

RESOLUTION 2021 - 21

**CITY OF COMMERCE CONTESTS THE ISSUANCE OF CITY OF
TEXARKANA'S WATER RIGHTS PERMIT APPLICATION NO. 13642 BY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.**

WHEREAS, the City of Commerce ("Commerce") is a municipality, a duly incorporated political subdivision of the State of Texas operating under the constitution and laws of the State of Texas; and

WHEREAS, the Sulphur River Municipal Water District is a conservation and reclamation district created pursuant to Article XVI Section 59 of the Constitution of the State of Texas by Acts of 1955, 54th Legislature, State of Texas, Regular Session (herein "District"); and

WHEREAS, the District secured water rights in Cooper Reservoir (now known as Jim Chapman Lake or "Chapman Lake") pursuant to Certificate of Adjudication 03-4797 issued by the now Texas Commission on Environmental Quality ("TCEQ") in 1966 that authorizes the District to store a certain amount of water in Chapman Lake and to use said water for municipal and industrial purposes (herein referred to as "CA 03-4797"); and

WHEREAS, Commerce entered into a water supply contract with the District for water from Chapman Lake; and

WHEREAS, the City of Texarkana (herein "Texarkana") has water rights under Certificate of Adjudication 03-4836 to divert and use up to 180,000 acre-feet per year from Wright Patman Reservoir on the Sulphur River, Sulphur River Basin; and

WHEREAS, Texarkana filed application number 13642 on November 21, 2019, with the TCEQ seeking a water use permit authorizing the diversion and use of an additional 175,000 acre-feet of water per year from Wright Patman Reservoir (herein "Application"); and

WHEREAS, Commerce has reviewed TCEQ's June 17, 2021, notice informing the public that technical review of the Application is complete and that the TCEQ Executive Director has prepared a draft water rights permit; and

WHEREAS, Chapman Lake and Wright Patman Reservoir are both located within the Sulphur River Basin; and

WHEREAS, Commerce and the District's other member cities, depend on water from Chapman Lake to meet the present and future water needs of its respective customers; and

WHEREAS, Texarkana's proposed appropriation of additional water from Wright Patman Reservoir could negatively impact the District's water storage and availability in Chapman Lake, of its member cities including Commerce, potentially not allowing said water rights holders to fully utilize their storage rights within said lake; and

WHEREAS, knowing time is of the essence, Commerce does hereby oppose said Application and has determined that it is appropriate to request TCEQ grant a contested case hearing on the pending Application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF COMMERCE:

SECTION 1. All matters stated in the preamble of this resolution are true and correct and are hereby incorporated into the body of this resolution as though fully set forth in their entity herein.

SECTION 2. That the City Council does hereby find that the appropriation of additional water from Wright Patman Reservoir to the City of Texarkana may be a detriment to the District's

existing water storage rights in Chapman Lake; and, could potentially negatively impact the ability of the District's member cities, including Commerce, to meet the needs of their respective customers in the future.

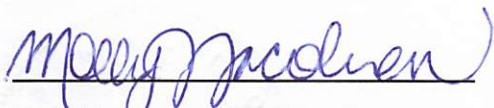
SECTION 3. The City Manager is hereby authorized to file a protest to the application with the Executive Director of the TCEQ, as well as request and participate in a contested case hearing to preserve and protect the District's existing water storage and diversion rights in Chapman Lake.

SECTION 4. That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS 20TH DAY OF JULY 2021.

ATTEST:

CITY OF COMMERCE:


Molly Jacobsen, City Secretary


Wyman Williams, Mayor

(Seal)

APPROVED AS TO FORM:


Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(Seal)


Molly Jacobsen, City Secretary
City of Commerce, Texas