

**EDWARDS AQUIFER AUTHORITY  
State of Texas**

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

**P103-470 Daniel Maurice Rimkus and Ginger Lynn Rimkus )  
(UV00430) Patterson )**

**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 Daniel Maurice Rimkus and Ginger Lynn Rimkus Patterson (“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 Order, the Board makes its Findings of Fact and Conclusions of Law as follows:

### **FINDINGS OF FACT**

1. On February 21, 2018, due to the ownership of 60.120 historically irrigated acres (HIA), pursuant to deeds recorded as Documents # 2010000058, 2010000059, 2009004008, and 2009004009, Official Public Records, Uvalde County, Texas, Daniel Maurice Rimkus and Ginger Lynn Rimkus Patterson were granted Regular Permit P103-470 (UV00430) by the EAA in the amount of 65.395 acre-feet/year (AF/yr) of Base Irrigation Groundwater (BIG).

2. On October 28, 2019, 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 20.371 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 October 29, 2019, 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 February 7, 2020, 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 March 10, 2020, 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 Order was duly and properly listed in the notice of public meeting.

10. 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.

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

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

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

14. The place of use set out in Regular Permit P103-470 (UV00430) 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 Gift Deed dated 11/30/2009 as recorded with the Clerk as Document # 2009004008, and in Gift Deed dated 11/30/2009 as recorded with the Clerk as Document # 2009004009, and in Gift Deed dated 1/9/2010 as recorded with the Clerk as Document # 2010000058, and in Gift Deed dated 1/9/2010 as recorded with the Clerk as Document # 2010000059, Official Public Records, Uvalde County, Texas.

15. The water conservation equipment is described as one Valley Model 8000 galvanized center pivot with Mid-Elevation Spray Applicators (MESA). The installation date for the water conservation equipment was October 22, 2009.

16. The method used to measure the amount of groundwater from the Aquifer cumulatively conserved on an annual basis results in a finding that 15.278 AF/yr of water will be conserved due to direct application of the water conservation equipment, and an additional 5.093 acre-feet conserved due to calculated corner credit, for a combined savings of 20.371 acre-feet, based on an Irrigation Water Savings Documentation Form.

17. A map showing the location of the 60.120 acres 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.

### **CONCLUSIONS OF LAW**

1. Because the Conversion Application seeks to convert BIG to UIG associated with a Regular 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(6)(D) of the EAA Rules.

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 Order hereby converting 20.371 AF/yr of BIG to UIG associated with Regular Permit P103-470 (UV00430) 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 the Applicants in writing of the issuance and effect of this 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 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 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 10<sup>TH</sup> DAY OF MARCH, 2020.

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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:

  
DARCY ALAN FROWNFEITER  
General Counsel