



## Legislation Text

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File #: AI 13-1533, Version: 2

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**Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from CDR Evans, LLC, related to exceeding authorized groundwater withdrawals during 2016.**

### RECOMMENDED MOTION:

Move the board accept the counter-offer regarding the pending enforcement matter presented below.

### SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to accept a counter-offer from the permit holder listed below in response to an EAA settlement offer to resolve the enforcement matter related to exceeding 2016 annual authorized withdrawal amounts. This enforcement matter and proposed counter-offer received from the permit holder are summarized herein for board consideration. If in the course of discussion, the board determines the need to do so, it may enter into closed session to consult with General Counsel on this matter.

#### CDR Evans, LLC

CDR Evans, LLC, was identified as exceeding annual authorized irrigation groundwater withdrawal amounts during 2016 on Permit P100-586. This entity was permitted to withdraw 156.312 acre-feet. CDR Evans, LLC, reported a total of 186.847 acre-feet withdrawn; thus exceeding their annual authorized amount by 30.535 acre-feet. The settlement offered for this alleged violation is \$13,740.75, consistent with the EAA settlement guidelines.

On May 15, 2017, Mr. James Allen, on behalf of CDR Evans, LLC, sent an email to EAA staff acknowledging the alleged violation and explaining problems with former ranch employees and their malicious actions that likely contributed to the over-pumped conditions. CDR Evans, LLC, stated their desire to present a counter-offer to the EAA to resolve this matter.

Since this is the first time CDR Evans, LLC, has over-pumped, Mr. Allen requests that they be allowed to pay \$687.04 of the settlement (5% of settlement offer), and would attempt to send a representative to an EAA Well Owner's Workshop to receive credit (\$1,000.00 credit) towards the remaining balance (\$12,053.71), which would be deferred pending no over-pumping through the end of 2018. The CDR Evans, LLC, counter-offer letter and a more detailed enforcement summary of this violation are attached to this item.

At the May 23 meeting, the Permits/Enforcement Committee voted to recommend the board accept the counter-offer as presented.

**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:**

Revenue received through compliance settlements is dedicated to the Conservation/Aquifer Protection Fund. This revenue is used solely to fund projects expressly devoted to the protection and benefit of the endangered species associated with the Edwards Aquifer. No revenue derived from compliance settlements is used to fund operating expenses or capital purchases of the EAA.