



Temporary Permits Issued by BSEACD

**October 22, 2015
BSEACD Board Meeting**

This presentation is to provide the Board and the public with an update and summary of staff's review process, for the 21 temporary permit applications received and approved.

Temporary Permits Issued 10/19/15				Printed on 10/20/15
	Volume Issued (gallons/year)	Volume Requested (gallons/year)	Permittee Name	UseType
1	100,000	100,000	SWTX Pentecostal Church of God	Commercial
2	100,000	100,000	Las Lomas HOA	Commercial
3	180,000	180,000	Rolling Oaks Inc (HOA)	Commercial
4	240,000	240,000	General Telephone Southwest (Verizon)	Commercial
5	490,000	490,000	Hays City Holdings (Travis Cox)	Commercial
6	500,000	500,000	Tindol Restaurant Group LLC (Tamara Tindol)	Commercial
7	500,000	500,000	Saint John's Catholic Church	Commercial
8	750,000	750,000	St. Stephens Episcopal	Commercial
9	1,000,000	1,000,000	Wimberley Glassworks, Inc. (Tim deJong)	Commercial
10	1,000,000	1,000,000	St. Mark's Episcopal Church	Commercial
11	1,200,000	1,200,000	First Christian Church	Commercial
12	2,000,000	2,000,000	Log Cabin Plaza	Commercial
13	2,000,000	2,000,000	Chuck Nash	Irrigation
14	2,000,000	2,000,000	Texas State University - Freeman Ranch	PWS
15	10,000,000	10,000,000	Texas Old Town	Irrigation/Commercial
16	30,000,000	30,000,000	Aqua Texas (Sierra West)	PWS
17	32,590,000	32,590,000	Electro Purification	PWS
18	179,965,440	289,000,000	Needmore Water LLC (Greg LaMantia)	Agricultural Livestock (Wildlife & Recreation)
19	General Permit	General Permit	Alexandra's House Bed and Breakfast	Domestic LPP
20	General Permit	General Permit	Sol De Mexico	Domestic LPP
21	Drilling Authorization	Drilling Authorization	Dale Lowden	Well Modification
Total Volume Issued (gal/yr)				
	84,650,000	Will be billed a Production Fee Rate of (\$.017/1,000 gallons)		
	179,965,440	Will be billed Production Fee Rate of (\$1.00/acre ft ~ Ag Rate)		
	<500,000 gal/yr	No annual Production Fee Rate applies to General Permits (Limited Production Permits)		
	0	No production volume is issued with a drilling authorization/modification		

This table lists the 21 temp permits approved and issued by the general manager. All of these applications were timely filed by the deadline of Sep 19th and all of them were approved on or before Oct 19th.



Barton Springs
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CONSERVATION DISTRICT

H.B. 3405 - Purpose and Intent

- ▶ Extends groundwater protection to previously unmanaged aquifers in Hays County; nonexempt uses must now be permitted.
- ▶ Established a process for issuing temporary permits & 30 processing period
- ▶ Established limited factors for reduction upon conversion to Regular Permit
- ▶ Creates a process for the applicant to contest the reduction

As we prepared to apply our review to these applications it was important for us to refer back to language of HB 3405 and consider the purpose and intent of the statute:

- First and foremost the HB extended groundwater protection to the previously unmanaged aquifers in Hays County; therefore requiring permits for these existing nonexempt.
- The statute established a process for issuing temp permits w/in a 30 period.
- The statute established limited factors for reducing the amount of a temp permit upon conversion to a regular permit & creates a process for the applicant to contest a reduction.



Temporary Permits allow...

Well owners with existing nonexempt wells in operation

or

Well owners under previous contract for well activity

to receive a temporary permit...

granting the well owner **an interim authorization to continue operation** while application is processed for conversion to Regular Permit.

Specific provisions of HB 3405 are intended to allow well owners with existing nonexempt wells in operation or well owners under previous contract for well activity, to receive a temporary permit. This temp permit grants the well owner an interim authorization to continue operation of the well during this concurrent timeframe for which the permit application continues to be processed for conversation to a regular permit .



