



GROUNDWATER MANAGEMENT DISTRICTS ASSOCIATION

RESOLUTION No. 3

"TO AMEND THE PUPFISH DECISION"

WHEREAS, the United States Supreme Court in their decision in the Cappaert et al vs. United States et al - the Nevada Pupfish Case - established a dangerous and damaging precedent in usurping state water laws and the economic welfare of groundwater owners; and

WHEREAS, the Pupfish decision denied the Cappaert's right to the economic and beneficial use of their private property, the groundwater beneath their land, without due process or compensation; and

WHEREAS, the Pupfish decision has already been cited to expand the Federal interests over the control of groundwater; and

WHEREAS, the magnitude of the implications of the Pupfish decision is such as to permit its expansion to confiscation of ground and surface water supplies and the complete abrogation of state water laws by the Federal government and related Federal interests:

BE IT THEREFORE RESOLVED, that the Groundwater Management Districts Association urges the U. S. Congress to adopt legislation specifically reserving to the Federal government and other Federal interests only that water beneath or upon Federal Reserve lands so long as such waters naturally tarry beneath or upon such lands, and specifically restrict and limit Federal powers to only such water, and prohibit the grossly inequitable confiscation of groundwater as set forth by the U. S. Supreme Court's decision in the Nevada Pupfish Case.

ADOPTED, this 9th day of December, 1976.