

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Rulemaking Adoption

AGENDA REQUESTED: June 3, 2015

DATE OF REQUEST: May 15, 2015

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Kris Hogan, (512) 239-6812

CAPTION: Docket No. 2013-1381-RUL. Consideration of the adoption of an amendment to 30 TAC Chapter 331, Underground Injection Control, Subchapter A, General Provisions, Section 331.19, Injection Into or Through the Edwards Aquifer.

The adoption would implement Senate Bill 1532, 83rd Texas Legislature, 2013, Regular Session, relating to the authority the Texas Commission on Environmental Quality has to authorize certain injection wells that transect or terminate in the Edwards Aquifer. The adopted rulemaking adds definitions and changes the types of injection activities authorized or prohibited in the Edwards Aquifer. The proposed rule was published in the February 6, 2015, issue of the *Texas Register* (40 TexReg 587). (Kathryn Hoffman, Don Redmond) (Rule Project No. 2013-053-331-WS)

Ashley Forbes *for* Brent Wade
Deputy Director

Charles Maguire
Division Director

Kristina M. Hogan
Agenda Coordinator

Copy to CCC Secretary? NO X YES

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners

Date: May 15, 2015

Thru: Bridget C. Bohac, Chief Clerk
Richard A. Hyde, P.E., Executive Director

From: Brent Wade, Deputy Director
Office of Waste

Docket No.: 2013-1381-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 331, Underground Injection Control
SB 1532: Authorization of Certain Injection Wells into the Edwards Aquifer
Rule Project No. 2013-053-331-WS

Background and reason(s) for the rulemaking:

The adopted rule implements Senate Bill (SB) 1532 (sponsored by Senator Zaffirini), 83rd Texas Legislature, 2013. The intent of the legislation was to provide a statutory and regulatory basis to promote research that could make desalination of brackish groundwater and aquifer storage and recovery more viable in the Edwards Aquifer. Within specific geographic boundaries, Texas Water Code (TWC), §27.0516 allows the commission to authorize, by rule or general permit, certain injection wells that transect or terminate in the Edwards Aquifer while providing a statutory and regulatory basis that is protective of the freshwater aquifer and supportive of desalination and aquifer storage and recovery.

Scope of the rulemaking:

A.) Summary of what the rulemaking will do:

The adopted rule implements SB 1532 by modifying the current prohibition of certain injection activities in the Edwards Aquifer. The adopted rule allows additional types of injection wells to be authorized by rule or general permit within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) but not within the district's territory. A map is provided in the adopted rule to show where these new injection activities may be authorized. Attachment A gives the basis for the boundaries shown in this map. The adopted rule also adds new definitions.

The adopted rule modifies the current prohibition of certain injection wells in the Edwards Aquifer to allow the authorization by rule for the injection of fresh water withdrawn from the Edwards Aquifer for providing additional recharge; and the injection of rainwater, storm water, flood water or groundwater by means of an improved natural recharge feature.

The adopted rule also allows certain injection wells to be authorized by a general permit. A general permit may authorize the same types of injection wells that can be authorized by rule; authorize certain injection wells for the purpose of injecting desalination concentrate; authorize certain injection wells as part of an engineered aquifer storage and recovery facility; authorize injection wells for aquifer remediation; authorize injection wells for the injection of nontoxic tracer dye as part of a hydrologic study; or authorize injection wells

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for other beneficial activity for purposes of protecting an underground source of drinking water (USDW). The commission would have to issue a general permit at a future time to authorize any of these injection wells.

SB 1532 prescribed very specific requirements for the new injection activities that may be authorized in the Edwards Aquifer. Some of these requirements, such as monitoring and permit term limits, are addressed within the adopted rule. Other requirements would be implemented when a new general permit is issued to authorize the injection wells.

B.) Scope required by federal regulations or state statutes:

There are no federal changes required. SB 1532 requires rulemaking in Chapter 331 to add definitions and change the types of injection activities authorized or prohibited in the Edwards Aquifer. SB 1532 also allows for the development and issuance of new general permits, and/or amendment of the existing Underground Injection Control (UIC) general permit. The following activities within the defined portion of the Edwards Aquifer specified in the legislation may be authorized by general permit:

- Injecting fresh water withdrawn from the Edwards Aquifer for additional recharge;
- Using Class V injection wells for desalination concentrate;
- Injecting fresh water as part of an engineered aquifer storage and recovery facility;
- Aquifer remediation;
- Injecting a nontoxic tracer dye as part of a hydrologic study, or another beneficial activity as listed in the bill; and
- Other beneficial activities that increase protection of a USDW from pollution or other deleterious effects.

The commission's existing UIC general permit authorizes disposal of nonhazardous desalination concentrate and other nonhazardous drinking water treatment residuals in a Class I well. The existing UIC general permit did not contemplate the addition of provisions such as those in SB 1532 that apply to only specific small geographic areas within a certain aquifer. It would not be feasible to amend the existing general permit to add the SB 1532 provisions. Because the number of applications is not expected to be significant under the general permits authorized in SB 1532, new general permits that include the special conditions required in SB 1532 will be implemented when there is a need for them.

C.) Additional staff recommendations that are not required by federal rule or state statute:

None.

Statutory authority:

The amended section is adopted under the TWC, §5.103, which provides the commission the authority to adopt any rules necessary to carry out its powers and duties under this

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code and other laws of this state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; and TWC, §27.019, which requires the commission to adopt rules reasonably required for the regulation of injection wells.

The amended section implements SB 1532 and TWC, §27.0516, which authorizes certain injection wells in the Edwards Aquifer within a specified geographic area circumscribed by the boundary of the BSEACD.

Effect on the:

A.) Regulated community:

A local government (city, county, water district, river authority, utility district, etc.) could be affected if they propose to use an injection well for the disposal of concentrate from desalination of brackish groundwater, for aquifer storage and recovery, or for any of the other purposes listed above that are in the affected areas of the Edwards Aquifer.

B.) Public:

The public benefit anticipated from the changes in the adopted rule will be compliance with state law and a regulatory basis to promote research that could make desalination of brackish groundwater and aquifer storage and recovery more viable in the Edwards Aquifer.

The adopted rule is not anticipated to result in fiscal implications for businesses or individuals. The adopted rule would not impose new requirements or responsibilities on businesses, but the rule could make desalination of brackish groundwater and aquifer storage and recovery more viable in the Edwards Aquifer. The adopted rule would facilitate research and the use of these techniques through the authorization of certain injection wells. At this time, no such projects have been identified by agency staff, and the number of any future projects is not expected to be significant. If a business did implement such a project, then the adopted rule would benefit them in that the adopted rule would allow for the permitting of these injection wells.

C.) Agency programs:

At this time, no projects to which the adopted rule would apply have been identified by agency staff, and the number of any future projects is not expected to be significant. The agency does not expect a significant increase in general permit applications. If a local government does pursue a project using injection wells permitted under the adopted rule, they would pay the \$100 injection well permit fee for each permit application, as currently required.

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Stakeholder meetings:

Stakeholders were thoroughly involved in the drafting and passage of this legislation so a designated stakeholder group was not created.

Public comment:

The commission scheduled a public hearing in Austin on March 3, 2015; however, the commission did not officially open the hearing because no one registered to provide comments. The public comment period closed March 9, 2015. The commission received one written comment that was outside the scope of this rulemaking.

Significant changes from proposal:

No change was made to the rule from proposal to adoption.

Potential controversial concerns and legislative interest:

No projects to which the adopted rule would apply have been identified by agency staff, and new general permits that include the special conditions required in SB 1532 will be implemented when there is a need for them. The process to issue a new general permit will take up to a year.

Does this rulemaking affect any current policies or require development of new policies?

No.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?

SB 1532 will not be implemented, and provisions will not be in place to promote research that could make desalination of brackish groundwater and aquifer storage and recovery more viable in the Edwards Aquifer.

Key points in the adoption rulemaking schedule:

<i>Texas Register</i> proposal publication date:	February 6, 2015
Anticipated <i>Texas Register</i> adoption publication date:	June 19, 2015
Anticipated effective date:	June 25, 2015
Six-month <i>Texas Register</i> filing deadline:	August 6, 2015

Agency contacts:

Kathryn Hoffman, Rule Project Manager, (512) 239-6890, Radioactive Materials Division
Don Redmond, Staff Attorney, (512) 239-0612
Kris Hogan, Texas Register Coordinator, (512) 239-6812

Attachments

Senate Bill 1532

Attachment A

Commissioners

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May 15, 2015

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**cc: Chief Clerk, 2 copies
Executive Director's Office
Marshall Coover
Pattie Burnett
Stephen Tatum
Office of General Counsel
Kim Wilson
Susan Jablonski
Kathryn Hoffman
Kris Hogan**

AN ACT

relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 27, Water Code, is amended by adding Section 27.0516 to read as follows:

Sec. 27.0516. PERMITS FOR INJECTION WELLS THAT TRANSECT OR TERMINATE IN PORTION OF EDWARDS AQUIFER WITHIN EXTERNAL BOUNDARIES OF BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. (a) In this section:

(1) "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(2) "Engineered aquifer storage and recovery

1 facility" means a facility with one or more wells that is located,
2 designed, constructed, and operated for the purpose of injecting
3 fresh water into a subsurface permeable stratum and storing the
4 water for subsequent withdrawal and use for a beneficial purpose.

5 (3) "Fresh water" means surface water or groundwater,
6 without regard to whether the water has been physically,
7 chemically, or biologically altered, that:

8 (A) contains a total dissolved solids
9 concentration of not more than 1,000 milligrams per liter; and

10 (B) is otherwise suitable as a source of drinking
11 water supply.

12 (4) "Saline portion of the Edwards Aquifer" means the
13 portion of the Edwards Aquifer that contains only groundwater with
14 a total dissolved solids concentration of more than 1,000
15 milligrams per liter.

16 (b) This section applies only to the portion of the Edwards
17 Aquifer that is within the geographic area circumscribed by the
18 external boundaries of the Barton Springs-Edwards Aquifer
19 Conservation District but is not in that district's territory or
20 the territory of the Edwards Aquifer Authority.

21 (c) This section prevails over Section 27.051(i) to the
22 extent of a conflict.

23 (d) Except as otherwise provided by this section, the
24 commission by rule or permit may not authorize an injection well
25 that transects or terminates in the Edwards Aquifer.

26 (e) The commission by rule may authorize:

27 (1) the injection of fresh water withdrawn from the

1 Edwards Aquifer into a well that transects or terminates in the
2 Edwards Aquifer for the purpose of providing additional recharge;
3 or

4 (2) the injection of rainwater, storm water, flood
5 water, or groundwater into the Edwards Aquifer by means of an
6 improved natural recharge feature such as a sinkhole or cave
7 located in a karst topographic area for the purpose of providing
8 additional recharge.

9 (f) The commission by general permit may authorize:

10 (1) an activity described by Subsection (e);

11 (2) an injection well that transects and isolates the
12 saline portion of the Edwards Aquifer and terminates in a lower
13 aquifer for the purpose of injecting:

14 (A) concentrate from a desalination facility; or

15 (B) fresh water as part of an engineered aquifer
16 storage and recovery facility;

17 (3) an injection well that terminates in that part of
18 the saline portion of the Edwards Aquifer that has a total dissolved
19 solids concentration of more than 10,000 milligrams per liter for
20 the purpose of injecting into the saline portion of the Edwards
21 Aquifer:

22 (A) concentrate from a desalination facility,
23 provided that the injection well must be at least three miles from
24 the closest outlet of Barton Springs; or

25 (B) fresh water as part of an engineered aquifer
26 and storage recovery facility, provided that each well used for
27 injection or withdrawal from the facility must be at least three

1 miles from the closest outlet of Barton Springs; or

2 (4) an injection well that transects or terminates in
3 the Edwards Aquifer for:

4 (A) aquifer remediation;

5 (B) the injection of a nontoxic tracer dye as
6 part of a hydrologic study; or

7 (C) another beneficial activity that is designed
8 and undertaken for the purpose of increasing protection of an
9 underground source of drinking water from pollution or other
10 deleterious effects.

11 (g) The commission must hold a public meeting before issuing
12 a general permit under this section.

13 (h) Rules adopted or a general permit issued under this
14 section:

15 (1) must require that an injection well authorized by
16 the rules or permit be monitored by means of:

17 (A) a monitoring well operated by the injection
18 well owner if the commission determines that there is an
19 underground source of drinking water in the area of review that is
20 potentially affected by the injection well; or

21 (B) if Paragraph (A) does not apply, a monitoring
22 well operated by a party other than the injection well owner,
23 provided that all results of monitoring are promptly made available
24 to the injection well owner;

25 (2) must ensure that an authorized activity will not
26 result in the waste or pollution of fresh water;

27 (3) may not authorize an injection well under

1 Subsection (f)(2) or (3) unless the well is initially associated
2 with a small-scale research project designed to evaluate the
3 long-term feasibility and safety of:

4 (A) the injection of concentrate from a
5 desalination facility; or

6 (B) an aquifer storage and recovery project;

7 (4) must require any authorization granted to be
8 renewed at least as frequently as every 10 years;

9 (5) must require that an injection well authorized
10 under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing
11 basis by or in coordination with the well owner and that the well
12 owner file monitoring reports with the commission at least as
13 frequently as every three months; and

14 (6) must ensure that any injection well authorized for
15 the purpose of injecting concentrate from a desalination facility
16 does not transect the fresh water portion of the Edwards Aquifer.

17 (i) A monitoring well described by Subsection (h)(1), if
18 properly sited and completed, may also be used for monitoring a
19 saline water production well.

20 (j) A project is considered to be a small-scale research
21 project for purposes of Subsection (h)(3) if the project consists
22 of one production well and one injection well that are operated on a
23 limited scale to provide requisite scientific and engineering
24 information. Such a project is considered to be a small-scale
25 research project regardless of the borehole size of the wells or the
26 equipment associated with the wells or whether the wells are
27 subsequently incorporated into a larger-scale commercial facility.

1 (k) Notwithstanding Subsection (h)(3), a general permit may
2 authorize the owner of an injection well authorized under
3 Subsection (f)(2) or (3) to continue operating the well for the
4 purpose of implementing the desalination or engineered aquifer
5 storage and recovery project following completion of the
6 small-scale research project, provided that:

7 (1) the injection well owner timely submits the
8 information collected as part of the research project, including
9 monitoring reports and information regarding the environmental
10 impact of the well, to the commission;

11 (2) the injection well owner, following the completion
12 of studies and monitoring adequate to characterize risks to the
13 fresh water portion of the Edwards Aquifer and other fresh water
14 associated with the continued operation of the well, and at least 90
15 days before the date the owner initiates commercial well
16 operations, files with the commission a notice of intent to
17 continue operation of the well after completion of the research
18 project; and

19 (3) the commission, based on the studies and
20 monitoring, the report provided by Texas State University--San
21 Marcos under Subsection (1)(2), and any other reasonably available
22 information, determines that continued operation of the injection
23 well as described in the notice of intent does not pose an
24 unreasonable risk to the fresh water portion of the Edwards Aquifer
25 or other fresh water associated with the continued operation of the
26 well.

27 (1) Before the commission makes a determination under

1 Subsection (k)(3):

2 (1) the commission, not later than the 15th day after
3 the date of receipt of the results of the studies and monitoring,
4 must provide the information received to Texas State
5 University--San Marcos; and

6 (2) Texas State University--San Marcos, not later than
7 the 60th day after the date of receipt of the information, must
8 review and analyze the information and report its findings to the
9 commission.

10 (m) The commission shall make the information provided by
11 the owner of the injection well under Subsection (k)(1) and the
12 report provided by Texas State University--San Marcos under
13 Subsection (l)(2) easily accessible to the public in a timely
14 manner. The permit may authorize the owner of the well to continue
15 operating the well following completion of the research project
16 pending the determination by the commission.

17 (n) If the commission preliminarily determines that
18 continued operation of the injection well would pose an
19 unreasonable risk to the fresh water portion of the Edwards Aquifer
20 or other fresh water associated with the continued operation of the
21 well, the commission shall notify the operator and specify, if
22 possible, what well modifications would be adequate to prevent that
23 unreasonable risk. If the operator fails to modify the injection
24 well as specified by the commission, the commission shall require
25 the operator to cease operating the well.

26 SECTION 2. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1532 passed the Senate on April 23, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1532 passed the House on May 14, 2013, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

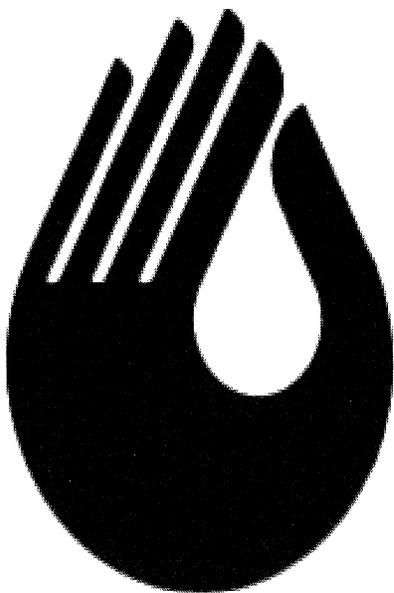
Approved:

Date

Governor

Attachment A

RECEIVED
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RADIOACTIVE MATERIALS DIVISION

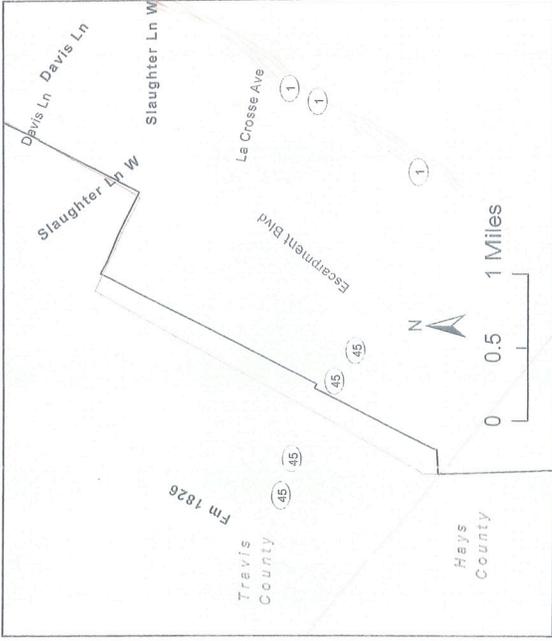
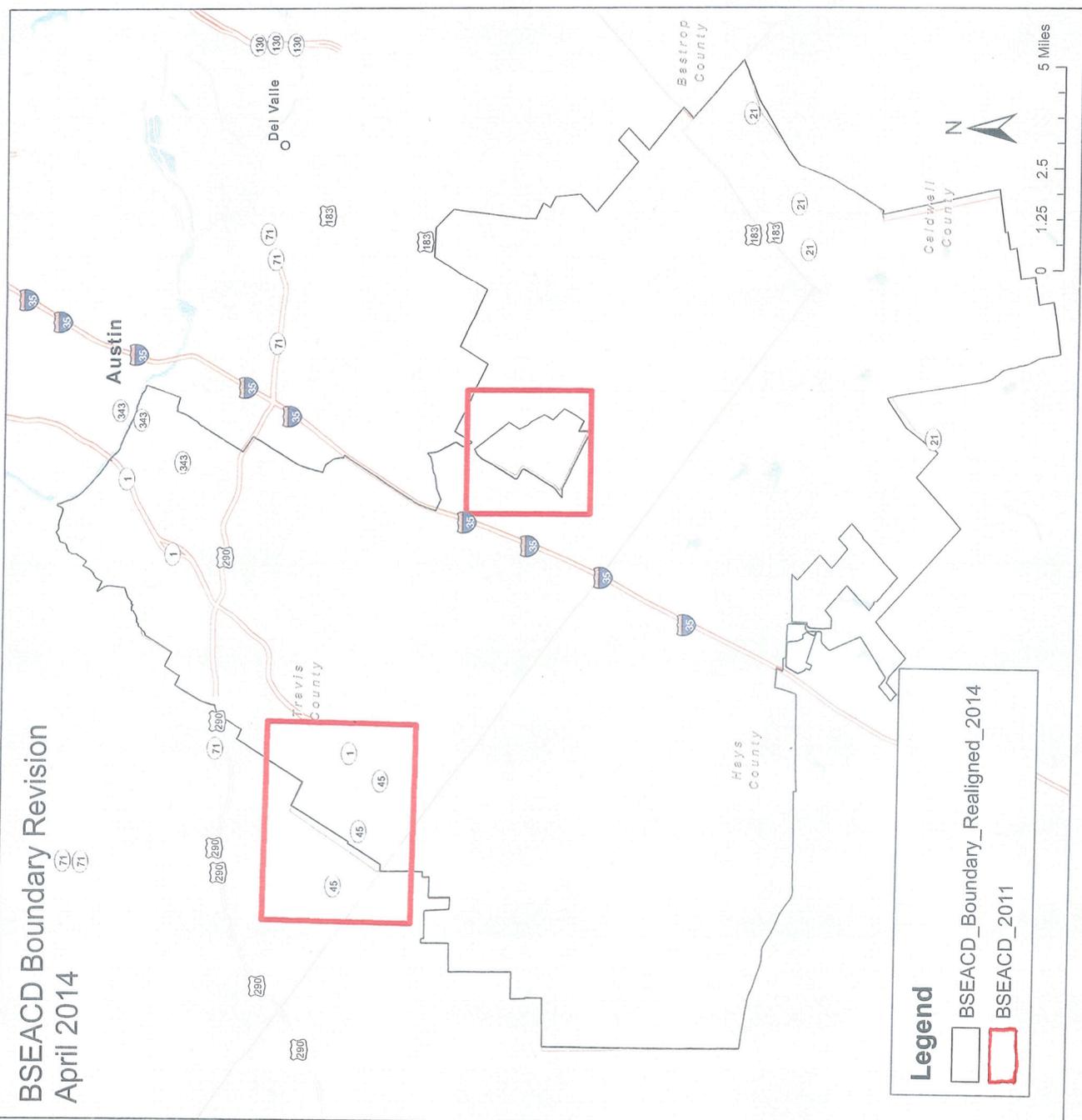


Barton Springs Edwards Aquifer

CONSERVATION DISTRICT

METES AND BOUNDS
April 2014

**BSEACD Boundary Revision
April 2014**

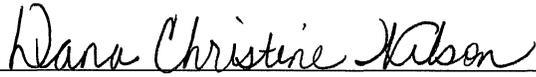


Basemap: Revised BSEACD Boundary from Sherry McCall
GIS/Redistricting of Bickerstaff Heath Delgado Acosta LLP.
April 2014

STATE OF TEXAS §
§
COUNTY OF TRAVIS §
§
**BARTON SPRINGS/
EDWARDS AQUIFER** §
CONSERVATION DISTRICT §

I, Dana Christine Wilson, Records Management Officer of the Barton Springs/Edwards Aquifer Conservation District, do hereby certify that the attached is a true and correct copy of A LEGAL DESCRIPTION FROM THE NOVEMBER 19, 1986 TEXAS WATER COMMISSION ORDER CREATING THE DISTRICT (WHICH REFERENCES THE BOUNDARY DESCRIPTION IN THE AUGUST 15, 1986 ORDER CREATING THE MANAGEMENT AREA); on file in the District's office.

WITNESS MY HAND AND SEAL OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT THIS, THE 31ST DAY OF MARCH, 2014.



Dana Christine Wilson
Records Management Officer

BARTON SPRINGS / EDWARDS AQUIFER
CONSERVATION DISTRICT

[SEAL]



TEXAS WATER COMMISSION



AN ORDER granting the Petition for Creation of the Barton Springs- Edwards Aquifer Conservation District and Appointing Temporary Directors

On November 17, 1986, the Texas Water Commission considered the petition of the Cities of Austin, Buda, Hays, San Leanna and Sunset Valley for creation of the Barton Springs-Edwards Aquifer Conservation District. The petition was presented to the Commission with a Proposal for Decision by Claire Patterson, Attorney, a Commission Hearings Examiner who conducted a public hearing on the matter on September 15-19, 1986, pursuant to Chapter 52 of the Texas Water Code, as amended.

The Hearings Examiner named the following as parties to the proceeding: the petitioners, Cities of Austin, Buda, Hays, San Leanna, and Sunset Valley; Lower Colorado River Authority; the Executive Director of the Texas Water Commission; the Public Interest Advocate of the Texas Water Commission; O. R. Rutherford, Jr.; Michael G. Rutherford; Sally Bell Rutherford; the Estate of P. R. Rutherford; the 1973 Rutherford Trust; Creedmoor-Maha Water Supply Corporation; Goforth Water Supply, Inc.; Gary Bradley; Don E. Mackey, Trustee; and William F. Negley.

EXHIBIT A

After considering the Hearings Examiner's Proposal for Decision, exceptions thereto, and the evidence and argument presented, the Texas Water Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On August 30, 1985, the Commission received a petition signed by more than 250 property owners within the boundary of the proposed District, requesting the Commission to delineate the boundaries of the Barton Springs-associated Edwards Aquifer, or underground reservoir, and to create an underground water conservation district for that aquifer.
2. Copies of the petition were duly filed and recorded by the Hays County Clerk and Travis County Clerk.
3. The Travis County Assessor-Collector certified that more than 50 of the petitioners were listed on Travis County tax rolls as property owners.
4. Notice of the public hearing was published on January 6, 1986 and January 13, 1986 in the Austin American-Statesman, a newspaper regularly published in Austin, Travis County, Texas and generally circulated in Travis and Hays Counties, Texas, the counties in which persons reside who may be affected by action taken as a result of the hearing. Additionally, notice was posted in the Travis

and Hays County Courthouses by the County Sheriff, more than 15 days prior to the date of hearing.

5. Notice of the public hearing was mailed on January 2, 1986, by the Chief Clerk of the Texas Water Commission to all parties who may be affected as a result of the hearing and to each person as required by law.
6. A public hearing on the petition referenced in Finding of Fact No. 1 was held on February 19, April 7-11, and April 14-16, 1986, wherein evidence was heard regarding the suitability of a certain area for designation as an underground water management area. By Order No. 86-034 dated August 15, 1986, the Commission designated the Barton Springs-Edwards Aquifer Management Area, a hydrologically discrete subdivision of the underground reservoir (referred to as the Barton Springs-associated Edwards Aquifer, or the "Aquifer") in southern Travis and northern Hays Counties. The Order includes a metes and bounds description of the management area's boundaries.
7. The second phase of the public hearing on the petition in Finding of Fact No. 1 was held on August 25, 1986, and September 15-19, 1986, to determine whether an underground water conservation district should be created to regulate the Barton Springs-Edwards Aquifer Management Area.

