

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: March 30, 2022

SUBJECT: Agua Special Utility District
ADJ 832
CN603402322, RN103188215
Application No. 23-832E to Amend a Portion of Certificate of
Adjudication No. 23-832
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Hidalgo County

The application and fees were received on February 24, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 30, 2022. No notice is required pursuant to Title 30 Texas Administrative Code § 303.42.

All fees have been paid and the application is sufficient for filing.

Jenna L. Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2022

Mr. Eugene R. Vaughan, III
Jones Galligan Key & Lozano L.L.P.
P.O. Drawer 1247
Weslaco, Texas 78599

RE: Agua Special Utility District
ADJ 832
CN603402322, RN103188215
Application No. 23-832E to Amend a Portion of Certificate of Adjudication No. 23-832
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Hidalgo County

Dear Mr. Vaughan:

This acknowledges receipt on February 24, 2022 of the referenced application and fees in the amount of \$112.50 (Receipt No. M212716C, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on March 30, 2022. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning this matter please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna L. Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Historical Receipt Report

MAR-22-22 11:12 AM

Selected date range
22-FEB-22 - 22-FEB-22

Table with columns: Fee, Account Number & Name, Endorse.#, T-Code, Fac/Per, Check #, Paid In By, Paid In For, Tran Date, Receipt Amount. Includes rows for WUP:WATER USE PERMITS and a Total (Fee Code) row.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): AGUA SPECIAL UTILITY DISTRICT

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y Administrative Information Report
N Additional Co-Applicant Information
N Additional Co-Applicant Signature Pages
Y Written Evidence of Signature Authority
Y Technical Information Report
Y USGS Map (or equivalent)
N Map Showing Project Details
N Original Photographs
N Water Availability Analysis
Y Worksheet 1.0
N Recorded Deeds for Irrigated Land
N Consent For Irrigation Land
N/A Worksheet 1.1
N/A Addendum to Worksheet 1.1
N/A Worksheet 1.2
N/A Addendum to Worksheet 1.2
N/A Worksheet 2.0
N/A Additional W.S 2.0 for Each Reservoir
N/A Dam Safety Documents
N/A Notice(s) to Governing Bodies
N/A Recorded Deeds for Inundated Land
N/A Consent For Inundation Land

Y/N

Y Worksheet 3.0
N/A Additional W.S 3.0 for each Point
N/A Recorded Deeds for Diversion Points
Y Consent For Diversion Access
N/A Worksheet 4.0
N/A TPDES Permit(s)
N/A WWTP Discharge Data
N/A 24-hour Pump Test
N/A Groundwater Well Permit
N/A Signed Water Supply Contract
N/A Worksheet 4.1
N/A Worksheet 5.0
N/A Addendum to Worksheet 5.0
Y Worksheet 6.0
Y Water Conservation Plan(s)
Y Drought Contingency Plan(s)
Y Documentation of Adoption
N/A Worksheet 7.0
N/A Accounting Plan
Y Worksheet 8.0
Y Fees

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

RECEIVED

FEB 24 2022

Water Availability Division

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

***** Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

****If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

See summary of request on Attachment "A"

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

AGUA SPECIAL UTILITY DISTRICT

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 603402322 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: ROBERTO SALINAS

Title: GENERAL MANAGER

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Yes. See Attachment "B"

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: AUGA Special Utility District

Mailing Address: 3120 N. Abram Road

City: Palmview

State: Texas

ZIP Code: 78572

Indicate an X next to the type of Applicant:

- | | |
|---|--|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> County Government | <input type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | <input checked="" type="checkbox"/> Other Special Utility District |

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: EUGENE R. VAUGHAN, III

Title: Attorney

Organization Name: JONES GALLIGAN KEY...

Mailing Address: P.O. DRAWER 1247

City: WESLACO

State: TEXAS

ZIP Code: 78599-1247

Phone No.: 956-968-5402

Extension: 138

Fax No.: 956-968-6089

E-mail Address: 

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION
(Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No N**

If **yes**, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No N**

If **yes**, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No N/A**

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No Y**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, ROBERTO SALINAS General Manager - AGUA Special Utility District
(Typed or printed name) (Title)

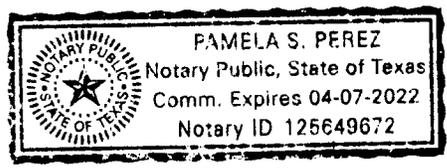
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: *Roberto Salinas* Date: 1/28/22
(Use blue ink)

Subscribed and Sworn to before me by the said
on this 28 day of January, 20 22.
My commission expires on the 7 day of April, 20 22.

Paula S. Perez
Notary Public



[SEAL]

County, Texas

If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N^N_____ (If yes, date :N/A_____).

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N^N_____
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N^N_____ (If yes, indicate the Certificate or Permit number: N/A_____)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N*_____

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N^N_____ (If yes, indicate the Term Certificate or Permit number: N/A_____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 – see instructions Page. 34.**
- **Maps – See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 23-832

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N^N** (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N^N**

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? **Y / N^N**

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N^Y**

If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”**

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N^Y**

If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N^N**

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N^N_____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 - Calculation of Fees; and Fees calculated - see instructions Page. 34**
- **Maps - See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N^N_____

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N^N_____

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N^N_____

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N^N_____

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N^N_____

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 - Discharge Information Worksheet** (for each discharge point)

- Worksheet 5.0 – Environmental Information Worksheet
- Worksheet 6.0 – Water Conservation Information Worksheet
- Worksheet 7.0 – Accounting Plan Information Worksheet
- Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34
- Maps – See instructions Page. 15.
- Additional Documents and Worksheets may be required (see within).

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

Applicant is located within Region M Planning Group. This Application is consistent with the 2017 State Water Plan, which supports conversion of irrigation use rights to municipal use. In addition, the Region M 2016 Water Plan adopts the conversion of agricultural rights to municipal use as a Water Management strategy.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- C. Does the application include required Maps? (Instructions Page. 15) Y / N Y

See Attachment C

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>

_____ Total amount of water (in acre-feet) to be used annually *(include losses for Bed and Banks applications)*

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
1,250	AGRICULTURAL	MUNICIPAL; MUNICIPAL PRIORITY - SEE ATTACHMENT "A"	HIDALGO COUNTY AGRICULTURAL LAND - SEE ATTACHMENT "A"	HIDALGO COUNTY SERVICE AREA OF APPLICANT - SEE ATTACHMENT "A"

*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."

**If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

i. Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.

ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N_____

1. Interbasin Transfer Request (Instructions, Page. 20)

- a. Provide the Basin of Origin. _____
- b. Provide the quantity of water to be transferred (acre-feet). _____
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page, 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page, 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (such as certain amendments to special conditions or changes to off-channel storage). These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required for Applications in the Rio Grande Basin** requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization**. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

1. The "Marshall Criteria" (Instructions, Page 21)

Submit responses on a supplemental attachment titled "Marshall Criteria" in a manner that conforms to the paragraphs (a) - (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0

Impoundment/Dam Information

This worksheet is **required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g. maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N _____
- d. Is the impoundment structure already constructed? Y / N _____
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: _____
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N _____
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N _____
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N _____
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N _____
 - b. Plans (with engineer's seal) for the structure required. Y / N _____
 - c. Engineer's signed and sealed hazard classification required. Y / N _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N_____ If yes, the drainage area is_____sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude_____°N, Longitude_____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N_____

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. ___ Diversion Point No.
2. ___ Upstream Limit of Diversion Reach No.
3. ___ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N _____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches _____ cfs or _____ gpm*

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N _____

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	EXISTING
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N _____

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): SEE ATTACHMENT "A"
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. SEE ATTACHMENT "D"
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____ % and explain the method of calculation:_____

Is the source of the discharged water return flows? Y / N_____ If yes, provide the following information:

1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- c. Is the source of the water being discharged groundwater? Y / N_____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:_____
 2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N_____ If yes, provide the signed contract(s).
- cii. Identify any other source of the water_____

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g. maps).

Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- f. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- g. Point is at:
Latitude _____ °N, Longitude _____ °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): _____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number_____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

- iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. Municipal Use. See 30 TAC § 288.2. **
2. Industrial or Mining Use. See 30 TAC § 288.3.
3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. Wholesale Water Suppliers. See 30 TAC § 288.5. **

If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? **Y / N SEE ATTACHMENT "E"

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.
Applicant has included this information in each applicable plan? Y / N___

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N___ SEE ATTACHMENT "F"

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 OR Sever and Combine: \$100 x _____ of water rights to combine	100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 112.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$

ATTACHMENT "A"

SUMMARY OF REQUEST

RE: APPLICATION TO SEVER RIGHTS FROM CERTIFICATE OF ADJUDICATION NO. 23-832, AS AMENDED, RIO GRANDE

1. **THE AGUA SPECIAL UTILITY DISTRICT**, a special utility district operating under the laws of the State of Texas, 3120 North Abram Road, Palmview, Texas 78572 (hereafter called **APPLICANT**), requests the Commission to change the point of diversion, place and purpose of use of the right to divert up to a maximum of **1,250 acre feet** of water per annum from the Rio Grande on a Class "B" irrigation priority basis being a portion of those water rights evidenced by **Certificate No. 23-832**.
2. **ML RHODES, LTD.**, a Texas limited partnership, 200 South 10th Street, Suite 1400, McAllen, Texas 78501, has conveyed to Applicant rights under Certificate of Adjudication No. 23-832, amounting to the right to divert 1,250 acre feet per annum for irrigation purposes on a Class "B" irrigation priority basis. A recorded copy of said Conveyance has been filed with Change of Ownership request form and fees with the Commission.
3. The existing purpose of use of the Water Rights is for irrigation purposes. Applicant will utilize the allocated water under the Water Rights for municipal purposes, and therefore, a change in purpose of use from irrigation to municipal use with municipal priority of allocation is hereby requested.
4. The existing place of use of the Water Rights of Applicant is upon land in Hidalgo County, Texas.
5. The proposed new place of use of the Water Rights of Applicant is within the service area of Applicant in Hidalgo County, Texas, as it presently exists, or as it is hereafter changed.

