

# DRAFT CONCEPTUAL CHANGES FOR DISCUSSION PURPOSES ONLY

## § 715.219 Finishing Out Crop Irrigation; Additional Crops

(a) Notwithstanding the existence of any critical period stage, a person authorized to withdraw groundwater from the Aquifer for irrigation purposes shall, without regard to the withdrawal reductions prescribed in Table 1 ~~for that stage~~, be allowed to finish a crop already planted in the calendar year during which the critical period is in effect. A crop is considered to be already planted if seeds, sprigs, or trees for commercial orchards have been placed in the ground and not harvested prior to the date of issuance of the notice of commencement a determination by the Authority that a person is in jeopardy of exceeding the downwardly adjusted groundwater withdrawal amount in the permit due to the withdrawal reductions prescribed in Table 1. ~~ASuch a~~ crop may be finished by continued irrigation from the date of ~~issuance of the notice of commencement of critical period determination that a person is in jeopardy of exceedance~~ until as indicated in the following table:

CATEGORY	EXAMPLES	CONTINUED IRRIGATION TO FINISH OUT CROP
Cereal and oil crops	Grasses (barley, corn, millets, oats, rye, sorghum, wheat), peanuts, sunflower etc.	Until harvested
Forage Crops	Legumes (alfalfa) and grasses (coastal Bermuda, etc.) used for hay production.	One additional cutting after submittal of notice of intent to finish out a crop is submitted.
Forage Crops	Legumes (alfalfa) and grasses (coastal Bermuda, etc.) used for grazing.	Until forage crop goes dormant
Fiber and Misc. Crops	Cotton, jute, flax etc.	Until harvested
Tree and Fruit Crops	All fruit bearing trees	Until harvested
Vegetable Crops	Cabbage, cucumbers, melons lettuce, onions, peppers, squash, etc.	Until harvested

The Authority shall make an affirmative determination that a person is in jeopardy of exceedance if the person is within 30 days or less of exceeding the adjusted permitted withdrawal amount after applying the applicable interruption coefficients in §715.218 at the applicable stage interruption coefficient in effect the day the Notice of Intent to Finish Out a Crop form is filed with the Authority on the form prescribed by the Authority.

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(b) ~~The Authority shall allow a person to finish irrigating an applicable crop if the person establishes on the Notice of Intent to Finish a Crop form that the person is in jeopardy of exceedance. At no time shall an irrigator be allowed to withdraw more groundwater from the Aquifer in a calendar year than the amount authorized by the groundwater withdrawal permit. Not later than 30 days after a notice of commencement is issued, persons intending to finish a crop shall file with the Authority a notice of intent to finish a crop on a form prescribed by the Authority. The Notice of Intent to Finish a Crop form shall provide spaces and instructions to calculate predicted reductions, report the type of crop, the date of planting, the crop size in acres irrigated, the estimated date of the final irrigation, the year-to-date meter reading, method of irrigation, and any other relevant information that Authority staff may require. Persons finishing a crop shall, in their annual groundwater use report, indicate that they actually finished out the crop, report the date of the last irrigation, the year-to-date provide a meter readings that corresponds, as near as possible, with the date of last irrigation, and include any other relevant information that the Authority may require.~~

(c) Persons exercising ~~the their~~ right to finish out an already planted crop under Subsection (a) ~~that exceeds the reduced permitted withdrawal amount as adjusted by §715.218 may not plant additional crops while a critical period stage is in effect or irrigate for any purpose with Edwards groundwater during the same calendar year as follows unless:~~

~~———— (1) — the additional crop is dry land farmed; or~~

~~———— (2) — the person has remaining unused groundwater withdrawal amounts as adjusted under §715.218 and irrigates the additional crop with this groundwater; or~~

~~(3) the person obtains a transfer from a third-party of unused groundwater withdrawal amounts as adjusted under §715.218 and irrigates the additional crop with this groundwater.~~

~~(d) Persons exercising the right to finish out an already planted crop under Subsection (a) that does not exceed the reduced permitted withdrawal amount may plant additional crops or irrigate with Aquifer groundwater; however, under such a scenario, the person's Notice of Intent to Finish a Crop will be negated and the person will be required to maintain compliance with the permitted as adjusted by §715.218.~~

~~(d) — No later than 15 days after an additional crop is planted under Subsection (c), persons planting an additional crop shall file with the Authority a notice of planting an additional crop on a form prescribed by the Authority. The form shall provide spaces to report the date of the last irrigation and the year to date meter readings, and any other information that Authority staff may require. Persons planting additional crops shall, in their annual groundwater use report, report the date of the last irrigation, the year to date meter readings, and any other information that Authority staff may require. Persons planting additional crops are subject in all respects to this subchapter beginning the month in which additional crops are planted.~~

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(e) A person exercising the right to finish out an already planted crop under Subsection (a) that subsequently obtains a transfer from a third-party of unused groundwater withdrawal amounts and irrigates an additional crop with this groundwater negates the filed Notice of Intent to Finish a Crop and the person is required to maintain compliance with the permitted as adjusted by §715.218.

(f) Persons who harvest a crop prior to a declaration of a stage of critical period and who have not irrigated for any purpose after such a harvest, may file a late Notice of Intent to Finish a Crop form if retroactive application of the interruption coefficients in §715.218 causes a reduction in the permit that would require the person to need to transfer from a third party additional groundwater withdrawal amounts to avoid exceedance of the person's authorized withdrawal amount. In such a situation, the person shall, on a form prescribed by the Authority, provide a meter reading that corresponds, as near as possible, with the date of last irrigation and provide evidence that no subsequent crops were planted and irrigated. At no time shall an irrigator be allowed to withdraw more groundwater from the Aquifer in a calendar year than the amount authorized by the groundwater withdrawal permit.