


EDWARDS AQUIFER AUTHORITY
RULEMAKING

Title: EDWARDS AQUIFER AUTHORITY RULES

Chapter 711 (Groundwater Withdrawals)
Subchapter L (Administration of Permits)

Rule Type: Proposed Rules (PRs)

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Base Conversions v2

§ 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



...

(6) a change in land use has occurred whereby any well used to irrigate the historically irrigated land and located on the land that is the subject of the application has been plugged or capped in accordance with subchapters C and D, Chapter 713, unless it can be demonstrated that the well is to be used for a future purpose other than irrigation use; and

(A) 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

(B) the historically irrigated land has been re-zoned such that it can no longer be used for agricultural purposes; or

(C) the historically irrigated land has been acquired by an entity with the power of condemnation or eminent domain, and the entity uses the land in a manner within the entity's legally authorized purposes; or

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

(i) the historically irrigated land has not been irrigated for 5 or more years; and

(ii) evidence has been submitted demonstrating one of the following:

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

(b) surrounding development substantially impairs any continued agricultural activities on the historically irrigated land; or

(7) an initial regular permit originally 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.