

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, September 27, 2018**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board.

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

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business**
 - a. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **NBU**
 2. Approval of minutes of the Board's September 13, 2018, Regular Meeting and Public Hearing. **Not for public review at this time**
 3. Approval of issuing the earned Conservation Credits to permittees for FY 2018.
Pg. 8
 - b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda for consideration.)*
 1. **Standing Topics.**
 - i. Personnel matters
 - ii. Upcoming public events of possible interest
 - iii. Aquifer conditions and status of drought indicators
 2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*
 - i. Update on certain projects and activities of individual teams.

- ii. Update on the Barton Springs/Edwards Aquifer Habitat Conservation Plan Incidental Take Permit Number TE10607C- 0. **Pg. 20**
- iii. Update on activities related to the Travis County ILA.
- iv. Update on Board committee activity.
- v. Update on various development activity over aquifer recharge and contributing zones.

4. Public Hearing.

The Board will hold a public hearing on two well drilling applications for the Gragg Tract LP. for wells proposed to be discretely completed in either the Middle Trinity or Lower Trinity aquifers, located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450°, -97.868006° and 30.130811°, 97.861608°), and planned to be part of a public water supply well field used to support a future mixed-use development along the future SH 45 corridor which is not within an existing CCN. Note: A separate Production Permit Application will be required to operate and produce from these wells in the future.

5. Discussion and Possible Action.

- a. Discussion and possible action to approve the two well drilling applications for the Gragg Tract LP. for wells proposed to be discretely completed in either the Middle Trinity or Lower Trinity aquifers, located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450°, -97.868006° and 30.130811°, 97.861608°), and planned to be part of a public water supply well field used to support a future mixed-use development along the future SH 45 corridor which is not within an existing CCN. Note: A separate Production Permit Application will be required to operate and produce from these wells in the future. **Pg. 29**
- b. Discussion and possible action related to the approval of the amended and restated water pipeline easement from the District to the Alliance Regional Water Authority - formerly the Hays Caldwell Public Utility Agency. **Pg. 45**
- c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments. **Pg. 52**
- d. Discussion related to assessment of progress made towards achievement of the District Goals set for FY 2018 and identification of possible District goals for FY 2019. **Pg. 60**
- e. Discussion and possible action related to scheduling of hearing and procedural matters relating to Needmore Water LLC permit application. **NBU**

6. 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

Routine Business

a. Consent Agenda

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

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- 2. Approval of minutes of the Board's September 13, 2018, Regular Meeting and Public Hearing.**
- 3. Approval of issuing the earned Conservation Credits to permittees for FY 2018.**

| Permittee | UTIC Historical Creditable Amount (Bar Code) | ET18 Historical Permitted Amount | ET18 Actual Pumpage | ET16 Actual Pumpage | ET17 Actual Pumpage | ET16 Actual Pumpage | Missing Title (Year) | Reporting Violations | Current Violations | Year Violations | Drought Mitigation (Pumps) | Approved Drought Mitigation Credits | UDCP UCP Status | (UD) Decentralized/Aggregated From Credit (Over) | Permittee Eligible for Credit | 10% Administrative Fee | 50% Estimated Credit | Up to 40% Optional Credit | Conservation Credit (Due or Over) |
|------------------------------|--|----------------------------------|---------------------|---------------------|---------------------|---------------------|----------------------|----------------------|--------------------|-----------------|----------------------------|-------------------------------------|-----------------|--|-------------------------------|------------------------|----------------------|---------------------------|-----------------------------------|
| Winkler Glassworks | 1,000,000 | 1,000,000 | 49,890 | 41,960 | Yes | 0 | 0 | 0 | 0 | 0 | 0 | N/A | OK | \$1.67 | No | | | | \$0.00 |
| SWTX Pentecost Church of God | 100,000 | 100,000 | 152,200 | 75,900 | Yes | 2 | 0 | 0 | 2 | 0 | 0 | N/A | OK | (\$10.15) | overpumped* | | | | (\$10.15) |
| Mission Cristina Ministries | 500,000 | 0 | 792,270 | 528,400 | Yes | 7 | 0 | 0 | 7 | 0 | 0 | N/A | OK | (\$11.09) | overpumped* | | | | (\$11.09) |
| Rolling Oaks Club Inc. | 180,000 | 180,000 | 322,460 | 186,980 | Yes | 1 | 0 | 0 | 1 | 0 | 0 | N/A | OK | (\$18.27) | overpumped* | | | | (\$18.27) |
| Las Lomas HOA | 100,000 | 100,000 | 108,656 | 12,370 | Yes | 0 | 1 | 1 | 1 | 0 | 0 | N/A | OK | (\$23.78) | overpumped* | | | | (\$23.78) |
| Byers Benefit and Company | 2,000,000 | 2,000,000 | 2,269,800 | 1,168,500 | Yes | 5 | 1 | 1 | 5 | 0 | 0 | N/A | OK | (\$1,093.00) | overpumped* | | | | (\$1,093.00) |

Total Conservation Credits \$13,438.77
City of Austin Portion (60%) \$8,063.26
Total Overpumpage Fees \$1,154.29
Net Total \$20,347.74

Eligibility requirements:
 -Conservation Credit > \$100
 -No more than one violation for late reporting and/or late payments
 -Current UCP/UDCP on file and aggregated drought curtailment obtained
 -Met/entire year
 -No more than 3 months of drought management fees and if so, must meet the aggregated drought curtailment
 *Based on formula of percentage increases for excess pumpage. (<500,001 gals @ \$ 17/1000g) + (<25% permitted @ \$ 50/1000g) + (>25% to 100% permitted @ \$ 1/1000g) + (>100% permitted at \$2/1000g)
 *Overpumpage fees less than \$10.00 are not charged
 *Agriculture well calculated at \$1/acre foot (325,851)



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

October 1, 2018

Permittee Name
1100 Street Name
Austin, TX 78723

Dear Mr./Mrs. Permittee Name:

Your continuing commitment to reduce the use of water from the Edwards Aquifer is sincerely appreciated. Those efforts in the 2018 fiscal year have earned you a conservation credit in the amount **\$1,000**. Congratulations! Your leadership and example in water conservation demonstrate to other users the importance of finding ways to protect the Aquifer while it is utilized as a critically important water resource.

Want to put your conservation credits to work educating local area youth? You could choose to donate all or a portion of your conservation credits to the District's Scholarship program. Each year in collaboration with our participating permittees, we offer one \$2,500 college scholarship and several camp scholarships to the Edwards Aquifer Research and Data Center's Aquatic Sciences Adventure Camp in San Marcos. Both scholarships encourage students to expand their groundwater knowledge through research or through hands-on aquifer science and monitoring, aquatic biology, water chemistry and caving.

With help from permittee donations, last year we were able to award a \$2,500 college scholarship and send 18 elementary and middle school students to summer camp! A \$350 donation will send one student to a 5-day camp or a \$700 donation will provide a week-long overnight camp opportunity for one student. More information can be found at <http://www.eardc.txstate.edu/education-center/camp.html>. Feel free to contact Robin Gary, Public Information and Education Coordinator, at the District with any questions.

If you would like to donate your conservation credit or a portion of your credit, simply fill out the enclosed authorization form and mail, email or fax it to the District office by October 26, 2018.

Otherwise your conservation credit will be reflected on your following water usage fee statement. If you have questions about your conservation credit, please contact Shannon DeLong at the District office. And if you have questions about the District and its programs, please see the wealth of information on our website at www.bseacd.org, or let me know.

Thanks for your conservation efforts in the past year and your commitment to continuing them in the upcoming year!

Sincerely,

Alicia Reinmund-Martinez
General Manager

Enclosures

2018 CONSERVATION CREDIT DONATION AUTHORIZATION FORM:



SCHOLARSHIP PROGRAM

YES, I would like to donate all or a portion of my conservation credit in the amount of \$ _____ to the District's scholarship program!

PERMITTEE NAME: _____

PRINT NAME: _____

SIGNATURE: _____ DATE: _____



PLEASE SEND THIS FORM BY

MAIL:
SHANNON DELONG
BSEACD
1124 REGAL ROW
AUSTIN, TX 78748

OR

EMAIL:
SHANNON@BSEACD.ORG

OR

FAX:
ATTN: SHANNON DELONG
512-282-7016 FAX



2018 Scholarship Winners

Thanks to donations from permittees, board members and contributions from the District, we were able to send 18 students to Aquatic Science Adventure Camp in 2018. We hope you consider donating your conservation credits to support this wonderful program in 2019.

2018 winners were from a diverse set of schools in Austin, Dripping Springs, San Marcos, Buda, and Wimberley.

We're proud to announce the 2018 camp scholarship winners:

- Lily Butler, Carpenter Hill Elementary
- Lucas Goodman, Mjolnir Academy
- Forest Goodman, Mjolnir Academy
- Owen Mielke, Rawson Saunders School
- Julia Rennels, Danforth Jr. High School
- Riley Fall, Dahlstrom Middle School
- Quinn Sprute-Saunders, Jacobs's Well Elementary
- Caleb Lowary, Mills Elementary
- Taylor Holzman, Dahlstrom Middle School
- Slade Holzman, Carpenter Hill Elementary
- Charlotte Hill, Gorzycki Middle School
- Genevieve Hill, Gorzycki Middle School
- Natalee Scholl, Sycamore Springs Middle School
- Stella Seligson, O. Henry Middle School
- Sophia Thurman, Buda Elementary
- Serenity Rincon, Dahlstrom Middle School
- Piper Camarillo, Barton Hills Elementary
- Elianna Agobe, San Marcos Adventist Academy

The District would like to thank Creedmoor-Maha WSC, Goforth SUD, and Texas Lehigh Cement Company for donating all or a portion of their 2017 Conservation Credits to the scholarship fund. The scholarship program would not be a success without these generous donations! Thank you!!!

I am Lily Butler and I would really enjoy going to the Aquatic Science Camp. I would like to go because I enjoy getting wet and I love exploring. I am also in heaven when I work with nature. I am told that I am a good learner and Aquatic Science is something that I love to learn about. I am excited about the opportunity to do some cave exploration.

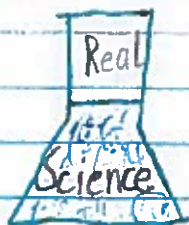


Real Science, Real Fun! Quinn

Attending the Aquatic Sciences Adventure camp would be amazing because I love water and science. The opportunity to experience both at a college campus would be awesome!

I just visited the Meadows Center during spring break and had the chance to search for bugs samples taken from Spring Lake. It was tough to catch the damselfly nymph and stonefly nymph I found, but I enjoyed it. My favorite part of the glass bottom boat tour was seeing the under water geysers and the scuba divers learning to garden under water. It's an incredible place and I can't wait to go back!

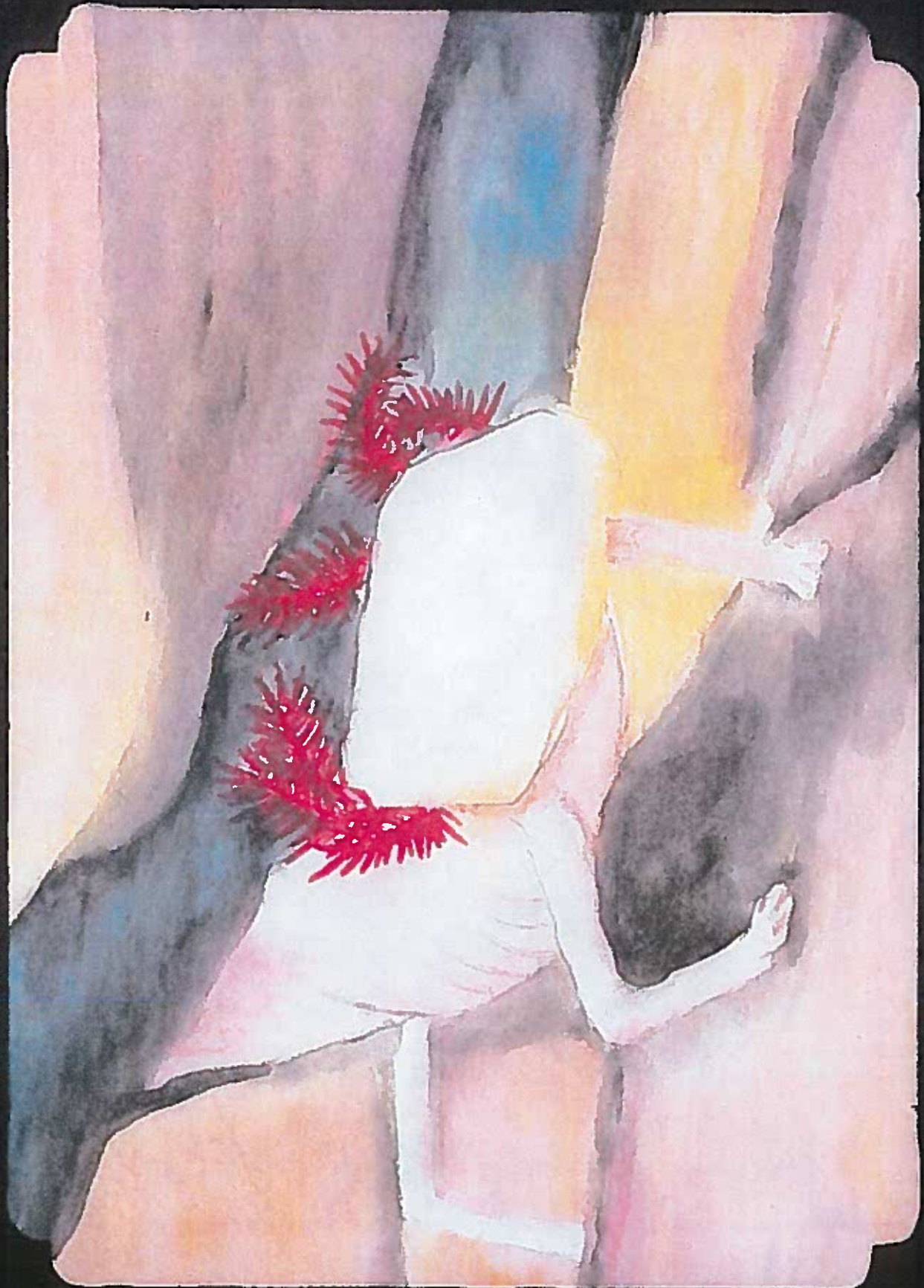
The activities I most look forward to at Camp are scuba diving, the invertebrate lab and the chemistry lab. Spending time at University Camp on the rope course and natural water slide would be great to. I have never gone river rafting or caving but I'm excited to try. It all sounds like the best adventure!



