

**EDWARDS AQUIFER AUTHORITY**  
**State of Texas**

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

<b>P100-254</b>	<b>Vandenburg Farms, Inc., Wayne Stein and</b>	)
<b>(ME00539)</b>	<b>Patrick Stein</b>	)

**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 Vandenburg Farms, Inc., Wayne Stein and Patrick Stein (“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 January 9, 2001, Vandenburg Farms, Inc., Wayne Stein and Patrick Stein were granted Initial Regular Permit (“IRP”) No. 2001-ME00539 (P100-254) by the EAA in the amount of 224,000 acre-feet/year (“AF/yr”) (112,000 AF/yr Base Irrigation Groundwater (“BIG”) and 112,000 AF/yr Unrestricted Irrigation Groundwater (“UIG”)) based on the irrigation of 112,000 acres of land during the historical period (June 1, 1972 – May 31, 1993).

2. On March 21, 2018, Applicants filed a Conversion Application with the EAA at the official business offices located at 900 E. Quincy, San Antonio, Texas. Applicants seek issuance of an order granting the Conversion Application by converting 111,000 AF/yr of BIG to UIG.

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

4. By letter dated March 23, 2018, the General Manager notified Applicants that he had determined that the Application was administratively complete.

5. 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.

6. 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.

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

8. On May 11, 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.

9. 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 June 12, 2018, 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.

10. On May 11, 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 June 12, 2018, at the official offices of the Edwards Aquifer Authority, 900 E. Quincy, San Antonio, Texas.

11. 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.

12. Applicants paid the application fee of \$25 at the time the Conversion Application

was filed with the EAA.

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

14. Applicants have filed with the EAA all applicable reports.

15. The place of use set out in IRP P100-254 (ME00539) 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 Deed of Gift dated 4/25/1989, as recorded with the Clerk as Document # 38077, Volume 103, Pages 201 - 205, Official Public Records, Medina County, Texas.

16. IRP P100-254 (ME00539) contains base irrigation groundwater at an amount in excess of one acre-foot per acre of historically irrigated land. Per § 711.342(7) of the EAA rules, the conversion application seeks to convert only the amount of base irrigation groundwater that is in excess of one acre-foot per acre of historically irrigated land. The 112.000 acre-feet of BIG are stacked on a 1.000 acre-tract place of use.

17. A map showing the location of the 112.000 acres and the 1.000 acre-tract place of use is attached as Exhibit A.

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

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

20. Applicants are the owners of the land to which the BIG that is the subject of the

Conversion Application is appurtenant.

21. Applicants were not required to submit a new survey of the historically irrigated acres constituting the place of use set out in Regular Permit P100-254 (ME00539).

### **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 Section 711.342(7) 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 P100-254 (ME00539).

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 111,000 AF/yr of BIG to UIG associated with Regular Permit P100-254 (ME00539) and the historically irrigated lands constituting the place of use for this 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 12<sup>TH</sup> DAY OF JUNE, 2018.

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**LUANA BUCKNER**  
Chairman, Board of Directors  
Edwards Aquifer Authority

**ATTEST:**

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**ENRIQUE VALDIVIA**  
Secretary, Board of Directors  
Edwards Aquifer Authority

**APPROVED AS TO FORM:**



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**DARCY ALAN FROWNELTER**  
General Counsel