

Lake Medina Conservation Society

P.O. Box 390, Lakehills, Texas 78063



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Newsletter, Winter 2017

Lake Medina Conservation Society and the Save Medina Lake Committee invite you to the 2017 Membership Meeting.

On Monday evening [January 8, 2018](#) at 6 pm LAMCOS and Save Medina Lake Committee will host the 2017 Membership Meeting at the Lakehills Civic Center, 11225 Park Rd. 37. We hope you will be able to join us to learn about the gains and achievements made to protect Lake Medina and the challenges that are ahead.

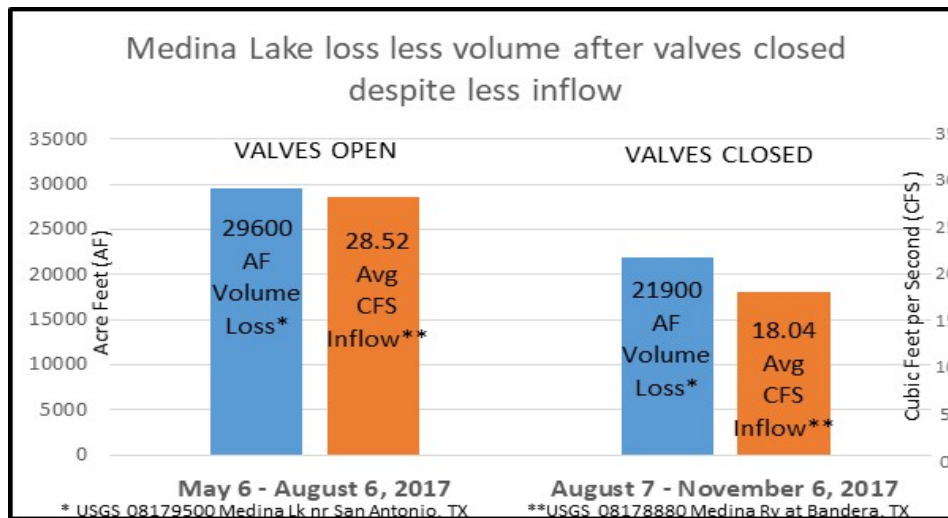
Save Medina Lake Committee

Once again 2017 proved to be a very busy year for the Save Medina Lake committee (SML). It's hard to believe that our committee has been working for 5 years now to conserve and protect the water in Medina Lake!

After intense pressure from SML during this past year, BMA is now publishing when the Medina Lake valves and Diversion Lake irrigation canal gates are open and closed on their website. See the following website – WWW.BMA.org.

We continue to monitor the accuracy of the valves and gates status as published on BMA's website by using pilot reports who fly over the area.

The valves on Medina Lake have been closed since August 6th and although the lake volume continues to drop during this past dry summer and fall, it is not dropping as fast as before when the valves were open, despite less inflow. See the below chart from United States Geological Survey (USGS) data.



It is VERY unfortunate that BMA purposefully wasted more than 17,000 AF of water last year, under the guise of meeting permit requirements, when they unnecessarily opened the valves on Medina Lake to drop the lake level below the spillway level. This wasted water would be helpful in the lake now!

Earlier this year SML raised the awareness with San Antonio Water Systems (SAWS) and USGS that prior studies of Medina Lake did not consider the fact that Medina Lake’s valves were opened during the studies. As a result, SAWS has commissioned USGS to perform a new study to re-evaluate Medina Lake’s importance in recharging the Edwards Aquifer. For the new study, 1 weather station has been installed to measure south winds and evaporation rates (see photo below). USGS continues to search for a another location along the eastern shoreline from Reuters Cove south to one mile past Cherry Cove near private roads 274 & 275 or private roads 2621 & 2622 to install a 2nd weather station to measure the north winds. **If you know of a location that may be available** please send an email to water@SaveMedinaLake.com.



SML has been working diligently since the last meeting to achieve our goal to Save Medina Lake so that it is never DRAINED DRY AGAIN. So, be sure and attend the upcoming LAMCOS meeting so we can share with you what has been done over the last 12 months, including our analysis of BMA's water sales which revealed some VERY surprising information about their district and operations.

