

County of Wise

MEMORANDUM OF UNDERSTANDING

In response to a letter dated December 14, 2006 from the Texas Commission on Environmental Quality (hereinafter "TCEQ"), regarding TCEQ's intended near future creation of a thirteen (13) county Groundwater Conservation District enveloping the upper recharge zone of the Trinity Aquifer, we, the duly elected undersigned members of the Commissioner's Court of Wise County, Texas, through a required legislative and citizen election vote process propose, to create a smaller district which will more adequately and efficiently protect both the quality and availability of our area's water, and ensure that the citizens of this region will be provided and protected with local representation who will have the citizens' best interests at heart and in hand.

It is recognized that Montague, Wise, Parker and Hood Counties all align respectively from north to south in the Northern portion of the outcrop (recharge zone) of the Trinity Aquifer, being that Aquifer outcrop that is referenced in the aforementioned December 14, 2006 TCEQ letter; and Therefore, these aligned counties have common geographic surface and subsurface points of interest in and to said Trinity Aquifer (more so than the other (9) nine counties named by TCEQ).


In a pro-active and protective response to TCEQ'S proposed thirteen (13) county plan that is to be enacted within the next two (2) years, Wise County Commissioner's Court passed Resolution FY07-4 (see attachment) on December 18, 2006. This resolution makes request that the Legislature of the State of Texas enact immediate legislation to allow the citizens of Wise County to decide by means of a countywide election if the citizens desire groundwater protection by means of a Wise County Groundwater Conservation District.

Conjunctively, the appointed Wise County Commissioner's Court "Water Committee" representatives, Mr. Robert Rankin, Commissioner Precinct 1, Mr. Kevin Burns, Commissioner Precinct 2 and Wise County Public Works Director, Mr. Tom Goode, are currently in an active follow-up phase to ensure that our State Senator and Representative and their respective staffs are diligently working with our Wise County Court and our Court's legal counsel in a manner that will allow countywide elections for the Groundwater Conservation District issue to be timely held in November, 2007. Due to the limited session schedules of the Legislators, Time is of the Essence in order to introduce the necessary legislation to allow such elections. It is also the understanding of our Court's Committee that it may be more beneficial to Wise County and its named neighboring aligned counties' Commissioner's Court to work contemporaneously with each other in seeking the referenced countywide election process for each county that has interest in such a groundwater conservation district. Therefore, as a matter of mutual understanding, the Wise County Commissioner's Court understands and resolves that:

INASMUCH as Montague, Parker and Hood Counties are aligned with Wise County and all have a common link to the Trinity Aquifer; and WHEREAS, a multi-county regional Groundwater Conservation District may provide all our counties' citizens a stronger alliance of support from our elected State Legislators and their colleagues, Wise County Commissioner's Court is inviting Hood, Parker and Montague County Commissioner's Courts to collectively join Wise County Commissioner's Court in requesting State legislation to hold such groundwater conservation district elections in each county, and to which the election legislative language would also provide the ability for said voting County participants to jointly establish the "Upper Trinity Groundwater Conservation District" in the event their respective County's citizens voted to do so.

In order to accomplish this invitation of participation in the groundwater conservation district elections described herein in a timely fashion, the Wise County Commissioner's Court hereby agrees and requests that Water Committee members Wise County Commissioner Rankin, Wise County Commissioner Burns and Wise County Public Works Director Tom Goode make personal contacts to the County Commissioner's Court representatives of the neighboring named counties in regards to the proposed multi-county groundwater conservation district and to request this Court's County Judge also extend a written letter invitation w/ this Memorandum of Understanding attached. It is further understood that the invited counties desiring to participate will be requested to respond in writing by or before 5:00 p.m. January 30, 2007. For those respondents, Wise County will coordinate further action and communication from our elected legislators to your Court and between your Court and Wise County as needed and required.

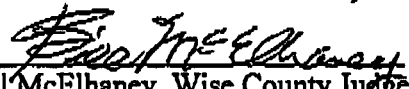
AGREED AND UNDERSTOOD:


Robert Rankin, Commissioner Pct. 1

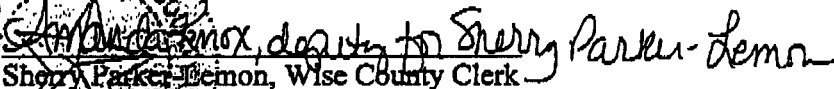

Kevin Burns, Commissioner Pct. 2


Mikel Richardson, Commissioner Pct. 3


Terry Ross, Commissioner Pct. 4


Bill McElhaney, Wise County Judge




Sherry Parker-Demon, Wise County Clerk

Bill McElhaney
County Judge

COUNTY OF WISE



(940) 627-5743
Fax (940) 627-6926

OFFICE OF THE COUNTY JUDGE

P. O. Box 393
Decatur, Texas 76234
www.co.wise.tx.us

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

WHEREAS the Commissioners Court of Wise County, Texas recognizes Somervell County, Texas is in the recharge zone of the Trinity Aquifer, being adjacent and aligned to Hood County, Texas, but not being included in County of Wise's first Memorandum of Understanding dated January 16, 2007, and

