



## Legislation Text

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**File #:** AI 13-3305, **Version:** 2

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**Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Lennar Homes of Texas Land and Construction, Ltd.**

### 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 Lennar Homes of Texas Land and Construction, Ltd.

### SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee 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. The following is a summary of the BIG conversion application.

### **P201-084 (BE00086) Lennar Homes of Texas Land and Construction, Ltd.**

RP No. P201-084 (BE00086), originally approved by the board on November 14, 2023, is currently permitted for 22.300 acre-feet of BIG withdrawal rights.

On December 12, 2023, the applicant filed an Application to Convert Base Irrigation Groundwater for RP No. P201-084 (BE00086) with the EAA. The applicant requested to convert 22.300 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 22.300 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 it 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.

At the meeting on March 26, the Permits/Enforcement Committee voted to recommend the board adopt a Final Order granting the Application to Convert Base Irrigation Groundwater for RP No. P201-084 (BE00086) to convert 22.300 acre-feet 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.