

Board Members

Bobby Harris

President

## Newsletter, Autumn 2013

### LAMCOS MEETING DECEMBER 4, 2013

Karen Ripley

Vice President

Sharon Sloan

Secretary

**The Lake Medina Conservation Society will conduct a membership meeting on December 4, 2013 at the Lakehills Civic Center located at 11225 Park Road 37. The meeting will begin at 6:30 pm. There will be an update and discussion on legal issues currently underway in Bandera County regarding Lake Medina.**

Don Sloan

Treasurer

### Save Medina Lake Committee

Ed Eades

Director

Henry Bussey

Director

Dave Mauk

Director

A special committee of LAMCOS members has been formed. The SaveMedinaLake.com committee will explore ways to inform and educate the public on what can be done to protect Lake Medina. A reference article on what is being done regarding water in Lakes Travis and Buchanan can be found at:  
[http://www.texastribune.org/2013/11/01/lcra-proposes-emergency-drought-measures/?utm\\_source=texastribune.org&utm\\_medium=alerts&utm\\_campaign=News%20Alert:%20Subscriptions](http://www.texastribune.org/2013/11/01/lcra-proposes-emergency-drought-measures/?utm_source=texastribune.org&utm_medium=alerts&utm_campaign=News%20Alert:%20Subscriptions). This committee is being chaired by Henning Eilert-Olsen. Check out their new web site and facebook page.

<http://www.savemedinalake.com>

Scott Solcher

Director

<https://www.facebook.com/Savemedinalake>

## **“BCRAGD moves to challenge BMA in court”**

On 10-24-2013 the BANDERA COUNTY COURIER published the following article by Carolyn B. Edwards, Staff Writer.

“The Bandera County River Authority and Groundwater District's board of directors decided to throw down the gauntlet to the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (BMA-WCID) regarding BMA's rights in Bandera County.

At a called meeting held Tuesday, Oct. 22, the BCRAGD board voted unanimously (only Director Sid Gibson being absent) to authorize the district's counsel, Richard Mosty, to file a Declaratory Judgment Lawsuit naming BMA-WCID following an executive (closed) session with the attorney. The motion, made by Director Jerry Sides, and seconded by Director Don Kruckemeyer, authorized Mosty "to seek a Declaration of Rights of BMA against the Rights of the District [BCRAGD] within Bandera County as both a Water Control Improvement District and a Groundwater District."

Mosty filed the suit immediately following the close of Tuesday's meeting.

BCRAGD General Manager David Mauk says Texas law prohibits two water districts from having overlapping jurisdictions.

BMA has been laying claim to all of Medina Lake's lakefront property almost since its inception in December 1924, alleging that the water district has "record legal title to the lakefront below Elevation 1084." The WCID, which has irrigation rights to the water in Medina Lake, bases its claim on a warranty deed executed in 1917 from Joseph F. Spettle et al to The Medina Valley Irrigation Company (MICO). MICO, the company that built the dam, designated the top of the dam at that time at 1,084 feet above sea level.

Recent surveys have established that the actual height of the dam is 1,076 feet.

BMA-WCID has used numerous opportunities to try to establish its right to property in Bandera County.

BMA twice blocked attempts by the BCRAGD to change its election date by placing amendments on the change of election bills in the Texas Legislature. The amendments included wording that would have legislatively acknowledged BMA-WCID's alleged rights to property in Bandera County below the 1084 line. In the first instance, BCRAGD opted to drop the bill. In the second instance, during this year's legislative session, behind the scenes work by Bandera County's state representative Harvey Hilderbran and lobbyist Greg Ellis eliminated the amendment. However the election change bill was the victim of last minute legislative session maneuvering.

Earlier this year, the BMA-WCID board voted to finance a study to determine if

"illegal" wells are pumping water out of the steadily shrinking Medina Lake pool, and if upstream dams are reducing "the historic recharge of the basin to the lake." In a Courier interview in the June 20, 2013 issue, BMA business manager Ed Berger again asserted that BMA has historically had legal control of lakefront property below the 1084 line.

In 2007, BMA reached an agreement with its Waterfront Property Owners Association in which the WPOA members acquired a perpetual easement to their lakefront property. Berger says over 440 people have signed that agreement. On the other hand, LAMCOS, the Lake Medina Conservation Society, is an organization founded at least in part to support lakefront property owners who disagree with BMA's position of entitlement.

BMA continues to make its claims to the land below the 1084 line in Bandera County despite the fact that the Texas Court of Civil Appeals ruled in 1981 that BMA has no jurisdiction in Bandera County. In Case No. 16520, BMA v Wallace, the court also ruled that the warranty deed upon which BMA asserts its ownership, executed in 1917 from Joseph F. Spettle et al to The Medina Valley Irrigation Company, had an insufficient description of the disputed tract of land to be enforceable.

On Thursday, Oct. 10, Bandera County commissioners voted to file an intervention in a property case dispute (see story, Oct. 17 issue) in which BMA-WCID had previously filed an intervention, once again asserting their rights to property in Bandera County. There have been further developments in that story (see more on page 1A.)

This week's legal maneuvering by BCRAGD may be the first step in what most likely will be a long legal process to finally establish through the courts that BMA has no jurisdiction in Bandera County.”

---

**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** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_ **City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Phone** \_\_\_\_\_ **e-mail** \_\_\_\_\_

**Dues** \_\_\_\_\_ **Donation** \_\_\_\_\_