

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT REGIONAL WATER DISTRICT  
HELD ON THE 20th DAY OF JULY 1999 AT 9:30 A.M.

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The call of the roll disclosed the presence of the Directors as follows:

<u>Present</u>	<u>Absent</u>
George W. Shannon Victor W. Henderson Charles B. Campbell, Jr. Hal S. Sparks III	Brian C. Newby

Also present were James M. Oliver, Alan Thomas, Ken Brummett, Steve Christian, Woody Frossard, Nancy L. King, David Marshall, Sandy Swinnea, Eddie Weaver and Mike Williams.

With the assurance from management that all requirements of the "open meetings" laws had been met, Director Shannon convened the meeting.

1.

On a motion made by Director Henderson and seconded by Director Campbell, the Directors unanimously voted to approve the minutes from the meeting held June 22, 1999. It was accordingly ordered that such minutes be placed in the permanent files of the District.

2.

There were no persons of the general public requesting the opportunity to address the Board of Directors.

3.

With the recommendation of management, Director Campbell moved to approve the Additional Party Raw Water Supply Contract with Trinity River Authority of Texas for municipal and industrial use at Richland-Chambers Reservoir to serve local municipal customers and a gas-

fired merchant power plant proposed for construction in Freestone County, Texas. In addition, James M. Oliver was granted authority to execute the contract and all other documents necessary to complete this transaction in accordance with the Amendatory Contract. Director Henderson seconded the motion and the vote in favor was unanimous.

4.

The Board instructed staff to continue discussions with Duke Energy North America, KN Power Company, Tractebel Power, Inc. and Sempra for industrial use water for gas-fired merchant power plants proposed at Bridgeport Lake. Since Tractebel had submitted the information required by the District, staff was authorized to enter into contract negotiations with their representatives. As other entities satisfied the required criteria, negotiations could begin with them. It was noted that usage projections of the four entities exceeded the amount of water available and contracting with all four parties was not feasible. The Board stipulated that the total usage of all contracts combined could not exceed 10 MGD.

5.

With the recommendation of management, Director Henderson moved to adopt resolutions authorizing the General Manager to proceed with amending water rights associated with Richland-Chambers Reservoir, Cedar Creek Reservoir, Eagle Mountain Lake, Lake Bridgeport and Benbrook Reservoir. Director Sparks seconded the motion and the vote in favor was unanimous.

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT REGIONAL WATER DISTRICT,  
A WATER CONTROL AND IMPROVEMENT DISTRICT  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF BENBROOK RESERVOIR PERMIT**

**WHEREAS**, Tarrant Regional Water District, A Water Control and Improvement District (“District”) is the owner of Permit No. 5157, as amended, originally issued by the Texas Natural Resource Conservation Commission’s (“Commission”) predecessor agency on November 2, 1987;

**WHEREAS**, Permit No. 5157A authorizes the District to divert water allocated to City of Fort Worth, to City of Weatherford and to Benbrook Water and Sewer Authority; to divert water for other customers of the District; to use Benbrook Reservoir for terminal storage for redirection of water from Cedar Creek and Richland-Chambers Reservoirs; and to overdraft Benbrook Reservoir on a non-priority basis;

**WHEREAS**, the Tarrant County Regional Water Supply Facilities Contract was entered into as of June 11, 1992, by and among the District, City of Fort Worth, City of Arlington, City of Mansfield, Trinity River Authority of Texas, City of Weatherford, and Benbrook Water and Sewer Authority, calling on the District to include Benbrook Reservoir as part of the District’s water supply system and to build a pipeline between Benbrook Reservoir and the District’s Cedar Creek and Richland-Chambers Reservoirs pipelines;

**WHEREAS**, pursuant to Permit No. 5157A, the District maintains by contract with the U.S. Army Corps of Engineers the right to use 72,500 acre-feet of storage in Benbrook Reservoir;

**WHEREAS**, the Tarrant County Regional Water Supply Contract further defines the rights and responsibilities of the contracting parties with regard to operation of Benbrook Reservoir;