8. The District as proposed by petitioners will benefit the land and be a public benefit and utility in that it will perform functions necessary to protect and preserve the quantity and quality of water in the Aquifer. Protective action is necessary because of the following:
 - a. The Aquifer is depended on as a sole source of water in Hays and Travis Counties. It also serves as a recreational resource at Barton Springs, a natural swimming facility in Austin, Texas, which is widely enjoyed.
 - b. Based on projections of population growth and pumpage increases, the Aquifer will experience depletion and drawdown by the year 2000 unless pumpage is regulated.
 - c. The District will regulate pumpage of the Aquifer and implement other means of conservation. Long-range optional goals include constructing recharge enhancement facilities and/or additional surface water supply facilities for supplemental use.
 - d. The District will serve a secondary purpose of protecting the quality of groundwater by monitoring and coordinating existing water pollution abatement programs and undertaking new ones as necessary.
9. The District as proposed is feasible and practicable.

- a. A reasonable cost of performing the District's proposed functions is approximately \$300,000 annually, an amount which covers salaries for a general manager and field/office staff, as well as administrative costs, office space, and costs associated with contracting for technical services.
 - b. The proposed boundaries of the District are coterminous with the management area and are adequate for the purposes of tax assessment and collection.
 - c. The District will generate funds sufficient to meet the District's expenses by imposing ad valorem taxes of approximately \$.01-.02 per \$100 valuation of property, an amount which is not unreasonably burdensome.
10. Even though there are inherent inequities in creating the District (e.g., it will tax some persons who receive no direct personal benefit and deny a voting right to some others who depend on the Aquifer), the benefit to the public outweighs the burden.
 11. The following persons, whose names were submitted by petitioners to serve as temporary directors, have submitted affidavits which indicate they meet the statutory qualifications to serve: Wayne Ford, a resident of the City of Hays in Hays County, Texas;

Duwain Dumas, a resident of the Village of San Leanna in Travis County, Texas; Larry Hada, a resident of Sunset Valley in Travis County, Texas; Catherine Sims, a resident of the City of Austin in Travis County, Texas; and Ben Harrison, a resident of Onion Creek in Travis County, Texas.

12. The five persons proposed by protestants Goforth/Creedmoor-Maha, who have submitted similar affidavits, are less likely to work to achieve the goals of the district as proposed by petitioners, since their interests are in alignment with those who have protested the creation of the District. Consequently, the temporary directors proposed by petitioners should be appointed.
13. The cost of transcribing the record of the hearing should be assessed to the following entities, in proportions as described: the petitioners, one share; Goforth/Creedmoor-Maha Water Supply Corporations, one share; the Rutherfords, one share; Gary Bradley, one share; William Negley, one share; and Lower Colorado River Authority, one share.

CONCLUSIONS OF LAW

1. A statutorily adequate petition, as amended, was filed by the petitioners requesting designation of an underground

water management area and creation of the Barton Springs-Edwards Aquifer Conservation District.

2. Proper and legally sufficient notice of the petition and hearing on designation of a management area and creation of the District was provided.
3. The Commission has jurisdiction to hear the petition and consider designation of an underground water management area and creation of the Barton Springs-Edwards Aquifer Conservation District pursuant to the provisions of Chapter 52 of the Texas Water Code.
4. The Barton Springs-Edwards Aquifer Management Area was designated by the Commission's Order of August 15, 1986; it is consistent with the requirements of Chapter 52 and enables the District to perform the functions described in Subchapter E.
5. Creation of the Barton Springs-Edwards Aquifer Conservation District, with boundaries conforming to the Management Area, is feasible and practicable. It benefits the land in the District and would be a public benefit and utility. It is in the public interest and consistent with the goals and objectives of Chapter 52 of the Texas Water Code.
6. The five persons named in Finding of Fact No. 11 are legally qualified to serve as temporary directors of the District.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The Barton Springs-Edwards Aquifer Conservation District is hereby created and organized as prayed for in the petition, as amended by the petitioners. Its boundaries shall be the same as those of the Barton Springs-Edwards Aquifer Management Area previously designated by the Commission on August 15, 1986.
2. The Barton Springs-Edwards Aquifer Conservation District is created and organized under the provisions of Article XVI, Section 59 of the Texas Constitution and pursuant to the provisions of Chapter 52 of the Texas Water Code, with all the powers, duties, and authority provided by said Chapter 52.
3. A temporary Board of Directors is hereby appointed for the Barton Springs-Edwards Aquifer Conservation District composed of the following members, each of whom is determined by the Commission to be legally qualified to serve as a director of said District: Wayne Ford, a resident of the City of Hays in Hays County, Texas; Duwain Dumas, a resident of the Village of San Leanna in Travis County, Texas; Larry Hada, a resident of Sunset Valley in Travis County, Texas; Catherine Sims, a resident of the City of Austin in Travis County, Texas; and Ben Harrison, a resident of Onion Creek in Travis County, Texas.

4. The Exceptions filed by the Rutherfords, Creedmoor Maha and Goforth Water Supply Corporations, William Negley, and Gary Bradley are hereby overruled.
5. The foregoing temporary directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oath of office, and all such bonds shall be approved by the Board of Directors of the District, and each bond and oath shall be filed with the District and retained in its records.
6. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the creation petition, nor as a commitment or requirement of the Texas Water Commission in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for Texas Water Commission consideration.
7. The temporary directors are directed to order and organize an election within the boundaries of the District for the purpose of confirming or denying the creation of the District. The temporary directors shall include as part of said election an issue for voter approval of a maintenance tax to support the District, in an amount determined by the directors to be reasonably

necessary to support the District's operations, both current operations and those in the foreseeable future.

8. Pursuant to Finding of Fact No. 13, the parties shall remit to the Chief Clerk of the Texas Water Commission \$600.00 by check payable to Austin America Reporters as a deposit for a pro rata share of the cost of the hearing reporter's preparation of an original and one copy of the transcript of the record of this proceeding. Payment shall be made within ten days of the signing of this Order.
9. The Chief Clerk is directed to order an original and one copy of the transcript of this proceeding for judicial review and to forward to Austin America Reporters the deposits to cover the cost of transcript preparation. Upon being notified by Austin America Reporters of the final total cost of transcript preparation, the Chief Clerk shall notify the parties of any additional amounts due, or cause to be refunded any overages in accordance with the division of costs set forth herein.

Signed the 19th day of November, 1980.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

Ralph Roming

Ralph Roming, Commissioner

John O. Houchins

John O. Houchins, Commissioner

ATTEST:

Mary Ann Hefner

Mary Ann Hefner, Chief Clerk

STATE OF TEXAS X
 X
COUNTY OF TRAVIS X

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that the attached and foregoing is a true and correct copy of an Order of the Commission dated November 19, 1986, granting the petition for the creation of the Barton Springs-Edwards Aquifer Conservation District and Appointing Temporary Directors, the original of which is on file in the office of the Commission.

Given under my hand and the seal of the Texas Water Commission, this the 19th day of November, 1986.



Mary Ann Hefner, Chief Clerk
Texas Water Commission

A

BARTON SPRINGS EDWARDS AQUIFER
CONSERVATION DISTRICT BOUNDARY DESCRIPTION

- (1) Beginning in the City of Austin, in Travis County, Texas, at the intersection of the southern bank of the Colorado River (Town Lake) and the Congress Avenue bridge;
- (2) Thence, south by southwest along South Congress Avenue approximately 4,000 feet to the intersection of South Congress Avenue and Elizabeth Street;
- (3) Thence, west by northwest approximately 1,600 feet along West Elizabeth Street to the intersection of West Elizabeth Street and South First Street;
- (4) Thence, south by southwest along South First Street approximately 9,600 feet to the intersection of South First Street and West Ben White Blvd.;
- (5) Thence, southeast along West Ben White Blvd. approximately 2,200 feet to the intersection of South Congress Avenue and Ben White Blvd.;
- (6) Thence, south by southwest along South Congress Avenue approximately 10,000 feet to the intersection of South Congress Avenue and Old Lockhart Road (also shown as North Bluff Drive on some maps);
- (7) Thence, southeast along Old Lockhart Road approximately 3,600 feet to the intersection of Old Lockhart Road and William Cannon Drive;
- (8) Thence, southeast along William Cannon Drive approximately 300 feet to the intersection of William Cannon Drive and Interstate Hwy. 35;
- (9) Thence, south by southwest along Interstate Hwy. 35 approximately 13,600 feet to the intersection of Interstate Hwy. 35 and Bluff Springs Road (also shown as "Brandt Rd." on some maps);
- (10) Thence, east along Bluff Springs Road for approximately 3,300 feet to the intersection of Bluff Springs Road and the property line dividing tax parcel 1133/350 and tax parcel 9106/615;

- (11) Thence, south along said property line, as it extends to separate tax parcel 9106/615 from the parcels 916/271 and 916/410, for approximately 1,600 feet to the intersection of said line with Onion Creek;
- (12) Thence, south along the meanders of Onion Creek for approximately 16,600 feet to the intersection of Onion Creek and the property line dividing tax parcels 6287/218, Lot 2 and 8845/247, Lot 1;
- (13) Thence, south by southwest along said property line, as it extends between Lots 5 and 6 of parcel 8845/247, for approximately 3,100 feet to the intersection of said line with the property line dividing tax parcels 8845/247, Lots 4 and 5 and tax parcel 6287/218, Lot 3 from tax parcel 6287/218, Lot 9;
- (14) Thence, east by southeast along said property line for approximately 1,200 feet to the property line dividing tax parcels 6287/218, Lot 9 and 6287/218, Lot 10;
- (15) Thence, southwest along said property line and the unnamed road which is a direct extension of that property line for approximately 1,800 feet to the intersection of said road and the property line dividing tax parcel 631/577 and the 51.60 acre tract of tax parcel 6287/218;
- (16) Thence, east by southeast along said road approximately 400 feet as it parallels the property line dividing tax parcel 631/577 and the 51.60 acre tract of tax parcel 6287/218;
- (17) Thence, south by southwest along said road approximately 1,600 feet to its intersection with FM 1327;
- (18) Thence, west along FM 1327 approximately 700 feet to the intersection of FM 1327 and the property line dividing tax parcel 575/558 and tax parcel 570/500;
- (19) Thence, south along the line dividing tax parcel 575/558 and tax parcel 570/500, as that line extends due south across tax parcel 570/300,04, for a total of approximately 7,200 feet to the intersection of said line with the northern property boundary line of tax parcel No. 588/202;

- (20) Thence, west along said property line approximately 600 feet to the intersection of said property line with the property line dividing tax parcel 588/202 and tax parcel 570/300,02;
- (21) Thence, south along said property line approximately 1,400 feet to the intersection of that line with the northern property boundary line of tax parcel No. 750/42;
- (22) Thence, east along said property line approximately 700 feet to the intersection of said property line with the property line dividing tax parcel 750/42 and tax parcel 747/718, which is the eastern boundary of the George Herder Survey 537, Travis County Abstract No. 347 and Hays County Abstract No. 239;
- (23) Thence, south along said property line for a distance of approximately 3,000 feet, crossing the Travis/Hays county line to a corner of the George Herder Survey in Hays County;
- (24) Thence, west along the boundary of the George Herder Survey for a distance of approximately 4,100 feet to a corner of the George Herder Survey with D. O. Burleson Survey, Abstract 880;
- (25) Thence, south along the eastern boundary of the George Herder Survey for a distance of approximately 7,000 feet to its intersection with FM 2001;
- (26) Thence, south by southeast along FM 2001 for a distance of approximately 800 feet to its intersection with FM 133;
- (27) Thence, west along FM 133 for a distance of approximately 6,000 feet to its intersection with the property line between tax parcel 302/582 and tax parcel 314/59;
- (28) Thence, south by southeast along said property line for a distance of approximately 1,100 feet to the property line between tax parcel 208/147 and tax parcels 314/59 and 302/582;
- (29) Thence, west along said property line for a distance of approximately 2,400 feet to the western property line of tax parcel 208/147;
- (30) Thence, south along said property line, as it extends to form a boundary between tax parcel 228/549 and parcels 246/225 and

- 246/203, for a distance of approximately 2,500 feet to the property line between tax parcels 228/549 and 228/499;
- (31) Thence, west along said property line for approximately 1,500 feet to the western boundary of the A. Reuss Survey, Abstract 397;
 - (32) Thence, south along the western boundary of the A. Reuss Survey for a distance of approximately 6,000 feet to the intersection of said survey line with FM 131;
 - (33) Thence, west along FM 131 for a distance of approximately 7,400 feet, across Interstate Hwy 35 to its intersection with FM 25;
 - (34) Thence, south by southwest along FM 25 for a distance of approximately 3,100 feet to its intersection with FM 171;
 - (35) Thence, east along FM 171 for a distance of approximately 10,500 feet to the intersection of FM 171 with Ranch Road 2770;
 - (36) Thence, north on Ranch Road 2770 for a distance of approximately 400 feet to its intersection with the southern boundary of the Morton M. McCarver Survey 4, Abstract 10;
 - (37) Thence, west along said boundary line, as it extends and becomes the southern boundary of the Andrew Dunn Survey 9, Abstract 4, for a distance of approximately 7,000 feet to its intersection with Ranch Road 150;
 - (38) Thence, west by northwest along Ranch Road 150 approximately 24,500 feet to the boundary line separating the Thomas Moore Survey 12, Abstract 304, from the Jesusa Perez Survey 14, Abstract 363;
 - (39) Thence, north along the boundary line between the Jesusa Perez Survey 14, Abstract 363 and the Thomas Moore Survey 12, Abstract 304, as it extends forming the western boundary of the Thomas Moore Survey 12, Abstract 304, for a distance of approximately 25,800 feet to the intersection of said boundary line with State Highway 967;
 - (40) Thence, east along State Highway 967 for a distance of approximately 6,000 feet to the intersection of State Highway 967 and the western boundary of the Thomas F. Gray Survey 11, Abstract 187;

- (41) Thence, north along said boundary line 3,800 feet as it extends across the Gregoria Esparza Survey, Abstract 169 and tax parcel 197/45 to the intersection of the southern boundary of tax parcel 47/465;
- (42) Thence, east along the southern boundary of tax parcel 47/465 approximately 2,800 feet to the southeast corner of tax parcel 47/465;
- (43) Thence, north along the boundary line between tax parcel 47/465 and tax parcel 197/45 approximately 8,300 feet to the intersection of said property line with the property line dividing tax parcel 197/45 and tax parcel 263/727;
- (44) Thence, east along the southern boundary of tax parcel 263/727 approximately 3,800 feet to the southeast corner of said parcel;
- (45) Thence, north along the eastern boundary of tax parcel 263/727 approximately 2,750 feet to the intersection of said boundary line with the southern boundary line of tax parcel 250/922;
- (46) Thence, east approximately 300 feet to the southeast corner of tax parcel 250/922;
- (47) Thence, south approximately 200 feet along the western boundary of tax parcel 245/369 to the southwest corner of tax parcel 245/369;
- (48) Thence, east along the southern boundary of tax parcel 245/369 approximately 3,000 feet to boundary between property tax parcel 92/241 and property tax parcel 117/88;
- (49) Thence, south along said property line approximately 3,800 feet to the property boundary separating tax parcels 92/241 and 117/88 from tax parcel 197/45;
- (50) Thence, east along said property line approximately 1,400 feet to the property line separating tax parcel 197/45 and tax parcel 139/308;
- (51) Thence, north along said property line approximately 3,000 feet to the intersection of said property line with the southern boundary of tax parcel 120/176;

- (52) Thence, east along the southern boundary of tax parcel 120/176 approximately 2,300 feet to the southeast corner of tax parcel 120/176;
- (53) Thence, north along the eastern boundary of property tax parcel 120/176 approximately 800 feet to the southwestern corner of tax parcel 154/357;
- (54) Thence, east along the southern boundary of tax parcel 154/357 approximately 900 feet to the southeastern corner of property tax parcel 154/357;
- (55) Thence, north along the property line separating property tax parcels 154/357 and 139/159 from tax parcel 118/455 approximately 5,900 feet, as said property line is extended across tax parcel 118/455 to its point of intersection with the Travis County/Hays County line;
- (56) Thence, northwest along the Hays/Travis County line approximately 100 feet to the intersection of the Travis County/Hays County line with the boundary line between the C. W. Hudson Survey 43 and J. D. Cody Survey;
- (57) Thence, east approximately 100 feet along said property line to the boundary line between Travis County Rural Fire Prevention District No. 6 and Travis County Rural Fire Prevention District No. 7;
- (58) Thence, northeast along said line approximately 600 feet to its intersection with the boundary line between the Corbert Stevens Survey 63 and the C. W. Hudson Survey 43;
- (59) Thence, northeast along said survey boundary line, as it extends to separate the Corbert Stevens Survey 63 from the Thomas Bright Survey 65 and the J. Burleson Survey 64, and as it further extends to separate the William Rayhouse Survey 75 from the C. Stevens Survey 63 and the John M. Bright Survey 63, approximately 14,000 feet to the intersection of that line with the boundary line separating the Jesse Williams Survey 62 and the John M. Bright Survey 63;

- (60) Thence, east by southeast along the survey line separating the Jesse Williams Survey 62 from the John M. Bright Survey 63 for distance of approximately 3,100 feet to the survey line separating the Jesse Williams Survey 62 from Samuel W. Hamilton Survey 16;
- (61) Thence, northeast along said survey line as it separates the Jesse Williams Survey 62 from the S. W. Hamilton Survey 16 and the Thomas Anderson Survey 17, for a distance of approximately 10,400 feet to the intersection of said boundary line with the boundary line of the Travis County Rural Fire Prevention District No. 6 on the southern side of Oakhill Heights Section 1;
- (62) Thence, east by southeast along the boundary line of the Travis County Rural Fire Prevention District No. 6 for approximately 1,600 feet to its intersection with Convict Hill Road;
- (63) Thence, north by northeast along Convict Hill Road approximately 3,100 feet to its intersection with U.S. Hwy 290;
- (64) Thence, east by northeast along U.S. Hwy 290 for approximately 1,500 feet to its intersection with Patton Lane;
- (65) Thence, north by northeast along Patton Lane for approximately 5,600 feet to the intersection of Patton Lane with Boston Lane;
- (66) Thence, east by southeast along Boston Lane for approximately 1,200 feet to the property line between tax parcel 7972/103 and tax parcel 8727/950;
- (67) Thence, north by northeast along said property line, as it extends becoming the boundary line for Travis County Rural Fire Prevention District No. 6 for approximately 2,500 feet to Foster Ranch Road;
- (68) Thence, east by southeast along Foster Ranch Road approximately 1,700 feet to its intersection with the boundary line between the William S. Wallace Survey 69, Abstract 803, and the James S. Trammel Survey 4, Abstract 769;
- (69) Thence, north by northeast along said boundary for approximately 4,300 feet as it extends becoming the northwestern boundary of

the Elisha W. Barton Survey 8, Abstract 50, to intersect with an unnamed tributary of Barton Creek;

- (70) Thence, northeast along the meanders of the unnamed tributary of Barton Creek for approximately 4,500 feet to its intersection with Barton Creek;
- (71) Thence, north along the meanders of Barton Creek for approximately 100 feet to the property line between Barton Creek Park and the City of Austin parcel 7626/158;
- (72) Thence, northeast along said property line for approximately 500 feet to the property line between tax parcel 4168/703 and the 68.783 acre tract of tax parcel 8442/752;
- (73) Thence, northeast along said property line for approximately 900 feet to the property line between the 42.855 acre tract of tax parcel 8321/394,07, and tax parcel 8321/394;
- (74) Thence, east by southeast along said property line for approximately 800 feet to its intersection with Loop 360;
- (75) Thence, north along Loop 360 approximately 4,000 feet to the intersection of Loop 360 and Westlake High Drive;
- (76) Thence, southeast along Westlake High Drive approximately 1,200 feet to the intersection of Westlake High Drive and Camp Craft Road;
- (77) Thence, north by northeast along Camp Craft Road approximately 3,200 feet to the intersection of Camp Craft Road and Bee Caves Road;
- (78) Thence, southeast along Bee Caves Road approximately 500 feet to the intersection of Bee Caves Road and Westlake Drive;
- (79) Thence, along Westlake Drive approximately 5,600 feet to its intersection with Red Bud Trail;
- (80) Thence, east along Red Bud Trail approximately 3,900 feet to its intersection with the southern bank of the Colorado River (Town Lake);
- (81) Thence, along the meanders of southern bank of the Colorado River (Town Lake) approximately 18,400 feet back to the point of beginning;

All as shown on the maps of the Travis County Appraisal District and Hays County Appraisal District which are filed herein and kept on file with the Texas Water Commission as Exhibits 27a-v, and for all purposes hereinafter, incorporated by reference into this Order. References to "tax parcel number ___" or "parcel ___" are to the numbers shown on appraisal district maps referenced herein, and normally refer to the volume and page number in the county deed records at which the identified parcel may be found.

All references to streets and roads are to the midline of the street or road right of way. All distances set forth above are only approximate. The distances have been rounded to the nearest hundred feet and are intended either to extend to, or terminate at, the point of intersection identified.

COPY

TEXAS WATER COMMISSION



AN ORDER granting the petition for the designation
of the Barton Springs-Edwards Aquifer
Underground Water Management Area

On August 11, 1986, the Texas Water Commission considered the petitions of the applicant cities [Austin, Buda, Hays, San Leanna, and Sunset Valley] for the designation of an Underground Water Conservation District for the Barton Springs Associated Edwards Aquifer pursuant to Chapter 52 of the Texas Water Code (Code), as amended. The petition and proposal for decision thereon were presented to the Commission by Robert A. Caine, a Hearings Examiner for the Commission, who conducted a public hearing on the petition on February 19, April 7-11 and 14-18, 1986.

The Hearings Examiner designated the following as parties to the proceeding:

The applicants [Cities of Austin, Buda, Hays, San Leanna and Sunset Valley] represented by Doug Caroom, Attorney; P. R. Rutherford, Jr., Michael G. Rutherford, Sally Bell Rutherford, Estate of P. R. Rutherford, and the 1973 Rutherford Trust represented by Ron Freeman and Charles Barry, Attorneys; Nash Phillips Copus and Bill Milburn Company represented by Keith Shuley, Attorney; Randy Morine Developments represented by Jeff Hart and Bruce Hardesty, Attorneys; Creedmoor-Maha Water District and Goforth Water Supply Incorporated represented by Martha Terry and Wesley Ritchie, Attorneys; Judge Bob Shannon, Camille Newberry Shannon, and Gateswood Newberry represented by Pam Giblin and Marc Knisaly, Attorneys; Gary Bradley represented by Lee Biggart, Attorney; the Zimmerman brothers represented by Rodger Zimmerman, Attorney; Plum Valley Joint Venture represented by Richard Kammerman; Lower Colorado River Authority represented by Bruce Wasinger, Attorney; Don E. Mackie, trustee and William F. Negley represented by James H. Koehn, Attorney; the Executive Director of the Texas Water

Commission; and the Public Interest Advocate of the Texas Water Commission.

After considering the Hearings Examiner's Proposal for Decision, as well as the evidence and arguments presented, the Texas Water Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On August 30, 1985, the Commission received a petition signed by more than 250 property owners within the boundary of the proposed District, requesting the Commission to delineate the boundaries of the Barton Springs-associated Edwards Aquifer, or underground reservoir, and to create an underground water conservation district for that aquifer.
2. Copies of the petition were duly filed and recorded by the Hays County Clerk and Travis County Clerk.
3. The Travis County Assessor-Collector certified that more than 50 of the petitioners were listed on Travis County tax rolls as property owners.
4. At the request of the Executive Director, the staff of the Texas Water Development Board conducted an investigation of available information and presented to the Commission its findings, recommending that the Barton Springs-associated Edwards Aquifer be delineated according to geohydrologic boundaries.
5. In November, 1985, voters of the State of Texas passed the constitutional amendment authorizing additional bonded indebtedness for water projects by the State and making effective the provisions of Chapter 52 passed by the 69th Legislature that were contingent upon approval of that constitutional amendment. The new provisions of Chapter 52 require the Commission to designate an underground water management area instead of delineating aquifer boundaries and allow the Commission to create a

district which does not precisely conform to the aquifer boundaries.

6. The Applicants amended their petition to request that the Commission designate boundaries of a Management Area, and boundaries for the District, that generally followed the aquifer (underground reservoir) boundaries presented by Texas Water Development Board, but utilized streams, roads, property boundaries, and existing governmental boundaries to approximate the Texas Water Development Board boundary. Additionally, the Applicants requested that an area at the southwestern edge of the aquifer, along Onion Creek but not included within the Texas Water Development Board's delineated aquifer boundaries, be included within the Management Area and District in order to allow the District an opportunity to construct an aquifer recharge enhancement reservoir in that vicinity.
7. The Management Area boundaries and boundaries requested by the Applicants for the Barton Springs-Edwards Aquifer Conservation District are described in Exhibit A which is attached hereto and made part of this Order for all purposes therein.
8. Notice of the public hearing was published on January 6 and January 13, 1986 in the Austin American-Statesman, a newspaper regularly published and generally circulated in Travis and Hays Counties, Texas, the counties in which persons reside who may be affected by action taken as a result of the hearing. Additionally, notice was posted in the Travis and Hays County Courthouses by the County Sheriff, more than 15 days prior to the date of hearing.
9. Notice of the public hearing was mailed on January 2, 1986, by the Chief Clerk of the Texas Water Commission to all parties who may be affected as a result of the hearing and to each person as required by law.
10. Following publication of notice, but prior to initiation of evidentiary hearings before the Examiner, Applicants

reached an agreement with property owners in the vicinity of the proposed recharge enhancement reservoir and amended their requested management area boundaries to exclude that area.

