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July 12, 2017

Ms. Stephnie Martin
Supervisor-Compliance
900 E. Quincy St.
San Antonio, Texas 78215

Via email: smartin@edwardsaquifer.com

Re: V100-111-Pesca Pluma, LLC (Pesca") over pumping violation for 2016.

Dear Stephnie,

I am in receipt of your letter dated July 6, 2017 regarding the over pumping violation identified herein. As noted in our prior conversations, Pesca maintains a small lake on its property and uses its permitted rights to maintain the level and refill it after it has been drained. The well Pesca uses to supply the lake is co-owned with Verstuyft Family Farms, Ltd. ("Verstuyft") and is actually located Verstuyft's property. The well has a T valve which can be switched to supply Pesca's lake when it requests water. At the end of 2016, a representative for Verstuyft turned the valve and directed water to Pesca's lake without any notification to my client. Ultimately, when my client discovered this had occurred and they immediately attempted to secure additional water rights to address the water that had been put in the lake without their knowledge. Unfortunately, a portion of the water rights that were leased were base irrigation water rights which are not allowed to be utilized for this particular type of use. My clients have instituted a measure to prevent the water from being directed to the lake without their knowledge so this should not be an issue going forward.

Please allow this letter to serve as counter-offer to your letter on the following terms:

1. Pesca Pluma would pay \$200.00 for failure to file a transfer application.
2. Pesca Pluma would pay \$226.48 towards the settlement amount.

3. The remaining \$4,303.48 would be deferred and in the event Pesca Pluma, LLC did not have any violations of the Act or the EAA rules in 2017 or 2018, that amount would not be collected and the enforcement matter would be fully resolved and closed.

Please present this counter-offer at the July 25, 2017 Permits Committee meeting. I appreciate your assistance in this matter and please contact me with any questions.

Sincerely,

By:



Devin "Buck" Benson