

Submittal to the Texas Water Development Board
from the House Bill 4 (83rd Texas Legislature)
Stakeholder Committee:

Uniform Standards to be used by Regional Water
Planning Groups to Prioritize Projects

November 25, 2013

November 25, 2013

The Honorable Carlos Rubinstein, Chairman
The Honorable Bech Bruun, Director
The Honorable Mary Ann Williamson, Director
Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

Dear Chairman Rubinstein and Directors Bruun and Williamson:

The Stakeholder Committee (SHC), created by the Texas Water Development Board (TWDB) and enabled by House Bill 4 (HB 4), is pleased to submit the attached uniform standards for prioritizing regional water plan projects for the TWDB's consideration. Upon approval, these standards will guide the regional water planning groups in prioritizing projects under Section 15.346, Texas Water Code.

The SHC, comprised of chairs or their designees from each of the 16 regional water planning groups, developed these uniform guidelines in a short time frame to meet the December 1 deadline set out in HB 4. The SHC wishes to express its appreciation to the TWDB for launching this process in advance of the November 5 voter approval of Proposition 6, which triggered the December 1 deadline. The early start, able assistance of TWDB staff, and the TWDB's financial support for travel and a facilitator, enabled the Committee to complete its charge in the time allotted. The Committee also applauds the Board members' willingness to discuss their views of this process with our committee during TWDB work sessions. The committee members would caution that the rushed process and the flexibility of the statutory language could mean that upon the Board's comprehensive review and the appropriate testing, the template may need refinement. The SHC will be prepared to revisit the template should the Board request.

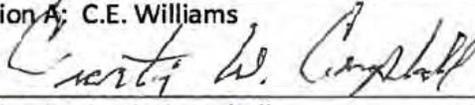
We also note several principles upon which the standards were developed. We determined to stay close to the statutory guidance, to keep the template simple, to minimize subjective questions, and to provide standards that could be scored consistently across the state.

The attached report provides a summary of our process, decisions, and finally, our uniform standards. The SHC developed these uniform standards over a period of time commencing with a September 17 webinar organized by TWDB staff. The September 17th call provided foundational material, allowed SHC members to formulate questions, and provided a strong basis for the first face-to-face meeting held on October 8-9. The Committee met subsequently on November 4-5, and November 13-14. In addition, members conducted work between meetings, including conference calls on October 21 and 22. The Committee's aggressive work schedule moved the process forward resulting in the Committee completing its work and submitting the report before the December 1 deadline.

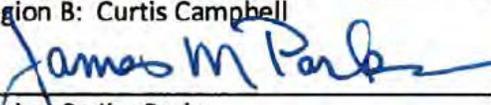
Respectfully submitted,



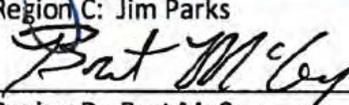
Region A: C.E. Williams



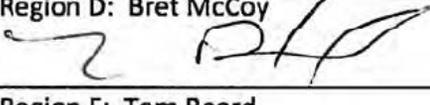
Region B: Curtis Campbell



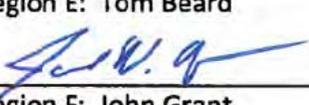
Region C: Jim Parks



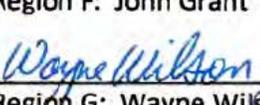
Region D: Bret McCoy



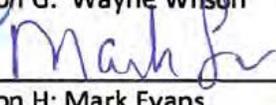
Region E: Tom Beard



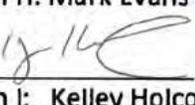
Region F: John Grant



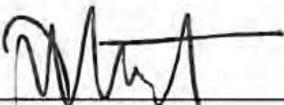
Region G: Wayne Wilson



Region H: Mark Evans



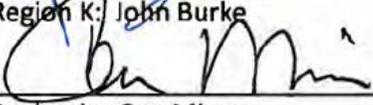
Region I: Kelley Holcomb



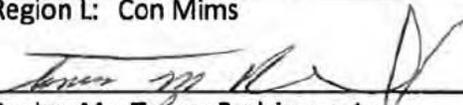
Region J: Jonathan Letz



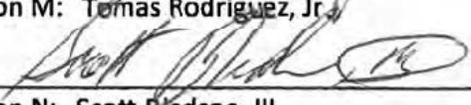
Region K: John Burke



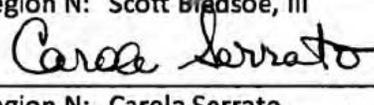
Region L: Con Mims



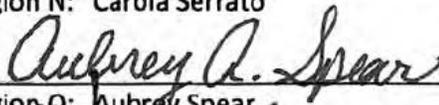
Region M: Tomas Rodriguez, Jr.



