

Texas Wildlife Association Resolution
Groundwater as a Vested Property Right

Adopted by TWA Executive Committee 9-9-09

Whereas, the Texas constitution and courts have established for over 100 years that groundwater is a vested property right; and

Whereas, questions have been raised in the courts by some groundwater districts that have challenged this vested right and propose a radical change from private to state ownership of groundwater; and

Whereas, groundwater as a vested property right enhances resource conservation and it is consistent with our tradition of private land stewardship which flows from the responsibilities of ownership; and

Whereas, responsible ownership yields conservation and sound land management practices that provide increased clean surface and ground water for aquifers, springs, rivers and bays; and

Whereas, we support local and state regulation that rewards and incentivizes conservation of groundwater by private owners while recognizing groundwater as a vested real property right; and

Whereas, groundwater as a vested property right is in the best interest of society, not only for the conservation of our water resources but also to affirm and maintain reasonable local regulatory procedures that ensure constitutionally protected due process of property rights;

THEREFORE BE IT RESOLVED, we reaffirm the ownership of groundwater by landowners as a vested real property right, and we support the local regulatory approach to groundwater management that recognizes groundwater as a property right.