11. An underground reservoir exists in the Edwards and associated limestones. Subdivision Number One of that reservoir was designated by order of the Board of Water Engineers dated January 10, 1957.
12. A subdivision of the underground reservoir (referred to as the Barton Springs Associated Edwards Aquifer, or the "Aquifer") exists in southern Travis and northern Bays Counties. It has an area of approximately 155 square miles and contains underground water which can be produced from wells at a rate of 25,000 gallons per day, or more.
13. Boundaries of the Barton Springs Associated Aquifer, a subdivision of the Edwards Underground Reservoir, are delineated as set forth below:
 - a. The northern boundary of the aquifer is the Colorado River, which forms a "no flow" boundary separating water contained in the Edwards Aquifer north of the river from water in the Aquifer south of the river.
 - b. The western boundary of the aquifer is the outcrop of the Edwards Limestone formation. The outcrop is the western most edge of that portion of the Edwards formation which connects to the aquifer. It has been recently mapped by the U.S. Geological Survey.
 - c. The eastern boundary of the aquifer is a "bad water line," east of which water within the Edwards formation generally contains levels of total dissolved solids in excess of 3,000 mg/l. That concentration, 3,000 mg/l Total Dissolved Solids, is the level generally utilized to separate "slightly saline" water from "saline" water. Even though not used for domestic or municipal supply, slightly

and proportionally high rates of natural recharge and discharge. The extreme variations of the Edwards Aquifer in relation to rainfall, pumpage from wells, and springflow make it a rather unique and sensitive water supply.

15. Management Area Boundaries corresponding to the Aquifer, as delineated in Exhibit A, attached hereto, were proposed by the Applicants (hereinafter referred to as the proposed boundaries).
16. These proposed boundaries generally follow the boundaries of the subdivision of the underground reservoir by following existing roads, streets, property lines, survey lines, boundary lines of governmental entities, and watercourses, all as shown on official tax maps of Travis and Hays Counties.
17. The proposed boundaries are preferable to Aquifer boundaries because they are, in many cases, visible boundaries locatable on the surface of the land without difficulty. Property line and survey line boundaries are preferable to the geologic and hydrologic boundaries of the Aquifer because they more easily allow performance of the governmental, administrative and regulatory functions of an underground water conservation district.
18. The Proposed Boundaries are adequate for purposes of tax assessment and collection.
19. With the exception of relatively small areas, either included or excluded by virtue of the fact that roads and preexisting boundary lines do not conform precisely to the aquifer, the proposed boundaries represent a management area that includes all of the aquifer with little additional area included that does not overlie the aquifer.
20. Because the proposed boundaries include the aquifer, they provide an area suitable for groundwater management.

saline water is still useful for some agricultural and stock raising purposes, as well as industrial purposes. Using a 3,000 mg/l line as the aquifer boundary provides the additional advantage of an element of conservatism which will insure that fresh water (less than 1,000 mg/l) is within the aquifer's boundary, even if some movement of the bad water line occurs due to pumpage and recharge conditions in the future.

- d. The southern boundary line of the Barton Springs Associated Edwards Aquifer is a geohydrologic boundary formed by an area of high water levels (piezometric surfaces) which runs in an east-west direction and is located just north of Kyle. Groundwater on the north side of the divide moves toward the discharge point of Barton Springs; groundwater on the south side of the divide moves toward San Marcos Springs. In the water table, or non-artesian, portion of the Aquifer the location of the hydrologic divide generally conforms to the surface watershed divide between Onion Creek and the Blanco River; FM 150 closely follows the watershed divide in the non-artesian area. In the artesian portion of the Aquifer, the hydrologic divide is subject to more fluctuation, in response to recharge and pumpage conditions. The southern boundary line recommended by the petitioners, reasonably depicts the southern boundary of the aquifer in both the artesian and non-artesian areas and may be utilized for that purpose, in spite of the fact that some movement of the line occurs in response to pumpage and recharge conditions.
14. The Barton Springs Associated Edwards Aquifer (hereinafter the "Aquifer") is characterized by relatively small storage volumes per unit area, very high flow velocities,

21. To the extent feasible the proposed boundaries coincide with the aquifer boundaries.
22. Alternate management area boundaries presented by the Creedmoor-Maha and Goforth Water Supply Corporations include an area several times as large as the area overlying the aquifer.
 - a. On the eastern side the service area of several water supply corporations dependent on the aquifer are included, extending the management area into Bastrop and Caldwell Counties.
 - b. On the north, inclusion of additional land north of the Colorado River within the City of Austin is proposed.
 - c. On the south, the Blanco River is proposed as a boundary.
 - d. On the western boundary, inclusion of most of the Barton Creek and Onion Creek watersheds is proposed.
23. The rationale for Creedmoor's eastern and northern boundaries is to include additional areas that would be benefitted by the proposed district.
24. The rationale for Creedmoor's western and southern boundary extensions is to include additional areas which might allow the district to implement its regulatory programs more effectively.
25. Boundaries proposed by Creedmoor-Maha and Goforth Water Supply Corporations are unacceptable because they do not conform to the boundaries of the Aquifer to the extent feasible.
26. Alternate management area boundaries on the eastern and western sides were presented by Milburn/NPC opponents.
27. The Milburn/NPC boundaries utilize roads and preexisting property lines for form the boundary; Milburn/NPC boundaries however, follow the aquifer boundaries more precisely by utilizing a large number of short calls.

28. Although the Milburn/NPC boundaries would likely serve as suitable management area boundaries, they are rejected in favor of applicants' boundaries for the following reasons:
- a. they lack an accompanying textual description;
 - b. on the eastern side, the aquifer's boundary is not extremely precise; therefore, the additional precision of the Milburn/NPC boundaries serves little purpose; and,
 - c. on the western side, the aquifer boundary (the outcrop of the Edwards limestone) is extremely precise, and irregular, while property tracts are relatively large; therefore, the Milburn/NPC boundaries do not conform closely to the aquifer boundaries; applicants' boundaries offer the advantage of being simpler and more workable.
29. Although the Proposed Boundaries overlap, at their southern extreme with the existing boundaries of the Edwards Underground Water District (EUWD), the EUWD is willing to cooperate in legislative boundary modifications with the proposed district after its confirmation election.
30. The EUWD agrees that the proposed southern boundary of the aquifer better defines the line dividing the Barton Springs portion of the Edwards Aquifer from the San Marcos portion of the aquifer than does the original 1957 order of the Texas Board of Water Engineers.
31. After submission of their aquifer boundary delineation to the Commission, the Texas Water Development Board developed additional data that reflected water quality conditions along the western boundary of the Aquifer. Consideration of five additional data points resulted in re-mapping the eastern "bad water line" boundary.
32. Although less sensitive than the southern boundary, the aquifer's eastern boundary is also a geohydrologic

boundary that may move in response to pumpage and recharge conditions. Similarly, collection of additional data points might result in further modification of the aquifer's eastern boundary.

33. Because of the imprecision of the eastern aquifer boundary and its potential for movement in response to pumpage and recharge, the differences in the aquifer's eastern boundary are not of major significance. The 3,000 mg/l line is appropriate for utilization and reasonably defines the eastern boundary.
34. Management Area Boundaries proposed by the applicants provide the most suitable area for management of underground resources of the Barton Springs Associated subdivision of the Edwards Underground Reservoir.

CONCLUSIONS OF LAW

1. Pursuant to Section 52.024 of the Code, applicants petitioned the Texas Water Commission requesting the designation of an Underground Water Management Area and the creation of the Barton Springs-Edwards Aquifer Conservation District.
2. Notice of the petition and hearing on designation of a management area and creation of the district was provided pursuant to Sections 51.027 through 51.029 of the Code.
3. The Commission has jurisdiction to hear the petition and consider designation of an Underground Water Management Area and creation of the Barton Springs-Edwards Aquifer Conservation District pursuant to the provisions of Chapter 52 of the Code.
4. Designation of the water management area is consistent with the requirements of Chapter 52 and enables the District to perform the functions described in Subchapter E.
 - a. The management area has been designated with the objective of providing the most suitable area for the management of the underground water resources.

b. The management area coincides with the boundaries of an underground water reservoir or a subdivision of an underground water reservoir to the extent feasible.

c. The boundaries of political subdivisions are inappropriate for the performance of duties described in Subchapter E.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION THAT:

1. The Barton Springs-Edwards Aquifer Management Area be designated for the area within the boundaries described on the attached Exhibit "A".
2. The proposed Findings of Fact submitted by Creedmoor-Maha Water Supply Corporation and Goforth Water Supply Corporation are hereby overruled.
3. The proposed Findings of Fact submitted by the Rutherfords are hereby overruled.
4. The proposed Findings of Fact submitted by Bill Milburn Company and Nash Phillips Copus, Inc. are hereby overruled.
5. The proposed Findings of Fact submitted by Don Mackie and William Negley are hereby overruled.
6. The proposed Findings of Fact submitted by the Applicants are hereby adopted, modified, and incorporated hereinabove.
7. The proposed Conclusions of Law submitted by Creedmoor-Maha Water Supply Corporation and Goforth Water Supply Corporation are hereby overruled.
8. The proposed Conclusions of Law submitted by the Rutherfords are hereby overruled.
9. The proposed Conclusions of Law submitted by Bill Milburn Company and Nash Phillips Copus, Inc. are hereby overruled.
10. The proposed Conclusions of Law submitted by Don Mackie and William Negley are hereby overruled.

- 11. The proposed Conclusions of Law submitted by the Applicants are hereby adopted, modified and incorporated hereinabove.
- 12. The exceptions of the Protestants to the Examiner's Proposal for Decision are hereby overruled.
- 13. The exceptions of the Applicant to the Examiner's Proposal for Decision are hereby granted, adopted and incorporated.
- 14. The Chief Clerk of the Commission forward a certified copy of the Order to all parties.
- 15. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion will not affect the validity of the remaining portions of the Order.

Signed this 15th day of August, 1986.

TEXAS WATER COMMISSION

Paul Hopkins
Paul Hopkins, Chairman

Ralph Roming
Ralph Roming, Commissioner

John O. Houchins
John O. Houchins, Commissioner

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

EXHIBIT

A

**BARTON SPRINGS EDWARDS AQUIFER
CONSERVATION DISTRICT BOUNDARY DESCRIPTION**

- (1) Beginning in the City of Austin, in Travis County, Texas, at the intersection of the southern bank of the Colorado River (Town Lake) and the Congress Avenue bridge;
- (2) Thence, south by southwest along South Congress Avenue approximately 4,000 feet to the intersection of South Congress Avenue and Elizabeth Street;
- (3) Thence, west by northwest approximately 1,600 feet along West Elizabeth Street to the intersection of West Elizabeth Street and South First Street;
- (4) Thence, south by southwest along South First Street approximately 9,600 feet to the intersection of South First Street and West Ben White Blvd.;
- (5) Thence, southeast along West Ben White Blvd. approximately 2,200 feet to the intersection of South Congress Avenue and Ben White Blvd.;
- (6) Thence, south by southwest along South Congress Avenue approximately 10,000 feet to the intersection of South Congress Avenue and Old Lockhart Road (also shown as North Bluff Drive on some maps);
- (7) Thence, southeast along Old Lockhart Road approximately 3,600 feet to the intersection of Old Lockhart Road and William Cannon Drive;
- (8) Thence, southeast along William Cannon Drive approximately 300 feet to the intersection of William Cannon Drive and Interstate Hwy. 35;
- (9) Thence, south by southwest along Interstate Hwy. 35 approximately 13,600 feet to the intersection of Interstate Hwy. 35 and Bluff Springs Road (also shown as "Brandt Rd." on some maps);
- (10) Thence, east along Bluff Springs Road for approximately 3,300 feet to the intersection of Bluff Springs Road and the property line dividing tax parcel 1133/350 and tax parcel 9106/615;

- (11) Thence, south along said property line, as it extends to separate tax parcel 9106/615 from the parcels 916/271 and 916/410, for approximately 1,600 feet to the intersection of said line with Onion Creek;
- (12) Thence, south along the meanders of Onion Creek for approximately 16,600 feet to the intersection of Onion Creek and the property line dividing tax parcels 6287/218, Lot 2 and 8845/247, Lot 1;
- (13) Thence, south by southwest along said property line, as it extends between Lots 5 and 6 of parcel 8845/247, for approximately 3,100 feet to the intersection of said line with the property line dividing tax parcels 8845/247, Lots 4 and 5 and tax parcel 6287/218, Lot 3 from tax parcel 6287/218, Lot 9;
- (14) Thence, east by southeast along said property line for approximately 1,200 feet to the property line dividing tax parcels 6287/218, Lot 9 and 6287/218, Lot 10;
- (15) Thence, southwest along said property line and the unnamed road which is a direct extension of that property line for approximately 1,800 feet to the intersection of said road and the property line dividing tax parcel 631/577 and the 51.60 acre tract of tax parcel 6287/218;
- (16) Thence, east by southeast along said road approximately 400 feet as it parallels the property line dividing tax parcel 631/577 and the 51.60 acre tract of tax parcel 6287/218;
- (17) Thence, south by southwest along said road approximately 1,600 feet to its intersection with FM 1327;
- (18) Thence, west along FM 1327 approximately 700 feet to the intersection of FM 1327 and the property line dividing tax parcel 575/558 and tax parcel 570/500;
- (19) Thence, south along the line dividing tax parcel 575/558 and tax parcel 570/500, as that line extends due south across tax parcel 570/300,04, for a total of approximately 7,200 feet to the intersection of said line with the northern property boundary line of tax parcel No. 588/202;

- (20) Thence, west along said property line approximately 600 feet to the intersection of said property line with the property line dividing tax parcel 588/202 and tax parcel 570/300.02;
- (21) Thence, south along said property line approximately 1,400 feet to the intersection of that line with the northern property boundary line of tax parcel No. 750/42;
- (22) Thence, east along said property line approximately 700 feet to the intersection of said property line with the property line dividing tax parcel 750/42 and tax parcel 747/718, which is the eastern boundary of the George Herder Survey 537, Travis County Abstract No. 347 and Hays County Abstract No. 239;
- (23) Thence, south along said property line for a distance of approximately 3,000 feet, crossing the Travis/Hays county line to a corner of the George Herder Survey in Hays County;
- (24) Thence, west along the boundary of the George Herder Survey for a distance of approximately 4,100 feet to a corner of the George Herder Survey with D. O. Burlason Survey, Abstract 880;
- (25) Thence, south along the eastern boundary of the George Herder Survey for a distance of approximately 7,000 feet to its intersection with FM 2001;
- (26) Thence, south by southeast along FM 2001 for a distance of approximately 800 feet to its intersection with FM 133;
- (27) Thence, west along FM 133 for a distance of approximately 6,000 feet to its intersection with the property line between tax parcel 302/582 and tax parcel 314/59;
- (28) Thence, south by southeast along said property line for a distance of approximately 1,100 feet to the property line between tax parcel 208/147 and tax parcels 314/59 and 302/582;
- (29) Thence, west along said property line for a distance of approximately 2,400 feet to the western property line of tax parcel 208/147;
- (30) Thence, south along said property line, as it extends to form a boundary between tax parcel 228/549 and parcels 246/225 and

- (41) Thence, north along said boundary line 3,800 feet as it extends across the Gregoria Esparza Survey, Abstract 169 and tax parcel 197/45 to the intersection of the southern boundary of tax parcel 47/465;
- (42) Thence, east along the southern boundary of tax parcel 47/465 approximately 2,600 feet to the southeast corner of tax parcel 47/465;
- (43) Thence, north along the boundary line between tax parcel 47/465 and tax parcel 197/45 approximately 8,300 feet to the intersection of said property line with the property line dividing tax parcel 197/45 and tax parcel 263/727;
- (44) Thence, east along the southern boundary of tax parcel 263/727 approximately 3,800 feet to the southeast corner of said parcel;
- (45) Thence, north along the eastern boundary of tax parcel 263/727 approximately 2,750 feet to the intersection of said boundary line with the southern boundary line of tax parcel 250/922;
- (46) Thence, east approximately 300 feet to the southeast corner of tax parcel 250/922;
- (47) Thence, south approximately 200 feet along the western boundary of tax parcel 245/369 to the southwest corner of tax parcel 245/369;
- (48) Thence, east along the southern boundary of tax parcel 245/369 approximately 3,000 feet to boundary between property tax parcel 92/241 and property tax parcel 117/88;
- (49) Thence, south along said property line approximately 3,800 feet to the property boundary separating tax parcels 92/241 and 117/88 from tax parcel 197/45;
- (50) Thence, east along said property line approximately 1,400 feet to the property line separating tax parcel 197/45 and tax parcel 139/308;
- (51) Thence, north along said property line approximately 3,000 feet to the intersection of said property line with the southern boundary of tax parcel 120/176;

- (52) Thence, east along the southern boundary of tax parcel 120/176 approximately 2,300 feet to the southeast corner of tax parcel 120/176;
- (53) Thence, north along the eastern boundary of property tax parcel 120/176 approximately 900 feet to the southwestern corner of tax parcel 154/357;
- (54) Thence, east along the southern boundary of tax parcel 154/157 approximately 900 feet to the southeastern corner of property tax parcel 154/357;
- (55) Thence, north along the property line separating property tax parcels 154/357 and 139/159 from tax parcel 118/455 approximately 5,900 feet, as said property line is extended across tax parcel 118/455 to its point of intersection with the Travis County/Hays County line;
- (56) Thence, northwest along the Hays/Travis County line approximately 100 feet to the intersection of the Travis County/Hays County line with the boundary line between the C. W. Hudson Survey 43 and J. D. Cody Survey;
- (57) Thence, east approximately 100 feet along said property line to the boundary line between Travis County Rural Fire Prevention District No. 6 and Travis County Rural Fire Prevention District No. 7;
- (58) Thence, northeast along said line approximately 600 feet to its intersection with the boundary line between the Corbert Stevens Survey 63 and the C. W. Hudson Survey 43;
- (59) Thence, northeast along said survey boundary line, as it extends to separate the Corbert Stevens Survey 63 from the Thomas Bright Survey 65 and the J. Burleson Survey 64, and as it further extends to separate the William Rayhouse Survey 75 from the C. Stevens Survey 63 and the John M. Bright Survey 63, approximately 14,000 feet to the intersection of that line with the boundary line separating the Jesse Williams Survey 62 and the John M. Bright Survey 63;

- (60) Thence, east by southeast along the survey line separating the Jesse Williams Survey 62 from the John M. Bright Survey 63 for distance of approximately 3,100 feet to the survey line separating the Jesse Williams Survey 62 from Samuel W. Hamilton Survey 16;
- (61) Thence, northeast along said survey line as it separates the Jesse Williams Survey 62 from the S. W. Hamilton Survey 16 and the Thomas Anderson Survey 17, for a distance of approximately 10,400 feet to the intersection of said boundary line with the boundary line of the Travis County Rural Fire Prevention District No. 6 on the southern side of Oakhill Heights Section 1;
- (62) Thence, east by southeast along the boundary line of the Travis County Rural Fire Prevention District No. 6 for approximately 1,600 feet to its intersection with Convict Hill Road;
- (63) Thence, north by northeast along Convict Hill Road approximately 3,100 feet to its intersection with U.S. Hwy 290;
- (64) Thence, east by northeast along U.S. Hwy 290 for approximately 1,500 feet to its intersection with Patton Lane;
- (65) Thence, north by northeast along Patton Lane for approximately 5,600 feet to the intersection of Patton Lane with Boston Lane;
- (66) Thence, east by southeast along Boston Lane for approximately 1,200 feet to the property line between tax parcel 7972/103 and tax parcel 8727/950;
- (67) Thence, north by northeast along said property line, as it extends becoming the boundary line for Travis County Rural Fire Prevention District No. 6 for approximately 2,500 feet to Foster Ranch Road;
- (68) Thence, east by southeast along Foster Ranch Road approximately 1,700 feet to its intersection with the boundary line between the William S. Wallace Survey 69, Abstract 803, and the James S. Trammel Survey 4, Abstract 769;
- (69) Thence, north by northeast along said boundary for approximately 4,300 feet as it extends becoming the northwestern boundary of

All as shown on the maps of the Travis County Appraisal District and Hays County Appraisal District which are filed herein and kept on file with the Texas Water Commission as Exhibits 27a-v, and for all purposes hereinafter, incorporated by reference into this Order. References to "tax parcel number ___" or "parcel ___" are to the numbers shown on appraisal district maps referenced herein, and normally refer to the volume and page number in the county deed records at which the identified parcel may be found.

All references to streets and roads are to the midline of the street or road right of way. All distances set forth above are only approximate. The distances have been rounded to the nearest hundred feet and are intended either to extend to, or terminate at, the point of intersection identified.

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BARTON SPRINGS-EDWARDS AQUIFER
CONSERVATION DISTRICT

3493

Order of Annexation Election

An election having been held within the service area of Creedmoor Maha Water Supply Corporation on the 8th day of August, 1987, for the purpose of determining whether the service area should be annexed into the Barton Springs-Edwards Aquifer Conservation District, and the results of the election resulted in a vote of 110 votes for and 3 votes against annexation into the District, a result is declared in favor of the annexation of the service area into the District. In addition to the boundaries approved by the Texas Water Commission, the Barton Springs-Edwards Aquifer Conservation District shall also include said service area, as reflected in Exhibit A, which is attached hereto and incorporated herein.

Entered this 13th day of August, 1987.

Duwain R. Dumas
Duwain Dumas
Temporary Director

Wayne Ford
Wayne Ford
Temporary Director

Ben Harrison
Ben Harrison
Temporary Director

Catherine Sims
Catherine Sims
Temporary Director

ACKNOWLEDGED:

Larry G. Hada
Larry G. Hada, President
Temporary Board of Directors

This instrument was acknowledged before me by Duwain R. Dumas, Wayne Ford, Ben Harrison, Catherine Sims, and Larry G. Hada on the 13th day of August, 1987.

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Elizabeth S. Myers
Elizabeth S. Myers
Notary Public, State of Texas

My Commission expires 8/13/90

FIELD NOTE DESCRIPTION

CREEDMOOR-MAHA WATER SUPPLY CORPORATION SERVICE AREA LIMITS

BASTROP COUNTY SURVEYS

Edward Gritten A-36
Azariah G. Moore A-51

CALDWELL COUNTY SURVEYS

Sampson Connell
Thomas J. Hatton A-121
Isaac Jackson A-157
Albert M. Levy A-11
Pablo Martinez A-181
James S. Montgomery A-185
Jose S. Mora A-180

HAYS COUNTY SURVEYS

William P. Corben
Henry M. Downman
George Herder
William Porter

TRAVIS COUNTY SURVEYS

Elijah Caples Survey # 6
William P. Corben League
Santiago Del Valle Grant
Henry M. Downman
Sarah Gainer
George Herder
Augustus Kincheloe
Albert M. Leavy
Samuel Little
James S. Montgomery
Jose S. Mora
Wm. Porter
S.I.&A. Company

BEING ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED PARTIALLY IN CALDWELL, HAYS, BASTROP AND TRAVIS COUNTIES, TEXAS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at a point on the Bastrop and Travis County line located 1,500 feet from the Caldwell, Bastrop and Travis County Intersection;

THENCE within Bastrop County in a southeast direction and parallel to and 1,500 feet from the southwest Bastrop County line to a point 1,000 feet southeast of State Highway 21;

THENCE in a southwest direction and parallel to and 1,000 feet to the southeast of Highway 21 to a point located 2,000 feet from Old Lockhart Road in Caldwell County;

THENCE in a southwest direction and parallel to and 2,000 feet to the southeast of Old Lockhart Road to a point 1,000 feet east of U.S. 183;

THENCE west at 1,000 feet U.S. 183 and at 2,300 feet to a point on the west side of U.S. 183;

THENCE in a northerly direction and parallel to and 1,300 feet to the southwest of U.S. 183 at 9,500 feet State Highway 21 at 12,500 feet the Caldwell-Travis County Line and to a point located 900 feet to the southeast of Elm Grove Road;

THENCE in a northeast direction and parallel to and 900 feet to the southeast of Elm Grove Road to a point 200 feet southwest of Old Lockhart Road;

THENCE in a northwest direction and parallel to and 200 feet to the southwest of Old Lockhart Road to a point located 1,300 feet to the northwest line of Elm Grove Road;

THENCE in a southwest direction along a property line and parallel to and 1300 feet to the northwest of Elm Grove Road to a point 3,300 feet from Old Lockhart Road;

THENCE in a northwest direction along a property line and 3,300 feet to the southwest of Old Lockhart road to a point at the end of Glass Road;

THENCE in a southwest direction with the extension of Glass Road to Williamson Road;

THENCE in a northwest direction along Williamson Road 1,000 feet to a property line;

THENCE in a southwest direction along the property line parallel to and 5,850 feet to the southeast of the north-south run of Williamson Road to the Travis-Hays County Line;

THENCE in a northwest direction along the Travis-Hays County Line 7,500 feet to a point;

F
G
H
I

THENCE 14,500 feet in a northwest direction into Hays County to a point being 4,850 feet west of South Turnersville Road and 7,500 feet south of Turnersville Road;

THENCE North 2,100 feet to a property corner;

THENCE west along a property line and a south line of the George Herder Survey to the Buda ETJ;

THENCE in a north and westerly direction along the Buda ETJ into Travis County and to a point on the Hays-Travis County Line and located 600 feet southeast of I.H. 35;

THENCE in a northeast direction and parallel to and 600 feet to the southeast of I.H. 35 to a point 1,500 feet southwest of F.M. 1327;

THENCE in a northwest direction to a point 200 feet west of Old San Antonio Highway;

THENCE north and 200 feet west of Old San Antonio Road to a point located south 200 feet from Manchaca Road;

THENCE 200 feet south and west along Manchaca Road crossing Onion Creek and Bear Creek and to a point 2,500 feet north of Onion and Bear Creek Junction;

THENCE East 1,500 feet to a point;

THENCE south to Onion Creek and including Well Field # 1;

THENCE east and parallel to Manchaca Road to I.H. 35 at a point located 2,500 feet southwest of the I.H. 35 - Onion Creek Crossing and including Well Field # 2;

THENCE in a northeast direction with I.H. 35 to Onion Creek;

THENCE down Onion Creek to a sharp turn to the north and 5,200 feet east of I.H. 35;

THENCE in a northeast direction and parallel to and 1,000 feet west of Bradshaw Road to Rinard Creek;

THENCE up Rinard Creek to ~~point 200 feet east of Bradshaw Road;~~

THENCE in a southwest direction ~~parallel to and 200 feet southeast of Bradshaw Road to a point located 200 feet northeast of F.M. 1327;~~

THENCE in a southeast direction ~~and parallel to and 200 feet northeast of F.M. 1327 to a point located 600 feet west of Palmer Road;~~

THENCE north and 600 feet to the west of Palmer Road extension to a point located 1,000 feet northeast of F.M. 1327;

THENCE in a southeast direction and parallel to and 1,000 feet northeast of F.M. 1327 to a point 1,200 feet northwest of Carl Road;

THENCE in a northeast direction and parallel to and 1,200 feet northwest of Carl Road to a point 2,000 feet southwest of Old Lockhart Road;

THENCE in a northwest, north; northwest and north direction and parallel to and 2,000 feet to the southwest of Old Lockhart road to a point being 4,600 feet east of Bradshaw Road;

THENCE continuing in a northwest direction and parallel to and 500 feet southwest of Old Lockhart Road to Bradshaw Road;

THENCE in a northeast direction along Bradshaw Road to Old Lockhart Road and 2,500 feet to the northeast;

THENCE in a southeast direction and parallel to and 15,500 feet to the northeast of F.M. 1327 to a point located 2,000 feet northwest of Thaxton Road;

THENCE in a northeast direction and parallel to and 2,000 feet to the northwest of Thaxton Road to the north leg of Thaxton Road and 2,200 feet northeast of Sassman Road;

THENCE in a southeast direction and parallel to and 2,200 feet to the northeast of Sassman Road to a point located 2,400 feet northwest of F.M. 1625;

THENCE in a northeast direction and parallel to and 2,400 feet to the northwest of F.M. 1625 and U.S. 183 to a point located 2,500 feet south of Scenic Drive;

THENCE east at 2,000 feet U.S. 183 and at 3,500 feet a point located 1,300 feet southwest of F.M. 812;

THENCE southeast 3,000 feet to a point located 4,500 east of U.S. 183 and 2,500 feet southwest of F.M. 812;

THENCE south with U.S. 183 10,000 feet to a point being 900 feet southeast of F.M. 973 and 3,300 feet southeast of U.S. 183;

THENCE in a southeast direction 1,800 feet, southwest 1,000 feet and southeast 1,500 feet to a point on a power transmission line and 5,500 feet east of U.S. 183;

THENCE south and parallel to and 5,500 feet to the east of U.S. 183 to a point located 1,000 feet to the northwest of Von Quintus Road;

THENCE in a southwest direction and parallel to and 1,000 feet northwest of Von Quintus Road to a point located 1,000 feet northeast of Maha Loop;

THENCE in a southeast direction and parallel to and 1,000 feet northeast of Maha Loop to Von Quintus Road;

THENCE in a southeast direction and parallel to and 1,500 feet northeast of Maha Loop to a point located 1,000 feet northwest of the northeast run of Maha Loop;

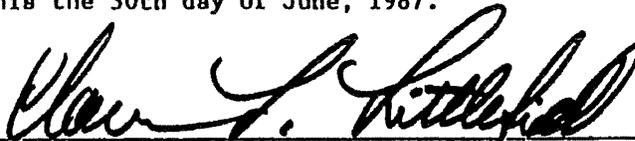
THENCE in a northeast direction and parallel to and 1,000 feet to the northwest of Maha Loop to a point located 200 feet northeast of Eilers Road;

THENCE in a southeast direction and parallel to and 200 feet to the northeast of Eilers Road to a point located 1,000 feet southwest of Maha Loop;

THENCE in a southwest direction and parallel to and 1,000 feet southeast of Maha Loop to a point located 1,500 feet to the northeast of Maha Road;

THENCE in a southeast direction and parallel to and 1,500 feet northeast of Maha Road to the POINT OF BEGINNING and containing within said bounds all of the Service Area of the Creedmoor-Maha Water Supply Corporation.