WHEREAS said Somervell County may desire to join all or a portion of the aligned counties lying within the Trinity Aquifer, being comprised of Montague, Wise, Parker and Hood Counties in requesting the Texas State Legislature to enact such immediate legislation to allow the qualified citizens of all aforementioned counties to decide by means of a countywide election if the citizens desire groundwater protection by means of a Groundwater Conservation District derived from a multi-county establishment of the "Upper Trinity Groundwater Conservation District, so

THEREFORE, BE IT RESOVED by unanimous vote to Amendment by the Wise County Commissioners Court during its Court meeting this 29th day of January, 2007, that Somervell County is hereby invited to be a participant of the proposed joint venture of named counties within and under the following January 16, 2007 Memorandum of Understanding:

In response to a letter dated December 14, 2006 from the Texas Commission on Environmental Quality (hereinafter "TCEQ"), regarding TCEQ's intended near future creation of a thirteen (13) county Groundwater Conservation District enveloping the upper recharge zone of the Trinity Aquifer, we, the duly elected undersigned members of the Commissioner's Court of Wise County, Texas, through a required legislative and citizen election vote process propose, to create a smaller district which will more adequately and efficiently protect both the quality and availability of our area's water, and ensure that the citizens of this region will be provided and protected with local representation who will have the citizens' best interests at heart and in hand.

E-Mail: cojudge@co.wise.tx.us



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Conjunctively, the appointed Wise County Commissioner's Court "Water Committee" representatives, Mr. Robert Rankin, Commissioner Precinct 1, Mr. Kevin Burns, Commissioner Precinct 2 and Wise County Public Works Director, Mr. Tom Goode, are currently in an active follow-up phase to ensure that our State Senator and Representative and their respective staffs are diligently working with our Wise County Court and our Court's legal counsel in a manner that will allow countywide elections for the Groundwater Conservation District issue to be timely held in November, 2007. Due to the limited session schedules of the Legislators, Time is of the Essence in order to introduce the necessary legislation to allow such elections. It is also the understanding of our Court's Committee that it may be more beneficial to Wise County and its named neighboring aligned counties' Commissioner's Court to work contemporaneously with each other in seeking the referenced countywide election process for each county that has interest in such a groundwater conservation district. Therefore, as a matter of mutual understanding, the Wise County Commissioner's Court understands and resolves that:

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FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING
 AGREED AND UNDERSTOOD:

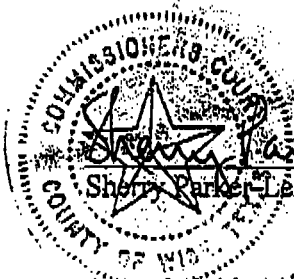
Robert E Rankin
 Robert Rankin, Commissioner Pct. 1

Kevin Burns
 Kevin Burns, Commissioner Pct.2

Mikel Richardson
 Mikel Richardson, Commissioner Pct. 3

Ferry Ross
 Ferry Ross, Commissioner Pct. 4

Bill McElhanev
 Bill McElhanev, Wise County Judge



Sherry Parker-Lemon
 Sherry Parker-Lemon, Wise County Clerk

Amended this 29th day of January, 2007

RESOLUTION FY07-06

WHEREAS the Commissioners Court of Wise County recognizes the necessity of groundwater to maintain the quality of life that Wise County citizens are accustomed to and,

WHEREAS a significant portion of Wise County, Hood County, Parker County, Montague County, and Somervell County are in the recharge zone of the Trinity Aquifer and other minor aquifers and,

WHEREAS the rapid population growth, industrial growth, and rapid economic development continues to place more demand on the underground aquifers and,

WHEREAS the necessity of protection of the availability and quality of groundwater for these current and future demands has become evident,

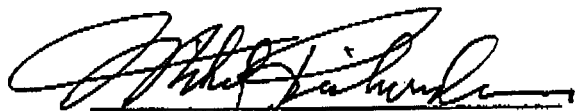
THEREFORE, BE IT RESOLVED the Commissioners Court of Wise County request the Legislature of the State of Texas to enact legislation to allow the citizens of Wise County, Hood County, Parker County, Montague County, and Somervell County to decide by a districtwide election if the citizens desire groundwater protection by means of a Groundwater Conservation District.



Robert Rankin, Commissioner Pct. 1




Kevin Burns, Commissioner Pct. 2



Mikel Richardson, Commissioner Pct. 3



Terry Ross, Commissioner Pct. 4


Bill McIlhaney, Wise County Judge
Sherry Parker-Lemon, Wise County Clerk

January 29, 2007