H.B. 3405 – Interpret & Apply

- ▶ District Rulemaking process – Temporary Permits
 - ❖ *Requirements for eligibility*
 - ❖ *Application checklist requirements*
 - ❖ *Terms and conditions for all Temporary Permits*
 - ❖ *Consideration for approving a Temporary Permit*

- ▶ Process is suppose to be expedited

The District went through a very focused and careful rulemaking process where our rules set forth: *the exact requirements for eligibility, the application checklist requirements, terms and conditions for all temp permits, and the considerations for approving a temp permit.*

The whole temp permitting process is intended to be a very abbreviated and expedited review, much different than how we typically process new well drilling applications and new production.



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Considerations During Review of Temporary Permit Applications



- ▶ Expedited 30 day Review Period and approval without notice or hearing by the Board
- ▶ Abbreviated Application Requirements
 - ❖ *Demonstration of ownership interest; signed declarations*
 - ❖ *Statements on receiving area, well location, and use type*
- ▶ Permitted Volume
 - ❖ *Does not consider reasonable or non-speculative demand*
 - ❖ *Well owner can request a volume up to Max Capacity*
- ▶ Use Type
 - ❖ *Beneficial uses in Ch 36 water code*
 - ❖ *Permitted for existing use type*

Because of the management/permitting processes established by HB 3405, staff is limited in what we can require and consider during this permitting process. The things we can consider and apply to our review for all temp permits is that:

- Review Period - if an application is administratively complete, staff has 30 day review and approval by GM without notice, hearing or Board Approval
- Abbreviated Application Requirements – demonstration of ownership, declarations, descriptive statements on receiving area, well location, & use type.
- Permitted Volume – Staff can not consider reasonable or non speculative demand. In this case a well owner can request a vol up to max capacity.
- Use Type – beneficial use includes all uses of Ch 36; District rules for temporary permits consider permitting for use type in existence before effective date of HB

If the application conforms to these requirements than the GM shall issue a temp permit.



21 Applications were submitted and approved by the General Manager.

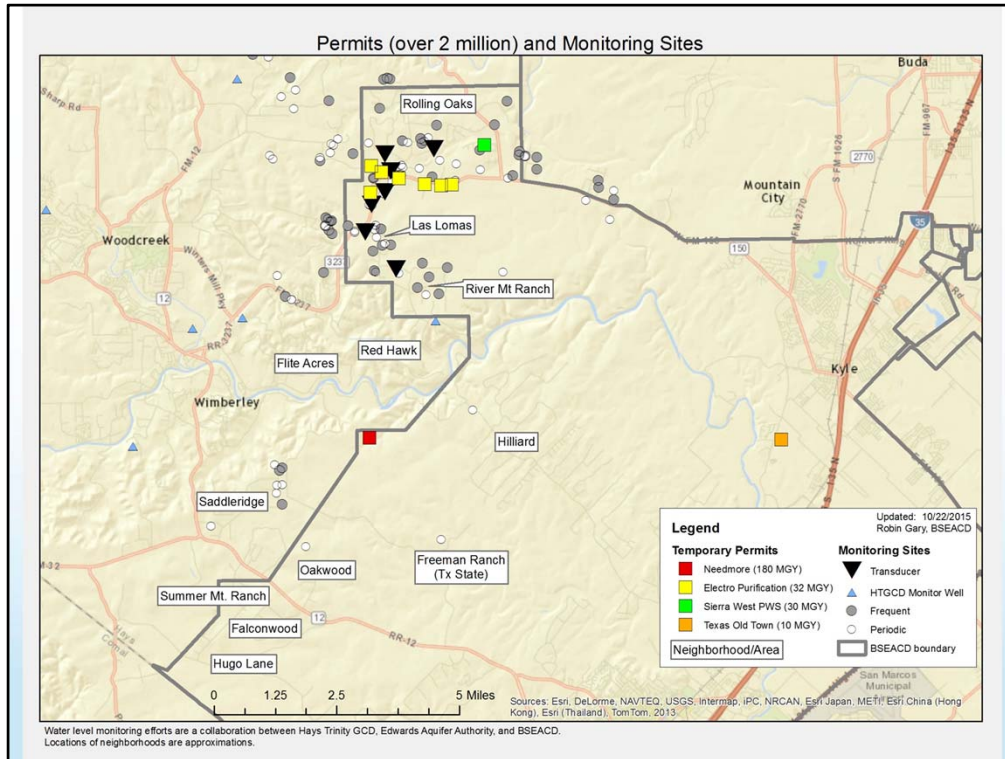
Permit Type	Aquifer Type	Volume Type	Volume Amount
<ul style="list-style-type: none"> ▪ 18 Temporary Production Permit ▪ 2 General Permits (Limited Production Permit's) ▪ 1 Drilling Authorization 	<ul style="list-style-type: none"> ▪ 20 permits as Upper/ Middle Trinity Aquifer ▪ 1 permit as Austin Chalk Aquifer 	<ul style="list-style-type: none"> ▪ 17 requested a volume < or equal to 2,000,000 gal/yr ▪ 4 requested a volume > than 2,000,000 gal/yr. These applicants will need to conduct an aquifer pump test. 	<ul style="list-style-type: none"> ▪ 264 MGY from Trinity Aquifer ▪ 2 MGY from Austin Chalk Aquifer