6. The diversion point of the Water Rights is requested to be changed from its existing location under Certificate of Adjudication No. 23-832 to the designated diversion points of Applicant by Consent to Divert of Hidalgo County Irrigation District No. 16, an existing diverter with a diversion point located at Latitude 26.226158° N, Longitude -98.507747° W, Hidalgo County, Texas.
7. Applicant requests that the Commission issue an Amendment to Certificate of Adjudication No. 23-832 changing the place and purpose of use and diversion points as requested in this Application.
8. Applicant states that the change of points of diversion, and place and purpose of use, as requested herein, does not contemplate an increased use of water or rate of diversion and does not harm any other existing water right holders on the Rio Grande below Amistad and Falcon Reservoirs. Current Commission rules provide in cases of change in purpose of use and priority of allocation from irrigation to municipal use with a municipal priority of allocation on the Lower Rio Grande, that a conversion factor be applied which results in Applicant's right of diversion being limited to the diversion of **500.00 acre feet** of water per annum for municipal use purposes with a municipal priority of allocation on the Rio Grande. Applicant does not object to the application of such existing rule, but does so without prejudice to any rights it may have in the event such rule is amended, changed or eliminated in the future.
9. Applicant understands that the Commission may require additional information in regard to the requested Amendment of the Water Rights before considering this Application. Applicant is submitting the required fees herewith.
10. Applicant's Tax Identification No.: 26-2882688

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

STATE OF TEXAS

§

CONSENT OF DIVERTER

COUNTY OF HIDALGO

§
§

TO: Texas Commission on Environmental Quality
Austin, Texas

RE: Certificate of Adjudication No. 23-832, Lower Rio Grande,
1,250 acre feet of Rio Grande per annum, Class "B"

Hidalgo County Irrigation District No. 6 ("District 6") is presently a diverter of water from the Rio Grande for Agua Special Utility District (Agua SUD), and is advised that Agua SUD has acquired the right to divert and use a maximum of up to 1,250 acre feet of water per annum for agricultural use out of those rights evidenced by Certificate of Adjudication No. 23-832 for use by Agua SUD after conversion of the purpose of use from agricultural to municipal use.

This is to advise that District 6 is able, and its facilities are available to divert and deliver water from the Rio Grande to Agua SUD for its use under these acquired water rights, and hereby consents to be designated as the diverter for said water rights for the benefit of Agua SUD, subject to terms and conditions of agreement(s) between it and District 6 pertaining to deliveries of water.

District 6 diverts water pursuant to its water rights, and other rights, including rights evidenced by Certificate of Adjudication 23- 828, and its diversion point is located on the Rio Grande at Latitude 26.229858°N, Longitude -98.472411°W, in Hidalgo County, Texas.

DATED this the 28 day of January, 2022.

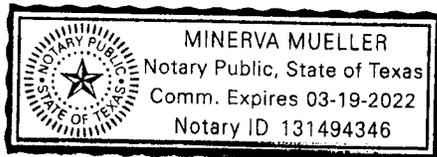
HIDALGO COUNTY IRRIGATION DISTRICT NO.6

By: Dr. Antonio Quisti

General Manager

STATE OF TEXAS §
COUNTY OF HIDALGO §

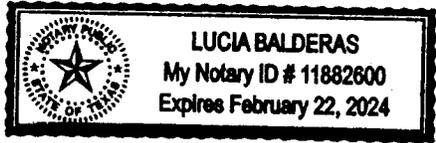
This instrument was acknowledged before me on the 28 day of January 2022, by Dr. Antonio Uresti, General Manager of Hidalgo County Irrigation District No. 6, a political subdivision of the State of Texas, on behalf of said political subdivision, to certify which witness my hand and seal of office.



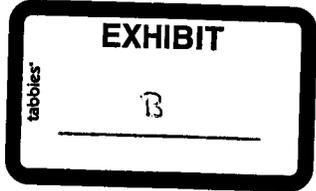
Minerva Mueller
Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on the 4 day of February 2022, by Juan A. Martinez, General Manager of Hidalgo County Irrigation District No. 16, a political subdivision of the State of Texas, on behalf of said political subdivision, to certify which witness my hand and seal of office.



Lucia Balderas
Notary Public in and for the State of Texas



RESOLUTION NO. 2021-11-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AGUA SPECIAL UTILITY DISTRICT RELATING TO THE PURCHASE OF 1,250 ACRE FEET PER ANNUM OF RIO GRANDE CLASS B IRRIGATION WATER RIGHTS FROM M. L. RHODES, LTD.; AUTHORIZING GENERAL MANAGER TO EXECUTE DOCUMENTS RELATED TO PURCHASE OF WATER RIGHTS.

WHEREAS, the Agua Special Utility District (“District”) is a duly organized and operating special utility district, and conservation and reclamation district, located and doing business in Hidalgo and Starr Counties, Texas pursuant to the following non-exclusive legal authority which is incorporated by reference: Article XVI, Section 59 of the Texas Constitution; Chapter 7201 of the Texas Special District Local Laws Code; and Chapters 49 and 65 of the Texas Water Code;

WHEREAS, pursuant to Section 49.2261 of the Texas Water Code, the District has the authority to purchase, acquire, sell, transfer, lease, or otherwise exchange water or water rights under an agreement between the District and a person or entity that contains terms that are considered advantageous to the District;

WHEREAS, the District is in need of additional water rights to meet its water supply requirements;

WHEREAS, M. L. Rhodes owns and has agreed to enter into an agreement to sell 1,250 acre feet per annum of Rio Grande Class “B” irrigation water rights (“Water Rights”) at a purchase price of [REDACTED], amounting to [REDACTED] per acre feet per annum;

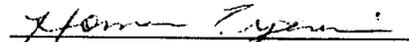
WHEREAS, the Board of Directors of the District finds that the purchase and acquisition of the Water Rights is in the best interest of the customers of the District; and

WHEREAS, the Board of Directors of the District approved by majority vote of members present for the purchase of the Water Rights from M. L. Rhodes, Ltd. (“Seller”) at a purchase price of [REDACTED]; and authorized the General Manager (1) to execute any and all documents related to the purchase of the water rights, and changing the (a) ownership of the Water Rights; (b) place and purpose of use (i.e., conversion of the 1,250 acre feet per annum of irrigation water rights to 500 acre feet per annum of municipal use water rights); and (c) point of diversion of the Water Rights before the Texas Commission on Environmental Quality (“TCEQ”); (2) the right to participate in all necessary proceedings before the TCEQ to change the ownership, place and purpose of use, and point of diversion of the Water Rights to final conclusion; and (3) to authorize and delegate to M. L. Rhodes, Ltd., Seller, the authority to file on behalf of District all necessary application(s) with the TCEQ requesting that the Water Rights be transferred to District, and that the place and purpose of use, and the point of diversion of the water rights be changed all as required by District.

NOW, THEREFORE, BE IT RESOLVED, by the Agua Special Utility District Board of Directors as follows:

1. That the purchase of 1,250 acre feet per annum of Rio Grande River Class "B" irrigation water rights from M. L. Rhodes, Ltd. ("Seller") ("Water Rights") at a purchase price of [REDACTED] is authorized and approved.
2. That the District General Manager has been authorized and delegated the authority to negotiate, finalize and execute any and all documents including, but not limited to a Water Rights Sales Agreement between the District and M. L. Rhodes, Ltd., related to the purchase of the Water Rights on terms that are advantageous to the District, and finalizing the purchase transaction of the Water Rights.
3. That the District General Manager is further authorized and delegated the authority to work with M. L. Rhodes, Ltd., Seller, to change the (a) ownership of the Water Rights (i.e., by Amendment to the Certificate(s) of Adjudication and transferring the Water Rights to District); (b) the place of use to District's service area, and purpose of use of the Water Rights to municipal use water rights; and (c) points of diversion of the Water Rights to the diversion points of Hidalgo County Irrigation Districts Nos. 6 and 16, all through the Texas Commission on Environmental Quality ("TCEQ"); (d) the authority to participate in all necessary proceedings before the TCEQ on behalf of the District including the authority to file and execute on behalf of the District, the necessary Application(s) for Amendment of the Water Rights and related documents.
4. That M. L. Rhodes, Ltd., Seller, is hereby authorized and delegated the authority to file on behalf of District all necessary Application(s) with the TCEQ requesting that the corresponding Certificates of Adjudication be amended and transferred to District, and that the place and purpose of use, and the point of diversion of the Water Rights be changed all as required by District.
5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.
6. This Resolution becomes effective immediately after being passed and approved.

PASSED, ADOPTED, AND APPROVED by the Board of Directors of Agua Special Utility District on the 1st day of November 2021.


Homero Tijerina, President
Agua Special Utility District

ATTEST:



Maribel Diaz, Secretary
Agua Special Utility District
Date: November 3, 2021



UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: Agua SUD

Public Water Supply Identification Number (PWS ID): TX1080022

Certificate of Convenience and Necessity (CCN) Number: 10559

Surface Water Right ID Number: 27-D, 81-E, 294-D, 319-D, 521-A

Wastewater ID Number: 20785

Contact: First Name: Aaron Last Name: Castillo

Title: Water Plant Supervisor

Address: 3120 N. Abram Rd City: Palmview State: TX

Zip Code: 78572 Zip+4: _____ Email: _____

Telephone Number: 9562407918 Date: _____

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: M

Groundwater Conservation District: _____

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 120

Attached file(s):

File Name	File Description
Water Service CCN.pdf	AGUA SUD SERVICE AREA

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2018	54,401	0	1,485
2017	54,401	0	1,485
2016	54,401	0	1,485
2015	63,876	0	1,485
2014	63,876	0	1,485

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2020	58,702	0	2,090
2030	71,115	0	4,975
2040	84,884	0	5,914
2050	98,228	0	6,918
2060	111,412	0	7,950

4. Described source(s)/method(s) for estimating current and projected populations.

The population within the service area is projected by using Census block of the 2010 Census within the Aquatic/CCN area.

