

**Conversion of Base Irrigation Groundwater Application Summary  
Conversion Based on Change in Land Use  
Schertz 312, LLC**

**Permit Number:** P108-788 (CO00119)  
**Purpose of Use:** Irrigation  
**Place of Use:** Comal County  
**Original Permitted Amount:** 125.149 acre-feet  
**Irrigation Base Amount:** 125.149 acre-feet  
**Irrigation Unrestricted Amount:** 0.000 acre-feet  
**Date Board Issued Original RP:** August 1, 2018

EAA WELL NO.	LOCATION	MEASURING METHOD	WITHDRAWAL RATE
W100-751 (CO00119-001)	29-36.00-35.20 / 98-18.00-27.50	Meter	PLUGGED

**Number of acre-feet applicant originally requested to be converted from base irrigation to unrestricted irrigation groundwater:**

125.149 acre-feet

**Number of acre-feet staff recommends to be converted from base irrigation to unrestricted irrigation groundwater:**

125.149 acre-feet

**Place(s) of Use for Permit:**

142.096 acres

The tract(s) of land more fully described in Special Warranty Deed dated 6/21/2018 as recorded with Clerk as Document # 201806024987, Official Public Records, Comal County, Texas.

**Current Physical Description of Place of Use:**

On January 9, 2001, IRP P100-716 (CO00119) was granted due to the historical irrigation of 205.200 acres (owned and sold), located in southwest Comal County, to Bernice S. Friesenhahn, et al, and the Scheel Family Trust. In 2004, the permit holder name was amended to Bernice S. Friesenhahn, Trustee of the Scheel Revocable Trust. On October 6, 2006, the legal place of use for P100-716 was amended and reissued with 125.149 acre-feet BIG appurtenant to a 91.3 historically irrigated acre-tract (“HIA”), and 80.051 acre-feet BIG appurtenant to 58.400 HIA on a 60.140 acre-tract. On June 29, 2007, the 60.140 acre-tract with 80.051 acre-feet BIG was sold to Lookout Road Development Company, L.P. On August 1, 2018, the 142.096 acres with the 91.3 HIA was sold to Schertz 312, LLC.

**Description of Change in Land Use:**

The Applicant's supporting documentation maintains the properties which are the subject of the application are surrounded by industrial developments on three sides. Many of the buildings associated with the industrial developments have open area parking and/or outdoor operations that adjoin the subject properties. Based on these factors, the permit holder maintains it would be extremely difficult to undertake the aerial spraying of any chemicals on the properties. In addition, there is an active rail line that borders the northern side of the properties. There is a switching station nearby, so that trains often stop when they are adjacent to the properties. This fact can also be problematic for the purpose of applying chemicals. Rail companies are very sensitive to chemicals being applied to properties adjacent to their trains that have to come to stop for long periods of time. For these reasons, the permit holder asserts that surrounding development substantially impairs any agricultural activities on the HIA.

**Staff Calculations:**

In accordance with EAA Rule § 711.342(6)(D) Basis for Granting Conversion Applications, the historically irrigated land that is the subject of the application is no longer practicable to farm: the historically irrigated land has not been irrigated for more than three years; due to surrounding development, continuing agricultural activities on the land have the potential to compromise the health and safety of a farm operator or the general public occupying or residing on the adjacent properties, and surrounding development substantially impairs any continued agricultural activities on the historically irrigated land. The well used to irrigate the historically irrigated land that is the subject of the application has been plugged.

**Staff Recommendation:**

EAA Staff recommends approval of the Application to Convert Base Irrigation Groundwater requesting to convert 125.149 acre-feet based on a change in land use. The application will be reviewed at the April 23, 2019 Permits/Enforcement Committee meeting and the May 14, 2019 Board Meeting.