

Lake Medina Conservation Society

P.O. Box 390, Lakehills, Texas 78063



Newsletter, Spring 2019

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Lake Medina Conservation Society and the Save Medina Lake Committee invite you to the 2019 Membership Meeting.

On Thursday evening April 18th at 6 pm LAMCOS and Save Medina Lake Committee will host the 2019 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 2018 proved to be a very busy year for the Save Medina Lake committee (SML). It's hard to believe that our committee is now in the 7th year of working to conserve and protect the water in Medina Lake!

SML continues to monitor Medina Lake's valve and Diversion Lake's irrigation gate status by using pilot reports who fly over the area for this purpose. At one point, BMA published both statuses on their website WWW.BMAWATER.ORG however now they only publish the Diversion Lake irrigation gate status. One can only guess why BMA continues to keep vital information such as the status of the Medina Lake valves from the public. BMA has also stopped making videos of its board meetings after videos obtained by SML showed their meeting minutes did not accurately reflect what actually happened.

The valves on Medina Lake have been closed since August 13, 2018 which allowed the lake to fill to full capacity from the fall and winter rains. Recent research, however, indicates that more aggressive water conservation is needed due to changes in the local climate. For the decade of 2007 to 2017 river inflow was down by 56% due to a 25% lower rainfall than in the preceding 17 to 25 years.

USGS is now in the 2nd year of a new study commissioned by SAWS to re-evaluate Medina Lake's importance in recharging the Edwards Aquifer. We would like to thank Gary Cox and Garrett and Pam Van Delden for allowing USGS to install weather stations on their shorelines for this very important study for Medina Lake.

In the last decade, irrigation from Medina Lake has declined by more than 50%, lake inflow has declined by more than 50%, and Medina Lake has become a major financial driver for the surrounding counties. These dramatic changes urgently call for a new water management approach. Therefore, in late 2018 SML began a bold initiative to effect such change. This process has already involved several visits to Austin and securing the services of a well-known lobbyist and water-rights attorney. Because of the costs of this initiative, SML is urgently requesting donations (through LAMCOS or SML) to support the cost of the "Austin initiative". Never before has your financial support been more critical than it is now!!

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 2nd 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 Thursday, April 18th at the Lakehills Civic Center.

Medina Lake: 99.7% full as of 3/14/2019

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.

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

V.

Bandera County River Authority and Groundwater District (BCRAGD)

No. 04-16-00536-CV

Fourth Court of Appeals

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”.

After the Appeals Court decision remanding the cause back to the 198th District Court BMA filed a petition with the Supreme Court of Texas in order to prevent this from occurring. The Supreme Court refused to hear the case.

On 10/18/2018 BCRAGD filed its second amended petition against BMA, its Board of Directors, its Operation Manager and its Office Manager seeking a Declaratory Judgement that BMA has no jurisdiction in Bandera County.

On 12/21/2018 BMA filed a motion to transfer the venue to Medina County. A hearing has been set in June in 198th District court in Bandera to decide this issue.

We will keep you posted on these developments as they are announce

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It is time to renew your LAMCOS membership for 2019 by paying your dues. Please consider making a donation for 2019. Your donations are needed and appreciated to help continue our efforts.

Please print and complete the below form and bring to the meeting OR mail the completed form with your dues and hopefully a donation to LAMCOS, P.O. BOX 390, Lakehills, TX 78063.

Name _____ Date _____

Mailing Address _____ City _____ State _____ Zip _____

Phone _____ email _____

LAMCOS Membership Dues (\$20.00) and Donations

\$ _____ 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.