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported - Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2018	2,029,928,723	0	0	2,029,928,723	86
2017	2,249,891,011	0	0	2,249,891,011	96
2016	2,100,515,930	0	0	2,100,515,930	89
2015	1,993,786,935	0	0	1,993,786,935	86
2014	872,756,698	1,689,566,930	0	2,562,325,628	110
Historic Average	1,849,875,859	837,913,786	0	2,187,289,645	93

C. Water Supply System

Attached file(s):

File Name	File Description
2019 Water System Description.docx	AGUA SUD WATER SYSTEM DESCRIPTION

- 1. Designed daily capacity of system in gallons
- 2. Storage Capacity
 - 2a. Elevated storage in gallons:
 - 2b. Ground storage in gallons:

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2020	65,702	2,300,000,000
2021	65,973	2,349,000,000
2022	66,244	2,398,000,000
2023	66,515	2,448,000,000
2024	66,787	2,500,000,000
2025	67,058	2,552,000,000
2026	67,329	2,606,000,000
2027	67,600	2,661,000,000
2028	67,880	2,716,000,000
2029	70,151	2,773,000,000

2. Description of source data and how projected water demands were determined.

Capacity large planning data from water treated demands per connection from year 2008 to 2018

E. High Volume Customers

1. The annual water use for the five highest volume
RETAIL customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
U. S. Navy ISD	Institutional	82,789,600	Treated
Wonderful Corns	Commercial	26,086,000	Treated
Villas at Peninsula	Commercial	16,917,300	Treated
Walman	Commercial	10,783,300	Treated
Rich Valley Pipe	Commercial	9,809,700	Treated

2. The annual water use for the five highest volume
WHOLESALE customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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UTILITY PROFILE FOR RETAIL WATER SUPPLIER

F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	14,542	91.89%
Residential - Multi-Family	316	2.00%
Industrial	0	0.00%
Commercial	886	5.60%
Institutional	5	0.02%
Agricultural	37	0.20%
Total	16,826	100.00%

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						Total
	Residential Single Family	Residential Multi-Family	Industrial	Commercial	Institutional	Agricultural	
2018	302	0	0	26	0	0	302
2017	183	0	0	26	0	0	189
2016	26	0	0	0	0	0	26
2015	21	0	0	0	0	0	21
2014	228	0	0	0	2	0	230

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2018	1,321,036,252	46,471,100	0	169,581,409	82,474,600	17,599,400	1,697,162,761
2017	1,451,667,921	53,374,900	0	166,696,000	109,460,200	1,552,200	1,782,771,221
2016	1,388,265,520	52,979,100	0	173,010,023	99,594,900	1,140,600	1,714,990,143
2015	1,222,425,660	50,647,100	0	157,238,400	76,866,800	426,200	1,507,604,160
2014	1,353,691,812	46,594,600	0	170,878,700	102,623,100	314,100	1,674,102,312

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2018	58
2017	64
2016	61
2015	55
2014	60
Historic Average	60

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2016	2017	2016	2015	2014
January	140,000,000	145,199,000	148,153,000	129,295,000	140,010,000
February	123,806,000	140,932,000	160,104,000	120,670,000	129,355,000
March	163,992,000	145,816,000	165,712,000	130,422,000	143,839,000
April	157,505,000	168,814,000	165,881,000	141,496,000	178,594,000
May	175,593,000	185,141,000	171,030,000	150,209,000	193,150,000
June	176,152,000	190,859,000	166,694,000	151,678,000	217,030,000
July	170,667,000	200,548,900	226,164,000	202,717,000	219,055,000
August	210,033,000	205,328,000	209,056,000	210,726,000	238,869,000
September	164,250,000	187,632,000	176,196,000	160,942,000	145,042,000
October	139,633,000	151,143,000	175,246,000	168,350,000	165,174,000
November	137,741,000	146,923,000	146,077,000	144,136,000	133,919,000
December	139,431,000	133,749,000	133,189,000	143,090,000	127,100,000
Total	1,908,183,000	2,002,402,900	2,049,802,000	1,858,931,000	2,031,145,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons Of Raw Water				
	2018	2017	2016	2015	2014
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2018	566,167,000	1,908,433,000
2017	596,745,900	2,002,402,900
2016	602,214,000	2,043,802,000
2015	565,223,000	1,858,291,000
2014	677,931,000	2,031,257,000
Average in Gallons	601,403,380.00	1,968,945,180.00

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss In Gallons	Water Loss In GPCD	Water Loss as a Percentage
2018	149,739,853	6	7.38%
2017	205,224,153	9	9.12%
2016	194,419,340	8	9.26%
2015	243,597,214	10	12.22%
2014	302,982,246	13	14.82%
Average	249,191,361	9	9.96%

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2018	5,727,775	6,539,899	1.1772
2017	5,486,035	6,486,042	1.1829
2016	5,599,457	6,515,804	1.1690
2015	5,092,954	6,426,119	1.2641
2014	5,566,633	7,336,239	1.3181

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	3,172,311,433	91.36%	81.00%
Residential - Multi Family	50,013,360	2.00%	1.16%
Industrial	0	0.00%	0.00%
Commercial	167,480,906	5.60%	10.07%
Institutional	94,203,920	0.82%	5.86%
Agricultural	206,500	0.20%	0.25%

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

Attached file(s):

File Name	File Description
2019 Wastewater System Description.docx	Agua SUD Wastewater System Description

1. Design capacity of wastewater treatment plant(s) in gallons per day: 1,400,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	1,355	0	1,355	91.25%
Industrial	0	0	0	0.00%
Commercial	129	0	129	8.69%
Institutional	0	0	0	0.00%
Agricultural	0	0	0	0.00%
Total	1,485	0	1,485	100.00%

3. Percentage of water serviced by the wastewater system: 7.00%

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2018	2017	2016	2015	2014
January	4,974,700	5,013,200	5,222,000	5,213,700	5,398,700
February	4,398,800	4,543,400	4,669,000	4,632,200	4,726,100
March	4,850,500	5,304,600	5,278,000	5,052,800	5,445,800
April	4,985,800	4,922,600	5,374,700	5,268,000	5,017,900
May	5,238,200	5,014,900	5,734,200	5,906,800	5,159,100
June	5,681,000	4,749,000	5,151,900	5,295,400	4,650,300
July	5,613,200	5,096,000	5,079,500	4,997,400	4,430,700
August	5,442,500	5,067,400	5,219,000	5,214,000	4,409,600
September	6,411,100	5,006,800	4,911,400	5,197,700	5,510,700
October	4,916,200	6,445,900	5,391,200	5,597,100	4,842,000
November	4,415,500	4,930,900	5,123,300	5,210,900	4,830,400
December	5,054,900	5,169,500	5,120,600	5,493,400	5,158,100
Total	61,946,400	61,264,200	62,271,800	63,079,800	59,578,900

5. Could treated wastewater be substituted for potable water?

Yes No

B. Reuse Data

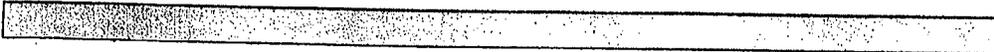
1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site irrigation	17,880
Plant wash-down	
Chlorination/dechlorination	
Industrial	
Landscape irrigation (parks/golf courses)	0
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
Total	17,880

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.



ATTACHMENT “D”

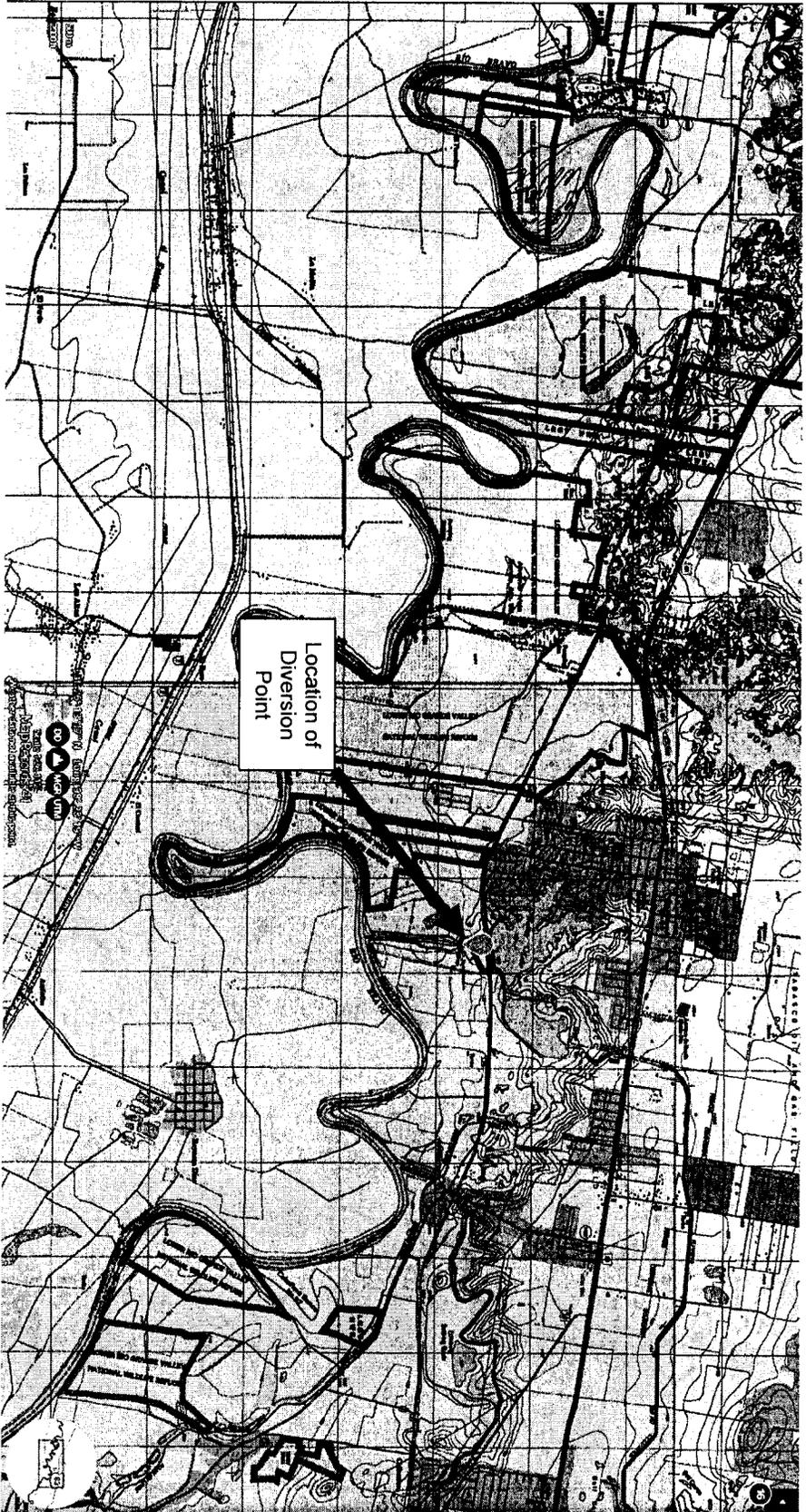
Diversion Point Location of:

