

RESOLUTION NO. 92-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE FILING OF AN AMENDMENT TO CERTIFICATE OF ADJUDICATION 12-4161.

WHEREAS, the City of Abilene, Texas (the "City") is the holder of Certificate of Adjudication No. 12-4161, as amended (the "Certificate"); and,

WHEREAS, the Certificate authorizes the City to maintain a dam and reservoir on Elm Creek, known as Lake Fort Phantom Hill, and to impound therein not to exceed 73,960 acre-feet of water and to divert and use not to exceed 25,690 acre-feet of water per year for municipal purposes, 4,000 acre-feet of water per year for industrial purposes, and 1,000 acre-feet of water per year for agricultural purposes, as well as applicable reuse authorizations as provided in Paragraph 1.B of Certificate of Adjudication 12-4161C; and,

WHEREAS, the City has the need and desire to make the most efficient use of the water supply from Lake Fort Phantom Hill; and,

WHEREAS, the City wishes to: (i) seek authorization to divert water from any point along the perimeter of Lake Fort Phantom Hill; and (ii) seek two exempt interbasin transfers ("IBTs") pursuant to the Texas Water Code ("TWC") to provide water within that portion of the West Central Texas region that is located within the Colorado River Basin; and,

WHEREAS, it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") for amendments to the Certificate that will permit the diversion of water from any point along the perimeter of Lake Fort Phantom Hill, and will authorize the exempt IBTs 1) pursuant to TWC 11.085(v)(1), to transfer not more than 3,000 acre-feet of water per annum appropriated pursuant to the Certificate from the Brazos River Basin to the Colorado River Basin; and 2) pursuant to TWC 11.085(v)(4), to transfer water appropriated pursuant to the Certificate from the Brazos River Basin to those portions of Nolan, Taylor, Callahan, and Eastland Counties that are located within the Colorado River Basin; and,

WHEREAS, the City Council wishes to authorize the City Manager or his designee to prepare, make, execute, file, prosecute, amend, negotiate, settle and compromise any and all applications to the TCEQ to amend the Certificate as he shall deem necessary and appropriate, and to employ the services of such consultants to assist in the prosecution of such application, and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City.

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

PART 1: The City Manager or his designee is hereby authorized and directed to prepare, or cause to be prepared, and to make, execute, file, prosecute, amend, negotiate, settle and compromise any and all applications to the TCEQ to amend the Certificate as he shall deem

necessary and appropriate, and to employ the services of such consultants to assist in the prosecution of such application, and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City.

PART 2: The City Manager or his designee is hereby authorized and directed to make all expenditures necessary in order to prepare, make, execute, file, prosecute, amend, negotiate, settle and compromise the application for the amendment of the Certificate from TCEQ.


PART 3: A certified copy of this resolution shall be provided to the TCEQ and to all persons interested in the subject matter hereof.

ADOPTED AND EFFECTIVE this 28 day of July, A.D., 2016

ATTEST:




Danette Dunlap, City Secretary



Norman Archibald, Mayor

APPROVED:



Stanley Smith, City Attorney