

No. CV-13-351

**BANDERA COUNTY RIVER
AUTHORITY AND GROUNDWATER
DISTRICT,
*Plaintiff***

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IN THE DISTRICT COURT

v.

198TH JUDICIAL DISTRICT

**BEXAR-MEDINA-ATASCOSA
COUNTIES WATER CONTROL AND
IMPROVEMENT DISTRICT No. 1,
*Defendant.***

BANDERA COUNTY, TEXAS

AMENDED FINAL ORDER

On December 17, 2015, Plaintiff Bandera County River Authority and Groundwater District's ("BCRAGD") Motion for Traditional and No-Evidence Summary Judgment, and Defendant Bexar Medina Atascosa Counties Water Control and Improvement District No. 1's ("BMA") No Evidence Motion for Summary Judgment came to be heard at the Bandera County Justice Center, 3360 State Highway 173 North, Bandera, Texas, 78003. The Court, after examining the record, evidence and arguments of counsel, found that it has jurisdiction of this case and of all parties, and that no other court has continuing, exclusive jurisdiction of this case.

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.

On March 21, 2016, Defendant BMA's Motion for Clarification of Order came to be heard at the Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028. The Court hereby clarifies the January 7, 2016 Order and issues this FINAL ORDER as follows:

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 Water Control and Improvement District No. 1 has no jurisdiction in Bandera County to:


- a) Inspect private or public water wells;
- b) Enforce any jurisdiction or rules over groundwater or surface water;
- c) Investigate any type of alleged water well violations;
- 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.

This Judgment is final, disposes of all claims and all parties (save and except for the amount of Plaintiff's attorney's fees), and is appealable.

SIGNED this 15 day of April, 2016.



HONORABLE REX EMERSON,
DISTRICT JUDGE

FILED
2016 APR 19 PM 1:06
TAMMY KHEUPER, DIST. CLERK
BANDERA COUNTY, TEXAS
BY Alma Baker
DEPUTY