

Editor:

On April 26, I delivered a position statement and request to the Medina County Commissioners' Court, asking that the threatening and misleading signage at Diversion Lake be clarified with new signs informing the public of its right to access the lake for recreation. Since then, the signs in the river have been removed, and we thank the Medina Ranch for this belated overture to lawfulness. In addition, I also petitioned the Court to remove at least one wing of the demonstrably illegal and obstructive fence that visibly encroaches on the county's 50-foot right-of-way. On May 5, an article appeared in the San Antonio Express-News, in which Medina Ranch board chairman Dr. John Williamson said, "The bottom line is that from the bridge you can get on the water."

Yes, Dr. Williamson, so we can. We can also put a man on the moon, and with only slightly more risk to life and limb than the treacherous and mean-spirited "access point" so grudgingly provided by the Medina Ranch and Medina County Commissioner's Court. Ignoring all the myriad controversy that has swirled around this issue for 70 years, and the many questionable practices still in evidence, let us concentrate on the single-minded disregard for humanity that has led to the evolution of this particularly fiendish contrivance.

I launched a small boat into Diversion Lake on May 5. Although I am a tall, strong, athletic man, I experienced notable and unacceptable difficulty in doing so. Imagine juggling a refrigerator over your head while negotiating a child's jungle gym, while simultaneously dodging the occasional passing vehicle. Add some large, slippery river rocks for good measure, and you have a small inkling of the degree of determination needed for your casual sportsman to "get on the water". Older, smaller or less intrepid adventurers should not attempt it.

What kind of mentality devises such a cynical and hazardous trap? Are we to choose between the abdication of our legal rights and the possibility of horrific injury? Neither alternative is palatable to me.

The situation should not exist. Interested parties should reference PENAL CODE § 42.03. Obstructing Highway or Other Passageway. The fence appears to be an extension of a private structure, and it clearly and provably encroaches on the county's right-of-way, which is 50 feet in width, not 18 feet, as has been alleged. To imply that a 24-foot wide roadbed would be built on an 18-foot right-of-way in the first place is ludicrous and insulting to the residents of Medina County.

Under the principle of sovereign immunity, Medina County is probably immune to prosecution should a tragedy occur while launching or retrieving a pleasure craft. It remains to be seen whether Medina Ranch could be held accountable, but the residents of Medina County should ask themselves what type of public official would sanction such a dangerous and inexcusable perversion of public access. In addition, there are surely some good-hearted residents of Medina Ranch who are embarrassed by the long history of chicanery in this matter. Let them speak out, as well.

Various public officials have told me that the problems of parking and littering have precipitated some of the restrictions that have flourished at Diversion Lake. Try using that kind of logic to close off a public resource such as Yellowstone Park or Big Bend and see what kind of outcry would ensue. To provide hazardous lip service to the access problem belies a lack of humanity by all parties involved in restricting access to this public water.

The Alamo City Rivermen have devoted a page on their website to the Diversion Lake issue. More people are gaining awareness of their rights in this matter, and are utilizing the lake for recreation. Let us hope that it does not take a tragic accident to open the eyes of the Medina County Commissioners' Court and the Medina Ranch property owners. In the meantime, for those of you who believe that fortune awaits with the Lottery or a slip on Wal-Mart's floor, a much surer opportunity presents itself on the bridge at Diversion Lake. It is time for "the big red fence" to come down.

Dennis Gaines