



Control Number: 51091



Item Number: 40

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**SOAH DOCKET NO. 473-21-0246.WS
PUC DOCKET NO. 51091**

COMPLAINT OF CERTAIN	§	BEFORE THE STATE OFFICE
MEMBERS OF RIO ANCHO	§	OF
HOMEOWNERS ASSOCIATION	§	ADMINISTRATIVE HEARINGS
AGAINST AQUA TEXAS, INC.	§	

DIRECT TESTIMONY AND EXHIBITS

OF

BRIAN R. TOLLE

ON BEHALF OF

AQUA TEXAS, INC.

May 21, 2021

DIRECT TESTIMONY AND EXHIBITS OF

BRIAN R. TOLLE

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EXHIBITS:

BT-1	Resume of Brian R. Tolle
BT-2	Annual Groundwater Production Reports for Permitted Wells for 2017-2020

1 **DIRECT TESTIMONY OF BRIAN R. TOLLE**

2 **ON BEHALF OF**

3 **AQUA TEXAS, INC.**

4
5 **I. INTRODUCTION**

6 **Q. Please state your name and business address.**

7 **A.**My name is Brian R. Tolle. My business address is 1106 Clayton Lane, Suite 400W,
8 Austin, Texas 78723.

9
10 **Q. What is your present position?**

11 **A.**I am a Field Supervisor for Aqua Texas, Inc. and its affiliates that operate in Texas
12 as Aqua Texas, including Aqua Texas, Inc. (“Aqua”). I have held this position since
13 2019. Before that I began with Aqua in 2011 as a Field Operator II working out of
14 Aqua’s West Austin office.

15
16 **Q. What are some of the primary services you provide to Aqua as part of your job**
17 **responsibilities?**

18 **A.**I am responsible for the supervision of daily operations of water and wastewater
19 facilities and staff for the West Austin area. Some of the duties include overseeing
20 the necessary monthly/annual reports for each system, financial activities for our

1 budget, and overseeing capital improvement projects that are in progress for my
2 area.

3
4 **II. PROFESSIONAL TRAINING AND EXPERIENCE**

5 **Q. Please describe your educational and professional background.**

6 **A.** I graduated from high school and received a high diploma. I have been in the
7 water/wastewater industry since around 2002 having performed operations for Aqua
8 and Lakeway Municipal Utility District. I became a supervisor for Aqua in August
9 2019. I had some previous management experience with Paramount Computer
10 Corporation before getting into the water/wastewater industry. I hold a Class C
11 Wastewater and Class C Surface Water license through Texas Commission of
12 Environmental Quality. A copy of my resume is attached as **BT-1**.

13
14 **Q. Have you previously testified as an expert witness in a regulatory or court**
15 **proceeding?**

16 **A.** No.
17

18 **III. PURPOSE AND SUMMARY OF TESTIMONY**

19 **Q. What is the purpose of your testimony?**

20 **A.** The purpose of my testimony is to provide information for consideration in this
21 matter in response to certain issues raised by Complainants and included in the

1 issues referred by the PUC Commissioners in their November 5, 2020 Preliminary
2 Order in this docket. Specifically, I will discuss some of my experiences during my
3 time supervising the operation of Aqua's Rio Ancho Subdivision water system
4 (PWS ID No. 0270141) ("Rio Ancho System") that the Commission should
5 consider.

6
7 **Q. Are you providing any attachments with your testimony?**

8 **A.** Yes. Attached as **BT-1** is a copy of my current resume, and attached as **BT-2** are
9 copies of the Annual Groundwater Production Reports for Permitted Wells
10 submitted to the Central Texas Groundwater Conservation District for the years
11 2017-2020.

12
13 **Q. As an employee of Aqua Texas, Inc., are you familiar with the way the**
14 **documents included in BT-2 were created and maintained?**

15 **A.** Yes.

