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Pecan farmers to get more than \$4.5 million payment

By Brendan Gibbons | July 22, 2016



Photo: William Luther /San Antonio Express-News

Glenn and JoLynn Bragg received more than \$4.5 million from the Edwards Aquifer Authority after a jury ruled in their favor regarding use of aquifer water for their pecan farm. Glenn Bragg (center), JoLynn, (left) and his daughter, Shelly, talk to one of their attorneys in the 38th District Court in Hondo on Feb. 16, 2016, during jury selection for the compensation phase of the Braggs' case.

A pecan-farming couple in Medina County has received \$4.56 million following a 10-year legal battle with the Edwards Aquifer Authority.

At its meeting this month, EAA's board of directors unanimously approved the payment to Glenn and JoLynn Bragg to satisfy a final judgment that followed a jury's decision in the Braggs' favor in February.

The jury found the EAA owed the Braggs more than \$2.5 million for limiting their access to Edwards Aquifer water below their orchards. The final judgment includes interest on that jury award that accrued starting when the EAA first restricted the Braggs' groundwater pumping.



The case is the first in Texas history in which a landowner has successfully sued a government entity for limiting their access to groundwater without compensation. It arose out of the Texas Legislature's efforts to regulate the aquifer that provides water to more than 2 million people in Central Texas.

Since the Braggs sued in 2006, the status of the Edwards Aquifer and regulations that govern it are much more certain, said Roland Ruiz, general manger of the EAA, which marks its 20th anniversary this year.

Now, the EAA has an established permitting process, a regionwide pumping cap of 572,000 acre-feet and a habitat conservation plan to protect 11 species that depend on the aquifer, Ruiz said.

“All those things added up to the type of certainty everybody wanted when the EAA Act was first adopted,” he said. “Putting the Bragg case to bed, the timing was right for the board to do that.”

The Braggs' lead attorney, Paul Terrill, pointed out that the EAA lost in court on the fundamental questions of whether it took the Braggs' water and the amount of compensation it owed the couple.

“Yes, we have certainty,” Terrill said. “You were certainly wrong.”

bgibbons@express-news.net, Twitter: @bgibbs



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