It is only thru your support that all of this has been possible. We look forward to seeing and talking with you on Monday, January 8.

Medina Lake: 68.2% full as of 2017-12-06

Full information about Medina Lake's current condition and history is available at <https://www.waterdatafortexas.org/reservoirs/individual/medina>.

Legal Update - BCRAGD vs BMA

In our previous newsletter we reported on the January 7, 2016 ruling in the court case of BCRAGD v. BMA. Below is a summary of that ruling and an update of activity in the case since BMA appealed the ruling of the lower court.

Bandera County River Authority and Groundwater District

V.

Bexar-Medina-Atascosa Counties Water Control and Improvement District Number One

No. CV-13-351

198th District Court

On April 15, 2016 Judge Emerson wrote "the Court, after examining the record, evidence and arguments of counsel, GRANTED Plaintiff's Motion in all things with ORDER and OPINION DATED January 7, 2016.

1. The January 7, 2016 order is adopted herein in full.
2. The January 7, 2016 order recognizes BMA's statutory authority to regulate privileges on property BMA owns in fee simple in Bandera County.
3. The January 7, 2016 order recognizes BCRAGD's regulatory authority over all property in Bandera County within the boundaries of the district, including any property owned by BMA in fee simple or any easements owned by BMA, if any.

4. The court makes the following declarations: That defendant Bexar Medina Atascosa Counties and Improvement District No. 1 has no jurisdiction in Bandera County to:
 - a) Inspect private or public water well;
 - b) Enforce any jurisdiction or rules over groundwater or surface water;
 - c) Investigate any type of alleged water well violation;
 - d) Promulgate any rules relating to groundwater; or
 - e) Exercise any regulatory enforcement rights as a water control and improvement district.

Defendant's Motion for Entry of a Scheduling Order is **DENIED**.

Defendant's Motion for New Trial is **DENIED**."

Below is the decision of the Appeals Court.

**Fourth Court of Appeals
San Antonio, Texas
No. 04-16-00536-CV**

**Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1
(BMA)
V.**

Bandera County River Authority and Groundwater District (BCRAGD)

On September 13, 2017 the fourth court of appeals filed its opinion on the BMA Appeal. The court wrote "Noting BMA raised its immunity defense for the first time on appeal, Bandera Water District further responds that if this court concludes BMA is immune from its claims, the cause should be remanded to the trial court to permit the Bandera Water District to add government actors as defendants to this lawsuit and to pursue an ultra vires claim against them". The Court also wrote "As previously noted, Bandera Water District request that we remand the cause to allow it to amend its pleading to pursue ultra vires claims against BMA's officers". The conclusion stated "The trial court's judgement is reversed, and the cause is remanded with instructions to allow Bandera Water District the opportunity to amend its pleading".

Since the Appeals Court decision remanding the cause back to the 198th District Court BMA has filed a petition with the Supreme Court of Texas in order to prevent this from occurring. That court action is pending the Supreme Court's decision as to whether or not they will hear the case. We will keep you posted on these developments as they are announced.

Lake Medina Conservation Society



It is time to renew your LAMCOS membership for 2018 by paying your dues. Your donations are needed and appreciated to help continue our efforts. During 2017 a new organization was incorporated as Friends of Save Medina Lake and gained approval as a 501(c)(3) organization. Contributions made to this organization are tax deductible.

Please print and complete the below form and bring to the meeting OR mail the completed form to **LAMCOS, P.O. BOX 390, Lakehills, TX 78063.**

Name _____ Date _____

Mailing Address _____ City _____ State _____ Zip _____

Phone _____ e-mail _____

LAMCOS Membership Dues (\$20.00)

\$ _____ Cash Check PayPal

Friends of Save Medina Lake, 501(c)(3) Donation

\$ _____ Cash Check PayPal

All donations go to support the work and expenses of Lake Medina Conservation Society and the Save Medina Lake Committee. There are no paid employees.