Real



Fun!



Why I would love to attend the Aquatic Science Camp

Edwards Aquifer is one of the most intriguing natural water sources to me. While my school does talk about the way the aquifer works it really hasn't mentioned the wildlife life of Edwards Aquifer, nor have they mentioned how it was formed. I have always been exceedingly curious and hard-working, but I haven't the chance to further understand the aquifer. So in my mind, I see this camp as an opportunity to get the chance/ability to understand this with a deeper meaning. For instance, how does our careless act of littering affect the lives the aquifer supports? Or how does global warming affect the temperature of the aquifer. From what I know most formations of water are fairly cool, but is that the same with Edwards Aquifer? I also want to form a personal opinion and perhaps if I can be well educated maybe I can conclude an informed opinion. What I do know is that Edwards Aquifer is an entire ecosystem on its self, supporting both abiotic and biotic, that brings me to my last reason I would like to attend the Aquatic Science Adventure Camp.

Thank you for reading this

-Charlotte Hill

by Caleb Lowan

Why I Want to go to the Texas State Camp sounds AMAZING! It has so many cool water activities and other fun things. I have never been to an overnight camp and I would really love to be in one this summer.

All of the water activities are amazing! Water rafting is awesome, you get to be splashed with water while going rafting. There is also scuba diving which is one I have never done and I really want to do. There are so many other water sports too.

If I end up getting the discount it would be so great, and I would be very excited to be in the wonderful Aquatic Science Adventure Camp. It would be awesome to learn about nature and science while having fun. Even if I don't you all are hosting a great camp.

Thank you,
Caleb

Item 3

Routine Business

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

1. Standing Topics.

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

2. Special Topics. *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*

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- iv. Update on Board committee activity.
- v. Update on various development activity over aquifer recharge and contributing zones.
- vi. Update on the procedural matters relating to the Needmore Water LLC permit application.



Issuing Office:

Department of the Interior
 U.S. Fish & Wildlife Service
 Endangered Species Permit Office
 500 Gold Avenue S.W.
 P.O. Box 1306, Room 6034
 Albuquerque, NM 87103-1306

Acting Deputy Regional Director Signature:

[Handwritten Signature]
 Southwest Region Date 9-11-18

Permittee:

Alicia Reinmund-Martinez
 Barton Springs/Edwards Aquifer Conservation District
 1124 Regal Row
 Austin, Texas 78748
 Telephone 512/282-8441
 Email address areinmund@bseacd.org

Authority: Statutes and Regulations: 16 USC 1539(a); 50 CFR 17.22, 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

Within the Barton Springs segment of the Edwards Aquifer under the Barton Springs/Edwards Aquifer Conservation District's (BSEACD) jurisdictional authority.

Reporting requirements:

Annual REPORT DUE: February 28 during permit term
 See permit terms and conditions for specific reporting requirements.

Conditions and Authorizations:

- A. General conditions set out in subpart D of 50 CFR 13, and specific conditions contained in Federal regulations cited above in Authority, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal, of this permit is subject to complete and timely compliance with all applicable conditions, including filing all required information and reports.
- B. Valid for use by permittees named above. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, or other Federal law.
- C. Acceptance of the permit serves as evidence that the Permittee understands and agrees to abide by the terms and conditions of this permit and all applicable sections of 50 CFR Parts 13 and 17 pertinent to issued permits. Terms and conditions of the permit are inclusive. Any activity not specifically permitted is prohibited. Violations of permit terms and conditions could result in the permit being suspended or revoked. Violations of the permit terms and conditions that contribute to a violation of the Endangered Species Act (ESA) could also subject you to criminal or civil penalties.
- D. The person listed above must counter-sign the permit to acknowledge receipt and signify agreement to fully abide by and implement this permit. You must return an original signature copy to the Regional Office listed below in condition M.

Permittee Signature: *Blayne Stansbury* Date: 9/20/2018



E. Compliance

The authorization granted by this permit will be subject to full and complete compliance with, and implementation of, the Barton Springs/Edwards Aquifer Conservation District HCP and all specific conditions contained in this permit. The permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the HCP or other program documents.

F. Definitions

Terms used in this Permit and specifically defined in the ESA or in regulations adopted by the Service under the ESA have the same meaning as in the ESA and those implementing regulations, unless this Permit expressly provides otherwise.

G. Covered Species

The following is a list of the species covered under this Permit:

| <u>Common Name</u> | <u>Scientific Name</u> | <u>Federal Listing Status</u> |
|---------------------------|------------------------------|-------------------------------|
| Barton Springs salamander | <i>Eurycea sosorum</i> | E |
| Austin blind salamander | <i>Eurycea waterlooensis</i> | E |

H. Incidental Take Authorized

Since there is no way to count the number of individuals of either species taken as a result of Covered Activities, BSEACD uses drought occurrences as a surrogate for the total number of individuals injured or killed. Salamanders exposed to different levels of drought conditions may be harmed once or multiple times, and eventually killed as a result of Covered Activities.

In the absence of the ability to document take of the Covered Species in the wild during drought, BSEACD used springflows and DO as metrics for measuring effects during a worst-case drought scenario. The depth (how much springflow is reduced) of any particular drought condition affects how much of the salamander population is exposed to these conditions, and the duration (the number of months that springflow is reduced) of the drought condition affects how long the population is exposed to the degraded environmental conditions. Since drought conditions cannot be predicted with certainty for the 20 year permit term, the following calculations are based on the period of record (1913-2013) and a series of reference droughts.

| Drought/Springflow Scenarios | No. Months below 30 cfs (Per Modeled Hydrographs) | BSS Take/Month | ABS Take/Month | Total Take (Incidents) |
|---------------------------------|---|----------------|----------------|----------------------------------|
| 7-Year DOR | 72 | 174 | 36.6 | BSS=12,528 ABS=2,635.2 |
| 7-Year Hybrid Drought | 44 | 174 | 36.6 | BSS=7656 ABS=1,610.4 |
| 6 Years No Drought | 0 | 0 | 0 | 0 |
| Occasional Activities | -- | -- | -- | BSS and ABS=15 each |
| Cumulative Total for ITP | 116* | | | ~ 20,200 BSS; ~ 4,260 ABS |

If actions associated with implementation of the HCP are shown to result in incidental take of listed species not covered by this permit, those activities that are shown to cause take must cease immediately and any take that has occurred must be reported to the Austin ESFO at 512/490-0057 within 48 hours.



I. Covered Activities

BSEACD is a statutorily mandated groundwater conservation district (GCD) that issues permits to well owners/operators for their groundwater supply. Covered Activities include:

1. groundwater withdrawals from permitted non-exempt wells in the Barton Springs Segment of the Edwards Aquifer (Aquifer) that are authorized and regulated under the BSEACD's permitting program, and
2. activities necessary to manage potential habitat for the Covered Species within the permit area as described in the HCP.

J. Conservation Program

1. Minimization

The BSEACD shall implement the following minimization measures in accordance with the HCP. Each measure has a corresponding objective and one or more associated performance standards (metrics) set forth in the HCP. These standards will be reviewed and revised every five years to be responsive to all then-recognized needs. Revisions to these metrics will not require a permit amendment, unless the amount of incidental take is expected to increase. Chapters of the HCP where more details are located are provided:

- a) Provide the most efficient use of groundwater (6.2.1.1).
- b) Control and prevent waste of groundwater (6.2.1.2).
- c) Address conjunctive surface water management issues (6.2.1.3).
- d) Address natural resource management issues (6.2.1.4).
- e) Address drought conditions (6.2.1.5).
- f) Address demand reduction through conservation (6.2.1.6).
- g) Address supply through structural enhancement (6.2.1.7).
- h) Quantitatively address established desired future conditions (6.2.1.8).

2. Mitigation

The BSEACD will implement the following mitigation measures. Chapter 6.2.2.2 of the HCP provides the specific details of each measure.

- a) Commitment to support the operations of an existing refugium through in-kind, contracted support, or cash provisions or other appropriate means.
- b) Conduct a feasibility study of dissolved oxygen augmentation. If warranted, and with the cooperation of the City of Austin, the BSEACD will implement a pilot project at the outlets.
- c) Maintain and operate the Antioch Recharge Enhancement Facility for the permit term.
- d) Establish a new reserve fund for plugging abandoned wells to eliminate high-risk abandoned wells as potential conduits for contaminants from the surface or adjacent formations into the aquifer, with priority given to problematic wells close to the Barton Springs outlets and/or associated with water chemistry concerns under severe drought conditions.
- e) Provide leadership and technical assistance to other government entities, organizations, and individuals when prospective land-use and groundwater management activities in those



entities' purview will, in the BSEACD's assessment, significantly affect the quantity or quality of groundwater in the Aquifer.

3. Research

The BSEACD will support research to address uncertainties, such as the hydrologic performance of the Aquifer, especially during extreme low-flow conditions; the relationship between springflow and its DO concentrations, especially during extreme low-flow conditions; the ecological effects and physiological impacts of antagonistic contaminants in recharge water; and salamander behavior, both individually and as a population, under ecological stress (Chapter 6.2.2.1 of the HCP).

K. Changed Circumstances

Because of a number of uncertainties (described in HCP Chapter 7.2.1) surrounding the Covered Species and their habitat, BSEACD developed a method (described in HCP Chapter 7.1.2) to determine if a changed or unforeseen circumstance has occurred. The BSEACD will provide information about the circumstance to the Service. If the Service determines it is a changed circumstance, the BSEACD will implement the actions described (HCP Chapter 7.2.2) for that circumstance.

L. Monitoring

The BSEACD will implement the following monitoring activities. Chapters of the HCP are provided where each measure is detailed.

1. Monitor groundwater management actions (6.3.1).
2. Monitor HCP effectiveness (6.3.2).
3. Monitor HCP implementation (6.3.3)

Based on the results of the monitoring, the BSEACD will implement an adaptive management program (Chapter 6.4 of the HCP).

M. Reporting

An annual report will be submitted by February 28 of each year this permit and the BSEACD HCP is in effect to the Austin ESFO at the address below. The annual report will describe the previous fiscal year's (September 1 through August 31) activities and compliance with this permit and the HCP (as described in the BSEACD HCP). At the end of the ITP term, the permittee(s) must submit a final annual report summarizing full compliance with the permit and HCP.

U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758
Telephone 512/490-0057
Fax 512/490-0974



A copy of the cover letter must be submitted to the Service's Regional Office, preferably by e-mail to FW2_HCP_Permits@fws.gov, or to the following address:

U.S. Fish and Wildlife Service, Region 2
Branch of Environmental Review
P.O. Box 1306, Room 6034
Albuquerque, New Mexico 87103
Telephone 505/248/6920
FW2_HCP_Permits@fws.gov

The annual report will include:

1. Descriptions of the Covered Activities undertaken;
2. Reported groundwater withdrawals from permitted wells;
3. Reference well levels;
4. Springflow at Barton Springs;
5. Total Aquifer discharge, measured for permitted wells, estimated for exempt wells, gaged/measured for Barton Springs; and estimated for Cold & Deep Eddy Springs;
6. Drought-stage management reductions;
7. Estimated actual take, if any, for the annual reporting period, and total cumulative take for the ITP term;
8. Minimization measures and actions taken during the prior year;
9. Mitigation actions taken during the year and updates on any ongoing mitigation actions;
10. An evaluation of the effectiveness of the avoidance, minimization, and conservation measures;
11. Adaptive management activities undertaken during the year or indicated as prudent by outcomes of the conservation program;
12. Expenditures by BSEACD on implementation activities;
13. Any species-specific or aquifer research compiled or completed during the prior year;
14. Proposed activities for the next year;
15. Recommendations for improvement; and
16. Any other appropriate information documenting Permittee's compliance with the Permit.

GENERAL TERMS AND CONDITIONS

N. No Surprises Assurances

The covered species listed above are considered adequately addressed under the Barton Springs/Edwards Aquifer Conservation District HCP, and are therefore, covered by "No Surprises" assurances. If the Service demonstrates that unforeseen circumstances exist during the life of the permit and additional measures are deemed necessary to respond to those circumstances, the Service may require additional measures of the permittees where the HCP is being properly implemented, but only through coordination with the permittees and only if such measures are limited to modifications to the HCP's operating conservation program for the covered species, and maintain the original terms of the HCP to the maximum extent practicable.

Notwithstanding the foregoing, the Service will not require the commitment of additional land, water, or



financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for covered species without the consent of the permittee(s).

O. Transferring

The terms and conditions of this permit shall be binding on and inure to the benefit of the permittee(s), including their successors and assigns, as provided in 50 CFR 13.24 and 13.25. If this permit needs to be transferred due to a change in ownership the transfer will be accomplished in accordance with 50 CFR 13.25. Any change in the names, addresses or other administrative correction or alteration of the permit will be in accordance with 50 CFR 13.23. The covered activities proposed or in progress under the original permit may not be interrupted provided the conditions of the permit are being followed.

P. Amendments

This permit may be amended in accordance with the provisions of 50 CFR 13.23. The permittee(s) must provide a written statement of the reasons for the proposed amendment and an analysis of its environmental effects, including its effects on covered species. The activities proposed or in progress under this permit may not be interrupted, provided the required conditions of this permit are being followed. The Service may amend the permit at any time for just cause, and upon written finding of necessity.

If the covered activities and/or the extent of the impacts described in the agreement are altered during the life of the permit, such that there may be an increase in the anticipated take of covered species, permittee(s) are required to contact the Service and obtain authorization and/or amendment of this permit before commencing any activities that might result in take beyond that described in the agreement.