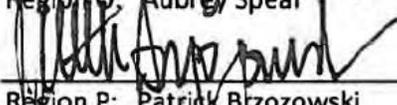
Region N: Scott Bradsoe, III



Region N: Carola Serrato



Region O: Aubrey Spear



Region P: Patrick Brzozowski

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Report of the HB 4 Regional Water Planning Group Stakeholder Committee

Stakeholder Committee's Development of Uniform Standards

The passage of HB 4 by the 83rd Texas Legislature launched a process of prioritization for funding projects from the Texas Water Development Board (Board or TWDB). Under the bill, prioritization for project funding occurs in two ways: first by the state's 16 regional water planning groups (RWPGs) for projects in their respective regional water plans, and by the Board for projects in the state water plan which seek its funding. HB 4 requires, in Texas Water Code Section 15.436(c) for the Board to:

“create a stakeholders committee composed of the presiding officer or a person designated by the presiding officer of each regional water planning group to establish uniform standards to be used by the regional water planning groups in prioritizing projects under this section. Uniform standards established under this subsection must be approved by the board. The board shall consult the stakeholders committee from time to time regarding regional prioritization of projects.”

This stakeholders committee (SHC) is required to provide these uniform standards to TWDB by December 1.

The provisions requiring the SHC to develop uniform standards were contingent on the passage of Proposition 6 by Texas voters on November 5. Recognizing that it would be very difficult for the SHC to accomplish its task between November 5 and December 1, the Board took the initiative to create the SHC earlier, starting with a conference call/webinar on September 17, 2013. The SHC has maintained a Decision Document, which is attached at Appendix 1, summarizing all major decisions of the SHC and containing the Uniform Standards. The following provides a brief summary of the SHC's work in developing the attached uniform standards:

September 17, 2013. SHC members participated in a teleconference/webinar, at which members were provided general background and orientation materials regarding their HB 4 tasks, and during which they began the process of organizing and planning for the next meeting. The SHC chose to not select a chair so that all members could participate on an equal footing, and indicated they would like to have a facilitator to assist with their process. SHC members developed questions for which they wanted TWDB input,

and continued development of further questions following the call via email and phone. Following that call:

- TWDB secured facilitation services from the Center for Public Policy Dispute Resolution at the University of Texas School of Law. The facilitator interviewed most of the SHC members before the October 8-9 meeting, and drafted a summary of the main themes from the calls including expectations of success, central issues including fairness, balancing rural and urban needs, understanding how the SHC standards interact with TWDB funding decisions, balancing the need for simplicity in administration of the standards and differentiation of scoring, and also concerns and information needs.
- On October 1, the Texas Water Conservation Association provided Sen. Troy Fraser and Rep. Allan Ritter a draft template developed at the request of those legislators to help provide information for the SHC as it began development of standards in its short timeframe. This was provided to the SHC in advance of the October 8-9 meeting, along with recommendations for criteria from Regions G and K.

October 8-9, 2013. The SHC met in Austin, beginning at 1 p.m. on October 8. They spent the afternoon reviewing their charge, developing meeting protocols, and formulating additional questions they wanted to discuss with TWDB board members at the next morning's work session. The SHC also agreed to use the TWCA five-criteria ranking sheet (Alternative 1) as its starting point for developing uniform standards, and to move through development by selecting considerations within each criteria, then weighting and then scoring. SHC members attended the TWDB work session on the morning of October 9, participating in a discussion with Board members. That afternoon, the SHC continued to make adjustments to its meeting protocols, and reached agreement to use one list to rank all projects, but with projects identified by type so they could be further sorted if needed. They also agreed to keep six of the 42 TWCA considerations (found in decade of need and feasibility), and rejected one of the TWCA considerations. Other TWCA considerations either were identified for potential inclusion, or were not reviewed at this meeting. Members agreed that they wanted to review the totality of the uniform standards they developed before final approval.

