

**BEFORE THE  
EDWARDS AQUIFER AUTHORITY  
State of Texas**

<b>IN THE MATTER OF THE FOLLOWING WELLS</b>	)	
<b>REGISTERED AS LIMITED PRODUCTION WELLS UNDER</b>	)	
<b>SECTION 711.63 OF THE EAA RULES:</b>	)	
	)	
	)	
<b>W105-694</b>	)	<b>Fernando &amp; Jesusa Castillo</b>

**ORDER RESCINDING LIMITED PRODUCTION WELL STATUS  
PURSUANT TO SECTION 711.70(B) OF THE EAA RULES**

ON THIS DAY CAME ON TO BE HEARD the above-styled matter relative to the rescission of the limited production well status for Well No. W105-694 of Fernando & Jesusa Castillo (“Respondent”). 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 Rescinding Limited Production Well Status Pursuant to Section 711.70(b) of the EAA Rules (“Rescission Order”) have been established. Accordingly, the Board is of the opinion and finds that this Rescission Order should be **ISSUED**. In support of this Rescission Order, the Board makes its Findings of Fact and Conclusions of Law as follows:

**I. FINDINGS OF FACT**

1. On April 3, 2014, Well No. W105-694 is was registered by the EAA as a “limited

production well.”

2. Since the date of registration, the General Manager has continued to monitor the ongoing qualification of Well No. W105-694 for limited production well status. After further investigation, the General Manager has determined that Well No. W105-694 during calendar years 2015, 2016, and 2017 was metered and produced more than 1.4 acre-feet in each year.

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

4. After completing the investigation, the General Manager concluded that he should recommend to the Board that the limited production well status currently recognized for Well No. W105-694 should be rescinded by the Board.

5. On April 5, 2018, 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. W105-694 be 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 by the Board. 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. W105-694 be rescinded. The presentation occurred at the regular meeting of the Board held on May 8, 2018, 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 that is the General Manager’s recommendation

which is the subject of this Rescission Order was duly and properly listed in the notice of public meeting. Notice of this meeting had been duly and properly given to the Respondent.

## **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.<sup>1</sup> Section 1.33(d) has been implemented by the EAA at Section 711.61(a) of its rules, and the accompanying rules located in Subchapter D of Chapter 711 of the EAA Rules. 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.

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

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 which is applicable to limited production wells.

5. Well No W105-694 is in violation of Section 1.33(d) of the EAA Act, and Sections 711.61(a) and 711.63(a)(7) and (b) in that Well No. 105-694 during calendar years 2015, 2016, and 2017 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. W105-694.

### **III. ORDERING PROVISION**

1. The Board of the EAA is of the opinion and finds that the facts necessary to support issuing this Rescission Order have been established. Accordingly, the Board is of the opinion and finds that the Rescission Order should be and is hereby **ISSUED. IT IS THEREFORE ORDERED AND DECREED** that limited production well status for Well No. W105-694 is hereby **RESCINDED**.

2. The General Manager is directed to advise the Respondent in writing of the issuance and effect of this Rescission Order, and specifically, in accordance with Section 711.70(b) of the EAA Rules, that the Respondent must obtain a groundwater withdrawal permit from the EAA before making withdrawals from the well on or after January 1, 2019.

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 Rescission Order.

**PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS**

AQUIFER AUTHORITY, **TO BE EFFECTIVE** THIS 8<sup>th</sup> DAY OF MAY 2018.

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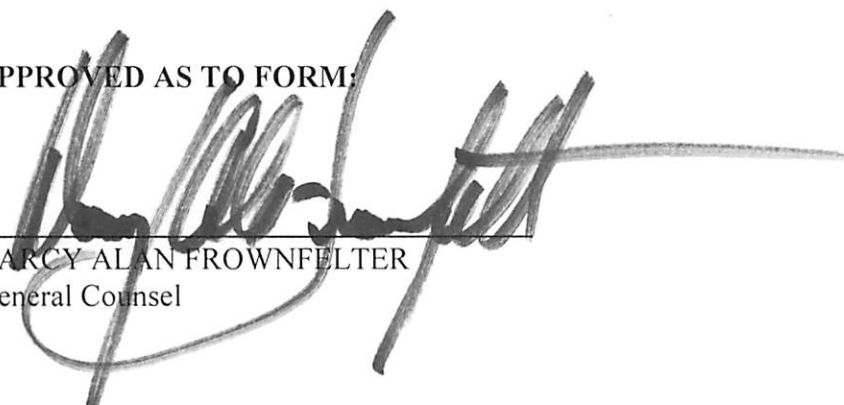
**LUANA BUCKNER**  
Chairman, Board of Directors

**ATTEST:**

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**ENRIQUE VALDIVIA**  
Secretary, Board of Directors

**APPROVED AS TO FORM:**



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**DARCY ALAN FROWNFILTER**  
General Counsel