Statistics for Temporary Permits

Temporary Permits Issued 10/19/15

Printed on 10/20/15

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This map indicated the well location for the 4 Temporary Permittees that requested a volume > 2 MGY.

- Needmore Water LLC – 289 MGY
- Electro Purification - 32 MGY
- Aqua Texas – 30 MGY
- Texas Old Town – 10 MGY



Needmore Water LLC

Temporary Permit Application Request

Application Filed:	September 18, 2015
Applicant:	Needmore Water LLC
Volume Request:	887 acre feet/year (289,030,217 gallons/year)
Use Type:	Agricultural & General Irrigation
Permit Type:	Temporary Production Permit Upper/Middle Trinity Aquifer

The largest permit request that we received was from Needmore water LLC (for roughly 289MGY). The Needmore application was the only applicant to request maximum production capacity and has been the most complex permit that staff had to process. Because of that we felt that it would be useful to the Board and the public to provide a more detailed summary of staffs application review.

As a handout and in your backup there is the application summary document. This presentation summarizes the high points.



Application Review

- ✓ **Timely filed an application**
- ✓ **Eligibility** – demonstrated well was in existing operation
- ✓ **Verified Ownership** – Needmore Water LLC holds all the rights to groundwater production, which were deed over by Needmore River Ranch LLC
- ✓ **Complete Application Checklist**
 - ❖ *Nature and purpose of use*
 - ❖ *Requested volume*
 - ❖ *Declarations*
 - ❖ *Well location and pumping rate*
 - ❖ *Receiving area location*

Timely filed - Needmore Water LLC timely filed a signed and notarized application form and supporting materials on September 18, 2015.

Eligibility - Staff confirmed that the applicant meets the eligibility requirements because the applicant stated and documented that the existing nonexempt well was being operated on or before June 19, 2015.

Verified Ownership - The applicant provided supporting documentation to show the ownership interest of Needmore Water LLC. In 2013 a recorded groundwater rights warranty deed was set in place providing Needmore Water LLC ownership of all groundwater rights from the 5,000 acre property. Deeded over by Needmore River Ranch LLC.

Application Checklist – Staff reviewed supporting materials and statements in order to determine that the following items were adequately addressed.



Application Review cont'd

- ✓ **Beneficial use type** – existing use types documented as 'Recreation' and 'Agricultural Livestock -Wildlife Management'



- ✓ **Well location & receiving area**
 - ~~Agricultural irrigation pastures~~
 - Constructed pond water feature
 - Future pasture areas



Through extensive review District staff evaluated the use type of the well. The information initially submitted in the application stated both general and agricultural irrigation as the existing and prior use types. However, staff felt the descriptive statements were incomplete and didn't provide enough information. The applicant submitted additional materials and confirmed that the intended receiving areas include:

