



## Legislation Text

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File #: AI 13-2982, Version: 2

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### **Consider recommendation from EAA staff to approve a conversion of base irrigation groundwater owned by KB Home Lone Star, Inc.**

#### STAFF RECOMMENDED MOTION:

Move the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater to Unrestricted Irrigation Groundwater based on changes in land use submitted by KB Home Lone Star, Inc.

#### SUMMARY:

The purpose of this agenda item is for the board to consider an EAA staff recommendation to adopt a Final Order of the Edwards Aquifer Authority Board of Directors approving 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 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, among other things, either sufficient physical development of all or a portion of the land, or evidence the land is no longer practicable to farm.

The regular permit 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.

#### **P109-318 (BE00222) KB Home Lone Star, Inc.**

IRP No. P109-318 (BE00222), originally approved by the board on June 23, 2020, is currently permitted for 63.190 acre-feet of BIG withdrawal rights.

On March 14, 2022, the applicant filed an Application to Convert Base Irrigation Groundwater for IRP No. P109-318 (BE00222) with the EAA. The applicant requested to convert 22.357 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 22.357 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 or is located in a flood plain. The technical summary and map showing the place of use are attached to this item.

EAA staff recommends the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for IRP No. P109-318 (BE00222) to convert 22.357 of BIG withdrawal rights to UIG withdrawal rights. The 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.