Q. Suspension and Revocation

Suspension: The Service may suspend this permit if the permittee(s) is/are not in compliance with the conditions of this permit, the agreement, or any applicable Federal laws and regulations. The procedures applicable to any suspension shall be in accordance with the Federal regulations in effect at the time of the suspension; provided however, that, at a minimum, the permittee shall be afforded the procedural rights set forth in 50 CFR 13.27 in existence on the effective date. The suspension shall remain in effect until the Service determines that the permittee(s) have corrected the deficiencies.

Revocation: The Service shall not revoke this permit for any reason except those listed in 50 CFR 13.28(a)(1)-(4), or unless the covered activities would be inconsistent with the criteria set forth in 16 U.S.C. § 1539(a)(2)(B)(iv) and this inconsistency has not been remedied. Notwithstanding the foregoing, this Permit will only be revoked if the Service, the Permittees, and other interested parties have not been successful in remedying any such inconsistency through other means.

R. Renewals

The permittee(s) may apply for the renewal of the permit prior to its expiration date in accordance with the provisions of 50 CFR § 13.22.



S. Disposition

Upon locating a dead, injured, or sick individual of the covered species, or any other endangered or threatened species, the Permittee is required to contact the Service's Law Enforcement Office in San Antonio, Texas, 210/681-8417 for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered/threatened species, or preservation of biological materials from a dead specimen, the Permittee and any contractor/subcontractor has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

***** End of Permit Terms and Conditions for Permit # TE10607C-0 *****

Item 4

Public Hearing

The Board will hold a public hearing on two well drilling applications for the Gragg Tract LP. for wells proposed to be discretely completed in either the Middle Trinity or Lower Trinity aquifers, located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450°, -97.868006° and 30.130811°, 97.861608°), and planned to be part of a public water supply well field used to support a future mixed-use development along the future SH 45 corridor which is not within an existing CCN. Note: A separate Production Permit Application will be required to operate and produce from these wells in the future.

Item 5

Board Discussions and Possible Actions

- a. Discussion and possible action to approve the two well drilling applications for the Gragg Tract LP. for wells proposed to be discretely completed in either the Middle Trinity or Lower Trinity aquifers, located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450°, - 97.868006° and 30.130811°, 97.861608°), and planned to be part of a public water supply well field used to support a future mixed-use development along the future SH 45 corridor which is not within an existing CCN. Note: A separate Production Permit Application will be required to operate and produce from these wells in the future.**

**Application Summary and Staff Recommendations
9/27/18**

DESCRIPTION OF APPLICATION

Applicant: Gragg Tract, LP

Type of Application: Well Drilling Authorization for new wells in the Lower Trinity Management Zone

Request: Applicant requests to drill two (2) wells in the Lower Trinity Aquifer for the purposes of supporting a mixed use development, which may include public water supply and/or irrigation use. A separate Production Permit Application will be required in order to operate and produce from these wells in the future.

REASON FOR REQUEST

Gragg Tract LP filed two (2) well drilling authorization applications on May 9, 2018 with the District for new nonexempt Lower Trinity wells. Prior to submitting these two applications, the applicant had submitted and received an approved well drilling authorization in fall of 2017 to drill Well #1 for the purposes of initially evaluating the production quality and yields of the Lower Trinity aquifer. The two new wells (Well #2 and Well #3) are expected to be completed in the Lower Trinity with the slight possibility of one of the wells being discretely completed in the Middle Trinity rather than the Lower Trinity. The proposed wells are being drilled for the purpose of continuing evaluations of the viability of a Lower Trinity groundwater source to support a planned future mixed use development, which may include public water supply and/or irrigation use. Both the applicant and staff recognize that in order to adequately assess the groundwater production rates and representative water quality of a Lower Trinity well, the wells would need to be designed and completed as a permanent and standard well completions. If the applicant finds the groundwater production and quality to be adequate and desirable, the applicant may consider filing 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 wells are located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450°, -97.868006° and 30.131811°, -97.861608°). The wells are located on a property that is adjacent to the SH 45SW right of way corridor. Attachment A shows the location of the proposed new wells (Well #2, Well #3) and the location of the previously drilled (Well #1). The produced groundwater is proposed to be used primarily for a future 224.16 acre mixed use development that would include multi-family and single-family developments as well as retail and office space.

WELL DESIGN

The wells are expected to be completed in the Lower Trinity with the slight possibility of one of the wells being discretely completed in the Middle Trinity. The total well depth of the lower Trinity Wells will be approximately 1,600 -1,750 ft below ground surface and completed so that water is only produced from the Lower Trinity Sligo and Hosston Formations (Attachment B).

APPLICATION REVIEW

- Staff has reviewed the applications and has determined that the applications have 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 - 9/27/18

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

**Appendix A
Well Location Map**

Appendix B Well Schematic

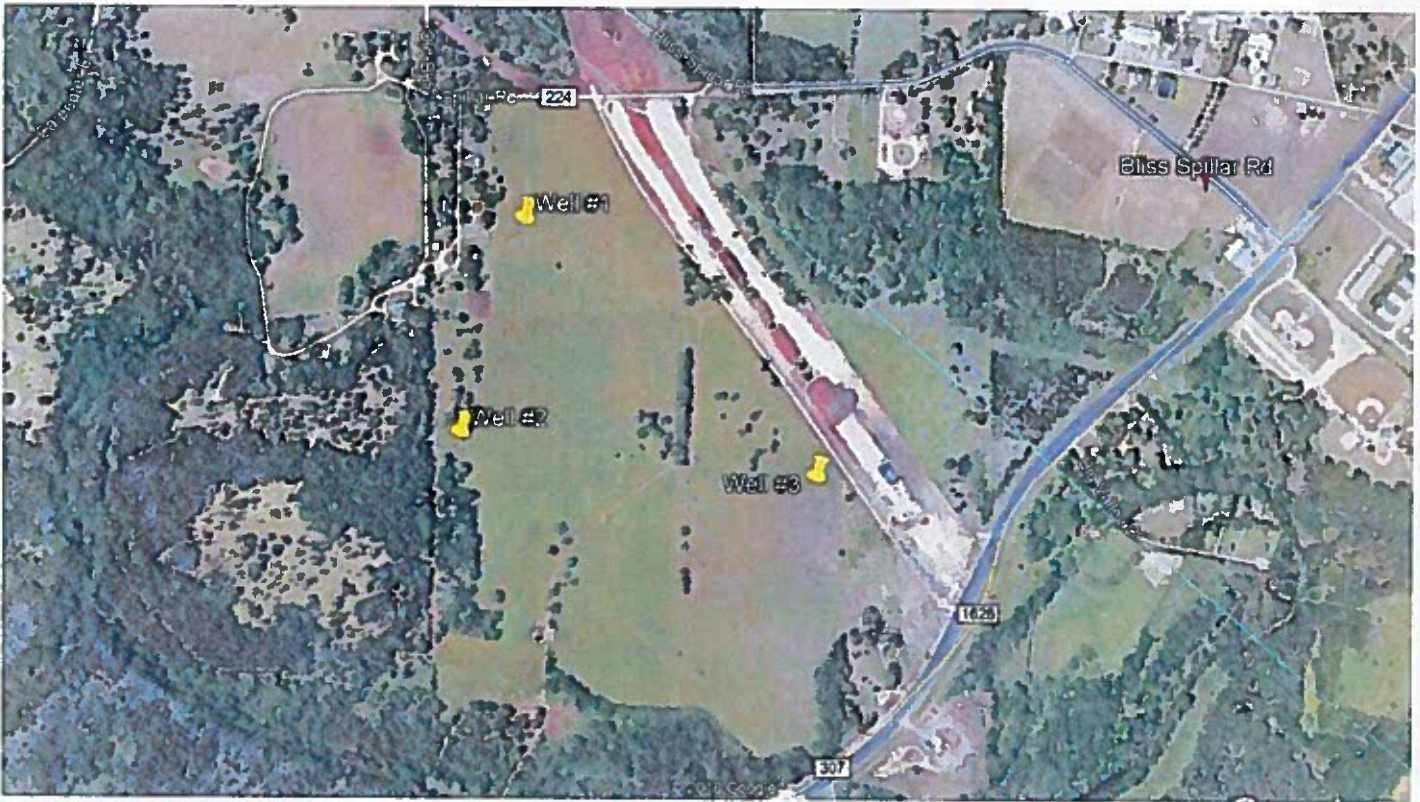
Attachment C
Proof of Public Notice

Appendix A
Well Location Map

Gragg Tract Well Locations 2 and 3

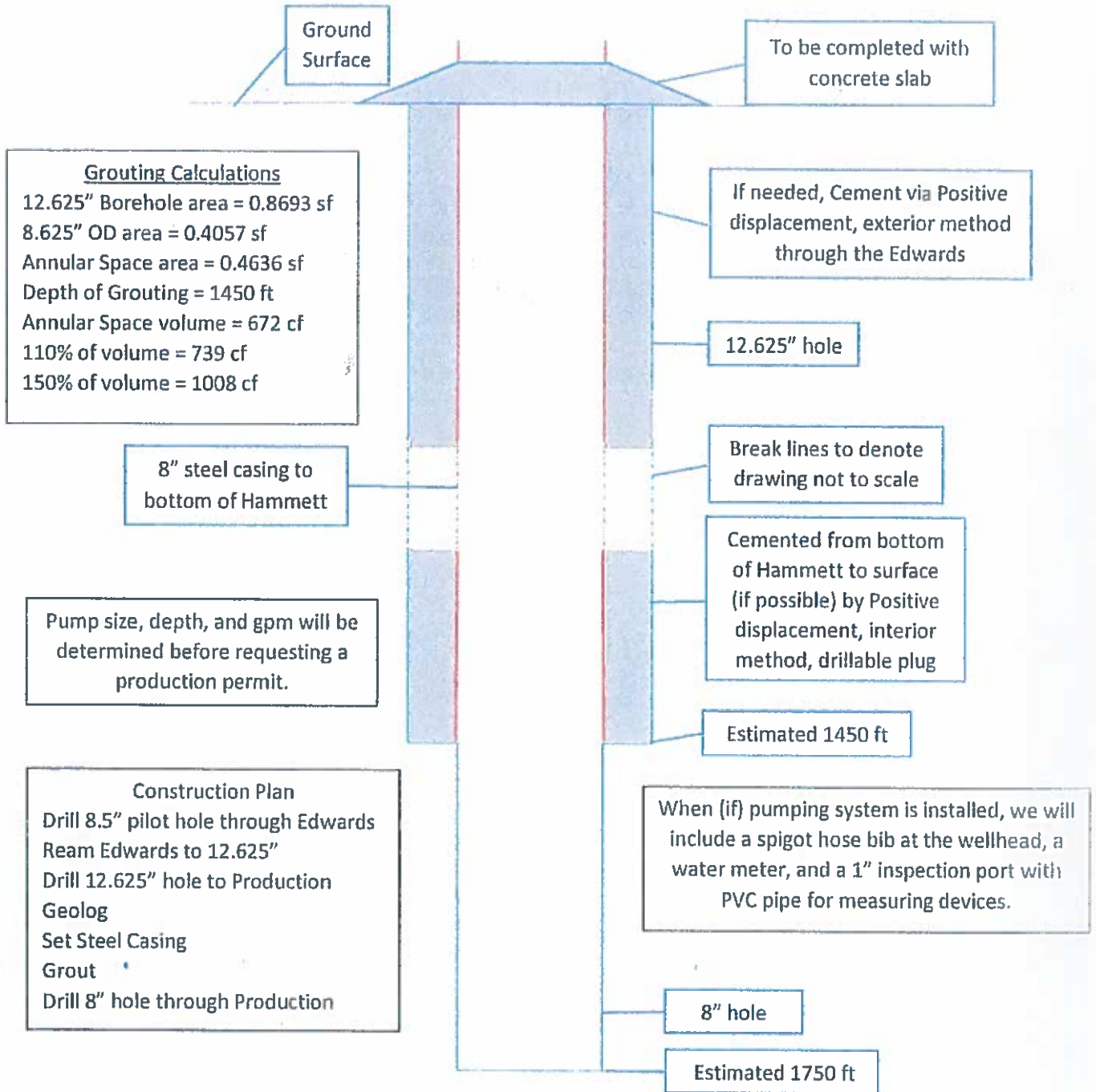
Well Location 2: 30 07 53.22 N, 97 52 04.82 W Elev. 730 ft (690 ft south of fence corner and 150 ft east of fence)

Well Location 3: 30 07 50.92 N, 97 51 41.79 W Elev. 728 ft (57 ft south of fence corner and 150 ft west of fence)



Appendix B
Well Schematic

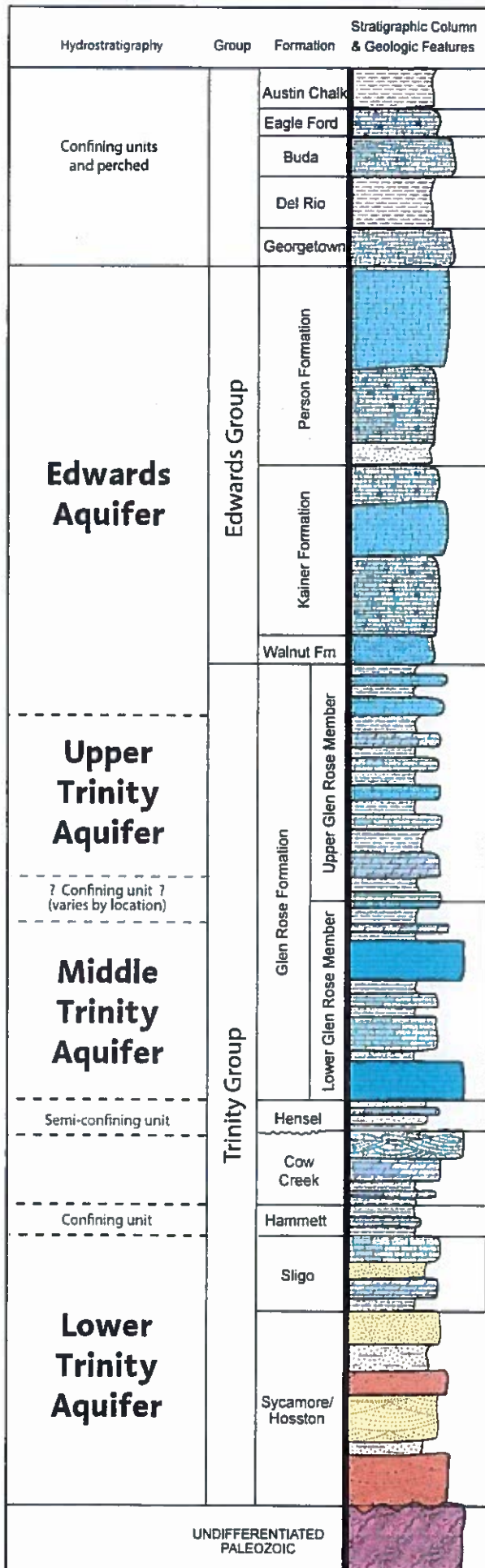
Gragg Tract Wells #2 and #3



Lead Driller
 Jim Blair Lic. #54416-CKMPW

Other Drillers
 Michael Scott Lic. #59719-KPW
 John Ryan Harper Lic. #59797

Greg Svetlik Lic. #56008-CKPW



Generalized Stratigraphy of the Edwards and Trinity Aquifers

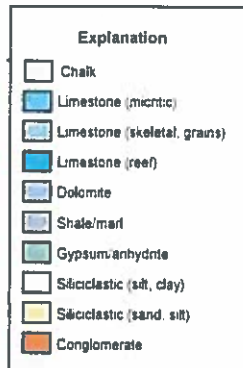


Figure modified from Wierman et al. 2010
Stratigraphic notes

- 1 - Edwards Group, Kainer Fm, as defined by Rose (1972).
- 2 - Ages and sequence boundaries from Scott et al. (2007).

