Appendix Z

Documents Related to the 2016 Interregional Conflict Resolution
Appendix Z

Documents Related to the 2016 Interregional Conflict Resolution

This appendix contains documents related to the 2016 Interregional Conflict Resolution. The documents contained in this appendix are listed below. A more detailed discussion of the 2016 Interregional Conflict Resolution is contained in Chapter 10 (Section 10.6) of this report.

- **July 21, 2015 Letter** from Region D Water Planning Group to TWDB Regarding Objection by Region D Water Planning Group to the inclusion of Marvin Nichols Reservoir in Round 4

- **August 6, 2015 Memo** from TWDB Regarding Potential Interregional Conflict between Regional Water Plans for Regions C & D

- **August 24, 2015 Letter/Brief** from Region C Water Planning Group to TWDB Regarding Potential Interregional Conflict between Regional Water Plans for Regions C & D

- **September 1, 2015 Letter** from Sulphur River Basin Authority to TWDB Regarding Sulphur River Basin Authority/Potential Interregional Conflict between Regional Water Plans for Region C & D

- **September 9, 2015 Minutes from TWDB Meeting.** Item 2 details the TWDB Findings that an interregional conflict exists.

- **October 5, 2015 Mediation Agreement** between Region C and D.

- **November 9, 2015 Resolutions 15-3 and 15-4** by Region C Water Planning Group reflecting the terms of the Mediation Agreement.
July 21, 2015

Kevin Patteson, Executive Administrator
Texas Water Development Board
PO Box 13231
Austin, TX 78711-3231

Re: Objection by Region D Water Planning Group to the inclusion of Marvin Nichols Reservoir in Round 4

Dear Mr. Patteson:

On July 14, 2015, the Region D Water Planning Group authorized me to notify the Texas Water Development Board (TWDB) that Region D has concluded that the proposed Marvin Nichols Reservoir as described in the Region C IPP for Round 4 will have an unacceptable degree of impact on Region D’s water planning area and appears to conflict with the Region D Round 4 IPP. Region D’s objection is primarily based on information that indicates its inclusion is not protective of the natural and agricultural resources of Region D.

Region D continues to assert that the available information demonstrates that Region C can meet all of its projected needs for the next 50 years without resorting to constructing a new impoundment in the Sulphur River Basin.

Region D encourages the TWDB to aggressively pursue steps that will provide a more thorough vetting of this topic between Region C and D. Region D is prepared to meet and discuss this topic whenever afforded the opportunity by the TWDB.

Please feel free to contact me with any questions you may have. I look forward to working with you.

Sincerely,

Linda Price, Chair of Region D
Date: August 6, 2015

To: Persons on the Attached Mailing List (by mail and email as indicated)

Re: Potential Interregional Conflict between Regional Water Plans for Regions C & D

On July 21st, 2015, Region D Water Planning Group submitted a letter to the Texas Water Development Board ("TWDB") indicating its position that "the proposed Marvin Nichols Reservoir as described in the Region C IPP for Round 4 will have an unacceptable degree of impact on Region D's water planning area and appears to conflict with the Region D Round 4 IPP." (See Attachment A.)

Through this correspondence, the persons on the attached mailing list are hereby notified that the Board will consider whether an interregional conflict exists during its Board Meeting on Wednesday, September 9th, 2015, beginning at 9:30 AM in Room 170, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas. The Board will take oral argument on this matter. The order and time allotments for oral presentation are established as follows: 15 minutes for the Region D Representative(s); 15 minutes for the Region C Representative(s); and 15 minutes for the Executive Administrator. The parties may apportion their respective allotments as they see fit. If a party plans on apportioning time among multiple individuals, a representative of that party should contact Joyce Bourenane, Office of General Counsel at (512) 463-7686 by 5:00 p.m. on Monday, September 7th, 2015 to let her know how the time will be apportioned.

Furthermore, Regions C and D are invited to submit briefs on the issue of whether an interregional conflict exists. In the event that a brief is submitted, it must be received by the Office of General Counsel on or before 5:00 p.m. on Tuesday, August 25th, 2015. Please send the submittals to the Office of General Counsel by U.S. Mail and Electronic Mail. The mailing address of the Office of General Counsel is: Office of General Counsel, ATTN: Les Trobman, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 [les.trobman@twdb.texas.gov]. On the same day a submittal is transmitted to the Office of General Counsel, a copy must also be sent by U.S. Mail and Electronic Mail to all other persons at their address/email address listed on the attached Mailing List. The Executive Administrator will submit a recommendation to the Board, with a copy to the Mailing List on or before Tuesday, September 1st, 2015.

