

CLARIFYING STATEMENT REGARDING CCGCD RESOLUTION

The resolution that was passed by CCGCD on December 15, 2010, and subsequently passed by several other groundwater districts, was in response to a proposed resolution sent out by various statewide lobbying groups.

CCGCD does NOT favor any change to the current laws which essentially state that you own the water when you capture it while giving groundwater districts the right to regulate groundwater production in order to protect the aquifer. Current state law also specifically mandates that essentially all landowners have the right to produce water for the purpose of domestic and livestock use.

CCGCD opposes SB 332 which was introduced to the Texas Legislature in January. The proposed bill would change the existing law and mandate that landowners would have a vested right of ownership in the water currently underneath their land rather than when they capture it. On the surface, this seems a logical and harmless position to support and in a perfect world that might represent a fair and equitable perspective.

Unfortunately, there could be dramatic consequences to this position. This bill would undercut the ability of groundwater districts to protect the aquifer and the district constituents. In areas where there was excess groundwater, the new law would have no appreciable effect. However, **with passage of the new bill, a groundwater conservation district could not deny a permit to transport water out of the district even though the water is being fully utilized locally.** In order to sustain a healthy aquifer, the district would be forced to reduce existing groundwater permits. As the district would be forced into granting more and more permits, it would also be forced into more and more cutbacks to existing permits. Imagine what impact this could have on cities that rely on groundwater for municipal use. Locally, this could have a devastating economic impact on rice farmers and the businesses that support them. A worst-case long term scenario is that Colorado County could lose its farming community and become a reservoir for water being shipped to major urban areas like San Antonio or Austin.

The Board of Directors and staff of the CCGCD are long-time residents of Colorado County and are committed to protecting the sustainability of our aquifer while recognizing the ownership and rights of landowners to groundwater. Feel free to contact the District office if you have further questions regarding the District's position on this matter or impending legislation.