

RESOLUTION NO. 19-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY FOR AUTHORIZATION TO REUSE RETURN FLOWS

WHEREAS, the City of Abilene, Texas (the "City") is the holder of several water rights and water supply contracts, and is the owner of Certificate of Adjudication No. 12-4161, as amended, issued by the Texas Commission on Environmental Quality (the "Commission") or its predecessor agencies; and,

WHEREAS, the City utilizes such water supplies to provide water to citizens and customers within Jones, Shackelford, and Taylor County, State of Texas; and,

WHEREAS, the citizens and customers that the City provides water to consume some, but not all of the City's water supplies, and the unconsumed portion ("City Return Flows") is discharged back into the Brazos River Basin watershed; and,

WHEREAS, the City is authorized pursuant to TPDES Permit No. 10334-004 to discharge an amount not to exceed 22.0 million gallons per day (approximately 24,640 acre feet per annum) of City Return Flows to tributaries of the Clear Fork Brazos River; and,

WHEREAS, the City proposes to file an application to amend Certificate of Adjudication No. 12-4161, as amended, to appropriate said City Return Flows, and to authorize the conveyance of City Return Flows within the Clear Fork Brazos River and its tributaries, including Lake Kirby and Fort Phantom Hill Reservoir; and,

WHEREAS, 30 TAC § 295.14 of the Commission's Rules requires that an application for a water right be executed by a duly authorized official of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, THAT:

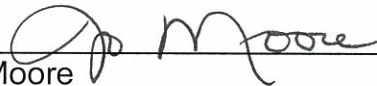
1. The City Manager is hereby authorized on behalf of the City Council to execute such applications as are necessary to be made to the Commission for authorization to appropriate all City Return Flows that exist by virtue of the use of the City's water supplies, and to convey such waters within the Clear Fork Brazos River and its tributaries, including but not limited to Big Elm, Little Elm, Catclaw, Button Willow, Cedar, Lytle, Rainy, Buck, Deadman and Freewater Creeks and Lake Kirby and Fort Phantom Hill Reservoir, for subsequent diversion and reuse.
2. The City Manager is hereby authorized and directed on behalf of the City Council to file said application for authorization to appropriate said City

Return Flows, to appear and arrange for the appearances of persons representing the City at the hearings and other proceedings on the application before the Commission, and to otherwise direct prosecution of the application on behalf of the City Council.

3. To the extent that the City Manager has filed said application for authorization to appropriate said City Return Flows prior to the adoption of this Resolution, such action is hereby ratified by the City Council.

PASSED, ADOPTED AND APPROVED this 22 day of July, 2004.


ATTEST:



Jo Moore
City Secretary



Norm Archibald
Mayor



Sharon Hicks
City Attorney

(SEAL)