

**RESOLUTION OF THE COLORADO COUNTY GROUNDWATER
CONSERVATION DISTRICT BOARD OF DIRECTORS**

**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 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 users have built businesses and farms based on past and current water uses that form a valued and needed part of local economies; and

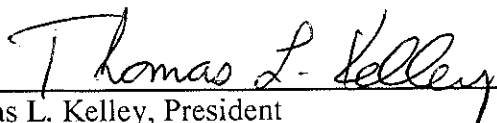
WHEREAS, the creation of a legally vested right to capture or a vested right to ownership of groundwater prior to capture would severely cripple a district's ability to manage an aquifer for sustainability while also subjecting the district and its constituents to unnecessary, harmful and costly law suits that could arise regardless of the district's reasonable course of action;

THEREFORE BE IT RESOLVED that we, the Board of Directors of the Colorado County Groundwater Conservation District, 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 subject to regulation by the District; and

THEREFORE BE IT FURTHER RESOLVED that we recommend strongly against the Texas courts or Legislature taking actions to create a vested right in groundwater prior to capture; and

THEREFORE, BE IT FURTHER RESOLVED that the District has and will continue to enact rules that ensure property owners the right to capture groundwater for beneficial purposes while abiding by Chapter 36 of the Water Code and all laws of the State of Texas.

Signed and certified this 15th day of December, 2010.



Thomas L. Kelley, President



Whymen Psensik, Secretary