

Newsletter, Summer 2013

Board Members

State of Texas Permit System

Bobby Harris

President

The State of Texas considers surface water from rivers and lakes to be the property of the citizens of Texas. Surface water used from Lake Medina is permitted by the state through the Texas Commission for Environmental Quality (TCEQ) which also monitors and records the data. These permits function on a calendar year of January 1 thru December 31 of each year.

Karen Ripley

Vice President

Don Sloan

Secretary/Treasurer

The TCEQ permit for the Bexar-Medina-Atascosa Water Control Improvement District No. 1 (BMA) is approximately 46,000 acre feet per year and the San Antonio Water System (SAWS) permit is for 20,000 acre feet per year.

Ed Eades

TCEQ monitored water usage data for the past 8 years is as follows:

Director

Year	BMA Permit #2130-300	SAWS Permit #2130-301
2005	41,737 Acre Feet	10,235 Acre Feet
2006	45,686 Acre Feet	7,574 Acre Feet
2007	10,775 Acre Feet	0 Acre Feet
2008	32,806 Acre Feet	3,503 Acre Feet
2009	35,010 Acre Feet	9,298 Acre Feet
2010	17,103 Acre Feet	4,387 Acre Feet
2011	42,074 Acre Feet	9,892 Acre Feet
2012	16,301 Acre Feet	6,854 Acre Feet

Henry Bussey

Director

Dave Mauk

Director

Lake Medina Facts

Scott Solcher

Elevation of the crest of the spillway 1064.2 Ft. (1072.0*)

Director

Elevation of the top of the dam 1076.2 Ft. (1084.0*)

Elevation of lake level 8/18/13 979.4 Ft.

Lake level below spillway level 84.8 Ft.

Setting the Record Straight – Contributed by Dave Mauk, General Manager Bandera County River Authority and Groundwater District

Recently, Ed Berger the general manager of Bexar Medina Atascosa WCID # 1 (BMA), made some public comments outlining BMA initiatives that may have a direct impact on the citizens and businesses in Bandera County. As the general manager, Mr. Berger speaks for BMA. Normally, I would not comment on editorials or interviews published in the newspapers. However, I have received numerous calls from citizens in Bandera County voicing their concerns about Mr. Berger's comments so I feel compelled to respond.

BMA alleges that "illegal" water wells in Bandera County are drawing water from Medina Lake. Texas law provides that water from a well is presumed to be percolating groundwater and the property of the well owner ¹. BMA, which is not a groundwater conservation district, has no authority over water wells in Bandera County.

BMA alleges that illegal dams in Bandera County are restricting water from flowing to Medina Lake. Dams in Bandera County are regulated by TCEQ, not BMA. The Bandera County River Authority and Groundwater District does not have any knowledge of any illegal dams on the Medina River. If our District found evidence of an illegal dam we would immediately notify the TCEQ South Texas Water Master, as we have done this in the past.

BMA states that water wells drilled around Medina Lake are required to be drilled to the Lower Trinity Aquifer. This statement is not true and has no basis in fact. There are absolutely no rules or laws requiring that the wells must be drilled into that particular aquifer. BMA does not have regulatory authority over private, exempt water wells, or permitted water wells, in Bandera County.

BMA stands for Bexar, Medina, and Atascosa. The Texas Court of Civil Appeals ruled in the case of Bexar Medina Atascosa Water Improvement District No. 1(BMA) vs. George and Joan Wallace No 16520 that "***BMA had no extra territory jurisdiction in Bandera County*** ²." Bandera County is not within their jurisdiction; their jurisdiction is in Bexar, Medina, and Atascosa counties.

The Bandera County River Authority and Groundwater District was originally formed by the State Legislature in 1971 as a River Authority and a ***Water Control and Improvement District*** ³. Mr. Berger recently stated that we are trying to become a water control and improvement district. However, the District has been a water control and improvement district (WCID) since our creation in 1971. The legislature set out our boundaries as the County of Bandera.

The Bandera County River Authority and Groundwater District's Board of Directors has adopted the following mission statement. "**The principal mission of the Bandera County River Authority and Groundwater District is to protect and preserve the County's water and natural resources for the citizens of Bandera County. The District is also tasked**

with maintaining local control of the County's water resources to help safeguard the property rights of the citizens of Bandera County."

I can guarantee that the Bandera County River Authority and Groundwater District intends to aggressively implement that mission statement. Dave Mauk, General Manager

1. Texas Water Code Chapter 36.001 Definitions, 36.002 Ownership of Groundwater.
2. Texas Court of Civil Appeals Opinion N0 16520.
3. Chapter 629, Acts of 62nd Legislature, Regular Session, 1971.

TCEQ Drought Management

Hill Country lakes originally created in the low population areas for flood control, irrigation, and municipal use now have communities developed around them and concerns about low lake levels have intensified. Discussion about the uncontrolled use of water for irrigation during times of drought is taking place in the Texas Legislature because of the economic impact to communities, businesses and the tax base of counties and school districts. A Travis County study showed tax revenues closely followed lake levels.

In 2012 the Texas Commission for Environmental Quality (TCEQ) authorized the Lower Colorado River Authority (LCRA) Drought Management Plan which restricted irrigation water dependent on the Colorado River basin for the first time. Unless there is substantial rain in 2013 it is unlikely water will be allowed for irrigation for a second year. Because Hill Country lakes have become generators for economic activity agricultural influence is decreasing. It is likely there will be minimum conservation pool levels which restrict irrigation during extreme droughts in the future. This approach would be very helpful for the Medina River basin.

Medina River Protection Fund, Inc.

LAMCOS supported the thirteenth annual Medina River Cleanup which was held on May 4, 2013 at the Bandera City Park. Participants from many parts of the state joined with Bandera County residents to clean 50 miles of the river above the Bandera City Park. Of this distance 13 miles had to be cleaned on foot only as there was not enough water to float canoes. All 184 volunteers were provided with a free t-shirt promoting the cleanup and food service from 9 am – 6 pm. Entertainment was provided by Rodney Joe Smith and John "Woody". Free camping with hot showers was also available complements of Pioneer River Resort . For details visit the MRPF, Inc. web site at www.medinariver.net.

If you have had any changes or are sending in your membership dues, please complete (PRINT) and mail to LAMCOS, P.O. BOX 390, Lakehills, TX 78063.

Dues are \$10.00 per person or \$15.00 per family. Any and all donations are appreciated.

Name _____ **Date** _____

Address _____

Phone _____ **e-mail** _____

Dues _____ **Donation** _____