I, Clarence L. Littlefield, Registered Public Surveyor, do hereby certify this to be a true and accurate description prepared from Bastrop, Caldwell, Hays and Travis County Highway Maps and Property Ownership Maps, this the 30th day of June, 1987.


CLARENCE L. LITTLEFIELD, R.P.S. # 2008
REGISTERED PUBLIC SURVEYOR OF TEXAS

HARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT
ANNEXATION ELECTION-CREEDMOOR MAHA WATER SUPPLY CORPORATION
AUGUST 8, 1987

RETURN

PRECINCT	NUMBER VOTING	FOR	AGAINST
ABSENTEE	<u>2</u>	<u>2</u>	<u>0</u> ✓
ELECTION DAY	<u>111</u>	<u>108</u>	<u>3</u> ✓
TOTAL	<u>113</u>	<u>110</u>	<u>3</u>

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BARTON SPRINGS-EDWARDS AQUIFER
CONSERVATION DISTRICT

Order of Annexation Election

An election having been held within the service area of Goforth Water Supply Corporation on the 8th day of August, 1987, for the purpose of determining whether the service area should be annexed into the Barton Springs-Edwards Aquifer Conservation District, and the results of the election resulted in a vote of 50 votes for and 7 votes against annexation into the District, a result is declared in favor of the annexation of the service area into the District. In addition to the boundaries approved by the Texas Water Commission, the Barton Springs-Edwards Aquifer Conservation District shall also include said service area, as reflected in Exhibit A, which is attached hereto and incorporated herein.

Entered this 13th day of August, 1987.

Duwain Dumas
Temporary Director

Wayne Ford
Temporary Director

Ben Harrison
Ben Harrison
Temporary Director

Catherine Sims
Catherine Sims
Temporary Director

ACKNOWLEDGED:

Larry G. Hada
Larry G. Hada, President
Temporary Board of Directors

FIELD NOTE DESCRIPTION
GOFORTH WATER SUPPLY CORPORATION SERVICE AREA LIMITS

CALDWELL COUNTY SURVEYS

Elizabeth Brown A-368
 Samuel B. Carson A-86
 Sampson Connell A-63
 Daniel Grady A-117
 Thomas J. Hatton A-121
 Prosper Hope A-135
 Isaac Jackson A-157
 J.B.P. January A-163
 Fielding Jones A-159
 George C. McWhorter A-128
 Jose Seferino MORA A-180
 William Morrison A-187
 William Morrison A-200
 John V. Morton A-196
 John V. Morton A-197
 John Mott A-191
 Mark Webber A-305

HAYS COUNTY SURVEYS

J. Armendaris
 M. B. Atkinson
 Elizabeth Brown
 D. C. Burleson
 Edward Burleson
 D. D. Burnett
 William P. Corben
 Jesse B. Eaves
 Otis G. Eels
 Jno. N. Franks
 John Franks
 Sarah Gainer
 Nathan M. Gatlin
 J. L. Goforth
 James M. W. Hall
 George Herder
 Z. Hinton
 Josephus S. Irwine
 John Jones
 Samuel Little
 Neill McLean
 A. McKnowne
 Willis A. Moore
 A. D. Porter
 William Porter
 Elisha Pruett
 August Reuss
 John Stewart
 Charles V. Tsplin
 Trinidad Vercinas
 Christopher Waller
 Thomas Webb
 Armand Welch
 Thomas B. Westbrook
 J. Williams

TRAVIS COUNTY SURVEYS

Sarah Gainer

BEING ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED PARTIALLY IN CALDWELL, HAYS AND TRAVIS COUNTIES, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at a point on State Highway 21 located 1,300 feet southwest of the U.S. Highway 183 intersection;

THENCE parallel to and 1,300 feet to the southwest of U.S. Highway 183 1,500 feet to a point;

THENCE East 1,300 feet to U.S. Highway 183;

THENCE in a southeast direction with U.S. Highway 183 600 feet to a property line of the W. Ohlendorf 100 Acre Tract;

THENCE with the north line of the Ohlendorf Tract to its northwest corner on the west line of the Jackson Survey;

THENCE with the west line of the Jackson Survey in a southeast direction and parallel to U. S. Highway 183 4,600 feet to a property corner;

THENCE with property lines and in a northeast direction at 4,000 feet U.S. Highway 183 and continuing 500 feet east of U.S. Highway 183;

THENCE parallel to and 500 feet to the east of U.S. 183 in a southeast direction to a point 1,800 feet south of Caldwell County Road # 222;

THENCE in a southwest direction 500 feet to U.S. Highway 183;

THENCE along U.S. 183 in a southeast direction 1,400 feet to the southeast corner of the Smith 302 Acre Tract and 3,200 feet from County Road # 222;

THENCE parallel to and 3,200 feet southeast of County Road #222 in a southwest direction 4,100 feet to the west line of the Jackson Survey;

THENCE in a southeast direction with the Jackson Survey 350 feet to the southeast corner of the C. R. Roberts 164.78 Acre Tract;

THENCE parallel to and 3,550 feet southeast of County Road # 222 in a southwest direction 2,000 feet to a property corner;

THENCE in a southeast direction with a property line 850 feet to a property corner;

THENCE in a southwest direction and parallel to and 4,400 feet to the southeast of County Road # 222 3,500 feet to a bend in County Road # 221;

THENCE in a southeast direction along a line being an extension of County Road # 221 1,650 feet to the south line of the Morrison (A-200) Survey;

THENCE in a southwest direction and parallel to and 1,900 feet to the northwest of County Road # 225 3,300 feet to a property corner;

THENCE in a southeast direction and parallel to and 5,350 feet to the east of F.M. 2001 1,900 feet to County Road # 233;

THENCE in a southwest direction with County Road # 233 to a point 1,000 feet west of F.M. 2001;

THENCE in a northwest direction parallel to and 1,000 feet to the west of F.M. 2001 to State Highway 21;

THENCE in a northwest direction parallel to and 1,000 feet to the southwest of Hays County Road 126 1,000 feet;

THENCE in a southwest direction and parallel to and 1,000 feet to the northeast of Highway 21 to the southwest line of the Thomas B. Westbrook Survey;

THENCE with the northeast line of the Westbrook survey 3,900 feet to a point being 1,500 feet northwest of an extension of County Road # 156;

THENCE in a southwest direction with a property line and parallel to and 1,500 feet to the northwest of County Road # 156 to a point midway between County Road #127 and County Road # 129;

THENCE in a northwest direction parallel to and midway between County Road # 127 and County Road # 129 to a point 1,500 feet southeast of County Road # 157;

THENCE in a southwest direction and parallel to and 1,500 feet southeast of County Road # 157 to a point 200 feet southwest of County Road # 157;

THENCE in a northwest direction and parallel to and 200 feet to the southwest of County Road # 157 to a point 200 feet southeast of the Old Goforth Road;

THENCE in a southwest direction and parallel to and 200 feet to the southeast of Old Goforth Road 2,300 feet to a point;

THENCE 400 feet in a northwest direction crossing Old Goforth Road to a point 200 feet from Old Goforth Road;

THENCE in a northeast direction and parallel to and 200 feet to the northwest of Old Goforth Road to County Road # 157;

THENCE in a southeast direction with County Road # 157 to a point in line with the Conservation Dam on Bunton Branch;

THENCE in a northeast direction crossing the Conservation Dam on Bunton Branch 5,300 feet to a point 1,300 feet southwest of County Road # 122;

THENCE in a northwest direction to the intersection of County Road # 205 and # 122;

THENCE in a northeast direction with County Road # 205 to a turn to the left;

THENCE in a southeast direction with a projection of County Road # 205 1,300 feet to a point;

THENCE in a northeast direction with a property line 1,200 feet;

THENCE in a northeast direction with a property line 1,200 feet;

THENCE in a southeast direction with a property line 4,000 feet to a point in County Road # 157;

THENCE in a southwest direction crossing the Conservation Dam on Porter Creek 3,700 feet to the Conservation Dam;

THENCE in a southeast direction along the Dam and County Road # 157 5,500 feet to the southeast line of a subdivision and County Road # 123 Extended;

THENCE in a northeast direction with the southeast line of the subdivision and County Road # 123 Extended 8,500 feet to a point at the end of County Road # 123;

THENCE in a northwest direction with the northeast line of the subdivision and parallel to County Road # 127 2,900 feet;

THENCE in a southwest direction parallel to County Road # 123 1,400 feet;

THENCE in a northwest direction parallel to County Road # 127 to County Road # 157;

THENCE in a northeast direction with County Road # 157 to the first turn to the right;

THENCE in a northwest direction and parallel to and 1,550 feet southwest of County Road # 124 to an extension of County Road # 131;

THENCE in a northeast direction along the extension of County Road # 131 to County Road # 131;

THENCE west along County Road # 131 to the junction with County Road # 205;

THENCE south along County Road # 205 to the second turn to the west;

THENCE west 200 feet;

THENCE north along County Road # 205 and 200 feet to the west to County Road # 131;

THENCE west along County Road # 131 to a turn to the north;

THENCE north along County Road # 131 400 feet to a point;

THENCE west to I.H. 35;

THENCE northeast along the southeast line of I.H. 35 to County Road 133;

THENCE north crossing I.H. 35 along the west lines of the George Herder Survey and the Trinidad Vercinas Survey to a point located 1,200 feet north of Goforth Road in Buda;

THENCE east parallel to Goforth Road and 1,200 feet to the north to I.H. 35;

THENCE in a northeast direction and parallel to I.H. 35 to County Road # 105 (Turnersville Road);

THENCE east along County Road # 105 to County Road # 118;

THENCE south along County Road # 118 5,500 feet to a point located 3,300 feet north of F.M. 2001;

THENCE east along a property line and a south line of the George Herder Survey 4,350 feet;

THENCE south 2,100 feet to a property corner;

THENCE in a southeast direction 14,500 feet to a point on the Hays and Travis County Line;

THENCE in a southeast direction and along the Hays and Travis County Line 7,500 feet to a property line located 5,850 feet southeast of Williamson Road;

THENCE into Travis County in a northeast direction and parallel to and 5,850 feet to the southeast of the north south run of Williamson Road to the southeast line of Williamson Road;

THENCE in a southeast direction along Williamson Road 1,000 feet to the extension of Glass Road;

THENCE in an northeast direction with the extension of Glass road 3,500 feet to Glass Road;

THENCE in a southeast direction along a property line and 3,300 feet to the southwest of Old Lockhart Road to a point 1,300 feet northwest of Elm Grove Road;

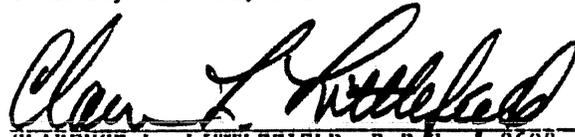
THENCE in a northeast direction and parallel to and 1,300 feet to the northwest of Elm Grove Road to a point 200 feet southwest of Old Lockhart Road;

THENCE in a southeast direction and parallel to and 200 feet to the southwest of Old Lockhart Road to a point located 900 feet to the southeast of Elm Grove Road;

THENCE in a southwest direction and parallel to and 900 feet to the southeast of Elm Grove Road to a point 1,300 feet west of Highway 183;

THENCE in a southeast direction and parallel to and 1,300 feet southwest of Highway 183 crossing into Caldwell County to the POINT OF BEGINNING, containing within said bounds the certified area of the Goforth Water Supply Corporation.

I, Clarence L. Littlefield, Registered Public Surveyor, do hereby certify this to be a true and accurate description prepared from Caldwell, Hays and Travis County Highway Maps and Property Ownership Maps, this the 30th day of June, 1987.


CLARENCE L. LITTLEFIELD, R.P.S. # 2608
REGISTERED PUBLIC SURVEYOR OF TEXAS

BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT
ANNEXATION ELECTION-GOFORTH WATER SUPPLY CORPORATION
AUGUST 8, 1987

RETURN

PRECINCT	NUMBER VOTING	FOR	AGAINST
ABSENTEE	<u>0</u>	<u>0</u>	<u>0</u>
ELECTION DAY	<u>57</u>	<u>50</u>	<u>7</u> ✓
TOTAL	<u>57</u>	<u>50</u>	<u>7</u>

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THE STATE OF TEXAS

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RESOLUTION NO. 012402-1

THE COUNTY OF TRAVIS

ORDER ADDING APPROXIMATELY 91 ACRES OF LAND ADJACENT AND CONTINUOUS TO THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT LOCATED SOUTH OF HAYS COUNTY ROAD 131, EAST OF IH-35, AND WEST OF HAYS COUNTY ROAD 205 AND LYING WITHIN THE L.K. MILLER SURVEY NO. 2, THE ELISHA PRUETT SURVEY AND THE J. L. GOFORTH SURVEY NO. 14 SITUATED IN HAYS COUNTY, TEXAS, AND BEING 91.489 ACRE TRACT OUT OF AND A PORTION OF THAT CERTAIN 409.50 ACRE PARCEL OF LAND CONVEYED TO DICK SEIDERS WRITTEN BY DEED RECORDED IN VOLUME 139, PAGE 136 OF THE HAYS COUNTY DEED RECORDS

WHEREAS, on January 17, 2002 Indian Paintbrush, Ltd. filed a petition (petition) with the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District (District), requesting that 91.489 acres of land owned by Indian Paintbrush, Ltd. be added to the District; and

WHEREAS, § 36.321 of the Texas Water Code provides the owner of land contiguous to a district may file with the Board a notarized petition requesting that the owner's land be included in the district; and

WHEREAS, a petition must describe the land by legal description, or by metes and bounds or by lot and block number if there is a recorded plat of the area to be included in the district; and

WHEREAS, § 36.323 of the Texas Water Code provides the board shall hear and consider the petition and may add to the District the land described in the petition if it is considered to be to the advantage of the petitioner and existing district; and

WHEREAS, on January 24, 2002, the board considered the petition in a called meeting of the Board that was posted and conducted in accordance with the Texas Open Meetings Act; and

WHEREAS, the petition of Indian Paintbrush, Ltd. was signed by the General Partner of the limited partnership, notarized and accompanied by a written metes and bounds legal description of the 91.489 acre tract; and

WHEREAS, the 91.489 acre tract is contiguous to the District boundary at Hays County Road 131 on the North and Hays County Road 205 to the East; and

WHEREAS, the 91.489 acre tract is contiguous with Director Precinct 1 and Director Precinct 3; and

WHEREAS, there are no residential dwellings on the 91.489 acre tract and the tract is completely uninhabited and unpopulated; and

WHEREAS, the 91.489 acre tract is within the CCN service area of Texas Water Services, Inc. (TECON), a District permittee, which provides retail water service both within and outside the District; and

WHEREAS, it is to the District's advantage to include the 91.489 acre tract within the District because it enables the District to apply its regulations in a consistent manner to areas served by a District permittee that would otherwise be outside the District and not directly subject to District regulations; and

WHEREAS, it is to the advantage of the petitioner to include the 91.489 acre tract within the District because water supplied to a tract within the District is not subject to District regulations relating to out-of-District water transfers; and

WHEREAS, it is to the advantage of both the District and the petitioner that the tract will be subject to the District's rules, orders and regulations to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater; and

WHEREAS, the District has no bonds, notes, or other obligations outstanding or payable in whole or part from taxation; and

WHEREAS, the 91.489 acre tract is the first of three tracts of land added to the District on January 24, 2002.

NOW THEREFORE BE IT ORDERED:

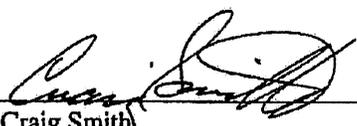
1. The 91.489 acre tract of land described in the Petition, attached to this Resolution as Exhibit "A" is added to the District;
2. The tract of land shall be included in Director Precinct 3;
3. This resolution and petition shall be recorded in the office of County Clerk for Hays and Travis Counties;
4. The addition of land is effective upon passage of this resolution.

BE IT SO ORDERED,

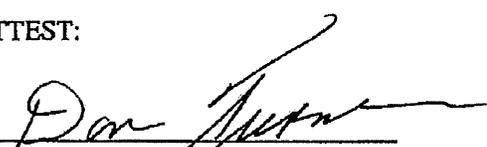
Adopted on the 24th day of January, 2002.

Barton Springs/Edwards Aquifer
Conservation District, Texas

By: _____


Craig Smith
President, Board of Directors

ATTEST:


Don Turner
Board Secretary

INDIAN PAINTBRUSH, LTD.

201 Humphreys Drive
Buda, TX 78810
Phone 512-295-5811
Fax 512-295-6721

January 17, 2002

Board of Directors
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

RE: Annexation of Property to Conservation District

Gentlemen:

I am the General Partner of Indian Paintbrush, Ltd., the owner of 91.489 acres of land in Northeast Hays County on CR131, the legal description to which is attached hereto as Exhibit A-2. The property described is not a part of the Barton Springs/Edwards Aquifer Conservation District or the Edwards Aquifer Authority. I hereby petition the board to annex my property into the Barton Springs/Edwards Aquifer Conservation District at your earliest opportunity.

Thank you for your consideration.

INDIAN PAINTBRUSH, LTD.

By: IPGP, LLC., General Partner

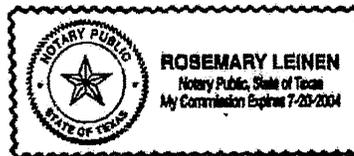
By: Robert S. Nester
Robert S. Nester, Manager

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this 17 day of January 2002 by Robert S. Nester, Manager of IPGP, LLC., a Texas limited liability corporation, General Partner of Indian Paintbrush, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability corporation.

Rosemary Leinen
Notary Public, State of Texas



WIMBERLEY SURVEY COMPANY

BEING 91.489 ACRES OF LAND OUT OF THE I. K. MILLER SURVEY NO. 2, THE ELISHA PRUETT SURVEY AND THE J.L. GOFORTH SURVEY NO. 14, SITUATED IN HAYS COUNTY, TEXAS. THE SAID 91.489 ACRE TRACT BEING OUT OF AND A PORTION OF THAT CERTAIN 409.50 ACRE PARCEL OF LAND CONVEYED TO DICK SEIDERS WHITTEN BY DEED RECORDED IN VOLUME 139, PAGE 136 OF THE HAYS COUNTY DEED RECORDS. THE SAID 91.489 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at an iron rod found on the west r.o.w. line of Dacy Lane at the northeast corner of that certain 10.00 acre tract of land conveyed to Elmer John Sassmanshausen by deed recorded in Volume 362, Page 332 of the Hays County Deed Records, said point being situated at the southeast corner of the herein described tract.

THENCE, along the north boundary line of the above said 10.00 acre tract, North 73deg.54'21" West, a distance of 491.70 feet to an iron rod found for the northeast corner of that certain 14.56 acre tract of land conveyed to said Elmer John Sassmanshausen and to Carol S. Sassmanshausen by deed recorded in Volume 362, Page 332 of the Hays County Deed Records.

THENCE, along the north boundary line of said 14.56 acre tract, the following two (2) courses:

- 1) North 73deg.50'00" West, a distance of 673.73 feet to an iron rod found.
- 2) North 73deg.55'25" West, a distance of 829.67 feet to an iron rod found at the northeast corner of Lot 6 of Sunflower Acres, a subdivision of record in Volume 4, Page 18 of the Hays County Plat Records.

THENCE, along the north boundary line of said subdivision, the following three (3) courses:

- 1) North 73deg.49'39" West, a distance of 162.12 feet to an iron rod found.
- 2) North 74deg.11'44" West, a distance of 153.75 feet to an iron rod found.
- 3) North 73deg.43'54" West, a distance of 451.32 feet to an iron rod found at the southeast corner of that certain 214.98 acre tract of land conveyed to American Liberty Oil Company by deed recorded in Volume 761, Page 658 of the Hays County Real Property Records, said point being situated at the southwest corner hereof.

THENCE, along the east boundary line of said 214.98 acre tract, the following two (2) courses:

- 1) North 23deg.39'34" East, a distance of 1537.67 feet to an iron rod found.
- 2) North 00deg.17'31" West, a distance of 1500.22 feet to an iron rod found on the south r.o.w. line of Hays County Road No. 131 at the northwest corner hereof.

LEGAL DESCRIPTION - 91.489 ACRE TRACT
PAGE 2

THENCE, along the south r.o.w. line of said Hays County Road No. 131, the following four (4) courses:

- 1) South 88deg.53'32" East, a distance of 92.79 feet to an iron rod found.
- 2) An arc distance of 263.20 feet along a curve to the left having a radius of 11419.16 feet and whose chord bears South 88deg.11'30" East, a distance of 263.20 feet to an iron rod found.
- 3) An arc distance of 286.80 feet along a curve to the right having a radius of 11499.16 feet and whose chord bears South 88deg.09'16" East, a distance of 286.79 feet to an iron rod found.
- 4) South 77deg.22'15" East, a distance of 3.46 feet to an iron rod set for the northwest corner of that certain 17.777 acre tract of land conveyed to Gilbert E. corner hereof.

THENCE, along the west and south boundary line of said 32.377 acre tract, the following three (3) courses:

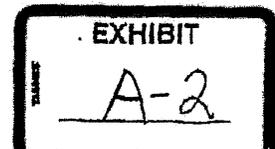
- 1) South 05deg.46'00" East, a distance of 1355.14 feet to an iron rod found.
- 2) South 13deg.47'00" East, a distance of 817.11 feet to an iron rod found.
- 3) South 89deg.36'03" East, a distance of 450.10 feet to a 6 inch steel fence post situated on the west boundary line of Lot 37 of Park South Subdivision, a subdivision of record in Volume 2, Page 349 of the Hays County Plat Records.

THENCE, along the west boundary line of said Park South Subdivision, the following two (2) courses:

- 1) South 00deg.37'51" West, a distance of 220.79 feet to an iron rod found.
- 2) South 47deg.59'13" East, a distance of 388.72 feet to an iron rod found on the west boundary line of that certain 2.58 acre tract of land conveyed to Robert F. Brown by deed recorded in Volume 494, Page 128 of the Hays County Deed Records.

THENCE, along the west boundary line of said 2.58 acre tract, South 10deg.02'43" West, a distance of 34.13 feet to an iron rod found.

THENCE, along the west boundary line of that certain 4.21 acre tract of land conveyed to Abelardo Perez and Mary E. Perez by deed recorded in Volume 377, page 863 of the Hays County Deed Records, South 12deg.24'28" West, a distance of 421.67 feet to an iron rod found.



LEGAL DESCRIPTION - 91.489 ACRE TRACT
PAGE 3

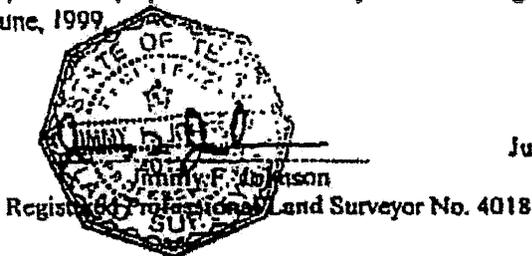
THENCE, along the west boundary line of that certain 2.29 acre tract of land conveyed to Cynthia M. Campbell by deed recorded in Volume 1063, Page 332 of the Hays County Official Public Records, South 12deg.30'31" West, a distance of 206.63 feet to an iron rod found.

THENCE, along the west and south boundary line of that certain 2.175 acre tract of land conveyed to Bernhard E. Baldauf by deed recorded in Volume 1016, Page 353 of the Hays County Official Public Records, the following two (2) courses:

- 1) South 12deg.28'42" West, a distance of 177.01 feet to an iron rod found.
- 2) South 73deg.52'44" East, a distance of 531.79 feet to an iron rod found on the west r.o.w. line of Dacy Lane.