- SHC members received and twelve completed a survey that sought their input on the TWCA considerations, with the goal to determine if there were trends in agreement on which to keep and which to delete, thus focusing their discussion at the next meeting.
- October 21-22: SHC members participated in one of two conference calls designed to answer questions about the survey, discuss scheduling of future meetings, discuss the agenda and goals for the November 4-5 meeting, and discuss their willingness to perform interim work to better understand the ways scoring could be developed. Following the calls, background materials on scoring and an exercise were provided to the SHC members.

- November 4-5, 2013. The SHC met in Austin beginning at 1 p.m. November 4. The SHC used as a starting point three documents: the compiled survey results about SHC member preferences regarding the TWCA considerations; a draft template for prioritization of regional water plan projects produced by Region O; and example scoring sheets from Region I. Over the course of the November 4-5 meeting, the SHC developed by consensus a set of draft uniform standards based on the five statutory criteria in Texas Water Code Section 15.436. The only non-consensus decisions were supermajority votes to not include the following two items in the uniform standards:
 - Under feasibility: a consideration relating to the status of mitigation under federal law; and
 - Under viability, a consideration relating to support from both the community receiving the water and community giving water.

The SHC agreed to beta test the standards template by: (1) using it to score projects in their regional water plans; and (2) scoring generic, hypothetical projects to determine if the template can be applied consistently by different users. Members also agreed to provide desired wording changes for clarification in advance of the next meeting.

- SHC members used the time before the November 13-14 meeting to seek input from their RWPG members or consultants, and to beta test the scoring model and review language.

November 13-14, 2013. Over the course of the two-day meeting, the SHC modified individual standards and added some additional standards. Before discussing specific standards from the template, several SHC members noted some overarching concerns about the impact of the draft uniform standards on the following projects: groundwater, conservation, county other, agricultural, ongoing projects without a decade of need; and integrated water management strategies. Some members also expressed interest in whether ways could be found to allow regions to express their sense of the importance of projects, such as by allowing them to adjust a portion of the weighting to reflect their specific regional concerns and sense of prioritization. Some members expressed a desire to have up to 50 percent of the weighting determined by the individual regions, while others were concerned that this would allow manipulation of the results. Rather than attempting to solve these issues separately, the SHC agreed to use the review of each specific standard to see if adjustments could be made to address these overarching concerns. Members were satisfied at the end of the meeting that their concerns about these matters were addressed.

An additional scoring element relating to the cost of the project to others beside the ratepayers was proposed to and considered by the SHC. When the SHC was unable to reach consensus on this scoring element, the SHC voted to suspend consensus and then

voted to reject the proposed standard. Pursuant to the meeting guidelines of the SHC, members favoring this provision may submit a minority report to the Texas Water Development Board. The Minority Report is provided as Appendix 2.

At 3:00PM on November 14, 2013, the SHC members agreed by consensus to adopt the uniform standards embodied in the template in Appendix 1: *Decision Document/Uniform Standards* and to submit them to the Texas Water Development Board, without further change.

APPENDIX 1: DECISION DOCUMENT/ UNIFORM STANDARDS

Final Decision Document

**83rd Texas Legislature, House Bill 4
Stakeholder Committee**

Summary of Key Stakeholder Committee (SHC) Decisions

Operational

- A) The SHC decided by consensus that:
1. Notes/record of meeting. No audio recording of SHC meetings; notes to be on flip charts by facilitator or TWDB staff, and also manually by TWDB staff to assist facilitator in creating SHC meeting minutes. The SHC agreed it could modify this decision.
 2. Chair or designee participation in meetings:
 - a. It is the Chairs' jobs to go back and communicate with their respective regions.
 - b. Region N Co-Chairs can both participate on the Committee, but they will be counted as only one for purposes of voting or determining a quorum.
 - c. An RWPG Chair's "designee" may change for each meeting; no single "designee" must be named. RWPG participants in the process should communicate with each other to assure continuity and efficiency.
 3. Decision making: SHC will be using consensus as the primary decision-making process. If consensus cannot be reached, then the backup process is:
 - a. A 75% vote of SHC members present is required to move away from the consensus process to a vote;
 - b. A 75% vote of SHC members present is required to make a voting-based decision;
 - c. The SHC will require a 75% vote of members present to change its operating rules.
 4. Quorum will be a simple majority (greater than 50 percent) of total SHC members = 9 members)
 5. No time will be allotted for public comment during SHC meetings. Members will receive input during their RWPG meetings, and TWDB will receive input when the standards are being approved at the TWDB level.
- B) The SHC agreed by consensus to begin development of uniform standards using the TWCA five-criteria ranking sheet (Alt. 1) as a starting point for developing the SHC standards. Once the criteria are fully developed, the group may wish to reevaluate whether this is sufficient and serves the needs noted above.
- C) The SHC agreed by consensus that a RWPG chair may only designate a voting member of the RWPG to participate in lieu of the chair at a SHC meeting.

