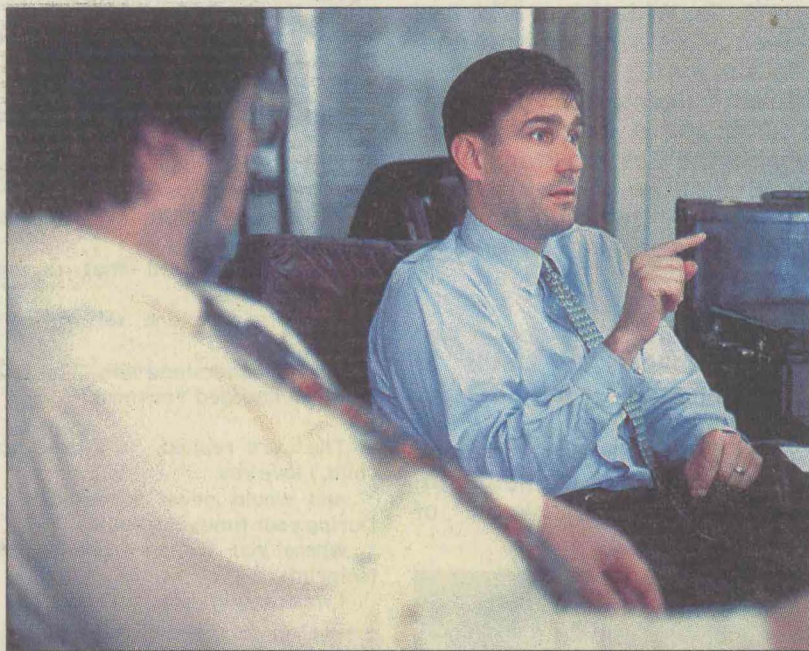


Aquifer ruling under fire

Brady wants to protect Hickory reserve; Angelo wants to tap more



S-T Photo by Mike Howell

Attorney Lynn Sherman (right) and Brady City Manager Dennis Smith say they're fighting a water district ruling that would allow San Angelo to operate 22 wells in the Hickory Aquifer. Brady appealed immediately following the district's meeting Thursday.

By **BILL MILLER**
Staff Writer

BRADY - Neither San Angelo nor Brady are satisfied with a water district ruling made Thursday in their dispute over the Hickory Aquifer, and Brady promptly went to the courthouse to escalate the fight.

The Hickory Underground Water Conservation District No. 1 ruled that San Angelo could apply to drill for 2,750 acre feet of water a year, but only in an emergency, and with several conditions attached. To access the wells, San Angelo must prove a definite need and show that its pumping won't deny water to other users.

The ruling disappointed San Angelo officials who want the option of tapping the aquifer for 15,000 acre feet annually in the next century. The water would augment existing supplies in the Twin Buttes and Ivie reservoirs.

But Brady responded by filing an appeal in the 198th District Court immediately after the board's meeting in the Heart of

Texas Civic Center. A hearing will be scheduled by presiding Judge Emil Karl Prohl.

Brady City Manager Dennis Smith said Brady and other communities believe San Angelo's request may be excessive. He said they merely want to protect their water interests in the aquifer which flows beneath Mason, Menard, McCulloch, San Saba and Concho counties.

"An aquifer is not a renewable resource and it concerns other users because we have a vested interest in it as well," Smith said. "In the case of these peanut farmers out here, it could put them out of business if the aquifer was drawn down too far."

Mayor Dick Funk assailed the ruling. He said the amount of water approved by the board is too scant to justify investing in a pipeline and pumps.

"We bought something that was quite reasonable, that would be a viable emergency water supply for us, and they essentially

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have taken that away from us, as far as I'm concerned," Funk said.

The agenda for the City Council's Tuesday meeting was amended Thursday afternoon to include notice of a closed session to discuss the aquifer dispute.

Brady officials, however, made no secret about what riles them.

They claim San Angelo failed to show that its council approved the permit applications. Austin attorney Lynn Sherman, counsel for Brady, said state law requires the endorsement by resolution or ordinance.

Sherman said the applications, submitted in January, were signed by City Manager Tom Adams with no indication of council approval.

He asserted that the applications are invalid and,

therefore, the water district has no jurisdiction to approve them.

Not so, argued Adams, who attended the hearing.

Adams said the council has given proper approval, but since he is new to the city, he could not testify when it was given. He assured that the information will be sent to the board.

Adams was unsurprised that Brady appealed the board's ruling which, he indicated, is also unsatisfactory to San Angelo.

He explained that the city purchased a well field in McCulloch County in the 1970s to ensure an emergency supply of aquifer water.

San Angelo already has nine capped wells and would like to drill 13 more. Once needed, the water would be pumped north to connect with the Ivie Pipeline.

"Our current sources are reservoirs that depend on rainfall," Adams said. "The aquifer is a guaranteed backup.

"We'll be talking with the mayor and council

about what happened and where we go from there."

But Brady officials also argue that San Angelo's requests are unnecessary as long as it has no immediate need for the water.

"Our point is that whenever San Angelo comes up with an application, they have to prove a need," Sherman said. "Everyone has got to do that, even if you're a peanut farmer. They haven't done that.

"The bottom line is these applications are wholly premature."

Funk said Brady officials don't understand that access to the water must be in place before an emergency occurs.

"Because when we need it," he added, "there won't be time to go through all of this. It will be critical and important that we know where we stand and can move to bring in the water we need at the time."

City Editor William Taylor contributed to this report.