



EDWARDS AQUIFER
A U T H O R I T Y

NOTICE OF OPEN MEETING

Available at www.edwardsaquifer.org

As required by Article VI, Sections 6.01, 6.04, and 6.05 of the Bylaws of the Edwards Aquifer Authority, a meeting of the Board of Directors will be held on **Tuesday, February 13, 2007, at 3:00 p.m. in the Conference Center of the Authority's office, 1615 N. St. Mary's, San Antonio, Texas.**

At this meeting, the following business may be considered and recommended for board action:

- A. [Call to Order – Roll Call – Pledge of Allegiance.](#)
- B. [Public comment.](#)
- C. [General Manager's announcements and report.](#)
- D. [Committee reports.](#)
- E. [Receive report from Director Bob Keith, South Central Texas Water Advisory Committee \(SCTWAC\) representative to the board, regarding downstream water conditions of the Guadalupe River Basin and current activities and issues of interest to SCTWAC.](#)
- F. [Receive report from Mr. Frank Santos, J.D., Legislative Consultant, on recent legislative activities.](#)

CONSENT ITEMS

- G. [Approval of previous board meeting minutes.](#)
 - [Regular Board Meeting – January 9, 2007](#)
 - [Special Board Meeting – January 23, 2007](#)
- H. [Consider recommendation from the Aquifer Management Planning Committee to approve the revised memorandum of understanding \(MOU\) between the Authority and the United States Department of Agriculture – Natural Resource Conservation Service \(NRCS\) for implementation of best management practices on private lands within the recharge zone of the Edwards Aquifer in Bexar, Comal, Hays, Medina, and Uvalde counties to treat Ashe juniper, at no cost to the Authority, and authorize the General Manager to execute the updated MOU.](#)
- I. [Consider recommendation from the Permits/Enforcement Committee to approve the following Final Order Granting Application to Convert Base Irrigation Groundwater in the following matters:](#)

Permit #	Owner Name	Initial Regular Permit Groundwater Withdrawal Amount (acre-feet)	Base Irrigation Groundwater Withdrawal Rights (acre-feet)	Unrestricted Irrigation Groundwater Withdrawal Rights (acre-feet)	Applicant Requested Groundwater Withdrawal Conversion Amount (acre-feet)	Permits/ Enforcement Committee Recommended Groundwater Withdrawal Conversion Amount (acre-feet)
P101-411 (ME00525)	Alvin J. Weimers and wife, Alice Weimers	373.200	186.600	186.600	41.545	41.545
P101-454 (UV00501)	R.B. Willoughby, Jr. and Cecil R. Atkission, Jr.	798.035	399.018	399.018	127.826	127.826
P101-645 (UV00406)	Bobby DeRusha and wife, Deloyce M. DeRusha, Bobby Dale DeRusha, and Cody Bob DeRusha	1,360.000	680.000	680.000	360.379	360.379
P100-860 (ME00305)	City of Hondo	1,278.400	639.200	639.200	155.324	155.324
P101-884 (UV00511)	R.B. Willoughby, Jr. and wife Ruth H. Willoughby	458.200	229.100	229.100	128.284	128.284

- J. Consider and take action on Authority staff recommendation to approve the following Orders Dismissing Applications to Transfer and Amend Initial Regular Permits with prejudice in the following matters:

Application Number	Permit #	Derived from ORIGINAL INITIAL PERMIT #	Transferor Name	Transferee Name	Proposed Transferred Groundwater Withdrawal Amount (acre-feet)
T101-563	P100-357	P100-356 (BE00129)	ENRG EWF 2003, Ltd.	Aqua Source Utility, Inc.	55.000
T101-564	P101-164	P101-157 (ME00413)	ENRG EWF 2003, Ltd.	Aqua Source Utility, Inc.	50.000
T101-566	P102-452	P100-411 (BE00167)	ENRG EWF 2003, Ltd.	Aqua Source Utility, Inc.	120.000

- K. Consider recommendation from the Permits/Enforcement Committee regarding the following pending enforcement matters:

- Jeffrey H. Jaffe;
- Gary W. Lochte and Wife Judith Lochte, dba Castroville Orchards & Exotics; and
- Jack Guenther.

- L. Consider recommendation from Authority staff to approve payment to Kemp Smith for legal services.

- M. Consider report and recommendation from Treasurer Hunter Schuehle to accept the unaudited financial statement for the month of January 2007.