16
17 **Q. Based on Aqua Texas, Inc.'s regular practices was the record made at or near**
18 **the time of each act, event, condition, opinion, or diagnosis set forth in the**
19 **records, made by, or from information transmitted by, persons with knowledge**
20 **of the matters set forth, and kept in the course of regularly conducted business**
21 **activity?**

1 **A.** Yes.

2

3 **Q.** **Does BT-2 include exact duplicates of the original records?**

4 **A.** Yes.

5

6 **Q.** **Please summarize your testimony.**

7 **A.** During the time I have been Field Supervisor for Aqua beginning in August 2019, I
8 have become familiar with Aqua's Rio Ancho system facilities and operations.

9 Aqua reasonably, appropriately, and properly imposed water-use restrictions on Rio
10 Ancho System customers in accordance with Aqua's TCEQ-approved drought
11 contingency plan that applies to the Rio Ancho System. Aqua continues that
12 practice today. Rio Ancho System customers have caused Rio Ancho System
13 problems by unreasonable consumption and refusal to adhere to Aqua's water use
14 restrictions. Aqua has appropriately responded to those problems and minimized
15 service interruptions. In part, that is because of efforts I have led to enforce Aqua's
16 water-use restrictions.

17

18 **Q.** **On what do you base the opinions in your testimony?**

19 **A.** I base the opinions expressed in this testimony on my knowledge and experience,
20 my personal knowledge of Aqua's Rio Ancho System, my review of documentation
21 related to the Rio Ancho System included as exhibits to my testimony and that of

1 other Aqua witnesses, my experience with water system and drought contingency
2 plan issues, interchanges with other members of Aqua's Rio Ancho System
3 operations team, discussions with TCEQ and Central Texas Groundwater
4 Conservation District personnel, my knowledge of Aqua's management of the Rio
5 Ancho System, and my knowledge of the design plans and specifications for the Rio
6 Ancho System facilities. I have also considered the information produced by other
7 parties during discovery and the information included with the Complainants'
8 prefiled direct testimony and exhibits.

9
10 **IV. ISSUE NOS. 4 AND 5: RIO ANCHO SYSTEM WATER SUPPLY**

11 **Q. Have you reviewed the map included as SF-2?**

12 **A.** Yes.

13
14 **Q. Does the map included as SF-2 accurately reflect the layout of the Rio Ancho**
15 **System facilities?**

16 **A.** Yes.

17
18 **Q. Which Rio Ancho System facilities did Aqua add during your time as**
19 **supervisor?**

1 **A.** During my time as supervisor, Aqua has added one 3,000 gallon hydropneumatic
2 tank, added one 43,000 gallon ground storage tank, and upgraded the booster pump
3 station at the water plant, which increased the size of all three pumps.

4

5 **V. ISSUE NOS. 6, 7, and 8: WATER-USE RESTRICTIONS**

6 **Q.** **What is your understanding of the water-use restrictions Aqua is allowed to**
7 **implement under its drought contingency plan?**

8 **A.** The drought contingency plan (“DCP”) can be implemented during drought
9 conditions, but it may also be used during periods of abnormally high usage, system
10 contamination, extended reduction in ability to supply water due to equipment
11 failure, or any other situation that results in an emergency. Loss of pressure events
12 and system outages are considered potential emergency situations due to the
13 possibility of contamination.

14

15 **Q.** **Did Aqua impose restrictions on water usage by Rio Ancho System customers**
16 **in the Rio Ancho subdivision during your time as supervisor between August**
17 **2019 and July 20, 2020?**

18 **A.** Yes.

19

1 **Q. What restrictions did Aqua impose on water usage by Rio Ancho System**
2 **customers in the Rio Ancho subdivision between August 2019 and July 20,**
3 **2020?**

4 **A.** Stage 3 (August 2019 – May 2020), Stage 1 (May 2020 – July 2020), and Stage 3
5 (July 2020-current). Mr. Foltz’s testimony accurately discusses what each stage
6 entails in terms of water-use restrictions and why each stage was implemented.