For additional detail, see Hydrogeologic atlas of the Hill Country Trinity Aquifer, Blanco, Hays and Travis Counties, central Texas. Plate 2: Stratigraphic Column and Type Geophysical Logs
<http://repositories.lib.utexas.edu/handle/2152/8977>

**Attachment C
Proof of Public Notice**

Order Confirmation

| | | | |
|--------------------------------------|--|---|-------------------------------------|
| Ad Order Number 0000418178 | Customer Bee Cave Drilling, Inc. | Payor Customer Bee Cave Drilling, Inc. | PQ Number 1646 |
| Sales Rep. brian.gameros | Customer Account 68826 | Payor Account 68826 | Ordered By Kevin Langford |
| Order Taker brian.gameros | Customer Address 185 Angel Fire Dr. Dripping Springs TX 78620 USA | Payor Address 185 Angel Fire Dr. Dripping Springs TX 78620 USA | Customer Fax |
| Order Source Non Web | Customer Phone 5122034564 | Payor Phone 5122034564 | Customer Email |
| | | | Special Pricing |

| | |
|---------------------|-----------------------|
| Invoice Text | Ad Order Notes |
|---------------------|-----------------------|

| | | | | | |
|-------------------|-------------------|---------------------|-----------------------|-----------------------|-------------------|
| Net Amount | Tax Amount | Total Amount | Payment Method | Payment Amount | Amount Due |
| \$356.76 | \$0.00 | \$356.76 | Credit Card | \$356.76 | \$0.00 |

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| Ad Number | Ad Type | Production Method | Production Notes |
| 0000418178-01 | Legal | AdBooker | |

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|---------------------------|----------------------|--------------------|----------------|
| External Ad Number | Ad Attributes | Ad Released | Pick Up |
| | | No | |

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| Ad Size | Color |
| 1 X 35 li | |

| Run Date | Product | Placement | Sched Cst | Disc/Prem | Color | Pickup | Tax | Subtotal |
|--------------|-----------------------------|-----------|-----------|-----------|--------|--------|--------|----------|
| 09/04/2018 | S-Austin American-Statesman | Legals | \$356.76 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$356.76 |
| 09/04/2018 - | S-Web | Legals | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 10/03/2018 | | | | | | | | |

Ad Content

DETAILS

 WATCH

 CLIP

 CREATE ALERT

 PRINT

Placed on 9/4/2018 | Views: 6

Gragg Tract LP, (1010 W. Martin Luther King Jr Blvd, Austin, Texas 78701) filed two well drilling applications on May 9, 2018, with the Barton Springs/Edwards Aquifer Conservation District (District) for two new nonexempt wells. The wells are proposed to be discretely completed in either the Middle Trinity or Lower Trinity aquifers, and are planned to be part of a public supply well field used to support a future mixed use development along the future SH 45 corridor which is not within an existing CCN. A separate Production Permit Application will be required in order to operate and produce from these wells in the future. The proposed wells are located in Hays County on a 224.16 acre tract at Old Bliss Spillar Rd (30.131450?, -97.868006? and 30.130811?, 97.861608?). Publication of this notice begins a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant, Gragg Tract, LP at (512) 481-0404. 9/4/2018

 LESS

Hays Free Press

113 West Center Street § P.O. Box 339
Kyle, Texas 78640 § Buda, Texas 78610

(512) 268-7862 • (512) 268-0262 (fax)

State of Texas §
County of Hays § Affidavit of Publication

My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.

The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

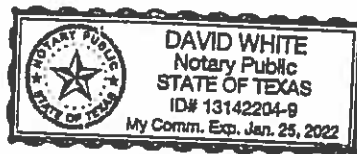
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

An application by Gregg Tract LP was
published in the Sept. 12 Hays Free Press
for two well drillings on a 224.16 acre
tract at Old Bliss Spiller Rd in Hays County.

Cyndy Slovak-Barton
Cyndy Slovak-Barton, Publisher
Hays Free Press

Subscribed and sworn before me this the 13TH day of SEPT., 2018.

David White
Notary Public
David White



TRICT. TX 78704, where they
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charge. Copies may be
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The or after September 12,
right 2018. Electronic copies
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A Cashier's Check,
Certified Check or
acceptable BIDDER's Bond,
payable to LH Belterra,
LLC, in an amount not less
than five percent (5%) of the
Bld must accompany each
bid as a guarantee that, if
awarded the Contract, the
BIDDER will enter into a
contract and execute bonds
within ten (10) days of award
of the Contract. After award
of the Contract, Performance
and Payment Bonds shall
also be executed by the
Contractor on the forms
furnished by the OWNER
and shall specifically provide
for "Performance" and
for "Labor and Materials
Payment". Each bond shall
be issued in an amount
of one hundred percent

Hwy. Suite 300, Austin, TX
78704. Prospective bidders
are encouraged to visit the
site.

NOTICE OF APPLICATION TO SUBDIVIDE

An application has been
filed with HAYS COUNTY
to subdivide 1,358 acres
of property located at
along Waters Edge Cove,
Dripping Springs, TX 78620.
Information regarding
the application may be
obtained from Hays County
Development Services (512)
393-2150. Tracking number:
SUB-1079

By: Dr Theodore E.
Comsudi
Theodore E. Comsudi
Attorney for the
Independent Executor
Of the Estate of Mary
Magdalen Guerrero,
Deceased
5806 Mesa Drive, Suite 330
Austin, Texas 78731-3770
512-346-8556

CITY OF CREEDMOOR

The City of Creedmoor will
hold a public hearing at 7:30
p.m., September 20, 2018 at
12513 FM 1625, Creedmoor,
Texas to consider adopting
a Tax rate for fiscal year
2018/2019

LEGAL NOTICE

Application has been made with the Texas
Alcoholic Beverage Commission for Wine and
Beer Retailer's permit by Spicy Bite LLC, dba
Spicy Bite located at 101 Hall Professional Dr.,
Suite A, Kyle, Hays County, Texas. Officers of
said business: owner and managing member
Efrain Alvarado; and managing member Ana
Martinez-Cervantes.

PUBLIC NOTICE

Gragg Tract LP, (1010 W. Martin Luther King Jr Blvd, Austin, Texas
78701) filed two well drilling applications on May 9, 2018, with the
Barton Springs/Edwards Aquifer Conservation District (District) for
two new nonexempt wells. The wells are proposed to be discretely
completed in either the Middle Trinity or Lower Trinity aquifers, and
are planned to be part of a public supply well field used to support a
future mixed use development along the future SH 45 corridor which
is not within an existing CCN. A separate Production Permit Applica-
tion will be required in order to operate and produce from these wells
in the future. The proposed wells are located in Hays County on a
224.16 acre tract at Old Bliss Spillar Rd (30.131450°, -97.868006° and
30.130811°, 97.861608°).

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Item 5

Board Discussions and Possible Actions

b. Discussion and possible action related to the approval of the amended and restated water pipeline easement from the District to the Alliance Regional Water Authority - formerly the Hays Caldwell Public Utility Agency.

**AMENDED AND RESTATED
WATER LINE EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

EFFECTIVE DATE: September __, 2018

EFFECTIVE DATE of ORIGINAL WATER LINE EASEMENT: May 25, 2017

THIS AMENDED AND RESTATED WATER LINE EASEMENT (the “Amended and Restated Easement”) is made as of the Effective Date above by and between **Barton Springs-Edwards Aquifer Conservation District**, a groundwater conservation district and political subdivision of the state created by an act of the 70th Texas Legislature and subject to various requirements of State Law governing groundwater conservation districts, (“**GRANTOR**”) having an address of 1124 Regal Row, Austin, Texas 78748, Attn: Alicia Reinmund-Martinez and **Alliance Regional Water Authority**, a regional water authority created by an act of the 85th Texas Legislature, codified as Chapter 11010, Texas Special District Local Laws Code (the “Alliance Water Act”) (“**GRANTEE**”), having an address of 630 E. Hopkins, San Marcos, Texas 78666.

RECITALS:

- A. **GRANTOR** and **Hays Caldwell Public Utility Agency** entered into that certain Water Line Easement, dated May 25, 2017, recorded as Instrument Number 17018011 in the Official Public Records of Hays County, Texas (the “**ORIGINAL WATER LINE EASEMENT**”).
- B. The Alliance Water Act converted the Hays Caldwell Public Utility Agency into the **GRANTEE**, and provided for the **GRANTEE** to assume all assets, liabilities, obligations and contracts of Hays Caldwell Public Utility Agency.
- C. **GRANTOR** and **GRANTEE** desire to amend and restate, but not extinguish, the **ORIGINAL WATER LINE EASEMENT** as set forth herein and further desire that this **AMENDED AND RESTATED EASEMENT** shall relate back to the **EFFECTIVE DATE of ORIGINAL WATER LINE EASEMENT** above and, except as amended hereby, shall continue to remain in full force in effect.
- D. **GRANTOR** and **GRANTEE** agree to enter into this **AMENDED AND RESTATED EASEMENT** to grant a perpetual easement over the property (the “**EASEMENT PROPERTY**”) described as follows:

TRACT 1: The 2.2613 acre (98,504 square feet) tract of land, more or less, out of the M. M. McCarver Survey, Abstract No. 10 in Hays County, Texas, being out of that called 38.624 acre tract conveyed to Barton Springs/Edwards Aquifer Conservation District in that certain Special Warranty Deed recorded in Volume 1336, Page 685 of the Official Public Records of Hays County, Texas. Said 2.2613 acre tract being more particularly described by metes and bounds in **Exhibit "A,"** attached hereto and made a part hereof for all purposes.

TRACT 2: The 0.2351 acre (10,242 square feet) tract of land, more or less, out of the M. M. McCarver Survey, Abstract No. 10 in Hays County, Texas, being out of that called 38.624 acre tract conveyed to Barton Springs/Edwards Aquifer Conservation District in that certain Special Warranty Deed recorded in Volume 1336, Page 685 of the Official Public Records of Hays County, Texas. Said 0.2351 acre tract being more particularly described by metes and bounds in **Exhibit "A,"** attached hereto and made a part hereof for all purposes.

- E. **GRANTEE** agrees that it shall use the **EASEMENT PROPERTY** for a water line main which shall include the appurtenances and above ground improvements as shown generally on the attached **Exhibit "B"** (the **"PROJECT"**).

AGREEMENTS:

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, as described herein, the receipt and sufficient of which is hereby acknowledged, **GRANTOR** and **GRANTEE** agree as follows:

GRANTOR, for the above consideration, hereby grants, sells, and conveys to **GRANTEE,** its successors and assigns, a perpetual water line easement upon, under and across the **EASEMENT PROPERTY,** together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold to **GRANTEE** and **GRANTEE's** successors and assigns against every person whomsoever claiming or to claim the same or any part thereof if the claim is by, through or under **GRANTOR** but not otherwise. The easement shall be used for the purposes of excavating for, placing, laying, constructing, installing, operating, maintaining, replacing, relocating, upgrading, removing, and repairing of water lines, water transmission mains and related appurtenances, or making connections thereto upon, under and across the property of **GRANTOR.** **GRANTEE** shall have the right of ingress and egress at all times upon and across the **EASEMENT PROPERTY** for the above stated purposes. In the event immediate access to the **EASEMENT PROPERTY** is not reasonably available over the **EASEMENT PROPERTY,** and only in that event, then **GRANTEE** shall have the right of ingress and egress over existing roads across the adjacent property of **GRANTOR** for the purpose of obtaining such access. **GRANTOR** may place a permanent structure in or on the **EASEMENT PROPERTY** only with the written approval of **GRANTEE** and such approval will not be unreasonably withheld. **GRANTOR's** existing road across the **EASEMENT PROPERTY** and continued access, use, maintenance and any improvements to the existing road are acceptable to the **GRANTEE.** **GRANTEE** will not place any above ground appurtenances or improvements on the **EASEMENT PROPERTY** within **GRANTOR's** existing road. **GRANTOR** may convey other easement rights in all or a portion of the **EASEMENT PROPERTY** to a third

party only with the written approval of **GRANTEE** and such approval will not be unreasonably withheld.

In addition, **GRANTOR** hereby grants and conveys a non-exclusive temporary construction easement to **GRANTEE** as shown on **Exhibit "A."** **GRANTEE** shall use the temporary construction easement herein granted for any and all purposes incident to effectuating the Project, including but not limited to construction staging, equipment storage and access to and from the **EASEMENT PROPERTY**, and shall not cross any other adjoining property of **GRANTOR** without the prior written consent of **GRANTOR**. The duration of said temporary construction easement shall commence upon execution of this document and will terminate and be of no further force or effect upon the earlier of (1) completion of the **PROJECT** as evidenced by the project final acceptance by **GRANTEE**, or (2) April 30, 2020. If requested by **GRANTOR**, **GRANTEE** shall execute and file in the Official Records of Hays County, Texas a written termination of the temporary construction easement.

