

Joint Position Statement on Groundwater Ownership

Groundwater is an integral part of the land and is owned by private landowners. The Texas Constitution and more than 100 years of case law support this position. Secure, protectable property rights best assure conservation and stewardship of all resources, including groundwater.

As the demand for groundwater in Texas increases, it is important that groundwater continues to be recognized and reaffirmed as vested, real property of private landowners. Private landowners and their productive open land are keys to an effectively functioning water cycle. Their active and informed stewardship of land and water resources benefits all Texans.

Like other private property in Texas, groundwater is subject to reasonable regulation. This ensures that private landowners are treated fairly (afforded due process), property rights are respected, and that all private landowners maintain the ability to use groundwater for any beneficial use.

Just as it makes sense for school districts to be governed by local citizens, it makes sense for groundwater to be governed by local citizens, which is why we support local groundwater conservation districts. It is better and more effective for private landowners to work with their neighbors, rather than a distant state agency.

However, for groundwater conservation districts to function as they were intended, recognition and reaffirmation of groundwater ownership is needed so groundwater conservation districts are consistent in this interpretation across the state. All groundwater conservation districts must recognize that groundwater is the property of private landowners and use sound scientific principles to develop reasonable regulations that ultimately will ensure the beneficial use of groundwater.

We support protecting and reaffirming that groundwater is the vested, real property of private landowners for the following reasons:

1. **State law is clear that groundwater is the vested, real property of private landowners, but some continue to challenge the law.** Private landowners must defend and reaffirm their ownership of this property and all constitutionally mandated private property rights in the regulatory, legal, and legislative arenas to protect the resource for the benefit of all.
2. **Private landowner ownership of groundwater encourages good stewardship and promotes accountability.** The way private landowners, acting as land stewards, manage their property directly influences quantity and quality of groundwater available to all Texans. Vested ownership with local control also equitably balances conservation and use.
3. **Private landowner ownership of groundwater provides more certainty and balance in water planning.** With groundwater ownership reaffirmed, water planners can concentrate on how best to use groundwater to meet the state's critical needs instead of arguing about who owns it. This helps balance rural water-producing areas

and urban water-consuming areas, without jeopardizing potential growth in any area of the state. Recognition of all landowners' rights ensures that the value of available groundwater resources is shared by all property owners, not just a select few.

This is a joint effort, shared philosophy and commitment to groundwater ownership in place and local regulation as described herein. This is not a new association or organization and the initiative respects the autonomy of the individual supporting associations or organizations.

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