Hidalgo County Irrigation District No. 6

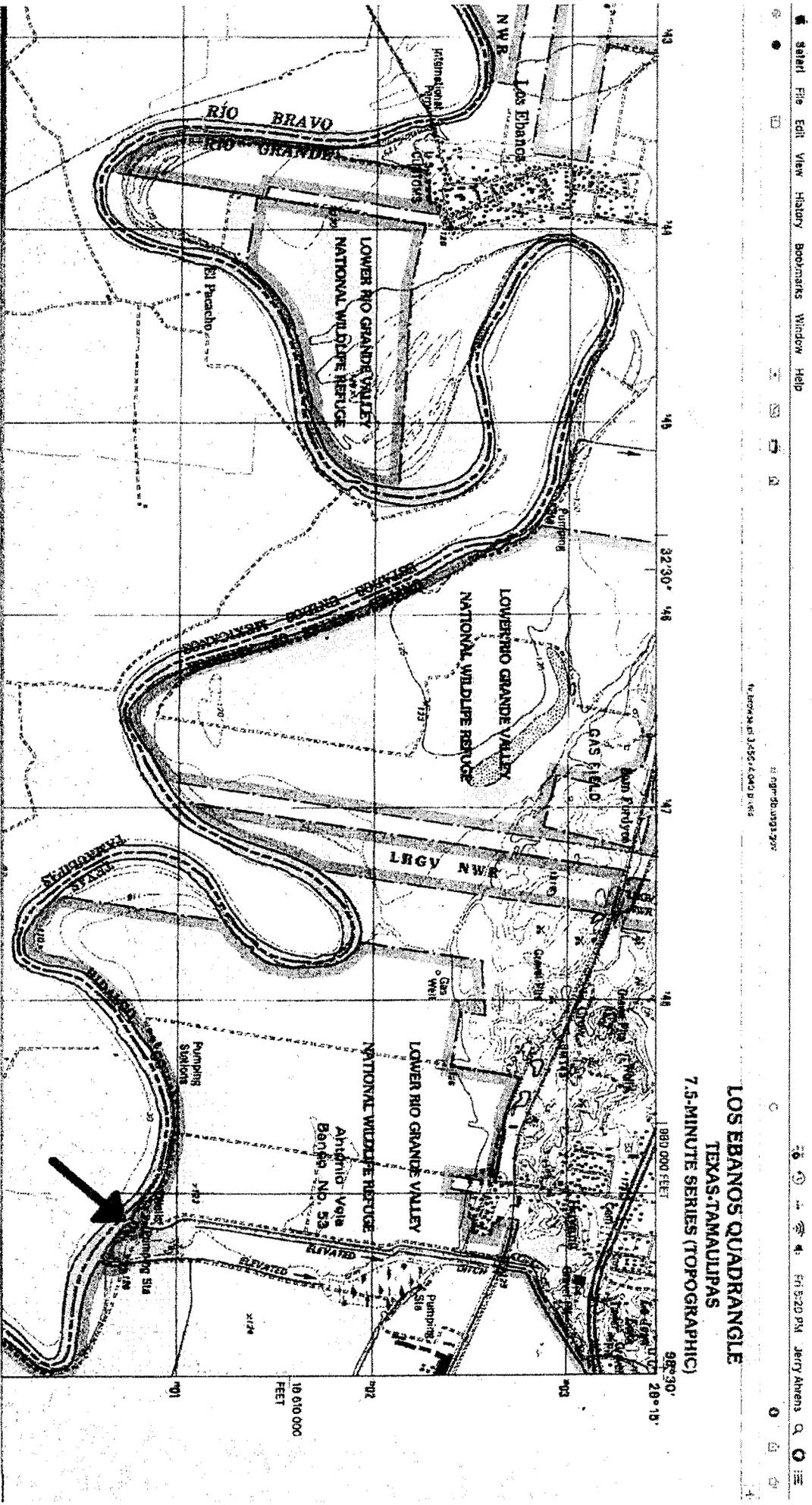
Hidalgo County Irrigation District No. 16

Topo Map (to follow)

Diversion Point Location of Hidalgo County Irrigation District No. 6



Diversion Point Location of:
Hidalgo County Irrigation District No. 16



Map navigation controls: Search, File, Edit, View, History, Bookmarks, Window, Help. File path: \\gpr\do\wgis\2007\16\diversion.dwg. Scale: 1:10,610,000. Date: 5/15/2007 10:52:20 AM. User: Jerry Ahrens.

ORDER NO. 2019-004-003

**ORDER AMENDING RULES OF
AGUA SPECIAL UTILITY DISTRICT**

AN ORDER ADOPTING A WATER CONSERVATION PLAN, PROVIDING FOR SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, Texas Water Code Section 7201.102 requires that the Agua Special Utility District ("District") to at all times operate and construct the necessary improvements within its certificated areas to provide uninterrupted, continuous, and adequate service to existing and future customers of the District; and

WHEREAS, the rules of the Texas Water Development Board require the District to maintain a water conservation plan; and

WHEREAS, the District may adopt and enforce reasonable rules to preserve the purity and the sanitary condition of all water controlled by the District; prevent waste or the unauthorized use of water controlled by the District; and provide and regulate a safe and adequate freshwater distribution system; and

WHEREAS, the District finds it necessary to amend its rules in order to accomplish the purposes for which it was created; and

WHEREAS, the District finds that is it necessary to amend rules in order to protect the public health and safety, and to protect the District's facilities and water supply system.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE AGUA SPECIAL UTILITY DISTRICT THAT:

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the District and are hereby approved and incorporated into the body of this order as if copied in their entirety.

SECTION 2. DECLARATION OF POLICY, PURPOSE, AND INTENT. In cases of extreme drought, periods of abnormally high water usage, system contamination, or extended reductions in the ability to supply water due to equipment failures, repairs, or maintenance, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the District's Drought Contingency Plan and water use restrictions is to encourage customers to conserve water in order to maintain supply, storage, or pressure or to comply with the requirements of a court, governmental agency, or other authority.

SECTION 3. WATER CONSERVATION PLAN. The District hereby adopts the Water Conservation Plan attached to this order as Exhibit 1.

SECTION 4. PUBLIC EDUCATION. The District will periodically provide the public with information about its Water Conservation Plan and will provide information regarding water use restrictions, including information about the conditions under which each stage of the drought plan is to be initiated and terminated, and the drought response measures to be implemented at each stage. Additional information regarding the drought plan will be provided as need by one or more of the following: (1) public meeting; (2) press releases; (3) website postings; or (4) utility bill inserts.

SECTION 5. COORDINATION WITH THE REGIONAL WATER PLANNING GROUP. The service area of the District is within the Regional Water Planning Group (RWPG) M (Rio Grande). The District will mail a copy of this Order to the Rio Grande RWPG.

SECTION 6. OPERATIONAL MEASURES. In order to further the District's policy to promote water conservation, the District will implement best management practices, such as visually inspecting water lines and repair leaks on a regular basis. The District, to the extent practicable, will not flush lines except for dead end mains. During critical and emergency mandatory water use restrictions, the District will limit the time period in which it flushes lines to only between the hours of 9:00 p.m. and 3:00 a.m. If necessary, the District will initiate emergency interconnections or alternative supply arrangements. The District will implement enforcement measures, including but not limited to more frequent meter readings, to ensure compliance with the water use restrictions.

SECTION 7. QUANTIFIED TARGETS FOR WATER USE REDUCTIONS. With the implementation of Stage 1 of the mandatory water use restrictions, it is the District's goal to reduce water use by fifteen (15) percent. With implementation of Stage 2 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty (20) percent. With the implementation of Stage 3 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty-five (25) percent. With the implementation of Stage 4 emergency water use restrictions, it is the District's goal to reduce water use by thirty (30) percent.

SECTION 8. PROVIDING FOR A SAVINGS CLAUSE. The repeal of any order or part of order effectuated by the enactment of this order shall not be construed as abandoning any action now pending under or by virtue of such order or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the District under any section or provisions of any orders at the time of passage of this order.

SECTION 9. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this order, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this order or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Directors of the District in adopting, and of the President in approving this order, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 10. REPEALER CLAUSE. The provisions of this order shall be cumulative of all other orders or parts of orders governing or regulating the same subject matter as that covered herein, provided, however, that all prior orders or parts of orders inconsistent or in conflict with any of the provisions of this order are hereby expressly repealed to the extent that such inconsistency is apparent. This order shall not be construed to require or allow any act that is prohibited by any other order.

SECTION 11. EFFECTIVE DATE. This order shall take effect immediately from and after its passage and upon publication as may be required by governing law.

SECTION 12. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this order was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED 30 day of April, 2019.



Esequiel Ortiz, Jr.,
President, Board of Directors

ATTEST:



Adolfo Arriaga
Secretary, Board of Directors

Agua Special Utility District (Agua SUD)

Water Conservation Plan

**Agua Special Utility District
3201 North Abram
Palmview, Texas 78572**

Water CCN #10559
Public Water Supply #1080022

April 2019

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1. Introduction

The two main divisions of the program are a water conservation plan and a drought contingency plan. The purpose of the water conservation plan is to develop strategies to reduce withdrawal from a supply source, reduce loss or waste of water, improve the efficiency of use of water, increase recycle and reuse and prevent pollution. The drought contingency plan's objective is to identify strategies for temporary supply and demand management in response to water supply shortages and emergencies. This document is to provide the Agua Special Utility District (Agua SUD) with a water conservation plan and a drought contingency plan.

Brief Description of the Project and Planning Area

In 2007, the Texas Legislature created converted La Joya WSC into Agua SUD; Agua SUD is a special utility district and political subdivision of the State of Texas and it is organized and existing pursuant to the Chapter 7201 of the Texas Special District Local Laws Code and Texas Water Code Chapters 49 and 65. As such, it is authorized to provide potable water service to its members. Agua SUD service area is officially outlined in the Certificate of Convenience and Necessity (CCN) number 10559 issued by the Texas Commission on Environmental Quality (TCEQ). The District services an area encompassing in excess of 120 square miles and to more than 15,800 connections in Hidalgo and Starr counties. Agua SUD office is located at U.S Highway 83 and 3201 N. Abram Rd. Palmview, Texas and the current service area includes all or a portion of the following cities, communities and areas surrounding these cities/communities:

Sullivan City	Abram-Perezville	Los Ebanos	Doffing
Penitas	La Homa	Havana	Chihuahua
Palmview	Cuevitas	Citrus City	Tierra Blanca

Agua SUD system currently consists of two raw water access points, three water treatment plants, eight ground storage/booster pump stations, four elevated storage tanks, and over 110 miles of main distribution water lines. The District owns 2,665.947 acre-feet of municipal water rights. The District purchases raw water from the Hidalgo County Irrigation Districts #6 and #16 with water from the Rio Grande River.

Demands have been increasing due to 2.6% to 3% population growth rate in the Rio Grande Valley. The projected population of 58,702 growth by the year 2020 call for a plan to improve its current water system.

