



## Legislation Details (With Text)

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**File created:** 8/3/2022    **In control:** Board of Directors  
**On agenda:** 9/13/2022    **Final action:** 9/13/2022  
**Title:** Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Second Nature Compost, LLC, based on a change in land use.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. P200-219 Second Nature Compost LLC Conversion Tech Summary, 2. P200-219 (BE00039) Second Nature Compost - Exhibit A, 3. P200-219 Second Nature Compost - Exhibits B-E, 4. P200-219 Second Nature Compost Exhibit F, 5. P200-219 Second Nature Compost Exhibit G, 6. 42S028702-Final Order Granting Approval of Conversion of Base (BIG) for Second Nature Compost LLC P200-219 (BE00039)

Date	Ver.	Action By	Action	Result
8/23/2022	1	Permits/Enforcement Committee		

**Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Second Nature Compost, 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. P200-219 (BE00039) based on a change in land use submitted by Second Nature Compost, LLC.

### 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 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, that the land has become developed, or is 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.

### **P200-219 (BE00039) Second Nature Compost, LLC**

Regular Permit No. P200-219 (BE00039), originally approved by the board on May 11, 2021, is currently permitted for 87.000 acre-feet of BIG withdrawal rights.

On September 17, 2021, the applicant filed an Application to Convert Base Irrigation Groundwater for Regular Permit No. P200-219 (BE00039) with the EAA. The applicant requested to convert 87.000 acre-feet of BIG withdrawal rights to unrestricted irrigation groundwater withdrawal rights due to a change in land use based on physical development. EAA staff reviewed this application and determined that 87.000 acre-feet BIG meet the requirements of §711.342 of the EAA Rules. The historically irrigated land that is the subject of the Application has been physically developed such that meets the characteristics of the development. The technical summary, Final Order and map showing the place of use are attached to this item.

At the meeting on August 23, the Permits/Enforcement Committee voted to recommend approval of a Final Order Granting this Application to Convert Base Irrigation Groundwater.

### 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 supports the general EAA mission.

### FISCAL IMPACT:

None.