**WHEREAS**, to further implement the District’s operations from Benbrook Reservoir, it is necessary to change a limitation on the total amount of water diverted annually from terminal storage which limitation currently is specified in Permit No. 5157A;

**WHEREAS**, it is in the District’s and its customers best interests to obtain the authority to supply an amount of water from terminal storage in Benbrook Reservoir greater than that currently specified in Permit No. 5157A;

**WHEREAS**, § 11.023 of the Texas Water Code now allows a volume of water to be permitted for multiple uses;

**WHEREAS**, the Commission currently does not charge additional one-time use fees for adding an alternative use to a volume of water;

**WHEREAS**, Tarrant Regional Water District has determined that it is in the District's best interest to seek multiple uses for all of the water in Benbrook Reservoir;

**WHEREAS**, the District believes the restriction on place of use should be modified to allow use in the District's service area; and

**WHEREAS**, special condition number 7(3) requiring, among other things, cancellation of Certificates of Adjudication associated with Benbrook Reservoir must be modified to comply with the District's and its customers' contracts with the U.S. Army Corps of Engineers.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Permit No. 5157A.

2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Permit No. 5157A, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, otherwise to direct prosecution of the application on behalf of the Board of Directors, and to withdraw such application if the General Manager determines that it is in the best interest of the District to do so.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

**TARRANT REGIONAL WATER DISTRICT**

By: \_\_\_\_\_  
President, Board of Directors

**ATTEST:**

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Secretary, Board of Directors

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT REGIONAL WATER DISTRICT  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF  
LAKE BRIDGEPORT CERTIFICATE**

**WHEREAS**, Tarrant Regional Water District ("District") is the owner of Certificate of Adjudication No. 08-3808 issued by the predecessor agency of the Texas Natural Resource Conservation Commission ("Commission") on April 5, 1985;

**WHEREAS**, Certificate of Adjudication No. 08-3808 authorizes the District to maintain an existing dam and reservoir on the West Fork of the Trinity River known as Lake Bridgeport for recreational purposes, to impound not to exceed 387,000 acre-feet of water, and divert from the reservoir for municipal, irrigation, mining, and industrial purposes in Jack, Wise and Tarrant Counties;

**WHEREAS**, this use of water is further restricted in that the District can divert and use from Lake Bridgeport, not to exceed 5,000 acre-feet of water per annum for municipal purposes in Wise County, Texas; not to exceed 7,500 acre-feet of water per annum for mining purposes in Wise County, Texas; and not to exceed 2,500 acre-feet of water per annum from Lake Bridgeport for irrigation of 1,250 acres of land in Jack and Wise Counties, Texas. The District is also authorized to release not to exceed 78,000 acre-feet of water from Lake Bridgeport and to transport the stored water to Eagle Mountain Lake for subsequent diversion for municipal and industrial purposes in Tarrant County, Texas;

**WHEREAS**, on April 7, 1989, the predecessor agency of the Commission approved an amendment to Certificate No. 08-3808, designated as Certificate No. 08-3808A, which changed the place of use for 263 acre-feet of water then authorized to be used for municipal purposes in Wise County to diversion by the City of Jacksboro from its Lake Jacksboro and Lost Creek Reservoirs;

**WHEREAS**, there has been a request for industrial use water that exceeds the amount of industrial use now authorized from Lake Bridgeport;

**WHEREAS**, contractual commitments for municipal and local use water will at some point, exceed the 5,000 acre-foot per annum amount currently authorized for municipal and local use;

**WHEREAS**, § 11.023 of the Texas Water Code now allows a volume of water to be permitted for multiple uses;

**WHEREAS**, the Commission currently does not charge additional one-time use fees for adding an alternative use to a volume of water; and

**WHEREAS**, Tarrant Regional Water District has determined that it is in the District's best interest to seek multiple uses for all of the water in Lake Bridgeport.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Certificate of Adjudication No. 08-3808, as amended, such that all of the water in Lake Bridgeport authorized for diversion and use or release for downstream use can be used for multiple purposes and increase the amount of water that can be used in Wise and Jack Counties.

