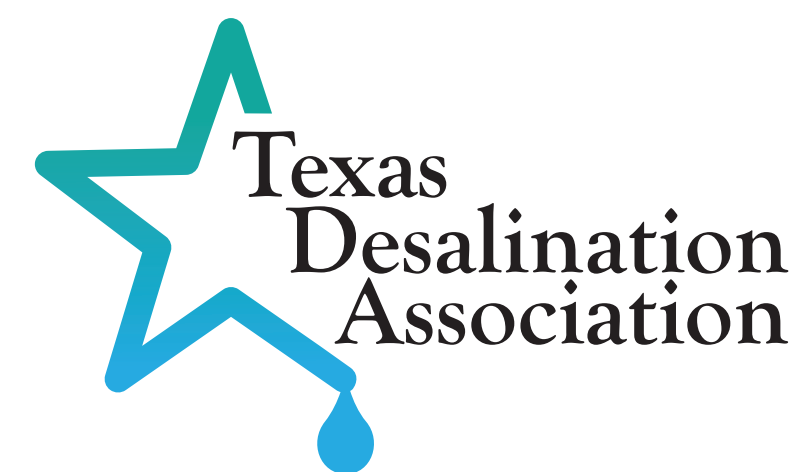


THE FLAW IN USE-BASED GROUNDWATER MANAGEMENT



Rice in the desert vs Water for people

Rules and permits that limit groundwater production based on how it will be used set up the opportunity for the inequitable allocation of a property owner's fair share. Is it okay for a landowner to use all the water he needs for agriculture—even to grow rice in the desert — but cannot get a permit to produce and sell water to a thirsty neighboring community?



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THE DFC PROCESS REQUIRES BALANCE

- Conservation
- Preservation
- Protection
- Recharge
- Prevention of Waste

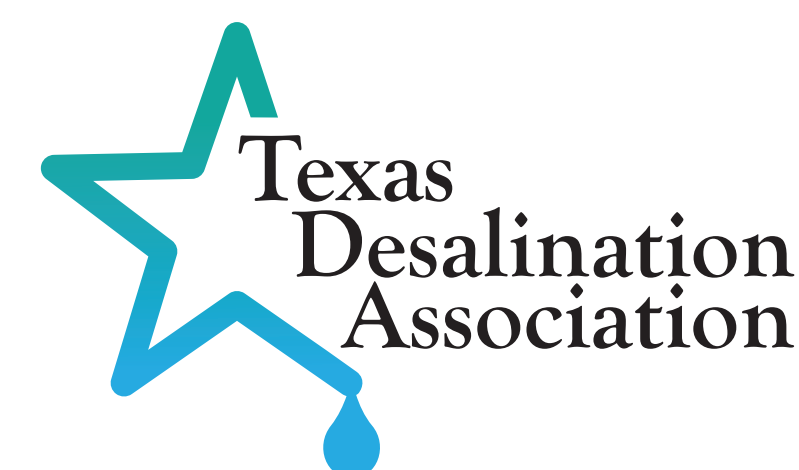
Highest
Practical Level
of Groundwater
Production

- Property Rights
- State Water Needs
- Social-economic Issues
- Brackish Groundwater

**CURRENT
PROCESS**

Ideal DFC Process vs Current DFC Process

The statutory requirement of the Desired Future Condition (DFC) process calls for a balance between the highest practicable level of groundwater production and the conservation and preservation of groundwater. In some places, this process is out of balance.



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WHAT IS FAIR SHARE OF BRACKISH GROUNDWATER?

- 1. BENEFICIAL USE**
- 2. PROPERTY RIGHTS**
- 3. DUE PROCESS**



A fair share is a fair chance.

