

Increased Water Requests Concern Hickory Users

By LARRY SMITH

District Organized After Water Sold At Ford Ranch

Water has always been important to Brady and the Heart of Texas area, but request for increased production has created a fear that has citizens nervous and on edge.

In an exclusive interview Monday with *The Brady Standard*, Hickory Underground Conservation Water District No. 1 general manager Stan Reinhard discussed the situation, covering topics ranging from the 550 million-year-old Hickory Sandstone Aquifer to the legal problems with the City of San Angelo.

The district has a physical size of approximately 1,250,000 acres and includes portions of six counties—McCulloch, San Saba, Concho, Menard, Mason and Kimble.

The City of Mason has set an election for Aug. 10 to decide if the county wants the balance of its county to become a member of the water district.

"I feel it has a good chance to pass," Reinhard said. "The City of Mason is totally dependent on the Hickory aquifer for its water."

According to Reinhard, the Hickory Sandstone Aquifer is one of the oldest in Texas, being approximately 550 million years old. It was formed during the Cambrian geological era.

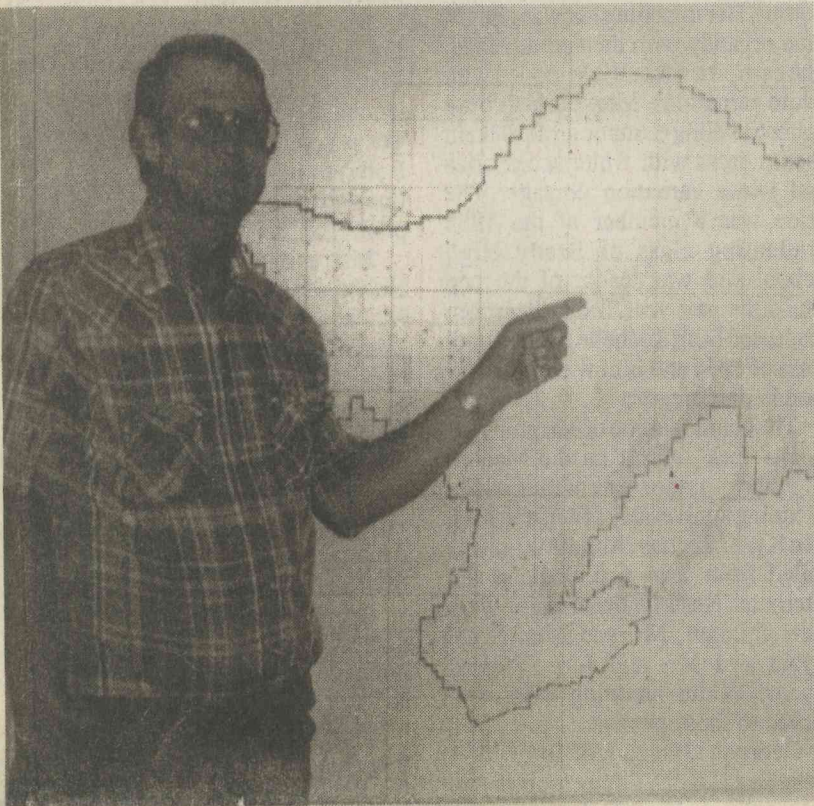
ACCORDING TO A report from the Texas Water Development Board in November 1995, there are nine major aquifers in Texas and 20 minor aquifers. The Hickory is considered a minor aquifer, but a complex one with "lots of faulting," Reinhard said.

He added that there are "at least three aquifers in McCulloch County on top of each other."

The Marble Falls aquifer is the shallowest with the Ellenburger-San Saba under it, followed by the Hickory under it.

The amount of water in the Hickory aquifer is unknown.

According to the TWDB report, the Hickory aquifer occurs in parts of



HICKORY WATER MANAGER Stan Reinhard points to Brady on the map of the district's aquifer. The district, the City of Brady and the City of San Angelo have been in a legal battle for the past decade.

19 counties in the Llano Uplift region of Central Texas.

The report offers this:

"Discontinuous outcrops of the Hickory Sandstone overlie and flank exposed Precambrian rocks that form the central core of the uplift. The downdip artesian portion of the aquifer encircles the uplift and extends to maximum depths approaching 4,500 feet.

"Most of the water pumped from the aquifer is used for irrigation. The largest capacity wells, however, have been completed for municipal water-

supply purposes at Brady, Mason and Fredericksburg.

"The Hickory Sandstone Member of the Cambrian Riley Formation is composed of some of the oldest sedimentary rocks found in Texas. In most of the northern and western portions of the aquifer, the Hickory can be differentiated into lower, middle, and upper units, which reach a maximum thickness of 480 feet in southwestern McCulloch County. In the southern and eastern extents of the aquifer, the Hickory consists of only two units. Block faulting has

compartmentalized the Hickory aquifer, thus restricting flow.

"Ground water from the aquifer is generally fresh, however, locally, the aquifer produces water with excessive alpha particles and total radium concentrations in excess of drinking water standards.

"The water can also contain radon gas. The upper unit of the Hickory produces ground water containing concentrations of iron in excess of drinking water standards."

THE OUTCROPPING of the aquifer runs along a line from Cherokee, to Voca, to Fredonia, to Katemcy, to Camp Air, to Streeter, Reinhard said.

"The aquifer runs from southeast to northwest," he explained, "and it drops approximately 150 feet per mile."

Brady has eight wells at a depth of approximately 1,700 to 2,200 feet.

"The farther northwest the aquifer goes, the deeper it gets," Reinhard said.

The Environmental Protection Agency entered the Hickory aquifer in recent years when it concluded that there indeed was radium 226 and 228 as well as gross alpha in the water.

