



PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT

Darnell Knippa
President

Ted Aven
Vice President

Wilbert Sauermilch
Secretary/Treasurer

Gil Riedesel
Director

Clem Waskow
Director

RESOLUTION REGARDING VESTED GROUNDWATER OWNERSHIP AND SUSTAINABLE GROUNDWATER MANAGEMENT

WHEREAS, ownership of groundwater by the landowner who captures it has been recognized by the State of Texas since 1904; and

WHEREAS, under Section 36.002 of the Water Code, the Texas Legislature recognized the ownership and rights of landowners in groundwater except as those rights may be limited or altered by rules promulgated by a groundwater conservation district; and

WHEREAS, groundwater management intended to sustain availability for future generations must necessarily limit total annual production to an amount that can be sustained by the aquifer; and

WHEREAS, existing and historic groundwater use sustains communities, businesses and agricultural production that are integral to local economies; and

WHEREAS, the creation of a statutory “vested right” to capture or a vested right to ownership of groundwater prior to capture would severely diminish or eliminate a groundwater conservation district’s ability to manage an aquifer for sustainability while also subjecting the groundwater conservation district and its constituents to unnecessary, harmful and costly law suits regarding the groundwater conservation district’s reasonable course of action;

THEREFORE BE IT RESOLVED that the Pecan Valley Groundwater Conservation District, does hereby affirm that, while property owners have the right to capture groundwater for beneficial purposes, those wells not specifically exempted from requiring a permit are, and should continue to be, subject to reasonable regulation by a groundwater conservation district as presently defined by Chapter 36 of the Water Code and each district’s enabling legislation; and

THEREFORE BE IT FURTHER RESOLVED that we recommend strongly against the passage of S.B. 332 or other legislation that would result in the creation of a vested right in groundwater prior to capture.

Read and adopted this 15th day of February, 2011.

President

Attest:

Secretary