



Legislation Text

File #: AI 13-1574, Version: 2

Consider EAA staff recommendation to approve a conversion of base irrigation groundwater owned by Fry Homes, Inc., based on a change in land use.

STAFF RECOMMENDED MOTION:

Move the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P104-517 (UV00555) based on changes in land use submitted by Fry Homes, Inc.

SUMMARY:

The purpose of this agenda item is for the board to consider an EAA staff 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 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 for consideration.

P104-517 (UV00555) Fry Homes, Inc.

IRP No. P104-517 (UV00555), originally approved by the board on September 28, 2009, is currently permitted for 28.972 acre-feet of BIG withdrawal rights.

On June 12, 2017, the applicant filed an Application to Convert Base Irrigation Groundwater for IRP No. P104-517 (UV00555) with the EAA. The applicant requested to convert 28.972 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 the BIG conversion application for 28.972 acre-feet meets 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 at least 75-percent of the land meets the characteristics of the development. The technical summary and map showing the place of use are attached to this item. The land that is the subject of this conversion is the second and last phase of a planned development. The EAA approved a BIG conversion associated with the first phase in 2010.

EAA staff recommends the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for IRP No. P104-517 (UV00555) to convert 28.972 acre-feet of BIG withdrawal rights to UIG withdrawal rights. The draft Final Order prepared by General Counsel is also attached to this item.

At the March 14 meeting, the board approved a temporary moratorium on the processing of certain applications to convert BIG. This application to convert BIG is based on the fact that at least 75% of the land has already been developed. Therefore, the moratorium does not apply.

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.