

February 11, 2011

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Dear Texas Groundwater Conservation District Board Members,

As you may know, the board of the Central Texas Groundwater Conservation District voted to publicly support landowners' ownership interest in groundwater below the land in July 2010. Our district was the first to take action on this important issue on behalf of the landowners in our district and we were proud to do so.

Since the creation of our district in 2005, landowners in our district have overwhelmingly stated a passionate belief and conviction that they have an ownership interest in the groundwater below their land. Our district recognizes and respects this property right and takes it into consideration at all times.

We support GCDs' ability to reasonably regulate and manage groundwater and we respect the decision of each GCD to determine what management and regulatory practices best suit their local situation. However, GCDs can effectively function while respecting the property rights of landowners. Our district is proof that landowners' ownership interest in groundwater below the land and GCD regulation and management can effectively work together.

Those who believe that a landowner only has an ownership interest in groundwater when they capture it need to understand that it is a serious disincentive to conservation and only encourages landowners to pump now or fear losing it in the future. If landowners' ownership interest in groundwater below the land is protected then we all benefit.

We respectfully ask our other fellow GCD board members to strongly consider adopting a resolution or statement supporting landowners' ownership interest in groundwater below the land.

Landowners are our partners in groundwater conservation and we as GCD officials should respect their property rights and help strengthen their rights when possible.

Sincerely,

DRAFT RESOLUTION

WHEREAS, private ownership of groundwater has been recognized in the State of Texas since 1904; and

WHEREAS, the Texas Legislature recognized the ownership and rights of landowners in groundwater under Section 36.002 of the Water Code; and

WHEREAS, the long-term management of groundwater will likely require the amount of groundwater that can be produced by property owners to be limited;

THEREFORE, BE IT RESOLVED that we, the Board of the _____
Groundwater Conservation District, hereby recognize that all property owners have a vested ownership interest in groundwater beneath their property; and

THEREFORE, BE IT FURTHER RESOLVED that we believe this vested ownership interest entitles all property owners to produce a reasonable amount of groundwater; and

THEREFORE, BE IT FURTHER RESOLVED that we believe that this right is subject to fair and reasonable regulation by the district that recognizes this vested ownership interest while protecting groundwater for the future.