THENCE, along the above said west r.o.w. line, South 00deg.15'45" West, a distance of 62.05 feet to the POINT OF BEGINNING of the herein described tract containing 91.489 acres of land and as shown on map of survey prepared herewith.

This description was prepared from a survey made on the ground under my supervision in May and June, 1999.



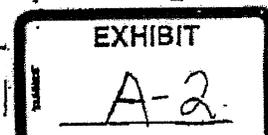
July 12, 1999.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Lee Carlisle

7-30-99 03:48 PM 9918007
LYNN \$17.00
LEE CARLISLE, County Clerk
HAYS COUNTY

INDIAN PAINTBRUSH PAGE 3 OF 3



THE STATE OF TEXAS

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RESOLUTION NO. 012402-2

THE COUNTY OF TRAVIS

ORDER ADDING APPROXIMATELY 83 ACRES OF LAND ADJACENT AND CONTINUOUS TO THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT LOCATED SOUTH OF HAYS COUNTY ROAD 131, EAST OF IH-35, AND WEST OF HAYS COUNTY ROAD 205 AND LYING WITHIN THE L.K. MILLER SURVEY NO. 2, THE ELISHA PRUETT SURVEY AND THE THOMAS G. ALLEN SURVEY SITUATED IN HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM AMERICAN LIBERTY OIL COMPANY TO SOUTH CORRIDOR PARK, LTD., FILED FOR RECORD OCTOBER 31, 2001, IN DOCUMENT NO. 00025896, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

WHEREAS, on January 17, 2002, South Corridor Park, Ltd. filed a petition (petition) with the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District (District), requesting that 83.495 acres of land owned by South Corridor Park, Ltd. be added to the District; and

WHEREAS, § 36.321 of the Texas Water Code provides the owner of land contiguous to a district may file with the Board a notarized petition requesting that the owner's land be included in the district; and

WHEREAS, a petition must describe the land by legal description, or by metes and bounds or by lot and block number if there is a recorded plat of the area to be included in the district; and

WHEREAS, § 36.323 of the Texas Water Code provides the board shall hear and consider the petition and may add to the District the land described in the petition if it is considered to be to the advantage of the petitioner and existing district; and

WHEREAS, on January 24, 2002, the board considered the petition in a called meeting of the Board that was posted and conducted in accordance with the Texas Open Meetings Act; and

WHEREAS, the petition of South Corridor Park, Ltd. was signed by the President of the General Partner of the limited partnership, notarized and accompanied by a written metes and bounds legal description of the 83.495 acre tract; and

WHEREAS, the 83.495 acre tract is contiguous to the District boundary at Hays County Road 131 on the North and to an area comprised of approximately 91 acres to the East previously added to the District; and

WHEREAS, the 83.495 acre tract is contiguous with Director Precinct 1 and Director Precinct 3; and

WHEREAS, there are no residential dwellings on the 83.495 acre tract and the tract is completely uninhabited and unpopulated; and

WHEREAS, the 83.495 acre tract is within the CCN service area of Texas Water Services, Inc. (TECON), a District permittee, which provides retail water service both within and outside the District; and

WHEREAS, it is to the District's advantage to include the 83.495 acre tract within the District because it enables the District to apply its regulations in a consistent manner to areas served by a District permittee that would otherwise be outside the District and not directly subject to District regulations; and

WHEREAS, it is to the advantage of the petitioner to include the 83.495 acre tract within the District because water supplied to a tract within the District is not subject to District regulations relating to out-of-District water transfers; and

WHEREAS, it is to the advantage of both the District and the petitioner that the tract will be subject to the District's rules, orders and regulations to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater; and

WHEREAS, the District has no bonds, notes, or other obligations outstanding or payable in whole or part from taxation; and

WHEREAS, the 83.495 acre tract is the second of three tracts of land added to the District on January 24, 2002.

NOW THEREFORE BE IT ORDERED:

1. The 83.495 acre tract of land described in the Petition, attached to this Resolution as Exhibit "A" is added to the District;
2. The tract of land shall be included in Director Precinct 3;
3. This resolution and petition shall be recorded in the office of County Clerk for Hays and Travis Counties;
4. The addition of land is effective upon passage of this resolution.

BE IT SO ORDERED,

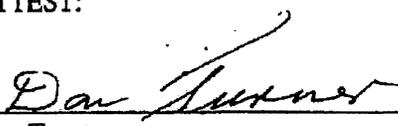
Adopted on the 24th day of January, 2002.

Barton Springs/Edwards Aquifer
Conservation District, Texas

By: 

Craig Smith
President, Board of Directors

ATTEST:


Don Turner
Board Secretary

South Corridor Park, Ltd.

1301 S. Capital of Texas Hwy A-100

Austin, Texas 78746

512-329-5755

Fax: 512-329-5565

January 16, 2002

Board of Directors
Barton Springs/Edward Aquifer
Conservation District
1124 Regal Row
Austin, Texas 78748

Re: Annexation of Property to Conservation District

Gentlemen:

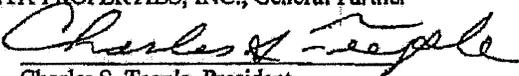
I am the General Partner of South Corridor Park, Ltd, the owner of 83.495 acres of land in Northeast Hays County on CR131, the legal description to which is attached hereto as Exhibit A-3. The property described is not a part of the Barton Springs/Edwards Aquifer Conservation District or the Edwards Aquifer Authority. I hereby petition the Board to annex my property into the Barton Springs/Edwards Aquifer Conservation District at your earliest opportunity.

Thank you for your consideration.

SOUTH CORRIDOR PARK, LTD.

By: PENTA PARTNERS, LTD., General Partner

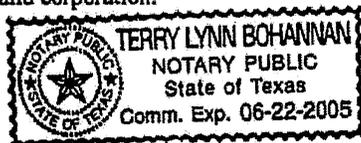
By: PENTA PROPERTIES, INC., General Partner

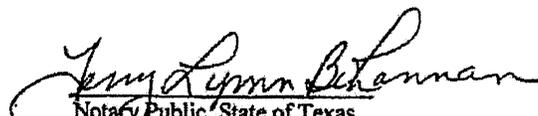
By: 
Charles S. Teeple, President

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this 16 day of Jan, 2002 by Charles S. Teeple, President of Penta Properties, Inc. a Texas corporation, General Partner of Penta Partners, Ltd., a Texas limited partnership, Co-General Partner of South Corridor Park, Ltd, a Texas limited partnership, on behalf of said limited partnerships and corporation.




Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF TRAVIS

EXHIBIT A-3

EXHIBIT "A"

83.495 ACRES OF LAND
PHASES 4-6

DESCRIPTION

DESCRIPTION OF A 83.495 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. ALLEN SURVEY, THE L. K. MILLER SURVEY NO. 2, AND THE ELISHA PRUETT SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM AMERICAN LIBERTY OIL COMPANY TO SOUTH CORRIDOR PARK, LTD., FILED FOR RECORD OCTOBER 31, 2000, IN DOCUMENT NO. 00025896, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 83.495 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point for the northwest corner of the herein described tract, being in the north line of said South Corridor Park, Ltd. tract and in the south line of that certain tract of land described as Parcel No. 1 (0.939 acres) in a deed to Steven E. Martinez and wife, Evelyn L. Martinez, of record in Document No. 9909770, Official Public Records of Hays County, Texas; from which point a inch iron rod with cap set for the northwest corner of said South Corridor Park, Ltd. tract, being in the east line of that certain tract of land described in a deed to the State of Texas, of record in Volume 109, Page 151, Deed Records of Hays County, Texas, and in the east right of way line of Interregional Highway No. 35, as monumented and located on the ground, bears N87°24'20"W a distance of 1373.86 feet;

THENCE with the north line of the herein described tract, and of said South Corridor Park Ltd. tract, and the south line of said Martinez Parcel No. 1, S87°24'20"E a distance of 145.96 feet to a metal fence post found for a corner in the north line of the herein described tract and of said South Corridor Park, Ltd. tract, in the south line of County Road No. 131, and being the southeast corner of said Martinez Parcel No. 1;

THENCE continuing with the north line of the herein described tract, and of said South Corridor Park, Ltd. tract, and the south line of said County Road No. 131 following two (2) courses and distances:

- 1) S62°12'43"E a distance of 119.24 feet to a metal fence post found for a corner;
- 2) N88°44'24"E a distance of 379.12 feet to a inch iron rod with cap set for the westerly corner of that certain tract of land described in a deed to Hays County, Texas, of record in Volume 1240, Page 723, Official Public Records of Hays County, Texas, a corner of the herein described tract, and of said South Corridor Park Ltd. tract, being the point of curvature of a curve to the left;

THENCE continuing with the north line of the herein described tract, and of said South Corridor Park, Ltd. tract, and the south line of said County Road No. 131, and of said Hays County tract following two (2) courses and distances:

- 1) with said curve to the left having a central angle of $15^{\circ}30'15''$, a radius of 734.49 feet, an arc length of 198.75 feet and a chord bearing and distance of $S82^{\circ}46'13''E$ 198.14 feet to inch iron rod found for a corner;
- 2) $N89^{\circ}35'42''E$ a distance of 462.59 feet to inch iron rod found for the northeast corner of the herein described tract, and of said South Corridor Park, Ltd. tract, the southeast corner of said Hays County tract, and the northwest corner of that certain tract of land described in a deed to Nester Development, of record in Document No. 9918005, Official Public Records of Hays County, Texas;

THENCE with the east line of the herein described tract, and of said South Corridor Park, Ltd., tract, and the west line of said Nester Development tract, following two (2) courses and distances:

- 1) $S01^{\circ}51'25''E$ a distance of 1500.19 feet to a inch iron rod found for a corner;
- 2) $S22^{\circ}05'51''W$ a distance of 1537.56 feet to a inch iron rod found for the southeast corner of the herein described tract, and of said South Corridor Park, Ltd. tract, the southwest corner of said Nester Development tract, and being in the north line of Lot 4, Sunflower Acres, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Book 4, Page 18, Plat Records of Hays County, Texas;

THENCE with the south line of the herein described tract and of said South Corridor Park, Ltd. tract and the north line of said Lot 4, $N75^{\circ}58'46''W$ a distance of 60.40 feet to a inch iron rod found disturbed and reset for the northwest corner of said Lot 4 and the northeast corner of that certain tract of land described in a Substitute Trustee's Deed to Paula Joy Edwards Perron, of record in Volume 761, Page 671, Real Property Records of Hays County, Texas;

THENCE continuing with the south line of the herein described tract and of said South Corridor Park, Ltd. tract and the north line of said Perron tract, $N75^{\circ}27'11''W$ a distance of 1140.08 feet to a metal fence post found in concrete for an interior ell corner of said South Corridor Park, Ltd., tract, and the northwest corner of said Perron tract, from which point, an "x" cut found in concrete bears $N57^{\circ}02'04''W$ a distance of 0.30 feet, from which, also, a inch iron rod with cap set for the southerly southeast corner of said South Corridor Park, Ltd. tract bears $S21^{\circ}55'49''W$ a distance of 747.99 feet;

THENCE with the west line of the herein described tract, over and across said South Corridor Park, Ltd. tract the following sixteen (16) courses and distances:

- 1) $N82^{\circ}26'56''W$ a distance of 64.58 feet to a point for a corner;
- 2) $N07^{\circ}58'18''E$ a distance of 178.26 feet to the point of curvature of a curve to the right for a corner;
- 3) with said curve to the right having a central angle of $02^{\circ}06'05''$, a radius of 1060.00 feet, an arc length of 38.88 feet and a chord bearing and distance of $S80^{\circ}58'40''E$ 38.87 feet to a point for a corner;
- 4) $N22^{\circ}09'26''E$ a distance of 819.57 feet to the point of curvature of a curve to the left for a corner;

- 5) with said curve to the left having a central angle of $03^{\circ}03'53''$, a radius of 940.00 feet, an arc length of 50.28 feet and a chord bearing and distance of $N70^{\circ}44'00''W$ 50.27 feet to a point for a corner;
- 6) $N17^{\circ}44'03''E$ a distance of 221.81 feet to a point for a corner;
- 7) $S65^{\circ}54'32''E$ a distance of 37.75 feet to a point for a corner;
- 8) $N23^{\circ}58'07''E$ a distance of 204.09 feet to a point for a corner;
- 9) $S66^{\circ}01'53''E$ a distance of 26.50 feet to a point for a corner;
- 10) $N15^{\circ}23'33''E$ a distance of 73.26 feet to a point for a corner;
- 11) $N04^{\circ}28'04''E$ a distance of 106.20 feet to a point for a corner;
- 12) $N01^{\circ}51'25''W$ a distance of 952.73 feet to a point for a corner;
- 13) $N73^{\circ}58'42''W$ a distance of 57.27 feet to the point of curvature of a curve to the left for a corner;
- 14) with said curve to the left, having a central angle of $05^{\circ}38'49''$, a radius of 370.00 feet, an arc length of 36.47 feet and a chord bearing and distance of $N76^{\circ}48'07''W$ 36.45 feet to a point for a corner;
- 15) $N15^{\circ}04'55''E$ a distance of 60.17 feet to for a corner;
- 16) $N03^{\circ}45'27''E$ a distance of 161.79 feet to the POINT OF BEGINNING, containing 83.495 acres of land more or less within these metes and bounds.

Bearing Reference: Grid North, Texas State Plane Coordinate System NAD83 (HARN) South Central Zone.

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

 Gregory Schmidt
 Registered Professional Land Surveyor No. 4437
 Date: July 19, 2001

THE STATE OF TEXAS

§
§
§

RESOLUTION NO. 012402-3

THE COUNTY OF TRAVIS

ORDER ADDING APPROXIMATELY 83 ACRES OF LAND ADJACENT AND CONTINUOUS TO THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT LOCATED SOUTH OF HAYS COUNTY ROAD 131, EAST OF IH-35, AND WEST OF HAYS COUNTY ROAD 205 AND LYING WITHIN THE L.K. MILLER SURVEY NO. 2, THE ELISHA PRUETT SURVEY AND THE THOMAS G. ALLEN SURVEY SITUATED IN HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM AMERICAN LIBERTY OIL COMPANY TO SOUTH CORRIDOR PARK, LTD., FILED FOR RECORD OCTOBER 31, 2001, IN DOCUMENT NO. 00025896, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

WHEREAS, on January 17, 2002, Lennar-Gehan Amberwood Developers, LP filed a petition (petition) with the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District (District), requesting that 83.381 acres of land owned by Lennar-Gehan Amberwood Developers, LP be added to the District; and

WHEREAS, § 36.321 of the Texas Water Code provides the owner of land contiguous to a district may file with the Board a notarized petition requesting that the owner's land be included in the district; and

WHEREAS, a petition must describe the land by legal description, or by metes and bounds or by lot and block number if there is a recorded plat of the area to be included in the district; and

WHEREAS, § 36.323 of the Texas Water Code provides the board shall hear and consider the petition and may add to the District the land described in the petition if it is considered to be to the advantage of the petitioner and existing district; and

WHEREAS, on January 24, 2002, the board considered the petition in a called meeting of the Board that was posted and conducted in accordance with the Texas Open Meetings Act; and

WHEREAS, the petition of Lennar-Gehan Amberwood Developers, LP was signed by the Vice President of the General Partner of the limited partnership, notarized and accompanied by a written metes and bounds legal description of the 83.381 acre tract; and

WHEREAS, the 83.381 acre tract is contiguous to the District boundary at Hays County Road 131 on the North and to an area comprised of approximately 175 acres to the East previously added to the District ; and

WHEREAS, the 83.381 acre tract is contiguous with Director Precinct 1 and Director Precinct 3; and

WHEREAS, there are no residential dwellings on the 83.381 acre tract and the tract is completely uninhabited and unpopulated; and

WHEREAS, the 83.381 acre tract is within the CCN service area of Texas Water Services, Inc. (TECON), a District permittee, which provides retail water service both within and outside the District; and

WHEREAS, it is to the District's advantage to include the 83.381 acre tract within the District because it enables the District to apply its regulations in a consistent manner to areas served by a District permittee that would otherwise be outside the District and not directly subject to District regulations; and

WHEREAS, it is to the advantage of the petitioner to include the 83.381 acre tract within the District because water supplied to a tract within the District is not subject to District regulations relating to out-of-District water transfers; and

WHEREAS, it is to the advantage of both the District and the petitioner that the tract will be subject to the District's rules, orders and regulations to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater; and

WHEREAS, the District has no bonds, notes, or other obligations outstanding or payable in whole or part from taxation; and

WHEREAS, the 83.381 acre tract is the third of three tracts of land added to the District on January 24, 2002.

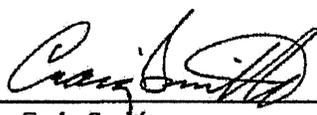
NOW THEREFORE BE IT ORDERED:

1. The 83.381 acre tract of land described in the Petition, attached to this Resolution as Exhibit "A" is added to the District;
2. The tract of land shall be included in Director Precinct 3;
3. This resolution and petition shall be recorded in the office of County Clerk for Hays and Travis Counties;
4. The addition of land is effective upon passage of this resolution.

BE IT SO ORDERED,

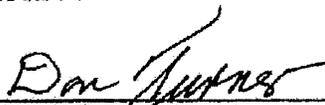
Adopted on the 24th day of January, 2002.

Barton Springs/Edwards Aquifer
Conservation District, Texas

By: 

 Craig Smith
 President, Board of Directors

ATTEST:



 Don Turner
 Board Secretary

Lennar-Gehan Amberwood Developers, LP
4501 Spicewood Springs Road, Suite 1010
Austin, Texas 78759
512-418-0258
Fax 512-418-0478

January 17, 2002

Board of Directors
Barton Springs/Edward Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

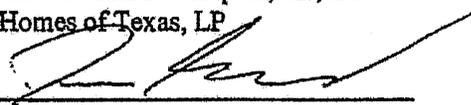
RE: Annexation of Property to Conservation District

Gentlemen:

I am the General Partner of Lennar-Gehan Amberwood Developers, LP, the owner of 83.381 acres of land in Northeast Hays County on CR131, the legal description to which is attached hereto as Exhibit A. The property described is not a part of the Barton Springs/Edwards Aquifer Conservation District or the Edwards Aquifer Authority. I hereby petition the Board to annex my property into the Barton Springs/Edwards Aquifer Conservation District at your earliest opportunity.

Thank you for your consideration.

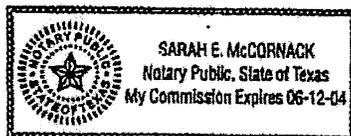
Lennar-Gehan Amberwood Developers, LP
By: Lennar-Gehan Amberwood Developers, GP, LC
By: Lennar Homes of Texas, LP

By: 

James Giddens, Vice President

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 17th day of January, 2002, by James Giddens, Vice President of Lennar Homes of Texas, LP, a Texas Corporation, General Partner of Lennar-Gehan Amberwood Developers, GP, LC, a Texas limited partnership, Co-General Partner of Lennar-Gehan Amberwood Developers, LP, a Texas limited partnership, on behalf of said limited partnerships and corporation.



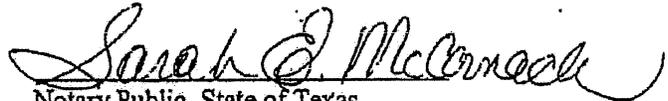

Notary Public, State of Texas

EXHIBIT "A"

PHASES 1, 2 AND 3, AMBERWOOD,
83.381 ACRES OF LAND

DESCRIPTION

DESCRIPTION OF A 83.381 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. ALLEN SURVEY, THE L. K. MILLER SURVEY NO. 2, AND THE ELISHA PRUETT SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM AMERICAN LIBERTY OIL COMPANY TO SOUTH CORRIDOR PARK, LTD., FILED FOR RECORD OCTOBER 31, 2000, IN DOCUMENT NO. 00025896, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 83.381 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod with cap set for the northeast corner of the herein described tract, being in the north line of said South Corridor Park Ltd. tract and in the south line of that certain tract of land described as Parcel No. 1 (0.939 acres) in a deed to Steven E. Martinez and wife, Evelyn L. Martinez, of record in Document No. 9909770, Official Public Records of Hays County, Texas, from which point a metal fence post found for a corner in the north line of said South Corridor Park Ltd. tract, and in the south line of County Road No. 131, and for the southeast corner of said Martinez Parcel No. 1, bears S87°24'20"E 145.96 feet;

THENCE with the east line of the herein described tract, over and across said South Corridor Park Ltd. tract, the following sixteen (16) courses and distances:

- 1) S03°45'27"W a distance of 161.79 feet to a ½ inch iron rod with cap set;
- 2) S15°04'55"W a distance of 60.17 feet to ½ inch iron rod with cap set for the point of curvature of a curve to the right;
- 3) with said curve to the right having a central angle of 05°38'49", a radius of 370.00 feet, an arc length of 36.47 feet and a chord bearing and distance of S76°48'07"E 36.45 feet to a ½ inch iron rod with cap set;
- 4) S73°58'42"E a distance of 57.27 feet to a ½ inch iron rod with cap set;
- 5) S01°51'25"E a distance of 952.73 feet to ½ inch iron rod with cap set;
- 6) S04°28'04"W a distance of 106.20 feet to ½ inch iron rod with cap set;
- 7) S15°23'33"W a distance of 73.26 feet to a ½ inch iron rod with cap set;
- 8) N66°01'53"W a distance of 26.50 feet to a ½ inch iron rod with cap set;
- 9) S23°58'07"W a distance of 204.09 feet to a point for a corner;
- 10) N65°54'32"W a distance of 37.75 feet to a point for a corner;
- 11) S17°44'03"W a distance of 221.81 feet to a point on a curve to the right for a corner;
- 12) with said curve to the right having a central angle of 03°03'53", a radius of 940.00 feet, an arc length of 50.28 feet and a chord bearing and distance of S70°44'00"E 50.27 feet to a point for a corner;

- 13) S22°09'26"W, at a distance of 734.78 feet passing a ½ inch iron rod with cap set, in all a total distance of 819.57 feet to a ½ inch iron rod with cap set for a point on a curve to the left for a corner;
- 14) with said curve to the left having a central angle of 02°06'05", a radius of 1060.00 feet, an arc length of 38.88 feet and a chord bearing and distance of N80°58'40"W 38.87 feet to ½ inch iron rod with cap set;
- 15) S07°58'18"W a distance of 178.33 feet to a ½ inch iron rod with cap set;
- 16) S82°30'47"E a distance of 64.58 feet to a metal fence post found in concrete for an interior ell corner of said South Corridor Park Ltd. tract, and for the northwest corner of that certain tract of land described in a Substitute Trustee's Deed to Paula Joy Edwards Perron, of record in Volume 761, Page 671, Real Property Records of Hays County, Texas, from which point, an "x" cut found in concrete bears N57°02'04"W a distance of 0.30 feet;

THENCE with an east line of said South Corridor Park Ltd. tract and of the herein described tract, and the west line of said Perron tract, S21°55'49"W, at 272.03 feet passing 1.14 feet west of a ½ inch iron rod found, a total distance of 747.99 feet to a ½ inch iron rod with cap set for the southeast corner of the herein described tract, the most southerly southeast corner of said South Corridor Park Ltd. tract, and the northeast corner of that certain tract of land described in a Substitute Trustee's Deed to John Carl Daywood, of record in Volume 753, Page 356, Real Property Records of Hays County, Texas, from which point, a ½ inch iron rod found bears S68°02'33"E a distance of 3.53 feet, also from which point a 60d nail found in a fence post in concrete, for the southwest corner of said Perron tract, bears S21°55'49"W a distance of 1068.06 feet;

THENCE with the south line of said South Corridor Park Ltd. tract and of the herein described tract, and the north line of said Daywood tract, N68°02'33"W a distance of 600.00 feet to a ½ inch iron rod with cap set for the southwest corner of the herein described tract, from which point, a ½ inch iron rod found for the most southerly southwest corner of said South Corridor Park Ltd. tract, and the northwest corner of said Daywood tract, same being in the east line of that certain tract of land described in a deed to Jack W. Caraway and wife, Luanne Caraway, of record in Volume 279, Page 828, Deed Records of Hays County, Texas, bears N68°02'33"W a distance of 994.61 feet;

THENCE with the west line of the herein described tract, over and across said South Corridor Park Ltd. tract, the following eight (8) courses and distances:

- 1) N21°55'49"E a distance of 597.30 feet to a ½ inch iron rod with cap set;
- 2) N68°43'16"W a distance of 141.97 feet to a ½ inch iron rod with cap set;
- 3) N56°07'09"W a distance of 173.57 feet to a ½ inch iron rod with cap set;
- 4) N35°22'39"W a distance of 173.89 feet to a ½ inch iron rod with cap set;
- 5) N19°22'48"W a distance of 706.88 feet to a ½ inch iron rod with cap set;
- 6) N29°28'08"E a distance of 296.18 feet to a ½ inch iron rod with cap set;

- 7) N60°31'52"W a distance of 539.59 feet to a ½ inch iron rod with cap set;
- 8) S76°25'17"W a distance of 42.42 feet to a ½ inch iron rod with cap set for the most westerly southwest corner of the herein described tract, being in the west line of said South Corridor Park Ltd. tract, as monumented and located on the ground, and in the east line of that certain tract of land described in a deed to the State of Texas, of record in Volume 109, Page 151, Deed Records of Hays County, Texas, and in the east right of way line of Interregional Highway No. 35, as monumented and located on the ground, from which point a ½ inch iron rod with cap set for the most westerly corner of said South Corridor Park Ltd. tract, bears S31°26'18"W a distance of 396.84 feet;

THENCE with a west line of the herein described tract and of said South Corridor Park Ltd. tract, the east line of said State of Texas tract and the east right of way line of said Interregional Highway No. 35, the following two (2) courses and distances:

- 1) N31°26'18"E a distance of 114.31 feet to a concrete highway monument (Type 1);
- 2) N03°40'25"E a distance of 15.52 feet to a ½ inch iron rod with cap set, from which point a concrete highway monument (Type 1) found for a corner in the west line of said South Corridor Park Ltd. tract, in the east line of said State of Texas tract and in the east right of way line of said Interregional Highway No. 35, bears N03°40'25"E a distance of 69.63 feet;

THENCE with a west line of the herein described tract, over and across said South Corridor Park Ltd. tract, the following five (5) courses and distances:

- 1) S12°57'29"E a distance of 53.20 feet to a ½ inch iron rod with cap set;
- 2) S60°31'52"E a distance of 537.53 feet to a ½ inch iron rod with cap set;
- 3) N29°28'08"E a distance of 826.00 feet to a ½ inch iron rod with cap set;
- 4) N60°31'52"W a distance of 572.88 feet to a ½ inch iron rod with cap set;
- 5) S72°51'36"W a distance of 42.39 feet to a ½ inch iron rod with cap set for a point on a curve to the left, being in the west line of said South Corridor Park Ltd. tract, as monumented and located on the ground, being in the east line of said State of Texas tract, and in the east right of way line of said Interregional Highway No. 35, as monumented and located on the ground, from which, a concrete highway monument (Type 1) found for a corner in the west line of said South Corridor Park Ltd., tract, in the east line of said State of Texas tract and in the east right of way line of said Interregional Highway No. 35, bears a chord bearing and distance of S29°36'38"W 693.25 feet;

THENCE with the curving west line of the herein described tract and of said South Corridor Park Ltd. tract, the east line of said State of Texas tract and the east right of way line of said Interregional Highway No. 35, with said curve to the left having a central angle of 00°35'16", a radius of 11,668.11 feet, at an arc length of 35.00 feet passing 0.46 feet east of a concrete

highway monument (type 1) found, in all a total arc length of 119.73 feet and a chord bearing and distance of N27°36'52"E 119.73 feet to a ½ inch iron rod with cap set for a corner, from which point a ½ inch iron rod with cap set for the northwest corner of said South Corridor Park, Ltd. tract, being in the east line of said State of Texas tract and the east right of way line of said Interregional Highway No. 35, bears a chord distance and bearing of N26°27'27"E 351.43 feet;

THENCE with a west line of the herein described tract, over and across said South Corridor Park Ltd. tract, the following three (3) courses and distances:

- 1) S17°37'27"E a distance of 42.40 feet to a ½ inch iron rod with cap set;
- 2) S60°31'52"E a distance of 574.82 feet to a ½ inch iron rod with cap set;
- 3) N29°28'08"E a distance of 696.21 feet to a ½ inch iron rod with cap set for the northwest corner of the herein described tract, being in the north line of said South Corridor Park Ltd. tract, and the south line of that certain tract of land described in a deed to Westlake Equipment Service Company, Inc., of record in Volume 434, Page 332, Real Property Records of Hays County, Texas, from which point, said ½ inch iron rod with cap set for the northwest corner of said South Corridor Park Ltd. tract, bears N87°24'20"W distance of 699.93 feet;

THENCE with the north line of the herein described tract and of said South Corridor Park Ltd. tract, and the south line of said Westlake Equipment Services Company, Inc. and of that certain tract of land described as Parcel No. 2 (0.500 acres) in said deed to Steven E, Martinez and wife, Evelyn L. Martinez, and of said Parcel No. 1, in said Martinez deed, S87°24'20"E distance of 673.93 feet to the POINT OF BEGINNING, containing 83.381 acres of land more or less within these metes and bounds.

