

Additional Comments based on Petitioners' comments 11/02/09

1. Petitioners claim GMA9 did not consider the socio-economic impacts of the DFC.

GMA9, through extensive stake holders processes as stated in report 161 (LBJ stakeholder report) on page XIII.
2. Dr. Kreitler, throughout his testimony, and almost without exception, offered opinions on GAMs, MAGs, and other considerations which are in the purview of the TWDB, and not GMA9.
3. Throughout the petitioners' testimony today they emphasized the need for management through the protection of spring flow. It is clear that GMA9, acting on overwhelming stakeholder input, has done so by protecting spring flow in Kerr County by setting a DFC which minimizes future pumpage. The 1200 acre-foot MAG derived from the GMA9 DFC provides more spring flow protection than the over 16,000 acre foot of pumpage used by Region J.
4. The petitioners raised certain property rights issues which seem to indicate GMA9 was "taking" private property rights. The exact opposite is true. GMA9, from the onset of its planning process, has intended to ensure the preservation of groundwater rights by setting DFCs which will ensure reasonable and sustainable use for generations.
5. The petitioners have emphasized that DFCs must be reasonable, quantifiable, and enforceable. The DFCs set by GMA9 are reasonable in that they respond to extensive stakeholder input and available science. They are quantifiable in that the TWDB has quantified them as MAGs, and they are enforceable through the GCD Rules and Management Plans.
6. The hypothetical scenario of extremely high exempt pumpage and limits on number of wells under GMA9 DFCs and MAGs is unrealistic, and it ignores the ability of property owners to drill wells into lower aquifers without negatively effecting spring flow or private property rights.