



Model Drought Contingency Plan for the Irrigation District

August 2015

**Texas Commission on
Environmental Quality**

Drought Contingency Plan for an Irrigation District

Texas Commission on Environmental Quality

Instructions: The following form is a model of a drought contingency plan for an irrigation district. Not all items may apply to your district's situation. This form is supplied for your convenience, but you are not required to use this form to submit your plan to the TCEQ. Submit completed plans to: Water Supply Division MC 160, TCEQ, P.O. Box 13087, Austin TX 78711-3087.

(Irrigation District)

(Address, City, Zip Code)

(Date)

Section I: Declaration of Policy, Purpose, and Intent

The Board of Directors of the _____ (name of irrigation district) deems it to be in the interest of the District to adopt Rules and Regulations governing the equitable and efficient allocation of limited water supplies during times of shortage. These Rules and Regulations constitute the District's drought contingency plan required under Section 11.1272, Texas Water Code, *Vernon's Texas Codes Annotated*, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288).

Section II: User Involvement

Opportunity for users of water from the _____ (name of irrigation district) was provided by means of _____ (describe methods used to inform water users about the preparation of the plan and opportunities for input; for example, scheduling and providing notice of a public meeting to accept user input on the plan).

Section III: User Education

The _____ (name of irrigation district) will periodically provide water users with information about the Plan, including information about the conditions under which water allocation is to be initiated or terminated and the district's policies and procedures for water allocation. This information will be provided by means of _____ (e.g. describe methods to be used to provide water users with information about the Plan; for example, by providing copies of the Plan and by posting water allocation rules and regulations on the district's public bulletin board).

Section IV: Authorization

The _____ (e.g., general manager) is hereby authorized and directed to implement the applicable provision of the Plan upon determination by the Board that such implementation is necessary to ensure the equitable and efficient allocation of limited water supplies during times of shortage.

Section V: Application

The provisions of the Plan shall apply to all persons utilizing water provided by the _____ (name of irrigation district). The term “person” as used in the Plan includes individuals, corporations, partnerships, associations, and all other legal entities.

Section VI: Initiation of Water Allocation

The _____ (designated official) shall monitor water supply conditions on a _____ (e.g. weekly, monthly) basis and shall make recommendations to the Board regarding irrigation of water allocation. Upon approval of the Board, water allocation will become effective when _____ (describe the criteria and the basis for the criteria):

Below are examples of the types of triggering criteria that might be used; singly or in combination, in an irrigation district’s drought contingency plan:

Example 1: Water in storage in the _____ (name of reservoir) is equal to or less than _____ (acre-feet and/or percentage of storage capacity).

Example 2: Combined storage in the _____ (name or reservoirs) reservoir system is equal to or less than _____ (acre-feet and/or percentage of storage capacity).

Example 3: Flows as measured by the U.S. Geological Survey gage on the _____ (name of reservoir) near _____, Texas reaches _____ cubic feet per second (cfs).

Example 4: The storage balance in the district’s irrigation water rights account reaches _____ acre-feet.

Example 5: The storage balance in the district’s irrigation water rights account reaches an amount equivalent to _____ (number) irrigations for each flat rate acre in which all flat rate assessments are paid and current.

Example 6: The _____ (name of entity supplying water to the irrigation district) notifies the district that water deliveries will be limited to _____ acre-feet per year (i.e. a level below that required for unrestricted irrigation).

Section VII: Termination of Water Allocation

The district's water allocation policies will remain in effect until the conditions defined in Section IV of the Plan no longer exist and the Board deems that the need to allocate water no longer exists.

Section VIII: Notice

Notice of the initiation of water allocation will be given by notice posted on the District's public bulletin board and by mail to each _____ (e.g. landowner, holders of active irrigation accounts, etc.).

Section IX: Water Allocation

- (a) In identifying **specific, quantified targets** for water allocation to be achieved during periods of water shortages and drought, each irrigation user shall be allocated _____ irrigations or _____ acre-feet of water each flat rate acre on which all taxes, fees, and charges have been paid. The water allotment in each irrigation account will be expressed in acre-feet of water.

Include explanation of water allocation procedure. For example, in the Lower Rio Grande Valley, an "irrigation" is typically considered to be equivalent to eight (8) inches of water per irrigation acre; consisting of six (6) inches of water per acre applied plus two (2) inches of water lost in transporting the water from the river to the land. Thus, three irrigations would be equal to 24 inches of water per acre or an allocation of 2.0 acre-feet of water measured at the diversion from the river.