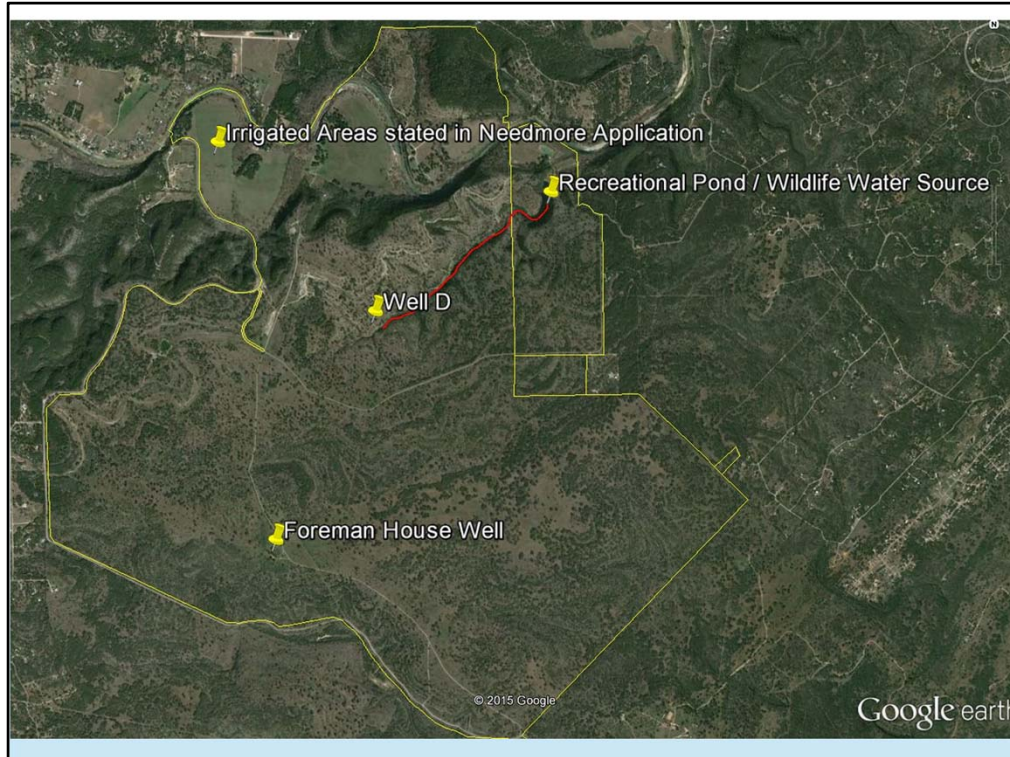
- The originally identified pasture areas (see blue shaded part on map)
- A constructed pond water feature (see photos), and
- Future pasture areas that have not yet been equipped for receiving irrigation.

Upon full review of the application materials, supplemental statements, and staff's observations from an onsite inspection, staff ultimately concluded that the well **was actually incapable of providing water for any type of irrigation due to the lack of an existing piping or conveyance distribution system.**

Additionally staff review concludes that the well was used solely to supplement a pond water feature which is used primarily for recreation (swimming, fishing, and boating) and for wildlife. Although the well is not used to support agricultural livestock on the Needmore Ranch, the definition of ag livestock in our District Rules includes "wildlife management." On the basis of this information, the District has characterized the existing use type for this well as Agricultural Livestock .

(District Rule 2.1 defines wildlife management to include "the watering and/or feeding of