ITEMS FOR INDIVIDUAL CONSIDERATION

- N. Receive report from Authority staff on activities related to the Zumwalt Recycling Facility Compost Fire in Helotes, Texas, and consider action on policy options related to the report.

- O. Consider the following Application to Convert Base Irrigation Groundwater for the amount stated in the “Applicant Requested Groundwater Withdrawal Conversion Amount” column within the table below:

Permit #	Owner Name	Initial Regular Permit Groundwater Withdrawal Amount (acre-feet)	Base Irrigation Groundwater Withdrawal Rights (acre-feet)	Unrestricted Irrigation Groundwater Withdrawal Rights (acre-feet)	Applicant Requested Groundwater Withdrawal Conversion Amount (acre-feet)
P101-152 (ME00412)	Jack C. Gruber and Beverly Gruber, husband and wife	608.600	304.300	304.300	304.300

P. Closed Session.

The Board of Directors of the Edwards Aquifer Authority may go into a closed session under the authority of the Government Code, Chapter 551, Texas Open Meetings Act, to discuss:

1. Consultation with Attorney - Pending Litigation (§ 551.071)

1.1 Active Litigation:

- 1.1.1 *Guadalupe-Blanco River Authority v. Royal Crest Homes*, No. 89-0381 (22nd Dist. Ct., Hays County, Tex. filed June 15, 1989).
- 1.1.2 *Chemical Lime, Ltd. v. Edwards Aquifer Authority*, No. C2004-115A (22nd Dist. Ct., Comal County, Tex. filed Jan. 22, 2004).
- 1.1.3 *Day v. Edwards Aquifer Authority*, No. 04-04-0294-CVA (218th Dist. Ct., Atascosa County, Tex. Jan. 11, 2007).
- 1.1.4 *777 Operating Company v. Edwards Aquifer Authority*, No. 05-10-17660-CV (38th Dist. Ct., Medina County, Tex. filed Oct. 27, 2005).
- 1.1.5 *Bragg v. Edwards Aquifer Authority*, No. 06-11-18170-CV (38th Jud. Dist., Medina County, Tex. filed Nov. 21, 2006, removed to federal court Dec. 26, 2006).
- 1.1.6 *Edwards Aquifer Authority v. Chemical Lime, Ltd.*, No. 06-0911 (Tex. pet. filed Nov. 29, 2006).
- 1.1.7 *Bragg v. Edwards Aquifer Authority*, No. 06-CA-1129-XR (W. D. Tex. filed Dec. 26, 2006).

1.2 Active Litigation: Enforcement

- 1.2.1 *Edwards Aquifer Authority v. Milberger Landscaping, Inc.*, No. 2004-CI-17559 (37th Dist. Ct., Bexar County, Tex. filed Nov. 23, 2004).
- 1.2.2 *Edwards Aquifer Authority v. Berry*, No. 2005-CI-05609 (37th Dist. Ct., Bexar County, Tex. filed Apr. 11, 2005).
- 1.2.3 *Edwards Aquifer Authority v. Boyd*, No. 2005-CI-17842 (224th Dist. Ct., Bexar County, Tex. filed Nov. 8, 2005).

1.3 Administrative:

- 1.3.1 *In The Matter Of The Request Of The South Central Texas Water Advisory Committee For The Texas Commission On Environmental Quality To Review The Final Action Of The Board Of Directors Of The Edwards Aquifer Authority Taken On December 16, 2003, To Adopt Resolution And Order No. 12-03-478 Relative To Certain Rulemaking* (Texas Commission on Environmental Quality, State of Texas, filed June __, 2004).

2. Consultation with Attorney – Attorney/Client Privileged Consultations (§ 551.071)
 3. Deliberations Regarding Real Property (§ 551.072)
 4. Deliberations Regarding Personnel Matters (§ 551.074)
- Q. Consider recommendation(s) regarding matters discussed in closed session.
- R. Discuss items for future board meeting agendas.
- S. Adjournment.

February 8, 2007

Jennifer Wong-Esparza
Administrative Assistant

In this Notice of Open Meeting (“Notice”), the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in closed session. If, during the discussion of any agenda item, a matter is raised that is appropriate for discussion in closed session the board may, as permitted by the Texas Open Meetings Act, adjourn into closed session to deliberate on the matter.

Additionally, the posting of an agenda item as a matter to be discussed in closed session is not intended to limit or require discussion of that matter in closed session. In open session, the Board may discuss and take action on any matter for which notice has been given in this Notice, including an agenda item posted for closed session. In no event, however, will the Board take action on any agenda item in closed session, whether it be posted for open or closed session discussion.