



Legislation Text

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Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by FDSS, Ltd., based on the installation of conservation equipment.

RECOMMENDED MOTION:

Move the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-127 (ME00374) based on the installation of conservation equipment submitted by FDSS, Ltd.

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 two 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 either sufficient physical development of the land or evidence that the land 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 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 in the table above for consideration.

P101-127 (ME00374) FDSS, Ltd.

IRP No. P100-127 (ME00374), originally approved by the board on October 8, 2002, is currently permitted for 284.300 acre-feet of BIG withdrawal rights.

On December 6, 2016, the applicant filed an Application to Convert Base Irrigation Groundwater for

IRP No. P100-127 (ME00374) with the EAA. The applicant requested to convert 54.549 acre-feet of BIG withdrawal rights to UIG withdrawal rights due to installation of water conservation equipment. EAA staff reviewed this application and determined that the BIG conversion application for 54.549 acre-feet meets the requirements of §711.342 of the EAA Rules. The historically irrigated land that is the subject of the application has had groundwater from the Aquifer conserved as follows: (A) the water conservation equipment was manufactured and installed within fifteen years of the filing date of the application, or can otherwise be demonstrated by the applicant to be as efficient as newly manufactured and installed equipment as determined by the volume of groundwater conserved under Subsection (5)(B); (B) the volume of groundwater conserved on an annual basis has been determined based on the irrigation water savings assumptions set out in the Irrigation Water Savings Documentation Form, unless rebutted by site specific information contained in the application to convert base irrigation groundwater; (C) for remaining corners, or other odd shapes, of land over which water conservation equipment has not been installed, the land is too small or irregular to practically and economically irrigate and the volume of groundwater conserved has been calculated in accordance with (5)(B). The technical summary and map showing the place of use, are attached to this item.

At the March 28 meeting, the Permits/Enforcement Committee voted to recommend the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for (IRP) Permit No. P100-127 (ME00374) to convert 54.549 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.