

**BEFORE THE
EDWARDS AQUIFER AUTHORITY
State of Texas**

**IN THE MATTER OF SECTION 1.37 ADMINISTRATIVE
PENALTY ACTIONS AND X CONCERNING THE
FOLLOWING REGULAR PERMIT:**

P100-766 Andrea Sanger

) Nos. 1.37-2020-002
) and 1.37-2021-002
) and V104-731,
) V200-093, V200-
) 436, and V200-452

**ORDER SETTling ADMINISTRATIVE PENALTIES FOR FAILURE TO TIMELY
FILE 2019 AND 2020 ANNUAL USE REPORTS AND TO TIMELY PAY AQUIFER
MANAGEMENT FEES FOR 2017-2021**

ON THIS DAY CAME ON TO BE HEARD the above-styled and numbered 1.37 Administrative Penalty Matters of Andrea Sanger (“Respondent”) and Enforcement Nos. V104-731, V200-093, V200-436, and V200-452. The Board of Directors (“Board”) of the EAA, after having reviewed and considered the evidence relevant to the administrative penalties and the alleged violations, the Board is of the opinion and finds that the facts necessary to support the General Manager’s recommendation to settle the administrative penalties and alleged violations have been established.

Accordingly, the Board is of the opinion and finds that its prior orders assessing administrative penalties and the additional alleged violations should be settled and closed in accordance with this Order. In support of this Order, the Board makes its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1. Respondent filed a Transfer of Ownership, No. T105-116, of Edwards Aquifer wells designated W100-804 and W100-805 (“the wells”), and is thus authorized to make groundwater withdrawals under EAA Regular Permit No. P100-766 (“the Permit”).
2. EAA records show that Respondent failed to timely file 2019, 2020 and 2021 Annual Use

Reports for the Permit.

3. EAA records show that Respondent failed to pay aquifer management fees (“AMFs”) for 2017, 2018, 2019, 2020 and 2021 for groundwater withdrawals pumped pursuant to the Permit.

4. Following attempts by EAA staff to resolve the violation of the failure to timely file a 2020 Annual Use Report, on October 13, 2020, the Board issued an administrative order assessing an administrative penalty of \$200 against Respondent.

5. Following attempts by EAA staff to resolve the violation of the failure to timely file a 2021 Annual Use Report, on August 20, 2021, the Board issued an administrative order assessing an administrative penalty of \$500 against Respondent.

6. EAA records show that Respondent failed to pay the administrative penalties assessed for the failure to file the 2019 and 2020 reports.

7. Following attempts by EAA staff to get Respondent to satisfy the administrative penalties and resolve additional violations, on June 21, 2022, EAA general counsel sent Respondent an enforcement notification letter.

8. In order to settle the administrative penalties for failing to timely file 2019 and 2020 Annual Use Reports and additional violations for failing to timely file a 2021 Annual Use Report and failing to pay AMFs for 2017, 2018, 2019, 2020 and 2021 for groundwater withdrawals pumped pursuant to the Permit, Respondent has agreed to transfer 2 acre-feet of groundwater rights into the EAA Groundwater Trust for the remainder of calendar year 2022 through December 31, 2023, in accordance with the terms of the Groundwater Trust Transfer Contract, attached hereto as Exhibit A.

CONCLUSIONS OF LAW

1. The Respondent is the registered owner of the wells.

2. Failing to timely file annual use reports, to timely pay aquifer management fees and to pay assessed administrative penalties constitute violations of §§ 1.32, 1.35 and 1.37 of the EAA Act and §§ 709.21, 711.414, 711.224, 711.228 and 717.118 of the EAA's Rules.

ORDERING PROVISIONS

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED as follows:

1. that the above-styled and numbered administrative penalties of \$200 and \$500 for failure to file 2019 and 2020 Annual Use Reports are hereby **SETTLED**;

2. that the alleged additional violations of failing to timely file a 2021 Annual Use Report, failing to pay AMFs for 2017, 2018, 2019, 2020 and 2021 for groundwater withdrawals pumped pursuant to the Permit, and to pay assessed administrative penalties are hereby **SETTLED**; and

3. that following the satisfaction of the terms of the Groundwater Trust Transfer Contract, Enforcement Nos. V104-731, V200-093, V200-436, and V200-452 shall be **CLOSED**.

PASSED AND APPROVED by the Board of Directors of the Edwards Aquifer Authority this 13th day of September, 2022.

LUANA BUCKNER
Chairman, Board of Directors

ATTEST:

BENJAMIN F. YOUNGBLOOD, III
Secretary, Board of Directors

APPROVED AS TO FORM:

DARCY ALAN FROWNFELTER
General Counsel

EXHIBIT A