

EDWARDS AQUIFER AUTHORITY RULEMAKING

Title: EDWARDS AQUIFER AUTHORITY RULES

Chapter 715 (Comprehensive Water Management) Subchapter E (Critical Period Management Plan)

Rule Type: Final Rules (FRs)

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Approved by Board of Directors on _____, _____

§ 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. ~~Except as provided in Subsection (e), 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 a determination by the date Authority that a person is in jeopardy of issuance of exceeding the notice of commencement. A reduced groundwater withdrawal amount in the permit due to the withdrawal reductions prescribed in Table 1. Such a crop may be finished by continued irrigation from the date of issuance of the notice of commencement of critical period the Authority's jeopardy determination until as indicated in the following table:~~

CATEGORY CATEGOR Y	EXAMPLES EXAMPLE S	CONTINUED IRRIGATION TO FINISH OUT
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 <u> </u> forage <u> </u> crop <u> </u> 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

~~_____ (b) _____~~ No later than ~~The Authority shall make a jeopardy determination if the person is within 30 days or less of exceeding the reduced permitted groundwater withdrawal amount after a notice of commencement is issued, persons intending to finish applying the applicable interruption coefficients in § 715.218 at the applicable stage interruption coefficient in effect the day a crop shall file~~ Notice of Intent to Finish Out a Crop form is filed with the Authority ~~a notice of intent to finish a crop on~~ the form prescribed by the Authority. ~~The~~ A person may not demonstrate jeopardy if such jeopardy is due to the transfer via sale or lease of a portion of the person's groundwater withdrawal permit or permits to a third party at any time after the date of the first issued notice of commencement of a critical period stage in the current calendar year.

~~_____ (b) _____~~ The Authority shall make a jeopardy determination and allow a person to finish irrigating an applicable crop if the person establishes in the Notice of Intent to Finish a Crop form that the person is in jeopardy of exceedance. The Notice of Intent to Finish a Crop form shall provide spaces to and instructions to calculate predicted critical period 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, including applicable timeframes of withdrawing the notice. 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, provide a meter reading that corresponds, as near as possible, with the year-to-date meter readings of last irrigation, and include any other relevant information that the Authority staff may require.

~~_____ (c) _____~~ Persons exercising their the right to finish out an already planted crop under Subsection (a) may not plant additional crops while a critical period stage is in effect during the same calendar year as follows unless:

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

~~_____ (2) _____ the person has remaining unused~~ irrigates from a source other than the Aquifer.

(d) A person's Notice of Intent to Finish a Crop will be deemed to be withdrawn by the person and of no force or effect and the person will be required to maintain compliance with the applicable permitted groundwater withdrawal amounts as adjusted under § by § 715.218 and irrigates the additional crop with this groundwater; or, if:

(1) that the person subsequently obtains a transfer from a third-party of unused groundwater withdrawal amounts as adjusted under § and irrigates a crop with this groundwater; or

(2) that person plants and irrigates an additional crop utilizing remaining water from the reduced permitted withdrawal amount.

(e) A person who harvests a crop prior to the date of the issuance of a notice of commencement of a stage of critical period and who has not irrigated for any purpose after such a harvest, may file a Notice of Intent to Finish a Crop form at any time during the calendar year if retroactive application of the interruption coefficients in § 715.218 would cause the person to exceed the reduced permitted groundwater withdrawal amount. After review of the notice, the Authority shall make a retroactive jeopardy determination and allow the person to have finished irrigating an applicable crop as provided in subsection (b). 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.

~~_____ (d) _____ No later than 15 days after an additional crop is planted under Subsection (e), 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.~~

(f) Nothing in this section shall be construed or interpreted to authorize a person to withdraw more than the authorized groundwater withdrawal amount in the person's groundwater withdrawal permit or permits as unadjusted by § 715.218.