



Certified Mail – Return Receipt Requested

V201-369

May 21, 2024

Tamara Mendez or Current Owner
12227 Potranco Road Trust
2400 E Cesar Chavez Ste 208
Austin, TX 78702

RE: **SECOND NOTICE OF EAA GENERAL MANAGER SETTLEMENT OFFER** – related to exceeding annual authorized groundwater withdrawals in 2023 from your Edwards Aquifer well

Dear Ms. Mendez or Current Owner:

This letter is to notify you that the Edwards Aquifer Authority (EAA) did not receive a response to our letter dated April 30, 2024, that notified you of an EAA General Manager Settlement Offer to resolve a violation of EAA rules related to exceeding annual authorized groundwater withdrawals in 2023 from your Edwards Aquifer well(s). For your convenience, a copy of that letter is enclosed.

As a final effort to reach a settlement with you regarding this violation, the General Manager has allowed me to make this second offer to settle this matter before making a recommendation to the EAA Board of Directors (“Board”) to seek further enforcement through the assessment of an administrative penalty. The EAA Act and EAA rules authorize the Board to assess administrative penalties to facilitate enforcement of the Act, the EAA’s rules, orders of the Board, and the terms and conditions of permits.

To properly respond to this notice, you must contact me by telephone or in writing to express your willingness to settle this matter as per the terms outlined in the enclosed April 30, 2024, letter, or to present a written counter-offer to the proposed settlement. **You must make this commitment before Friday, June 7, 2024;** otherwise, EAA staff will report this violation to the Board’s Permits/Enforcement Committee at their June 25, 2024, meeting with a recommendation to seek further enforcement.

If you have any questions, you can contact me at (210) 477-8525, or toll free at (800) 292-1047. The EAA appreciates your immediate attention in resolving this matter.

Sincerely,

Jorge Paramo
Sr. Regulatory Compliance Coordinator

EP:JP/pm

Enclosures: Notice of EAA General Manager Settlement Offer Letter, April 30, 2024



V201-369

April 30, 2024

Tamera Mendez or Current Owner
12227 Potranco Road Trust
2400 E Cesar Chavez Ste 208
Austin, TX 78702

RE: **FINAL NOTICE OF EAA GENERAL MANAGER SETTLEMENT OFFER** – related to making regulated withdrawals without a groundwater withdrawal permit from 2020 thru 2023 from your Edwards Aquifer well

Dear Ms. Mendez or Current Owner:

In previous correspondence and communications, Edwards Aquifer Authority (EAA) staff notified you of the requirement to obtain groundwater withdrawal rights to authorize the withdrawals from Edwards Aquifer well W102-851. Our records indicate you made groundwater withdrawals during calendar year 2023 without first obtaining or transferring groundwater withdrawal rights to this well before the January 31, 2024, filing deadline. As per §711.224 of the EAA's rules, a person may not withdraw groundwater from the Aquifer unless authorized by a groundwater withdrawal permit issued by the EAA.

A review of your 2023 Annual Groundwater Use Reporting Form indicates 2.912 acre-feet in metered withdrawals. Since you did not transfer water rights before the filing deadline, EAA staff can offer to settle this potential violation of EAA rules by reconciling your 2023 withdrawals from conserved groundwater withdrawal rights held by the EAA at the fee rate of \$271.62 per acre-foot, as approved by our Board of Directors.

Additionally, our records indicate that groundwater withdrawals were made from this well during calendar year 2020 through 2022 while also under your ownership. Metered groundwater withdrawals during these years were 1.305 acre-feet, 3.143 acre-feet, and 2.060 acre-feet, respectively. As part of an overall settlement for these violations, the EAA offers to settle these past unauthorized withdrawals at the aquifer management fee (AMF) rate of \$84.00 per acre-foot pumped.

With this consideration, your final settlement for unauthorized groundwater withdrawals during 2020 to 2023 are shown on the table below:

Year	Amounts Withdrawn	Settlement Rate	Final Settlement
2023	2.912	\$ 271.62	\$ 790.96
2022	2.060	\$ 84.00	\$ 173.04
2021	3.143	\$ 84.00	\$ 264.01
2020	1.305	\$ 84.00	\$ 109.62
		Total :	\$ 1,337.63

Therefore, to fully resolve and finally settle this matter, you should submit payment to the EAA in the amount of \$1,337.63, by no later than Friday, May 17, 2024.

The payment can be made on-line at the EAA website (www.edwardsaquifer.org) and select "Online Payment" at the top of the page; If using the online payment, please indicate V201-396 for the account number. This payment can also be made by check or money order and mailed to the EAA at:

Edwards Aquifer Authority
ATTN: Compliance Program
900 E. Quincy
San Antonio, Texas 78215

It is important that you obtain a lease/purchase of additional water rights in sufficient quantities for your annual use moving forward, including this current year. It is also important that you resolve these matters at this stage, as failing to properly respond to this notice may lead to further enforcement efforts.

If you believe our records are in error, please contact me so we can discuss what additional information may be necessary for us to conduct a review of our records. If you have any questions, please contact me at (210) 477-8525, toll free at (800) 292-1047, or by email at jparamo@edwardsaquifer.org.

Thank you for your prompt attention to this matter.

Sincerely,



Jorge Paramo
Sr. Regulatory Compliance Coordinator

EP:JP/pm