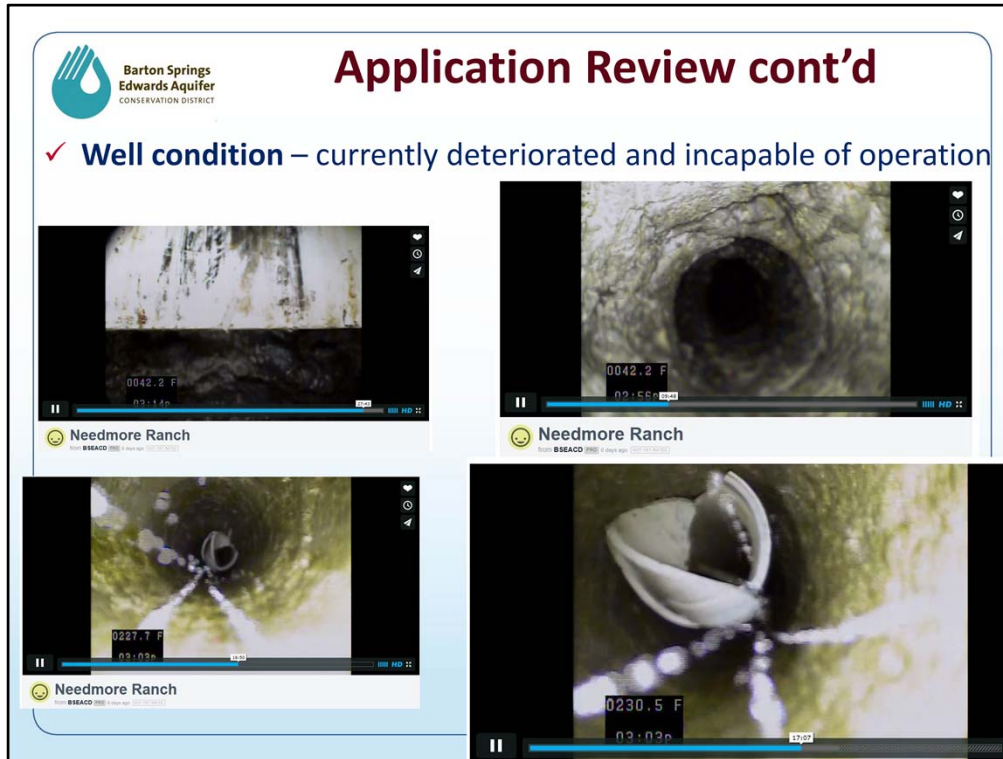
free-ranging, non-caged, wild animals under a management plan approved by TPWD, US Fish and Wildlife Service, or other governmental agency with authority to approve and regulate wildlife management plan.”)



This aerial map points out the well location and receiving areas stated in the applicant's statements. (Note – based on staff conclusions, it has been determined that there are actually no irrigation distribution systems in existence on the ranch. Rather those are likely future planned areas.)



Redline path shows the conveyance of groundwater along a 1 mile tributary for recreational pond/ wildlife management use.



The District staff learned during the onsite visit that the pump in the well was recently removed in August by a local well drilling contractor. A documented video log provided to the District confirms the well is currently in deteriorated condition. Due to the damage in the well, a pump cannot be placed in the well and the well is incapable of production in this current condition. Ultimately the applicant must address the damage in the well to complete the aquifer test required to process the Regular Permit. Therefore in the Permit conditions a special provision was included to address this issue.

These images document the break of casing at 42 ft; the open hole state with little to no grout; the collapse of the PVC casing; and the groundwater inflow.



Application Review cont'd

- ✓ **Maximum Production Capacity** – applicant can request up to Max
 - ❖ Applicant's calculation based on maximum pump size of 550 gpm/operating 24 hrs a day/365 days a year = 289 MGY
 - ❖ General Manager's calculation based on actual pump test rate of 428 gpm at 80% of the year = 180 MGY
 - ❖ A complete aquifer pump test (as required during regular permit process) can potentially allow for a reduction of the permitted volume (impacts to wells or DFC).