Bearing Reference: Grid North, Texas State Plane Coordinate System NAD83 (HARN) South Central Zone.

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.


 Gregory Schmidt
 Registered Professional Land Surveyor No. 4437
 Date: November 30, 2001

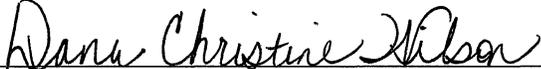


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STATE OF TEXAS §
COUNTY OF TRAVIS §
BARTON SPRINGS/ §
EDWARDS AQUIFER §
CONSERVATION DISTRICT §

I, Dana Christine Wilson, Records Management Officer of the Barton Springs/Edwards Aquifer Conservation District, do hereby certify that the attached is a true and correct copy of A LEGAL DESCRIPTION FROM LANDOWNERS PETITION AND SUBSEQUENT 2002 ANNEXATION ELECTION BOARD ORDER ADDING TERRITORY IN THE UNION CREEK AREA; on file in the District's office.

WITNESS MY HAND AND SEAL OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT THIS, THE 31st DAY OF MARCH, 2014.



Dana Christine Wilson
Records Management Officer

BARTON SPRINGS / EDWARDS AQUIFER
CONSERVATION DISTRICT

[SEAL]

ORDER CALLING ANNEXATION ELECTION

WHEREAS, fifty-two (52) landowners filed a petition (the "Petition") with the Board of Directors (the "Board") of the Barton Springs/Edwards Aquifer Conservation District (the "District"), requesting that a defined area of territory contiguous to the District be added to the District (the "Territory"), more fully described on Exhibit "A" and Exhibit "B" attached hereto and incorporated by reference as if fully set out in the body of this Order; and

WHEREAS, Section 36.325 of the Texas Water Code provides that fifty (50) or more landowners of a defined area of territory may file with a district a petition requesting that the area of territory be included in the District; and

WHEREAS, on March 21, 2002, the Board considered and accepted the Petition in a called meeting of the Board that was posted and conducted in accordance with the Texas Open Meetings Act; and

WHEREAS, Section 36.326 of the Texas Water Code provides the Board shall conduct one hearing on a petition in the existing District and one hearing on a petition in the territory to be added; and

WHEREAS, on April 9, 2002, the Board conducted a public hearing at the District office located at 1124 Regal Row, a location in the existing territorial boundaries of the District, to receive public comment on the proposed annexation of the Territory; and

WHEREAS, on April 18, 2002, the Board conducted a public hearing at 10720 River Plantation Drive, Austin, TX 78747, a location within the Territory to be added, to receive public comment on the proposed annexation of the Territory; and

WHEREAS, Section 36.327 of the Texas Water Code provides that if after the hearings on a petition that the addition of the land will benefit the district and the territory to be added, the district may add the territory to the district by resolution; and

WHEREAS, it is to the District's benefit to include the Territory within the District to allow implementation of the District's rules and programs within the Territory which uses water from the Barton Springs Edwards Aquifer; and

WHEREAS, it is to the benefit of the Territory to include the Territory within the District because residents of the Territory are impacted by decisions of the District and desire representation on the Board and the right to vote on District issues; and

WHEREAS, the property value of homes in the Territory is linked to the Onion Creek Golf Course, central to the Territory, that uses water from the Barton Springs Edwards Aquifer for its maintenance; and

WHEREAS, it is to the benefit of both the District and the petitioners that the Territory be subject to the District's rules, orders and regulations to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater; and

WHEREAS, on May 10, 2002, the Board adopted a resolution adding the Territory to the District subject to ratification by a majority of the voters in the Territory; and

WHEREAS, the District has no bonds, notes, or other obligations outstanding or payable in whole or part from taxation; and

WHEREAS, the Board has determined that it is necessary and convenient to call and conduct an election to obtain voter ratification of the annexation of the Territory; and

WHEREAS, the Board has determined that an election on the uniform election date of November 5, 2002, would constitute an appropriate date for such an election; and

WHEREAS, the Board has the authority pursuant to Chapter 271, Texas Election Code, to enter into a joint election agreements with the County of Travis (the "County") which is a political subdivision holding an election on the same date; and

WHEREAS, the Board finds that it would be to the benefit of the citizens of the District and the County to hold a joint election in the elections precincts that can be served by common polling places.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. An election (the "Election") shall be held on Tuesday, November 5, 2002, which is forty-five (45) or more days from the date of the adoption of this order (the "Order") within and throughout the Territory of the District at which all resident, qualified electors of the Territory shall be entitled to vote. The Board hereby finds that holding the Election on such date, a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

Section 2. Conduct of Election, Joint Election Agreement and Appointment of Election Officer. The Election shall be conducted by election officers, in accordance with the Texas Election code and the Constitution and laws of the State of Texas and the United States of America. An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election.

Pursuant to Chapter 271 of the Texas Election Code, the Board orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections between Travis County and the Barton Springs / Edwards Aquifer Conservation District ("the Joint Election

Agreement"). Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in elections precincts that can be served by common polling places, and the Board is expressly authorizing this action.

As authorized by Chapter 271 of the Texas Election Code, the Board appoints The Honorable Dana DeBeauvoir, Travis County Clerk, as the Joint Election Officer to perform the duties and responsibilities involved in conducting the Joint Election.

Section 3. Voting Precincts; Polling Places; Election Judges and Clerks. That portion of Travis County Election Precinct 406 which includes the Territory is hereby designated as the voting precinct of the District for the Election. The precinct number for the District's election precinct shall be number 406.

Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election. The Board finds that the location used by Travis County as the polling place for Travis County Election Precinct 406 is outside of the boundaries of the Territory but will be convenient for and adequately serve the voters of the Territory as the polling place is the location where voters in the Territory normally vote.

The District's polling place for the voting precinct is:

Precinct 406	St. Alban's Episcopal Church 11819 IH 35 South Austin, Texas
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The Board hereby appoints Rowland Greenwade to serve as the Presiding Election Judge and Ollie Besteiro to serve as the Alternate Presiding Election Judge for the voting precinct for the Election. The Presiding Election Judge and Alternate Presiding Election Judge shall be qualified voters of Travis County Election Precinct 406.

Section 4. Proposition. At the Election there shall be submitted to the resident, qualified electors of the District the following proposition (the "Proposition"):

PROPOSITION

SHALL THE BOARD OF DIRECTORS (THE "BOARD") OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT (THE "DISTRICT") BE AUTHORIZED TO ANNEX AND INCLUDE THAT TERRITORY BEGINNING AT THE DISTRICT'S JURISDICTIONAL BOUNDARY ON BRANDT ROAD, THENCE EASTERLY ALONG BRANDT

ROAD TO ITS INTERSECTION WITH OLD LOCKHART HIGHWAY, THENCE SOUTHERLY ALONG OLD LOCKHART HIGHWAY TO ITS INTERSECTION WITH BRADSHAW ROAD, THENCE SOUTHWESTERLY ALONG BRADSHAW ROAD TO ITS INTERSECTION WITH THE DISTRICT'S JURISDICTIONAL BOUNDARY, THENCE ALONG THE DISTRICT'S JURISDICTIONAL BOUNDARY SOUTHWESTERLY NORTHWESTERLY, AND NORTHERLY ALONG ONION CREEK TO THE POINT OF BEGINNING IN THE DISTRICT?

Section 5. Ballots. The ballots shall be suitable for use with an electronic voting system, and shall otherwise conform to the requirements of the Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid measures which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

PROPOSITION

FOR

THE INCLUSION OF THAT PORTION OF TRAVIS COUNTY WITHIN TRAVIS COUNTY ELECTION PRECINCT 406 BOUNDED BY THE EXISTING BOUNDARIES OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT, ONION CREEK, BRANDT ROAD, OLD LOCKHART HIGHWAY, AND BRADSHAW ROAD IN THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT?

AGAINST

Section 6. Election information to be provided in Spanish. The election officers appointed by the Board, responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process.

Section 7. Approval of Appointment of Agent. The Secretary to the Board has appointed Floyd Marsh, the General Manager of the District, as the Secretary's agent ("Agent") to perform the duties of secretary related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning three days after the effective date of this Order and ending not earlier than the fortieth (40th) day after the day of the election. Mr. Marsh is authorized to designate staff in the District to perform any or all of the various responsibilities of the Board's Agent.

The Agent shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall maintain in his office, the documents, records and other items relating to the election and shall be the Agent designated to receive documents on behalf of the District that are required by the Texas Election Code. The Agent shall post notice of the location and hours of his office as required by the Texas Election Code.

Section 8. Early Voting by Mail. The Board appoints Floyd Marsh as the District's Regular Early Voting Clerk. Requests for ballot applications shall be addressed to the District's Regular Early Voting Clerk at the address indicated immediately below:

Early Voting Clerk
Barton Springs / Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

The Regular Early Voting Clerk for the District shall collect all applications for ballots received by the District at the above address during the period allowed by the Texas Election Code and shall deliver all such applications to the Joint Early Voting Clerk. For the use of those voters who are entitled by law to vote early by mail, the Joint Early Voting Clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote "FOR" or "AGAINST" the Proposition on the same ballots utilized for early voting in person at the Election.

Section 9. Early Voting. The Joint Early Voting Clerk, for all purposes other than accepting applications for ballots by mail, shall be The Honorable Dana DeBeauvoir, Travis County Clerk. The Joint Early Voting Clerk shall have the authority to designate such deputy early voting clerks as may be necessary to staff the Early Voting Polling Places established under this Order.

Main Early Voting Polling Place

The Main Early Voting Polling Place is hereby designated as:

Travis County Courthouse
1000 Guadalupe
Austin, Texas 78701

Early voting by personal appearance shall be conducted at the Main Early Voting Polling Place at the dates and times set forth on Exhibit "C" attached hereto and incorporated by reference as if fully set out in the body of this Order. The Main Early Voting Polling Place shall also remain open on the day of the Election during the hours the polls are required to be open for voting by the Texas Election Code.

**Additional Temporary Branch Early Voting Polling Places
and Mobile Voting**

The Board hereby establishes additional Branch Early Voting Polling Places and Mobile Voting as set forth on the attached Exhibit "C," which is incorporated herein by reference. Early voting by personal appearance shall be conducted at such additional Branch Early Voting Polling Places and Mobile locations on the dates and at the times set forth in Exhibit "C."

Early Voting Ballot Board

The Presiding Judge of the Early Voting Ballot Board to count and return early voting ballots in accordance with the Texas Election Code shall be the Presiding Judge of the Early Voting Ballot Board appointed hereafter by the County for the County's General Election who is eligible to serve in this capacity, and the Board specifically authorizes this appointment. The Presiding Judge of the Early Voting Ballot Board shall appoint two election clerks, and such judge and clerks shall constitute the Early Voting Ballot Board and shall perform the duties set forth for such board in the Election Code.

Section 10. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Texas Election Code, after the close of voting on Election day, the Presiding Election Judge for the Election Precinct shall deliver the ballot box and other materials related to the Election for the Precinct to the Central Counting Station as soon as practical after the close of the polls. The Early Voting Ballot Board, at a time and in the manner permitted under the Texas Election Code shall tabulate the early voting ballots and deliver the results to the Board's Agent at the administrative offices of the District. The Board's Agent shall make a written return of the Election results to the District in accordance with the Election Code.

The Board shall canvass the returns and declare the results of the Election. If a majority of the resident, qualified electors of the Territory voting at the Election, including those voting early, shall vote in favor of the Proposition, then the Territory shall be added to the District. If a majority of the resident, qualified electors of the Territory voting at the Election, including those voting early, shall vote against the Proposition, then the Territory shall not be added to the District.

Section 11. Training of Election Officials. Instruction for all election officers shall occur as arranged or contracted for by the County.

Section 12. Notice of Election. Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the Territory at least ten (10) days and not more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board's meetings no later than the twenty-first (21st) day before the Election.

Section 13. Authority of the President. The President of the Board shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed.

In the event that the President shall determine from time to time that (a) the polling place is unavailable or unsuitable for such use, or it would be in the District's or County's best interest to relocate the polling place, or (b) that the Presiding Election Judge and Alternate Presiding Judge hereby designated shall become disqualified or unavailable, the President is hereby authorized to designate and appoint in writing a substitute polling place, Presiding Election Judge or Alternate Presiding Election Judge, giving such notice as is required by the Election Code and as deemed sufficient.

Section 14. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 15. Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

Section 16. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 17. Severability. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 18. Notice of Meeting. The Board officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative offices for at least 72 hours preceding the scheduled time of the meeting as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 19. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 20. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED 8/15/, 2002.

Juni Camp
President, Board of Directors

ATTEST:

Jack Goodman
Secretary, Board of Directors

[SEAL]

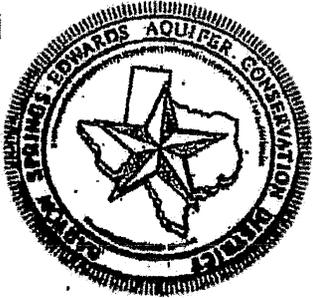


EXHIBIT A

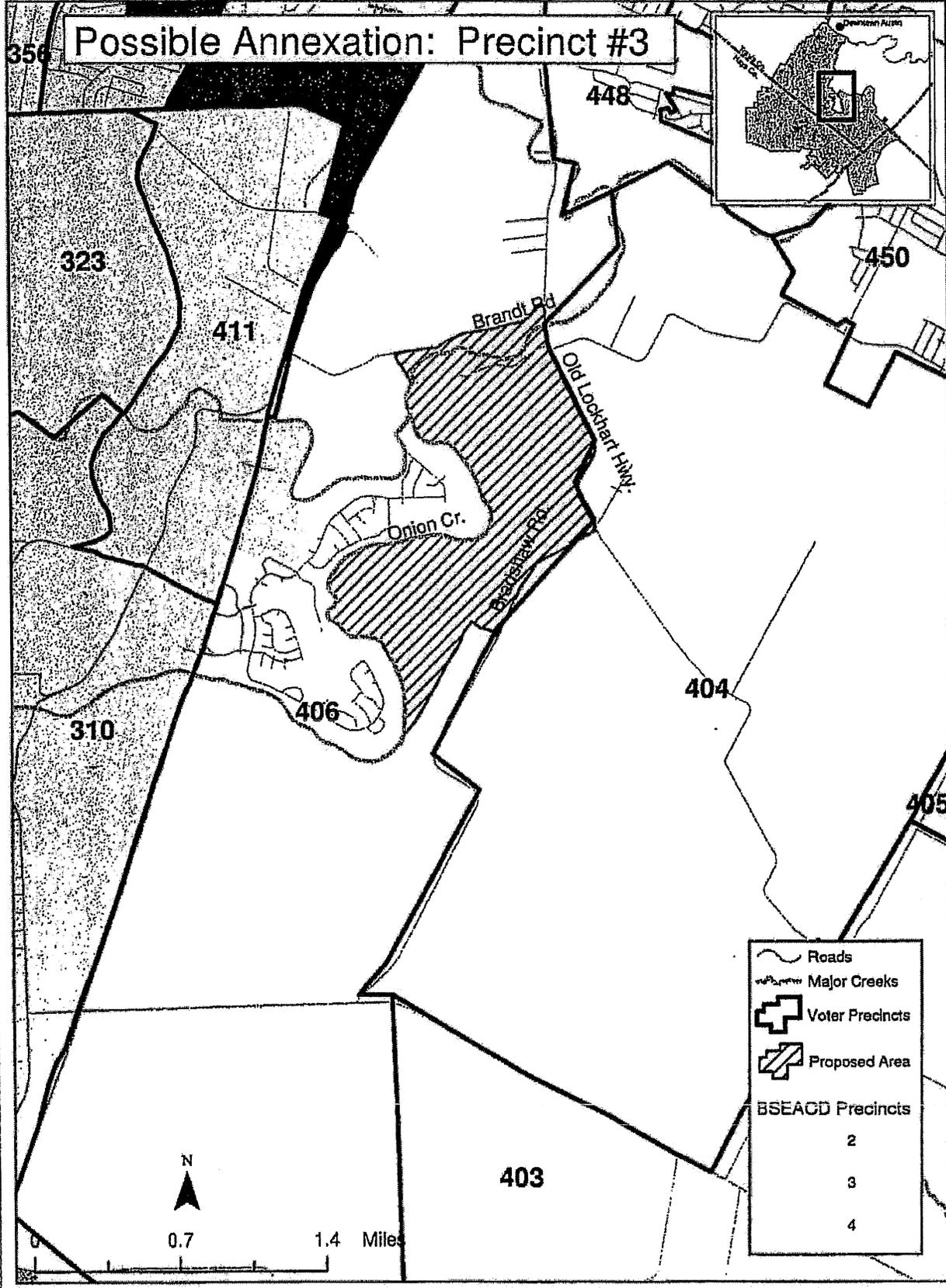
DESCRIPTION OF THE TERRITORY TO BE ANNEXED

Beginning at the BSEACD Jurisdictional Boundary on Brandt Road, thence easterly along Brandt Road to its intersection with Old Lockhart Highway, thence southerly along Old Lockhart Highway to its intersection with Bradshaw Road, thence southwesterly along Bradshaw Road to its intersection with the BSEACD Jurisdictional Boundary, thence along the BSEACD Jurisdictional Boundary southwesterly northwesterly, and northerly along Onion Creek to the point of beginning.

EXHIBIT B

MAP OF THE TERRITORY TO BE ANNEXED

Possible Annexation: Precinct #3



Map data provided by the BSEACD. All rights reserved. 2003.

EXHIBIT C

**BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT
EARLY VOTING LOCATIONS, DATES AND TIMES**

MAIN EARLY VOTING LOCATION, DAYS, AND HOURS

MAIN EARLY VOTING LOCATION	DAYS and HOURS
County Courthouse 1000 Guadalupe Austin, TX 78701	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday thru Saturday 12 noon – 6 p.m. Sundays

PERMANENT BRANCH EARLY VOTING LOCATIONS, DAYS, AND HOURS

PERMANENT BRANCH EARLY VOTING LOCATIONS	DAYS and HOURS
Albertson's North Lamar 11331 North Lamar @ Braker Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Albertson's Pflugerville 1601 West Pecan Pflugerville, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Albertson's Riverside 1819 South Pleasant Valley Blvd. Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Albertson's Stassney 5510 South IH-35 Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Albertson's Westlake 701 South Capital of Texas Hwy. Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Barton Creek Mall 2901 Capital of Texas Hwy. Austin, TX	10/19/02 thru 11/1/02 10 a.m. - 9 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Central Market North 4001 North Lamar Blvd. Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
City Market Airport 1148 Airport, Eastland Plaza Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
Fiesta Mart 3909 North IH-35 Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
HEB East 7 th 2701 East 7 th , Govalle Shopping Center Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
HEB South Congress 2400 South Congress @ Oltorf Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays
HEB Springdale 7112 Ed Bluestein @ Springdale Austin, TX	10/19/02 thru 11/1/02 7 a.m. - 7 p.m. Monday through Saturday 12 noon - 6 p.m. Sundays

Highland Mall 6001 Airport Blvd. Austin, TX	10/19/02 thru 11/1/02 10 a.m. – 9 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Northcross Mall 2525 West Anderson Lane Austin, TX	10/19/02 thru 11/1/02 10 a.m. – 9 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Randall's Berkman 6800 Berkman @ Hwy. 290 Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Randall's Lakeway 2301 FM 620 Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Randall's Parmer Lane 1700 West Parmer Lane Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Randall's Research 10900-D Research Blvd. Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Randall's South Mopac 6600 South Mopac Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
University of Texas at Austin Undergraduate Library Lobby West Mall Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays
Vistas at Canyon Creek 8025 FM 620 N Austin, TX	10/19/02 thru 11/1/02 7 a.m. – 7 p.m. Monday through Saturday 12 noon – 6 p.m. Sundays

MOBILE VOTING TIMES AND LOCATIONS

MOBILE VOTING LOCATIONS	DAYS and HOURS
Fiesta South 1120 South Lamar Austin, TX	10/19/02 12 noon – 6 p.m.
Randall's Bee Caves 3300 Bee Caves Road Austin, TX	10/19/02 12 noon – 6 p.m.
Sun Harvest North Store 2917 West Anderson Lane Austin, TX	10/19/02 12 noon – 6 p.m.
Albertson's William Cannon Austin, TX	10/19/02 12 noon – 6 p.m.
Randall's Ben White 2025 West Ben White Austin, TX	10/20/02 12 noon – 6 p.m.
Home Depot 7211 North IH-35 Austin, TX	10/20/02 12 noon – 6 p.m.
Sun Harvest South 4006 South Lamar Austin, TX	10/20/02 12 noon – 6 p.m.
Home Depot 1200 Home Depot Blvd. Austin, TX	10/20/02 12 noon – 6 p.m.
Englewood Estates 2603 Jones Road Austin, TX	10/21/02 10 a.m. – 2 p.m.
Heartland Health Care 11406 Rustic Rock Drive Austin, TX	10/21/02 10 a.m. – 2 p.m.
Westminster Manor 4100 Jackson Austin, TX	10/21/02 10 a.m. – 2 p.m.
Conley-Guerrero Senior Center 808 Nile Austin, TX	10/21/02 10 a.m. – 2 p.m.
Services for the Deaf 2201 Post Road Austin, TX	10/22/02 10 a.m. – 2 p.m.

Summit at Lakeway 1915 Lohman's Crossing Austin, TX	10/22/02 10 a.m. – 2 p.m.
DeWitty Center 2209 Rosewood Ave., Suite 211 Austin, TX	10/22/02 10 a.m. – 2 p.m.
AIDS Services of Austin 7215 Cameron Road Austin, TX	10/22/02 10 a.m. – 2 p.m.
Sam Houston Building 14 th and San Jacinto Austin, TX	10/23/02 7 a.m. – 6 p.m.
Stephen F. Austin Building 1700 North Congress Austin, TX	10/23/02 7 a.m. – 6 p.m.
LBJ Building 111 East 17 th Street Austin, TX.	10/23/02 7 a.m. – 6 p.m.
Travis Building 1701 North Congress Austin, TX	10/23/02 7 a.m. – 6 p.m.
The Continental 4604 South Lamar Austin, TX	10/24/02 10 a.m. – 2 p.m.
AmeriPark Retirement Apartments 1130 Camino la Costa Austin, TX	10/24/02 10 a.m. – 2 p.m.
RBJ Retirement Center 21 Waller Austin, TX	10/24/02 10 a.m. – 2 p.m.
Lamar Senior Activity Center 2874 Shoal Crest Austin, TX	10/24/02 10 a.m. – 2 p.m.
Brighton Gardens 4401 Spicewood Springs Rd. Austin, TX	10/25/02 10 a.m. – 2 p.m.
Island on Lake Travis 3404 American Drive Austin, TX	10/25/02 10 a.m. – 2 p.m.
Lakeside Senior Center 85 Trinity Austin, TX	10/25/02 10 a.m. – 2 p.m.

St. David's Hospital 919 East 32 nd Street Austin, TX	10/25/02 12 noon – 6 p.m.
Dove Springs Recreation Center 5801 Ainez Drive Austin, TX	10/26/02 12 noon – 6 p.m.
Whole Foods North 9607 Research Austin, TX	10/26/02 12 noon – 6 p.m.
Home Depot 13309 North IH-35 Austin, TX	10/26/02 12 noon – 6 p.m.
Home Depot 3600 FM 620 South Austin, TX	10/26/02 12 noon – 6 p.m.
Home Depot 10107 Research Blvd. Austin, TX	10/27/02 12 noon – 6 p.m.
Albertson's Slaughter Lane 1807 Slaughter Lane Austin, TX	10/27/02 12 noon – 6 p.m.
Randall's Mesa 8040 Mesa Austin, TX	10/27/02 12 noon – 6 p.m.
Randall's North Lamar 5555 North Lamar Austin, TX	10/27/02 12 noon – 6 p.m.
Northwest Rural Community Center 18649 FM 1431 Jonestown, TX	10/28/02 10 a.m. – 5 p.m.
North Rural Community Center 15803 Windermere, Ste. 308 Austin, TX	10/28/02 10 a.m. – 5 p.m.
South Rural Community Center 3518 S FM 973 Del Valle, TX	10/28/02 10 a.m. – 5 p.m.
East Rural Community Center 600 West Carrie Manor, TX	10/28/02 10 a.m. – 5 p.m.
St. Edwards' University 3001 South Congress Austin, TX	10/29/02 12 noon – 6 p.m.

