

**IN THE MATTER OF THE FOLLOWING WELL)
REGISTERED AS A LIMITED PRODUCTION WELL UNDER)
SECTION 711.63 OF THE EAA RULES:)**

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

I. FINDINGS OF FACT

- 11212.03015/DTRE/MISC/1737625v.3

2. Since the date of registration, the General Manager has continued to monitor the ongoing qualification of Well No. W107-002 for limited production well status. After further investigation, the General Manager has determined that Well No. W107-002 was metered and during calendar years 2015, 2016, 2018 and 2019, it produced more than 1.4 acre-feet 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concluded that he should recommend to the Board that the limited production well status for Well No. W107-002 should be rescinded by the Board.

5. On February 7, 2020, the General Manager provided written notice by United States mail, return receipt requested, to the Respondents that: (1) the General Manager's investigation was complete; (2) the General Manager intended to make a recommendation to the Board that the limited production well status for Well No. W107-002 be rescinded; and (3) advised the Respondents of the date and time of the EAA Board meeting at which the Board would take up the General Manager's recommendation for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by the General Manager on his recommendation that the limited production well status for Well No. W107-002 be rescinded. The presentation occurred at the regular meeting of the Board held on March 10, 2020, 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 Respondents.

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) and the accompanying rules located in Subchapter D of Chapter 711 of the EAA Rules incorporate the provisions of 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 registered well 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, which is applicable to limited production wells.

5. Well No. W107-002 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. W107-002 during calendar years 2015, 2016, 2018 and 2019 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. W107-002.

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. W107-002 is hereby **RESCINDED**.

2. The General Manager is directed to advise the Respondents 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 Respondents must obtain a groundwater withdrawal permit from the EAA before making withdrawals from the well on or after January 1, 2021.

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 10th DAY OF MARCH 2020.**


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").

LUANA BUCKNER
Chairman, Board of Directors

ATTEST:

ENRIQUE VALDIVIA
Secretary, Board of Directors

APPROVED AS TO FORM:



DARCY ALAN FROWNFEITER
General Counsel