2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Certificate of Adjudication No. 08-3808, as amended, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, to otherwise direct and prosecute the application on behalf of the Board of Directors, and to withdraw such application if the General Manager determines that it is in the best interest of the District to do so.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 1999.

TARRANT REGIONAL WATER DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT REGIONAL WATER DISTRICT  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF  
CEDAR CREEK RESERVOIR CERTIFICATE**

**WHEREAS**, Tarrant Regional Water District ("District") is the owner of Certificate of Adjudication No. 08-4976 issued by the predecessor agency of the Texas Natural Resource Conservation Commission ("Commission") on May 5, 1987;

**WHEREAS**, Certificate of Adjudication No. 08-4976 authorizes, with a time priority of May 28, 1956, the maintenance of a dam creating a 678,900 acre-foot capacity reservoir ("Cedar Creek Reservoir"), on Cedar Creek in Henderson and Kaufmann Counties, for in place recreational use and the diversion and use of not to exceed 175,000 acre-feet of water per annum from the reservoir for municipal and industrial use within the Trinity River Basin and Tarrant, Navarro, Ellis, Henderson, Kaufmann, Van Zandt and Johnson Counties;

**WHEREAS**, on July 28, 1993, amendment to Certificate of Adjudication No. 08-4976, designated as Certificate No. 08-4976A, was granted to the District changing the purpose of use of 2,500 acre-feet of the 175,000 acre-feet per annum of water then authorized for municipal and industrial use to irrigation use until such time as the water was needed for municipal and industrial use;

**WHEREAS**, § 11.023 of the Texas Water Code now allows a volume of water to be permitted for multiple uses;

**WHEREAS**, the Commission currently does not charge an additional one-time use fee for adding an alternative use to a volume of water; and

**WHEREAS**, Tarrant Regional Water District has determined that it is in the District's best interest to seek multiple uses for all of the water in Cedar Creek Reservoir.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Certificate of Adjudication No. 08-4976, as amended, to provide for multiple uses for the water authorized for appropriation and use.

2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Certificate of Adjudication No. 08-4976, as amended, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, to otherwise direct and prosecute the application on behalf of the Board of Directors, and to withdraw such application if the General Manager determines that it is in the best interest of the District to do so.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 1999.

TARRANT REGIONAL WATER DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT REGIONAL WATER DISTRICT  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF  
EAGLE MOUNTAIN LAKE CERTIFICATE**

**WHEREAS**, Tarrant Regional Water District ("District") is the owner of Certificate of Adjudication No. 08-3809 issued by the predecessor agency of the Texas Natural Resource Conservation Commission ("Commission") on April 5, 1985;

**WHEREAS**, Certificate of Adjudication No. 08-3809 authorizes the impoundment of 210,000 acre-feet of water in Eagle Mountain Lake on the West Fork of the Trinity River and the diversion and use of not to exceed 159,600 acre-feet of water per annum for municipal, industrial, and irrigation purposes and to use the reservoir for recreational purposes;

**WHEREAS**, on April 23, 1985, an amendment to Certificate of Adjudication No. 08-3809, designated as Certificate No. 08-3809A, was issued converting 1,105 acre-feet of water from municipal, industrial, and irrigation use to mining use;

**WHEREAS**, § 11.023 of the Texas Water Code now allows a volume of water to be permitted for multiple uses;

**WHEREAS**, the Commission currently does not charge an additional one-time use fee for adding an alternative use to a volume of water; and

**WHEREAS**, Tarrant Regional Water District has determined that it is in the District's best interest to seek multiple uses for all of the water in Eagle Mountain Lake.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Certificate of Adjudication No. 08-3809, as amended, to allow multiple uses for all of the water authorized for appropriation and use.
2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Certificate of Adjudication No. 08-

3809, as amended, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, to otherwise direct and prosecute the application on behalf of the Board of Directors, and to withdraw such application if the General Manager determines that it is in the best interest of the District to do so.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 1999.

