

**EDWARDS AQUIFER AUTHORITY
State of Texas**

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

**P100-833 Don B. Meador and Karen S. Meador
(HA00227)**

)
)
)
)
)
)
)

**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 Don B. Meador and Karen S. Meador (“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 the 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 October 8, 2002, Applicants were granted Initial Regular Permit No. 2002-HA00227 (P100-833) by the EAA in the amount of 133.200 acre-feet/year (“AF/yr”) (66.600 AF/yr Base Irrigation Groundwater (“BIG”) and 66.600 AF/yr Unrestricted Irrigation Groundwater (“UIG”)) based on the ownership and irrigation of 66.600 acres of historically irrigated lands (“HIL”) out of a 209.392 acre tract during the historical period (June 1, 1972 – May 31, 1993).

2. On April 3, 2017, the Applicants filed a Conversion Application with the EAA at the EAA’s official business offices located at 900 E. Quincy, San Antonio, Texas. The Applicants seek issuance of an order granting the Conversion Application by converting 37.188 AF/yr of BIG to UIG out of the originally-permitted 66.600 acres of HIL.

3. On or about May 24, 2017, an approved Irrevocable Designation of Historically Irrigated Lands Pertaining to Edwards Aquifer Groundwater Rights was recorded as Document # 17018395, Official Public Records, Hays County, Texas, for the originally-permitted 66.600 acres of HIL

4. In light of filing of the Irrevocable Designation of Historically Irrigated Lands Pertaining to Edwards Aquifer Groundwater Rights, the EAA issued new Regular Permit No. P100-833 (HA00227) (“Permit”) to the Applicants with a modified place of use.

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 April 5, 2017 the General Manager notified the 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 June 9, 2017, the General Manager provided written notice by United States mail to the Applicants that technical review of the Conversion Application was complete, and provided the Applicants with a copy of 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 an amended Regular Permit associated therewith. The presentation occurred at the regular meeting of the Board held on July 11, 2017, at the official offices of the Edwards Aquifer Authority, located at 900 E. Quincy, San Antonio, Texas. Notice of public meeting for the

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 June 9, 2017, the EAA provided written notice to the Applicants by United States mail, that Applicant's Conversion Application was scheduled for consideration at the regular meeting of the Board on July 11, 2017, at the Edwards Aquifer Authority, 900 E. Quincy, San Antonio, Texas.

13. 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.

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

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

16. The Applicants have filed with the EAA all applicable reports.

17. The place of use set out in the Permit was irrigated land during the historical period. A description of the irrigated lands is as follows:

The tract(s) of land more fully described in Warranty Deed with Vendor's Lien dated 7/21/1997 as recorded with the Clerk as Document # 9712752, Volume 1331, Pages 752 - 760, Official Public Records, Hays County, Texas, and the tract(s) of land more fully described in Irrevocable Designation of Historically Irrigated Lands Pertaining to Edwards Aquifer Groundwater Rights dated 5/24/2017 as recorded with the Clerk as Document # 17018395,

Official Public Records, Hays County, Texas.

18. The water conservation equipment is described as a Mid-Elevation Spray Application ("MESA") center pivot irrigation system consisting of three (3) center pivots. This equipment qualifies as water conservation equipment because installation and operation of the equipment results in a lesser amount of groundwater from the Aquifer being withdrawn for irrigation purposes at the place of use identified in the Permit.

19. The method used to measure the amount of groundwater from the Aquifer cumulatively conserved on an annual basis results in a finding that 37.188 AF/yr of water will be conserved annually, including 20.588 AF/yr conserved through direct application of the water conservation equipment and an additional 16.600 AF/yr of water conserved due to the non-use of adjacent corners of the land due to the use of the MESA system, based on an Irrigation Water Savings Documentation Form.

20. The estimated maximum period of time the water conservation equipment will be reasonably functional in conserving groundwater from the Aquifer is 25 years.

21. The water conservation equipment was installed in September 2004, December 2005, and May 2007.

22. A map showing the location of the water conservation equipment relative to the HIL is attached as Exhibit A.

23. The Applicants were not required to submit a groundwater conservation plan to the EAA.

24. The Applicants are in compliance with the Act, the EAA's rules, other permits,

and orders of the Board.

25. The Applicants are the owner of the land to which the base irrigation groundwater is appurtenant.

26. The Applicants were not required to submit a new survey of the HIL constituting the place of use set out in the Permit.

CONCLUSIONS OF LAW

1. Because the Conversion Application seeks to convert BIG in the Permit 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(5) of the EAA Rules and, therefore, conservation has occurred relative to the HIL constituting the place of use set out in the Permit by the installation of conservation equipment.

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 37.188 AF/yr of BIG to UIG associated with the Permit and the HIL constituting the place of use for the 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 the 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 11th DAY OF JULY, 2017.

LUANA BUCKNER
Chairman, Board of Directors
Edwards Aquifer Authority

ATTEST:

ENRIQUE VALDIVIA
Secretary, Board of Directors
Edwards Aquifer Authority

APPROVED AS TO FORM


DARCY ALAN FROWNFEITER
General Counsel