If you have any questions regarding this matter, please contact me at 512-463-9105.

Very truly yours,

General Counsel

Attachments
Mailing List

Linda Price, Chairman
Region D Water Planning Group
P.O. Box 360
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joe.reynolds@twdb.texas.gov
August 24, 2015

VIA E-MAIL
les.trobman@twdb.texas.gov

Mr. Les Trobman
General Counsel
Texas Water Development Board
1700 North Congress Avenue
Austin, Texas 78701

Re: Potential Interregional Conflict between Regional Water Plans for Regions C & D

Dear Mr. Trobman,

The Region C Water Planning Group (RCWPG) submits this letter brief in response to your solicitation of briefing dated August 6, 2015. The Region D Water Planning Group has alleged by a letter of July 21 that Region C’s “proposed Marvin Nichols Reservoir . . . will have an unacceptable degree of impact on Region D’s water planning area and appears to conflict with the Region D Round 4 IPP.” It further contends that the proposed reservoir “is not protective of the natural and agricultural resources of Region D.” Those claims are without merit and do not rise to the level of an interregional conflict between the Region C and D fourth-round IPPs.

Marvin Nichols in the 2015 RCWPG IPP

Region C has elected to include multiple strategies for the development of Marvin Nichols in its 2015 IPP. The Sulphur Basin Supplies strategy (5C.1 Recommended Strategies for Regional Wholesale Water Providers, pp. 5C.1-4 of the RCWPG IPP) is a recommended strategy for the Tarrant Regional Water District (TRWD), the North Texas Municipal Water District (NTMWD) and the Upper Trinity Regional Water District (UTRWD), and an alternate strategy for the Cities of Dallas and Irving. The strategy consists of a combination of water from Marvin Nichols and the reallocation of conservation storage in Wright Patman Lake. The 2015 RCWPG IPP retains the 2011 configuration of Marvin Nichols as an alternate water management strategy for NTMWD, UTRWD, TRWD, and the City of Irving.

NTMWD, TRWD, Dallas, UTRWD, and Irving, along with the Sulphur River Basin Authority, formed a Joint Committee on Program Development (JCPD) in 2001. Since that time, the JCPD Region C entities have provided more than $5 million to the SRBA to further investigate the development of surface water supplies in the Sulphur River basin. Sulphur basin feasibility studies are underway, conducted by the U.S. Army Corps of Engineers, SRBA and the JCPD. Those studies include multiple potential configurations for Marvin Nichols.

RCWPG has furnished extensive studies on impacts of the recommended and alternate Marvin Nichols strategies

Region D’s allegation of an interregional conflict is an attempt by it to use the water planning process to thwart, rather than encourage, the development of adequate water supplies for the State of Texas. The RCWPG and JCPD have studied the impacts of both the 2011 and 2015 Marvin Nichols configurations, and also concurrent reliance by Region C on other supplies available in Region D. In doing so, the RCWPG was mindful of the direction it received from the Board during the resolution of the last claimed conflict in “An Order Concerning the Interregional Conflict between the 2011 North Central Texas Regional Planning Area Regional Water Plan and the 2011 East Texas Regional Planning Area Regional Water Plan in Accordance with Texas Water Code §16.053” issued January 8, 2015 (Order).
The Board is familiar with the long history of the resolved interregional conflict in connection with the RCWPG’s 2011 Regional Water Plan. As a part of the resolution process, the Board ordered the RCWPG to conduct an analysis of the impacts of Marvin Nichols (as then proposed) on the resources of Region D and the State. Region C furnished that report to the Board on October 29, 2014. In support of what is now an alternate strategy, the RCWPG furnished the data it developed as an appendix to its 2015 IPP. See, 2015 RCWPG IPP, Appendix Y, Analysis and Quantification of the Impacts of the Marvin Nichols Reservoir Water Management Strategy on the Agricultural and Natural Resources of Region D and the State.