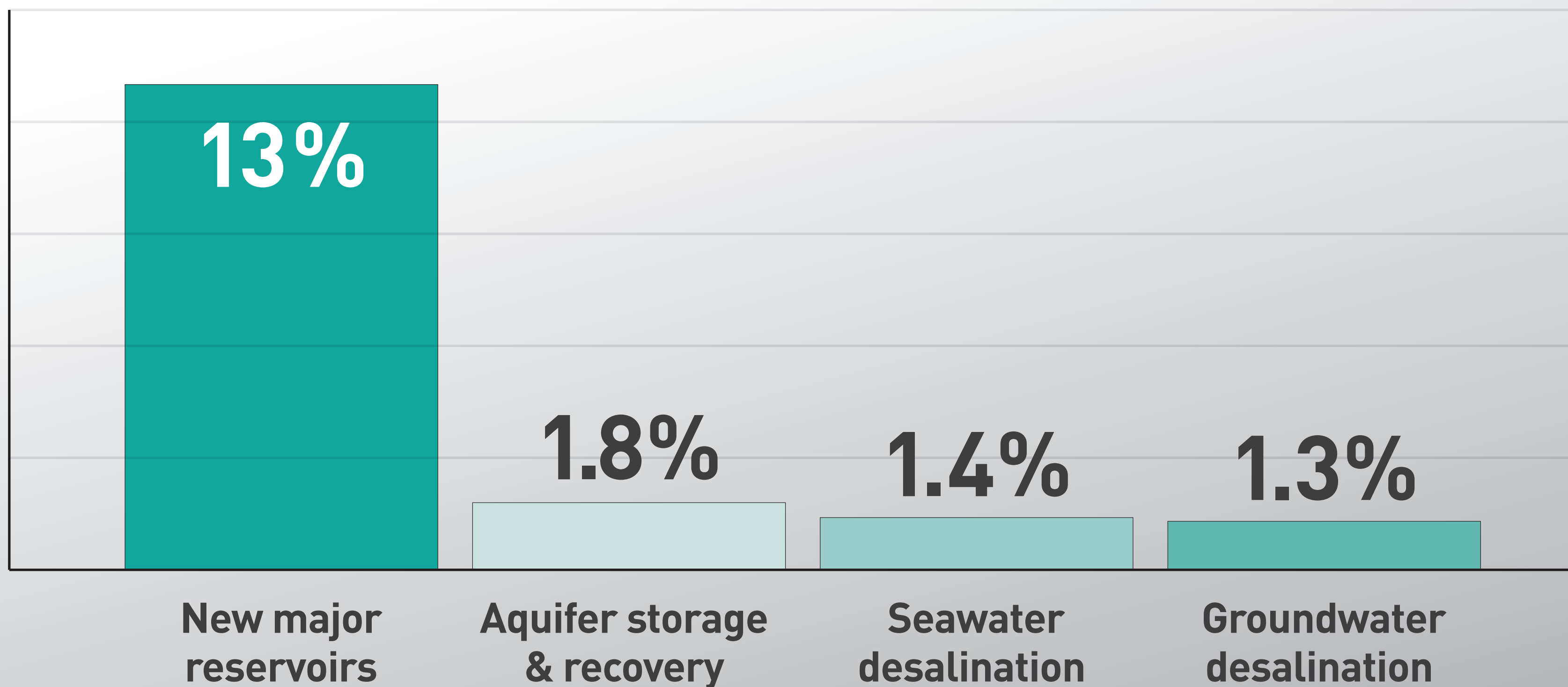
Fair share is NOT the rule of capture. Fair share is NOT use-based management. Fair share is based on the principle of correlative rights — a structure that is right and needed for brackish groundwater production.



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SOMETHING'S WRONG WITH THE STATE WATER PLAN!

SHARE OF RECOMMENDED WATER STRATEGIES IN 2070



Unrealistic expectations?

Some current state lawmakers and water leaders have expressed strong doubts about new major reservoirs being built in Texas to meet future water needs. On the other hand, Texas holds about 2.7 billion acre feet of brackish groundwater in our aquifers and has 367 miles of coastal access to seawater. The projections above are an extrapolation of current numbers which include unrealistic surface water supply expectations.



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WHERE DOES THE BUCK STOP?

Too often in the courthouse.

Groundwater Conservation Districts (GCDs) are exempt from agency oversight by TCEQ to ensure their rules and management policies are based on best science and are consistent with legislation and legal rulings. Without accountability, the typical resolution for property owners can be costly and time consuming litigation with GCDs.