7
8 **Q. Were there periods of abnormally high usage between August 2019 and July**
9 **20, 2020?**

10 **A.** Yes. As discussed in Mr. Foltz’s testimony, Rio Ancho customers’ usage on a
11 GPD/connection monthly average basis compared to other Aqua Texas water
12 systems within the region was more than twice the average in August 2019, May –
13 July 2020, and again in October 2020.

14
15 **Q. What records, if any, does Aqua maintain for its permitted groundwater**
16 **pumping within the Central Texas Groundwater Conservation District?**

17 **A.** Please see **BT-2**, which includes Aqua’s Annual Groundwater Production Reports
18 for Permitted Wells for 2017-2020. I personally signed those logs.

19

1 **Q. For each occasion or period that Aqua imposed water-use restrictions on Rio**
2 **Ancho System customers between August 2019 and July 20, 2020, did Aqua**
3 **enforce any penalty or consequence on any Rio Ancho System customer?**

4 **A.** No penalties or consequence to any residential customer was imposed during that
5 time, but we did provide customers with notice that they were violating Aqua's
6 water-use restrictions on several occasions.

7

8 **Q. What level of customer compliance with Aqua's water-use restrictions did you**
9 **observe between August 2019 and July 20, 2020?**

10 **A.** Some customers did not comply with water restrictions at all.

11

12 **Q. What efforts did Aqua make to try getting Rio Ancho System customers to**
13 **comply with the water-use restrictions Aqua imposed on Rio Ancho System**
14 **customers between August 2019 and July 20, 2020?**

15 **A.** Customers were notified about the restrictions and the reasoning by mail. Aqua's
16 electronic reading devices were also upgraded to give a daily reading to Aqua. This
17 information can help pinpoint over-usage and see if a customer is following water
18 restrictions.

19

20 **Q. How would you describe the results of those efforts?**

1 **A.** After sending out the restriction notices, which included the reasons for the
2 restrictions, some customers did not adhere to the water restrictions, and over-usage
3 continued causing low pressure and some water outages in the system.
4

5 **Q.** **Has Aqua applied any different water-use restriction enforcement efforts since**
6 **July 20, 2020?**

7 **A.** Yes. The operator began patrolling the neighborhood to enforce Aqua’s water-use
8 restrictions. If someone was observed not following Aqua’s water-use restrictions,
9 a warning was put on the door with a door hangar and another copy of the water-
10 use restrictions.
11

12 **Q.** **How would you describe the results of those efforts?**

13 **A.** Better. After issuing warnings for water-use restrictions for approximately a week,
14 water outages and low pressure throughout the water system stopped.
15

16 **Q.** **Have you formed an opinion about whether Aqua has “used water-use**
17 **restrictions in lieu of providing facilities which meet the minimum capacity**
18 **requirements of 30 TAC §§ 290.38 through 290.275, or reasonable local**
19 **demand characteristics during normal use periods, or when Aqua Texas is not**
20 **making all immediate and necessary efforts to repair or replace malfunctioning**

1 **equipment under 16 TAC § 24.205(2)” as set forth in Preliminary Order Issue**
2 **No. 7?**

3 **A.** Yes.

4

5 **Q.** **What is your opinion about the question posed in Preliminary Order Issue**
6 **No. 7?**

7 **A.** Aqua has upgraded the Rio Ancho System water facilities as the system has grown
8 and those facilities exceed the minimum requirements set forth by 30 TAC § 290.38.
9 The Rio Ancho System facilities are more than sufficient for “reasonable local
10 demand characteristics during normal use periods.” When Rio Ancho System
11 customers have used unreasonable amounts of water on days or times outside
12 Aqua’s prescribed watering schedule, that is when we have had trouble.

13

14 **Q.** **Have you formed an opinion about whether the PUC should take any action in**
15 **response to the Complaint at issue in this docket?**

16 **A.** Yes.