The RCWPG has built upon and continued to study the impacts of Region D-based water supply strategies in the Region C plan. With its 2015 IPP, the RCWPG has furnished the Board with its Analysis and Quantification of the Impacts of the Marvin Nichols Reservoir Water Management Strategy on Agricultural and Natural Resources with the Top of Conservation Storage at 313.5 Feet above Mean Sea Level. That report includes an in-depth analysis entitled Timberland and Agricultural Land Impact Assessment For Selected Water Resource Options in the Sulphur River Basin. Copies of those documents are attached hereto. Those studies demonstrate that the development of the revised Marvin Nichols project is consistent with the long-term protection of the state's water resources, agricultural resources and natural resources.

Based on the RCWPG’s extensive studies and the Board’s resolution of the prior conflict, no interregional conflict exists with respect to either the recommended or alternate Marvin Nichols strategies, as described below.

No substantial adverse effect on Region D

The RCWPG has furnished extensive data regarding the impacts of both the recommended and alternate strategy implementations of Marvin Nichols, and no conflict exists with respect to either strategy. With respect to the alternate strategy, the Board resolved the conflict by directing that Marvin Nichols be included in the 2011 RCWPG Regional Water Plan and the State Water Plan, and stated that upon that inclusion, “no outstanding interregional conflicts [existed] related to the 2011 Region C RWP.” Order page 8, Conclusion of Law 6. The effects of the alternate strategy Marvin Nichols have been studied extensively, and have not changed since January of this year. Likewise, no conflict exists with respect to the draft 2016 IPP’s recommended Marvin Nichols strategy. As described, Region C has furnished with its IPP its Analysis and Quantification of the Impacts of the Marvin Nichols Reservoir Water Management Strategy on Agricultural and Natural Resources with the Top of Conservation Storage at 313.5 Feet above Mean Sea Level, including its Timberland and Agricultural Land Impact Assessment For Selected Water Resource Options in the Sulphur River Basin. Those documents confirm no greater impacts to Region D under the recommended strategy than those associated with the new alternate strategy for Marvin Nichols.

In general, in determining whether the recommended or alternate Marvin Nichols strategies are in conflict with Region D’s IPP, the Board should differentiate between short and long-term effects on Region D. It should also consider long-term benefits to that region based on proposed Region C water management strategies. Long-term benefits may, in fact, totally offset temporary effects on economic, agricultural, and natural resources. Disrupted agricultural activities may potentially be relocated and pursued at prior or greater levels of intensity. Short-term economic effects in one sector may be offset entirely by long-term development of other businesses and industries. The Board should determine the presence or absence of an interregional conflict based upon the reasonably foreseeable, long-term and net effects on a host region’s economic, agricultural and natural resources.

Ward Timber does not mandate a finding of interregional conflict

A finding of an interregional conflict on the facts presented is not required by Texas Water Development Board v. Ward Timber, LTD. et al., 411 S.W.3rd 554 (Tex. App.—Eastland 2013, no pet.) (Ward Timber). The analyses furnished by the RCWPG of Marvin Nichols’s impacts on Region D distinguish the current conflict claim from the one previously alleged by Region D. In Ward Timber, the Court observed that “Region D [] examined the impacts [of Marvin Nichols]” in its Regional Water Plan, and “Region C [] decided to evaluate the impacts of the Marvin Nichols Reservoir in the future as part of its planning process.” Id. at 573. Region C has now done so and has submitted extensive analyses on that subject as a part of its fourth-round IPP.

Unlike last planning cycle, the Board has significant data before it, presented by both Regions C and D, upon which it may determine the presence or absence of an interregional conflict. In addition, the Board may look back to its findings.
and conclusions reached in resolving the prior conflict for guidance as to whether Region D has alleged a valid conflict in this instance. In its order, the Board correctly observed that the development of Marvin Nichols “could act as a catalyst for economic development and growth” in Region D, and that new reservoirs [] stimulate the economy through new recreational business and local improvements.” Order page 5, Finding of Fact 31. Likewise, the Board found that the RCWPG’s 2011 Regional Water Plan, which included the now alternate Marvin Nichols strategy, was “consistent with the long-term protection of the state’s agricultural and natural resources.” Order page 8, Conclusion of Law 11. Those findings apply with even greater force to the RCWPG’s fourth-round IPP recommended Marvin Nichols strategy.