Except for damage to **GRANTOR**'s existing road as addressed below, upon completion of the construction of the **PROJECT** or any subsequent construction, maintenance or repair activity within the **EASEMENT PROPERTY**, **GRANTEE** shall promptly repair any damage to the property of **GRANTOR** which may have occurred during the period of construction, maintenance or repair, to equal or better than existing condition, and shall fill all trenches, remove all rock, construction spoils and construction debris, replace any fencing, re-vegetate the disturbed areas with a mix of native seed, and restore the surface of the **EASEMENT PROPERTY** to its condition prior to commencement of such construction, maintenance, removal, or repair to the extent reasonably feasible. All construction spoils shall be removed from the property of **GRANTOR**, and no fill or spoils or other construction debris will be dumped, spread or otherwise left deposited upon any of the **GRANTOR**'s property. Any damage to **GRANTOR**'s existing road caused by **GRANTEE** will be repaired as provided above before the completion of the construction of the **PROJECT** and within 72 hours of notification by the **GRANTOR**.

As partial consideration for the grant of the easement described herein, **GRANTEE** agrees to make the following improvements on the adjacent property of **GRANTOR**:

1. Move **GRANTOR**'S existing entry gate and fencing so that it is recessed away from Cole Springs Road by approximately 35 feet and use **GRANTOR**'s existing gate plus some additional fencing to be supplied by **GRANTEE**.
2. Install an entry gate at the southeastern corner of the **EASEMENT PROPERTY** where the **GRANTEE**'s water main line enters the property.
3. Construct a concrete driveway at the southeastern corner of the **EASEMENT PROPERTY** where the **EASEMENT PROPERTY** is accessed from FM 2770. The concrete driveway will be constructed in accordance with **Exhibit "C"** and in a manner that will eliminate erosion on the downslope edge of the concrete where it meets the existing road materials. **GRANTEE** will re-vegetate all disturbed areas associated with the driveway with a mix of native seed.

This **AMENDED AND RESTATED EASEMENT** contains the entire agreement between the parties relating to the rights granted and the obligation assumed. Any representation or modification concerning this **AMENDED AND RESTATED EASEMENT** shall be of no force and effect unless it is in writing, signed by party to be charged. This **AMENDED AND RESTATED EASEMENT** shall bind and inure to the benefits of the parties, their heirs, legal representatives, successors and assigns, and may not be assigned without the prior written consent of **GRANTOR**, its successors or assigns.

Any use of the **EASEMENT PROPERTY**, including but not limited to the construction, installation, repair, maintenance and/or use of the **PROJECT**, shall be in accordance with all state and federal laws, rules and regulations applicable to the **EASEMENT PROPERTY** and/or the **PROJECT**.

The invalidation of any one of the covenants or agreements contained in this **AMENDED AND RESTATED EASEMENT** by law, judgment or court order shall in no way affect any other provision which shall remain in full force and effect.

This **AMENDED AND RESTATED EASEMENT** shall be construed in accordance with the laws of the State of Texas and venue for any action brought in connection with this **AMENDED AND RESTATED EASEMENT** shall be brought in Hays County, Texas.

It is not a waiver of or consent to default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this **AMENDED AND RESTATED EASEMENT** does not preclude pursuit of other remedies provided herein or as provided by law.

Any notice required or permitted under this **AMENDED AND RESTATED EASEMENT** must be in writing and delivered to the address(es) contained in this **AMENDED AND RESTATED EASEMENT**.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto **GRANTEE**, and **GRANTEE's** successors and assigns forever; and **GRANTOR** does hereby bind itself, its heirs, successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easement unto **GRANTEE**, its successor and assigns, against every person whomsoever claiming or to claim the same or any part thereof if the claim is by, through or under Grantor but not otherwise.

Executed this _____ day of _____, 2018.

[Signatures on following pages]

GRANTOR:

Barton Springs-Edwards Aquifer Conservation District

By _____
Board President or Authorized Signatory

Attest
By _____
Board Secretary or Authorized Signatory

Approved as to Form
By _____
Counsel for District

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____,
_____, by _____, _____ of Barton
Springs-Edwards Aquifer Conservation District, on behalf of the District.

Notary Public, State of Texas

GRANTEE:

Alliance Regional Water Authority

By _____
Name: _____
Title: _____

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____,
_____, by _____, _____ of Alliance
Regional Water Authority, on behalf of the authority.

Notary Public, State of Texas

After recording, please return to:
Alliance Regional Water Authority
Attn: Graham Moore
630 E. Hopkins
San Marcos, TX 78666

Item 5

Board Discussions and Possible Actions

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

Drought Analysis Report

| Owner - System | Permitted Pumpage | Mar 2018 | | | | | Apr 2018 | | | | | May 2018 | | | | | Jun 2018 | | | | | Jul 2018 | | | | | Aug 2018 | | | | |
|---|-------------------|----------|-----------|--------|-----------|---------|----------|-----------|-----------|-----------|---------|-----------|-----------|-----------|-----------|---------|-----------|-----------|---------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------|
| | | Pumpage | | Target | | % | Pumpage | | Target | | % | Pumpage | | Target | | % | Pumpage | | Target | | % | Pumpage | | Target | | % | Pumpage | | Target | | % |
| | | Pumped | Available | Pumped | Available | | Pumped | Available | Pumped | Available | | Pumped | Available | Pumped | Available | | Pumped | Available | Pumped | Available | | Pumped | Available | Pumped | Available | | Pumped | Available | Pumped | Available | |
| Total (1412M gallons/year) | 1240,000 | 12,000 | 90,520 | 0 | 93,000 | 96,720 | 87,000 | 105,400 | 164,000 | -8% | 97,000 | 105,400 | 87,000 | 105,400 | 82% | 124,000 | 124,000 | 124,000 | 124,000 | 124,000 | 0% | 124,000 | 124,000 | 124,000 | 124,000 | 0% | 124,000 | 124,000 | 124,000 | 124,000 | 0% |
| Esmer Pines, Lt. - Esmer Pines, Lt. (227) - Louden Ln | 600,000 | 1,040 | 28,800 | 0 | 54,000 | 72,000 | -88% | 64,800 | 86,400 | -96% | 64,800 | 86,400 | 64,800 | 86,400 | -86% | 64,800 | 86,400 | 64,800 | 86,400 | 64,800 | -86% | 64,800 | 86,400 | 64,800 | 86,400 | -86% | 64,800 | 86,400 | 64,800 | 86,400 | -86% |
| Companions Ht. Lt. | 660,000 | 66,350 | 47,040 | 45% | 88,200 | 117,600 | -21% | 138,400 | 105,840 | 26% | 138,400 | 105,840 | 138,400 | 105,840 | 26% | 138,400 | 105,840 | 138,400 | 105,840 | 138,400 | 26% | 138,400 | 105,840 | 138,400 | 105,840 | 26% | 138,400 | 105,840 | 138,400 | 105,840 | 26% |
| Ray Sedens - Roy Sedens (irrigation) | 438,117 | 16,020 | 20,934 | -23% | 39,251 | 52,334 | -12% | 67,960 | 47,101 | 44% | 67,960 | 47,101 | 67,960 | 47,101 | 44% | 67,960 | 47,101 | 67,960 | 47,101 | 67,960 | 44% | 67,960 | 47,101 | 67,960 | 47,101 | 44% | 67,960 | 47,101 | 67,960 | 47,101 | 44% |
| St. Albans Episcopal Church | 500,000 | 39,848 | 41,062 | -3% | 19,740 | 42,188 | -60% | 37,380 | 43,875 | -15% | 37,380 | 43,875 | 37,380 | 43,875 | -15% | 37,380 | 43,875 | 37,380 | 43,875 | 37,380 | -50% | 37,380 | 43,875 | 37,380 | 43,875 | -50% | 37,380 | 43,875 | 37,380 | 43,875 | -50% |
| The Inn Above Ocean Creek | 1,300,000 | 63,780 | 94,900 | -33% | 82,670 | 101,400 | -15% | 110,000 | 101,400 | 18% | 132,110 | 110,500 | 20% | 152,240 | 130,000 | 18% | 139,210 | 115,440 | 21% | 152,240 | 130,000 | 18% | 139,210 | 115,440 | 21% | 152,240 | 130,000 | 18% | 139,210 | 115,440 | 21% |
| Southern Hills Church of Christ | 400,000 | 12,040 | 26,400 | -54% | 4,790 | 29,600 | -84% | 5,940 | 32,000 | -81% | 13,210 | 38,000 | -66% | 38,000 | 38,000 | -10% | 80,150 | 89,437 | -11% | 75,890 | 67,500 | 12% | 50,220 | 48,000 | 0% | 0 | 0 | 0 | 0 | 0 | |
| Cornell Farms Company | 844,750 | 64,750 | 69,750 | -10% | 69,750 | 70,000 | -10% | 79,500 | 79,500 | -10% | 79,500 | 79,500 | -10% | 79,500 | 79,500 | -10% | 80,150 | 89,437 | -11% | 75,890 | 67,500 | 12% | 50,220 | 48,000 | 0% | 0 | 0 | 0 | 0 | 0 | |
| Monon Christiana Marina | 500,000 | 26,670 | 33,000 | -19% | 37,000 | 40,000 | -13% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% | 47,500 | 47,500 | 47% |
| Barron Properties | 800,000 | 8,810 | 58,400 | -85% | 8,360 | 60,000 | -86% | 24,980 | 65,000 | -62% | 65,000 | 68,000 | -5% | 85,000 | 80,000 | 6% | 80,000 | 80,000 | 0% | 80,000 | 80,000 | 0% | 80,000 | 80,000 | 0% | 80,000 | 80,000 | 0% | 80,000 | 80,000 | 0% |
| Dix Creekside Villas, Ltd. - Dix Creekside | 1,898,200 | 0 | 95,814 | -100% | 179,838 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% | 239,784 | 239,784 | -100% |
| Dunbar Basin | 150,000 | 1,690 | 10,950 | -85% | 3,080 | 11,700 | -73% | 2,300 | 11,700 | -80% | 11,700 | 12,750 | -7% | 12,750 | 15,000 | -15% | 15,000 | 15,000 | 0% | 15,000 | 15,000 | 0% | 15,000 | 15,000 | 0% | 15,000 | 15,000 | 0% | 15,000 | 15,000 | 0% |
| Ladybird Mountain Lt. - Ladybird Mountain School | 190,000 | 0 | 7,200 | -100% | 13,500 | 18,000 | -100% | 0 | 18,000 | -100% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% | 18,000 | 18,000 | 0% |
| Macdonald-Savell Holdings Lt. - Jumping Jack Dog Ranch | 900,000 | 166,200 | 65,700 | 83% | 67,500 | 70,200 | -100% | 234,400 | 76,500 | 206% | 76,500 | 90,000 | -16% | 84,000 | 90,000 | -6% | 84,000 | 90,000 | -6% | 84,000 | 90,000 | -6% | 84,000 | 90,000 | -6% | 84,000 | 90,000 | -6% | 84,000 | 90,000 | -6% |
| Lady Bird Johnson Wildflower Center - Wildflower Center | 6,700,000 | 381,830 | 321,600 | 13% | 344,480 | 603,000 | -43% | 303,110 | 603,000 | -50% | 601,640 | 723,600 | 11% | 654,130 | 604,000 | 8% | 654,130 | 604,000 | 8% | 654,130 | 604,000 | 8% | 654,130 | 604,000 | 8% | 654,130 | 604,000 | 8% | 654,130 | 604,000 | 8% |
| Gibert C. Johnson | 9,500,000 | 484,000 | 617,500 | -25% | 454,000 | 703,000 | -35% | 846,200 | 1,045,000 | -19% | 898,700 | 1,045,000 | -14% | 1,069,100 | 1,140,000 | -6% | 1,069,100 | 1,140,000 | -6% | 1,069,100 | 1,140,000 | -6% | 1,069,100 | 1,140,000 | -6% | 1,069,100 | 1,140,000 | -6% | 1,069,100 | 1,140,000 | -6% |
| Stripe-sawyer Corp - Stripe-sawyer Corp (Ives Shore) | 150,000 | 12,380 | 10,950 | 13% | 11,980 | 11,700 | -2% | 11,460 | 12,750 | -11% | 12,620 | 12,750 | -1% | 9,240 | 15,000 | -38% | 12,980 | 13,320 | -3% | 12,980 | 13,320 | -3% | 12,980 | 13,320 | -3% | 12,980 | 13,320 | -3% | 12,980 | 13,320 | -3% |
| Trinity Episcopal School | 4,200,000 | 186,564 | 201,600 | -7% | 177,212 | 378,000 | -53% | 198,204 | 504,000 | -61% | 300,482 | 453,600 | -34% | 514,808 | 504,000 | 2% | 417,006 | 443,520 | -6% | 417,006 | 443,520 | -6% | 417,006 | 443,520 | -6% | 417,006 | 443,520 | -6% | 417,006 | 443,520 | -6% |
| Pandolph Austin Company | 965,000 | 40,900 | 42,705 | -4% | 41,800 | 43,875 | -5% | 47,000 | 45,630 | 3% | 48,000 | 49,725 | -7% | 48,000 | 50,500 | -7% | 48,000 | 51,948 | -7% | 48,000 | 51,948 | -7% | 48,000 | 51,948 | -7% | 48,000 | 51,948 | -7% | 48,000 | 51,948 | -7% |
| Rolling Oaks Club, Inc. - Rolling Oaks Club (clubhouse A) | 160,000 | 29,800 | 8,640 | 24% | 29,800 | 16,200 | 81% | 36,570 | 21,600 | 69% | 41,530 | 19,440 | 114% | 31,370 | 21,600 | 45% | 17,668 | 19,008 | -7% | 17,668 | 19,008 | -7% | 17,668 | 19,008 | -7% | 17,668 | 19,008 | -7% | 17,668 | 19,008 | -7% |
| Hays Hills Baptist Church | 600,000 | 28,140 | 58,200 | -52% | 32,120 | 58,200 | -45% | 42,160 | 55,200 | -23% | 34,400 | 53,400 | -36% | 37,160 | 45,000 | -17% | 30,590 | 35,040 | -13% | 30,590 | 35,040 | -13% | 30,590 | 35,040 | -13% | 30,590 | 35,040 | -13% | 30,590 | 35,040 | -13% |
| Hays County Youth Athletic Association | 4,870,500 | 154,000 | 231,366 | -33% | 430,300 | 433,850 | -1% | 273,500 | 578,466 | -53% | 449,000 | 520,818 | -14% | 386,400 | 578,466 | -33% | 422,200 | 509,050 | -17% | 422,200 | 509,050 | -17% | 422,200 | 509,050 | -17% | 422,200 | 509,050 | -17% | 422,200 | 509,050 | -17% |
| Benjamin Rouse And Thomas Andrews - Benjamin Rouse | 100,000 | 98,400 | 61,000 | -38% | 32,400 | 74,000 | -56% | 57,400 | 80,000 | -28% | 58,200 | 95,000 | -44% | 58,100 | 121,000 | -52% | 78,100 | 86,000 | -10% | 78,100 | 86,000 | -10% | 78,100 | 86,000 | -10% | 78,100 | 86,000 | -10% | 78,100 | 86,000 | -10% |
| Las Lunas Property Owners Association - Las Lunas Ho | 100,000 | 100 | 4,800 | -98% | 2,140 | 9,000 | -98% | 4,230 | 12,000 | -65% | 12,960 | 10,900 | 20% | 12,160 | 12,000 | 1% | 12,160 | 10,560 | 15% | 12,160 | 10,560 | 15% | 12,160 | 10,560 | 15% | 12,160 | 10,560 | 15% | 12,160 | 10,560 | 15% |
| Texas Old Town | 10,000,000 | 828,000 | 480,000 | 10% | 568,200 | 900,000 | -37% | 716,500 | 1,200,000 | -40% | 436,900 | 1,060,000 | -60% | 673,867 | 1,200,000 | -52% | 718,320 | 1,056,000 | -32% | 718,320 | 1,056,000 | -32% | 718,320 | 1,056,000 | -32% | 718,320 | 1,056,000 | -32% | 718,320 | 1,056,000 | -32% |
| Forest Oaks, Ltd. - Forest Oaks Village | 1,418,250 | 74,362 | 108,850 | -31% | 99,517 | 122,045 | -18% | 108,470 | 131,940 | -18% | 116,362 | 156,678 | -26% | 94,103 | 189,559 | -53% | 105,055 | 158,328 | -34% | 105,055 | 158,328 | -34% | 105,055 | 158,328 | -34% | 105,055 | 158,328 | -34% | 105,055 | 158,328 | -34% |
| General Telephone Southwest (Frontier) - Frontier (waco) | 240,000 | 4,220 | 17,520 | -76% | 1,880 | 18,000 | -90% | 720 | 18,720 | -96% | 3,670 | 20,400 | -82% | 2,650 | 24,000 | -89% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% |
| Macy Corporation | 120,000 | 10,220 | 8,700 | 17% | 3,538 | 9,000 | -61% | 2,814 | 9,360 | -69% | 3,090 | 10,200 | -70% | 2,650 | 12,000 | -78% | 6,990 | 10,656 | -34% | 6,990 | 10,656 | -34% | 6,990 | 10,656 | -34% | 6,990 | 10,656 | -34% | 6,990 | 10,656 | -34% |
| Oak Forest Water Supply Corporation - Oak Forest Water | 8,000,000 | 319,400 | 594,000 | -46% | 830,900 | 666,000 | -5% | 648,200 | 720,000 | -10% | 551,100 | 855,000 | -36% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% | 412,100 | 1,099,000 | -62% |
| Southeast Texas District Pentecostal Church - Sevi Post | 100,000 | 12,700 | 7,300 | 74% | 20,460 | 7,500 | 172% | 26,000 | 7,800 | 233% | 34,300 | 8,500 | 304% | 27,000 | 10,000 | 178% | 5,400 | 8,880 | -39% | 5,400 | 8,880 | -39% | 5,400 | 8,880 | -39% | 5,400 | 8,880 | -39% | 5,400 | 8,880 | -39% |
| Merchisons Opentek Youth Sports Complex | 4,232,000 | 22,800 | 203,136 | -89% | 123,300 | 380,860 | -68% | 231,100 | 507,640 | -54% | 250,300 | 457,050 | -43% | 199,200 | 507,640 | -61% | 269,800 | 446,899 | -40% | 269,800 | 446,899 | -40% | 269,800 | 446,899 | -40% | 269,800 | 446,899 | -40% | 269,800 | 446,899 | -40% |
| Tenn Oaks Ranch Church Camp | 1,000,000 | 89,990 | 73,000 | -4% | 73,800 | 75,000 | -2% | 36,920 | 78,000 | -50% | 48,170 | 85,000 | -43% | 69,660 | 100,000 | -30% | 47,990 | 88,000 | -46% | 47,990 | 88,000 | -46% | 47,990 | 88,000 | -46% | 47,990 | 88,000 | -46% | 47,990 | 88,000 | -46% |
| Quak-Walkenhorst Oaks | 5,000,000 | 23,100 | 240,000 | -90% | 149,900 | 450,000 | -67% | 118,000 | 500,000 | -80% | 201,400 | 540,000 | -63% | 201,900 | 600,000 | -66% | 272,900 | 528,000 | -48% | 272 | | | | | | | | | | | |