General decisions to guide development of uniform standards

(All decisions by consensus unless otherwise noted)

- A) Use the following order in which to proceed in developing standards:
 - Agree on considerations
 - Agree on weightings
 - Agree on scoring
- B) Use one list to rank all projects, but identify projects that qualify as agriculture, rural, conservation, reuse, etc. for further sorting.
- C) Use the TWCA five-criteria (statutorily required) ranking sheet as a starting point for developing the SHC standards. Once the criteria are fully developed, the group may wish to reevaluate whether this is sufficient and serves the needs noted above.
- D) Seek a general and informal (non-consensus) agreement on specific considerations within the criteria, with the understanding that a formal consensus would be sought once the full picture of the standards was developed.
- E) Not to revisit considerations from the “red” category once a consensus decision had been made to delete it (Nov. 4-5 meeting. This decision applies to elimination of considerations that a significant number of the SHC favored be eliminated from responses to a stakeholder survey tool.)

Uniform Standards

Table 1 reflects the uniform standards, including their scoring and weighting, as adopted by consensus of the stakeholder committee. Most of the information needed to complete the scoring for individual projects either (1) can be found directly in the regional water plans or in the state water plan data base, or (2) can be based upon information in them. An ** by one of the scoring items indicates that additional data may have to be collected by regional water planning groups in order to score projects. For each project, scoring should be completed on each question of the uniform standards.

Table 1: Template for Applying Uniform Standards

The template for Applying Uniform Standards is provided in two formats:

- *As an embedded excel spreadsheet , which calculates scores in accordance with the SHC decisions and which shall be used as the basis for scoring projects in accordance with this submission;*
- *As a pdf document.*

Excel spreadsheet template



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Final Formatted SHC |

For each project being tested, fill in **ONLY** the yellow cells with a) Project name b) Sponsor and c) Percents/Scores in accordance with the scales and method of scoring.

The total score is provided in red at bottom of scoring sheet (based on 1,000.00 point maximum score)

Do not modify greyed cells

make copies of the sheet to score additional projects

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PROJECT NAME:

PROJECT SPONSOR:

Overall Criteria Weightings:

Decade of Need	40%
Project Feasibility	10%
Project Viability	25%
Project Sustainability	15%
Project Cost Effectiveness	10%
	100%

potential SWIFT funding category	flag all that may apply
mainstream	<input type="checkbox"/>
rural/agricultural conservation	<input type="checkbox"/>
conservation/reuse	<input type="checkbox"/>

** indicates that additional data may have to be collected by RWPG in order to score projects

	Max Score	Actual Score														
1. Decade of Need for Project																
<hr/>																
A What is the decade the RWP shows the project comes online?	<input style="width: 40px;" type="text" value="10"/>	<input style="width: 40px;" type="text" value="0"/>														
<table style="border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Points</th> <th style="text-align: left; border-bottom: 1px solid black;">Year</th> </tr> </thead> <tbody> <tr><td>0</td><td>2060</td></tr> <tr><td>2</td><td>2050</td></tr> <tr><td>4</td><td>2040</td></tr> <tr><td>6</td><td>2030</td></tr> <tr><td>8</td><td>2020</td></tr> <tr><td>10</td><td>2010</td></tr> </tbody> </table>	Points	Year	0	2060	2	2050	4	2040	6	2030	8	2020	10	2010		
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10	2010															
** B In what decade is initial funding needed?	<input style="width: 40px;" type="text" value="10"/>	<input style="width: 40px;" type="text" value="0"/>														
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6	2030															
8	2020															
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Criteria Total	<input style="width: 40px;" type="text" value="20"/>	<input style="width: 40px;" type="text" value="0"/>														

