Legislation Details (With Text)

File #:	AI 13-1995	**Version:** 2	**Name:**	BIG Jan 2019 Conversion	
Type:	Action Item		**Status:**	Reported from Committee	
File created:	1/3/2019		**In control:**	Board of Directors	
On agenda:	1/22/2019		**Final action:**	1/22/2019	
Title:	Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Jerry Kye Mask, based on the installation of conservation equipment.				
Sponsors:					
Indexes:					
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Attachments:	1. Jerry Kye Mask Conversion Tech Summary, 2. Jerry Kye Mask Conversion Map, 3. FO Converting BIG - JK Mask				

Date	Ver.	Action By	Action	Result
1/22/2019	1	Permits/Enforcement Committee		

Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Jerry Kye Mask, based on the installation of conservation equipment.

RECOMMENDED MOTION:

Move the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-014 (AT00902) based on the installation of conservation equipment submitted by Jerry Kye Mask.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to approve an Application to Convert Base Irrigation Groundwater to unrestricted irrigation groundwater based on the installation of conservation equipment. Generally, irrigation Initial Regular Permit (IRP) holders cannot permanently change the place of use or the purpose of use for base irrigation groundwater (BIG) withdrawal rights. However, §711.342 of the EAA Rules allows IRP holders to convert BIG withdrawal rights to unrestricted irrigation groundwater (UIG) withdrawal rights if certain conditions are met under the following three scenarios:

Water Conservation: IRP holders must submit an application that demonstrates the conservation of water after the installation of water conservation equipment; or

Change in Land Use: IRP holders must submit an application to the EAA consistent with §711.342 of the Edwards Aquifer Authority Rules, demonstrating, among other things, either sufficient physical development of the land or evidence that the land is, re-zoned such that it can no longer be used for agricultural purposes, is owned by an entity with the power of condemnation or eminent domain and

is used for that entity's legal purposes, or is no longer practicable to farm; or

Stacked Base Irrigation Rights: IRP holders must submit an application that demonstrates that an initial regular permit was originally issued by the Authority to the Applicant that contains base irrigation groundwater at an amount in excess of one acre-foot per acre of historically irrigated land, and the 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.

The IRP holder applying to convert BIG withdrawal rights must also provide supporting documentation. In addition to the information provided by the applicant, EAA staff reviews county records and performs a site inspection to verify information contained within the BIG withdrawal rights conversion application. In the application presented for consideration, these requirements have been met. Following is a summary of the BIG conversion application based on the installation of conservation equipment presented for consideration.

P100-014 (AT00902) Jerry Kye Mask

Regular Permit No. P100-014 (AT00902), originally approved by the board on January 14, 2003, is currently permitted for 707.800 acre-feet of BIG withdrawal rights.

On October 19, 2018, the applicant filed an Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-014 (AT00902) with the EAA. The applicant requested to convert 393.111 acre-feet of BIG withdrawal rights to unrestricted irrigation groundwater withdrawal rights due to the installation of conservation equipment. EAA staff reviewed this application and determined that the BIG conversion application for 393.111 acre-feet meets the requirements of §711.342 of the EAA Rules. The technical summary and map showing the place of use, are attached to this item.

At the January 22 meeting, the Permits/Enforcement Committee voted to recommend the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-014 (AT00902) to convert 393.111 acre-feet of BIG withdrawal rights to UIG withdrawal rights. A draft Final Order prepared by General Counsel is also attached to this item.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal or action step within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

None.

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