Drought Analysis Report

| Owner - System | Permitted Pumpage | Mar 2018 Pumpage | Mar 2018 Target | Mar 2018 % | Apr 2018 Pumpage | Apr 2018 Target | Apr 2018 % | May 2018 Pumpage | May 2018 Target | May 2018 % | Jun 2018 Pumpage | Jun 2018 Target | Jun 2018 % | Jul 2018 Pumpage | Jul 2018 Target | Jul 2018 % | Aug 2018 Pumpage | Aug 2018 Target | Aug 2018 % |
|---|-------------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|
| W.J. Post No. 3317 | 500,000 | 10,310 | 33,000 | -69% | 4,470 | 37,000 | -88% | 9,300 | 40,000 | -79% | 13,700 | 47,500 | -71% | 7,950 | 60,500 | -87% | 11,110 | 48,000 | -77% |
| St. John's Catholic Church - St. John's Catholic Church | 1,000,000 | 5,220 | 24,000 | -78% | 9,230 | 45,000 | -78% | 18,650 | 60,000 | -69% | 19,660 | 54,000 | -86% | 33,560 | 60,000 | -78% | 12,140 | 52,800 | -77% |
| Extra Space Properties Two Llc - Extra Space Storage | 100,000 | 5,420 | 7,300 | -26% | 4,860 | 7,800 | -35% | 4,800 | 7,800 | -37% | 1,200 | 6,500 | -85% | 3,490 | 10,000 | -65% | 1,970 | 8,800 | -71% |
| Drabwood Diesel Llc - Drabwood Diesel, Llc (Orin Hobbs) | 150,000 | 0 | 10,950 | -100% | 0 | 11,250 | -100% | 1,380 | 11,700 | -89% | 2,740 | 12,750 | -79% | 2,940 | 15,000 | -86% | 2,380 | 13,320 | -82% |
| Church Of Christ At Budekyle | 200,118 | 11,420 | 14,609 | -22% | 12,670 | 15,009 | -16% | 7,860 | 15,609 | -50% | 5,770 | 17,010 | -69% | 11,990 | 20,012 | -44% | 3,070 | 17,770 | -85% |
| St. John's Presbyterian Church | 841 | 8,609 | 8,609 | 87% | 5,288 | 7,400 | -29% | 1,802 | 8,000 | -77% | 2,220 | 9,500 | -73% | 2,627 | 12,100 | -79% | 1,614 | 9,600 | -83% |
| Jumpstart Llc - Jump Creek Llc (Murdor Cheese Wall) | 1,000,000 | 13,600 | 73,000 | -81% | 11,200 | 75,000 | -89% | 8,000 | 78,000 | -10% | 8,200 | 65,000 | -99% | 5,600 | 100,000 | -94% | 12,500 | 88,800 | -88% |
| St. Mark's Episcopal Church - St. Marks Episcopal Church | 1,815,000 | 400 | 136,875 | -100% | 13,200 | 140,825 | -91% | 12,100 | 146,250 | -97% | 19,100 | 159,375 | -86% | 19,400 | 187,500 | -90% | 22,900 | 186,500 | -86% |
| Whittington, Keith And Kelly | 500,000 | 2,940 | 36,500 | -92% | 6,880 | 75,000 | -88% | 9,470 | 78,000 | -86% | 6,990 | 85,000 | -93% | 9,600 | 100,000 | -90% | 12,160 | 88,800 | -86% |
| The Procter Co. Mechanical Contractors | 500,000 | 5,880 | 36,500 | -84% | 4,980 | 37,500 | -88% | 4,370 | 39,000 | -89% | 4,680 | 42,500 | -89% | 2,910 | 50,000 | -96% | 4,170 | 44,400 | -91% |
| Whimsey Gasvisions - Whimsey Gasvisions (Tom Dept) | 1,000,000 | 9,610 | 73,000 | -92% | 5,850 | 75,000 | -97% | 5,080 | 78,000 | -90% | 9,240 | 82,500 | -80% | 9,400 | 100,000 | -94% | 5,540 | 88,800 | -94% |
| The Placid At Kyle | 1,005,000 | 4,100 | 73,365 | -94% | 7,100 | 75,375 | -91% | 5,090 | 78,390 | -94% | 9,900 | 85,425 | -89% | 10,700 | 100,500 | -93% | 7,099 | 177,600 | -97% |
| Log Cabin Plaza | 2,000,000 | 11,089 | 146,000 | -92% | 11,868 | 150,000 | -92% | 9,510 | 156,000 | -86% | 10,429 | 170,000 | -84% | 13,008 | 200,000 | -93% | 8,716 | 168,000 | -97% |
| Texas-Elgin Cement Company - Texas-Elgin Cement C | 1,500,000 | 8,718 | 67,500 | -87% | 5,245 | 120,000 | -96% | 6,081 | 165,000 | -86% | 6,785 | 165,000 | -96% | 5,223 | 195,000 | -97% | 5,716 | 168,000 | -97% |
| Texas State University At San Marcos - Texas State Univ | 2,000,000 | 5,150 | 146,000 | -96% | 6,730 | 150,000 | -96% | 7,060 | 156,000 | -95% | 14,110 | 170,000 | -92% | 4,910 | 200,000 | -98% | 5,516 | 177,600 | -97% |
| Tredd Restaurant Group, Llc - Tredd Restaurant Group | 800,000 | 71,280 | 58,400 | 22% | 52,980 | 60,000 | -12% | 65,330 | 62,400 | -11% | 72,590 | 68,000 | 7% | 52,778 | 80,000 | -35% | 2,032 | 71,040 | -87% |
| Mercerous Bible Fellowship Baptist Church | 100,000 | 230 | 7,300 | -97% | 240 | 7,500 | -97% | 180 | 7,000 | -96% | 140 | 8,500 | -96% | 210 | 10,000 | -96% | 180 | 8,800 | -96% |
| Hays City Holdings Llc - Hays City Holdings, Llc (Head Ro | 400,000 | 850 | 35,770 | -98% | 820 | 36,750 | -97% | 400 | 38,220 | -99% | 1,120 | 41,650 | -97% | 3,210 | 49,000 | -93% | 860 | 43,512 | -98% |
| Home Tech Industries - Home Tech Industries (In 1626 | 100,000 | 0 | 4,600 | -100% | 0 | 9,000 | -100% | 0 | 12,000 | -100% | 0 | 10,800 | -100% | 0 | 12,000 | -100% | 0 | 10,560 | -100% |
| Home Tech Industries - Home Tech Industries (In 1626 | 330,000 | 0 | 24,000 | -100% | 0 | 24,750 | -100% | 0 | 25,740 | -100% | 0 | 28,050 | -100% | 0 | 33,000 | -100% | 0 | 29,304 | -100% |
| Neura Institute Of Austin, L.p. | 5,625,000 | 0 | 410,625 | -100% | 0 | 421,875 | -100% | 0 | 438,750 | -100% | 0 | 478,125 | -100% | 0 | 562,500 | -100% | 0 | 499,500 | -100% |
| Orion Creek Memorial Park, Inc. | 500,625 | 0 | 28,350 | -100% | 0 | 53,156 | -100% | 0 | 70,875 | -100% | 0 | 63,768 | -100% | 0 | 70,875 | -100% | 0 | 62,370 | -100% |
| Park Hills Baptist Church | 500,000 | 0 | 30,660 | -100% | 0 | 31,500 | -100% | 0 | 32,760 | -100% | 0 | 35,700 | -100% | 0 | 42,000 | -100% | 0 | 37,296 | -100% |
| Shoal Creek Properties | 500,000 | 0 | 36,500 | -100% | 0 | 37,500 | -100% | 0 | 39,000 | -100% | 0 | 42,500 | -100% | 0 | 50,000 | -100% | 0 | 44,400 | -100% |
| Thomas Westwood | 500,000 | 0 | 360,000 | -100% | 0 | 395,000 | -100% | 0 | 485,000 | -100% | 0 | 525,000 | -100% | 0 | 530,000 | -100% | 0 | 400,000 | -100% |
| Texas County - Trow County Pcd #13 | 1,500,000 | 0 | 109,500 | -100% | 0 | 112,500 | -100% | 0 | 117,000 | -100% | 0 | 127,500 | -100% | 0 | 150,000 | -100% | 0 | 133,200 | -100% |
| Malone Addison Water Supply | 2,000,000 | 0 | 132,000 | -100% | 0 | 148,000 | -100% | 0 | 160,000 | -100% | 0 | 190,000 | -100% | 0 | 242,000 | -100% | 0 | 192,000 | -100% |

