

IN THE MATTER OF THE FOLLOWING WELL)
REGISTERED AS A LIMITED PRODUCTION WELL UNDER)
SECTION 711.63 OF THE EAA RULES:)
)
)
W104-445	Texas State Theta Lambda Housing Corporation)

ON THIS DAY CAME ON TO BE HEARD the above-styled matter relative to the rescission of the limited production well status of Texas State Theta Lambda Housing Corporation (“Respondent”) for Well No. W104-445. As set forth below, the General Manager of the Edwards Aquifer Authority (“EAA”) issued notice to the Respondent of his recommendation in this matter. The Board of Directors (“Board”) of the EAA, after having reviewed and considered the materials contained in the Board Packet, the arguments and presentations of the General Manager, and other interested persons who may have appeared before the Board, is of the opinion and finds that, with reference to the above-styled matter, the facts necessary to support issuance of this Order Conditionally Rescinding Limited Production Well Status pursuant to Section 711.70(b) of the EAA Rules (“Conditional Rescission Order”) have been established. Accordingly, the Board is of the opinion and finds that this Conditional Rescission Order should be **ISSUED**. In support of this Conditional Rescission Order, the Board makes its Findings of Fact and Conclusions of Law as follows:

1. On May 15, 2019, Well No. W104-445 was registered by Respondent with the EAA as a “limited production well.”

2. Since the date of registration, the General Manager has continued to monitor the on-going qualification of Well No. W104-445 for limited production well status. The General Manager determined that in calendar years 2020 and 2024, Well No. W104-445 was metered and produced more than 1.4 acre-feet in each year.

3. The General Manager prepared a letter documenting the results of his investigation.

4. After completing the investigation, the General Manager concluded that the Respondent has not shown the ability to maintain use within the limitations required under limited production well status and he should recommend to the Board that such status be conditionally rescinded by the Board.

5. On April 8, 2025, the General Manager provided written notice by United States mail, return receipt requested, to the Respondent that: (1) the General Manager's investigation was complete; (2) advised the Respondent that the General Manager intended to make a recommendation to the Board that the limited production well status for Well No. W104-445 be conditionally rescinded; and (3) advised the Respondent of the date and time of the EAA Board meeting at which the Board would take up the General Manager's recommendation for action. This notice was given at least 30 days in advance of the EAA Board meeting.

6. The Docket Clerk of the EAA scheduled before the Board a presentation by the General Manager on his recommendation that the limited production well status for Well No. W104-445 be conditionally rescinded. The presentation occurred at the regular meeting of the Board held on May 13, 2025, at the official offices of the EAA, located at 900 E. Quincy, San Antonio, Texas. Notice of public meeting for this meeting was duly and properly posted in accordance with Chapter 551, Texas Government Code. Additionally, an agenda item on the General Manager's recommendation, which is the subject of this Conditional Rescission Order,

was duly and properly listed in the notice of public meeting.

II. CONCLUSIONS OF LAW

1. Under Section 1.33(d) of the EAA Act, a well is exempt from the requirement to obtain a groundwater withdrawal permit from the EAA if: (1) the well was drilled on or before June 1, 2013, for any purpose authorized under the EAA Act; and (2) the well is not capable of producing more than 1,250 gallons of water a day; or (3) the well is metered and does not produce more than 1.4 acre-feet of water in a calendar year.¹ Section 711.61(a) of the EAA Rules, and the accompanying rules located in Subchapter D of Chapter 711 of the EAA Rules, were adopted in accordance with Section 1.33(d) of the EAA Act. Under these rules, wells qualifying for this form of exempt status under Section 1.33(d) are referred to as “limited production wells.”

2. Section 711.62 of the EAA Rules requires the owner of a well seeking to qualify for limited production well status to file a well registration with the EAA to allow the EAA to determine if the well qualifies for such status.

3. Under Section 711.70(a) of the EAA Rules, the owner of a well registered with a limited production well status is subject to enforcement in accordance with Chapter 717 of the EAA Rules if: (1) the well is modified or altered to be capable of producing more than 1,250 gallons per day; (2) the well is metered and produces more than 1.4 acre-feet per year; or (3) if the well is used in combination with an additional well or wells in a manner to satisfy a single water use or purpose, that when combined, exceeds 1,250 gallons per day, or 1.4 acre-feet of water in a calendar year, which qualified it for limited production well status.

4. Section 711.70 of the EAA Rules provides that the Board may rescind limited production well status for one or more violations of Chapter 711, Subchapter D of the EAA Rules.

¹ Act of May 30, 1993, 73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2350, as amended, § 1.33(d) (“EAA Act” or “Act”).

5. Well No. W104-445 is in violation of Sections 1.15(b) and 1.35(a) and (e) of the EAA Act, and Sections 711.61(a), 711.224((a) and (c) and 711.228 of the EAA Rules, in that during calendar years 2020 and 2024, Well No. W104-445 was metered and produced more than 1.4 acre-feet in each year.

6. Therefore, the Board has determined that it is appropriate to rescind the limited production well status for Well No. W104-445.

7. However, the Board has also determined that the rescission of limited production well status for Well No. W104-445 be effectuated only if Respondent fails again in any calendar year to operate Well No. W104-445 in accordance with the requirements for limited production well status.

III. ORDERING PROVISION

1. The Board of the EAA is of the opinion and finds that the facts necessary to support issuing this Conditional Rescission Order have been established. Accordingly, the Board is of the opinion and finds that the Conditional Rescission Order should be and is hereby **ISSUED. IT IS THEREFORE ORDERED AND DECREED** that limited production well status for Well No. W104-445 is hereby **CONDITIONALLY RESCINDED**.

2. The General Manager is directed to advise the Respondent in writing of the issuance and effect of this Conditional Rescission Order, and upon receipt of Respondent's 2025 Use Report for Well No. W104-445, advise Respondent as follows:

A. If Respondent's use for 2025 is at or below 1.4 acre-feet of groundwater, advise Respondent that limited production well status has been retained for Well No. W104-445;
or

B. If Respondent's use for 2025, or in any future year, exceeds 1.4 acre-feet of groundwater, advise Respondent that limited production well status has been or will be rescinded

and in accordance with Sections 711.70(b), 711.224(a) and (c) and 711.228 of the EAA Rules, Respondent must obtain a groundwater withdrawal permit from the EAA before making withdrawals from the well for calendar year 2026, or the year following a third exceedance of the 1.4 acre-feet limited production status maximum authorized withdrawal amount.

3. The General Manager is directed to make appropriate adjustments, changes, or modifications to the EAA's exempt well, permits, water accounting, and other databases, as appropriate, consistent with the issuance and effect of this Conditional Rescission Order.

**PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS
AQUIFER AUTHORITY, TO BE EFFECTIVE THIS 13th DAY OF MAY, 2025.**

ENRIQUE VALDIVIA
Chairman, Board of Directors

ATTEST:

RACHEL SANBORN
Secretary, Board of Directors

APPROVED AS TO FORM:

DARCY ALAN FROWNFELTER
General Counsel