



## Legislation Details (With Text)

**File #:** AI 13-2638    **Version:** 2    **Name:** Pulte BIG (P109-320)  
**Type:** Action Item    **Status:** Passed  
**File created:** 3/29/2021    **In control:** Board of Directors  
**On agenda:** 4/13/2021    **Final action:** 4/13/2021  
**Title:** Consider recommendation from the Executive Committee to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC, based on a change in land use.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 40Q757803-Final Order to Convert BIG P109-320 (BE00064) Pulte Homes of Texas L.P. and HDC Westlakes LLC, 2. P109-320 Tech Summary, 3. Exhibit A, 4. Exhibit B, 5. Exhibit C, 6. Exhibit D, 7. Exhibit E, 8. P109-320 Conversion Map

Date	Ver.	Action By	Action	Result
4/13/2021	1	Board of Directors	approved	
4/6/2021	1	Executive Committee		

**Consider recommendation from the Executive Committee to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC, based on a change in land use.**

### RECOMMENDED MOTION:

Move the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-320 (BE00064A) based on a change in land use submitted by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC.

### SUMMARY:

The purpose of this agenda item is for the board to consider an Executive Committee recommendation to approve an Application to Convert Base Irrigation Groundwater to unrestricted irrigation groundwater based on a change in land use. 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 no longer practicable to farm.

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 a change in land use presented for consideration.

### **P109-320 (BE00064A) Pulte Homes of Texas, L.P. and HDC Westlakes, LLC**

Permit No. P109-320 (BE00064A), originally approved by the board on June 23, 2020, is currently permitted for 26.136 acre-feet of BIG withdrawal rights.

On September 4, 2020, the applicant filed an Application to Convert Base Irrigation Groundwater for Permit No. P109-320 (BE00064A) with the EAA. The applicant requested to convert 26.136 acre-feet of BIG withdrawal rights to unrestricted irrigation groundwater withdrawal rights due to a change in land use. EAA staff reviewed this application and determined that the BIG conversion application for 26.136 acre-feet meets the requirements of §711.342 of the EAA Rules. A change in land use has occurred relative to the historically irrigated lands constituting the place of use set out in Regular Permit P109-320 (BE00064A) such that these lands are no longer practicable to farm. The technical summary and map showing the place of use are attached to this item. A draft Final Order prepared by General Counsel is also attached to this item.

At the April 6 meeting, the Executive Committee voted to recommend the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for Permit No. P109-320 (BE00064A) to convert 26.136 acre-feet of BIG withdrawal rights to UIG withdrawal rights.

#### **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.