



State of Connecticut
SENATE

SENATOR MICHAEL A. McLACHLAN
TWENTY-FOURTH SENATE DISTRICT

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JUDICIARY COMMITTEE

February 27, 2015

Dear Senator Kennedy, Representative Albis, and Distinguished Members of the Environment Committee,

I am State Senator Michael McLachlan, and I am testifying today in support of Senate Bill 363, *An Act Requiring The Department Of Energy And Environmental Protection To Conduct A Study Of Private Property Owners' Water Rights*.

This legislation would require the Commissioner of Energy and Environmental Protection to conduct a study of private property owners water rights, especially concerning said property owner's rights to groundwater located on their property. This will help clarify if any corporation, municipality, person, or authority has any rights to utilize that groundwater that is located on private property.

It is true that the issue of water rights is one that is seen more in the West, where some states have a separate water court system to address these rights. I have heard concerns from my constituents, however, that they are not sure if they have absolute ownership of the ground water on their private property.

If absolute ownership is the rule in Connecticut, where the property owners owns the soil beneath their property and the groundwater it contains, how is it possible for the state to stake claim to it?

If the state can stake claim to private property groundwater, do they have the right to transport the water anywhere they like?

These are some of the question that this legislation would answer if it is passed.

Water is the greatest natural resource, and private property owner's right to groundwater on their land needs to be clarified in the state, sooner than later, to insure that some of the legal battles that are currently taking place in our Western states does not happen here in Connecticut.

Thank you for your consideration.

Sincerely Yours,

A handwritten signature in cursive script that reads "Michael A. McLachlan".

Michael A. McLachlan
State Senator - 24th District