

RESOLUTION _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT, APPROVING A RESOLUTION AGREEMENT IN CONNECTION WITH DISCHARGES FROM THE AGUA VISTA AND BITTERS PUMP STATIONS; AUTHORIZING THE PRESIDENT AND SECRETARY TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO IMPLEMENT RESOLUTION OF THE DISPUTE; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Vista Ridge, formerly known as Abengoa Vista Ridge, LLC, has entered into the Vista Ridge Regional Supply Project Water Transmission and Purchase Agreement (“WTPA”) with San Antonio Water System (“SAWS”) under which the Vista Ridge Regional Supply Project (“Project”) transmits water from a well field in Burleson County, Texas, through a 142-mile pipeline to the point of delivery to SAWS in northern Bexar County, Texas;

WHEREAS, Post Oak Savannah Groundwater Conservation District (“POSGCD”) issued an Amended and Restated Drilling & Operating Permit to Vista Ridge (“Operating Permit”) as well as an Amended and Restated Transport Permit to Vista Ridge (“Transport Permit”) for the Project;

WHEREAS, Blue Water is the Permits Administrator related to the Operating Permit and Transport Permit held by Vista Ridge;

WHEREAS, Central Texas Regional Water Supply Corporation (“CTRWSC”) is a Texas nonprofit water supply corporation responsible for construction and ownership of certain Project facilities pursuant to an Amended and Restated Water Transportation Agreement (“WTA”). Under the WTA, CTRWSC transports Project water to SAWS on behalf of Vista Ridge. Vista Ridge owns Project water in transit until it is delivered to SAWS.

WHEREAS, EPCOR Services Inc. (“EPCOR”) is the operator of the Project facilities and in such role oversees the transmission of Project water from the well field to the point of delivery to SAWS.

WHEREAS, POSGCD has alleged that SAWS, Vista Ridge and/or Blue Water Vista Ridge, LLC, (“Blue Water”), the Permit Administrator, violated the Rules of the District (“Rules”) and the Texas Water Code by discharging water at the Agua Vista site and at Bitters pump station during start-up and integration of the water into the SAWS’s infrastructure (the “Discharge”) in a manner that was not a beneficial use of the water and constituted waste; and

WHEREAS, POSGCD has alleged that Blue Water and Vista Ridge violated the terms of the drilling and operating permit and the transport permit issued by the POSGCD, the Rules and the Texas Water Code by failing to ensure that the delivered water was put to a beneficial use and not wasted; and

WHEREAS, POSGCD, SAWS, Blue Water, and Vista Ridge, have agreed to resolve all claims

related to the Discharge pursuant to the terms of a Resolution Agreement among the POSGCD, Blue Water and Vista Ridge that is attached to this Resolution as Exhibit “A” (the “Resolution Agreement”)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT:

SECTION 1. The findings set out above are adopted and incorporated herein.

SECTION 2. That the Board of Directors has reviewed the Resolution Agreement and agrees that such Resolution Agreement resolves the matter in a manner that is in line with the Texas Water Code and the POSGCD Mission Statement and Rules.

SECTION 3. That the President and Secretary of the Board of Directors or their duly authorized designee are authorized to execute all documents and take all actions that are reasonable or necessary to implement or enact the terms of the Resolution Agreement in order to resolve the dispute.

SECTION 4. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION 5. If any part, section, paragraph, sentence, phrase or word of this Resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

SECTION 6. This Resolution becomes effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the Board of Directors of Post Oak Savannah Groundwater Conservation District, on this _____ day of April, 2021.

**POST OAK SAVANNAH GROUNDWATER
CONSERVATION DISTRICT**

By _____
Sidney Youngblood, President

ATTEST:

Tommy Tietjen, Secretary/Treasurer