Conclusion

The Board has previously reviewed and resolved a conflict outlined in the Order in favor of the 2011 Region C Water Plan Marvin Nichols strategy. As recommended in the 2015 Region C IPP, the proposed Marvin Nichols strategy does not have a substantial adverse effect on the natural and agricultural resources in Region D. The Board has sufficient information before it to find that the currently proposed Region C water management strategies in Region D do not have a substantial adverse effect, and accordingly should find no conflict between the plans.

Respectfully submitted,

Jody Puckett, Chair
Region C Water Planning Group

Attachments

cc: Linda Price, Chairman
Region D Water Planning Group
linda.price@wardtimber.com

Walt Sears, General Manager
Northeast Texas MWD
netmwd@aol.com

J. Kevin Ward, RCWPG Administrator
Trinity River Authority
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Joe Reynolds
Texas Water Development Board
joe.reynolds@twdb.texas.gov
September 01, 2015

Office of General Counsel
Attn: Les Trobman
Texas Water Development Board
P. O. Box 13231
Austin, Texas 78711-3231

RE: SULPHUR RIVER BASIN AUTHORITY

Potential Interregional Conflict between Regional Water Plans for Region C & D

Dear Mr. Trobman:

The Sulphur River Basin neighbors in Region C have established purpose and need for additional water supply by 2070. These agencies and cities are seeking approximately 50% of the unappropriated water in the Sulphur River Watershed. This will require an interbasin transfer. The out of basin cities and agencies providing purpose and need could pursue the unappropriated water without the Sulphur River Basin Authority (SRBA). In view of the fact that SRBA was authorized by the state of Texas to provide for the conservation and development of the state’s natural resources within the basin, these cities and agencies partnered with SRBA to facilitate prudent planning, selection, and development. The North Texas Municipal Water District, Upper Trinity Regional Water District, Tarrant Regional Water District, City of Dallas, and City of Irving entered into an “Advanced Funding Agreement for Water Resources Planning in the Sulphur River” to allow SRBA to facilitate water planning and the studies needed to determine the water supply strategy that is best for the basin and its inhabitants. SRBA and the Corps of Engineers entered into a Feasibility Cost Share Agreement to have the Corps participate in the Feasibility Study.
SRBA administers a prudent planning process. SRBA’s objectives are to protect the basin, provide a water supply that will meet purpose and need with the least environmental impact, and ensure a benefit to the basin equal to the diversion of its natural resource. These objectives are in accordance with the Sulphur River Basin Authority’s enabling legislative law to provide for the conservation and development of the state’s natural resources within the basin of Sulphur River.

To select a water strategy with the least environmental, social, and economic impacts, the Sulphur River Basin Authority continues to develop a vast data base of information involving the entire Sulphur River Watershed. Studies continue to be developed (e.g. hydrological, geological, environmental, social, and economic). This process is essential to protect and develop a river basin and to comply with regulatory requirements needed to permit projects.

Planning, executing, and completing tasks during 2011 and 2013 were recognized by the Corps of Engineers (COE) administration. In August of 2013, the study was re-scoped to be 3x3x3 compliant, taking into consideration a water supply approach for the SMART Planning feasibility study. In 2014, 2015 and 2016 the US President’s budget included money for the Sulphur River Basin Feasibility Study totaling $1,500,000.

Water supply strategies within the Sulphur River Basin Feasibility Study include reallocation of Lake Wright Patman, reallocation of Lake Jim Chapman, Marvin Nichols Reservoir, Talco Reservoir, George Parkhouse I Reservoir, George Parkhouse II Reservoir, and combinations of each to total 60 possible water supply strategies.

In 2014 the compiled data was synthesized to narrow the focus. A combination of reallocation at Lake Wright Patman and Marvin Nichols Reservoir is now being studied in-depth. Augmenting hydrologic, environmental and socioeconomic categories are of priority. These in-depth studies combined with previous data will provide the tools to determine a project that meets the objectives of SRBA and provide the data required for NEPA documents. SRBA will only recommend a project with data compliant with regulatory guidelines.

