

**EDWARDS AQUIFER AUTHORITY GENERAL MANAGER**  
**COMPLIANCE AND SETTLEMENT GUIDELINES**  
**(§717.108(6) OF EAA RULES)**

**REVISION: AUGUST 27, 2019**

**Section 3.4    Flowing Abandoned Wells (Water Waste)**

**Applicability:**

- Failing to place withdrawals from the Aquifer to beneficial use without waste (§§ 711.94(a), 711.228, 711.230);
- Failing to make authorized withdrawals from the Aquifer (§§ 711.12, 711.14(2), 711.61, 711.68, 711.134, 711.402).

**Compliance and Settlement Requirements:**

Edwards Aquifer wells in the southern portions of the Artesian Zone, because of their surface elevation and Aquifer levels, may be under ‘flowing artesian conditions’. If these wells become deteriorated and begin to leak, the result may be uncontrolled flows (withdrawals) from the well not being put to a beneficial use (waste) and may also be unmetered and unauthorized withdrawals from the Aquifer. Any uncontrolled and unmetered withdrawals not being put to a beneficial use is wasteful, not authorized, and a violation of EAA rules. When notified of these conditions, the well owner must, within 180 days, come into compliance by either permanently closing and plugging the well, or by making necessary repairs and obtaining proper authorization to make groundwater withdrawals from the Aquifer.

Generally, the well owner (or their licensed Water Well Driller) may obtain an EAA Well Plugging Permit or EAA Well Construction Permit to properly address the condition of the well, and if the well is properly repaired, Section 3.1 of these guidelines addresses the compliance and settlement requirements necessary to make authorized withdrawals.

Because of the significance of much higher costs to properly repair a deteriorated flowing well, EAA staff may consider a well owner’s request to temporarily delay repairs if Aquifer conditions might improve in the short term to facilitate necessary repairs. EAA staff may be allowed under these guidelines to delay enforcement if the well owner is willing to enter into a written settlement agreement that will ultimately resolve the compliance matters.

*General Manager Compromise and Settlement Agreement (CSA)* – the EAA and the well owner may enter into a written CSA when the following general conditions are specified:

1. the conditions upon which plugging/repairs work are to begin and end are specified in the CSA;
2. the terms of the CSA will fully remedy any current and ongoing violation regarding any uncontrolled and/or unmetered withdrawals;
3. the terms of the CSA will be fulfilled within a 12-month period after execution; and
4. the terms of the CSA do not include settlement requirements not otherwise outlined in these guidelines.