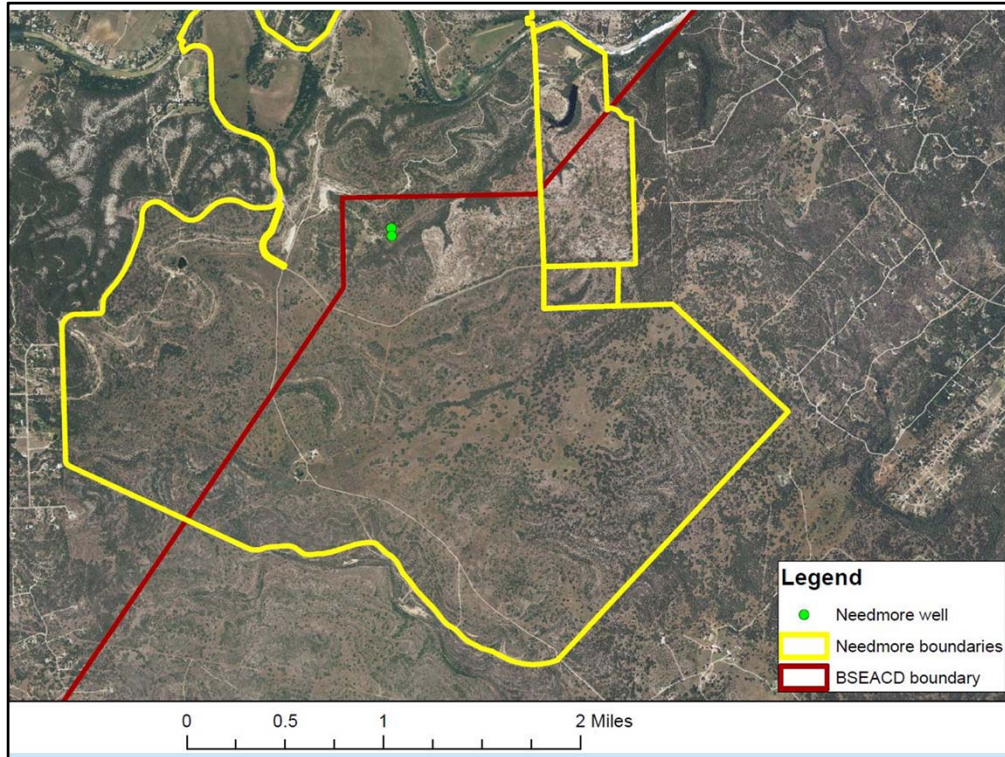
- ✓ **Transport of groundwater** – Well is located inside District boundaries and receiving areas and pond feature are outside of the District. Transport Rule

In the application request, the applicant calculated a maximum production capacity of 887 acre feet/year (289MGY). Those calculations assumed that the largest possible pump that could be equipped in the well would have pumping operation of 550 gpm for 24 hrs a day for 365 days. This calculated maximum production capacity was the applicant's requested permit volume.

Staffs findings determined that the applicant's calculation of 289 MGY as the maximum capacity of the well does not appear mechanically feasible, nor is it consistent with the District's interpretation of the meaning of the term "maximum production capacity" or consistent with the actual 22hr pump test conducted on the well in November 2012. On that basis the General Manager has determined that, given the limited information, the appropriate authorized volume shall be calculated based on the actual pump test pumping rate of 428 gpm at 80% expected efficiency rate. Accordingly, the District's calculated maximum production capacity is approximately 180 MGY.

Hydro Report & Pump Test will be a required component - The review process for the regular permit application requires an aquifer test and a hydrogeological report to be considered administratively complete. The District will continue to process the regular permit application provided the well is repaired and recompleted to sufficient standards to allow for an aquifer test, the aquifer test is completed, and the associated Hydrogeologic Report is provided to the District in accordance with the District's aquifer test guidelines and applicable rules.

The pond supplied by groundwater from the well (Well D) is located outside the boundaries of the District. The District is in the process of reviewing whether transport of water from Well D outside the District is authorized under HB 3405 or whether a transport permit and fees are required as would be the case under existing rules applicable to permit holders. Additional guidance will be provided to the applicant during the processing of the Regular Permit.



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This map shows that the well is inside the District and the pond is located outside of the District.



Temporary Permit Issued

- ✓ **GM Decision** – District has identified recreation as primary use type along with wildlife management. Therefore has designated Agricultural Livestock as use type. The permitted volume is the District’s calculation of max capacity ~ 180 MGY
 - ❖ *Actual production from the well is unauthorized until documentation of repair and working condition*

The District has identified recreation as the primary use type along with wildlife management and therefore has designated the well for “Agricultural Livestock” use. The permitted withdrawal volume of the well is determined to be a maximum production capacity volume of 179 MGY as calculated and interpreted by the District. This Temporary Production Permit is approved with a special condition prohibiting operation of the well until permittee has provided documentation that the well has been repaired and is in good, non deteriorated working condition.



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Questions?