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# West Texas

SAN ANGELO

## Water ruling may benefit area

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Staff Writer

A court ruling on San Angelo's rights to water in the Hickory Sand aquifer may bode well for other West Texas cities, according to municipal officials.

On Saturday, Senior District Judge Curt Steib signed a judgment emphasizing the city of San Angelo's rights in a lawsuit the city filed more than four years ago against Hickory Underground Water Conservation District No. 1.

The city purchased water rights to a 60-square-mile area in McCulloch, Concho and Menard counties in the early 1970s.

The water district, formed in 1982 with headquarters in Brady, passed rules the city of San Angelo claimed interfered with its water rights. Local officials called the rules discriminatory and said the district had exceeded its legal authority.

Steib partially agreed with the city, but his ruling left intact part of the water district's regulatory order.

The ruling stated the district and its operations

are subordinate "to the city's use and enjoyment of its water rights." It struck down a fee structure that could have cost the city about \$18,000 and provisions that required users to provide information about their other water sources.

Steib determined other rules to be legal, including provisions that allow the district to impose reasonable conditions on those seeking pumping permits.

"We think this is a significant and important victory for municipal users of underground water," San Angelo City Manager Stephen Brown said Monday. "It preserved the city's right to use that well field in the future."

The city has never pumped water from the aquifer or laid pipes from there to San Angelo, but has spent about \$1.8 million on the lease and drilled 10 wells.

The city managers of Midland and Abilene agreed that the ruling could be good news for some other West Texas cities.

"It can affect a number of cities throughout the state, especially in West Texas, where we transfer our water quite a distance," said Midland City Manager Fred Poe. "The city of

Midland is very much in the situation that San Angelo was."

Midland owns water rights in Winkler County, and though no water conservation district exists there now, some people have talked about forming one, Poe said.

Rick Illgner, Hickory water district manager, said he had not seen the judgment Monday.

"Based on what you've told me, I feel pretty confident and pretty good," he said. "The only conceptual thing (Steib) really had a problem with was the fee."

The district didn't intend to deny San Angelo water based on its alternate sources, Illgner said, but board members wanted that information to predict when wells would be used.

The district's board is set to meet in mid-May, but may call a meeting sooner to consider appealing the decision, Illgner said.

Brown said the city is prepared to protect its investment in the well field.

"We feel that Judge Steib's ruling fairly represents the law and will give the city a firm foundation if the water district should choose to appeal," he said.