



RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT

STATE OF TEXAS
COUNTY OF HAYS

WHEREAS, Chapter 36 of the Texas Water Code states groundwater conservation districts may be created "in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution"; and

WHEREAS, it is recognized that the boundaries of groundwater conservation districts, counties, and other jurisdictions are not consistent with the hydrogeology of the area, creating ineffective regulations which are further complicated by the existence of multiple aquifers and geological conditions within certain groundwater conservation districts; and

WHEREAS, in order to protect the private property rights of individuals, the Texas Legislature amended Chapter 36 of the Texas Water Code in 2011 by adding language which includes, "the legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property"; and

WHEREAS, Chapter 36 of the Texas Water Code further confirms that a landowner, including a landowner's lessees, heirs, or assigns, is entitled to produce groundwater below the surface of real property, "without causing waste or malicious drainage of other property"; and

WHEREAS, the existence of aquifer areas not regulated by local groundwater conservation districts, creates the possibility that landowner property rights may be infringed upon by the commercial production of groundwater that results in the malicious drainage of the landowner's real property; and

WHEREAS, these unregulated areas of aquifers further create inconsistencies in rules and regulations for commercial production of groundwater which can detrimentally affect market principles and create barriers to competition; and

WHEREAS, the ability to produce groundwater for domestic and agricultural uses is paramount to the individual rights of all Texans;

NOW, THEREFORE, BE IT RESOLVED, that the Hays County Commissioners Court supports legislation to establish the proper local regulation of commercial and non-exempt groundwater production in aquifer areas currently outside of the respective groundwater conservation districts in Hays County.

PASSED AND APPROVED this 3rd day of February, 2015.

Judge Bert Cobb, M.D.
Hays County Judge

Debbie Ingalsbe
Commissioner, Precinct 1
Will Conley
Commissioner, Precinct 3
Mark Jones
Commissioner, Precinct 2
Ray Whisenant
Commissioner, Precinct 4

Attest:

Liz O Gonzalez
County Clerk