Current Existing Water System:

One (1) – 3.5 MGD Water Treatment Plant at Havana

One (1) – 4.0 MGD Water Treatment Plant at FM 492

One (1) – 6.0 MGD Water Treatment Plant at Abram Road

Three (3) – ground water wells for emergency use only 0.88 MGD

Eighteen (18) – Ground storage/booster tanks ranging from 55,000-2,000,000 gallons

Four (4) – Elevated storage tanks at 500,000 gallons each

The District Total Storage Capacity includes:

Total Ground Storage/Booster Tanks	4,550,000 Gallons
Elevated Storage	2,000,000 Gallons

Current Sewer System

1.4 MGD Wastewater Plant I Sullivan City **(constructed 2010-2012)**

Proposed Sewer System

One (1) –Wastewater Collection System for City of Palmview that will force main to the City of Mission Wastewater Treatment Plant **(construction completion October 2019)**

2. Water Conservation Plan

A: Utility Evaluation (WRD-264)

The evaluation of the success of a water conservation plan requires comparison of data between time periods. The data used for comparison must be consistent in derivation. A Utility Profile is required to be submitted as a part of the water conservation plan and provides a basis for the collection of data. See attached copy of Agua SUD Profile (WRD-264).

B: Goals of the Program (5 year and 10 year target and goals)

The guidelines for a Water Conservation Plan require an entity to set 5 and 10 year goals for water conservation. The goals, which are non-enforceable, must be in a measurable form such as gpcd (gallons per capita per day) usage. Setting of the goals should be based on identifying water conservation strategies that Agua SUD can successfully implement and assigning an anticipated water savings value to the strategy.

Agua SUD goals in addition to the water conservation and drought contingency plan is to achieve a municipal use of 90 gallons per capita per day or less for the first 5 years beginning in their fiscal year 2019 from January to December and also achieve a municipal use of 85 gallons per capita per day or less for the next 10 years beginning in the their fiscal year 2030 from January to December.

C: Schedule for implementing the plan

Agua SUD will adhere to the following schedule, to achieve the targets and goals for water conservation:

- 1) Calibrations of meters for all treated water deliveries are to be conducted annually.
- 2) Agua SUD replacement of all meters to smart meters to assist with better monitoring and accuracy.
- 3) Agua SUD replacements for meters will continue to be monitored for accuracy and tested annually.

4) Agua SUD water audits are to be conducted annually. Real water losses are to be identified and corrected.

5) Educational and information programs for all types of water customers, including indoor and outdoor uses by residential customers and all types of water use by commercial, institutional customers will be distributed annually.

D: Method of tracking and implementing the plan to achieve target and goals

Agua SUD staff shall track targets and goals by annually maintaining logs/records for meter calibration, meter testing and meter replacement programs, annually water audits shall be documented and kept in the files, keep record of the number of mail-outs distributed for education / information materials to customers annually and maintained records for leak detection by annual visual inspections of all water main fittings and connections.

E. Master meter to measure and account for the amount of water

Agua SUD will continue to monitor, measure and test the master meter on an annually basis on the amount of water diverted from the source of supply. Together with logs and records will be kept on an annually basis and filed for record keeping.

F: Universal metering and meter repair and replacement programs

Agua SUD maintains a program of universal metering of both retail customers and public users of water that includes testing, repair, and periodic meter replacement. All water sold by the Agua SUD is metered. Meters are calibrated to an accuracy of plus or minus five percent (5 %). Agua SUD maintains a program annually to pull, test, and replace any meters determined to be functioning outside these parameters.

G: Measures to determine and control unaccounted for uses of water

Agua SUD will conduct measures to determine and control unaccounted for uses of water by visually inspecting water lines on a regular basis and annually audit of the water system to determine illegal connections and abandoned services.

H: Leak detection and repair programs

Some system water losses are authorized. Authorized losses, which are identified as “lost” water, flushing the hydrants and overspill of water towers. Unauthorized usage and leaks, which are identified as unaccounted for water or UAW, also add to the water loss of the system. A leak detection and repair program is in place to reduce UAW. Agua SUD areas of the water distribution system in which leaks and line breaks occur are thoroughly examined, prioritized and scheduled for repair on a regular basis.

I: Program of continuing education and information regarding water conservation

The water conservation education program serves as the first step in the efforts to increase the awareness of direct involvement in water conservation. It not only addresses specific measures, but also cultural and social aspects of establishing or enhancing the water conservation ethic among the

public. Most importantly, it conveys to the public an understanding of why water conservation is important. Agua SUD will obtain and disseminate such information through a variety of avenues including but not limited to:

- Providing water conservation literature to new utility customers at the time they apply for new service, and to utility customers reporting high water use on continuing basis.
- Provide consumer tips on water conservation printed educational material such as monthly water bill inserts, brochures and activity books.
- Provide literature on landscaping and the use of native plants and grasses to reduce lawn water demands.
- Agua SUD will also obtain video and radio public announcements on water conservation and materials from the Texas Water Development Board (TWDB) and the Texas Commission on Environment Quality (TCEQ) and make these available to the their customers and local media.
- Public education continues to be used to raise awareness of other conservation measures available to Agua SUD customers.

J: Existing Agua SUD Water rate structure

The following below are the monthly base rates and usage rates for all residential and commercial customers:

Minimum Monthly Charge

Type of Service	Meter Size	Minimum / Base Charge
Lifeline Program Residential	¾” or 5/8”	\$13.75
Residential	¾” or 5/8”	\$ 16.53
¾” Meter (Commercial)	¾” or 5/8”	\$ 32.56
1” Meter – Residential / Commercial	1”	\$ 47.84
2” Meter – Residential / Commercial	2”	\$ 63.12
4” Meter – Residential / Commercial	4”	\$ 78.40
6” Meter – Residential / Commercial	6”	\$ 93.68
8” Meter-Residential/Commercial	8”	124.24

Usage Rate

Residential Rates for Water Usage		Rate
Tier 1	1 – 3,000 gals	\$ 2.15 / 1000 gallons
Tier 2	3,001 – 10,000 gals	\$ 2.36 / 1000 gallons
Tier 3	10,001 – 20,000 gals	\$ 2.89 / 1000 gallons
Tier 4	20,001 – 50,000 gals	\$ 3.41 / 1000 gallons
Tier 5	50,001 – and over	\$ 4.55 / 1000 gallons

Commercial Rates for Water Usage	Rate
----------------------------------	------

Tier 1	1 – 8,000 gals	\$ 3.11 / 1000 gallons
Tier 2	8,001 – 12,000 gals	\$ 4.00 / 1000 gallons
Tier 3	12,001 – 20,000 gals	\$ 4.75 / 1000 gallons
Tier 4	20,001 – and over	\$ 5.50 / 1000 gallons

SEWER RATES (SERVICE IN SULLIVAN CITY ONLY)

Type of Service	Meter Size	Minimum Base Charge	Rates per M Gallon Residential / Commercial
Lifeline Program Residential	¾" or 5/8"	\$ 8.19	\$ 2.531
Residential	¾" or 5/8"	\$ 10.92 / \$ 8.19	\$ 2.531
Commercial	¾" or 5/8"	\$ 16.38 / \$ 13.65	\$ 2.731
Residential / Commercial	1"	\$ 13.65 / \$19.11	\$ 2.531 / \$ 2.731
Residential / Commercial	2"	\$ 25.57	\$ 2.731
Residential / Commercial	4"	\$ 30.04	\$ 2.731
Residential / Commercial	6"	\$ 35.50	\$ 2.731
Residential / Commercial	8"	\$ 40.96	\$ 2.731

K: Means of implementation and enforcement

The District Manager or his/her designee will be responsible for implementation and enforcement of the water conservation plan.

L: Contractual Agreements

Agua SUD does NOT foresee utilizing the project financed by the Texas Water Development Board to furnish water service to another supplying entity that in turn will furnish water service to the ultimate consumer.

M: Regional Water Planning Group M

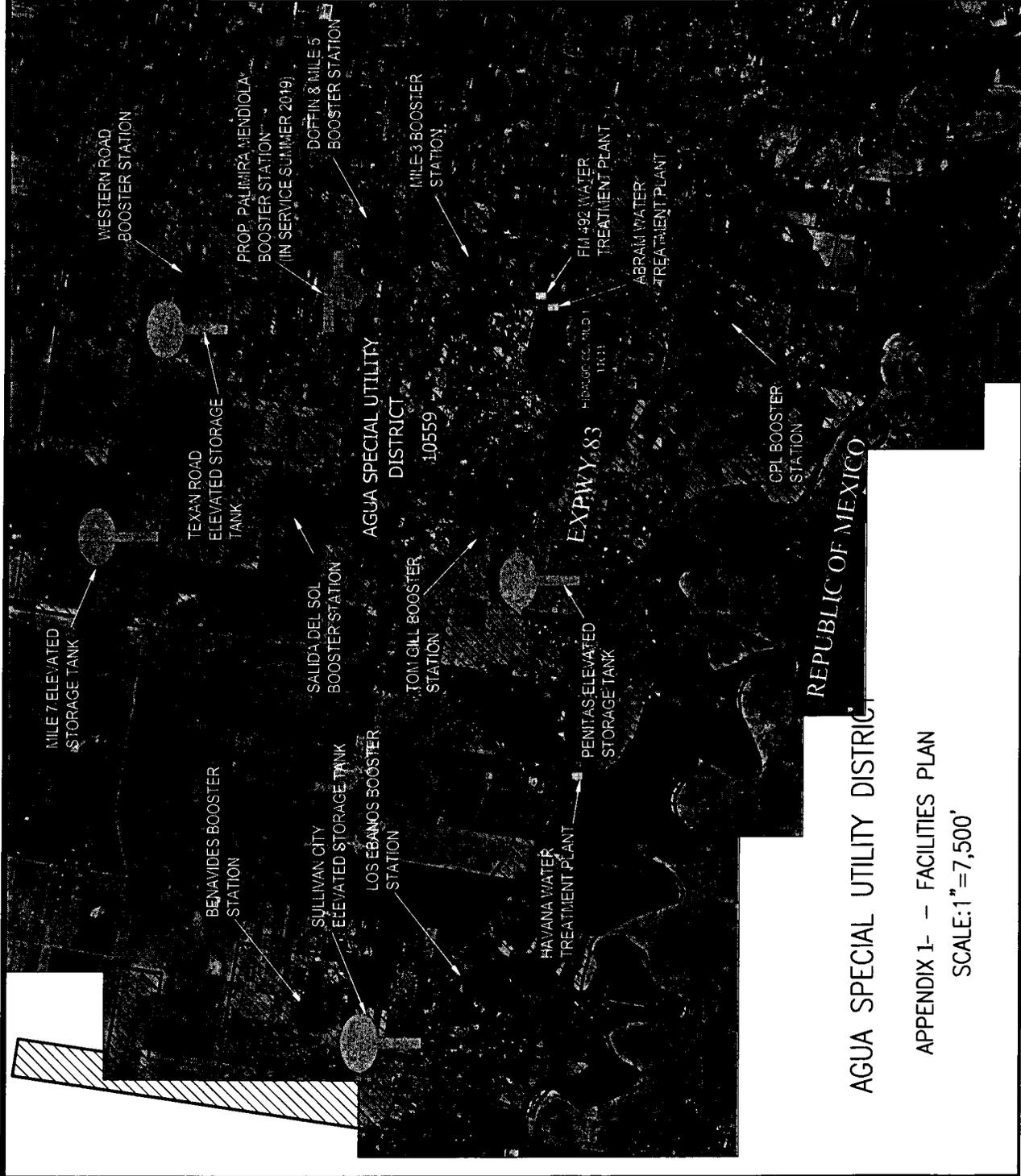
The Service area of Agua SUD is located within the Rio Grande Regional Water Planning Group M and Agua SUD has provided a copy of this water conservation plan to the Rio Grande Regional Water Planning Group M.