It is crucial that all the water supply strategies in the Sulphur River Basin Feasibility Study that are listed in the Texas State Water Plan remain in the plan. Not one single water supply strategy has been studied to the extent needed to be permitted. The planning activities for needs analysis and strategy recommendations that The Texas Water Development Board supports are analogous to regulatory requirements needed for permitting. It is in SRBA’s view that TWDB’s intent is to help provide and encourage extensive studies needed to permit water supply strategies. The permitting process is the judge and jury of a water supply strategy. Due to RWPGs limited funds, it is up to the Water User Groups (WUGs) and Wholesale Water Providers (WWPs) to spend the time and money to develop the data needed.
SRBA’s current contracts and functions clearly indicate that SRBA expects to be a Wholesale Water Provider (WWP) as defined in the (Texas Administrative Code, Title 31 Part 10, Chapter 357 Subchapter A, Rule 357.10)

(30) Wholesale Water Provider (WWP)--Any person or entity, including river authorities and irrigation districts, that has contracts to sell more than 1,000 acre-feet of water wholesale in any one year during the five years immediately preceding the adoption of the last regional water plan. The regional water planning groups shall include as wholesale water providers other persons and entities that enter or that the regional water planning group expects or recommends to enter contracts to sell more than 1,000 acre-feet of water wholesale during the period covered by the plan.

SRBA should be designated as a WWP in the State Water Plan. Regional Water Planning Groups are required to follow (Texas Administrative Code, Title 31 Part 10, Chapter 357 Subchapter C, Rule 357.34) for all WUGs and WWPs.

SRBA continues to support TWDB and looks forward to the next round of planning.

Sincerely,

SULPHUR RIVER BASIN AUTHORITY

[Signature]

Michael Russell, President
Chairman Bech K. Bruun called to order the meeting of the Texas Water Development Board at 9:31 a.m. in Room 170 of the Stephen F. Austin Building, 1700 N. Congress Avenue, Austin, Texas. In addition to Chairman Bruun, Director Kathleen Jackson was also in attendance, and a quorum was present.

The Chairman stated that the Board would move Item #2 on today’s agenda to the end of the agenda and would begin the meeting with Item #3.

The General Counsel announced the first item for consideration:

3. CONSIDER APPROVING BY RESOLUTION A REQUEST FROM THE LOWER COLORADO RIVER AUTHORITY (TRAVIS COUNTY) TO AMEND TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 14-72 TO EXTEND THE COMMITMENT PERIOD FOR A LOAN FROM THE TEXAS WATER DEVELOPMENT FUND BY SIX (6) MONTHS, TO FINANCE PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF AN OFF-CHANNEL RESERVOIR. Clay Schultz, Water Supply and Infrastructure, presented this item.

Chairman Bruun moved to adopt the proposed Resolution amending Texas Water Development Board Resolution No. 14-72, to extend the commitment period for a loan from the Texas Water Development Fund until March 31st, 2016, to finance the planning, acquisition, design, and construction of an off-channel reservoir, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

4. CONSIDER AFFIRMING BY RESOLUTION THE COMMITMENT TO PROVIDE FINANCIAL ASSISTANCE FROM THE CLEAN WATER STATE REVOLVING FUND TO THE GREATER TEXOMA UTILITY AUTHORITY – CITY OF WHITEWRIGHT (GRAYSON COUNTY) MADE IN TWDB RESOLUTION NO. 15-070, AND CONCURRING IN THE EXECUTIVE ADMINISTRATOR’S ENVIRONMENTAL FINDING. Kathy Calnan, Water Supply and Infrastructure, presented this item.

Director Jackson moved to affirm the commitment to provide financial assistance from the Clean Water State Revolving Fund to the Greater Texoma Utility Authority, on behalf of the City of Whitewright, made in Texas Water Development Board Resolution No. 15-070, and concurring in the Executive Administrator’s environmental findings.

The motion was seconded by Chairman Bruun; it passed unanimously.

5. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO PUBLISH A REQUEST FOR QUALIFICATIONS (RFQ) IN ORDER TO SELECT A QUALIFIED
ENGINEERING FIRM TO CONDUCT ADDITIONAL DRAINAGE ANALYSES AND RELATED STUDY ACTIVITIES ASSOCIATED WITH THE LOWER RIO GRANDE VALLEY COLONIA STORMWATER DRAINAGE PLANNING STUDY. Gilbert Ward, Contracting and Purchasing, presented this item.

Chairman Bruun moved to authorize the Executive Administrator to publish a Request for Qualifications in order to select a qualified engineering firm to conduct additional drainage analyses and related study activities associated with the Lower Rio Grande Valley Colonia Stormwater Drainage Planning Study.

The motion was seconded by Director Jackson; it passed unanimously.


No action was taken on this item.

