out of the office Monday and Tuesday. Our operations team has been working through this winter storm in emergency conditions, so I'm wondering if it would be

possible to schedule this meeting early next week? Please let me know if that works for you and the district.

Again, I'm sorry for my delayed response.

Thank you,

Alyssa Scott

Environmental Health & Safety Specialist | Texas Water Utilities
1620 Grand Avenue Parkway #140 | Pflugerville, TX 78660
Phone 806.790.3189 | Fax 512.252.8782
E-mail ascott@swwc.com



Texas Water Utilities

A SouthWest Water Company

From: Erin Swanson <eswanson@bseacd.org>

Sent: Monday, January 30, 2023 7:41 AM

To: Alyssa Scott <ascott@swwc.com>

Cc: Chuck Barry <tbarry@swwc.com>; Michael Davidson <mdavidson@swwc.com>; Mike Ybarra <mybarra@swwc.com>

Subject: RE: Monarch Utilities Pre-Enforcement

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please forward spam and suspicious messages to spam@swwc.com

Hi Alyssa,

Sorry for the delay in response. I was out of the office last week. I am available any time Wednesday until 3pm, Thursday any time, but I am not available at all on Friday.

Thanks,

Erin Swanson
Regulatory Compliance Manager

Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748
☎: 512-282-8441
✉: eswanson@bseacd.org

From: Alyssa Scott <ascott@swwc.com>

Sent: Tuesday, January 24, 2023 3:58 PM

To: Erin Swanson <eswanson@bseacd.org>

Cc: Chuck Barry <tbarry@swwc.com>; Michael Davidson <mdavidson@swwc.com>; Mike Ybarra <mybarra@swwc.com>

Subject: RE: Monarch Utilities Pre-Enforcement

Hi Erin,

We're communicating with operations to determine the potential cause of the excess pumpage. I will coordinate with them to schedule the pre-enforcement meeting. What is your availability next Wednesday through Friday?

Thank you,

Alyssa Scott

Environmental Health & Safety Specialist | Texas Water Utilities
1620 Grand Avenue Parkway #140 | Pflugerville, TX 78660
Phone 806.790.3189 | Fax 512.252.8782
E-mail ascott@swwc.com



Texas Water Utilities

A SouthWest Water Company

From: Erin Swanson <eswanson@bseacd.org>

Sent: Monday, January 23, 2023 10:49 AM

To: Alyssa Scott <ascott@swwc.com>; Chuck Barry <tbarry@swwc.com>

Subject: Monarch Utilities Pre-Enforcement

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Good Morning Alyssa and Chuck,

I wanted to reach out about the Monarch Utilities, Inc. permit that is held with the District. Based on the last meter reading submission (15,668,000 gallons) the target drought volume for December 2023 of 12,489,400 gallons was overpumped by 26%. See the attached report for details.

Per District rules, since this is the first occurrence of non-compliance I am just looking to set up a pre-enforcement meeting to go over UDCP requirements and to find out any information on the cause of the overpumpage. This will be similar to what we went through for Huntington a few months ago. I looked at my schedule and with the exception of this week (I will be out of the office tomorrow through the end of the week), my schedule is pretty flexible. Is there a time that you two and any others who would like to attend, could meet with me next week? We can meet over Zoom

again if that works for you two.

Let me know what works best for you all.

Erin Swanson
Regulatory Compliance Manager

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ATTACHMENT C: 02/09/2023 Board Meeting Minutes

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 9, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Vanessa Puig-Williams. Lily Lucas and Christy Williams were absent. Staff present included: Tim Loftus, Brian Smith, David Marino, Justin Camp, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

1. Call to Order.

President Stanberry called the meeting to order at 5:12 p.m., noting that a quorum of the Board was present.

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

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

3. Consent Agenda.

3a. 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 January 12, 2023 Regular Meeting.

Director Pickens moved approval of consent agenda items 3a. and b. noting invoices from LRE Water in the amount of \$18,000.

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

4. General Manager's Report.

Topics

a. Review of Status Report and update on team activities/projects.

b. Aquifer status update.

d. Upcoming events of possible interest.

Staff gave updates on the items above.

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

Ms. Swanson reported that we are six months into drought and moving into the third phase. She said the first change is that we are expanding the assessment of Tiers 2 and 3, looking at all levels of overpumpage. The second change is that Tier 1 Permittees over 2 million gallons will be subject to enforcement. Per our enforcement policy Tier 1 permittees permitted for 2 million gallons or less will generally be reserved only for noncompliance that warrants enforcement as determined by the Board. She also reported the following:

Tier 3 Permittees that overpumped.

Creedmoor Maha – They have adjusted their monthly allocations on their UCDP, they are looking at Desal water, and they are applying to drill a new well.

Monarch -- A pre-enforcement meeting was scheduled but rescheduled due to the ice storm.

Centex – A pre-enforcement meeting is scheduled.

Tier 2 Permittees that overpumped.

Aqua Texas Bliss Spillar
City of Hays
Aqua Texas Onion Creek

Tier 1 Permittees that overpumped.

Trinity Episcopal
Texas Old Town

After Board discussion there was no action taken.

5b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.

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 5:58 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 6:36 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Pickens made the following motion:

- I. To direct staff to issue Aqua Texas an NOAV
- II. Include as part of the NOAV an Agreed Order for early resolution. Agreed order should provide:
 - A. Maximum penalty of \$73,000 reduced to \$36,000 contingent on compliance with the Agreed Order.
 - B. Future process for penalty assessment and payment during drought including:
 - i. Determination of average daily use.
 - ii. Determination of when average daily use exceeds UDCP baseline monthly pumpage.
 - iii. Determination of total number of days each month of over pumping.
 - iv. Provision for daily penalties for each day of over pumping:
 1. \$400 during Alarm Stage
 2. \$800 during Critical and Exceptional Stages
 - v. Provide notice of total monthly penalty by staff each month.
 - vi. Payment from Aqua Texas within 30 days of staff notice.
 - C. Report describing the most efficient way to move water between systems and include a description of needed improvements.
 - D. Monthly reporting of leak detection and 2022 annual water loss in the Chapparral system.

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

5c. Discussion and possible action on Caldwell and Kidd, LLC Class A Conditional Production Permit application for commercial use of up to 600,000 of gallons of water per year for an existing exempt well located at 12000 Meredith Dr., Austin, TX 78748 including consideration by the Board of Directors of special conditions or delaying the effective date for an application submitted and/or considered during District-declared drought.

President Stansberry stated that this item would be postponed.

5d. Discussion and possible action on production fees charged outside of the Shared Territory.

The Board discussed the current production fees charged outside of the Shared Territory and possible changes to those fees in the future.

No action was taken.

5e. Discussion and possible action on approval of the draft US Fish & Wildlife ITP Annual Report.

Dr. Smith reported that this is the fourth Annual ITP Report. He said that the Management Advisory Committee (MAC) met with staff on February 1st, and received a couple of suggestions that were

incorporated into the report. After formatting, the report will be submitted to the U.S. Fish & Wildlife Service by the deadline of February 28th.

After discussion, Director Puig-Williams moved approval of the FY 2022 draft ITP Annual Report and submission to the US Fish & Wildlife.

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

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 gave reports on activities they have been involved with since the last meeting.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:10 p.m.

Approved by the Board on March 9, 2023.

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary

Item 6

Board Discussions and Possible Actions

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

Item 6

Board Discussions and Possible Actions

f. Discussion and possible action on a complaint against the general manager and a contract for a workplace investigation.

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