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## Pumping limits crucial for future

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The fate of groundwater management is being considered by the Texas Supreme Court.

In a case challenging the Edwards Aquifer Authority's power to impose pumping limits on landowners over the underground reservoir, the stage is set for the high court to decide who owns groundwater.

The nine Supreme Court justices heard oral arguments in the case last month.

As the issue has been traditionally framed, the outcome will determine whether the "rule of capture" is a constitutional right.

In 2008, 4th Court of Appeals Justice Steve Hilbig wrote that landowners have a vested right in groundwater that merits constitutional protection.

Texans who want to see economic development continue in the state should hope the high court disagrees and that the EAA wins the case.

If the court agrees with Hilbig, the state Constitution should be amended.

Pumping regulation is crucial to manage the resource that San Antonio and much of the region relies on for water.

If every landowner has the right to pump water from the aquifer at will, all landowners could claim rights to water under their property.

EAA officials fear a flood of litigation from thousands of landowners if this case goes against the agency.

Under those circumstances, the biggest pumpers, such as the San Antonio Water System, could dramatically increase the amount of water they take.

Eventually, federal action to enforce the Endangered Species Act would be required.

In a 2008 interview, EAA Chairwoman Luana Buckner said a finding that the "rule of capture" applies to the agency would be "apocalyptic."

Under pressure from Endangered Species Act problems in aquifer-fed springs, the Legislature established the EAA in 1993 to regulate pumping from the aquifer.

After litigation-based delays, the authority began operating in 1996 and spent years establishing a fair-pumping permit process based on historical usage.

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That process has enabled the region to continue to move forward with economic development and manage the aquifer during drought.

A court ruling that disrupts the EAA's work will be a disaster, not only for San Antonio and the Edwards region, but for the entire state of Texas.

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