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2. Project Feasibility		Max Score	Actual Score
A What supporting data is available to show that the quantity of water needed is available?		5	0
<u>Points</u>	<u>Measure</u>		
0	Models suggest insufficient quantities of water or no modeling has been performed		
3	Models suggest sufficient quantity of water		
5	Field tests and measurements confirm sufficient quantities of water		
** B If necessary, does the sponsor hold necessary legal rights, water rights and/or contracts to use the water that this project would require?		5	0
<u>Points</u>	<u>Measure</u>		
0	legal rights, water rights and/or contract application not submitted		
2	application submitted		
3	application is administratively complete		
5	legal rights, water rights and/or contracts obtained or not needed		
** C What level of engineering and/or planning has been accomplished for this project? (Points based on progress on scientific data collection, stage of studies and design)		10	0
<u>Points</u>	<u>Measure</u>	<u>Points</u>	<u>Measure</u>
1	Project idea is outlined in Regional Plan.	6	Preliminary engineering report initiated.
2	Feasibility studies initiated.	7	Preliminary engineering report completed.
3	Feasibility studies completed.	8	Preliminary design initiated.
4	Conceptual design initiated.	9	Preliminary design completed.
5	Conceptual design completed.	10	Final design complete.
D Has the project sponsor requested (in writing for the 2016 Plan) that the project be included in the Regional Water Plan?		5	0
<u>Points</u>	<u>Measure</u>		
0	no		
5	yes		
Criteria Total		25	0

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		Max Score	Actual Score
3. Project Viability			
For A and B, the calculation is to be based on the total needs of all WUGs receiving water from the project.			
A	In the decade the project supply comes online, what is the % of the WUG's (or WUGs') needs satisfied by this project? 0.00 %	10	0.00
B	In the final decade of the planning period, what is the % of the WUG's (or WUGs') needs satisfied by this project? 0.00 %	10	0.00
C	Is this project the only economically feasible source of new supply for the WUG, other than conservation? <u>Points</u> <u>Measure</u> 0 no 5 yes	5	0
D	Does the project serve multiple WUGs? <u>Points</u> <u>Measure</u> 0 no 5 yes	5	0
Criteria Total		30	0

4. Project Sustainability			
** A	Over what period of time is this project expected to provide water (regardless of the planning period)? <u>Points</u> <u>Measure</u> 5 less than or equal to 20 years 10 greater than 20 years	10	0
B	Does the volume of water supplied by the project change over the regional water planning period? <u>Points</u> <u>Measure</u> 0 decreases 3 no change 5 increases	5	0
Criteria Total		15	0

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5. Project Cost Effectiveness		Max Score	Actual Score
A	What is the expected unit cost of water supplied by this project compared to the median unit cost of all other recommended strategies in the region's current RWP? (Project's Unit Cost divided by the median project's unit cost)	5	0
<u>Points</u>	<u>Relative to Median unit cost</u>		
0	200% or greater than median		
1	150% to 199% of median		
2	101% to 149% of median		
3	100% of median		
4	51% to 99% of median		
5	0% to 50% of median		
Criteria Total		5	0

SCORING RESULTS ON SCALE OF 1,000 POINTS MAXIMUM:

<i>sub-score for: Decade of Need</i>	-
<i>sub-score for: Project Feasibility</i>	-
<i>sub-score for: Project Viability</i>	-
<i>sub-score for: Project Sustainability</i>	-
<i>sub-score for: Project Cost Effectiveness</i>	-
FINAL SCORE FOR PROJECT	-

APPENDIX 2: Minority Report

November 25, 2013

Hon. Carlos Rubinstein, Bech Bruun, and Mary Ann Williamson
Members, Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

Dear Board Members:

This addendum is to inform you of the shortcomings that I and my region feel that the document drafted has. The issues that were not addressed in this document that we feel are important to us and all of Texas are: Private Property Rights, Environmental Concerns, and Socioeconomic Effects that projects may have if implemented. The three branches of our state government have been clear that these issues are important, and we wanted to inform you that they are important to us as well. We have never posed the idea that we have the right to hoard our water wealth, but would like to see projects that have the least impact to our Private Property Rights, Environmental Concerns, as well as Our Local Economy. Our board, administrators, and engineers appreciate what you do and look forward to working with you and your staff in the future.

