

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

P101-993 Bishop Farms, LTD. & KWB Management, L.L.C.)
(UV00550))

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 Bishop Farms, LTD. & KWB Management, L.L.C. (“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 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 February 12, 2002, Applicants were granted Initial Regular Permit (“IRP”) No. 2002-UV00550 (P101-993) by the EAA in the amount of 1,588.600 acre-feet/year (“AF/yr”) (794.300 AF/yr Base Irrigation Groundwater (“BIG”) and 794.300 AF/yr Unrestricted Irrigation Groundwater (“UIG”)) based on the ownership and irrigation of 794.300 acres of historically irrigated lands (“HIL”), consisting of a 317-acre tract, a 169.3-acre tract, a 288-acre tract, and a 20-acre tract, out of 899.060 acres during the historical period (June 1, 1972 – May 31, 1993).

2. On November 12, 2008, the EAA approved an Application to Convert BIG for IRP No. P101-993 (UV00550) in the amount of 125.480 acre-feet based on the installation of conservation equipment and re-issued Regular Permit No. P101-993 (UV00550) to Applicants in the amount of 668.82 AF/yr BIG and 919.78 AF/yr UIG.

3. On May 11, 2010, the EAA approved an Application to Convert BIG for Regular Permit No. P101-993 (UV00550) in the amount of 80.631 acre-feet based on the installation of conservation equipment and re-issued Regular Permit No. P101-993 (UV00550) to Applicants in the amount of 588.189 AF/yr BIG and 1,000.411 UIG (“Permit”).

4. On November 27, 2017, Applicants filed a Conversion Application with the EAA at the EAA’s official business offices located at 900 E. Quincy, San Antonio, Texas. Applicants seek issuance of an order granting the Conversion Application by converting 95.355 AF/yr of BIG

to UIG.

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 November 30, 2017, the General Manager notified 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 January 12, 2018, the General Manager provided written notice by United States mail to Applicants that technical review of the Conversion Application was complete, and provided 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 February 13, 2018, at the official offices of the EAA, 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 January 12, 2018, the EAA provided written notice to Applicants by United States mail, that Applicants' Conversion Application was scheduled for consideration at the regular meeting of the Board on February 13, 2018, at the EAA, 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. Applicants paid the application fee of \$25 at the time the Conversion Application was filed with the EAA.

15. 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. 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 dated 11/26/2001, as recorded with the Clerk as Document # 2001003916, Volume 472, Pages 527 - 528, Official Public Records, Uvalde County, Texas; the tract(s) of land more fully described in Warranty Deed dated 11/27/2001, as recorded with the Clerk as Document # 2001003917, Volume 472, Pages 529 - 530, Official Public

Records, Uvalde County, Texas; the tract(s) of land more fully described in Warranty Deed dated 12/3/2001, as recorded with the Clerk as Document # 2001003918, Volume 472, Pages 531 - 532, Official Public Records, Uvalde County, Texas; and the tract(s) of land more fully described in Warranty Deed dated 11/26/2001, as recorded with the Clerk as Document # 2001003919, Volume 472, Pages 533 - 534, Official Public Records, Uvalde County, Texas.

18. The water conservation equipment is described as a Mid-Elevation Spray Application ("MESA") center pivot irrigation system. 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 95.355 AF/yr of water will be conserved annually, including 71.516 AF/yr conserved through direct application of the water conservation equipment and an additional 23.839 AF/yr of water conserved due to the non-use of adjacent corners of the land, which cannot be irrigated, 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 2017.

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

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

EAA.

24. Applicants are in compliance with the Act, the EAA's rules, other permits, and orders of the Board.

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

26. 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 95.355 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 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 13th DAY OF FEBRUARY, 2018.

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 FROWNFEILER
General Counsel