



RIVERBEND RESOLUTION NO. 20180523-02

ACCEPTING RESOLUTIONS OF SUPPORT AND AUTHORIZING APPLICATIONS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR DESIGNATION AS THE COOPERATING LOCAL SPONSOR FOR WATER RIGHTS IN LAKE WRIGHT PATMAN

WHEREAS, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, Riverbend Water Resources District is operating under a Board of Directors originally created in 2009 and reconstituted by the Texas Legislature in 2011 with five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of any Riverbend member entity, and who are selected by the local governing bodies of the Riverbend member entities (the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village; the Counties of Bowie, Cass and Red River; and TexAmericas Center) as provided by law; and

WHEREAS, Riverbend Water Resources District is supported by resolution by all of its member entities and has entered into Interlocal Cooperation Agreements in 2010 and 2011 with all of its paying members entities, which among other provisions, detailed specific services to be provided as set forth in Schedule A, stating in pertinent part that Riverbend shall act as the agent in negotiating with the United States Army Corps of Engineers regarding contractual rights and responsibilities with respect to the entire pool in the Lake Wright Patman reservoir; and

WHEREAS, Riverbend Water Resources District is also supported by resolution by the City of Red Lick and Central Bowie County Water Supply Cooperation and has entered into Memorandums of Understanding to engage in planning activities for the protection, preservation, and planning of future water supplies for the region; and

WHEREAS, the City of Texarkana, Texas, has contracts with the United States Army Corps of Engineers for water storage space and the operation of Lake Wright Patman at a permanent level or "Ultimate Rule Curve" (Contract No. DACW29-68-A-0103) and an interim level (Contract No. DACW29-69-C-0019); and



WHEREAS, the Ultimate Rule Curve contract dated April 16, 1968 was set to begin implementation once Lake Jim Chapman (formerly Cooper Reservoir) went into operation in the Sulphur River Basin in the mid-1990's; and

WHEREAS, Riverbend Water Resources District, through its Executive Director/CEO and together with the City of Texarkana, Texas' City Manager and City Liaison, have made multiple requests to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, through numerous meetings with his staff, including Brian Kamisato, Deputy District Engineer for Programs and Project Management, and Elston Eckhardt, Chief, Civil Project Management Branch, to pursue implementation of the Ultimate Rule Curve under the 1968 Contract No. DACW29-68-A-0103 since September 2015; and

WHEREAS, Riverbend Water Resources District, as the agent for the City of Texarkana, Texas, and all of its member entities, has made an initial payment of \$50,000 to begin a Scope of Work on the Cultural Resources Study as part of the implementation of the Ultimate Rule Curve; and

WHEREAS, Riverbend Water Resources District has determined through its Regional Water Master Plan that the Northeast Texas region and Riverbend's member entities have an additional need for water that is above the need listed in the current and 2017 State Water Plan and intends to better substantiate and update the State Water Plan with the correct population projections and water demand projections at the completion of the Regional Water Master Plan study; and

WHEREAS, the most recent Regional Water Plan for Region D currently lists an availability of 294,000 acre-feet of water as available once the Ultimate Rule Curve is implemented, leaving a possible additional amount of 114,000 acre-feet of water available for permitting by the Texas Commission on Environmental Quality; and

WHEREAS, Riverbend Water Resources District has determined that, under prevailing circumstances, the public interest will be best served by its acting as the cooperating local sponsor in the matter of negotiating with the United States Army Corps of Engineers under existing contractual rights to use the additional water conservation storage space to be made available in Lake Wright Patman through implementation of the ultimate rule curve that was to be made available after the completion of Lake Jim Chapman; and by its obtaining from the Texas Commission on Environmental Quality a permit to appropriate, impound, divert and put to beneficial use those additional public waters of the State of Texas which may be stored in said additional conservation storage space; and



WHEREAS, Riverbend Water Resources District previously approved an identical Resolution (RESO 20170913-09) on September 13, 2018 and this Resolution is intended as an update to now include the City of Avery; and

WHEREAS, numerous governing bodies in the Northeast Texas region including the eleven municipalities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Nash, New Boston, Red Lick, Redwater, Texarkana (TX), and Wake Village; the counties of Bowie and Cass; the TexAmericas Center; and Central Bowie County Water Supply Corporation, have all presented formal resolutions requesting that Riverbend Water Resources District act as their agent in negotiating with the United States Army Corps of Engineers for the implementation of current contractual rights to use said additional water conservation storage space and as their agent in obtaining the aforementioned water permit from the Texas Commission on Environmental Quality; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RIVERBEND WATER RESOURCES DISTRICT THAT:

Section 1. Riverbend Water Resources District is the appropriate entity and authority to move forward with implementing the Ultimate Rule Curve in negotiating with the United States Army Corps of Engineers, and further that Riverbend Water Resources District is the appropriate entity and authority to apply at the Texas Commission on Environmental Quality for future water rights between the interim level and the permanent level “ultimate rule curve” that may become available once the Ultimate Rule Curve is fully implemented on behalf of all of the Northeast Texas region and all of Riverbend’s member entities.

Section 2. Riverbend Water Resources District, by and through its Executive Director/CEO, is hereby authorized and directed to make application to the Texas Commission on Environmental Quality, acting on behalf of the Northeast Texas region and its paying member entities, more specifically the eleven aforementioned municipalities, requesting that Riverbend Water Resources District be designated as cooperating local sponsor; and is further authorized and directed to take such steps as are appropriate in making such application for a permit to appropriate, impound, divert, and put to beneficial use the public waters of the State of Texas which may be stored in the additional water conservation storage space under the aforementioned contracts with the United States Army Corps of Engineers.

Section 3. Riverbend Water Resources District, by and through its Executive Director/CEO and all consulting engineers, attorneys, accountants, financial advisors, and other consultants, are hereby authorized to represent the Northeast Texas region and all of Riverbend’s member entities, in presenting the application at all public hearings and other necessary procedures under the laws of the State of Texas.



Section 4. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 23rd day of May, 2018

A handwritten signature in blue ink, appearing to read "Fred Milton", is written above a horizontal line.

Fred Milton, Vice President

ATTEST:

A handwritten signature in blue ink, appearing to read "Sean Rommel", is written above a horizontal line.

Sean Rommel, Secretary