



## **FINDINGS OF FACT**

1. On November 15, 2005, the Sterling Trust Company, Trustee FBO Harold T. DuPerier, III, Account Number 041477 (“Sterling Trust”) was granted an amended Initial Regular Permit P102-001 (UV00555) by the EAA, thereby superseding the permit previously issued on December 11, 2001, in the amount of 90.000 acre-feet/year (“AF/yr”) (90.000 AF/yr Base Irrigation Groundwater rights (“BIG”) and 0.000 AF/yr Unrestricted Irrigation Groundwater (“UIG”)), based on the ownership and irrigation of 90.000 acres of historically irrigated lands (“HIL”) out of a 257.00-acre tract during the historical period (June 1, 1972 - May 31, 1993) by its predecessor in interest applicant - the Estate of Farel Warren and heirs. The 90 AF/yr of UIG associated with this permit had been previously conveyed to the City of Uvalde on or about January 28, 2003.

2. On August 31, 2009, due to the sale of the 90.000 acres of HIL by Sterling Trust to Innovation Ranch Investments, Ltd, pursuant to Warranty Deed dated April 1, 2009, and recorded as Document # 2009001188, Official Public Records, Uvalde County, Texas, and the approval on or about July 20, 2009 of an Irrevocable Designation of Historically Irrigated Lands Pertaining to Edwards Aquifer Groundwater Rights, recorded as Document # 2009002477, Official Public Records, Uvalde County, Texas, the EAA recognized the transfer of ownership of Regular Permit PI02-001 (UV00555) in the amount of 90.000 AF/yr BIG to Innovation Ranch Investments, Ltd.

3. On September 28, 2009, due to the sale of 82.830 acres out of the 90.000 acres of HIL by Innovation Ranch Investments, Ltd., pursuant to Warranty Deed with Vendor’s Lien dated May 26, 2009, and recorded as Document # 2009003264, Official Public Records, Uvalde County, Texas, the EAA issued new Regular Permit PI 04-517 (UV00555) in the amount of 82.830 AF/yr BIG to Fry Homes, Inc.

4. On March 9, 2010, the EAA approved a Conversion of Base Irrigation Groundwater Rights due to a change in land use, and reissued Regular Permit P104-517 (UV00555) in the amount of 82.830 AF/yr (39.860 AF/yr of BIG and 42.970 AF/yr of UIG) to Fry Homes, Inc.

5. On September 13, 2016, due to the sale of 16.19 acres from Fry Homes, Inc. to Slate Creek Ranch, LLC, pursuant to General Warranty Deed dated July 21, 2016, and recorded as Document # 2016002193, Official Public Records, Uvalde County, Texas, the EAA issued Regular Permit P108-202 (UV00555) in the amount of 10.888 AF/yr of BIG to Applicant.

6. On September 12, 2024, pursuant to Special Warranty Deed dated September 12, 2024, and recorded as Document # 2024023257, Applicant sold 3.26 acres of the place of use that are not HIL.

7. On March 3, 2026, Applicant filed a Conversion Application with the EAA at the EAA's official business offices located at 900 E. Quincy, San Antonio, Texas. Applicant seeks issuance of an order granting the Conversion Application by converting 10.888 AF/yr of BIG to UIG.

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

9. By letter dated March 5, 2026, the General Manager notified Applicant that he had determined that the Application was administratively complete.

10. 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.

11. 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.

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

13. On April 10, 2026, the General Manager provided written notice to Applicant by United States mail that the technical review of the Application was complete, provided the proposed action and Technical Summary in support thereof, and informed Applicant that Applicant's Conversion Application was scheduled for consideration at the regular meeting of the Board on May 12, 2026, at the official offices of the Edwards Aquifer Authority, 900 E. Quincy, San Antonio, Texas.

14. 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 May 12, 2026, 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.

15. On April 1, 2, and 5, 2026, pursuant to EAA Rules § 707.525, Applicant 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.

16. On April 10, 2026, 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.

17. In accordance with EAA Rules §§ 707.525, 707.601(4) and 707.603, the April 10, 2026 written letter to Applicant, the April 1, 2, and 5, 2026 newspaper publications, and the April 10, 2026 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 May 11, 2026. No requests were received.

18. 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.

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

20. Applicant is not delinquent in the payment of any fee due and owing to the EAA, including but not limited to aquifer management fees.

21. Applicant has filed with the EAA all applicable reports.

22. The place of use set out in Regular Permit P102-100 (UV00605) 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 7/21/2016 as recorded with Clerk as Document # 2016002193, Official Public Records, Uvalde County, Texas.

23. A change in land use has occurred relative to the HIL constituting the place of use set out in Regular Permit No. P108-202 (UV00555) such that, in accordance with EAA Rules § 711.342(c)(6)(B), 12.93 acres are no longer practicable to farm.

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

25. Applicant is not required to submit a groundwater conservation plan to the EAA.

26. Applicant is in compliance with the Act, the EAA Rules, other permits, and orders of the Board.

27. Applicant is the owner of the land to which the BIG that is the subject of the Conversion Application is appurtenant.

28. Applicant was not required to submit a new survey of the historically irrigated acres constituting the place of use set out in Regular Permit P108-202 (UV00555).

29. Applicant has requested that any permit issued as a result of the Application be issued without a place of use or point of withdrawal pursuant to § 711.342(g) of the EAA Rules.

### **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) 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 P108-202 (UV00555) such that these lands have been developed and are no longer practicable to farm.

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 10.888 AF/yr of BIG to UIG associated with Regular Permit P108-202 (UV00555) 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 Applicant 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 12<sup>th</sup> DAY OF MAY, 2026.

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**ENRIQUE VALDIVIA**  
Chairman, Board of Directors  
Edwards Aquifer Authority

**ATTEST:**

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**RACHEL SANBORN**  
Secretary, Board of Directors  
Edwards Aquifer Authority

**APPROVED AS TO FORM:**

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**DEBORAH TREJO**  
General Counsel