



**RESOLUTION NO. 20170725-01**

**A RESOLUTION OF TEXAMERICAS CENTER SUPPORTING THE ROLE OF RIVERBEND IN IMPLEMENTATION OF THE ULTIMATE RULE CURVE AND OBTAINING LOCAL SPONSORSHIP FOR ANY FUTURE NEW WATER RIGHTS ALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN RESERVOIR; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; 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**, Riverbend Water Resources District is operating under a Board of Directors 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 Riverbend member, 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**, the City of Texarkana, Texas, has contracts with the United States Army Corps of Engineers for water storage space and the operation of the Lake Wright Patman Reservoir 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 Cooper Reservoir went into operation in the Sulphur River Basin in the mid-1990's; and

**WHEREAS**, Riverbend Water Resources District entered into Interlocal Cooperation Agreements in 2010 and 2011 with all of its members entities, which among other provisions, detailed specific services to be provided as set forth in Schedule A, which states in pertinent part that Riverbend shall act as TexAmericas Center's 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, 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; and

**WHEREAS**, Riverbend Water Resources District, through its Executive Director/CEO and together with City of Texarkana, Texas' representatives, most recently met on January 5, 2017 to continue discussion on the implementation of the Ultimate Rule Curve, resulting in Texarkana's City Manager recommending issuance of a Corps invoice to Riverbend requesting initial funds in the amount of \$50,000 to develop a Scope of Work for a Cultural Resources Survey as part of the implementation, an invoice which Riverbend received on January 20, 2017; and

**WHEREAS**, Riverbend Water Resources District, as the agent for the City of Texarkana, Texas, and all of its member entities, has made initial payment to begin the cultural resources study as part of the implementation of the Ultimate Rule Curve; and

**WHEREAS**, Riverbend Water Resources District has recently 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**, fully utilizing Lake Wright Patman Reservoir 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of TexAmericas Center that:

**Section 1.** Riverbend Water Resources District is the appropriate entity and authority to move forward with implementing the Ultimate Rule Curve on behalf of TexAmericas Center, in cooperation 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.** This Resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 25<sup>th</sup> day of July, 2017.

  
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**Boyd Sartin, Chairman of the Board**

**ATTEST:**

  
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**Ben King, Secretary**