3. Agua SUD Treatment and Storage Map – See attached Map

4. Agua SUD Water Service Area CCN Map – See attached Map

5. Agua SUD Water Conservation Plan Zone Map – See Map

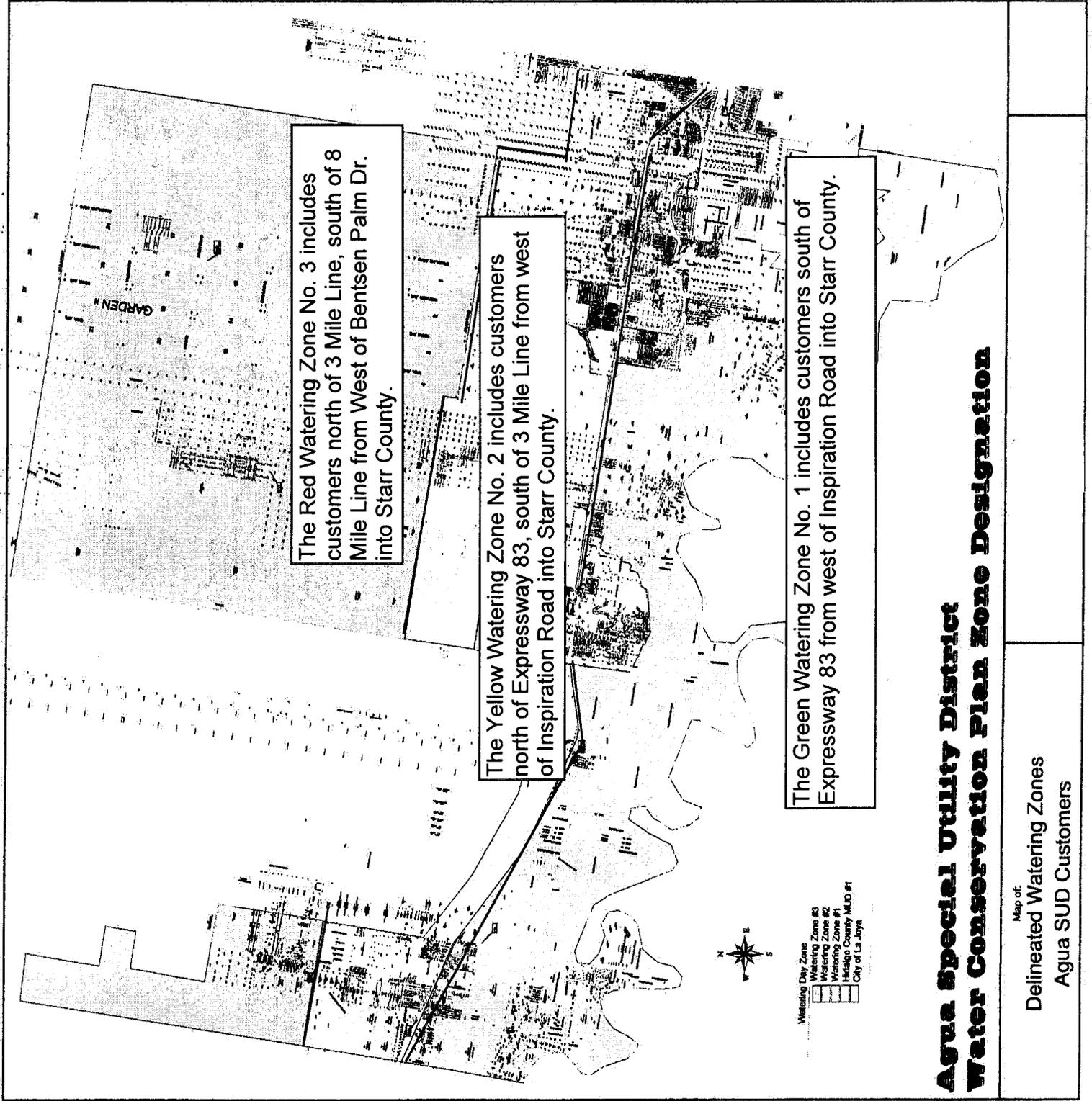
6. Agua SUD Utility Profile (WRD-264) – See attached



Location	Volume, Gallons
Havana Plant Clearwells (2)	470,000
FM 492 Plant Clearwell	500,000
Abram Rd. Plant Clearwell	2,000,000
F. M. 886 Booster	55,000
F. M. 886 Booster	122,000
Behavides Booster	55,000
Behavides Booster	122,000
Tom Gill Road Booster	55,000
Salida Del Sol Booster	122,000
Salida Del Sol Booster	200,000
Western Road Booster	80,000
Western Road Booster	122,000
Mile 3 Booster	185,000
Mile 5 Line Booster	55,000
Mile 5 Line Booster	122,000
CP&L Booster	55,000
Palmira Mendiola Booster*	230,000
Total Storage	4,550,000

Type	Volume, Gallons
Booster/Ground	4,550,000
Elevated	2,000,000
Total Storage	6,550,000

AGUA SPECIAL UTILITY DISTRICT
APPENDIX 1- -- FACILITIES PLAN
SCALE: 1"=7,500'



The Red Watering Zone No. 3 includes customers north of 3 Mile Line, south of 8 Mile Line from West of Bentsen Palm Dr. into Starr County.

The Yellow Watering Zone No. 2 includes customers north of Expressway 83, south of 3 Mile Line from west of Inspiration Road into Starr County.

The Green Watering Zone No. 1 includes customers south of Expressway 83 from west of Inspiration Road into Starr County.

Watering Day Zone
 Watering Zone #3
 Watering Zone #2
 Watering Zone #1
 Hidalgo County MUD #1
 City of La Jolla

**Agua Special Utility District
 Water Conservation Plan Zone Designation**

Map of:
 Delineated Watering Zones
 Agua SUD Customers



UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: Agua SUD

Public Water Supply Identification Number (PWS ID): TX1080022

Certificate of Convenience and Necessity (CCN) Number: 10559

Surface Water Right ID Number: 27-D, 81-E, 294-D, 319-D, 521-A

Wastewater ID Number: 20785

Contact: First Name: Aaron Last Name: Castillo
 Title: Water Plant Supervisor

Address: 3120 N. Abram Rd. City: Palmview State: TX
 Zip Code: 78572 Zip+4: _____ Email: [REDACTED]
 Telephone Number: 9562407918 Date: _____

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: M

Groundwater Conservation District: _____

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 120

Attached file(s):

File Name	File Description
Water Service CCN.pdf	AGUA SUD SERVICE AREA

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2018	64,401	0	1,485
2017	64,401	0	1,485
2016	64,401	0	1,485
2015	63,876	0	1,485
2014	63,876	0	1,485

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2020	58,702	0	4,090
2030	71,415	0	4,975
2040	84,881	0	5,914
2050	99,228	0	6,913
2060	114,112	0	7,950

4. Described source(s)/method(s) for estimating current and projected populations.

The population within the service area is projected by using Census block of the 2010 Census within the Agua SUD CCN area.

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2018	2,029,928,723	0	0	2,029,928,723	86
2017	2,249,891,011	0	0	2,249,891,011	96
2016	2,100,515,930	0	0	2,100,515,930	89
2015	1,993,786,935	0	0	1,993,786,935	86
2014	872,756,698	1,689,568,930	0	2,562,325,628	110
Historic Average	1,849,375,859	337,913,786	0	2,187,289,645	93

C. Water Supply System

Attached file(s):

File Name	File Description
2019 Water System Description.docx	AGUA SUD WATER SYSTEM DESCRIPTION

1. Designed daily capacity of system in gallons 14,380,000
2. Storage Capacity
 - 2a. Elevated storage in gallons: 2,000,000
 - 2b. Ground storage in gallons: 4,155,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2020	58,702	2,300,000,000
2021	59,973	2,349,000,000
2022	61,244	2,398,000,000
2023	62,515	2,448,000,000
2024	63,787	2,500,000,000
2025	65,058	2,552,000,000
2026	66,329	2,606,000,000
2027	67,600	2,661,000,000
2028	68,880	2,716,000,000
2029	70,151	2,773,000,000

2. Description of source data and how projected water demands were determined.

Capacity target planning data from water treated demands per connection from year 2008 to 2018.

