

Legislation Text

File #: AI 13-1606, Version: 2

Consider recommendation from the Permits/Enforcement Committee to approve Proposed Rules regarding conversion of base irrigation groundwater.

RECOMMENDED MOTION:

Move the board approve Proposed Rules regarding conversion of base irrigation groundwater.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to approve Proposed Rules regarding the conversion of base irrigation groundwater ("BIG") to Unrestricted Irrigation Groundwater. These Proposed Rules pertain to BIG conversions based on changes in land use and other property-related limitations.

Currently, under Section 711.342 of the EAA's rules, conversion applications can be approved if the applicant can show a change in land use has occurred whereby 75% of the land that is the subject of the application meets the characteristics of new development. In the alternative, such an application may be approved if the applicant demonstrates that the historically irrigated land is no longer practicable to farm. To provide such a showing, the historically irrigated land cannot have been irrigated for five or more years, and the applicant must meet two or more of the following limitations:

1. The land is located within a city's corporate limits or the city's extraterritorial jurisdiction;
2. The land is sufficiently boarded by development; and
3. The land has been re-zoned such that it can no longer be used for agricultural purposes.

Under the Proposed Rules, the applicant would be able to convert base irrigation groundwater based on a change in land through four scenarios:

1. The historically irrigated land has been physically developed such that at least 75% of the land meets the characteristics of development;
2. The historically irrigated land has been re-zoned such that it can no longer be used for agricultural purposes;
3. The historically land has been acquired by an entity with the power of condemnation or eminent domain, and the entity uses the land in a manner within the entity's legally authorized purposes; or

4. The historically irrigated land is no longer practicable to farm and meets certain specific limitations due to its surroundings.

In addition, for all conversion applications based on a change in land use, a well plugging/well capping requirement has been added to the Proposed Rules.

As previously discussed with the Permits / Enforcement Committee, staff sought input on these conceptual rule changes from a small group of irrigation stakeholders. These Proposed Rules incorporate some of the comments received through this process.

A copy of the Proposed Rules is attached for the Board's reference in both clean and redlined form.

At the August 22 meeting, the Permits/Enforcement Committee voted to recommend the board approve the Proposed Rules regarding conversion of 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 does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

None.