



DEBORAH TREJO

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512-320-5466

September 27, 2024

Bryce T. Tearney
28707 Howards Bull
Boerne, TX 78015

Re: (EAA V201-361) – Making unauthorized groundwater withdrawals from the Edwards Aquifer from a water well located at 5409 Encino Park Road in San Antonio, Texas, in violation of the Edwards Aquifer Authority Act (the Act), and Edwards Aquifer Authority Rules (EAA rules).

Dear Mr. Tearney:

Our client, the Edwards Aquifer Authority (EAA), has notified us that you have not resolved an ongoing compliance violation related to making unauthorized groundwater withdrawals from the Edwards Aquifer. EAA records show that you are the owner of the above-referenced well, and that the well withdraws water from the Edwards Aquifer for a non-exempt use. Making non-exempt groundwater withdrawals that are not authorized by a groundwater withdrawal permit issued by the EAA constitutes a violation of the Act and §§ 709.37, 711.12, 711.224, 711.228, and 711.402 of EAA rules.

Since you have not satisfactorily responded to numerous EAA staff attempts to discuss resolution of this violation, the purpose of this letter is to inform you that EAA staff will make a recommendation to the EAA Board of Directors to refer this violation of the Act and EAA rules to our office for further enforcement action. With this notification, the EAA is providing you with one last opportunity to avoid potential legal proceedings and commit to fully resolve this matter. If you do not commit to resolving this violation, the EAA board may authorized our office to file a lawsuit which may make you responsible for mandatory civil penalties in the range of \$100 to \$10,000 *per violation per day of violation* and mandatory attorney's fees and costs, which could be substantial.

To avoid a potential lawsuit and associated costs and to successfully respond to this notice, you must, by October 18, 2024, contact Mr. Jorge Paramo, Sr. Regulatory Compliance Coordinator, at (210) 477-8525 or toll-free at (800) 292-1047, and commit to a full resolution, through a written settlement agreement, of this violation of EAA rules.

EAA staff intends to present this matter to the EAA Board of Directors at its November 12, 2024 meeting with a recommendation to refer this matter to us for further enforcement. You may address the board regarding this matter should you so desire, and Mr. Paramo can answer any questions you may have about that process.

If you have other questions for us, please call Deborah Trejo at (800) 411-5222. Thank you for your prompt attention to this matter.

Respectfully submitted,

KEMP SMITH LLP

A handwritten signature in blue ink, appearing to read 'D. Trejo', with a long horizontal stroke extending to the right.

By: Deborah C. Trejo
Attorney

cc: Jorge Paramo – Sr. Regulatory Compliance Coordinator, Edwards Aquifer Authority

Enclosures: Notice of EAA General Manager Settlement Offer, April 19, 2024
Second Notice of General Manager Settlement Offer, May 21, 2024
Final Notice of General Manager Settlement Offer, September 6, 2024