E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
La Joya ISD	Institutional	82,789,600	Treated
Wonderful Citrus	Commercial	26,086,000	Treated
Villas at Penitas	Commercial	6,917,800	Treated
Walmart	Commercial	4,078,800	Treated
Rio Valley Pipe	Commercial	3,809,700	Treated

2. The annual water use for the five highest volume **WHOLESALE** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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UTILITY PROFILE FOR RETAIL WATER SUPPLIER

F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	14,542	91.89 %
Residential - Multi-Family	316	2.00 %
Industrial	0	0.00 %
Commercial	886	5.60 %
Institutional	51	0.32 %
Agricultural	31	0.20 %
Total	15,826	100.00 %

2. Net number of new retail connections by water use category for the previous five years.

Net Number of New Retail Connections							
Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2018	68	198	0	27	0	9	302
2017	158	0	0	20	0	7	185
2016	178	1	0	7	0	0	186
2015	151	26	0	10	0	4	191
2014	239	13	0	11	2	3	268

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2018	1,321,036,252	46,471,100	0	169,581,409	82,474,600	17,599,400	1,637,162,761
2017	1,451,687,921	53,374,900	0	166,696,000	109,460,200	1,552,200	1,782,771,221
2016	1,388,265,520	52,979,100	0	173,010,021	99,594,900	1,140,600	1,714,990,141
2015	1,222,425,660	50,647,100	0	157,238,400	76,866,800	426,200	1,507,604,160
2014	1,353,691,812	46,594,600	0	170,878,700	102,623,100	314,100	1,674,102,312

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2018	58
2017	64
2016	61
2015	55
2014	60
Historic Average	60

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2018	2017	2016	2015	2014
January	140,000,000	145,199,000	148,153,000	129,295,000	140,010,000
February	123,806,000	140,932,000	160,104,000	120,870,000	129,355,000
March	163,992,000	145,816,000	165,712,000	130,422,000	143,839,000
April	157,505,000	168,814,000	165,881,000	141,496,000	178,594,000
May	175,595,000	185,141,000	171,030,000	150,209,000	193,190,000
June	176,462,000	190,839,000	166,694,000	151,678,000	217,030,000
July	179,667,000	200,548,900	226,464,000	202,717,000	219,035,000
August	210,038,000	205,328,000	209,056,000	210,726,000	238,869,000
September	164,250,000	187,632,000	176,196,000	160,942,000	145,042,000
October	139,643,000	151,481,000	175,246,000	168,350,000	165,174,000
November	137,741,000	146,923,000	146,077,000	144,136,000	133,919,000
December	139,434,000	133,749,000	133,189,000	148,090,000	127,400,000
Total	1,908,133,000	2,002,402,900	2,043,802,000	1,858,931,000	2,031,457,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2018	2017	2016	2015	2014
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2018	566,167,000	1,908,133,000
2017	596,715,900	2,002,402,900
2016	602,214,000	2,043,802,000
2015	565,121,000	1,858,931,000
2014	674,934,000	2,031,457,000
Average in Gallons	601,030,380.00	1,968,945,180.00

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss In Gallons	Water Loss in GPCD	Water Loss as a Percentage
2018	149,739,853	6	7.38 %
2017	205,224,153	9	9.12 %
2016	194,419,340	8	9.26 %
2015	243,591,214	10	12.22 %
2014	302,982,246	13	11.82 %
Average	219,191,361	9	9.96 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2018	5,227,761	6153989	1.1772
2017	5,486,035	6486042	1.1823
2016	5,599,457	6545804	1.1690
2015	5,092,961	6142619	1.2061
2014	5,565,635	7336239	1.3181

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	1,347,421,433	91.89 %	81.01 %
Residential - Multi-Family	50,013,360	2.00 %	3.01 %
Industrial	0	0.00 %	0.00 %
Commercial	167,480,906	5.60 %	10.07 %
Institutional	94,203,920	0.32 %	5.66 %
Agricultural	4,206,500	0.20 %	0.25 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

Attached file(s):

File Name	File Description
2019 Waste Water System Description.docx	Agua SUD Waste Water System Description

1. Design capacity of wastewater treatment plant(s) in gallons per day: _____ 1,400,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	1,355	0	1,355	91.25 %
Industrial	0	0	0	0.00 %
Commercial	129	0	129	8.69 %
Institutional	1	0	1	0.07 %
Agricultural	0	0	0	0.00 %
Total	1,485	0	1,485	100.00 %

3. Percentage of water serviced by the wastewater system: _____ 7.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2018	2017	2016	2015	2014
January	4,971,700	5,013,200	5,222,000	5,213,700	5,398,700
February	4,398,800	4,543,400	4,669,000	4,632,200	4,726,100
March	4,850,500	5,304,600	5,278,000	5,052,800	5,445,300
April	4,985,800	4,922,600	5,371,700	5,268,000	5,017,900
May	5,238,200	5,014,900	5,734,200	5,906,800	5,159,100
June	5,681,000	4,749,000	5,151,900	5,295,400	4,650,300
July	5,613,200	5,096,000	5,079,500	4,997,400	4,430,700
August	5,412,500	5,067,400	5,219,000	5,214,000	4,409,600
September	6,411,100	5,006,800	4,911,400	5,197,700	5,510,700
October	4,913,200	6,445,900	5,391,200	5,597,100	4,842,000
November	4,415,500	4,930,900	5,123,300	5,210,900	4,830,400
December	5,054,900	5,169,500	5,120,600	5,493,400	5,158,100
Total	61,946,400	61,264,200	62,271,800	63,079,400	59,578,900

5. Could treated wastewater be substituted for potable water?

Yes No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	17,980
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
Total	17,980

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

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ORDER NO. 2019-04-002

**ORDER AMENDING RULES OF
AGUA SPECIAL UTILITY DISTRICT**

AN ORDER ADOPTING A REVISED DROUGHT CONTINGENCY PLAN, AMENDING THE RULES OF AGUA SPECIAL UTILITY DISTRICT TO AMEND ARTICLE 10 RELATING TO THE DROUGHT CONTINGENCY PLAN REGULATORY REQUIREMENTS, PROVIDING FOR SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, Texas Water Code Section 7201.102 requires that the Agua Special Utility District ("District") to at all times operate and construct the necessary improvements within its certificated areas to provide uninterrupted, continuous, and adequate service to existing and future customers of the District; and

WHEREAS, the rules of the Texas Commission on Environmental Quality require the District to maintain a water conservation plan and a drought contingency plan; and

WHEREAS, the District may adopt and enforce reasonable rules to preserve the purity and the sanitary condition of all water controlled by the District; prevent waste or the unauthorized use of water controlled by the District; and provide and regulate a safe and adequate freshwater distribution system; and

WHEREAS, the District finds it necessary to amend its rules in order to accomplish the purposes for which it was created; and

WHEREAS, the District finds that is it necessary to amend rules in order to protect the public health and safety, and to protect the District's facilities and water supply system.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE AGUA SPECIAL UTILITY DISTRICT THAT:

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the District and are hereby approved and incorporated into the body of this order as if copied in their entirety.

SECTION 2. DECLARATION OF POLICY, PURPOSE, AND INTENT. In cases of extreme drought, periods of abnormally high water usage, system contamination, or extended reductions in the ability to supply water due to equipment failures, repairs, or maintenance, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the District's Drought Contingency Plan and water use restrictions is to encourage customers to conserve water in order to maintain supply, storage, or pressure or to comply with the requirements of a court, governmental agency, or other authority.

SECTION 3. PUBLIC INVOLVEMENT. The opportunity for the public to provide input into the preparation of the revised Drought Contingency Plan was provided by providing public notice of the revised plans in The Monitor on April 15, 2019, and by posting notice of the public hearing and public meeting to consider this order on April 30, 2019, and holding the public hearing and public meeting on this order on April 30, 2019.

SECTION 4. PUBLIC EDUCATION. The District will periodically provide the public with information about its Drought Contingency Plan and will provide information regarding water use restrictions, including information about the conditions under which each stage of the drought plan is to be initiated and terminated, and the drought response measures to be implemented at each stage. Additional information regarding the drought plan will be provided as need by one or more of the following: (1) public meeting; (2) press releases; (3) website postings; or (4) utility bill inserts.

SECTION 5. COORDINATION WITH THE REGIONAL WATER PLANNING GROUP. The service area of the District is within the Regional Water Planning Group (RWPG) M (Rio Grande). The District will mail a copy of this Order to the Rio Grande RWPG.

SECTION 6. OPERATIONAL MEASURES. In order to further the District's policy to promote water conservation, the District will implement best management practices, such as visually inspecting water lines and repair leaks on a regular basis. The District, to the extent practicable, will not flush lines except for dead end mains. During critical and emergency mandatory water use restrictions, the District will limit the time period in which it flushes lines to only between the hours of 9:00 p.m. and 3:00 a.m. If necessary, the District will initiate emergency interconnections or alternative supply arrangements. The District will implement enforcement measures, including but not limited to more frequent meter readings, to ensure compliance with the water use restrictions.

SECTION 7. QUANTIFIED TARGETS FOR WATER USE REDUCTIONS. With the implementation of Stage 1 of the mandatory water use restrictions, it is the District's goal to reduce water use by fifteen (15) percent. With implementation of Stage 2 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty (20) percent. With the implementation of Stage 3 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty-five (25). With the implementation of Stage 4 emergency water use restrictions, it is the District's goal to reduce water use by thirty (30) percent.

SECTION 8. NOTIFICATION OF TCEQ. The District Manager shall notify the Texas Commission on Environmental Quality (TCEQ) of the implementation of the water use restrictions as may be required by the TCEQ.

SECTION 9. AMENDMENT TO ARTICLE 10 OF THE RULES OF AGUA SPECIAL UTILITY DISTRICT. That Article 10 of the Rules of the Agua Special Utility District is hereby amended to read as follows:

ARTICLE 10: DROUGHT CONTINGENCY PLAN REGULATORY REQUIREMENTS

Sec. 10-1. Purpose.

The purpose of the District's Drought Contingency Plan is protect the District's water supply, treatment, and delivery system by encouraging and, at times, requiring the District's customers to conserve water during periods of drought, abnormal water usage, system contamination, or equipment failures, repairs or maintenance.

Sec. 10-2 Notice; Implementation and Termination of Water Use Restrictions.

a. *Notice.* The District will notify its customers and the public of the implementation or termination of each stage of the water use restrictions as soon as practicable by posting notice on the District's website, and posting one or more signs at the District's offices. The District may also provide additional notifications by informing the local media outlets, posting additional signs in public areas within the District, including notices in billings, and implementing other measures as the District Manager determines is appropriate.

b. The District Manager shall implement or terminate each stage of the water use restrictions when the respective trigger levels are met.

c. Upon the termination of each stage of water use restrictions, the District Manager shall order the implementation of the applicable water use restriction stage, depending on the trigger levels, or shall terminate mandatory water use restrictions if appropriate.

Sec. 10-3. Violations of the Drought Contingency Plan.

a. Upon the implementation of any of the mandatory stages of the drought contingency plan, each Customer shall comply with the requirements and restrictions imposed during the drought stage.

b. Failure to comply with the requirements and restrictions of any of the mandatory stages of the drought contingency plan shall result in the following civil penalties:

(1) For the first violation, the customer will be notified by written notice of their specific violation.

(2) For the second violation, after written notice of the violation, the customer shall be assessed civil fine of \$100.00.

(3) For the third violation, after written notice of the violation, the customer shall be assessed a civil fine of \$250.00.

