

**CONCEPTS FOR POTENTIAL CHANGES TO BASE IRRIGATION GROUNDWATER
CONVERSION RULES**

§ 711.342 Basis for Granting Conversion Applications

The Board shall grant a conversion application if the following elements are established:

- (1) the applicant has paid all applicable fees, including any applicable costs for recordation in the deed records of the appropriate county or counties;
- (2) it has been confirmed that the applicant is the owner of the land to which the base irrigation groundwater is appurtenant;
- (3) the application complies with the Act and the Authorities rules;
- (4) the applicant is in compliance with Act, the Authority's rules, other permits, and orders of the Board; and

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(6) a change in land use has occurred whereby:

(A.) any well used to irrigate the historically irrigated land has been plugged, unless:

(i.) it can be demonstrated that the well is to be used for a future purpose other than agricultural use; or

(ii.) the Applicant agrees that all converted groundwater withdrawal rights placed into the EAA Groundwater Trust until such time as the associated well or wells are properly plugged; and

(B.) the historically irrigated land that is the subject of the application has been physically developed such that at least 75-percent of the land meets the characteristics of development; or

(C.) the historically irrigated land has been rezoned such that it can no longer be used for agricultural purposes; or

(D.) the historically irrigated land has been acquired by an entity with the power of condemnation or eminent domain, and the use of the land is within the entity's general purposes; or

(E.) the historically irrigated land is no longer practicable to farm as evidenced by the following:

(i.) all equipment previously used to irrigate the historically irrigated land has been removed from the property;

(ii.) the historically irrigated land has not been irrigated for 5 or more years;

(iii.) evidence has been submitted demonstrating either of the following:

(a.) due to surrounding development, continuing farming/irrigation activities on the land have the potential to compromise the health and safety of a farm operator or the general public residing on adjacent properties; or

(b.) surrounding development impairs any continued farming/irrigation operations on the historically irrigated land; or

(7.) due to historic use, an initial regular permit issued by the Authority contains base irrigation groundwater at an amount in excess of one acre-foot per acre of historically irrigated land, and 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.