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JOINT ISSUES FORUM: GROUNDWATER OWNERSHIP

AUGUST 31

Texas AgriLife Research
& Extension Center
7887 US Hwy 87 North
San Angelo, TX

SEPTEMBER 22

Producers Cooperative
1800 N. Texas Avenue
Bryan, TX

OCTOBER 14

Johnson County Cattle Auction
3119 N. Main Street
Cleburne, TX

OCTOBER 19

Caesar Kleberg Wildlife Center
1730 West Corral
Kingsville, TX

OCTOBER 20

First Victoria Bank
101 S. Main
Victoria, TX

OCTOBER 28

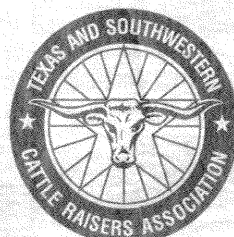
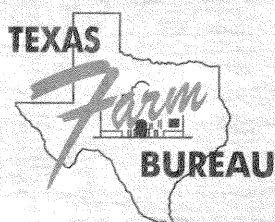
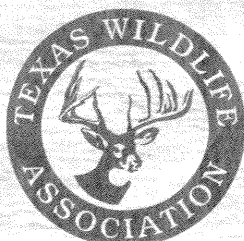
Merket Alumni Center
17th and University
Lubbock, TX

NOVEMBER 11

Capitol Extension Auditorium, E1.004
112 E. 11th Street
Austin, TX

ALL WORKSHOPS WILL BE
1:30 PM - 4:00 PM
EXCEPT THE KINGSVILLE
MEETING WHICH
WILL BE 6:30 PM - 9:00 PM

HOSTED BY TEXANS FOR GROUNDWATER RIGHTS



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CONVERSATIONS

By Ellen H. Brisendine
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Prepare to Defend Groundwater Rights

TSCRA and allies provide forums to help landowners evaluate the inevitable debate over Texas groundwater use.

"In the long run, it is hard to see sustainable arrangements that do not involve property rights," writes a journalist in the May 22 issue of *The Economist*, in the article "Trade and Conserve."

The article is part of that publication's special report on water. The writer takes an international look at the subject, but includes comments familiar to Texas landowners. "These [property rights] can be traded between willing buyers and willing sellers to reallocate water from low-value to high-value uses, and they have proved their worth in the American West, Chile and South Africa," reports the publication.

TSCRA, Texas Wildlife Association and Texas Farm Bureau are collaborating with other landowner organizations to reinforce the concept that groundwater is a real vested property right in Texas.

TSCRA and our friends will work in the 2011 session of the Texas Legislature to pass a bill reinforcing this notion. It will be a battle, because other groups are aligning to take an opposing view on who owns the groundwater and how it should be managed and distributed.

In May 2010, the Texas Alliance of Groundwater Districts filed an amicus brief to the Texas Supreme Court in the *Edwards Aquifer Authority v. Day and McDaniel* case.

Excerpts from that document read, "The Alliance is paying the fee for the preparation of this amicus brief because the court of appeals decision to recognize 'vested property rights' in the groundwater beneath Respondents' property undermines the ability of GCDs [groundwater conservation districts] to manage, protect, and the preserve the State's groundwater as mandated by the Texas Legislature and the Texas Constitution.

"If this theory (absolute ownership) were to prevail in this Court, groundwater conservation in Texas would be finished.

"At a minimum, GCDs would be burdened by the time and expense of defending against the regulatory or physical takings claims filed by every landowner who is not permitted to produce the groundwater underlying his property.

"Such a holding would prevent GCDs from enforcing any meaningful limits on groundwater production or, alternatively, bankrupt the districts."

To prepare for this battle, TSCRA, TWA and TFB will host on Aug. 31 the first of several forums on groundwater around the state. The forums should last a couple of hours, present the facts in the groundwater use debate and equip you to analyze the choices.

The sessions are free. See page 71 for meeting dates, times and locations. For more information on the forums, contact Jason Skaggs, TSCRA executive director of government affairs, at 512-469-0171.

In the article titled "A glass half empty" in that same report in *The Economist*, the writer concludes, "... supply and demand will find an equilibrium. The greatest chance of it being a stable and fairly harmonious one is the spread of democratic self-management among informed farmers," and informed landowners. ■

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