

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

**IN THE MATTER OF THE FOLLOWING
APPLICATION TO CONVERT BASE IRRIGATION
GROUNDWATER:**

**P100-012 Excelite Development Ventures LLC
(AT00900)**

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**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 Excelite Development Ventures LLC (“Applicant”). 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 Applicant, or its 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 January 31, 2001, A. J. Gidley was granted Initial Regular Permit No. 2001-AT00900 (P100-012) by the EAA in the amount of 276.400 AF/yr (138.200 AF/yr of base irrigation groundwater rights (“BIG”) and 138.200 AF/yr of unrestricted irrigation groundwater rights (“UIG”)), based on the irrigation of approximately 84.890 acres of land during the historical period (June 1, 1972 – May 31, 1993).

2. On August 6, 2007, due to an amendment of the permit holder name, and pursuant to the last will and testament of Andrew Jackson Gidley and Alice Lytle Gidley, and pursuant to the Addendum to Partnership Agreement Dated September 11, 1981, the EAA re-issued Regular Permit P100-012 (AT00900) in the amount of 276.4 AF/yr (138.2 AF/yr of BIG and 138.2/yr of UIG) to Margaret G. Clover, John L. Gidley, William J. Gidley, John P. Shaw and the Kenagy Trust, John A. Kenagy, Trustee.

3. On January 4, 2010, due to an amendment of the permit holder name, and pursuant to the last will and testament of John L. Gidley, the EAA re-issued Regular Permit P100-012 (AT00900) in the amount of 151.4 AF/yr (138.2 AF/yr of BIG and 13.2 AF/yr of UIG) to Margaret G. Clover, John L. Gidley, Trust, Virginia P. Gidley, Trustee, William J. Gidley, John P. Shaw and the Kenagy Trust, John A. Kenagy, Trustee.

4. On July 8, 2014, due to an amendment of the permit holder name, and pursuant to the last will and testament of William J. Gidley and John A. Kenagy, the EAA re-issued Regular Permit P100-012 (AT00900) in the amount of 151.4 AF/yr (138.2 AF/yr of BIG and 13.2 AF/yr

of UIG) to Margaret G. Clover, John L. Gidley, Trust, Virginia P. Gidley, Trustee, William J. Gidley Trust, Thomas K. Gidley & George A. Gidley, Co-Trustees, John P. Shaw, John Andrew Kenagy, and Katherine Graeme Perales.

5. On April 12, 2022, due to the sale of 158.355 acres of land from April Clover Collins, as Independent Executrix of the Estate of Margaret G. Clover, George A. Gidley, Individually and as Co-Trustee of all trusts created under the Will of William J. Gidley, Thomas K. Gidley, Individually and as Co-Trustee of all trusts created under the Will of William J. Gidley, David Preston Shaw, Anna Elizabeth Shaw Studebaker, Lytle Dalton Shaw, Katherine Graeme Perales, Individually and as Trustee and Successor-in-Interest to all Trusts created under the Will of Jane G. Kenagy and successor to the interest of John A. Kenagy, John Andrew Kenagy, Individually and as Trustee and Successor-in-Interest to all Trusts created under the Will of Jane G. Kenagy and successor to the interest of John A. Kenagy, John Mark Gidley, Carol Lynn Gidley Wright, Paul William Gidley, Brian David Gidley, Allyson Anne Gidley Morrison, Neil Patrick Gidley, Danielle Xandrea Coleson, George Franklin Dempsey-Gidley, Travis Michael Gidley, and Jessica Lea Renee Gidley to 5 Rivers Real Estate, LLC, pursuant to Special Warranty Deed dated November 27, 2019, and recorded as Document # 200860, Official Public Records, Atascosa County, Texas; and the subsequent sale of 158.355 acres of land from 5 Rivers Real Estate, LLC to Applicant, pursuant to Warranty Deed with Vendor's Lien dated March 14, 2022, and recorded as Document # 22827, Official Public Records, Atascosa County, Texas, the EAA re-issued Regular Permit P100-012 (AT00900) in the amount of 151.4 AF/yr (138.2 AF/yr of BIG and 13.2 AF/yr of UIG) to Applicant.

6. On April 23, 2025, Applicant filed a Conversion Application with the EAA at the official business offices located at 900 E. Quincy, San Antonio, Texas. Applicant seeks issuance

of an order granting the Conversion Application by converting 53.123 AF/yr of BIG to UIG.

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

8. By letter dated April 24, 2025, the General Manager notified Applicant that he had determined that the Application was administratively complete.

9. 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.

10. 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.

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

12. On June 6, 2025, 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.

13. 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 July 8, 2025, 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.

14. On June 3, 5, 7 and 8, 2025, pursuant to EAA Rule § 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.

15. On June, 6, 2025, 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.

16. In accordance with §§ 707.525 and 707.603, the June 6, 2025, written letter to Applicant, the June 3-8, 2025 newspaper publications, and the June 6, 2025, 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 July 7, 2025. No requests were received.

17. 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.

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

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

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

21. The place of use set out in Regular Permit P100-012 (AT00900) includes irrigated land during the historical period. A description of the lands is as follows:

The tract(s) of land more fully described in Warranty Deed with Vendor's Lien dated 03/14/2022 as recorded with the County Clerk as Document #222827, Official Public Records, Atascosa County, Texas.

22. A change in land use has occurred relative to the historically irrigated lands constituting the place of use set out in Regular Permit No. P100-012 (AT00900) such that, in accordance with EAA Rules § 711.342(c)(6)(A), 60.870 acres of HIL have been developed into a single-family home subdivision.

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

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

25. Applicant is in compliance with the Act, the EAA's rules, other permits, and orders of the Board.

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

27. Applicant was not required to submit a new survey of the historically irrigated acres constituting the place of use set out in Regular Permit P100-012 (AT00900).

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 Sections § 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 P100-012 (AT00900) 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, hereby converting 53.123 AF/yr of BIG associated with Regular Permit P100-012 (AT00900) and the historically irrigated lands constituting the place of use for this Permit to UIG.

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 8TH DAY OF JULY 2025.

ENRIQUE VALDIVIA
Chairman, Board of Directors
Edwards Aquifer Authority

ATTEST:

RACHEL SANBORN
Secretary, Board of Directors
Edwards Aquifer Authority

APPROVED AS TO FORM:



DEBORAH TREJO
General Counsel