



## Legislation Details (With Text)

<b>File #:</b>	AI 13-1788	<b>Version:</b>	2	<b>Name:</b>	Castillo LPW rescission
<b>Type:</b>	Action Item	<b>Status:</b>	Passed		
<b>File created:</b>	4/2/2018	<b>In control:</b>	Board of Directors		
<b>On agenda:</b>	5/8/2018	<b>Final action:</b>	5/8/2018		
<b>Title:</b>	Consider recommendation from the Permits/Enforcement Committee to rescind limited production well status for the well owned by Fernando & Jesusa Castillo, based on the owner's inability to meet annual groundwater withdrawal limits.				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Order Rescinding LPW Status - Castillo 050818

Date	Ver.	Action By	Action	Result
5/8/2018	2	Board of Directors	approved	
4/24/2018	1	Permits/Enforcement Committee		

**Consider recommendation from the Permits/Enforcement Committee to rescind limited production well status for the well owned by Fernando & Jesusa Castillo, based on the owner's inability to meet annual groundwater withdrawal limits.**

### RECOMMENDED MOTION:

Move the board adopt an Order Rescinding Limited Production Well Status for the well (W105-694), owned by Fernando & Jesusa Castillo.

### SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to adopt an Order Rescinding Limited Production Well Status for the Edwards Aquifer well (W105-694) owned by Fernando & Jesusa Castillo.

### Background

Due to the passage of Senate Bill 1241 during the 2013 Regular Session of the Texas Legislature, the board adopted new rules in December 2013 creating a new category of exempt well called a Limited Production Well (LPW). To be recognized as a LPW, a well owner must: (1) have an Edwards Aquifer well that was drilled prior to June 1, 2013; (2) amend his or her well registration; (3) have a registered meter on the well; (4) submit annual use reports at the end of each calendar year documenting that no more than 1.4 acre-feet of groundwater were used; and (5) pay a yearly \$25 administration fee. Therefore, owners who qualify under an LPW may make withdrawals of up to 1.4 acre-feet of groundwater per year without the need for an EAA groundwater withdrawal permit.

Following an annual use report that shows an LPW owner used more than 1.4 acre-feet of groundwater, EAA staff provides written notification to the well owner that the inability to consistently remain below the annual withdrawal limit for an LPW may result in the loss of LPW status for the well. It is the current policy of EAA staff to inform the board when an LPW exceeds authorized withdrawals after the third such notification.

Any well owner who loses LPW status must then, by the end of the current calendar year, obtain groundwater withdrawal rights in order to continue making authorized withdrawals.

### **Fernando & Jesusa Castillo (W105-694)**

Fernando & Jesusa Castillo filed a LPW registration with the EAA on April 3, 2014. EAA records indicate the owner reported metered withdrawals in 2015, 2016 and 2017 of 1.433, 1.473, and 1.484 acre-feet, respectively. Following each of these occurrences, EAA staff notified the owner that continued over-pumping of the LPW annual limit may result in loss of LPW status.

Based on the third occurrence of exceeding the LPW threshold, EAA staff recommends the Permits/Enforcement Committee recommend the board adopt an Order Rescinding Limited Production Well Status for the well (W105-694), owned by Fernando & Jesusa Castillo. This rescission was the first of its kind to come before the committee.

At the April 24 meeting, the Permits/Enforcement Committee voted to recommend the board adopt an Order Rescinding Limited Production Well Status for the well (W105-694), owned by Fernando & Jesusa Castillo.

### **M/WBE PARTICIPATION:**

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

### **STRATEGIC PLAN REFERENCE:**

This agenda item does not relate to a specific goal or action step within the Strategic Plan, but supports the general EAA mission.

### **FISCAL IMPACT:**

None.