

TO: Board Members

THROUGH: Kevin Patteson, Executive Administrator
Les Trobman, General Counsel

FROM: Todd Chenoweth, Senior Advisor

DATE: November 10, 2015

SUBJECT: Report on Interregional Conflict Mediation

ACTION REQUESTED

No action required. This is a report for the Board's information only.

BACKGROUND

After receipt of a July 21, 2015 letter from Region D, Regional Water Planning Group stating that the proposed Marvin Nichols Reservoir appears to conflict with Region D's Initially Prepared Plan, the Board set the matter for consideration on its September 9, 2015 agenda. At the agenda, the Board determined that an interregional conflict existed between the 2016 Region C and Region D Initially Prepared Plans, and initiated the mediation process. The Board directed the Executive Administrator to negotiate and execute a contract with the Center for Public Policy Dispute Resolution for mediation to begin on or before October 5, 2015. The Executive Administrator was directed to designate staff to attend and participate in the mediation as a resource. The mediator was directed to provide a written report to the Board on the results of the mediation.

KEY ISSUES

Representatives from Regions C and D, Temple McKinnon and Todd Chenoweth, the Executive Administrator's designees, met with the mediator on October 5, 2015. The mediation successfully concluded with an agreement that provided:

1. Region C will move the Marvin Nichols Reservoir as a designated strategy to the year 2070 in its 2016 regional water plan;

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To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas

Board Members

Bech Bruun, Chairman | Kathleen Jackson, Member
Kevin Patteson, Executive Administrator

2. Region C will support Region D's efforts to obtain Texas Water Development Board funding to study alternative water supplies to Marvin Nichols Reservoir for the process of the 5th cycle of regional water planning for Region C and D, resulting in the development of the 2021 regional water plans;
3. Region C will adopt a resolution to recommend that water suppliers in Region C not submit any water rights applications for new reservoirs that would be located in Region D through the end of the 5th cycle of regional water planning; and
4. Region D agrees that it will not challenge Marvin Nichols Reservoir as a unique reservoir site through the end of the 5th cycle of regional water planning.

Regional Water Planning Group D met on October 21, 2015 and ratified the mediation agreement. Regional Water Planning Group C met on November 9, 2015 and ratified the mediation agreement. Both regional water planning groups are anticipated to submit revised Regional Water Plans without an interregional conflict to the Board by December 1, 2015.

RECOMMENDATION

No action required.

This recommendation has been reviewed by legal counsel and the action requested is within the authority of the Board.

Les Trobman
General Counsel

Attachment: Report from Mediator

From: [Schwartz, Suzanne](#)
To: [Les Trobman](#)
Cc: [linda.price@wardtimber.com](#); [Jo M. \(Jody\) Puckett PE \(jo.puckett@dallascityhall.com\)](#); [bret_mccoy@hotmail.com](#); [jimthompson@wardtimber.com](#); [Lizfazio@outlook.com](#); [Mike Rickman \(mrickman@NTMWD.COM\)](#); [wayne.owen@trwd.com](#); [netmwd@aol.com](#); [wardk@trinityra.org](#); [Temple McKinnon](#); [Todd Chenoweth](#)
Subject: Mediator's report: Regions C&D regional water plans conflict
Date: Tuesday, October 13, 2015 2:44:12 PM
Attachments: [image004.emz](#)
[image005.png](#)
[Region C_D sig_page.pdf](#)

Les:

Attached please find the signed agreement between the Region C and Region D participants in the mediation held on Monday, October 5. With the permission and direction of the participants, this agreement should serve as my mediator's report to the Texas Water Development Board.

It was a pleasure to work on this matter.

My best,

Suzanne

Suzanne Schwartz

*Environmental Program Director
Center for Public Policy Dispute Resolution
The University of Texas at Austin
512.232-1194*



**Agreement Resolving the Declared Conflict
Between the Region C and Region D Initially Prepared Water Plans**

On September 9, 2015, the Texas Water Development Board found that an interregional conflict existed between the 2016 Region C and Region D Initially Prepared Plans, and encouraged the regional water planning groups to engage in mediation to attempt to resolve the conflict.

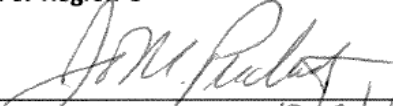
On October 5, 2015, the undersigned representatives of the regions met in mediation and discussed the issues related to the current conflict in their regional water plans relating to the Marvin Nichols Reservoir.


The undersigned representatives of Region C and Region D agree to resolve the conflict that the Texas Water Development Board found between their initially prepared regional water plans as follows:


1. Region C will move the Marvin Nichols Reservoir as a designated strategy to the year 2070 in its 2016 regional water plan;
2. Region C will support Region D's efforts to obtain Texas Water Development Board funding to study alternative water supplies to Marvin Nichols Reservoir for the process of the 5th cycle of regional water planning for Regions C and D, resulting in the development of the 2021 regional water plans;
3. Region C will adopt a resolution to recommend that water suppliers in Region C not submit any water rights applications for new reservoirs that would be located in Region D through the end of the 5th cycle of regional water planning; and
4. Region D agrees that it will not challenge Marvin Nichols Reservoir as a unique reservoir site through the end of the 5th cycle of regional water planning.


The undersigned representatives further agree (1) to seek ratification of this agreement by their respective regional water planning groups, and (2) to seek inclusion of the language relating to the terms of the agreement in their region's adopted 2016 regional water plans. The representatives further agree that they will seek to have their regions work more cooperatively in the next regional water planning process.

For Region C

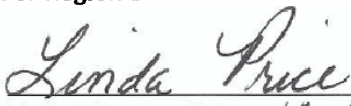

Jody Puckett Date: 10/8/15

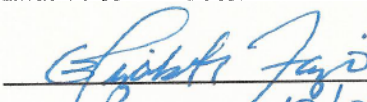

Wayne Owen Date: 10-8-2015

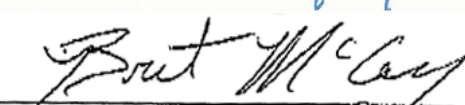

Mike Rickman Date: 10-9-15

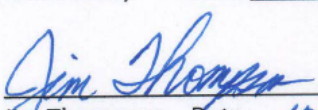

Kevin Ward Date: 10-8-2015

For Region D


Linda Price Date: 10-8-15


Elizabeth Fazio Date: 10/09/2015


Bret McCoy Date: 10-8-2015


Jim Thompson Date: 10/8/15