

Texarkana Resolution No. 2015-119

Riverbend Resolution No. 092515-01

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, REQUESTING THAT TEXARKANA AND ITS SURROUNDING MEMBER ENTITIES THROUGH RIVERBEND REMAIN LOCAL SPONSORS FOR ANY EXISTING OR NEW WATER REALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government; and

WHEREAS, the Texas Legislature created Riverbend Water Resources District (“Riverbend”) in 2009 as a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons; and

WHEREAS, in 2011 the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law; and

WHEREAS, Texarkana secured water permits from the State of Texas, together with Certificate of Adjudication 03-4836 issued March 31, 1987, fixing priority dates of 1951, 1957, 1967, and 1981, to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded in Lake Texarkana, later named Lake Wright Patman, for both municipal and industrial use; and

WHEREAS, Texarkana, pursuant to contracts with the United States of America in 1953 and 1968, acquired storage space for water in Lake Wright Patman, and is the only Wholesale Water Provider under contract with the U.S. Government for water from Lake Wright Patman; and

WHEREAS, fully utilizing Lake Wright Patman to its highest and best use is a responsible strategy that produces a water supply that would be plentiful, immediate, and least costly, with minimal negative impact on our region, as compared to the creation of any new reservoirs; and

WHEREAS, authorized representatives of Texarkana and Riverbend met with the U.S. Army

Corps of Engineers, Fort Worth District, on September 9, 2015, and thereafter corresponded by letter dated September 10, 2015 (attached as **Exhibit "A"** to this Resolution), to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, requesting that Texarkana and Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman, and that the U.S. Army Corps of Engineers seriously consider any availability of water supply from Lake Wright Patman up to a reasonable marker such as 232.5 feet or 235.5 feet; and

WHEREAS, the request made on September 10, 2015, by authorized representatives of Texarkana and Riverbend to the U.S. Army Corps of Engineers is consistent with both historical precedent of local sponsorship of Lake Wright Patman and the conservation and development of the State's natural resources within the Sulphur River Basin, and by this Resolution the City Council of Texarkana and the Board of Directors of Riverbend concur with and affirm the request made.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT:

Section 1. The City Council of Texarkana and the Board of Directors of Riverbend concur with and affirm the request made to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, attached as **Exhibit "A"** to this Resolution, that Texarkana and its surrounding member entities through Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman.

Section 2. The City Council and the Board of Directors respectfully submit that the U.S. Army Corps of Engineers seriously consider any availability of water supply from Lake Wright Patman up to a reasonable marker such as 232.5 feet or 235.5 feet, as water obtained for water supply from raising the lake levels to either of these markers would be plentiful, immediate, and least costly, with minimal negative impact on our region, as compared to other supply alternatives.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval.

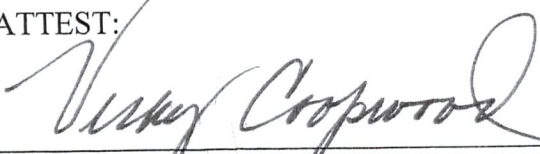
TEXARKANA:

PASSED AND APPROVED in Regular Council Session on this the 9th day of November, 2015.



BOB BRUGGEMAN, MAYOR

ATTEST:

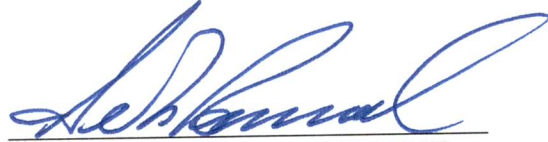


VICKY COOPWOOD, ASST. CITY SECRETARY

6:33 p.m.

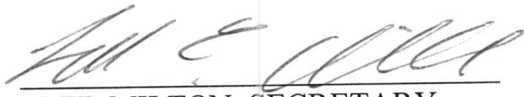
RIVERBEND:

PASSED AND APPROVED in Regular Board Meeting on this the 25th day of September, 2015.

A handwritten signature in blue ink, appearing to read 'Sean Rommell', written over a horizontal line.

SEAN ROMMELL, PRESIDENT

ATTEST:

A handwritten signature in blue ink, appearing to read 'Fred Milton', written over a horizontal line.

FRED MILTON, SECRETARY

EXHIBIT "A"

September 10, 2015

Col. Calvin C. Hudson, II, Commander
US Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Colonel Hudson:

Thank you for the opportunity to speak with your staff this week regarding the City of Texarkana's 1968 contract for storage rights in Lake Wright Patman with the US Army Corps of Engineers ("Corps"). The City of Texarkana, Texas is very pleased that the permanent contract for the "Ultimate Rule Curve" up to 228.64 ft. is enacted and we stand ready to work with the Corps to ensure that the city and the Corps meet their mutual obligations related to payment and improvements, respectively.

Please accept this letter as our initial formal request for local sponsorship of any further allocations for water supply from Lake Wright Patman. As the Corps continues to evaluate the reallocation process with respect to Lake Wright Patman, the City of Texarkana, Texas and Riverbend Water Resources District ("Riverbend") further present their intention to remain the local sponsor for any future allocations from Lake Wright Patman.

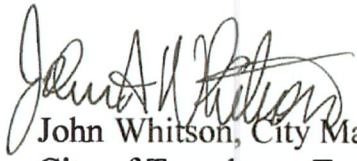
The City of Texarkana and its surrounding member entities, through Riverbend, are particularly interested in obtaining local sponsorship of any reallocation from Lake Wright Patman above the 228.64 level. As we look at the future needs for the entire region, even those needs independent of state water plans, it is extremely important that the Corps seriously consider any availability of water supply up to a reasonable marker such as 232.5 ft. or 235.5 ft. Water obtained for water supply from raising the lake levels to either of these markers would be plentiful, immediate, and least costly, as compared to the creation of any new reservoirs, which would take at least four to five decades at a minimum to accomplish. Additionally, anything substantially above the 235.5 marker is also likely unreasonable and serves as a distraction for what could actually be accomplished within the necessary timeframe.

It is worth noting that the City of Texarkana, Texas is working with the City of Texarkana, Arkansas and Riverbend on this matter. Collectively, these entities

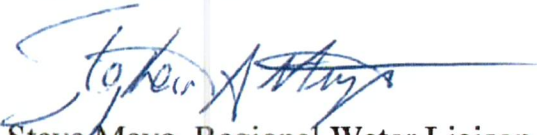
have been a part of the water supply involving Lake Wright Patman since 1953. With proper planning and coordination, it is anticipated that the participation by these entities in Lake Wright Patman will continue for the foreseeable future.

Again, the City of Texarkana and Riverbend are encouraged by our most recent conversation with the Corps and look forward to working with you all to build a lasting partnership in providing adequate flood protection, as well as protecting current and future water supplies.

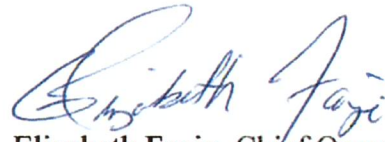
Sincerely,



John Whitson, City Manager
City of Texarkana, Texas



Steve Mayo, Regional Water Liaison
City of Texarkana, Texas



Elizabeth Fazio, Chief Operating Officer
Riverbend Water Resources District

Cc: Brian Kamisato, PE, Deputy District Engineer for Programs and Project Management
Elston Eckhardt, PE, Chief for Civil Project Management Branch