17

18 **Q.** **What is your opinion about whether the PUC should take any action in**
19 **response to the Complaint at issue in this docket?**

20 **A.** The PUC should take no action in response to the Complaint.

21

1 **Q. Does this conclude your prefiled direct testimony?**

2 **A.** Yes, it does. However, I reserve the right to supplement my prefiled direct
3 testimony with additional information as it may become available.

Job History

01:48 PM
05/18/2021
Page 1 of 1

Job History

Job Title	Company	Start Date	End Date	Location	Contact Information	Reference	Responsibilities and Achievements
Facility Operator II	Aqua America	09/01/2011		West Austin, Tx	512-844-9699	Brent Reeh	Operation of water and wastewater facilities Taking samples and performing lab tests for proper process control Preventative maintenance of equipment at all facilities Performing on call duties for water and wastewater facilities. Keeping proper parameters for four state permits
Wastewater /Water Operator	Lakeway M U D	07/07/2002	09/01/2011	Lakeway, Tx		Tommy Farrell	Operating wastewater facilities in District Pulling samples and performing lab tests on effluent from facilities Performing on call duties for water and wastewater facilities Keeping facilities in proper parameters of state permit
Shipping/Receiving Lead	Paramount Computer Corporation	05/01/1997	07/01/2002	Austin, Tx		Giuliano DeSantis	Shipping and receiving of all equipment. Quality control and inventory of equipment in warehouse. Training new employees and helping box equipment when needed.



Central Texas Groundwater Conservation District

P.O. Box 870 • 225 South Pierce, Suite 104 • Burnet, Texas 78611 Phone: (512) 756-4900 • Fax: (512) 756-4997

Website: www.centraltexasgcd.org

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

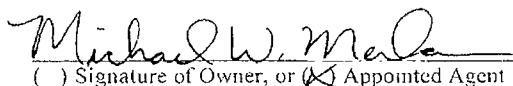
Aqua Texas	2709	OP-13042403
Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho	13249302	2017
System	Meter Serial #	Year

Water Use: ☒ Municipal/Public
 Number of Customers Served: 133
 Estimate of Population Served: 400
☐ Domestic
☐ Livestock
☐ Irrigation
☐ Other (Describe) _____

Place the water was used: _____
 Rio Ancho Subdivision _____

Amount 0 and source 0
 of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	161000	380000	219000	
February	380000	570000	190000	
March	570000	873000	303000	
April	873000	1404000	531000	
May	1404000	2160000	756000	
June	2160000	2920000	760000	
July	2920000	3737000	817000	
August	3737000	4590000	853000	
September	4590000	5303000	713000	
October	5303000	5892000	589000	
November	5892000	6355000	463000	
December	6355000	6598000	243000	
Consumption for the Year:			6437000	


 () Signature of Owner, or ☒ Appointed Agent

512-563-2509
 Phone

1/11/18
 Date

Central Texas Groundwater Conservation District

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Website: www.centraltexasgcd.org

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas

6202

OP-13042403

Owner

CTGCD Well Registration #

CTGCD Permit #

Rio Ancho

26001089

2017

System

Meter Serial #

Year

Water Use: ~~(X)~~ Municipal/Public

Number of Customers Served: 133

Estimate of Population Served: 400

() Domestic

() Livestock

() Irrigation

() Other (Describe)

Place the water was used.

Rio Ancho Subdivision

Amount 0

and source 0

of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	8247000	8491000	244000	
February	8491000	8735000	244000	
March	8735000	9120000	385000	
April	9120000	9795000	675000	
May	9795000	10763000	968000	
June	10763000	11736000	973000	
July	11736000	12864000	1128000	
August	12864000	13918000	1054000	
September	13918000	14834000	916000	
October	14834000	15583000	749000	
November	15583000	16172000	589000	
December	16172000	16481000	309000	
Consumption for the Year:			8237000	

