

Conversion of Base Irrigation Groundwater Application Summary
Conversion Based on Change in Land Use
Frank & Emma Persyn Family Limited Partnership

Permit Number: P100-397 (BE00158)
Purpose of Use: Irrigation
Place of Use: Bexar County
Original Permitted Amount: 1076.000 acre-feet
Irrigation Base Amount: 538.000 acre-feet
Irrigation Unrestricted Amount: 538.000 acre-feet
Date Board Issued Original RP: November 12, 2002

EAA WELL NO.	LOCATION	MEASURING METHOD	WITHDRAWAL RATE
W100-298 (BE00158-001)	29-27.00-30.00 / 98-39.00-40.00	Meter	4500 gpm
W100-299 (BE00158-002)	29-20.00-6.30 / 98-34.00-5.60	Meter	50 gpm

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

34.079 acre-feet

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

34.079 acre-feet

Place(s) of Use for Permit:

15.910 acres and 43.308 acres

The tract(s) of land more fully described in Special Warranty Deed dated 9/11/2003 as recorded with Clerk as Document # 20060093238, Volume 12077, Pages 0864 - 0867, and the tract(s) of land more fully described in Special Warranty Deed dated 9/11/2003 as recorded with Clerk as Document # 20060014184, Volume 11893, Pages 832 - 838, Official Public Records, Bexar County, Texas.

Current Physical Description of Place of Use:

The original IRP was granted due to the historical irrigation of 493 acres (owned and leased), located in west Bexar County, north of Potranco Rd, centering at Military Dr. and Reed Rd., and 43.308 acres located in south Bexar County, at I-35 and Somerset Rd. On November 12, 2002, IRP 2002-BE00158 (P100-397) was issued authorizing the withdrawal of 1,076.000 acre-feet per annum (538.000 BIG and 538.000 UIG). The 43.308 acre tract has remained unchanged with 45.000 acre-feet BIG appurtenant to that place of use. The Reed Rd. place of use consisted of 200.786 acres with 493.000 acre-feet of stacked BIG. In August 2007, the original landowner and groundwater withdrawal

permittee, Frank Persyn, sold IRP P100-397 to the Frank & Emma Persyn Family Limited Partnership (“Applicant”), and subsequently sold 184.95 acres with 456.390 acre-feet of stacked BIG to Regent Communities Partners, LP, a residential subdivision developer. Regent Communities Partners, LP sold 170.85 acres with 421.596 acre-feet of stacked BIG to Standard Pacific of Texas, LP, a Delaware Limited Partnership. In 2008, due to the development of a subdivision and deed obligations, the authority approved the conversion of all 456.390 acre-feet of BIG to UIG and transferred it back to the Applicant.

In September 2010, the Applicant conveyed 1.031 acres of the remaining 15.910 HIA into an easement ordinance authorizing the widening of Reed Rd. On May 14, 2013, the EAA approved the conversion of 2.531 acre-feet of stacked BIG located on the 1.031 acre tract.

Description of Change in Land Use:

The remaining 14.879 HIA with 34.079 stacked BIG has not been irrigated in more than ten years, is completely surrounded by residential development (including an elementary school), and is too small to be practical to farm.

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 irrigate land. The well used to irrigate the historically irrigated land that is the subject of the application has demonstrated a purpose of use other than irrigation by transferring groundwater rights to the well for an industrial purpose.

Staff Recommendation:

EAA Staff recommends approval of the Application to Convert Base Irrigation Groundwater requesting to convert 34.079 acre-feet based on a change in land use. The application will be reviewed at the April 24, 2018 Permits/Enforcement Committee meeting and the May 8, 2018 Board Meeting.