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May 26, 2010

Mr. Gary Westbrook, Coordinator
Groundwater Management Area 12
c/o Post Oak Savannah Groundwater Conservation District
P. O. Box 92
Milano, TX 76556

Re: Objections to Desired Future Conditions Proposed by Lost Pines Groundwater Conservation District

Dear Mr. Westbrook:

As we have done via public comments and presentations on at least two occasions in the past, including two previous meetings of Groundwater Management Area 12 (GMA 12), End Op, LP (End Op) would like to once again express its disagreements with and objections to the draft desired future conditions (DFCs) proposed by the Lost Pines Groundwater Conservation District (LPGCD). Primarily, End Op objects to the DFCs proposed for the Simsboro aquifer; however, our objections extend to the entire Carrizo-Wilcox aquifer system. The following points summarize the reasons End Op believes demonstrate the proposed DFCs are unreasonable.

- The methodology used by LPGCD and the resulting proposed draft DFCs are arbitrary and ignore, disregard or reject the true capabilities of the Simsboro aquifer to produce water; these proposed DFCs will severely understate the availability of water that could be produced from this prolific ground-water reservoir.
- Based on information provided by the LPGCD consultants, contradictions and inconsistencies have been discovered in the LPGCD methodology for determining DFCs. Specifically, model pumping files in the applicable groundwater availability model (GAM) are inconsistent with LPGCDs stated method of DFC determinations.
- The methodology utilized by the LPGCD in establishing its draft DFCs for the Simsboro, and other aquifers, are prejudicial in that the district has predetermined how much water will be pumped in the future and has back-calculated drawdown based on pre-set pumping limits. This “reverse engineering” methodology is, in effect, the same as the LPGCD “pre-granting” and “pre-denying” selected permits, suggesting that the district has already pre-chosen which of its constituents may pump water.

The purpose of the joint planning process should be to provide guidance as to how much water is available for beneficial use, not to arbitrarily restrict the amount of pumping allowed. As we

have stated to GMA 12 and to LPGCD, average artesian water-level declines should not be used as the sole mechanism for determining regional ground-water availability. In fact, using only artesian drawdown as the DFC metric is technically flawed.

As we have in the past, End Op again recommends that ground-water availability for the LPGCD and the entirety of GMA 12 be determined based on a water-balance approach, ultimately stated in terms of water remaining in storage. For example, the district and/or GMA 12 could establish a DFC of at least 95 percent of the water remaining in storage in the Simsboro aquifer through 2060. Such a DFC would allow development of a prolific ground-water resource for the benefit of the citizens of the State while protecting the resource for future generations.

We appreciate your consideration.

Sincerely,
END OP, LP

A handwritten signature in blue ink, appearing to read "Joel G. Katz". The signature is stylized and cursive.

Joel G. Katz, Manager