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PERMITTING UNCERTAINTY
DISCOURAGES OPPORTUNITY



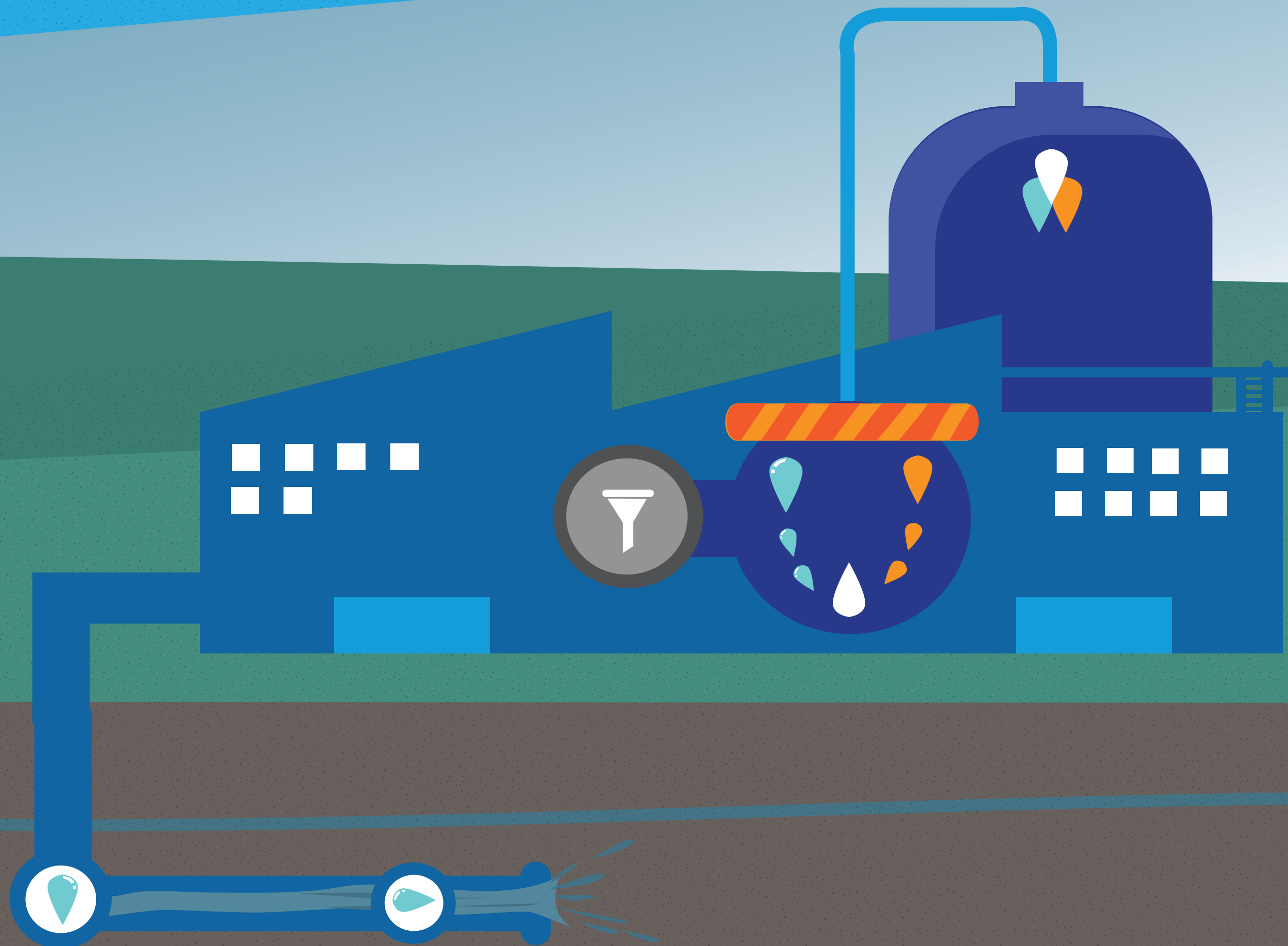
Permitting vs Private property rights

Brackish groundwater development involves a considerably higher financial risk for water resource managers and developers due to the uncertainty and inconsistency in permitting processes. Thus, water managers and investors are hesitant to invest in large-scale brackish groundwater projects that could help Texas solve its long-term water supply needs.



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WHAT DOES TEXAS DESAL WANT?



Balance. Fair Share. Water Security.

The Texas Desalination Association supports balanced policies between GCDs, property owners, and water resource developers that allow fair access to brackish groundwater supplies in Texas. We believe this will keep Texas on a solid path toward economic development and water security.



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