

Supplemental Watershed Agreement No. V
Jim Ned Creek Watershed of the
Middle Colorado River Watershed
By
Exchange of Correspondence

Since the original watershed agreement was signed on October 5, 1960, and supplemented on April 23, 1973, October 22, 1974, May 12, 1976 and November 27, 1978, it has become necessary to modify that agreement to carry out the installation of the plan. It is also necessary to modify the Operation and Maintenance Agreement dated December 8, 1958, as supplemented in January, 1966.

As a result of the construction of Lake Coleman the floodwater protection benefits of Jim Ned Creek Watershed Floodwater Retarding Structure (FRS) 9 were eliminated, and the site itself was incorporated into the recreational plan of Lake Coleman. The emergency spillway has been breached, therefore eliminating any floodwater retention benefits originally provided by the site. This site was originally constructed in 1963, prior to planning studies for Lake Coleman.

The sponsors wish to be released from all responsibility to operate and maintain (O&M) FRS 9. Since there are no remaining benefits from this structure, the Natural Resources Conservation Service (NRCS) is willing to delete FRS 9 from the Jim Ned Creek Watershed Project and O&M Agreement. The O&M Agreement was to protect the Federal investment for the life of the structure. Since the structure no longer provides any downstream flood control benefits, there is no longer a Federal investment to protect.

It is agreed that:

1. The Central Colorado Soil and Water Conservation District, the Coleman County Commissioners Court, and the City of Coleman are released from all obligations owed to NRCS regarding Jim Ned Creek FRS 9 under the Watershed Work Plan Agreement, as supplemented, and under the O&M Agreement, as supplemented.
2. The NRCS is released from any and all obligations owed to Central Colorado Soil and Water Conservation District, the Coleman County Commissioners Court and the City of Coleman regarding FRS 9 under said Watershed Work Plan Agreement, as supplemented, and under said O&M Agreement, as supplemented.
3. The NRCS is released from all responsibilities and liabilities arising out of any rules, laws, and regulations applicable to FRS 9 under the jurisdiction of the State of Texas. Whoever retains title to or obtains title to the easements and/or land where FRS 9 is located will assume this responsibility and liability from the date of this Supplemental Watershed Agreement V, forward.

4. It is further agreed that FRS 9 is hereby deleted from the Watershed Work Plan Agreement, as supplemented, and from the Operation and Maintenance Agreement, as supplemented.

All other terms, conditions and stipulations of the Watershed Work Plan Agreement, as supplemented, and of the Operation and Maintenance Agreement, as supplemented, that are not modified herein remain the same and are agreed to:

Dini Haber
Signature
County Judge
Title
11-30-05
Date

Coleman County, Texas
Sponsor

Wayne Moore
Signature
Mayor Pro Tem
Title
12-1-05
Date

City of Coleman, Texas
Sponsor

Harold Phillips
Signature
CHAIRMAN
Title
11/10/05
Date

Central Colorado Soil and Water
Conservation District
Sponsor

Salvador Salina Acting
Signature
LARRY D. BUTLER
State Conservationist
Title
DEC 16 2005
Date

Natural Resources Conservation Service
Temple, Texas