Michael W. Male
() Signature of Owner, or (X) Appointed

() Signature of Owner, or (X) Appointed Agent

512-563-2509

Phone

1/11/18

Date _____

Central Texas Groundwater Conservation District
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Website: www.centraltexasgcd.org

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JUN 05 2019

BY: DSC

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas, Inc

OP-13042403

Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho (Well #1)	45324049	2018
System	Meter Serial #	Year

Water Use: (X) Municipal/Public

Number of Customers Served: 151

Estimate of Population Served: 453

() Domestic

() Livestock

() Irrigation

() Other (Describe)

Place the water was used: Rio Ancho water system

Amount N/A

of any surface water used.

and source

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	6598	6783	185,000	
February	6783	6913	130,000	
March	6913	7708	795,000	
April	7708	8659	951,000	
May	8659	9543	884,000	
June	9543	10476	933,000	
July	10476	11708	1,232,000	
August	11708	12904	1,196,000	
September	12904	13372	468,000	
October	13372	13864	492,000	
November	13864	14396	532,000	
December	14396	14756	360,000	

Consumption for the Year: 8,158,000

Brent C. Reeh

() Signature of Owner, or (X) Appointed Agent

512-330-9904

Phone

May 31, 2019

Date

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JUN 05 2019

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS BY DSC

Aqua Texas, Inc. OP-13042403
Owner CTGCD Well Registration # CTGCD Permit #
Rio Ancho (Well #2) 26001089 2018
System Meter Serial # Year

Water Use: (X) Municipal/Public
Number of Customers Served: 151
Estimate of Population Served: 453
() Domestic
() Livestock
() Irrigation
() Other (Describe)

Place the water was used: Rio Ancho water system.

Amount N/A and source of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	16481	16805	324,000	
February	16805	17006	201,000	
March	17006	17907	901,000	
April	17907	19131	1,224,000	
May	19131	20177	1,046,00	
June	21077	21267	1,090,000	
July	21267	22526	1,259,000	
August	22575	23775	1,200,000	
September	23775	24192	417,000	
October	24192	24534	342,000	
November	24534	24797	263,000	
December	24797	25127	330,000	

Consumption for the Year: 8,646,000

Brent C. Beech
() Signature of Owner, or (X) Appointed Agent

512-330-9904
Phone

May 31, 2014
Date

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas	2079	OP-13042403
Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho	13249302	2019
System	Meter Serial #	Year

Water Use: ☒ Municipal/Public
 Number of Customers Served: 156
 Estimate of Population Served: 468
 ☐ Domestic
 ☐ Livestock
 ☐ Irrigation
 ☐ Other (Describe) _____

Place the water was used: Rio Ancho Subdivision

Amount 0 and source 0
of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	14786000	15109000	323000	
February	15109000	15426000	317000	
March	15426000	16070000	644000	
April	16070000	17124000	1054000	
May	17124000	18002000	1678000	
June	18002000	18925000	923000	
July	18925000	20351000	1426000	
August	20351000	21763000	1412000	
September	21763000	22720000	957000	
October	22720000	23311000	591000	
November	23311000	23840000	529000	
December	23840000	24287000	447000	
Consumption for the Year:			10301000	


 () Signature of Owner, or () Appointed Agent

512-330-9904
 Phone

5/7/2020
 Date


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 Website: www.centraltexasgcd.org

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas	6202	OP-13042403
Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho	26001089	2019
System	Meter Serial #	Year

Water Use: ☒ Municipal/Public
 Number of Customers Served: 156
 Estimate of Population Served: 468
 ☐ Domestic
 ☐ Livestock
 ☐ Irrigation
 ☐ Other (Describe) _____

Place the water was used: Rio Ancho Subdivision

Amount 0 and source 0
of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	25152000	25449000	297000	
February	25449000	25741000	292000	
March	25741000	26345000	604000	
April	26345000	27775000	1430000	
May	27775000	28234000	459000	
June	28234000	29418000	1184000	
July	29418000	30986000	1568000	
August	30986000	32496000	1510000	
September	32496000	33492000	996000	
October	33492000	34078000	586000	
November	34078000	34587000	509000	
December	34587000	35018000	431000	

