

EDWARDS AQUIFER AUTHORITY
State of Texas

IN THE MATTER OF THE FOLLOWING)
APPLICATION TO CONVERT BASE IRRIGATION)
GROUNDWATER:)
)
)
P100-135 Dos Ninas, LP)
(ME00449))

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 (“Application”) of Dos Ninas, LP (“Applicant”). As set forth below, the General Manager of the Edwards Aquifer Authority (“EAA”) issued notice of his proposed action on the Application. The Board of Directors (“Board”) of the EAA, after having reviewed and considered the summaries of the evidence for the 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 Applicant, or its 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 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 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 March 15, 2001, Leslie Frank and Charles Schlentz were granted Initial Regular Permit 2001-ME00449 (P100-135) by the EAA in the amount of 389.000 acre-feet/year (AF/yr) (197.000 AF/yr Base Irrigation Groundwater (“BIG”) and 192.000 AF/yr Unrestricted Irrigation Groundwater (“UIG”), based on the ownership and irrigation of 156.109 acres, and the irrigation of an additional 36.000 acres of historically irrigated land (“HIL”) during the historical period (June 1, 1972 – May 31, 1993).

2. On May 10, 2005, due to an amendment of the permit name associated with Initial Regular Permit P100-135 (ME00449), the EAA issued Regular Permit P100-135 (ME00449) in the amount of 234.000 AF (197.000 BIG and 37.000 UIG) to Leslie and Mildred Schlentz.

3. On September 12, 2017, due to an amendment of the permit name associated with Initial Regular Permit P100-135 (ME00449), the EAA reissued Regular Permit P100-135 (ME00449) in the amount of 209.000 AF (197.000 BIG and 12.000 UIG) to Wayne Schlentz, Katherine Crenwelge, and Nancy Hayward.

4. On June 12, 2018, due to the sale of 156.109 historically irrigated acres associated with Initial Regular Permit P100-135 (ME00449), pursuant to Warranty Deed with Vendor’s Lien dated May 2, 2018, and recorded as Document # 2018003203, Official Public Records, Medina County, Texas, the EAA issued Regular Permit P100-135 (ME00449) in the amount of 197.000 AF/yr BIG to Dos Ninas, LP.

5. On August 12, 2019, Applicant filed the Application with the EAA at the official

business offices located at 900 E. Quincy, San Antonio, Texas. Applicant seeks issuance of an order granting the Application to convert 57.927 AF/yr of BIG to UIG.

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

7. By letter dated August 15, 2019, the General Manager notified the Applicant that he had determined that the Application was administratively complete.

8. After determining that the 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.

9. After completing the technical review of the Application, the General Manager concluded that he should recommend to the Board that the Application be granted in whole.

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

11. On September 11, 2019, the General Manager provided written notice by United States mail to Applicant that technical review of the Conversion Application was complete and provided Applicant with a copy of the proposed action and Technical Summary in support thereof.

12. The Docket Clerk of the EAA scheduled before the Board a presentation by the General Manager on the Application, his proposed action, and the proposed issuance of an amended Regular Permit in accordance therewith. The presentation occurred at the regular meeting of the Board held on October 8, 2019, at the official offices of the Edwards Aquifer Authority,

located at 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.

13. The 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. Applicant paid the application fee of \$25 at the time the Application was filed with the EAA.

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

16. Applicant has filed with the EAA all applicable reports.

17. The place of use set out in Regular Permit P100-135 (ME00449) 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 5/2/2018 as recorded with the Clerk as Document #2018003203, Official Public Records, Medina County, Texas.

18. The water conservation equipment is described as three Valley center pivots with Mid-Elevation Spray Applicators (MESA) covering approximately 83.605 acres of land. Installation dates regarding water conservation equipment ranged between June 2019 and August 2019.

19. The method used to measure the amount of groundwater from the Aquifer

cumulatively conserved on an annual basis results in a finding that 43.445 AF/yr of water will be conserved due to direct application of the water conservation equipment, and an additional 14.482 acre feet conserved due to calculated corner credit, for a combined savings of 57.927 acre-feet, 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 will be 15 years.21. A map showing the location of the 156.109 acres to which BIG is appurtenant is attached as Exhibit A.

21. The Applicant was not required to submit a groundwater conservation plan to the EAA.

22. The Applicant is in compliance with the Act, the EAA's rules, other permits, and orders of the Board.

23. The Applicant is the owner of the land to which the BIG that is the subject of the Application is appurtenant.

24. The Applicant was not required to submit a new survey of the HIL constituting the place of use set out in Regular Permit P100-135 (ME00449).

CONCLUSIONS OF LAW

1. Because the Application seeks to convert BIG 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 Conservation 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 Regular Permit P100-135 (ME00449) due to the installation of the conservation equipment.

3. The Application otherwise complies with the Act and the EAA's Rules.

4. Accordingly, the Application should be granted in accordance with this Final Order hereby converting 57.927 AF/yr of BIG to UIG associated with Regular Permit P100-135 (ME00449) and the HIL constituting the place of use for this Permit.

ORDERING PROVISION

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED that the above-styled and numbered Application is hereby **GRANTED** as follows:

1. The General Manager is directed to advise Applicant 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.

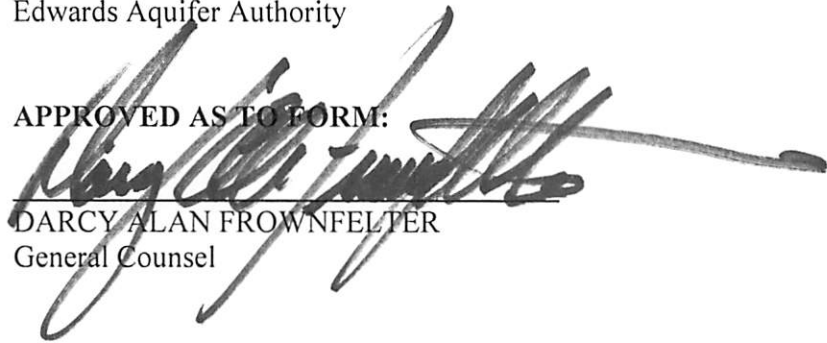
PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS
AQUIFER AUTHORITY THIS 8TH DAY OF OCTOBER 2019.

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