"The radium in the water is called Natural Occurring Radiological Material (NORM) by hydrologists," Reinhard said.

He also believes that the EPA is undecided about the natural standard levels for radium in the drinking water as concerned to its safe drinking.

"People have been drinking this water for an awfully long time. And it does exceed the EPA's levels, but not by much," Reinhard said.

Reinhard, 49, a native of Guadalupe County (Seguin) is a graduate of Southwest Texas State University with a degree in agriculture.

He served as a district conservationist for the Soil Conservation Service in Mason County from 1975 to 1984 at which time he entered the real estate business.

He got into the water business in 1990 and became the Hickory Water District general manager in 1992.

His wife, Elaine, is the food service director for the Brady Independent School District.

They have two sons, Steven, 26, a graduate of SWTSU with a degree in recreational administration. He lives in Brooklyn, N. Y. and is employed by the YMCA. Daniel, 23, a graduate of the University of Houston, has a degree in hotel management and is a civilian management trainee at an Air Force base in Omaha, Neb.

REINHARD SAID that the Hickory Underground Water District No. 1 was established in 1982 with Rick Illgner as the initial general manager.

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Hickory Water District—

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Texas. There are currently 29.

He said the current water users of the water district use about 15,000 acre feet (the amount of water that covers one acre, one foot deep). There is about 325,860 gallons of water in an acre/foot. The usage in the district is approximately 4.9 billion gallons of water per year.

Reinhard said that the re-charge in the aquifer is normally between 8,000 and 9,000 acre/feet per year. "The water level in the aquifer is declining at a rate of .78 feet per year," he said.

The major reason for the establishment of the Hickory water district occurred when the City of San Angelo's interested raised concerns that water is a precious commodity and it became clear that there should be a way to manage it. The San Angelo water well field is located in western McCulloch, eastern Concho and northeastern Menard Counties.

The purchase was from the G. Rollie White Trust (Ford Ranch) and the Baptist Foundation of Texas (Noyes Ranch), and covers 37,633 acres of land.

The City of San Angelo drilled nine wells at a depth of approximately 2,400 feet. "The water level rises to between 400 and 500 feet," Reinhard said.

THE HICKORY WATER general manager explained that Texas' original water laws observe the "right-to-capture" rule, meaning that if a landowner drills a water well, he can use as much as he desires.

In the 1940s and 50s the state legislature began altering that law, authorizing water districts that could manage the underground water.

"Our primary purpose as a water district is to conserve groundwater, prevent waste and minimize draw-down of the water table. We basically are attempting to protect ourselves from ourselves," he said.

He continued that Texas water laws are vague and in some cases conflicting. Texas is one of the few states in the country that still has the right-to-capture law.

When it comes to water usage in the City of Brady, Reinhard said that Bradyites use about 2,000 acre/feet per year. "Brady is the biggest and the largest permit holder in the district.

"We have 210 permits in the district. Any well that produces over 25,000 gallons per day is required to have a permit. There is no charge for a permit at this time," he said. "But the water district has the authority to manage the water."

Last January, the City of San Angelo applied for a permit for the use of 15,011 acre/feet of water annually. "That figure is based on 22 wells pumping 24 hours daily at a rate of 423 gallons per minute which equals 682.3 acre/feet per well annually," he said.

Currently, the overall district usage is about 15,000 acre/feet per year.

According to Reinhard, the City of San Angelo plans to connect the wells in the Hickory aquifer to the 60-inch pipeline that was recently

completed from Lake Ivie to San Angelo.

"That distance from the Hickory field to Lake Ivie is approximately 40 miles," Reinhard said.

Legal action involving the Hickory Water District, the City of San Angelo and the City of Brady has heated up within the past couple of years.

The first action came in 1986 when San Angelo filed suit against the district, stating that the district did not have authority over San Angelo's water rights in the western portion of the aquifer simply because San Angelo had the rights prior to the establishment of the water district.

In 1991, Senior District Judge Curt Steib of San Angelo, representing the 119th Judicial District, ruled that the water district could not consider San Angelo's alternative sources of water in determining whether to grant a permit by the district.

SINCE THAT TIME, things were somewhat quiet until January 1995 when the City of San Angelo submitted a permit request for nine wells totalling 7,250 acre/feet of water.

In January of this year the City of San Angelo announced that it had changed its request for permits to 22 wells for a total of 15,011 acre/feet of water yearly.

The Hickory Water District's board of directors conducted a hearing in March on San Angelo's request, and reduced that request to 2,750 acre/feet per year for 22 wells.

"This was to meet unanticipated needs for San Angelo," Reinhard said.

During the hearing here in Brady, the City of Brady filed the suit in the 198th District Court exactly three minutes after the board approved Order 96-2. The suit was against the water district for granting the permit to the City of San Angelo.

A week later, Brady amended its suit to include the City of San Angelo, stating that the San Angelo City Council did not authorize its city manager to request 22 well permits and added that the City of San Angelo did not need the water.

A couple of more legal maneuvers since that time have kept attorneys for all three parties busy.

One issue that is still to be resolved is which district court has authority in the case.

San Angelo favors the 119th District with San Angeloan senior judge Curt Steib, presiding. Brady favors 198th District's senior judge Charles Sherrill.

At present the "water ball" is in Brady's court following Sherrill's denial of San Angelo's plea in abatement on June 11.

In the meantime, the Hickory Water District filed a writ of mandamus with the 3rd Court of Appeals in Austin on June 11 seeking the removal of jurisdiction from the 119th District Court.

A date for hearings in 198th District Court and the 3rd Court of Appeals has not been set.

"If all this sounds confusing, that's because it is," Reinhard said.

Hickory Aquifer Underlies Most of Hill Country

