



July 13, 2016

Via email to comments@lostpineswater.org

Mike Talbot, Lost Pines GCD Board President and Members
James Totten, General Manager
District and Board Counselors

RE: End Op, LP's application for Operating and Transport Permits to pump and transport 46,000 ac-ft/yr of groundwater from the District

Dear President Talbot, Board Members, General Manager Totten and Counselors,

Environmental Stewardship (ES) commends the Board for having been patient and diligent in most aspects of this permitting process, and respectfully provides its comments in the attached document. Also please note that counsel for the three individual landowners (Individual Landowners) who joined Environmental Stewardship in a request for party status in the End Op/Aqua Water contested case hearing, has advised ES to inform the District that they also concur in and join ES in each of its comments and requests to the District, as if such Individual Landowners were signatories to this letter and our comments.

Our comments provide an in-depth review of Environmental Stewardship's concerns and how they have, or have not, been dealt with during the permit review process. The following highlights our most critical and urgent recommendation.

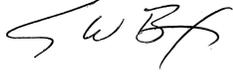
It is absolutely necessary and essential that the Board retain its right to consider this permit under Section 36.113(d) when better tools and information are available or unreasonable impacts become evident regarding the impact of End Op's pumping on groundwater, surface water and other permits (See ES recommendations 1 and 2).

Under pressure from water marketers', Section 36.113(d) was amended in the 84th legislative session to take away your right and duty to consider certain impacts of pumping upon renewal of this permit in five years time (See Section D. 1.). The District, having failed to adequately consider the impact of pumping on surface water, groundwater, and other permits in the initial consideration of this permit, must include a Special Condition to retain its right to consider these impacts in future permit renewals (See ES Section C). To do otherwise abdicates your duty and responsibility to protect the property rights of landowners like ES and others who want to conserve and preserve their groundwater in place for future use, non-commercial uses, sustainability and environmental considerations (See ES Section A).

Groundwater Management Area 12 (GMA-12) has recognized and acknowledged deficiencies in the information and modeling tools available to the District and the GMA for evaluating the impacts of pumping on groundwater, surface water and other permits. As such, the GMA has initiated GAM improvements that should be available during the next round of review related to

desired future conditions. This future review should provide better data and information to inform this process. It is essential and necessary that the District be able to apply such new information in future renewals of this End Op permit, as well as other permits.

Respectfully submitted,



Steve Box
Executive Director
Environmental Stewardship

cc: Senator Kirk Watson, District 14
Senator Louis Kolkhorst, District 16
Representative John Cyrier, District 17
Judge Paul Pape, Bastrop County
Judge Paul Fischer, Lee County

Attachment: Comments to Lost Pines GCD Board of Directors regarding End Op, LP's application for Operating and Transport Permits to pump and transport 46,000 ac-ft/yr of groundwater from the District.

Environmental Stewardship is a charitable nonprofit organization whose purposes are to meet current and future needs of the environment and its inhabitants by protecting and enhancing the earth's natural resources; to restore and sustain ecological services using scientific information; and to encourage public stewardship through environmental education and outreach. We are a Texas nonprofit 501(c) (3) charitable organization. For more information visit our website at <http://www.environmentstewardship.org/>.