Consumption for the Year: 9866000


512-330-8904
5/7/2020
 () Signature of Owner, or () Appointed Agent Phone Date

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS


Aqua Texas	2079	OP-13042403
Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho	17144076	2020
System	Meter Serial #	Year

Water Use: ☒ Municipal/Public
 Number of Customers Served: 165
 Estimate of Population Served: 495
☐ Domestic
☐ Livestock
☐ Irrigation
☐ Other (Describe) _____

Place the water was used: Rio Ancho Subdivision

Amount 0 and source 0
 of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	24287000	24767000	480000	
February	24767000	25219000	452000	
March	25219000	25293000	74000	
April	25293000	26065000	772000	
May	26065000	27259000	1194000	
June	27259000	28576000	1317000	
July	28576000	30010000	1434000	
August	30010000	31269000	1259000	
September	31269000	31744000	475000	
October	31744000	32735000	991000	
November	32735000	33515000	780000	
December	33515000	33999000	484000	
Consumption for the Year:			16312000	


☐ Signature of Owner, or ☒ Appointed Agent

512-330-9904
Phone

1/20/2021
Date

SENT 1/21/2021 BT
 Annual Production Report 07/19/19


Central Texas Groundwater Conservation District
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ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas	6202	OP-13042403
Owner	CTGCD Well Registration #	CTGCD Permit #
Rio Ancho	18319528	2020
System	Meter Serial #	Year

Water Use: (X) Municipal/Public

Number of Customers Served: 165

Estimate of Population Served: 495

() Domestic

() Livestock

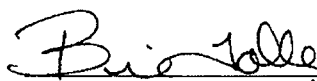
() Irrigation

() Other (Describe) _____

Place the water was used: Rio Ancho Subdivision

Amount 0 and source 0
of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	35018000	35490000	472000	
February	35490000	35939000	449000	
March	35939000	36785000	846000	
April	36785000	37551000	766000	
May	37551000	38570000	1019000	
June	38570000	39605000	1035000	
July	0	1514000	1514000	Well meter replaced
August	1514000	2759000	1245000	
September	2759000	3746000	987000	
October	3746000	4888000	1142000	
November	4888000	5730000	842000	
December	5730000	6252000	522000	
Consumption for the Year:			10839000	


 () Signature of Owner, or (X) Appointed Agent

512-330-9904
Phone

1/21/2021
Date



Central Texas Groundwater Conservation District
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Email: district@centraltexasgcd.org Website: www.centraltexasgcd.org

ANNUAL GROUNDWATER PRODUCTION REPORT FOR PERMITTED WELLS

Aqua Texas **2079** **OP-13042403**

Owner **Rio Ancho** CTGCD Well Registration # **17144076** CTGCD Permit # **2020**

System Name if Applicable Meter Serial # Year

Water Use: ☒ Municipal/Public **165**

Number of Customers Served: _____

Estimate of Population Served: **495**

☐ Domestic

☐ Livestock

☐ Irrigation


☐ Other (Describe) _____

Place the water was used: **Rio Ancho Subdivision**

Amount **0** and source **0**
of any surface water used.

Month	Water Meter Start	Water Meter Stop	Total Gallons Pumped	Depth(feet) to Water (if measured)
January	24287000	24767000	480000	
February	24767000	25219000	452000	
March	25219000	25293000	74000	
April	25293000	26065000	772000	
May	26065000	27259000	1194000	
June	27259000	28576000	1317000	
July	28576000	30010000	1434000	
August	30010000	31269000	1259000	
September	31269000	31744000	475000	
October	31744000	32735000	991000	
November	32735000	33515000	780000	
December	33515000	33999000	484000	

Consumption for the Year: **9712000**



() Signature of Owner, or (X) Appointed Agent

512-330-9904

Phone

5/18/2021

Date