TARRANT REGIONAL WATER DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT REGIONAL WATER DISTRICT  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF  
RICHLAND-CHAMBERS RESERVOIR CERTIFICATE**

**WHEREAS**, Tarrant Regional Water District is the owner of Certificate of Adjudication No. 08-5035 issued by the Texas Natural Resource Conservation Commission's ("Commission") predecessor agency on May 5, 1987;

**WHEREAS**, Certificate of Adjudication No. 08-5035 authorizes, with a time priority of October 18, 1954, the maintenance of a dam creating a 1,135,000 acre-foot capacity reservoir, then referred to as Richland Creek Reservoir on Richland Creek in Freestone and Navarro Counties and diversion and use of not to exceed 210,000 acre-feet of water per annum from a point on the perimeter of the reservoir at a maximum diversion rate of 577.78 cfs for municipal use;

**WHEREAS**, on June 28, 1993, Tarrant Regional Water District was granted Certificate No. 08-5035A, which changed the name from Richland Creek Reservoir to Richland-Chambers Reservoir and changed the purpose of use of 2,500 acre-feet of the 210,000 acre-feet per annum of water previously authorized for municipal use to irrigation use until such time that water is needed for municipal purposes and changed 2,500 acre-feet of the water of the 210,000 acre-feet per annum of water previously authorized for municipal use to industrial use until the water is needed for municipal purposes;

**WHEREAS**, there has been a request for industrial use water that exceeds the 2,500 acre-feet per annum now authorized for industrial use;

**WHEREAS**, § 11.023 of the Texas Water Code now allows a volume of water to be permitted for multiple uses;

**WHEREAS**, the Commission currently does not charge additional one-time use fees for adding an alternative use to a volume of water; and

**WHEREAS**, Tarrant Regional Water District has determined that it is in the District's best interest to seek multiple uses for all of the water in Richland-Chambers Reservoir.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Certificate of Adjudication No. 08-5035, as amended, such that the water authorized for appropriation can be used for multiple purposes.

2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Certificate of Adjudication No. 08-5035, as amended, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, to otherwise direct and prosecute the application on behalf of the Board of Directors, and to withdraw such application if the General Manager determines that it is in the best interest of the District to do so.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 1999.

TARRANT REGIONAL WATER DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

6.

With the recommendation of management, Director Sparks moved to authorize the sale of an air space easement over and across 405.53 square feet of land in air space easement, being situated adjacent to Lot 44 of the Sherwood Subdivision, J.M. Beltram Survey, A-61, Henderson County, Texas to the adjoining owners, Reginald Hair and wife, Wanelle Hair, for the appraised value of \$811.06. In addition, R. Steve Christian was granted authority to execute all documents necessary to complete this transaction. Director Campbell seconded the motion and the vote in favor was unanimous.

7.

With the recommendation of management, Director Campbell moved to authorize the sale of 420.14 square feet of land, more or less, being situated adjacent to Lot 34, Block 1 of the Spillview Estates Subdivision, Hugh T. Moore Survey, A-525, Henderson County, Texas to the adjoining owner, Burke Stripling, for the appraised value of \$1,260.42. In addition, R. Steve Christian was granted authority to execute all documents necessary to complete this transaction. Director Sparks seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Campbell moved to accept the negotiated proposal, by the consultant team of Freese and Nichols Inc., Camp, Dresser, and McKee Inc., and Powerware Solutions Inc. to perform the System Reliability and Enhancement Study. Total proposed cost of the project will not exceed \$785,136. Funding for this project will be included in the Fiscal Year 2000 Revenue Fund Budget. Director Henderson seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director Henderson moved to accept the low bid submitted by Associated Fiberglass Engineers of Fort Worth, Texas in the amount of \$26,318 for the Cedar Creek and Richland-Chambers pipelines mainline flow meter vaults. Funding for this project is included in the Revenue Fund Budget. Director Campbell seconded the motion and the vote in favor was unanimous.

10.

A staff report was next given to update the Board on the Watershed Management Program.

11.

There being no further business before the Board of Directors, the meeting adjourned.

George W Shannon  
President

Charles D Campbell Jr.  
Secretary