| Owner - System | Permitted Pumpage | Mar 2018 Pumpage | Mar 2018 Target | Mar 2018 % | Apr 2018 Pumpage | Apr 2018 Target | Apr 2018 % | May 2018 Pumpage | May 2018 Target | May 2018 % | Jun 2018 Pumpage | Jun 2018 Target | Jun 2018 % | Jul 2018 Pumpage | Jul 2018 Target | Jul 2018 % | Aug 2018 Pumpage | Aug 2018 Target | Aug 2018 % |
|--|-------------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|
| Tier 2 (P-12) and #1046 gallons/year) | 12,075,000 | 712,000 | 849,750 | -16% | 902,000 | 952,750 | -5% | 879,000 | 1,030,000 | -15% | 1,354,000 | 1,223,125 | 11% | 1,443,000 | 1,567,875 | 7% | 2,097,000 | 1,236,000 | 70% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Miss Spiller - Edward) | 51,450,000 | 1,950,800 | 3,653,700 | -45% | 2,426,300 | 4,029,300 | -40% | 3,433,400 | 4,588,000 | -21% | 6,342,200 | 5,172,750 | 3% | 4,447,100 | 6,566,450 | -31% | 6,666,700 | 5,227,200 | 26% |
| City Of Hays Water Department - Elbert Ranch | 32,000,000 | 1,009,900 | 2,112,000 | -24% | 2,656,900 | 2,368,000 | -13% | 2,698,700 | 2,560,000 | 27% | 3,946,200 | 3,040,000 | 27% | 3,166,700 | 3,872,000 | -18% | 3,816,500 | 3,072,000 | 24% |
| Ruby Ranch Water Supply Corporation - (Inwears) | 118,000,000 | 6,111,300 | 8,968,000 | -43% | 6,210,500 | 8,732,000 | -40% | 6,481,000 | 9,322,000 | -29% | 6,706,400 | 11,210,000 | -22% | 8,246,800 | 11,800,000 | -22% | 11,167,000 | 9,440,000 | 18% |
| Cameron Park Water Company, Inc. | 30,000,000 | 1,084,000 | 1,980,000 | -45% | 1,892,000 | 2,220,000 | -24% | 1,806,000 | 2,400,000 | -21% | 1,890,000 | 2,850,000 | -34% | 2,859,000 | 3,600,000 | -27% | 3,280,000 | 2,860,000 | 14% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Hans Ward) | 80,000,000 | 2,427,000 | 5,280,000 | -54% | 3,006,000 | 5,920,000 | -49% | 3,022,000 | 6,400,000 | -53% | 4,181,000 | 7,600,000 | -45% | 4,209,000 | 9,600,000 | -57% | 6,101,000 | 7,680,000 | 6% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Wally Hollow Estate) | 36,000,000 | 2,018,000 | 2,395,600 | -16% | 2,162,000 | 2,698,200 | -20% | 2,146,000 | 2,904,000 | -26% | 2,464,000 | 3,448,500 | -29% | 1,865,000 | 4,302,300 | -62% | 3,662,000 | 3,484,800 | 5% |
| Orion Creek Country Club | 41,803,260 | 3,808,400 | 3,806,660 | 0% | 3,779,600 | 3,806,660 | -1% | 5,666,700 | 5,709,990 | -1% | 6,890,000 | 5,709,990 | 0% | 4,560,000 | 5,709,990 | -20% | 4,667,000 | 4,567,992 | 0% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Near Creek Park) | 12,098,000 | 487,000 | 786,468 | -39% | 487,000 | 895,252 | -48% | 669,000 | 967,840 | -39% | 656,000 | 1,149,310 | -25% | 773,000 | 1,463,658 | -47% | 1,181,000 | 1,161,408 | -3% |
| Huntington Utility Company, L.L.C. | 16,000,000 | 1,224,000 | 1,224,000 | -41% | 715,000 | 1,602,000 | -55% | 858,000 | 1,548,000 | -45% | 1,181,000 | 1,998,000 | -40% | 1,164,000 | 2,304,000 | -49% | 1,571,000 | 1,814,400 | -13% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Bellevue Woods Water) | 88,764,000 | 3,041,000 | 5,858,424 | -48% | 2,891,000 | 6,568,536 | -54% | 4,023,000 | 7,101,120 | -43% | 6,036,000 | 8,432,580 | -33% | 9,603,000 | 10,740,444 | -48% | 7,345,000 | 8,521,344 | -14% |
| Sney Rock Golf Club - City Of Austin - Grey Rock Golf Clu | 35,000,000 | 1,232,400 | 1,690,000 | -27% | 1,579,000 | 3,150,000 | -50% | 1,045,300 | 4,200,000 | -75% | 2,898,000 | 3,760,000 | -23% | 3,203,600 | 4,200,000 | -22% | 3,145,800 | 3,690,000 | -15% |
| Hays Commodities L.L.C. - Hays High School | 20,000,000 | 1,004,700 | 1,090,000 | -49% | 1,206,200 | 2,220,000 | -46% | 2,167,300 | 2,400,000 | -10% | 3,022,800 | 2,850,000 | 8% | 1,882,100 | 3,630,000 | -54% | 2,248,900 | 2,860,000 | -22% |
| Ruby Ranch Water Supply Corporation - (Ruby) | 20,000,000 | 0 | 1,339,800 | -100% | 0 | 1,502,200 | -100% | 0 | 1,624,000 | -100% | 24,400 | 1,928,500 | -99% | 62,500 | 2,458,300 | -96% | 1,393,400 | 1,948,800 | -28% |
| Marriage Foundation | 26,730,000 | 814,820 | 1,764,180 | -54% | 713,630 | 1,976,020 | -64% | 911,720 | 2,138,400 | -57% | 1,735,100 | 2,539,350 | -32% | 799,870 | 3,234,330 | -75% | 1,807,350 | 2,568,080 | -30% |
| St. Andrews School | 10,000,000 | 727,500 | 800,000 | -9% | 769,400 | 1,120,000 | -31% | 788,700 | 1,440,000 | -45% | 976,600 | 1,440,000 | -32% | 1,376,400 | 1,920,000 | -28% | 1,169,700 | 1,664,000 | -30% |
| Saugher Creek Acres Water Supply | 11,000,000 | 501,300 | 1,050,000 | -52% | 514,100 | 1,106,000 | -54% | 573,900 | 1,232,096 | -53% | 638,600 | 1,288,000 | -50% | 659,900 | 1,456,000 | -55% | 786,100 | 1,131,200 | -30% |
| Range Of Sun Lazare | 31,851,200 | 941,500 | 2,086,980 | -55% | 801,700 | 2,342,168 | -66% | 1,112,000 | 2,532,096 | -56% | 1,614,100 | 3,006,864 | -46% | 1,182,600 | 3,828,786 | -54% | 1,991,600 | 3,038,516 | -35% |
| Wyojo Double Water System | 52,800,000 | 2,282,400 | 3,484,800 | -35% | 2,428,400 | 3,907,200 | -38% | 2,860,900 | 4,224,000 | -37% | 3,244,900 | 5,016,000 | -35% | 3,300,200 | 5,660,000 | -44% | 2,979,500 | 4,616,000 | -36% |
| Aqua Texas, Inc. - Aqua Texas, Inc (Miss Spiller - Tresh) | 38,825,000 | 1,087,000 | 2,649,250 | -58% | 1,381,000 | 2,956,250 | -53% | 1,141,000 | 3,080,000 | -63% | 1,378,000 | 3,669,375 | -62% | 1,306,000 | 4,673,625 | -72% | 2,181,000 | 3,708,000 | -41% |
| Twin Creek Park Water Supply Co. | 12,000,000 | 360,300 | 792,000 | -55% | 489,900 | 888,000 | -45% | 448,900 | 960,000 | -53% | 712,900 | 1,140,000 | -37% | 598,100 | 1,452,000 | -59% | 662,100 | 1,152,000 | -43% |

Drought Analysis Report

| Owner - System | Permitted Pumpage | Mar 2018 Pumpage | Mar 2018 Target | Mar 2018 % | Apr 2018 Pumpage | Apr 2018 Target | Apr 2018 % | May 2018 Pumpage | May 2018 Target | May 2018 % | Jun 2018 Pumpage | Jun 2018 Target | Jun 2018 % | Jul 2018 Pumpage | Jul 2018 Target | Jul 2018 % | Aug 2018 Target | Aug 2018 % | |
|--|-------------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|------------------|-----------------|------------|-----------------|-------------|-------|
| Texas-Whip Cement Company - Texas-Whip Cement C | 54,750,000 | 2,828,825 | 3,285,000 | -14% | 2,878,700 | 3,285,000 | -12% | 3,034,576 | 5,475,000 | -45% | 2,303,550 | 5,201,250 | -56% | 2,420,825 | 5,201,250 | -53% | 2,478,050 | 4,380,000 | -43% |
| City Of Hays Water Department | 15,400,000 | 366,100 | 1,016,400 | -64% | 437,200 | 1,139,600 | -62% | 417,200 | 1,232,000 | -66% | 750,500 | 1,463,000 | -49% | 747,600 | 1,863,400 | -60% | 756,500 | 1,478,400 | -49% |
| Oak Forest Water Supply Corporation - Oak Forest Water | 16,500,000 | 311,928 | 1,089,000 | -71% | 303,124 | 1,221,000 | -75% | 44,712 | 1,320,000 | -97% | 608,140 | 1,567,500 | -61% | 834,178 | 1,996,500 | -68% | 765,180 | 1,584,000 | -50% |
| City Of Austin - City Of Austin (Nature Center) | 18,000,000 | 301,200 | 769,000 | -61% | 319,500 | 1,440,000 | -76% | 274,300 | 1,920,000 | -86% | 397,100 | 1,728,000 | -77% | 479,800 | 1,920,000 | -75% | 322,500 | 1,689,600 | -81% |
| City Of Saratoga Valley | 18,500,000 | 0 | 1,226,946 | -100% | 0 | 1,375,660 | -100% | 0 | 1,487,200 | -100% | 0 | 1,766,050 | -100% | 0 | 2,249,390 | -100% | 1,784,640 | -100% | |
| Mauritan City Oaks Water System | 43,164,000 | 2,848,824 | 3,194,136 | 0% | 0 | 0 | 0% | 0 | 3,453,120 | 0% | 4,100,560 | 0% | 5,222,844 | 0 | 0% | 4,143,744 | 0% | 0% | |
| Tier 3 (>=126M gallons/year) | | | | | | | | | | | | | | | | | | | |
| Orion Creek County Club - Orion Creek County Club (T) | 127,410,000 | 10,182,000 | 10,192,800 | 0% | 10,018,000 | 10,192,800 | -2% | 15,269,000 | 15,269,200 | 0% | 15,180,000 | 15,289,200 | -1% | 12,220,000 | 15,289,200 | -20% | 12,232,000 | 12,231,360 | 0% |
| City Of Buda | 275,000,000 | 17,806,200 | 18,150,000 | -1% | 19,377,300 | 20,350,000 | -5% | 23,777,000 | 22,000,000 | 8% | 27,853,000 | 26,125,000 | 4% | 23,177,400 | 33,275,000 | -30% | 26,049,000 | 26,399,999 | -1% |
| Georch Special Utility District | 350,000,000 | 14,884,000 | 23,159,400 | -36% | 19,154,000 | 25,968,600 | -26% | 19,637,000 | 28,072,000 | -30% | 22,630,000 | 40,353,500 | -44% | 31,751,000 | 54,389,500 | -42% | 39,301,000 | 43,230,880 | -9% |
| Crescenton/maha Water Supply Corporation | 235,085,600 | 10,805,400 | 15,514,130 | -30% | 10,274,500 | 17,394,854 | -41% | 13,533,350 | 18,805,248 | -28% | 14,544,700 | 22,331,232 | -35% | 16,628,000 | 28,442,938 | -42% | 17,547,720 | 22,566,297 | -22% |
| Center Materials, Lp | 214,291,000 | 0,094,800 | 15,428,951 | -100% | 0 | 16,928,990 | -100% | 7,831,100 | 19,929,063 | -61% | 9,180,700 | 22,500,554 | -59% | 7,720,400 | 22,714,846 | -66% | 11,819,600 | 17,143,280 | -31% |
| Headmore Water, Llc - Headmore Water, Llc (weel D) | 178,865,440 | 0 | 8,636,341 | -100% | 0 | 16,196,890 | -100% | 0 | 21,595,852 | -100% | 0 | 19,436,268 | -100% | 0 | 21,595,852 | -100% | 12,088,000 | 19,004,350 | -36% |
| Measurh Lubsea, Inc. | 324,400,000 | 9,258,000 | 19,464,000 | -52% | 10,780,000 | 22,059,200 | -51% | 10,869,000 | 32,115,600 | -66% | 15,219,000 | 40,225,600 | -62% | 11,073,000 | 41,847,600 | -74% | 14,828,000 | 33,478,080 | -57% |
| City Of Kyle | 350,000,000 | 0 | 23,100,000 | -100% | 0 | 25,900,000 | -100% | 0 | 28,000,000 | -100% | 0 | 33,250,000 | -100% | 0 | 42,350,000 | -100% | 26,940,000 | 0 | -100% |
| | | 111,790,941 | 206,593,037 | -46% | 123,583,111 | 238,276,589 | -48% | 142,865,165 | 281,716,234 | -49% | 171,886,509 | 327,072,324 | -47% | 187,329,185 | 388,171,470 | -57% | 216,846,437 | 304,226,978 | -29% |

Appendix ***Drought Management and Enforcement Process***

1.0 Drought Enforcement Strategy

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

2.0 Implementation Mechanisms

2.1 Drought Declaration Notices

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

2.2 Public Awareness

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

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

2.3 Monthly Compliance Evaluations

- Monthly evaluations of permittee performance and compliance with monthly drought limits will begin on the latest date that all meters readings are required to be submitted each month (the 5th of each month). Staff will identify permittees who have failed to report meter readings by the monthly reporting deadline while in District-declared drought. District will notify all those who have not reported that the District will obtain the meter readings at a fee of \$50 to the permittee. District staff will follow up with meter readings for all delinquent permittees to ensure necessary readings are available to assess drought compliance.

