

Recharge

Your Groundwater Resource



Spring 2022
Volume 12 Issue 1

BOARD INCREASES ACP TERMS & COMPENSATION

The Aquifer Conservancy Program (ACP) has been one of the most well accepted programs the POSGCD Board has produced for landowners in our District. It is a tool for those who wish to protect the water under their property for future generations. By placing land in the ACP, a conservation area is created and the District compensates landowners who participate.



One of the questions we received from landowners is, “Can we apply for a longer term?” At our February 2022 Board Meeting, the Board of Directors voted to add two new terms to the (ACP)! These new terms will be for commitments of 30 years and 50 years with compensation values of \$15 per acre per year and \$25 per acre per year, respectfully. These terms have been added to the original term options of 5 years, 10 years and 20 years. All five levels of terms will be available to all current enrollments and all new enrollments. All current enrollees can increase from one term to a higher term and receive the additional compensation for the full year of 2022 if the change in terms is completed prior to October 1, 2022.

For example, a property of 100 acres currently enrolled for 20 years would realize compensation from the District of \$1000 per year for this effort in conservation. Enrollment of that same property could be changed to the 50 year term and the compensation for that same property would increase to \$2500 per year.

It is very simple to upgrade! Go to our website www.POSGCD.org/acp/ and click on the “Click Here to Upgrade” button. We need your contact information, Property ID number, # of acres you want to enroll in the new term and the length of the new term you want to take advantage of. That’s it! We will take care of the rest! If you have any questions, feel free to call our office.

The ACP continues to support landowners who wish to conserve and protect the water under their property for future generations. The ACP has been a very popular program in our District with nearly 48,000 acres enrolled. We need your help. If you would tell your fellow landowners about the program and the new terms, we would appreciate it and so would they!

If you are interested in enrolling your land in the program, please contact the District or go to our website – www.POSGCD.org/acp/

PUBLIC HEARINGS ON THE RULES set for May 10

The Board and Staff of the District continue to encourage all stakeholders to participate in and consider and provide comment on any and all management strategies and rules of the District by attending public meetings and providing input.

The District encourages attendance and participation by stakeholders and citizens at all public meetings. Attendance will facilitate and ensure enhanced communication between stakeholders and the Board and Staff of the District.

Ownership of Groundwater - it’s not that easy!

In Texas, the legislature and the courts recognize that a landowner owns the groundwater under his/her land and classifies it as real property. This “absolute ownership” of groundwater was adopted in 1904 as a result of the Texas Supreme Court case *Houston & Texas Central Railway Company v. East* and today is commonly referred to as “Rule of Capture”.

As real property, the landowner can use the water, lease it, sell it, give it to their heirs or leave it in the ground! In our District, each of those options are being used. Some of the landowners use it to grow crops, some have leased it for use by others, some have sold it to others, many have chosen to leave it in place for future generations. As you read in the previous story, landowners in our District have chosen to place over 45,000 acres with their water rights in the Aquifer Conservancy Program.

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EDUCATION OPPORTUNITIES at POSGCD

POSGCD offers a broad array of education programs for local citizens. Our programs include a variety of educational resources to engage landowners and inspire citizens - making learning about groundwater is beneficial and fun!

- POSGCD Water Ambassadors scholarship program – POSGCD has financial supported the overall program since its inception and now has added scholarship opportunity for participating local youth. The program will provide a scholarship worth \$1250 annually to students who meet the requirements. Also included in this action is reimbursable student expenses to participate in the program. This reimbursement will include annual participation fees, spring and fall retreats, conferences, and/or other water-related meetings and trainings not covered by the program. The POSGCD Water Ambassadors scholarship will be awarded annually to Milam and Burleson county students who are selected to participate.

Contact: David Smith | Phone: 979.862.1989 | E-mail: davidsmith@tamu.edu

- 4th Grade – Wise Water Use Program: Post Oak Savannah GCD sponsors the Tinker Wise Water Use Program by donating the Wise Water Use Kit to any 4th grade class within the District. Tinker will send your school a notice. Reply back with the number of 4th grade students you have, and the packets will be shipped to your school. If you have any questions, contact the District office for assistance.