The Chairman recognized the following legislative staff members attending the meeting today:

Michael Bullock, Office of Representative David Simpson;
Ryan Weisemen, Office of Senator Eltife;
Buffy Barrett, Clerk, House Natural Resources;
Lauren Murray, Senate Committee on Agriculture, Water & Rural Affairs;
Shannon Harmon, Senate Committee on Agriculture, Water & Rural Affairs;
Kathi Seay, Office of Representative David Simpson; and
Adam Leggett, Office of Senator Hancock

The General Counsel announced the next item and introduced the first speaker.

2. CONSIDERATION OF A POTENTIAL INTERREGIONAL CONFLICT BETWEEN INITIALLY PREPARED REGIONAL WATER PLANS FOR REGIONS C AND D FOR THE FOURTH CYCLE OF REGIONAL WATER PLANNING.

Mr. Trobman introduced Linda Price, representing Region D, who addressed the Board. Also addressing the Board on behalf of Region D were Jim Thompson and Walt Sears.

Mr. Trobman introduced Jody Puckett, representing Region C, who addressed the Board.

Mr. Trobman introduced Joe Reynolds, Assistant General Counsel, who presented the Executive Administrator’s final recommendation.

Director Jackson moved that the Board:

Find that an interregional conflict exists between the 2016 Region C and Region D
Initially Prepared Plans, as set forth in Section 16.053 of the Texas Water Code, Title 31 Texas Administrative Code Chapter 357, and the precedent set by the 11th Court of Appeals in *Texas Water Development Board vs. Ward Timber, Ltd.*

**Direct** the Executive Administrator to negotiate and execute a contract with the Center for Public Policy Dispute Resolution for a mediation to begin on or before Monday, October 5, 2015, in Austin, Texas, in order to attempt to resolve the interregional conflict between the 2016 Region C and Region D Initially Prepared Plans;

**Encourage** the Region C and Region D regional water planning groups to actively and meaningfully engage in the mediation;

**Direct** the Region C and Region D regional water planning groups to designate and authorize representatives to participate in the mediation and provide the Executive Administrator with the names of their representatives by September 30, 2015;

**Direct** the Executive Administrator to designate staff to attend and participate in the mediation as a resource; and

**Direct** the mediator to provide the Board a written report on the results of the mediation upon conclusion.

If Region C and Region D reach a negotiated resolution, **Direct** the Regional Water Planning Groups to follow all required processes for adopting their respective Regional Water Plans, consistent with the agreed terms.

Otherwise, **Direct** the Executive Administrator to move forward with conducting the required public hearing and comment process, and provide a final recommendation on resolution of the conflict to the Board as expeditiously as possible.

The motion was seconded by Chairman Bruun; it passed unanimously.

7. No public comments were received.

8. The Board did not meet in Executive Session.

Chairman Bruun adjourned the meeting at 10:30 a.m.
APPROVED and ordered of record this, the 9th day of September, 2015.

TEXAS WATER DEVELOPMENT BOARD

____________________________________
Bech K. Bruun, Chairman

DATE SIGNED: _______________________

ATTEST:

_______________________________
Kevin Patteson,
Executive Administrator
Agreement Resolving the Declared Conflict  

Between the Region C and Region D Initially Prepared Water Plans  

On September 9, 2015, the Texas Water Development Board found that an interregional conflict existed between the 2016 Region C and Region D Initially Prepared Plans, and encouraged the regional water planning groups to engage in mediation to attempt to resolve the conflict.

On October 5, 2015, the undersigned representatives of the regions met in mediation and discussed the issues related to the current conflict in their regional water plans relating to the Marvin Nichols Reservoir.

The undersigned representatives of Region C and Region D agree to resolve the conflict that the Texas Water Development Board found between their initially prepared regional water plans as follows:

1. Region C will move the Marvin Nichols Reservoir as a designated strategy to the year 2070 in its 2016 regional water plan;
2. Region C will support Region D’s efforts to obtain Texas Water Development Board funding to study alternative water supplies to Marvin Nichols Reservoir for the process of the 5th cycle of regional water planning for Regions C and D, resulting in the development of the 2021 regional water plans;
3. Region C will adopt a resolution to recommend that water suppliers in Region C not submit any water rights applications for new reservoirs that would be located in Region D through the end of the 5th cycle of regional water planning; and
4. Region D agrees that it will not challenge Marvin Nichols Reservoir as a unique reservoir site through the end of the 5th cycle of regional water planning.