- (b) As additional water supplies become available to the District in an amount reasonably sufficient for allocation to the District's irrigation users, the additional water made available to the District will be equally distributed, on a pro rata basis, to those irrigation users having _____.

Example 1: An account balance of less than _____ irrigations for each flat rate acre (i.e. ____ acre-feet).

Example 2: An account balance of less than _____ acre-feet of water for each flat rate acre.

Example 3: An account balance of less than ____ acre-feet of water

- (c) The amount of water charged against a user's water allocation will be ____ (e.g. eight inches) per irrigation, or one allocation unit, unless water deliveries to the land are metered. Metered water deliveries will be charges based on actual measured use. In

order to maintain parity in charging use against a water allocation between non-metered and metered deliveries, a loss factor of ____ percent of the water delivered in a metered situation will be added to the measured use and will be charged against the user's water allocation. Any metered use, with the loss factor applied, that is less than eight (8) inches per acre shall be credited back to the allocation unit and will be available to the user. It shall be a violation of the Rules and Regulations for a water user to use water in excess of the amount of water contained in the users irrigation account.

(d) Acreage in an irrigation account that has not been irrigated for any reason within the last two (2) consecutive years will be considered inactive and will not be allocated water. Any landowner whose land has not been irrigated within the last two (2) consecutive years, may, upon application to the District expressing intent to irrigate the land, receive future allocations. However, irrigation water allocated shall be applied only upon the acreage to which it was allocated and such water allotment cannot be transferred until there have been two consecutive years of use.

Section X: Transfers of Allotments

(a) A water allocation in an active irrigation account may be transferred within the boundaries of the District from one irrigation account to another. The transfer of water can only be made by the landowner's agent who is authorized in writing to act on behalf of the landowner in the transfer of all or part of the water allocation from the described land of the landowner covered by the irrigation account.

(b) A water allocation may not be transferred to land owned by a landowner outside the District boundaries.

or

A water allocation may be transferred to land outside the District's boundaries by paying the current water charge as if the water was actually delivered by the District to the land covered by an irrigation account. The amount of water allowed to be transferred shall be stated in terms of acre-feet and deducted from the landowner's current allocation balance in the irrigation account. Transfers of water outside the District shall not affect the allocation of water under Section VII of these Rules and Regulations.

(c) Water from outside the District may not be transferred by a landowner for use within the District.

or

Water from outside the District may be transferred by a landowner for use within the District. The District will divert and deliver the water on the same basis as District water is delivered, except that a ____ percent conveyance loss will be charged against

the amount of water transferred for use in the District as the water is delivered.

Section XI: Penalties

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of these Rules and Regulations, shall be considered in violation of Section 11.0083, Texas Water Code, *Vernon's Texas Codes Annotated*, which provides for punishment by fine of not less than \$10.00 nor more than \$200.00 or by confinement in the county jail for not more than thirty (30) days, or both, for each violation, and these penalties provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in _____ County, all in accordance with Section 11.083; and in addition, the District may pursue a civil remedy in the way of damages and/or injunction against the violation of any of the foregoing Rules and Regulations.

Section XII: Severability

It is hereby declared to be the intention of the Board of Directors of the _____ (name of irrigation district) that the sections, paragraphs, sentences, clauses, and phrases of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Board without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIII: Authority

The foregoing rules and regulations are adopted pursuant to and in accordance with Sections 11.039, 11.083, 11.1272; Section 49.004; and Section 58.127-130 of the Texas Water Code, *Vernon's Texas Codes Annotated*.

Section XIV: Effective Date of Plan

The effective date of this Rule shall be five (5) days following the date of Publication hereof and ignorance of the Rules and Regulations is not a defense for a prosecution for enforcement of the violation of the Rules and Regulations.

**EXAMPLE RESOLUTION FOR ADOPTION OF A
DROUGHT CONTINGENCY PLAN**

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
_____ (name of water supplier) ADOPTING A DROUGHT
CONTINGENCY PLAN.

WHEREAS, the Board recognizes that the amount of water available to the _____ (name of water supplier) and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the Board recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the _____ (name of water supply system), the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE _____ (name of water supplier):

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit AA@ and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the _____ (name of water supplier).

SECTION 2. That the _____ (e.g., general manager) is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE _____, ON
THIS __ day of _____, 20__.

President, Board of Directors

ATTESTED TO:

Secretary, Board of Directors