

## RESOLUTION OF THE WIMBERLEY DEMOCRATS

WHEREAS, Chapter 36 of the Texas Water Code states groundwater conservation districts may be created “in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivision, consistent with the objectives of Section 59, Article XVI, Texas Constitution”; and

WHEREAS, it is recognized that the boundaries of groundwater conservation districts, counties and other jurisdictions are not consistent with the hydrogeology of the area, creating ineffective regulations which are further complicated by the existence of multiple aquifers and geological conditions within certain groundwater conservation districts; and

WHEREAS, in order to protect the private property rights of individuals, the Texas Legislature amended Chapter 36 of the Texas Water Code in 2011 by adding language which includes, “the legislature recognizes that a landowner owns the groundwater below the surface of the landowner’s land as real property”; and

WHEREAS, Chapter 36 of the Texas Water Code further confirms that a landowner, including a landowner’s lessees, heirs, or assigns, is entitled to produce groundwater below the surface of real property, “without causing waste or malicious drainage of other property”; and

WHEREAS, the existence of aquifer areas not regulated by local groundwater conservation districts, creates the possibility that landowner property rights may be infringed upon by the commercial production of groundwater that results in the malicious draining of the landowner’s real property; and

WHEREAS, unregulated areas of aquifers further create inconsistencies in rules and regulations for the commercial production of groundwater which can detrimentally affect market principles and create barriers to competition; and

WHEREAS, the ability to produce groundwater for domestic and agricultural uses is paramount to the individual rights of all Texans; and

WHEREAS, the Constitution of the State of Texas assigns to the Legislature the duty to protect the State’s natural resources;

NOW, THEREFORE, BE IT RESOLVED, that the Wimberley Democrats support legislation to establish the proper local regulation of commercial and non-exempt groundwater production in aquifer areas currently outside of the respective groundwater conservation districts in Hays County; and

BE IT FURTHER RESOLVED, that the Wimberley Democrats strongly encourage the County of Hays, the State of Texas, the appropriate regulatory, groundwater, and conservation districts, and other relevant jurisdictions to work closely and cooperatively with the City of Buda, the Goforth Special Utility District, and other Hays County water users to identify and facilitate their access to water resources that would not require the drilling and drawing of water from currently unregulated Hays County aquifer areas; and

BE IT FURTHER RESOLVED, that the Wimberley Democrats strongly support legislation, ordinances, or codes, as appropriate, for the creation of a new-development planning process that would: require the developer to obtain an independent assessment of the water needs of new development; identify the source of water that would be relied on by the development; assess the short- and long-term effect of the water use by that development on the water source itself and how that would affect other users of the water source; incorporate rainwater harvesting and water conservation as an integral part of meeting the development's water needs; and assure that these factors be considered by the appropriate permitting authority/authorities before the development may proceed.

Enacted by the Steering Committee of the Wimberley Democrats on March 3, 2015.