- 4th or 5th Grade - Water Education Presentation: Contact the District to set up a time for us to come to your school Water Education Program will cover TEKS for groundwater and surface water Satisfies TEKS requirement.

- Community Presentations: The District provides community services and educational presentations to the citizens of the District concerning groundwater and conservation. This includes organizations such as Master Naturalists, Rotary, Lions Clubs and others. Contact the office if you would like to learn more and schedule a presentation.



- Annual Groundwater Summit - The Summit is free and open to the public with lunch provided. Topics at the Summit cover a variety of groundwater issues. Speakers discuss the Current Status of Water in Texas, how the District works to protect the water in our aquifers, preserving each landowner's right to produce their water and more. Citizens of Milam and Burleson Counties, as well as surrounding areas, can benefit from attending the Groundwater Summit each year. It is a great opportunity for people to come and learn about the state's requirements on local groundwater management and stay up-to-date on current groundwater issues, such as property rights and groundwater management.

- Rainwater Harvesting Program with Rebate Grant. Rainwater harvesting involves the capture, diversion, and storage of rainwater for later use. It's a water conservation method and alternative water source that can reduce the pressure on aquifer systems by reducing pumping needs. Post Oak Savannah offers a rainwater harvesting rebate to promote and encourage collection as a water conservation method. Rainwater Harvesting can help reduce peak season pumping demands on our aquifers in the summer months, reduce stormwater runoff, and provide an alternative water supply source that will improve water quality and reduce erosion. For every 1 inch of rainfall 0.6 gallons can be collected for each square foot of collection surface -> (2,000 sq. ft. roof) x (0.6 gallons) = 1,200 gallons harvested per 1 inch of rainfall.

If you have any questions about our district, please check our website or contact our offices at admin@posgcd.org, or 512-455-9900. www.posgcd.org



According to Harry Grant Potter, III of the Williams-Bailey Law Firm, L.L.P. in an article on the TWBD website, “the common-law rule regarding groundwater is the rule of capture or the English rule, which essentially provides that, absent malice or willful waste, landowners have the right to take all the water they can capture under their land and do with it what they please, and they will not be liable to neighboring landowners even if in so doing they deprive their neighbors of the water’s use. Since its adoption in Texas over 100 years ago, the rule of capture has been widely criticized. Today, Texas stands alone as the only western state that continues to follow the rule of capture. Since its adoption the rule of capture has been modified to prevent (1) willful waste, (2) malicious harm to a neighbor, and (3) subsidence. Further, the Texas Supreme Court has consistently acknowledged that this common-law rule can be modified by the Legislature. Any lingering doubt was resolved in 1917 by the adoption of the Conservation Amendment to the Texas Constitution, which vests the Legislature with the power to regulate the state’s natural resources, including groundwater. In its decisions over the past half-century, the Texas Supreme Court has overwhelmingly reiterated the Legislature’s power to regulate groundwater. If such regulation were to be adopted on a statewide basis, it could make the rule of capture obsolete. But so far, the Legislature has not accepted the Court’s invitation to regulate groundwater more comprehensively. The Court has thus far shown substantial deference to the Legislature but the cautions of Justices Will Wilson and Nathan Hecht should be heeded: it is unlikely that the Supreme Court will forever use deference to the Legislature to justify maintaining the rule of capture in the face of changing circumstances.”

The State Legislature has identified that the “Rule of Capture” can be modified in establishing that groundwater conservation districts are the State’s preferred way to balance an individual’s property rights for future users and to protect existing users investment and livelihood. A district uses rules to balance historic uses before the formation of the district with all current and future uses. Along with the district’s management plan, the Rules provide for conserving, preserving, protecting and recharging of groundwater. They also are used to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code.

In an article at <https://texaswater.tamu.edu/water-law> titled, Limited Regulation of Groundwater, “The Texas Legislature acknowledged private ownership of percolating groundwater in legislation passed in 1949 and again in 1985, when it authorized the establishment of underground water conservation districts. These districts generally have the authority to promulgate rules for conserving, protecting, recharging, and preventing waste of underground water,” from Handbook of Texas Water Law, Ronald A. Kaiser.