The undersigned representatives further agree (1) to seek ratification of this agreement by their respective regional water planning groups, and (2) to seek inclusion of the language relating to the terms of the agreement in their region’s adopted 2016 regional water plans. The representatives further agree that they will seek to have their regions work more cooperatively in the next regional water planning process.

For Region C

Jody Puckett Date: 10-8-2015  
Wayne Owen Date: 10-8-2015  
Mike Rickman Date: 10-9-2015  
Kevin Ward Date: 10-8-2015

For Region D

Linda Price Date: 10-8-15  
Elizabeth Fazio Date: 10-9-2015  
Bret McCoy Date: 10-8-2015  
Jim Thompson Date: 10-8-15
A RESOLUTION RATIFYING THE MEDIATED SETTLEMENT AGREEMENT
BETWEEN THE REGIONS C AND D REGIONAL WATER PLANNING
GROUPS EFFECTIVE NOVEMBER 9, 2015

RESOLUTION NO. 15-3

WHEREAS, the Region C Water Planning Group timely presented its 2016 Initially Prepared Plan to the Texas Water Development Board; and

WHEREAS, in response thereto, the Region D Water Planning Group alleged that an interregional conflict existed between that plan and the 2016 Region D Initially Prepared Plan, concerning the development of certain surface water resources in Region D; and

WHEREAS, on September 9, 2015, the Texas Water Development Board found that an interregional conflict existed between the Regions C and D 2016 Initially Prepared Plans, and referred the matter to mediation; and

WHEREAS, duly-appointed representatives of the Regions C and D Water Planning Groups mediated the issue of the alleged interregional conflict on October 5, 2016; and

WHEREAS, the representatives of the Regions C and D Water Planning Groups reached a proposed mediated settlement agreement with respect to the alleged interregional conflict.

NOW, THEREFORE, BE IT RESOLVED BY THE REGION C WATER PLANNING GROUP:

The Region C Water Planning Group ratifies, approves and adopts the Agreement Resolving the Declared Conflict Between the Region C and Region D Initially Prepared Water Plans, a copy of which is attached to this resolution as Exhibit A, and which is incorporated by reference herein and made a part hereof as fully as if set forth herein.

THIS RESOLUTION ADOPTED BY THE REGION C WATER PLANNING GROUP IN A REGULAR MEETING ON THE 9TH DAY OF NOVEMBER 2015.

KEVIN WARD, Secretary

JODY PUCKETT, Chair
A RESOLUTION CONCERNING WATER RIGHTS APPLICATIONS FOR SURFACE WATER IMPOUNDMENTS IN REGION D EFFECTIVE NOVEMBER 9, 2015

RESOLUTION NO. 15-4

WHEREAS, the Region C Water Planning Group timely presented its 2016 Initially Prepared Plan to the Texas Water Development Board; and

WHEREAS, in response thereto, the Region D Water Planning Group alleged that an interregional conflict existed between that plan and the 2016 Region D Initially Prepared Plan, concerning the development of certain surface water resources in Region D; and

WHEREAS, on September 9, 2015, the Texas Water Development Board found that an interregional conflict existed between the Regions C and D 2016 Initially Prepared Plans, and referred the matter to mediation; and

WHEREAS, duly-appointed representatives of the Regions C and D Water Planning Groups mediated the issue of the alleged interregional conflict on October 5, 2016; and

WHEREAS, the representatives of the Regions C and D Water Planning Groups reached a proposed mediated settlement agreement with respect to the alleged interregional conflict, which the Region C Water Planning Group ratified and approved by its adoption of Resolution No. 15-3; and

WHEREAS, pursuant to that agreement, the Region C Water Planning Group agreed to adopt a resolution regarding water rights permitting activities in Region D.

NOW, THEREFORE, BE IT RESOLVED BY THE REGION C WATER PLANNING GROUP:

The Region C Water Planning Group recommends that water suppliers in Region C not submit any water rights applications for new reservoirs in Region D through the end of the fifth cycle of regional water planning activities.

THIS RESOLUTION ADOPTED BY THE REGION C WATER PLANNING GROUP IN A REGULAR MEETING ON THE 9TH DAY OF NOVEMBER 2015.

______________________________  _____________________________
KEVIN WARD, Secretary               JODY PUCKETT, Chair