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APPLICATION TO CONVERT BASE IRRIGATION GROUNDWATER

UNDER SECTION 1.34(e) OF THE EAA ACT
(DEVELOPED LAND OR LAND NO LONGER
PRACTICABLE TO FARM)

This application is to be completed by anyone seeking to convert base irrigation groundwater to unrestricted irrigation groundwater pursuant to §§ 711.338 - 711.342 of the Edwards Aquifer Authority rules.

A FEE OF \$59 MUST ACCOMPANY THIS APPLICATION

(\$25 application processing fee; \$34 administrative fee for permit recording costs).

NO CASH, PLEASE

Payments can be made online at www.edwardsaquifer.org

FOR AUTHORITY USE ONLY

Permit No. _____

Fee Rec'd _____

County _____

Field Checked _____ Well No. _____

Edwards Aquifer Authority
900 E Quincy, San Antonio, TX 78215
210.222.2204 or (800) 292.1047
FAX 210.222.9869

APPLICANT INFORMATION

This application must be completed, signed and notarized before it can be processed by the Authority. Partial applications will be returned to the applicant for completion. Please print or type legibly and submit all documentation requested. Keep a copy of this application for your records.

Use only **BLACK** or **BLUE** ink to fill out this application

For each person or entity who owns or co-owns the initial regular permit or regular permit for which this application is submitted, please provide the following information. (Attach additional pages if needed).

FULL NAME

TELEPHONE NUMBER

PHYSICAL ADDRESS

| | |
|--------|----------|
| <hr/> | |
| STREET | CITY |
| <hr/> | |
| STATE | ZIP CODE |

MAILING ADDRESS - IF DIFFERENT FROM PHYSICAL ADDRESS

EMAIL ADDRESS

FOR THIRD PARTY DESIGNATION

If the applicant designates a **third party** as his/her authorized representative, please provide the following information about the authorized representative, and attach supporting documentation to this application demonstrating that the third party has been authorized to represent the applicant in this matter.

FULL NAME

RELATIONSHIP TO APPLICANT

Agent, attorney, etc.

TELEPHONE NUMBER

PHYSICAL ADDRESS

| | |
|--------|----------|
| <hr/> | |
| STREET | CITY |
| <hr/> | |
| STATE | ZIP CODE |

MAILING ADDRESS - IF DIFFERENT FROM PHYSICAL ADDRESS

EMAIL ADDRESS

APPLICANT INFORMATION CONT.

State the Initial Regular Permit No. or Regular Permit No. for which this Application to Convert Base Irrigation Groundwater is submitted:

Groundwater Withdrawal Permit No. P _____

1. Do you certify that all fees, including aquifer management fees have been paid in full?

YES _____ NO _____

2. Do you certify that Applicant has filed all reports required by the Authority's rules to have been filed?

YES _____ NO _____

CONVERSIONS BASED ON SECTION 1.34(e) OF THE EAA ACT (DEVELOPED LAND OR LAND THAT IS NO LONGER PRACTICABLE TO FARM)

Base irrigation groundwater may be converted to unrestricted irrigation groundwater because land has been developed or is no longer practicable to farm under the criteria contained in the EAA Act and § 711.342 of the EAA rules. Any well used to irrigate the historically irrigated land and located on the land that is the subject of the application must have been plugged or capped in accordance with subchapter D, Chapter 713, unless it can be demonstrated that the well is to be used for a future purpose other than irrigation use.

3. Is there an Edwards Well located on the lands that are the subject of the application?

YES _____ NO _____

4. Has the well been plugged or capped?

YES _____ NO _____

Part 2 Cont.

5. If “yes,” from previous question, please include supporting documentation. If “no,” for what purpose will the well be used after the conversion has been approved?

A. FOR A CONVERSION UNDER § 711.338(A)(2)(A) – DEVELOPED LAND:

Please provide information below, and attach supporting documentation to this application, demonstrating that the historically irrigated land, or a portion of the historically irrigated land (to which the base irrigation groundwater is attached and that is the subject of this application) has been developed in a manner that meets the definition of developed land contained in § 711.342 of the EAA rules.

B. FOR A CONVERSION UNDER § 711.338(A)(2)(B) – LAND NO LONGER PRACTICABLE TO FARM:

Please provide supporting documentation that the historically irrigated land, or a portion of the historically irrigated land, is no longer practicable to farm as evidenced by:

- (1) the historically irrigated land has not been irrigated for five (5) or more years; and
- (2) because of development on land in close proximity to the historically irrigated land, agricultural activities performed on the land, including crop dusting or other applications of pesticides, have the potential to compromise the health and safety of a farm operator or of persons occupying or residing on property in close proximity to the land.

Part 3

GENERAL INFORMATION

With respect to the land identified as the place of use in the initial regular permit or application for an initial regular permit for which this Application to Convert Base Irrigation Groundwater is submitted: State the total acreage, to the third decimal point, upon which you assert a change in land use has occurred that meets the requirements under § 711.342 of the EAA rules (the “Claimed Convertible Acreage”):

_____ **Acres.**

Provide a legal description, survey plat or map, drawn to a scale of not greater than 100 feet to an inch (1” = 100’), showing: (a) the location of the Claimed Convertible Acreage, and (b) the location of any Edwards Aquifer well(s) remaining upon or servicing the land that is the subject of this application.

Please note, because this application is subject to a Contested Case Hearing, EAA staff will prepare a draft Notice Of Proposed Action On Application For Conversion Of Base Irrigation Groundwater To Unrestricted Irrigation Groundwater. Per § 707.525 of the EAA Rules, if the general manager proposes to partially grant, or deny, the application, then the EAA shall publish the notice at its cost. If the general manager proposes to grant the application in full, as proposed by the applicant, staff will prepare a draft notice and forward it to the applicant for publication at the applicant’s cost. Please be aware, publishing the notice in five publications can cost up to \$6,000 (or more) depending on the date and publication. Within seven days of publishing, the applicant shall file with the EAA the publisher’s affidavit. If the applicant fails to publish the notice within 30 days of receipt, the Authority may return the application to the applicant by mail.

APPLICANT'S CERTIFICATION

I hereby certify that the information provided herein is true and accurate.

Printed Name of Applicant or Authorized Representative:

Signature:

Date:

Signature of Co-Applicant, if Applicable:

Date:

State of Texas

County of:

Before me, a notary public, on this day personally appeared

known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn declared that the statements herein contained are true and correct.

Sworn and subscribed before me on this _____ day of _____, 20 ____ .

Notary Public's Signature