

**Conversion of Base Irrigation Groundwater Application Summary**  
**Conversion Based on Change in Land Use or No Longer Practicable to Farm**  
**Michael S. Hackebeil and Rebecca M. Hackebeil**

**Permit Number:** P109-090 (ME00349)  
**Purpose of Use:** Irrigation  
**Place of Use:** Medina County  
**Currently Permitted Amount:** 127.817 acre-feet  
**Irrigation Base Amount:** 127.817 acre-feet  
**Irrigation Unrestricted Amount:** 0.000 acre-feet  
**Date Board Issued Regular Permit:** October 1, 2019

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

127.817 acre-feet

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

104.823 acre-feet

**Place of Use for Permit:**

494.707 acres (125.557 Historically Irrigated Acres  
(HIA))

The tract(s) of land more fully described in Warranty Deed with Vendor's Lien dated 7/24/2019 as recorded with the Clerk as Document # 2019005346, Official Public Records, Medina County, Texas.

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

The place of use consists of 494.707 acres containing a 125.557 HIA tract with 127.817 acre-feet of stacked base irrigation groundwater (BIG). The 125.557 HIA were partitioned from original IRP ME00349. The HIA are located on the west side of Hwy 173 in Medina County, 5 miles north of Hondo. The well previously used to irrigate the HIA (W101-024) is not located on acres that are the subject of the application.

**Description of Change in Land Use:**

On July 30, 2020, EAA staff conducted a site visit and determined that approximately 7.4 HIA have been developed into a lot with garages used for the purpose of servicing large trucks associated with activities at an adjacent quarry (please see Exhibit A). Applicant also requested the conversion of permitted groundwater rights associated with the development of roads throughout the site; however, upon the site visit and verification, staff determined that only approximately 2.5 acres of land are associated with the roadways

that were developed through physical alteration of the land (please see Exhibit B). The remaining roads appeared to merely be tire tracks from continuous vehicle traffic through a field (please see Exhibit C). Additionally, the applicant claimed a portion of the HIA are within a floodplain and provided a map representing 102.970 acres (82%) of the 125.557 HIA that are within the 100-year flood plain, representing 93.070 acres of undeveloped HIA eligible to be considered as developed under Section 1.34(e) of the EAA Act and 711.342(d) of the EAA rules (please see Exhibit D). Staff confirmed the map provided is consistent with official FEMA Flood Maps (Please see Exhibit E).

**Staff Calculations:**

In accordance with Section 1.34 of the EAA Act and Sections 711.342(c)(6)(A) and 711.342(d) of the EAA rules, 9.9 HIA have been physically developed and 93.070 of undeveloped HIA are located within the 100-year floodplain and have been included in the proportion of permitted groundwater rights associated with developed land considered for conversion. Based on a 1.018 acre-foot/acre ratio of stacked BIG (127.817 af/125.557 acres), staff calculates the amount of BIG eligible for conversion at 104.823 acre-feet of BIG (102.970 X 1.018).

**Staff Recommendation:**

EAA Staff recommends a partial approval of the Application to Convert Base Irrigation Groundwater, converting the 104.823 acre-feet of BIG appurtenant to the 102.970 HIA. EAA Staff recommends a partial denial of the remaining 22.587 acre-feet requested (with 22.994 of BIG) due to the lack of development of those acres. The application will be reviewed at the November 24, 2020 Permits/Enforcement Committee meeting and the December 8, 2020 Board Meeting.