Sincerely,
Bret McCoy
Chairman Region D

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PROJECT NAME:

PROJECT SPONSOR:

Overall Criteria Weightings:

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8	2020															
10	2010															
Criteria Total	20	0														

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Adopted by Consensus at 3pm, November 14, 2013

2. Project Feasibility		Max Score	Actual Score
A What supporting data is available to show that the quantity of water needed is available?		5	0
Points	Measure		
0	Models suggest insufficient quantities of water or no modeling has been performed		
3	Models suggest sufficient quantity of water		
5	Field tests and measurements confirm sufficient quantities of water		
** B If necessary, does the sponsor hold necessary legal rights, water rights and/or contracts to use the water that this project would require?		5	0
Points	Measure		
0	legal rights, water rights and/or contract application not submitted		
2	application submitted		
3	application is administratively complete		
5	legal rights, water rights and/or contracts obtained or not needed		
** C What level of engineering and/or planning has been accomplished for this project? (Points based on progress on scientific data collection, stage of studies and design)		10	0
Points	Measure	Points	Measure
1	Project idea is outlined in Regional Plan.	6	Preliminary engineering report initiated.
2	Feasibility studies initiated.	7	Preliminary engineering report completed.
3	Feasibility studies completed.	8	Preliminary design initiated.
4	Conceptual design initiated.	9	Preliminary design completed.
5	Conceptual design completed.	10	Final design complete.
D Has the project sponsor requested (in writing for the 2016 Plan) that the project be included in the Regional Water Plan?		5	0
Points	Measure		
0	no		
5	yes		
Criteria Total		25	0

3. Project Viability	Max Score	Actual Score						
For A and B, the calculation is to be based on the total needs of all WUGs receiving water from the project.								
A In the decade the project supply comes online, what is the % of the WUG's (or WUGs') needs satisfied by this project? <div style="border: 1px solid red; display: inline-block; padding: 2px;">0.00</div> %	10	0.00						
B In the final decade of the planning period, what is the % of the WUG's (or WUGs') needs satisfied by this project? <div style="border: 1px solid red; display: inline-block; padding: 2px;">0.00</div> %	10	0.00						
C Is this project the only economically feasible source of new supply for the WUG, other than conservation? <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Points</th> <th style="text-align: left; border-bottom: 1px solid black;">Measure</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>no</td> </tr> <tr> <td>5</td> <td>yes</td> </tr> </tbody> </table>	Points	Measure	0	no	5	yes	5	0
Points	Measure							
0	no							
5	yes							
D Does the project serve multiple WUGs? <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Points</th> <th style="text-align: left; border-bottom: 1px solid black;">Measure</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>no</td> </tr> <tr> <td>5</td> <td>yes</td> </tr> </tbody> </table>	Points	Measure	0	no	5	yes	5	0
Points	Measure							
0	no							
5	yes							
Criteria Total	30	0						

4. Project Sustainability										
** A Over what period of time is this project expected to provide water (regardless of the planning period)? <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Points</th> <th style="text-align: left; border-bottom: 1px solid black;">Measure</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>less than or equal to 20 years</td> </tr> <tr> <td>10</td> <td>greater than 20 years</td> </tr> </tbody> </table>	Points	Measure	5	less than or equal to 20 years	10	greater than 20 years	10	0		
Points	Measure									
5	less than or equal to 20 years									
10	greater than 20 years									
B Does the volume of water supplied by the project change over the regional water planning period? <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Points</th> <th style="text-align: left; border-bottom: 1px solid black;">Measure</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>decreases</td> </tr> <tr> <td>3</td> <td>no change</td> </tr> <tr> <td>5</td> <td>increases</td> </tr> </tbody> </table>	Points	Measure	0	decreases	3	no change	5	increases	5	0
Points	Measure									
0	decreases									
3	no change									
5	increases									
Criteria Total	15	0								

5. Project Cost Effectiveness

**Max
Score**

**Actual
Score**

A What is the expected unit cost of water supplied by this project compared to the median unit cost of all other recommended strategies in the region's current RWP? (Project's Unit Cost divided by the median project's unit cost)

5

0

Points **Relative to Median unit cost**

- 0 200% or greater than median
- 1 150% to 199% of median
- 2 101% to 149% of median
- 3 100% of median
- 4 51% to 99% of median
- 5 0% to 50% of median

Criteria Total

5

0

SCORING RESULTS ON SCALE OF 1,000 POINTS MAXIMUM:

sub-score for: Decade of Need

-

sub-score for: Project Feasibility

-

sub-score for: Project Viability

-

sub-score for: Project Sustainability

-

sub-score for: Project Cost Effectiveness

-

FINAL SCORE FOR PROJECT

-

0
0