ACC Northridge 11928 Stonehollow Austin, TX	10/29/02 12 noon – 6 p.m.
ACC Rio Grande 1212 Rio Grande Austin, TX	10/29/02 12 noon – 6 p.m.
ACC Riverside 1020 Grove Blvd. Austin, TX	10/29/02 12 noon – 6 p.m.
Lago Vista ISD Administration Building 8039 Bar K Ranch Rd. Lago Vista, TX	10/30/02 11 a.m. – 5 p.m.
AC Pinnacle Campus 7748 West Hwy. 290 Oak Hill, TX	10/30/02 11 a.m. – 5 p.m.
Del Valle ISD Administration Building 5301 Ross Road Del Valle, TX	10/30/02 11 a.m. – 5 p.m.
Manor ISD Administration Building 312 East Murray Avenue Manor, TX	10/30/02 11 a.m. – 5 p.m.
South Austin Hospital 901 West Ben White Austin, TX	10/31/02 11 a.m. – 4 p.m.
Seton Northwest 11113 Research Blvd. Austin, TX	10/31/02 11 a.m. – 4 p.m.
Brackenridge Hospital 601 East 15 th Street Austin, TX	10/31/02 11 a.m. – 4 p.m.
Seton Central 1201 West 38 th Street Austin, TX	10/31/02 11 a.m. – 4 p.m.
Mitchie's Fine Black Art Community Center 5706 Manor Road Austin, TX	11/1/02 12 noon – 6 p.m.
Book People 603 North Lamar Austin, TX	11/1/02 12 noon – 6 p.m.
Hutson-Tillotson College 900 Chicon Austin, TX	11/1/02 12 noon – 6 p.m.

Texas Department of Health 1100 West 49 th Street Austin, TX	11/1/02 12 noon – 6 p.m.
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**ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE
NOVEMBER 5, 2002, SPECIAL ELECTION FOR
THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT; AND
OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Board of Directors ("Board") of the Barton Spring/Edwards Aquifer Conservation District ("District" or "BSEACD") called a special election to be held on November 5, 2002, (the "Election") to authorize the annexation of certain territory contiguous to the District and to include such territory within the boundary of the District; and,

WHEREAS, the subject territory is more fully described as that area beginning at the BSEACD Jurisdictional Boundary on Brandt Road, thence easterly along Brandt Road to its intersection with Old Lockhart Highway, thence southerly along Old Lockhart Highway to its intersection with Bradshaw Road, thence southwesterly along Bradshaw Road to its intersection with the BSEACD Jurisdictional Boundary, thence along the BSEACD Jurisdictional Boundary southwesterly northwesterly, and northerly along Onion Creek to the point of beginning ("Territory"); and,

WHEREAS, the Board has reviewed and investigated all matters pertaining to the Election, including the calling, notices, election officers, holding, and returns thereof; and,

WHEREAS, the Board hereby canvasses the returns of the Election, at which there was submitted to all resident, qualified voters of the Territory for their action thereupon, the following proposition:

"Shall the Board of Directors (the "Board") of the Barton Springs / Edwards Aquifer Conservation District (the "District") be authorized to annex and include that territory beginning at the District's jurisdictional boundary on Brandt Road, thence easterly along Brandt Road to its intersection with Old Lockhart Highway, thence southerly along Old Lockhart Highway to its intersection with Bradshaw Road, thence southwesterly along Bradshaw Road to its intersection with the District's jurisdictional boundary, thence along the District's jurisdictional boundary southwesterly northwesterly, and northerly along onion creek to the point of beginning in the District?"; and,

WHEREAS, the Board has diligently inquired into the poll lists and the official election returns, which were duly and lawfully made to the Board by the appropriate election official as set out in the joint election agreement between the District and Travis County, and which separately show the votes cast in the Election; and

WHEREAS, from these returns, the Board hereby finds that the following votes were cast in the Election by voters who were resident, qualified voters of the Territory:

PROPOSITION

THE INCLUSION OF THAT PORTION OF TRAVIS COUNTY WITHIN TRAVIS COUNTY ELECTION PRECINCT 406 BOUNDED BY THE EXISTING BOUNDARIES OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT, UNION CREEK, BRANDT ROAD, OLD LOCKHART HIGHWAY, AND BRADSHAW ROAD IN THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT?

	<u>For</u>	<u>Against</u>
Election Day Votes	65	56
Early Votes	<u>58</u>	<u>47</u>
TOTAL VOTES CAST	123	103

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT THAT:

Section 1. Election; Returns; Canvass. The Board officially finds, determines, and declares that the Election was duly and properly conducted; that proper legal notice of such Election was duly given in the English language and the Spanish language, to the extent required by law; that proper election officers were duly appointed prior to the Election; that the Election was duly and legally held; that all resident, qualified voters of the Territory were permitted to vote at the Election; that due returns of the results of the Election have been made and delivered; and, that the Board has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the Order calling the Election.

Section 2. Election Results. A MAJORITY of the resident, qualified voters of the Territory located within Travis County Election Precinct 406 voting in the Election have voted FOR authorizing the annexation and inclusion of the Territory into the District as provided in the Proposition. The Board hereby finds and determines that the Proposition did carry at the Election in that portion of the Territory located in Travis County Election Precinct 406. The Territory is included in the District.

Section 3. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 4. Notice of Meeting. It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time,

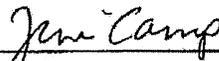
place and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 5. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board is authorized to do all other things legal and necessary in connection with the consummation of the Election.

Section 6. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED, this the 12th day of November, 2002.

**BARTON SPRING/EDWARDS AQUIFER
CONSERVATION DISTRICT**



President, Board of Directors

ATTEST:



Secretary, Board of Directors

(SEAL)

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1 Bastrop/Caldwell County Line;
2 THENCE, 8840 feet, more or less, N 43° W, along the Bastrop/Caldwell
3 County Line and passing State Highway 21 to the Point of Beginning.
4 All of the area enclosed by this description is in Bastrop County
5 and totals approximately 410 acres.
6 Reference: Original mapping of Creedmoor-Maha Water Supply
7 Corporation boundaries as shown on the CCN Map of Record, Oct 18,
8 2006, held by TCEQ for Water CCN Number 11029.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.

H.B. No. 1060

President of the Senate

Speaker of the House

I certify that H.B. No. 1060 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1060 was passed by the Senate on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

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STATE OF TEXAS

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§
§

RESOLUTION #062311-01

**COUNTIES OF HAYS, TRAVIS
BASTROP, AND CALDWELL**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BARTON
SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT
DECLARING THAT THE PORTION OF THE DISTRICT IN BASTROP
COUNTY, TEXAS, IS EXCLUDED FROM THE TERRITORY AND
JURISDICTION OF THE DISTRICT**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (the District) is a groundwater conservation district created by an act of the 70th Legislature and subject to various requirements of existing State law governing groundwater districts, including Texas Water Code Chapter 36; and

WHEREAS, the District is charged by its statutory authorities to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs in the District's jurisdiction that includes portions of Bastrop, Caldwell, Hays, and Travis Counties, Texas; and

WHEREAS, that portion of the District in Bastrop County also lies within the jurisdiction of another groundwater conservation district operating under Texas Water Code Chapter 36, the Lost Pines Groundwater Conservation District, which was established by legislative action after the formation of the District; and

WHEREAS, the Texas Attorney General has recently issued its Opinion GA-0792 that indicates that a) from a statutory standpoint, absent legislation to the contrary, no territory can be within the jurisdiction of two political subdivisions of the State for the same purpose at the same time; b) that the Legislature intended, by formation of a later political subdivision, that the later political subdivision should take primacy over an earlier political subdivision for that same purpose in any overlapping area; and c) that Chapter 36 authorities sufficiently define the purposes of groundwater conservation districts; and

WHEREAS, the 82nd Regular Session of the Texas Legislature subsequently passed and sent to the Governor HB 1060, which directs the District to exclude that part of its territory in Bastrop County, to remove the overlap with and in favor of Lost Pines Groundwater Conservation District, within 30 days of HB 1060 becoming law:

:

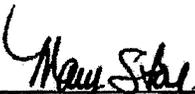
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District that the governing body of the District, upon HB 1060 becoming law:

1. Declares that portion of the District in Bastrop County shall be removed from the District's jurisdiction; and
2. Directs the District's General Counsel to file notice and other required information with the US Department of Justice seeking Pre-clearance for this de-annexation; and
3. Directs the District's General Manager, upon receipt of affirmative Pre-clearance notice, to file a copy of this resolution with the Bastrop County Clerk and request notification of its recording; and
4. Considers Bastrop County removed from and no longer to be part of the jurisdiction of the District on the same day of affirmative recording by the County Clerk.

In Favor 3

Opposed 0

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2011.



Mary Stone, President

ATTEST:



Craig Smith, Secretary

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts the amendment to §331.19 *without change* to the proposed text as published in the February 6, 2015, issue of the *Texas Register* (40 TexReg 587) and will not be republished.

Background and Summary of the Factual Basis for the Adopted Rule

As existing water supplies decline and demand for fresh water increases in central and southwest Texas, efforts are underway to identify and develop potential new sources of water. Two strategies being pursued are desalination of brackish groundwater and aquifer storage and recovery (ASR). In support of these options, this rulemaking implements Senate Bill (SB) 1532, 83rd Texas Legislature, 2013. The intent of SB 1532 was to provide a statutory and regulatory basis to promote research that could make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer.

Prior to the passage of SB 1532, Texas Water Code (TWC), §27.051(i) and 30 TAC §331.19 prohibited certain injection wells that transect or terminate in the Edwards Aquifer. SB 1532 amends TWC, Chapter 27, Subchapter D, by adding TWC, §27.0516. Within specific geographic boundaries, TWC, §27.0516 allows the commission to authorize by rule or general permit certain injection wells that transect or terminate in the Edwards Aquifer while providing a statutory and regulatory basis that is protective of the freshwater aquifer and supportive of desalination and ASR.

The applicability of the provisions in TWC, §27.0516 is limited to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) but is not in that district's territory or the territory of the Edwards Aquifer Authority. The official jurisdictional boundaries of the BSEACD were originally established by order of the commission and subsequently modified by orders of both the commission and the BSEACD. As part of this rulemaking, the commission has developed a map, which is located in §331.19(c), for inclusion in the adopted rule to give a general depiction of the affected geographic areas.

The commission's Underground Injection Control (UIC) program has one existing general permit that authorizes disposal of nonhazardous desalination concentrate and other nonhazardous drinking water treatment residuals in a Class I well. This statewide general permit expedites the processing of authorizations for wells used for these purposes. The existing UIC general permit did not contemplate the addition of provisions such as those in SB 1532 that apply to only specific small geographic areas within a certain aquifer. It would not be feasible to amend the existing general permit to add the SB 1532 provisions. Because the number of applications is not expected to be significant under the general permits authorized in SB 1532, new general permits that include the special conditions required in SB 1532 will be implemented when there is a

need for them.

Section Discussion

§331.19, Injection Into or Through the Edwards Aquifer

The commission adopts the amendment to subsection (a) that inserts "except as authorized in subsection (c) of this section" at the beginning of subsection (a). This language will provide for the exceptions granted by SB 1532 for certain injection wells that transect or terminate in the Edwards Aquifer.

The commission adopts subsection (c) to specify that this subsection applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the BSEACD, but is not in that district's territory or the territory of the Edwards Aquifer Authority. In order to reference the authoritative sources for BSEACD's boundaries, subsection (c) cites the defining documents that delineate the borders of the BSEACD to include orders of the commission dated November 19, 1986 and April 18, 1988; two subsequent orders of the BSEACD dated August 13, 1987; three orders of the BSEACD dated January 24, 2002; an order of the BSEACD canvassing the returns and declaring the results of a special election, dated November 12, 2002; and a resolution of the BSEACD adopted June 23, 2011. Subsection (c) also provides a figure showing a general depiction of the affected geographic area. The map in Figure: 30 TAC §331.19(c) is for illustrative purposes and is not to be used to establish the jurisdictional

boundaries of the BSEACD. Adopted subsection (c) further states that all injection wells within this specific geographic area are prohibited unless authorized by rule or by a general permit.

The commission adopts subsection (c)(1) to include definitions for "Engineered aquifer storage and recovery facility," "Fresh water" and "Saline portion of the Edwards Aquifer." These three definitions, quoted from TWC, §27.0516, are adopted in §331.19(c)(1)(A) - (C), respectively, for use in §331.19(c). Although the term "fresh water" was already defined in TWC, §27.002(8), and §331.2(46), it is uniquely defined in the context of this rulemaking and as applied in §331.19.

The commission adopts subsection (c)(2) to list activities that may be authorized by rule within the geographic area described in subsection (c) for the purpose of providing additional recharge. Any injection well subject to this section is also subject to the requirement of §331.5 (relating to Prevention of Pollution) providing that no permit or authorization shall be allowed where an injection well causes or allows the movement of fluid that would result in the pollution of an underground source of drinking water (USDW). Adopted §331.19(c)(2)(A) would authorize the injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer. Adopted §331.19(c)(2)(B) would authorize the injection of rainwater, storm water, flood water or groundwater into the Edwards Aquifer through an improved

natural recharge feature such as a sinkhole or cave located in a karst topographic area. These activities would be authorized by rule under §331.9 as stated in adopted §331.19(a).

Adopted subsection (c)(3) lists the types of injection wells which may be authorized under a general permit issued by the commission. Adopted subsection (c)(3)(A) provides that activities described by subsection (c)(2) may also be authorized under a general permit in addition to authorization by rule. Adopted subsection (c)(3)(B) and (C) pertains to the injection of concentrate from a desalination facility or fresh water as part of an engineered ASR facility. These fluids may be injected into a well that either transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer, or a well that terminates in the saline portion of the Edwards Aquifer having a total dissolved solids concentration of more than 10,000 milligrams per liter (provided that each well used for injection or withdrawal from the facility must be at least three miles from the closest outlet of Barton Springs). Lastly, adopted subsection (c)(3)(D) would provide authorization for an injection well that transects or terminates in the Edwards Aquifer for aquifer remediation, the injection of a nontoxic tracer dye as part of a hydrologic study, or another beneficial activity that is designed and undertaken for the purpose of increasing protection of an USDW from pollution or other deleterious effects. The activities provided in subsection (c)(3) would apply only within the geographic area described in subsection (c).

Adopted subsection (c)(4) requires the commission to hold a public meeting before issuing a general permit under this section.

Adopted subsection (c)(5)(A) pertains to requirements for monitoring wells. Under subsection (c)(5)(A)(i), the injection well owner is required to operate a monitoring well if the executive director determines that there is an USDW in the area of review that is potentially affected by the injection well. If the injection well owner does not operate a monitoring well, then subsection (c)(5)(A)(ii) provides that the monitoring well may be operated by a party other than the injection well owner. In this latter case, all results of monitoring must be promptly made available to the injection well owner. The previously described monitoring wells, if properly sited and completed, may also be used to monitor a saline water production well as provided in subsection (c)(5)(A)(iii).

Subsection (c)(5)(B)(i) prohibits the waste or pollution of fresh water by an injection well covered under §331.19(c). Finally, subsection (c)(5)(B)(ii) provides that an injection well may be authorized for a term not to exceed ten years, and the authorization may be renewed.

Additional requirements of SB 1532 that are not specifically implemented in commission rule will be implemented as specific provisions in a general permit as authorized in §331.19.

Final Regulatory Impact Determination

The commission adopts the rulemaking action under the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the action is not subject to Texas Government Code, §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the statute. "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The adopted rulemaking action implements legislative requirements in SB 1532, which authorizes certain types of injection wells in the Edwards Aquifer within a specified geographic area of the BSEACD. The adopted rulemaking does not meet the definition of "major environmental rule" because the rulemaking does not affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment or public health and safety of the state or a sector of the state. The new requirements for injection wells apply only to a specific geographic area within the circumscribed boundary but not within the jurisdiction of the BSEACD, and no injection well authorized by the commission may allow the movement of fluid that would result in the pollution of an USDW.

Furthermore, the adopted rulemaking does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). The adopted rule does not exceed a standard set by federal law, because there is no comparable federal law regarding the Edwards Aquifer. The adopted rule does not exceed an express requirement of state law because it is consistent with the express requirements of SB 1532 and TWC, §27.0516. The adopted rule does not exceed requirements set out in the commission's UIC program authorized for the state of Texas under the federal Safe Drinking Water Act. The rulemaking is not adopted under the general powers of the agency, but is adopted under the express requirements of SB 1532 and TWC, §27.019 and §27.0516(h).

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the regulatory impact analysis determination.

Takings Impact Assessment

The commission evaluated this rulemaking action and performed a preliminary assessment of whether Texas Government Code, Chapter 2007 is applicable. The adopted action implements legislative requirements in SB 1532, which authorizes certain types of injection wells within a specified geographic area in the Edwards Aquifer.

The adopted rule would be neither a statutory nor a constitutional taking of private real property. The adopted rule would allow certain injection wells in the Edwards Aquifer within a specified geographic area circumscribed by the boundary of the BSEACD as authorized under SB 1532. The adopted rule does not affect a landowner's rights in private real property because this rulemaking action does not burden (constitutionally), nor restrict or limit, the owner's right to property and reduce its value by 25% or more beyond which would otherwise exist in the absence of the regulations.

Consistency with the Coastal Management Program

The commission reviewed the adopted rule and found that it is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the adopted rule is not subject to the Texas Coastal Management Program (CMP).

The commission invited public comment regarding the consistency with the CMP during the public comment period. No comments were received regarding consistency with the CMP.

Public Comment

The commission held a public hearing in Austin on March 3, 2015. No oral comments were submitted at the meeting. The comment period closed on March 9, 2015. The commission received one written comment from an individual who expressed concern about water management issues outside the scope of this rulemaking.

Response to Comment

The commission received one written comment and question from an individual who expressed concern about the unregulated pumping of water from the Trinity Aquifer in Hays County and the endangerment of species by diminishing water flows from springs. This individual stated that daily water use is restricted yet a company from Houston can drain all the water they can sell. The commenter asked whether TCEQ is considering the impact of something as environmentally irresponsible and reckless as Ron Pucek's Living Waters Catfish Farm, Southern Bexar County, 1991.

Response

The commission responds that this comment and question is outside the scope of this rulemaking. The purpose of this rulemaking is to implement legislation to facilitate possible desalination or aquifer storage projects that applies to only specific small geographic areas within the Edwards Aquifer. The adopted rule does not address the pumping or withdrawal of water

from the Trinity Aquifer, endangerment of species by diminishing water flows from springs, restrictions on citizens' water use or the impact of a specific project. No change was made to the rule in response to this comment.

SUBCHAPTER A: GENERAL PROVISIONS

§331.19

Statutory Authority

The amended section is adopted under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt any rules necessary to carry out its powers and duties under this code and other laws of this state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; TWC, §27.019, which requires the commission to adopt rules reasonably required for the regulation of injection wells; and Senate Bill (SB) 1532, 83rd Texas Legislature, 2013.

The amended section implements SB 1532 and TWC, §27.0516, which authorizes certain injection wells in the Edwards Aquifer within a specified geographic area circumscribed by the boundary of the Barton Springs-Edwards Aquifer Conservation District.

§331.19. Injection Into or Through the Edwards Aquifer.

(a) Except as authorized in subsection (c) of this section, for [For] applications submitted on or after September 1, 2001, injection wells that transect or terminate in the Edwards Aquifer may be authorized by rule under §331.9 of this title (relating to Injection Authorized by Rule) or by permit only as follows:

(1) wells that inject groundwater withdrawn from the Edwards Aquifer may be authorized only if:

(A) the groundwater is unaltered physically, chemically, or biologically; or

(B) the groundwater is treated in connection with remediation that is approved by state or federal order, authorization, or agreement and does not exceed the maximum contaminant levels for drinking water contained in §290.104 of this title (relating to Summary of Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, Treatment Techniques, and Action Levels);

(2) wells that inject non-toxic tracer dyes into the Edwards Aquifer for the purpose of conducting scientific studies to determine hydrologic flowpaths may be authorized if the owner or operator is a federal or state agency, county, municipality, river authority, or groundwater district; or

(3) improved sinkholes or caves located in karst topographic areas that inject storm water, flood water, or groundwater may be authorized.

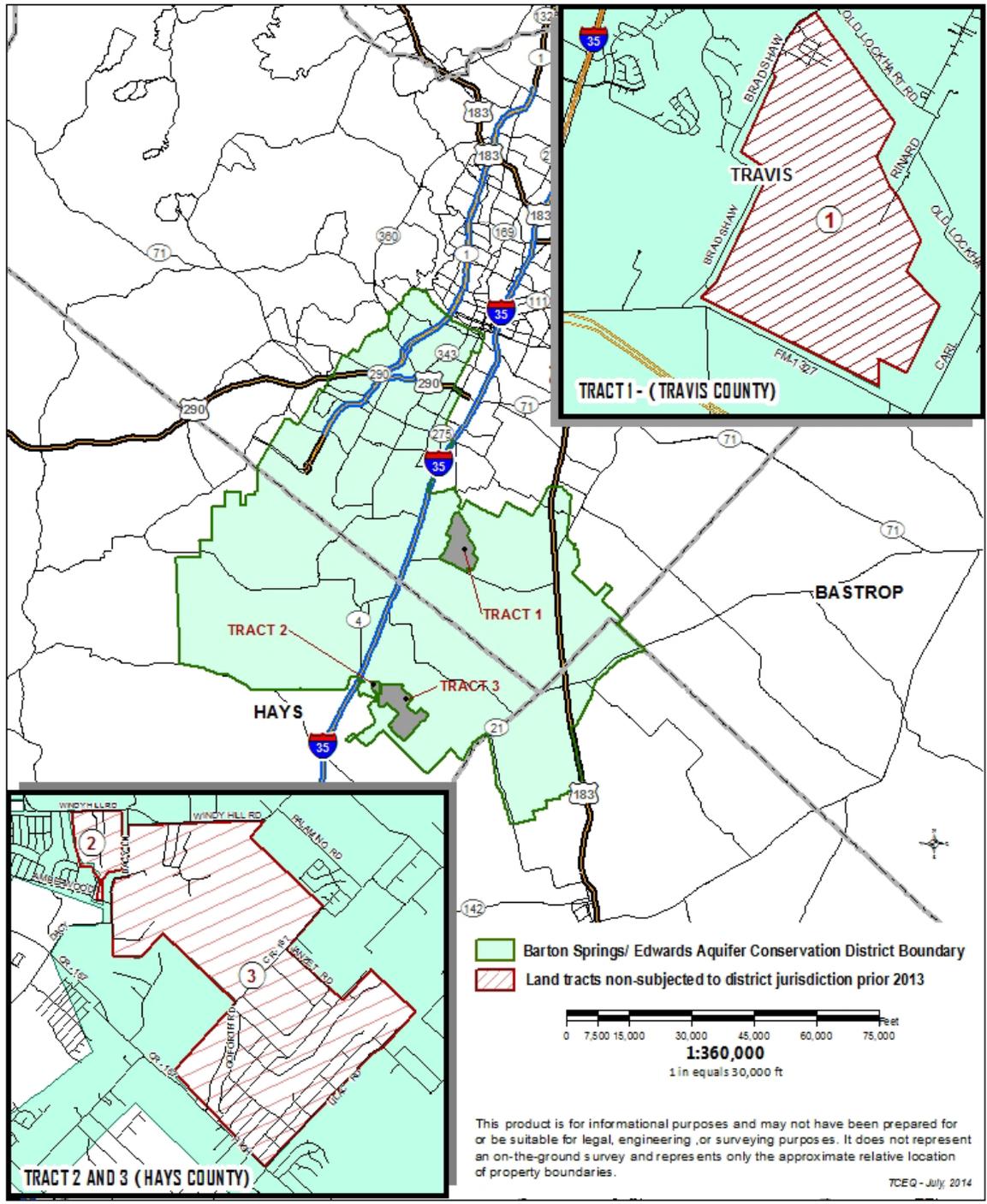
(b) For the purposes of this section, *Edwards Aquifer* means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(c) This subsection applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) but is not in that district's territory or the territory of the Edwards Aquifer Authority. The jurisdictional boundaries of the BSEACD are delineated in orders of the commission dated November 19, 1986 and April 18, 1988; in two subsequent orders of the BSEACD dated August 13, 1987; three orders of the BSEACD dated January 24, 2002; an order of the BSEACD

canvassing the returns and declaring the results of a special election, dated November 12, 2002; and in a resolution of the BSEACD adopted June 23, 2011. A general depiction of the geographic area affected by this subsection is shown in the figure in this subsection. Unless authorized by rule as provided in paragraph (2) of this subsection or authorized by a general permit issued by the commission as provided in paragraph (3) of this subsection, all injection wells within the geographic area described in this subsection are prohibited.

Figure: 30 TAC §331.19(c)

**Area Affected by SB 1532 within Barton Springs - Edwards Aquifer Conservation District
 Travis and Hays Counties**



(1) Definitions. For the purposes of this subsection:

(A) Engineered aquifer storage and recovery facility--A facility with one or more wells that is located, designed, constructed, and operated for the purpose of injecting fresh water into a subsurface permeable stratum and storing the water for subsequent withdrawal and use for a beneficial purpose.

(B) Fresh water-- Surface water or groundwater, without regard to whether the water has been physically, chemically, or biologically altered, that:

(i) contains a total dissolved solids concentration of not more than 1,000 milligrams per liter; and

(ii) is otherwise suitable as a source of drinking water supply.

(C) Saline portion of the Edwards Aquifer--The portion of the Edwards Aquifer that contains groundwater with a total dissolved solids concentration of more than 1,000 milligrams per liter.

(2) Injection wells authorized by rule. Injection wells within the geographic area described within this subsection may be authorized by rule under §331.9 of this title for:

(A) the injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge; or

(B) the injection of rainwater, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge.

