



NOTICE OF PROPOSED ACTION ON APPLICATIONS TO TRANSFER AND AMEND INITIAL REGULAR PERMITS, AND TECHNICAL SUMMARY IN SUPPORT THEREOF

THE EDWARDS AQUIFER AUTHORITY HEREBY GIVES NOTICE OF a Proposed Action on Applications to Transfer and Amend Initial Regular Permits (Transfer Applications). These Transfer Applications propose to transfer and amend initial regular permits where the location of places of use and the points of withdrawal are proposed to be transferred from west of Cibolo Creek, to east of Cibolo Creek. The Transfer Applications, if approved, would authorize the transferees to withdraw groundwater from the Edwards Aquifer at new points of withdrawal east of Cibolo Creek according to the terms and conditions set forth in the final orders. The conditions contained in the final orders concern the location of points of withdrawal and places of use among other things.

Edwards Aquifer Authority staff reviewed the three Transfer Applications to transfer a total of 1,079.806 acre-feet per annum for the applications from places of use and points of withdrawal located west of the Cibolo Creek, to east of the Cibolo Creek. Staff is recommending approval of the three transfer applications. If granted, transfers will be effective upon approval by the Authority's board of directors.

Under § 711.328(12) of the EDWARDS AQUIFER AUTHORITY RULES, the board shall grant an application to transfer a permit if it finds that:

- (i) aquatic and wildlife habitat will be protected;
- (ii) species that are designated as threatened or endangered under applicable federal and state law will be protected; and
- (iii) continuous minimum springflows of Comal Springs and San Marcos Springs will be maintained to protect endangered and threatened species to the extent required by federal law; and

The Authority reserves the right to re-evaluate the Transfer Applications at any time upon receiving evidence that finds the Transfer Applications do not satisfy the above conditions set forth under § 711.328(12).

A copy of the Proposed Action and the Technical Summary for the applications are available for public review Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at the offices of the Edwards Aquifer Authority, 1615 North St. Mary's Street, San Antonio, TX 78215.

A brief description of the Transfer Applications and Technical Summary are as follows:

Initial Regular Permit Number	Transferor	Current Purpose of Use	Current Place of Use/Point of Withdrawal	Transferee	Amended Purpose of Use	Amended Place of Use/Point of Withdrawal	Amount of Transfer (Acre-Feet)	Authority Staff Proposal
P101-657	R.B. Willoughby, Jr. and Cecil R. Atkission, Jr.	Irrigation	Uvalde	Crystal Clear Water Supply Corporation	Municipal	Hays	864.600	G
P101-088	Aelvoet Partners, Ltd.	Irrigation	Medina	County Line Water Supply Corporation	Municipal	Hays	115.206	G
P102-538	Michael W. Harris	Irrigation	Uvalde	County Line Water Supply Corporation	Municipal	Hays	100.000	G

In addition to the standard withdrawal permit terms and conditions, the following is a summary of special conditions that are a part of the Proposed Action:

1. Once initially transferred across Cibolo Creek, the groundwater associated with the transfer permit may only be withdrawn from specific wells as designated in the amended permits. In addition, the places of use and points of withdrawal for the transfer permit may not be amended or further transferred to another user or any places of use or points of withdrawal east of the Cibolo Creek. However, this condition does not prohibit the transfer of groundwater to another user or points of withdrawal and places of use west of the Cibolo Creek.
2. For each day the daily flow at San Marcos Springs is at or below 100 cubic feet per second (cfs), withdrawal of the transferred water is prohibited. This prohibition will be administered on an annual basis consistent with the Authority's current Critical Period Management Plan rules, whereby a prescribed reduction is applied to the transfer permit on a pro-rata basis and reconciled at the end of the year. In summary, the daily reduction for this transfer permit will be 100% for each day San Marcos Springs is at or below 100 cfs.

3. All permitted withdrawals will be reported to the Authority utilizing an acceptable automated meter reading system.

The Proposed Action on these Transfer Applications will be presented to the Edwards Aquifer Authority Board of Directors for action within 60 days of the date of the last publication of the notices required to be published pursuant to § 707.525 of the EDWARDS AQUIFER AUTHORITY RULES, unless a Request for Contested Case Hearing is submitted to the Authority within 30 days after publication of this notice pursuant to § 707.603 of the EDWARDS AQUIFER AUTHORITY RULES.

A Request for Contested Case Hearing Packet and instructions for filing a Request for a Contested Case Hearing may be obtained by contacting Ms. Sharon Davila, Docket Clerk, at (210) 222-2204.

This Notice of Proposed Approval of Applications to Transfer and Amend Initial Regular Permits, and Technical Summary in Support Thereof is published pursuant to § 707.525, of the EDWARDS AQUIFER AUTHORITY RULES.

If you have any questions about any information in this notice or in the event you require additional information regarding contested case hearing procedures, you may contact Ms. Davila, Docket Clerk, at (210) 222-2204 or 1-800-292-1047.

ISSUED this 9 day of APRIL, 2009 in San Antonio, Texas.



Sharon Davila  
Docket Clerk  
Edwards Aquifer Authority

