September 2, 2016

Bob Zimmer  
GMA #1 Chairman  
C/O North Plains GCD  
PO Box 795  
Dumas TX 79029-0795

RE: Public Hearing Information for GMA #1

Dear Mr. Zimmer:

The High Plains Underground Water Conservation District No. 1 conducted two public hearings to receive comments on the proposed Desired Future Conditions (DFCs) for aquifers located in Groundwater Management Areas 1 and 2.

The first hearing was held June 14, 2016 at the Plains Land Bank office, 5625 Fulton Avenue in Amarillo. There were six persons signed in for the hearing. No one offered public comment regarding the proposed DFCs.

The second hearing was held July 12, 2016 at the High Plains Water District office, 2930 Avenue Q, in Lubbock. There were four persons signed in for the hearing. Of these, only one offered public comment. Mr. Kelly Young, representing the Protect Water Rights Coalition, thanked the HPWD Board for their approach in developing the proposed DFCs. Mr. Young offered no comment on the DFCs themselves.

The attached written comments were received from J. Collier Adams of Morton.

Supporting materials for these DFCs were available to the public at the HPWD office and on the district’s website (www.hpwd.org) from April 21 – July 25, 2016.

Notice of these hearings were provided to the public as shown on the enclosed sheets.

Please feel free to contact our office at (806) 762-0181 if we can be of additional assistance.

Sincerely,

Jason Coleman, P.E.  
General Manager

JC/ccm
No local government or other subdivision of the State of Texas can be given via *ex post facto* legislation the ownership right, and cannot otherwise assume the authority, to determine and enforce against the will of the true owner the "future condition" of any private land or private land rights which were *conveyed in perpetuity to the private landowner in absolute indefeasible fee simple title through the State's Land Patent* as evidenced in the permanent land records of the General Land Office which grants through mesne *conveyances "Forever all right, title and interest of the State of Texas".*

Such attempts at the severance of private property groundwater estates for agency purposes go beyond unlawful uncompensated common law encumbrances because such third world-style expropriations *abolish the private character of land by converting the private use of the land to state agency purposes of preserving the aquifer* which, regardless, began as a dry geologic formation.

Slavery is defined as submission to a dominating influence.

Slavery is also defined as "that civil relation in which one man has absolute power over the life, fortune, and liberty of another." A slave is one who, in part, cannot "... have anything, or acquire anything, but what must belong to his master". Black's Law Dictionary Fifth Edition.

The land is being taken through the trickery of "future conditions", in part or in whole, such that the owner now works on another's land for other purposes, that is, the preservation of the aquifer. See Water Code sec. 36.108 (d-2) for reference to the illegitimate ad hoc balancing test between fundamental ownership rights and *radical agency goals of preservation that abolish private property in the groundwater estate*.

"Future conditions" (they are not desired) when applied to private property are more accurately described as involuntary (civil law) servitudes prohibited by the 13th Amendment.

A servitude is defined as "A charge or burden resting upon one estate for the benefit or advantage of another; a species of incorporeal right derived from the civil law (see Servitus) and closely corresponding to "easement" of common-law, except that "servitude" rather has relation to the burden or the estate burdened, while "easement" refers to the benefit or advantage or the estate to which it accrues." Id.

*Servitus* (from Latin [think the absolutism of Roman Law rejected by the US Constitution]) "In the civil law, slavery; bondage; the state of service. An institution of the conventional law of nations, by which one person is subjected to the dominion of another, contrary to natural right." Id.

Involuntary servitude. "The condition of one who is compelled by force, coercion, or imprisonment, and against his will, [think massive daily TCEQ fines] to labor for another, whether he is paid or not. Ex parte Wilson, 114 US 417, 5 S.Ct. 935, 29 L.Ed. 89; In re Slaughterhouse Cases, 83 US (16 Wall.) 69, 21 L.Ed. 394; Robertson v. Baldwin, 165 US 275, 17 S.Ct. 326, 41 L.Ed. 715. Slavery, peonage, or compulsory labor for debts; all of which are prohibited by the 13th Amendment, U.S. Const." Id.
On occasion I hear repeated in the regional European-style planning meetings the mantra that "We are just following the law". One should keep in mind that the legislature cannot simply pass any law it is tricked into and everything will be okay because "It is fundamental that the Constitution is the paramount law of the state and cannot be altered by legislative amendments." Jones v. Ross, 173 SW2d 1022, 1024 (Tex. 1943).

J. Collier Adams, Jr.

109 W. Washington Ave.

Morton, Texas 79346

806 266-5582
Please read into record for the June 14, 2016 public hearing:

In accordance with Chapter 36.063 and 36.101(d) of the Texas Water Code, notice of today’s public hearing was:

-Filed with the Texas Secretary of State’s office in accordance with the Open Meetings Act. (May 26, 2016)

-Posted on the front window of the High Plains Underground Water Conservation District office. (May 26, 2016)

-Filed with the Lubbock County Clerk’s office. (May 26, 2016)

-Provided to each County Clerk within the district. (May 26, 2016)

-Published in the legal notices of the June 1, 2016 editions of the Amarillo Globe-News and the Lubbock Avalanche-Journal, two newspapers of general circulation within the district.

-Published in the May 27, 2016 electronic issue of The Cross Section.

-Published in the May 2016 print issue of The Cross Section.

-Provided to the media as a news release and a radio announcement.

-E-mailed to the High Plains Underground Water Conservation District Board of Directors.

-Mailed to all High Plains Underground Water Conservation District County Secretaries (May 26, 2016).

-Posted to the High Plains Underground Water Conservation District’s web site at www.hpwd.org

-In addition, a copy of the proposed desired future conditions (DFCs) is available for public inspection at the HPWD office during normal business hours, from April 21 to May 25, 2016.
Please read into record for the June 14, 2016 public hearing:

In accordance with Chapter 36.063 and 36.101(d) of the Texas Water Code, notice of today’s public hearing was:

- Filed with the Texas Secretary of State’s office in accordance with the Open Meetings Act. (May 26, 2016)

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