If you have any questions regarding your rights to the water under your land or any other questions about our district, please check our website or contact our offices at admin@posgcd.org, or 512-455-9900. www.posgcd.org



Lee Alford - Director Retires

It is with great appreciation of service that we announce Lee Alford is retiring from the Board of Directors of Post Oak Savannah GCD. Lee has been a dedicated member of the Board for over 13 years, serving on the Grant Committee and Building Committee. As Chairman of the Grant Committee, he and the committee have awarded over \$13,500,000 to local water utilities since he joined POSGCD in 2009. As part of the Building Committee, Lee and the committee upgraded our offices to the modern facility we enjoy today. He has been a strong advocate for protection of private property rights and water conservation. Lee will be greatly missed on the Board and his dedication to water conservation will not be forgotten.

Burleson County Judge Schroeder commented, “Lee was always dependable and was always looking out for the best interests of the citizens of our county. He was also very dedicated to developing the POSGCD Grant Program. Many of our citizens and their water systems have benefited a lot over the years from that

Lee Alford serves as a Director on the Board of the International Brangus Breeders Association and is a Director on the Board of the Texas Brangus Breeders Association. He is also a Ruling Elder on the Session of the First Presbyterian Church of Caldwell. Mr. Alford attended the University of Texas in Austin on a football scholarship. Mr. Alford is a 5th generation rancher in Burleson County and ranches land that has been in his family since 1872. He raises both registered and commercial Brangus, Angus and Brahman cattle. He leaves a legacy to two sons and three grandchildren. Lee believes in protecting every landowner’s ownership rights to the groundwater beneath his or her land.

UPCOMING PROGRAMS & WORKSHOPS

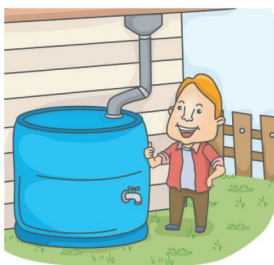
EarthKind class (topic TBD): Apr. 30, (9AM – 12PM)

Pollinators and Propagating

Rainwater Harvesting (Date and times TBA)

Program updates, information, and registration links can be found by visiting: posgcd.org/rainwater

Contact Jaclyn Robertson with questions, (512) 409-7028 and jrobertson@posgcd.org.



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POSGCD SOCIAL:

@PostOakSavannahGCD @posgcd



Let's chat!
Phone: 512.455.9900
Email: admin@posgcd.org

Visit our website for more information:
www.posgcd.org

Look for our next
newsletter

upcoming events

- April 30th 9-12pm
EarthKind Class (Pollinators and Propagating)
- May 10th 5:30pm
Public Hearing on the District Rules
- August 18th 9-3pm
Groundwater Summit
Caldwell - Civic Center

Our Board Meetings are the
second Tuesday of each month



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|------------------------------|---------------|
| Sidney Youngblood, President | Steven Wise |
| Ward Roddam, Vice President | Dana McClaren |
| Jay Wilder, Sec/Treas | Tommy Tietjen |
| Lee Alford, III | Bob Wilson |
| Becky Goetsch | Ed Savage |

- Staff**
- Gary Westbrook, General Manager
Elaine Gerren, Office Manager
Bobby Bazan, Water Resource Specialist
Doug Box, Education Coordinator
Craig Andrews, Field Technician
Jeff Fisher, Field Technician
Courtney Gentry, Administrative Assistant

Are we providing information you need?

The district staff wants to know what information you would like to see in this newsletter. Please contact us at 512.455.9900 or admin@posgcd.org to let us know how we can better serve you.

Groundwater conservation districts are the state's preferred method of groundwater management through rules developed, adopted and promulgated by a district.
Texas Water Code, Sec. 36.0015



POSGCD was created to conserve and regulate the use of groundwater through monitoring of aquifer levels and production and encourage conservation rules which limit pumping, thereby extending the quantity and quality of the water available in all of the aquifers in Milam and Burleson counties. POSGCD is a member of the Texas Alliance of Groundwater Districts (TAGD).