



**FARMERS
BRANCH**

March 11, 2015

State Representative Matt Rinaldi
Room EI.422
P.O. Box 2910
Austin, TX 78768

Re: Water Permit Dispute

Dear Representative Rinaldi,

Thanks so much for your help and advice on the important proposed legislative issues that affect Farmers Branch. I am impressed with your willingness to assist Farmers Branch and your service to our citizens. I am writing you to bring you up to date on a long-standing controversy that we may need your assistance to resolve.

The controversy is with the Town of Addison and involves their Water Right Permit #5383A that authorizes them to use water in Farmers Branch Creek. Since they started developing the Vitruvian Park development 5 years ago, the Town of Addison has continually violated rules of the Texas Commission of Environmental Quality (TCEQ) and the conditions of their permit. Among other things, the Town has failed to maintain flow in Farmers Branch Creek, adversely affecting the creek and its ecosystems, which has been a source of particular concern to the 160+ residents who live adjacent to the Creek as well as to the City of Farmers Branch.

After several failed attempts to resolve this controversy, the City of Farmers Branch hired an environmental consulting firm to perform a comprehensive study of the Creek and, based on the findings of that study—of numerous violations by Addison--hired an environmental attorney to protect our interests. A number of the residents who live adjacent to the Creek had previously hired an environmental attorney of their own and have been working in concert with the City.

We presented our study to the Town but were unable to convince them of our findings that they were violating their permit and state law. Therefore, the City of Farmers

Branch, along with affected property owners, filed a complaint with the TCEQ. The complaint listed the following violations:

1. Addison initiated construction and impounded water without a permit.
2. Addison has failed to maintain adequate continuous daily flow as required by the permit.
3. Addison has been using a different aquifer—the Woodbine--then that authorized by their permit—the Trinity--as an alternative source of make-up water.
4. Addison has failed to maintain a riparian buffer of natural vegetation as required by the permit.

We noted too that water from the Woodbine Aquifer fails to meet Texas Surface Water Quality Standards and that the Town's discharge of inadequate flows and discharge of Woodbine water had resulted in an adverse ecological impact on Farmers Branch Creek.

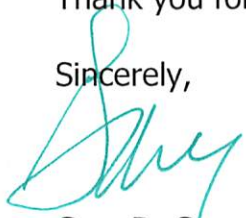
The TCEQ completed an extensive investigation of our complaints and generally agreed that most were well founded. More detail is found in the attached white paper, which discusses our concerns, TCEQ inspection report, and follow-up letter we sent to TCEQ, discussing the few areas where we have disagreement with the agency.

We are providing this information to give you a background concerning this controversy and to encourage you to monitor its status. We would also appreciate any efforts you can make on our behalf with the TCEQ to expedite and resolve this issue.

If you have any further questions or need more information, please feel free to contact me at any time.

Thank you for your assistance and leadership.

Sincerely,



Gary D. Greer
City Manager

cc: Website
Mayor & City Council
John Land, Managing Director
Shane Davis, Solid Waste Administrator
Randy Walhood, Director of Public Works
Jeff Civins, Haynes and Boone LLP