- Should a more or less severe drought stage be declared in the middle of a particular month, the District will evaluate and measure compliance with the less stringent drought stage requirements for that month that the status change occurred. Compliance with the measures of the newly declared stage will be required in the following month.
- Staff will generate a list of non-compliant permittees based on permitted volume and percentage over-pumped. Non-compliance will be categorized in tiers in accordance with the following criteria:

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

- Staff will send notices of overpumpage to all non-compliant permittees to notify them of their overpumpage and to inform them of their level of non-compliance. This notice will also include the amount of a drought management fee if a fee is assessed without an equivalent credit.
- Staff will identify and red flag suspect permittee meter readings, on the basis of previous readings, and conduct follow-up meter reading verifications.
- Staff will monitor pumping trends of those permittees that repeatedly over-pump monthly limits while in Drought and take action based on Enforcement Procedures outlined below.
- Staff will evaluate compliance trends of all other permittees to identify efforts to comply or escalating overpumpage.
- Staff will report and update monthly, all non-performing permittees after the third consecutive enforceable month of District declared drought, by posting a list of those permittees not meeting their monthly pumpage limits on the District website and at the District office for public review.

2.4 Imposition of the Drought Management Regulatory Fee for Non-compliance

In accordance with District Rule 3-7.9, the District will impose a drought management fee to all individual permittees permitted for more than 2,000,000 gallons annually (excluding all permittees under general permits) starting after two full months of District declared Alarm or Critical Stage Drought. A credit of the fee will be applied for each month that an individual permittee that does not exceed the monthly pumpage limits as specified in the prevailing UDCP by more than five (5%). The appropriate fees are determined based on the outside diameter of the production zone casing of the permitted well or an average of the casing size of all wells in an aggregate system. The fees are as follows:

- ≤ 5" outside diameter = \$100/month
- > 5" or ≤ 10" outside diameter = \$250/month
- > 10" outside diameter = \$500/month

2.5 Determination of Occurrence of Non-compliance

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

3.0 Timelines and Phasing of Determinations

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

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

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

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

4.0 Drought Enforcement Procedures

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

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

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

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

3rd Occurrence:

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

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

Item 5

Board Discussions and Possible Actions

d. Discussion related to assessment of progress made towards achievement of the District Goals set for FY 2018 and identification of possible District goals for FY 2019.

FY 2018 District Goals
Adopted October 12, 2017

Staff Progress Report
September 7, 2018

The following goals were adopted by the Board to guide the District's efforts for Fiscal Year 2018. Each Goal below includes a narrative summary of District activities completed through the fiscal year to demonstrate enough progress toward achievement of a staff assessment of whether each goal was achieved or not.

- 1. Continue to make progress towards ongoing initiatives including: a) preserving and protecting the water quality of recharge to the Edwards and Trinity Aquifers through advocacy for sound wastewater and stormwater management practices, and b) research to progress knowledge of innovative water supply strategies such as desalination, aquifer storage and recovery, and recharge enhancement.**

Lead Team: All Teams

This goal has been achieved.

The following summarizes the work completed in FY 2018 that accomplishes this goal.

a) Advocacy for sound wastewater and stormwater management practices.

Dripping Springs TPDES Permit Application. The staff and the appointed Board committee (Blayne Stansberry and Mary Stone) continued to be active in FY 2018 advocating for permit conditions that are most protective of water quality in Onion Creek which recharges the Trinity and the Edwards Aquifers. Notable activity included:

- Prepared jointly-submitted (BSEACD and HTGCD) comments on the draft permit submitted to TCEQ on November 10, 2017.
- Contributed legal support to the development of draft settlement terms for discussion purposes with other potential protestants and the applicant.
- Participated in numerous meetings with protestants and the applicant to discuss potential settlement terms.

The District requested a contested case and was granted party status after the SOAH preliminary hearing on May 21, 2018. The District, along with multiple other parties, reached a settlement agreement with Dripping Springs. Therefore, the District filed a motion to withdraw as a party to the contested case. Furthermore, per the settlement agreement, Dripping Springs requested to TCEQ that the settlement agreement be incorporated in the TPDES permit. TCEQ amended the permit to include certain components of the agreement.

WPAP Review. Staff reviews and provide comments, where applicable, for Water Pollution Abatement Plans (WPAPs) or other environmental site assessments associated with any permits or authorizations submitted to the TCEQ, COA, small cities, counties, or other political jurisdictions to mitigate potential degradation of the District's groundwater resources. Staff reviews plans to ensure

that identified wells are properly plugged or permitted and that sensitive geologic features are adequately protected or closed.

SH 45 Southwest (SH 45), MoPac Extension, and the District Consent Decree. Pursuant to the District's Consent Decree relating to the SH 45 and MoPac projects, the District staff and the District's engineering consultant, Tom Hegemier, and inspection consultant, Dave Fowler, continued to be directly involved in oversight of construction activities to ensure sedimentation from stormwater runoff that may affect recharge water quality was limited.

The District staff and consultant participated in seven site inspections on SH 45 and four site inspections on the MoPac extension throughout FY 2018 to assess key construction milestones and the impact of significant rainfall events. The inspection findings were documented in inspection reports that were provided to key project personnel with recommendations and suggestions related to project activities.

The staff's area of focus has been primarily related to evaluations of significant geologic features and the assessment of adequate stormwater control designs onsite. Staff continues to provide input and comments on any changed plans related to project activities. Staff intends to continue these efforts throughout the duration of the construction which will carry over into FY 2019.

b) Research to progress knowledge of innovative water supply strategies such as desalination, aquifer storage and recovery.

- District staff and the Carollo team of consultants completed the BSEACD Desalination/ASR Feasibility Assessment Project Report in March 2018. The Carollo team consisted of Carollo Engineers, Inc., ASR Systems Inc., and NewGen Strategies and Solutions. The report was submitted to the TWDB as the final deliverable to the TWDB grant. This study estimated costs for desalination and ASR facilities on the Texas Disposal Systems property.
- District staff and consultant geochemist finalized a report on the hydrogeology of the saline Edwards. Data collected in the multiport well at the Texas Disposal System facility allowed for the detailed hydrogeologic characterization of the various units. This report concluded that desalination and ASR were hydraulically feasible for the saline Edwards Aquifer.
- District staff drafted technical memorandums on the results of the first two phases of the Ruby Ranch Water Supply Corporation's ASR study which uses Edwards water to inject into the Middle Trinity Aquifer for storage. From October through May, District staff participated in the injection portion of the third phase of this ASR study by collecting water quality and quantity data. The third phase of extraction began in July 2018. A separate report on the project, including data analysis, will be submitted to TCEQ in fall 2018.

2. Coordinate District activity to support effective regional groundwater management strategies by improving GCD coordination through the GMA planning framework and supporting other GCD's management of aquifers shared with the District.

Lead Team: General Management Team

GMA 9

District staff attended one GMA 9 meeting in FY 2018 as the designated representative for the District. The meeting was in Bulverde (New Comal County GCD hosted) on January 29, 2018. In that meeting, staff presented the District's Management Plan. Other efforts include:

- Staff worked on a master spreadsheet that summarizes the rules of all the GCDs in GMA 9.
- Staff provided an update to an evaluation of the DFC in GMA 9. A technical memorandum will be presented at the next GMA 9 meeting.

GMA 10

District staff attended six GMA 10 meetings throughout FY 2018. Like GMA 9 efforts, District staff along with consultant, Kirk Holland, participated in a GMA 10 Joint Planning Committee to establish a rule comparison framework. The committee created a detailed rule comparison spreadsheet and prepared a narrative describing general areas of similarities and differences in the rules of member GCDs. The narrative and spreadsheet data are intended to be used to inform GCD boards of other potential regulatory approaches that might be feasible, as part of regional collaboration in the joint planning process.

Additionally, staff spoke at the March 26 meeting in San Antonio on an approach to DFC monitoring using GMA 9 as an example.

GCD Meet and Share Discussion

The District coordinated a roundtable discussion with other GCDs in the Central Texas area to discuss key permitting related topics such as large-scale permit requests, mitigation, DFC monitoring, permitting fees, special conditions, and aquifer testing. The discussion served to provide the group with new ideas and lessons learned from other District's experiences.

3. **Continue effort of implementing procedures that make office operations more efficient, effective, and more transparent including communications and information dissemination, file management, and budget presentation/reporting.**

Lead Team: Administrative Team

This goal has been achieved.

The following projects were completed or substantially advanced during FY 2018 to improve office operations pursuant to this goal:

- A budget template for a Budget Summary Version was created, that includes two pie charts showing total income forecasted and total expenses forecasted for the upcoming fiscal year. Also, additional backup documentation is now being included with the preliminary and the proposed budget versions that are presented to the Board for approval.
- The W-9 vendor files were organized and updated, culling outdated forms and auditing active contract vendors for receipt of the W-9 form; scanning active forms into Quickbooks, and updating Quickbooks for quick access to these scanned forms in the Vendor Center of Quickbooks.
- The District stakeholder lists (holiday invitations, anniversary list, Christmas card list, etc.) have been compiled into an email list with updated contacts, and with the capability to easily add to, update, and distribute via a contact organization application (e.g. icocontact or evite.)
- A manual was developed with detailed instructions on managing certain tasks in the absence of the Senior Administrative Specialist, including but not limited to copier maintenance and repair, supplies procurement, postage replenishment, etc.

- A method was developed for calculating CPI to be assessed to the City of Austin Water Use Fee once the fee reaches its statutory cap, through a consultant. This method would still to be vetted from the City of Austin and agreed upon before its application, but that time has not yet occurred.

4. Conduct aquifer science studies that will help evaluate unreasonable impacts to the Trinity Aquifers, increase monitoring capabilities of the Trinity Aquifers, and consider alternative drought triggers for the Trinity Aquifers.

Lead Team: Aquifer Science Team

This goal has been achieved.

Since passage of House Bill 3405, studies have been conducted of the Trinity Aquifers to support policy development and management of the Trinity Aquifers. The following tasks have been completed to achieve the requirements of Goal 4:

- A methodology was developed to determine the potential for unreasonable impacts due to pumping of the Trinity Aquifers. Aquifer-test data from the Needmore and EP sites were used to determine aquifer parameters from which drawdown predictions for various pumping scenarios could be made. For the EP site, this led to the determination of a high potential for unreasonable impacts, which were summarized in the General Manager's Position Statement.
- A system of monitor wells has been established in the shared territories. This consists primarily of domestic wells for which the well owners have allowed access to District staff to monitor water levels over time. Monitoring has focused on the EP and Needmore areas, and some neighborhoods to the west of San Marcos for which there had not been monitoring previously. Monitoring is also being conducted in a multiport monitor well in the Rolling Oaks subdivision that was installed by the District.
- With increased pumping from the Trinity Aquifers, it was necessary to evaluate the sensitivity of these aquifers to drought conditions and to determine if the current drought monitoring of the Edwards Aquifer was applicable to the Trinity Aquifers. A technical memo was prepared that concluded that climatic conditions that cause drought issues for the Edwards Aquifer bring about similar effects in the Trinity Aquifers. Therefore, drought trigger levels set for Barton Springs and the Lovelady monitor well also apply to the Trinity Aquifers.

5. Prepare educational content and develop programming to raise awareness about the interconnectedness of land stewardship, water quality, and endangered species.

Lead Team: Education & Outreach Team

This goal has been achieved.

The Education and Outreach team has focused on increasing social media presence, reorganizing and expanding website content, visiting with well owners, and developing an educational game with new technology to highlight the connectivity of land management decisions on water quality.

- The team developed and ran social media posts based on ten of the City of Austin and Texas Agrilife's Grow Green Guides that discuss the least toxic methods to deal with common pests. Posts related to safe treatment of fire ants, mosquitos, and poison ivy were highly successful, each getting between 1,000-1,500 impressions. Home owners were encouraged to protect the quality of runoff from their land by reducing the use of harmful chemicals.
 - The Water Conservation section of the District website was expanded to include water quality protection information. Sections on pest control, native and adaptive plants, rain gardens and waste control were added.
 - Articles in eight eNews bulletins updated the public, well owners, and stakeholders on aquifer news such as aquifer status, habitat conservation plan progress, water quality protection efforts, and District programs. ENews bulletins are sent to 2,574 subscribers.
 - During this year's Well Water Checkup and Neighborhood Site Visits, staff screened well water for nitrate and bacteria (common contaminants that indicate a surface connection) and spoke with well owners about the importance of good septic system maintenance, limited use of harmful pesticides and herbicides, and potential for groundwater-surface water connections in karst systems.
 - Staff are finalizing details on the educational augmented reality game called Creek Quest. The game uses several modes of play to engage a wide variety of audiences in diverse settings. Cards represent the District's two endangered salamanders, six key environmental indicator species, and three habitats. Each animal card shows the corresponding habitat, average size, and pollution sensitivity level. The augmented reality application can be used to visualize the animals' movement and habitat, link to additional information, and verify life cycle pairs (larvae and adult).
- 6. Improve and enhance the organization, accessibility, and dissemination of District data and groundwater management information through: a) development of an integrated database and reporting system, and b) an updated Annual Report format that is simple and informative and satisfies the reporting requirements for the prospective Habitat Conservation Plan and the revised Management Plan.**

Lead Team: Regulatory Compliance Team

Substantial progress has been made on this goal.

- Staff has successfully provided project management oversight for a contract for a database management and reporting system. This final data management system will aid staff in data analysis efforts, data input, permit management, production management, HCP reporting, and annual reporting. To aid in the progress of this project deliverable, staff has maintained regular bi-weekly meetings with the contractor, and developed guidance mockups and checklists for the contractor. There are regularly scheduled updates and budget updates to ensure the project is moving forward in a timely fashion. The database will be completed in Fiscal Year 2019.
- Staff will be working with the General Manager and possibly an outside contractor to support the efforts to design and enhance the format of the annual report. In this immediate year (Fall 2018), a template may be designed in lieu of an actual final report. This is due to the timing and requirements of the Incidental Take Permit from USFWS.

Item 5

Board Discussions and Possible Actions

- e. Discussion and possible action related to scheduling of hearing and procedural matters relating to Needmore Water LLC permit application.**

Item 6

Adjournment