(3) Injection wells authorized by general permit. Injection wells within the geographic area described in this subsection may be authorized under a general permit issued by the commission. A general permit under this paragraph may authorize:

(A) an activity described under paragraph (2) of this subsection;

(B) an injection well that transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer for the purpose of injecting:

(i) concentrate from a desalination facility; or

(ii) fresh water as part of an engineered aquifer storage and recovery facility;

(C) an injection well that terminates in that part of the saline portion of the Edwards Aquifer that has a total dissolved solids concentration of more than 10,000 milligrams per liter for the purpose of injecting into the saline portion of the Edwards Aquifer:

(i) concentrate from a desalination facility, provided that the injection well must be at least three miles from the closest outlet of Barton Springs; or

(ii) fresh water as part of an engineered aquifer and storage recovery facility, provided each well used for injection or withdrawal from the facility must be at least three miles from the closest outlet of Barton Springs; or

(D) an injection well that transects or terminates in the Edwards Aquifer for:

(i) aquifer remediation;

(ii) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(iii) another beneficial activity that is designed and undertaken for the purpose of increasing protection of an underground source of drinking water from pollution or other deleterious effects.

(4) The commission must hold a public meeting before issuing a general permit under this section.

(5) Special requirements for all injection wells subject to this subsection.

(A) Monitoring wells. An injection well subject to this subsection must be monitored by means of:

(i) a monitoring well operated by the injection well owner if the executive director determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(ii) if clause (i) of this subparagraph does not apply, a monitoring well operated by a party other than the injection well owner, provided that all results of monitoring are promptly made available to the injection well owner.

(iii) A monitoring well described under this subparagraph, if properly sited and completed, may also be used for monitoring a saline water production well.

(B) An injection well subject to this subsection:

(i) must not result in the waste or pollution of fresh water;
and

(ii) may be authorized for a term not to exceed ten years, and the authorization for the injection well may be renewed.

(6) A groundwater system that fails to issue a required public notice or certify that the public notice has been performed commits a public notice violation.

(f) Public notification. A groundwater system that commits a treatment technique, monitoring, or reporting violation or situation as identified in this section must notify its customers of the violation in accordance with the requirements of §290.122 of this title (relating to Public Notification).

(1) Special notice to the public of significant deficiencies or source water fecal contamination for community systems. In addition to the applicable public notice requirements of §290.122(a) of this title, a community groundwater system that receives notice from the executive director of a significant deficiency or notification of a fecal indicator-positive groundwater source sample that is not invalidated under §290.109(d)(2) of this title must inform the public served by the water system of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected in its Consumer Confidence Report as specified in §290.272(g)(7) and (8) of this title (relating to Content of the Report).

(2) Special notice to the public of significant deficiencies or source water fecal contamination for noncommunity systems. In addition to the applicable public notice requirements of §290.122(a) of this title, a noncommunity groundwater system that receives notice from the executive director of a significant deficiency or notification of a fecal indicator-positive groundwater source sample that is not invalidated under §290.109(d)(2) of this title must inform the public served by the water system of any significant deficiency that has not been corrected within 12 months of being notified by the executive director, or earlier if directed by the executive director. The system must continue to inform the public annually until the significant deficiency is corrected. The information must include:

(A) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection; and

(B) any other method reasonably calculated to notify other persons served by the system, if they would not normally be notified by the methods set out in subparagraph (A) of this paragraph. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely frequent. Other methods may include publication in a local newspaper, newsletter, or e-mail; or, delivery of multiple copies in central locations (e.g., community centers).

(C) If directed by the executive director, a noncommunity groundwater system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how deficiencies were corrected, and the dates of correction.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 23, 2015.

TRD-201500165

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Earliest possible date of adoption: March 8, 2015

For further information, please call: (512) 239-2613



CHAPTER 331. UNDERGROUND INJECTION CONTROL

SUBCHAPTER A. GENERAL PROVISIONS

30 TAC §331.19

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes to amend §331.19.

Background and Summary of the Factual Basis for the Proposed Rule

As existing water supplies decline and demand for fresh water increases in central and southwest Texas, efforts are underway to identify and develop potential new sources of water. Two strategies being pursued are desalination of brackish groundwater and aquifer storage and recovery (ASR). In support of these options, this rulemaking implements Senate Bill (SB) 1532, 83rd Texas Legislature, 2013. The intent of SB 1532 was to provide a statutory and regulatory basis to promote research that could make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer.

Prior to the passage of SB 1532, Texas Water Code (TWC), §27.051(i) and §331.19 prohibited certain injection wells that transect or terminate in the Edwards Aquifer. SB 1532 amends TWC, Chapter 27, Subchapter D, by adding TWC, §27.0516. Within specific geographic boundaries, TWC, §27.0516 allows the commission to authorize by rule or general permit certain injection wells that transect or terminate in the Edwards Aquifer while providing a statutory and regulatory basis that is protective of the freshwater aquifer and supportive of desalination and ASR.

The applicability of the provisions in TWC, §27.0516 is limited to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) but is not in that district's territory or the territory of the Edwards Aquifer Authority. The official jurisdictional boundaries of the BSEACD were originally established by order of the commission and subsequently modified by orders of both the commission and the BSEACD. As part of this rulemaking, the commission has developed a map, which is located in §331.19(c), for inclusion in the proposed rule to give a general depiction of the affected geographic areas.

The commission's Underground Injection Control (UIC) program has one existing general permit that authorizes disposal of nonhazardous desalination concentrate and other nonhazardous drinking water treatment residuals in a Class I well. This statewide general permit expedites the processing of authorizations for wells used for these purposes. The existing UIC general permit did not contemplate the addition of provisions such as those in SB 1532 that apply to only specific small geographic areas within a certain aquifer. It would not be feasible to amend the existing general permit to add the SB 1532 provisions. Because the number of applications is not expected to be significant under the general permits authorized in SB 1532, new general permits that include the special conditions required in SB 1532 will be implemented when there is a need for them.

Section Discussion

§331.19, Injection Into or Through the Edwards Aquifer

The commission proposes to amend subsection (a) by inserting "except as authorized in subsection (c) of this section" at the

beginning of subsection (a). This language will provide for the exceptions granted by SB 1532 for certain injection wells that transect or terminate in the Edwards Aquifer.

The commission proposes subsection (c) to specify that this subsection applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the BSEACD, but is not in that district's territory or the territory of the Edwards Aquifer Authority. In order to reference the authoritative sources for BSEACD's boundaries, subsection (c) cites the defining documents that delineate the borders of the BSEACD to include orders of the commission dated November 19, 1986 and April 18, 1988; two subsequent orders of the BSEACD dated August 13, 1987; three orders of the BSEACD dated January 24, 2002; an order of the BSEACD canvassing the returns and declaring the results of a special election, dated November 12, 2002; and a resolution of the BSEACD adopted June 23, 2011. Subsection (c) also provides a figure showing a general depiction of the affected geographic area. The map in Figure: 30 TAC §331.19(c) is for illustrative purposes and is not to be used to establish the jurisdictional boundaries of the BSEACD. Proposed subsection (c) further states that all injection wells within this specific geographic area are prohibited unless authorized by rule or by a general permit.

The commission proposes subsection (c)(1) to include definitions for "Engineered aquifer storage and recovery facility," "Fresh water" and "Saline portion of the Edwards Aquifer." These three definitions, quoted from TWC, §27.0516, are proposed to be implemented in §331.19(c)(1)(A) - (C), respectively, for use in §331.19(c). Although the term "fresh water" was already defined in TWC, §27.002(8), and §331.2(46), it is uniquely defined in the context of this rulemaking and as applied in §331.19.

The commission proposes subsection (c)(2) to list activities that may be authorized by rule within the geographic area described in subsection (c) for the purpose of providing additional recharge. Any injection well subject to this section is also subject to the requirement of §331.5 (relating to Prevention of Pollution) providing that no permit or authorization shall be allowed where an injection well causes or allows the movement of fluid that would result in the pollution of an underground source of drinking water (USDW). Proposed §331.19(c)(2)(A) would authorize the injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer. Proposed §331.19(c)(2)(B) would authorize the injection of rainwater, storm water, flood water or groundwater into the Edwards Aquifer through an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area. These activities would be authorized by rule under §331.9 as stated in proposed amended §331.19(a).

Proposed subsection (c)(3) lists the types of injection wells which may be authorized under a general permit issued by the commission. Proposed subsection (c)(3)(A) provides that activities described by subsection (c)(2) may also be authorized under a general permit in addition to authorization by rule. Proposed subsection (c)(3)(B) and (C) pertains to the injection of concentrate from a desalination facility or fresh water as part of an engineered ASR facility. These fluids may be injected into a well that either transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer, or a well that terminates in the saline portion of the Edwards Aquifer having a total dissolved solids concentration of more than 10,000 milligrams per liter (provided that each well used for injection or withdrawal from the facility must be at least three miles from the closest

outlet of Barton Springs). Lastly, proposed subsection (c)(3)(D) would provide authorization for an injection well that transects or terminates in the Edwards Aquifer for aquifer remediation, the injection of a nontoxic tracer dye as part of a hydrologic study, or another beneficial activity that is designed and undertaken for the purpose of increasing protection of an USDW from pollution or other deleterious effects. The activities provided in subsection (c)(3) would apply only within the geographic area described in subsection (c).

Proposed subsection (c)(4) provides for the requirement that the commission to hold a public meeting before issuing a general permit under this section.

Proposed subsection (c)(5)(A) pertains to requirements for monitoring wells. Under subsection (c)(5)(A)(i), the injection well owner is required to operate a monitoring well if the executive director determines that there is an USDW in the area of review that is potentially affected by the injection well. If the injection well owner does not operate a monitoring well, then subsection (c)(5)(A)(ii) provides that the monitoring well may be operated by a party other than the injection well owner. In this latter case, all results of monitoring must be promptly made available to the injection well owner. The previously described monitoring wells, if properly sited and completed, may also be used to monitor a saline water production well as provided in subsection (c)(5)(A)(iii). Subsection (c)(5)(B)(i) prohibits the waste or pollution of fresh water by an injection well covered under §331.19(c). Finally, subsection (c)(5)(B)(ii) provides that an injection well may be authorized for a term not to exceed ten years, and the authorization may be renewed.

Additional requirements of SB 1532 that are not specifically implemented in commission rule will be implemented as specific provisions in a general permit as authorized in §331.19.

Fiscal Note: Costs to State and Local Government

Jeffrey Horvath, Analyst in the Chief Financial Officer's Division, has determined that for the first five-year period the proposed rule is in effect, no significant fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rule.

The proposed rulemaking would implement SB 1532. SB 1532 provides that the commission by rule or by general permit may authorize injection wells within the Edwards Aquifer (the geographic area circumscribed by the external boundaries of the BSEACD but not in that district's territory or the territory of the Edwards Aquifer Authority) for: 1) injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge; and 2) injection of rainwater, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave for the purpose of providing additional recharge.

SB 1532 also provides that the commission by general permit may authorize the following three provisions.

First, an injection well that transects and isolates the saline portion of the Edwards Aquifer and terminates in the lower aquifer for the purpose of injecting concentrate from a desalination facility or fresh water that is part of an engineered ASR facility.

Second, an injection well that terminates in saline portion of the Edwards Aquifer that has a total dissolved solids concentration of more than 10,000 milligrams per liter for the purpose of injecting concentrate from a desalination facility or fresh water as

part of an engineered ASR facility provided that the injection well must be at least three miles from the closest outlet of the Barton Springs.

Third, an injection well that transects or terminates in the Edwards Aquifer for: 1) aquifer remediation; 2) injection of nontoxic tracer dye as part of a study; or, 3) a beneficial activity that is undertaken for the purpose of increasing protection of USDW from pollution or other deleterious effects.

SB 1532 provides a statutory and regulatory basis to make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer.

Prior to the passage of SB 1532, Texas law prohibited certain injection activities in the Edwards Aquifer in certain counties. SB 1532 amended TWC, Chapter 27 to provide that within specific geographic boundaries, the commission could authorize certain injection wells that transect or terminate in the Edwards Aquifer. SB 1532 authorizes these injection wells while providing a statutory and regulatory basis that is protective of the freshwater aquifer and supportive of desalination and ASR. SB 1532 only applies to the portion of the Edwards Aquifer that is within a specific geographic area. The boundaries identified in SB 1532 mean that the proposed rule would apply to three small tracts of land, one tract is in southeastern Travis County and two are in northeastern Hays County.

The proposed rule is not expected to affect units of state or local government. A local government (city, county, water district, river authority, utility district, etc.) could be affected if they propose to use an injection well for the disposal of concentrate from desalination of brackish groundwater, for ASR, or for any of the other purposes listed above that are in the affected areas of the Edwards Aquifer. If they did implement such a project, then the proposed rule would benefit them in that the proposed rule would allow for the permitting of these injection wells. At this time, no such projects have been identified by agency staff, and the number of any future projects is not expected to be significant. The agency does not expect a significant increase in general permit applications that would need processing by staff. If a local government does pursue a project using injection wells permitted under the proposed rule, they would pay the \$100 injection well general permit fee for each permit application, as currently required.

Public Benefits and Costs

Mr. Horvath has also determined that for each year of the first five years the proposed rule is in effect, the public benefit anticipated from the changes seen in the proposed rule will be compliance with state law and a regulatory basis to promote research that could make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer.

The proposed rule is not anticipated to result in fiscal implications for businesses or individuals. The proposed rule would not impose new requirements or responsibilities on businesses, but the rule could make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer. The proposed rule would facilitate research and the use of these techniques through the authorization of certain injection wells. At this time, no such projects have been identified by agency staff, and the number of any future projects is not expected to be significant. If a business did implement such a project, then the proposed rule would benefit them in that the proposed rule would allow for the permitting of these injection wells.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses as a result of the proposed rule. The proposed rule would not impose new requirements or responsibilities on businesses, but the rule could make desalination of brackish groundwater and ASR more viable in the Edwards Aquifer. The proposed rule would facilitate research in these techniques and allow for the permitting of certain injection wells.

Small Business Regulatory Flexibility Analysis

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years that the proposed rule is in effect.

Local Employment Impact Statement

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the action is not subject to Texas Government Code, §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the statute. "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The proposed action implements legislative requirements in SB 1532, which authorizes certain types of injection wells in the Edwards Aquifer within a specified geographic area of the BSEACD. The proposal does not meet the definition of "major environmental rule" because the rulemaking does not affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment or public health and safety of the state or a sector of the state. The new requirements for injection wells apply only to a specific geographic area within the circumscribed boundary but not within the jurisdiction of the BSEACD, and no injection well authorized by the commission may allow the movement of fluid that would result in the pollution of an USDW.

Furthermore, the proposed rule does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). The proposed rule does not exceed a standard set by federal law, because there is no comparable federal law regarding the Edwards Aquifer. The proposed rule does not exceed an express requirement of state law because it is consistent with the express requirements of SB 1532 and TWC, §27.0516. The proposed rule does not exceed requirements set out in the commission's UIC program authorized for the state of Texas under the federal Safe Drinking Water Act. The rulemaking is not proposed under the general powers of the agency and is proposed under the express requirements of SB 1532 and TWC, §27.019 and §27.0516(h).

Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

The commission evaluated this rulemaking action and performed a preliminary assessment of whether Texas Government Code, Chapter 2007 is applicable. The proposed action implements legislative requirements in SB 1532, which authorizes certain types of injection wells within a specified geographic area in the Edwards Aquifer.

The proposed rule would be neither a statutory nor a constitutional taking of private real property. The proposed rule would allow certain injection wells in the Edwards Aquifer within a specified geographic area circumscribed by the boundary of the BSEACD as authorized under SB 1532. The proposed rule does not affect a landowner's rights in private real property because this rulemaking action does not burden (constitutionally), nor restrict or limit, the owner's right to property and reduce its value by 25% or more beyond which would otherwise exist in the absence of the regulations.

Consistency with the Coastal Management Program

The commission reviewed the proposed rule and found that it is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the proposed rule is not subject to the Texas Coastal Management Program.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a public hearing on this proposal in Austin on March 3, 2015, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services, at (512) 239-1802. Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Kris Hogan, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www1.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2013-053-331-WS. The comment period closes March 9, 2015. Copies of the proposed rulemaking can be obtained from the commission's Web site at http://www.tceq.texas.gov/rules/propose_adopt.html. For further information, please contact Kathryn Hoffman, Underground Injection Control Permits Section, (512) 239-6890.

Statutory Authority

The amended section is proposed under the Texas Water Code (TWC), §5.103, which provides the commission the authority to adopt any rules necessary to carry out its powers and duties under this code and other laws of this state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; and TWC, §27.019, which requires the commission to adopt rules reasonably required for the regulation of injection wells.

The amended section implements Senate Bill 1532, 83rd Texas Legislature, 2013, and TWC, §27.0516, which authorizes certain injection wells in the Edwards Aquifer within a specified geographic area circumscribed by the boundary of the Barton Springs-Edwards Aquifer Conservation District.

§331.19. *Injection Into or Through the Edwards Aquifer.*

(a) Except as authorized in subsection (c) of this section, for [Før] applications submitted on or after September 1, 2001, injection wells that transect or terminate in the Edwards Aquifer may be authorized by rule under §331.9 of this title (relating to Injection Authorized by Rule) or by permit only as follows:

(1) wells that inject groundwater withdrawn from the Edwards Aquifer may be authorized only if:

(A) the groundwater is unaltered physically, chemically, or biologically; or

(B) the groundwater is treated in connection with remediation that is approved by state or federal order, authorization, or agreement and does not exceed the maximum contaminant levels for drinking water contained in §290.104 of this title (relating to Summary of Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, Treatment Techniques, and Action Levels);

(2) wells that inject non-toxic tracer dyes into the Edwards Aquifer for the purpose of conducting scientific studies to determine hydrologic flowpaths may be authorized if the owner or operator is a federal or state agency, county, municipality, river authority, or groundwater district; or

(3) improved sinkholes or caves located in karst topographic areas that inject storm water, flood water, or groundwater may be authorized.

(b) For the purposes of this section, *Edwards Aquifer* means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(c) This subsection applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District (BSEACD) but is not in that district's territory or the territory of the Edwards Aquifer Authority. The jurisdictional boundaries of the BSEACD are delineated in orders of the commission dated November

19, 1986 and April 18, 1988; in two subsequent orders of the BSEACD dated August 13, 1987; three orders of the BSEACD dated January 24, 2002; an order of the BSEACD canvassing the returns and declaring the results of a special election, dated November 12, 2002; and in a resolution of the BSEACD adopted June 23, 2011. A general depiction of the geographic area affected by this subsection is shown in the figure in this subsection. Unless authorized by rule as provided in paragraph (2) of this subsection or authorized by a general permit issued by the commission as provided in paragraph (3) of this subsection, all injection wells within the geographic area described in this subsection are prohibited.

Figure: 30 TAC §331.19(c)

(1) Definitions. For the purposes of this subsection:

(A) Engineered aquifer storage and recovery facility--A facility with one or more wells that is located, designed, constructed, and operated for the purpose of injecting fresh water into a subsurface permeable stratum and storing the water for subsequent withdrawal and use for a beneficial purpose.

(B) Fresh water--Surface water or groundwater, without regard to whether the water has been physically, chemically, or biologically altered, that:

(i) contains a total dissolved solids concentration of not more than 1,000 milligrams per liter; and

(ii) is otherwise suitable as a source of drinking water supply.

(C) Saline portion of the Edwards Aquifer--The portion of the Edwards Aquifer that contains groundwater with a total dissolved solids concentration of more than 1,000 milligrams per liter.

(2) Injection wells authorized by rule. Injection wells within the geographic area described within this subsection may be authorized by rule under §331.9 of this title for:

(A) the injection of fresh water withdrawn from the Edwards Aquifer into a well that transects or terminates in the Edwards Aquifer for the purpose of providing additional recharge; or

(B) the injection of rainwater, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area for the purpose of providing additional recharge.

(3) Injection wells authorized by general permit. Injection wells within the geographic area described in this subsection may be authorized under a general permit issued by the commission. A general permit under this paragraph may authorize:

(A) an activity described under paragraph (2) of this subsection;

(B) an injection well that transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer for the purpose of injecting:

(i) concentrate from a desalination facility; or

(ii) fresh water as part of an engineered aquifer storage and recovery facility;

(C) an injection well that terminates in that part of the saline portion of the Edwards Aquifer that has a total dissolved solids concentration of more than 10,000 milligrams per liter for the purpose of injecting into the saline portion of the Edwards Aquifer:

(i) concentrate from a desalination facility, provided that the injection well must be at least three miles from the closest outlet of Barton Springs; or

(ii) fresh water as part of an engineered aquifer and storage recovery facility, provided each well used for injection or withdrawal from the facility must be at least three miles from the closest outlet of Barton Springs; or

(D) an injection well that transects or terminates in the Edwards Aquifer for:

(i) aquifer remediation;

(ii) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(iii) another beneficial activity that is designed and undertaken for the purpose of increasing protection of an underground source of drinking water from pollution or other deleterious effects.

(4) The commission must hold a public meeting before issuing a general permit under this section.

(5) Special requirements for all injection wells subject to this subsection.

(A) Monitoring wells. An injection well subject to this subsection must be monitored by means of:

(i) a monitoring well operated by the injection well owner if the executive director determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(ii) if clause (i) of this subparagraph does not apply, a monitoring well operated by a party other than the injection well owner, provided that all results of monitoring are promptly made available to the injection well owner.

(iii) A monitoring well described under this subparagraph, if properly sited and completed, may also be used for monitoring a saline water production well.

(B) An injection well subject to this subsection:

(i) must not result in the waste or pollution of fresh water; and

(ii) may be authorized for a term not to exceed ten years, and the authorization for the injection well may be renewed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 23, 2015.

TRD-201500166

Robert Martinez

Director, Environmental Law Division

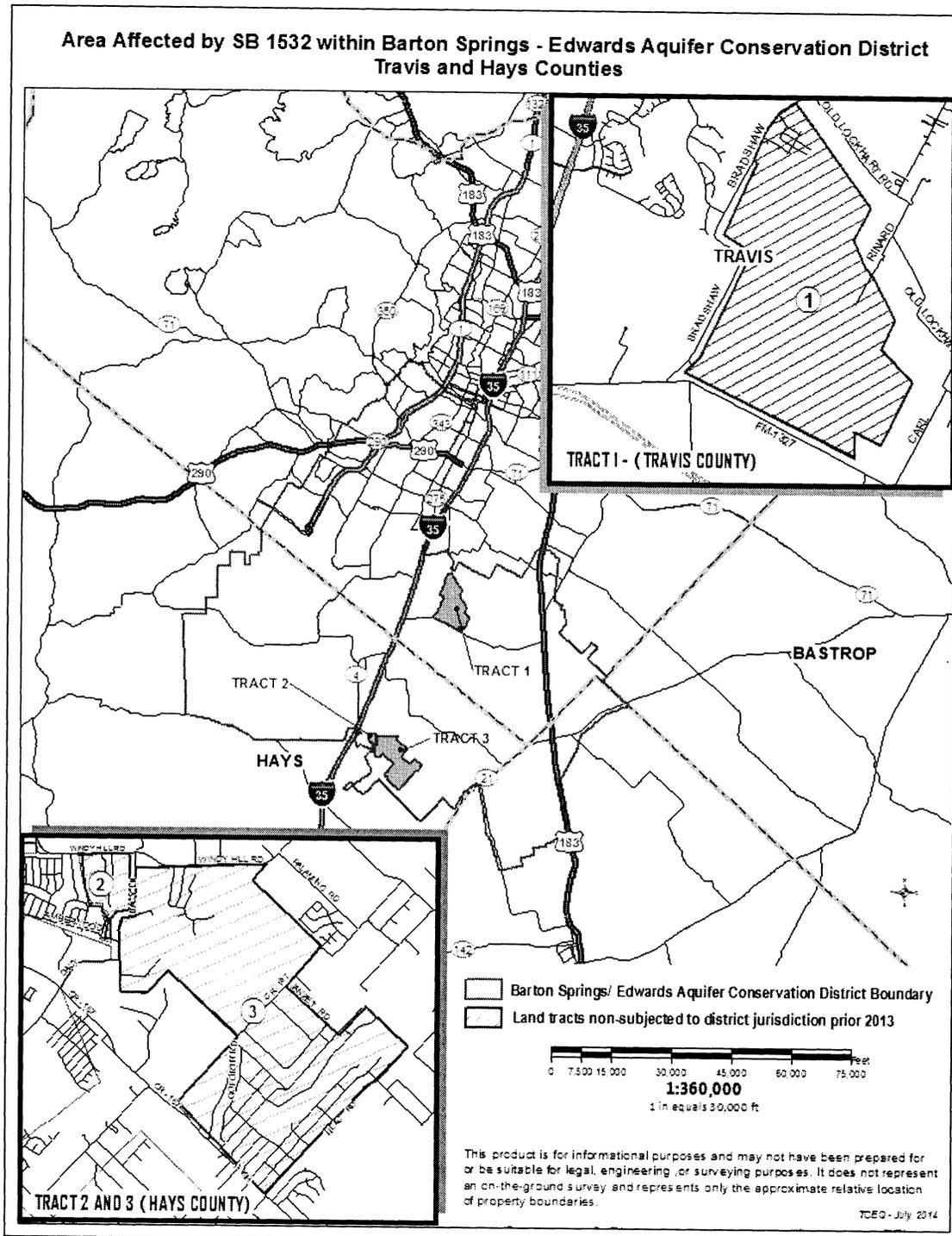
Texas Commission on Environmental Quality

Earliest possible date of adoption: March 8, 2015

For further information, please call: (512) 239-6812

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Figure: 30 TAC §331.19(c)



Texas Commission on Environmental Quality



ORDER ADOPTING AMENDED RULES

Docket No. 2013-1381-RUL

Rule Project No. 2013-053-331-WS

On June 3, 2015, the Texas Commission on Environmental Quality (Commission) adopted amended 30 TAC Chapter 331, concerning Underground Injection Control, Section 331.19, Injection Into or Through the Edwards Aquifer. The proposed rule was published for comment in the February 6, 2015, issue of the *Texas Register* (40 TexReg 587).

IT IS THEREFORE ORDERED BY THE COMMISSION that the amended rule is hereby adopted. The Commission further authorizes staff to make any non-substantive revisions to the rule necessary to comply with Texas Register requirements. The adopted rule and the preamble to the adopted rule are incorporated by reference in this Order as if set forth at length verbatim in this Order.

This Order constitutes the Order of the Commission required by the Administrative Procedure Act, Government Code, § 2001.033.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Issued date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman