

**BEFORE THE
EDWARDS AQUIFER AUTHORITY
State of Texas**

**IN THE MATTER OF THE FOLLOWING)
APPLICATION TO CONVERT BASE IRRIGATION)
GROUNDWATER:)
)
)
P100-348 Daniel K. Byrom and Cheri L. Byrom, Trustees of)
(BE00121) the Byrom Living Trust dated March 23, 2021)**

**FINAL ORDER GRANTING APPLICATION
TO CONVERT BASE IRRIGATION GROUNDWATER**

ON THIS DAY CAME ON TO BE HEARD the above-styled and numbered Application to Convert Base Irrigation Groundwater (“Conversion Application” or “Application”) of Daniel K. Byrom and Cheri L. Byrom, Trustees of the Byrom Living Trust dated March 23, 2021 (“Applicants”). As set forth below, the General Manager of the Edwards Aquifer Authority (“EAA”) issued notice of his proposed action on the Conversion Application. The Board of Directors (“Board”) of the EAA, after having reviewed and considered the summaries of the evidence for the Conversion Application as contained in the materials in the Board Packet, the arguments and presentation of the General Manager of the EAA, and the arguments and presentations of Applicants, or their representatives, and other applicants or permittees, or their representatives, who may have appeared before the Board, is of the opinion and finds that:

1. the facts necessary to support the General Manager’s proposed action to grant the Conversion Application have been established by convincing evidence; and
2. the General Manager’s proposed action is entitled to prevail with reference to the above-styled and numbered application.

Accordingly, the Board is of the opinion and finds that the Conversion Application should be GRANTED. In support of this Final Order, the Board makes its Findings of Fact and

Conclusions of Law as follows:

FINDINGS OF FACT

1. On April 9, 2002, Daniel K. Byrom and Cheri Byrom, husband and wife, were granted Initial Regular Permit (“IRP”) No. 2002-BE00121 (P100-348) by the EAA in the amount of 180 acre-feet/year (“AF/yr”) (90 AF/yr of base irrigation groundwater rights (“BIG”) and 90 AF/yr of unrestricted irrigation groundwater rights (“UIG”)) based on the irrigation of 90 acres of land during the historical period (June 1, 1972 – May 31, 1993).

2. On September 13, 2016, due to the Irrevocable Designation of Historically Irrigated Lands Pertaining to Edwards Aquifer Groundwater Rights dated June 23, 2016, as recorded with the Clerk as Document # 20160125426, Official Public Records, Bexar County, Texas, the EAA re-issued P100-348 (BE00121) to Daniel K. Byrom and Cheri Byrom for 90 AF/yr BIG, stacked on 6.4734 acres.

3. On August 13, 2024, due to the sale of 6.4734 acres from Daniel K. Byrom and Cheri Byrom to Daniel K. Byrom and Cheri L. Byrom, Trustees of the Byrom Living Trust dated March 23, 2021, pursuant to General Warranty Deed dated March 23, 2021, and recorded as Document # 20210338905, Official Public Records, Bexar County, Texas, the EAA re-issued Regular Permit P100-348 (BE00121) in the amount of 90 AF/yr of BIG to Applicants.

4. On August 12, 2024, Applicants filed a Conversion Application with the EAA at the official business offices located at 900 E. Quincy, San Antonio, Texas. Applicants seek issuance of an order granting the Conversion Application by converting 90 AF/yr of BIG to UIG.

5. After receipt of the Conversion Application, the General Manager of the EAA conducted an initial review of the Application for administrative completeness.

6. By letter dated August 13, 2024, the General Manager notified Applicants that he

had determined that the Application was administratively complete.

7. After determining that the Conversion Application was administratively complete, the General Manager conducted a technical review of the Application for the purpose of determining if the Application should be granted or denied, in whole or in part.

8. After completing the technical review of the Conversion Application, the General Manager concluded that he should recommend to the Board that the Application be granted in whole.

9. In conjunction with the proposed action, the General Manager prepared a Technical Summary.

10. On September 11, 2024, the General Manager provided written notice to Applicants by United States mail that the technical review of the Application was complete, provided the proposed action and Technical Summary in support thereof.

11. The Docket Clerk of the EAA scheduled before the Board a presentation by the General Manager on the Conversion Application, his proposed action, and the proposed issuance of a Regular Permit in accordance therewith. The presentation occurred at the regular meeting of the Board held on November 12, 2024, at the official offices of the Edwards Aquifer Authority, 900 E. Quincy, San Antonio, Texas. Notice of public meeting for this meeting was duly and properly posted in accordance with Chapter 551, Texas Government Code. Additionally, an agenda item that is the subject of this Final Order was duly and properly listed in the notice of public meeting.

12. On September 12, 15, and 18, 2024, pursuant to EAA Rules § 707.525, Applicants published a Notice of Proposed Action on Application for Conversion of Base Irrigation Groundwater to Unrestricted Irrigation Groundwater in five (5) newspapers within the EAA's

jurisdiction outlining the General Manager’s proposed action.

13. On September 13, 2024, pursuant to § 1.34 of the EAA Act and § 711.342(c) of the EAA’s Rules, the EAA provided permit holders, by United States mail, a copy of the Notice of Proposed Action on Application for Conversion of Base Irrigation Groundwater to Unrestricted Irrigation Groundwater, outlining the General Manager’s proposed action.

14. In accordance with §§ 707.525,707.601(4) and 707.603, the September 11, 2024 written letter to Applicants, the September 12, 15, and 18, 2024 newspaper publications, and the September 13, 2024 letter to permit holders provided notice of the right for any permit holder to request a contested case hearing on the Application and the General Manager’s proposed action. The deadline to request a contested case hearing was October 18, 2024. No requests were received.

15. The Conversion Application was, contemporaneous with its receipt, affixed with a “date stamp” by the EAA to the front page of the Application indicating its date of receipt by the EAA.

16. Applicants paid the application fee of \$25 at the time the Conversion Application was filed with the EAA.

17. Applicants are not delinquent in the payment of any fee due and owing to the EAA, including but not limited to aquifer management fees.

18. Applicants have filed with the EAA all applicable reports.

19. The place of use set out in Regular Permit P100-348 (BE00121) includes irrigated land during the historical period. A description of the lands is as follows:

The tract(s) of land more fully described in General Warranty Deed dated March 23, 2021, as recorded with the County Clerk as Document #20210338905, Official Public Records, Bexar County, Texas; and more specifically described in the Irrevocable Designation of Historically Irrigated Lands Pertaining To Edwards Aquifer Groundwater Rights dated June 23, 2016, as recorded with

the Clerk as Document # 20160125426, Volume 17945, Pages 632
- 637, Official Public Records, Bexar County, Texas.

20. A change in land use has occurred relative to the historically irrigated lands (“HIL”) constituting the place of use set out in Regular Permit No. P100-348 (BE00121) such that, in accordance with EAA Rules § 711.342(c)(6)(A), 6.4734 acres of HIL have been developed into a homestead for ranching operations.

21. A map showing the location of the HIL is attached as Exhibit A.

22. Applicants are not required to submit a groundwater conservation plan to the EAA.

23. Applicants are in compliance with the Act, the EAA Rules, other permits, and orders of the Board.

24. Applicants are the owners of the land to which the BIG that is the subject of the Conversion Application is appurtenant.

25. Applicants were not required to submit a new survey of the historically irrigated acres constituting the place of use set out in Regular Permit P100-348 (BE00121).

CONCLUSIONS OF LAW

1. Because the Conversion Application seeks to convert BIG in the IRP to UIG associated with a groundwater withdrawal permit issued by the EAA, the Board of Directors of the EAA has jurisdiction over the Application.

2. The Conversion Application meets the requirements of Section 711.342(c)(6)(A) of the EAA Rules and, therefore, a change in land use has occurred relative to the historically irrigated lands constituting the place of use set out in Regular Permit P100-348 (BE00121) such that these lands have been developed.

3. The Conversion Application otherwise complies with the Act and the EAA’s Rules.

4. Accordingly, the Conversion Application should be granted in accordance with this

Final Order Based, hereby converting 90 AF/yr of BIG to UIG associated with Regular Permit P100-348 (BE00121) and the historically irrigated lands constituting the place of use for this Permit.

ORDERING PROVISION

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED that the above-styled and numbered Conversion Application is hereby **GRANTED** as follows:

1. the General Manager is directed to advise Applicants in writing of the issuance and effect of this Final Order;
2. when appropriate as determined by the General Manager, the General Manager is directed to prepare an amended Regular Permit reflecting the issuance and effect of this Final Order in the form of the approved Regular Permit form and subject to the Conditions for Regular Permits as may be in effect at the time of the issuance of this Final Order, for presentation to the Chairman of the Board of Directors of the EAA for signature; and
3. the General Manager is directed to make appropriate adjustments, changes, or modifications to the EAA’s permits and water accounting database consistent with the issuance and effect of this Final Order.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS
AQUIFER AUTHORITY THIS 12TH DAY OF NOVEMBER, 2024.

ENRIQUE VALDIVIA
Chairman, Board of Directors
Edwards Aquifer Authority

ATTEST:

BENJAMIN F. YOUNGBLOOD III
Secretary, Board of Directors
Edwards Aquifer Authority

APPROVED AS TO FORM:

DARCY ALAN FROWNFELTER
General Counsel