

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

**IN THE MATTER OF THE FILING AND PROCESSING OF)
APPLICATIONS TO CONVERT BASE IRRIGATION)
GROUNDWATER UNDER SECTION 711.342(6) OR (7) OF THE)
EAA'S RULES)**

**ORDER RESCINDING THE ORDER ISSUING A TEMPORARY MORATORIUM ON
THE FILING AND PROCESSING OF APPLICATIONS TO CONVERT
BASE IRRIGATION GROUNDWATER PURSUANT TO SECTION 711.342(6) OR (7)
OF THE EAA RULES**

ON THIS DAY CAME ON TO BE HEARD the above-styled matter. The Board of Directors ("Board") of the Edwards Aquifer Authority ("EAA"), after having reviewed and considered the materials contained in the Board Packet, the arguments and presentations of the General Manager, and other interested parties 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 the Order Issuing a Temporary Moratorium on the Filing and Processing of Applications to Convert Base Irrigation Groundwater pursuant to Section 711.342(6) or (7) 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 August 12, 2019, the Board adopted the Order Issuing a Temporary Moratorium on the Filing and Processing of Applications to Convert Base Irrigation Groundwater pursuant to Section 711.342(6) OR (7) of the EAA Rules ("Moratorium Order").

2. The Moratorium Order was issued to give the EAA time to engage in rulemaking as may be appropriate to implement HB 3656 of the 86th Regular Session of the Texas Legislature.

3. The EAA has performed the rulemaking as envisioned in the Moratorium Order.
4. Rescission of the Moratorium Order is in the public interest.

II. CONCLUSIONS OF LAW

1. The Act created the EAA as a conservation and reclamation district under Section 59, Article XVI of the Texas Constitution. Edwards Aquifer Authority Act (“Act”)¹ § 1.02.

2. The Act grants the EAA “all of the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the aquifer and to increase the recharge of, and prevent the waste or pollution of water in, the aquifer.” *Id.* § 1.08(a). The EAA has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters [49] and 51, Water Code, applicable to an authority created under Article XVI, Section 59, of the Texas Constitution.” *Id.*

3. Section 1.11(a) of the Act provides that the EAA may promulgate and enforce rules in order to carry out the EAA’s duties under the Act.

4. The EAA is authorized to administer and regulate permits, and the recharge of the Aquifer. *See generally id* §§ 1.08(a); 1.11(b).

5. The EAA has the legal authority to rescind the issuance of the Moratorium Order.

III. ORDERING PROVISION

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 Moratorium Order is no longer necessary and that the Rescission Order should be and is hereby **ISSUED. IT IS THEREFORE ORDERED AND DECREED** that the moratorium on the filing and processing of applications to convert Base Irrigation Groundwater based on changes in land use

¹ Act of May 30, 1993, 73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2350, as amended.

pursuant to Section 711.342(6) or (7) of the EAA Rules is hereby **RESCINDED EFFECTIVE
DECEMBER 20, 2019.**

**PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS
AQUIFER AUTHORITY, TO BE EFFECTIVE THE 20TH DAY OF DECEMBER, 2019.**

LUANA BUCKNER
Chairman, Board of Directors

ATTEST:

ENRIQUE VALDIVIA
Secretary, Board of Directors

APPROVED AS TO FORM:



DARCY ALAN FROWNFELETER
General Counsel