

## Legislation Text

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

### RECOMMENDED MOTION:

as well as a draft of the order vacating the rescission of the LPW status, which has been reviewed by legal counsel.

### SUMMARY:

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

Fernando & Jesusa Castillo filed an LPW registration with the EAA on April 3, 2014. EAA records indicate the owners reported metered withdrawals in 2015, 2016, and 2017 of 1.433, 1.473, and 1.484 acre-feet, respectively, which exceeded the LPW threshold of 1.4 acre-feet per year.

Following the third occurrence of exceeding the LPW threshold, at the May 8, 2018 meeting, the board considered a Permits/Enforcement Committee recommendation to adopt an Order Rescinding Limited Production Well Status Pursuant to Section 711.70(b) of the EAA Rules, for the well (W105-694), owned by Fernando & Jesusa Castillo. During the May 8 meeting, Fernando and Jesusa Castillo addressed the board and expressed their willingness to implement conservation measures to ensure compliance with LPW requirements in the future. As a result, the board approved the following motion: "rescind limited production well status for the well owned by Fernando & Jesusa Castillo; however, if the users of the well submit a conservation plan to the EAA and use 1.4 acre-feet or less of groundwater for 2018, limited production well status will be reinstated for 2019. If such use cannot be achieved, the well owner shall obtain a permit for 2019 use by June 1, 2019, or come into compliance with EAA rules by other means."

On May 17, 2018, EAA staff visited the Castillos' residence and developed with them a conservation plan that included water reduction techniques, an introduction to the EAA Meter Matters App, and how to calculate and monitor use throughout the year. Based on a meter reading obtained during the site visit, EAA staff projected the well to withdraw 1.290 acre-feet in 2018 based on use to that date. On January 14, 2019, the Castillos filed their 2018 Annual Use Report for Limited Production Wells and reported a total of 1.171 acre-feet withdrawn.

Based on the Castillo's success in reducing their annual use, EAA staff determined that they have complied with the board's requirements, and recommends the May 8, 2018 order be vacated. The Order prepared by General Counsel is attached to this item.

At the April 23 meeting, the Permits/Enforcement Committee voted to recommend the board adopt an Order Vacating the Order Rescinding Limited Production Well Status issued on May 8, 2018, pursuant to Section 711.70(b) of the EAA Rules relative to Well No. 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.