(4) For the fourth and subsequent violations, after written notice of the violation, the customer shall be assessed a civil fine of \$500.00. The District shall also discontinue service at the meter. The District shall reconnect service if the following conditions are met: (1) seven (7) days have elapsed since the date of disconnection; (2) the Customer has paid the civil fine of \$500.00; and (3) the Customer has paid all reconnection fees.

c. The District does not waive its right to seek criminal penalties in addition to its civil remedies.

Sec. 10-4. Variances.

The District may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. The District will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Sec. 10-5. Response Stages and Use Restrictions.

a. For purposes of the implementing landscape irrigation restrictions in any of the stages of the District's drought plan, the District is divided accordingly:

(1) The Green Watering Zone No. 1 includes customers south of Expressway 83 from west of Inspiration Road into Starr County.

(2) The Yellow Watering Zone No. 2 includes customers north of Expressway 83, south of 3 Mile Line from west of Inspiration Road into Starr County.

(3) The Red Watering Zone No. 3 includes customers north of 3 Mile Line, south of 8 Mile Line from West of Bentsen Palm Dr. into Starr County.

A copy of the map identifying the different zones is available for review at the District's offices or on the District's website.

b. *Voluntary Water Conservation Measures.*

(1) The District, in an effort to conserve water resources, will promote voluntary water conservation measures year-round.

(2) *Voluntary Water Use Practices.*

(A) Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems.

(B) Customers are requested, where practicable, to limit outdoor water use and landscape irrigation to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(C) Water customers are requested to voluntarily limit irrigation of landscaped areas hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

(D) Water customers are requested to avoid activities that waste water or that allows water to leave the customers property, such as water running down the gutter.

c. *Stage 1 - Mandatory Water Use Restrictions.*

(1) The District Manager shall implement Stage 1 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 40 percent storage capacity, any of the drinking water treatment plants are operating at or above 80% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 80% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 1 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 40% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 80% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to:

- Watering Zone No. 1;
- (i) Mondays and Thursdays for water customers in Green
- Watering Zone No. 2; and
- (ii) Tuesdays and Fridays for water customers in Yellow
- Watering Zone No. 3.
- (iii) Wednesdays and Saturdays for water customers Red

(B) Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining the public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except by hand-held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

d. *Stage 2 – Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 2 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 30 percent storage capacity, any of the drinking water treatment plants are operating at or above 85% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 85% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 2 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 30% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 85% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited except on designated watering days between the hours of 8:00 p.m. and 12:00 midnight.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(2). use of water to wash down buildings or structures for purposes other than immediate fire protection;

(3) use of water for dust control;

(4) flushing gutters or permitting water to run or accumulate in any gutter or street;

(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(6) any waste of water.

e. *Stage 3 - Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 3 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 25 percent storage capacity, any of the drinking water treatment plants are operating at or above 90% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 90% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 3 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 25% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 90% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

No. 1; (i) Mondays for water customers in Green Watering Zone

Zone No. 2; and (ii) Wednesdays for water customers in Yellow Watering

(iii) Fridays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

(5) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

f. *Stage 4 - Emergency Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 4 emergency mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 20 percent storage capacity, any of the drinking water treatment plants are operating at or above 95% of their total daily capacity for 3 consecutive days, or the water system's pumps are operating at or above 95% of their total daily capacity for 3 consecutive days. The District Manager may implement Stage 4 emergency mandatory water use restrictions if an immediate reduction of water use is required to protect the public health and safety and/or the integrity of the District water system.

(2) Requirements for Termination: Stage 4 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 20% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 95% capacity for a period of three (3) consecutive days. If the District has implemented Stage 4 of the Plan because immediate reduction in water use is required to protect public health and safety, the District may terminate Stage 4 when the threat to public health and safety no longer exists.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers and are prohibited:

- (A) Irrigation of landscaped areas;
- (B) All outdoor use of water;
- (C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool;
- (E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system;
- (F) Use of water from hydrants or flush valves, except when necessary to maintain public health, safety, and welfare;
- (G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of District;
- (H) Use of water to wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (I) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (J) Use of water for dust control;
- (K) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (L) Failing to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(M) any waste of water.

(4) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

SECTION 10. PROVIDING FOR A SAVINGS CLAUSE. The repeal of any order or part of order effectuated by the enactment of this order shall not be construed as abandoning any action now pending under or by virtue of such order or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the District under any section or provisions of any orders at the time of passage of this order.

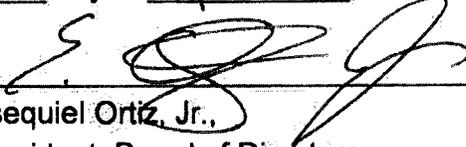
SECTION 11. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this order, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this order or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Directors of the District in adopting, and of the President in approving this order, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 12. REPEALER CLAUSE. The provisions of this order shall be cumulative of all other orders or parts of orders governing or regulating the same subject matter as that covered herein, provided, however, that all prior orders or parts of orders inconsistent or in conflict with any of the provisions of this order are hereby expressly repealed to the extent that such inconsistency is apparent. This order shall not be construed to require or allow any act that is prohibited by any other order.

SECTION 13. EFFECTIVE DATE. This order shall take effect immediately from and after its passage and upon publication as may be required by governing law.

SECTION 14. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this order was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED 30 day of April, 2019.



Esequiel Ortiz, Jr.,
President, Board of Directors

ATTEST:



Adolfo Arriaga
Secretary, Board of Directors

Agua Special Utility District (Agua SUD)

Drought Contingency Plan

**Agua Special Utility District
3201 North Abram
Palmview, Texas 78572**

Water CCN #10559
Public Water Supply #1080022

April 2019

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the District and are hereby approved and incorporated into the body of this order as if copied in their entirety.

SECTION 2. DECLARATION OF POLICY, PURPOSE, AND INTENT. In cases of extreme drought, periods of abnormally high water usage, system contamination, or extended reductions in the ability to supply water due to equipment failures, repairs, or maintenance, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the District's Drought Contingency Plan and water use restrictions is to encourage customers to conserve water in order to maintain supply, storage, or pressure or to comply with the requirements of a court, governmental agency, or other authority.

SECTION 3. PUBLIC INVOLVEMENT. The opportunity for the public to provide input into the preparation of the Drought Contingency Plan was provided by providing public notice of the plan in The Monitor on April 12, 2019, and by posting notice of the public hearing and public meeting to consider this order on April 30, 2019, and holding the public hearing and public meeting on this order on April 30, 2019.

SECTION 4. PUBLIC EDUCATION. The District will periodically provide the public with information about its Drought Contingency Plan and will provide information regarding water use restrictions, including information about the conditions under which each stage of the drought plan is to be initiated and terminated, and the drought response measures to be implemented at each stage. Additional information regarding the drought plan will be provided as need by one or more of the following: (1) public meeting; (2) press releases; (3) website postings; or (4) utility bill inserts.

SECTION 5. COORDINATION WITH THE REGIONAL WATER PLANNING GROUP. The service area of the District is within the Regional Water Planning Group (RWPG) M (Rio Grande). The District will mail a copy of this Order to the Rio Grande RWPG.

SECTION 6. OPERATIONAL MEASURES. In order to further the District's policy to promote water conservation, the District will implement best management practices, such as visually inspecting water lines and repair leaks on a regular basis. The District, to the extent practicable, will not flush lines except for dead end mains. During critical and emergency mandatory water use restrictions, the District will limit the time period in which it flushes lines to only between the hours of 9:00 p.m. and 3:00 a.m. If necessary, the District will initiate emergency interconnections or alternative supply arrangements. The District will implement enforcement measures, including but not limited to more frequent meter readings, to ensure compliance with the water use restrictions.

SECTION 7. QUANTIFIED TARGETS FOR WATER USE REDUCTIONS. With the implementation of Stage 1 of the mandatory water use restrictions, it is the District's goal to reduce water use by fifteen (15) percent. With implementation of Stage 2 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty (20) percent. With the implementation of Stage 3 mandatory water use restrictions, it is the District's goal to reduce water use by an additional twenty-five (25) percent. With the

implementation of Stage 4 emergency water use restrictions, it is the District's goal to reduce water use by thirty (30) percent.

SECTION 8. NOTIFICATION OF TCEQ. The District Manager shall notify the Texas Commission on Environmental Quality (TCEQ) of the implementation of the water use restrictions as may be required by the TCEQ.

SECTION 9. AMENDMENT TO ARTICLE 10 OF THE RULES OF AGUA SPECIAL UTILITY DISTRICT. That Article 10 of the Rules of the Agua Special Utility District is hereby amended to read as follows:

ARTICLE 10: DROUGHT CONTINGENCY PLAN REGULATORY REQUIREMENTS

Sec. 10-1. Purpose.

The purpose of the District's Drought Contingency Plan is protect the District's water supply, treatment, and delivery system by encouraging and, at times, requiring the District's customers to conserve water during periods of drought, abnormal water usage, system contamination, or equipment failures, repairs or maintenance.

Sec. 10-2 Notice; Implementation and Termination of Water Use Restrictions.

a. *Notice.* The District will notify its customers and the public of the implementation or termination of each stage of the water use restrictions as soon as practicable by posting notice on the District's website, and posting one or more signs at the District's offices. The District may also provide additional notifications by informing the local media outlets, posting additional signs in public areas within the District, including notices in billings, and implementing other measures as the District Manager determines is appropriate.

b. The District Manager shall implement or terminate each stage of the water use restrictions when the respective trigger levels are met.

c. Upon the termination of each stage of water use restrictions, the District Manager shall order the implementation of the applicable water use restriction stage, depending on the trigger levels, or shall terminate mandatory water use restrictions if appropriate.

Sec. 10-3. Violations of the Drought Contingency Plan.

a. Upon the implementation of any of the mandatory stages of the drought contingency plan, each Customer shall comply with the requirements and restrictions imposed during the drought stage.

b. Failure to comply with the requirements and restrictions of any of the mandatory stages of the drought contingency plan shall result in the following civil penalties:

(1) For the first violation, the customer will be notified by written notice of their specific violation.

(2) For the second violation, after written notice of the violation, the customer shall be assessed civil fine of \$100.00.

(3) For the third violation, after written notice of the violation, the customer shall be assessed a civil fine of \$250.00.

(4) For the fourth and subsequent violations, after written notice of the violation, the customer shall be assessed a civil fine of \$500.00. The District shall also discontinue service at the meter. The District shall reconnect service if the following conditions are met: (1) seven (7) days have elapsed since the date of disconnection; (2) the Customer has paid the civil fine of \$500.00; and (3) the Customer has paid all reconnection fees.

c. The District does not waive its right to seek criminal penalties in addition to its civil remedies.

Sec. 10-4. Variances.

The District may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. The District will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Sec. 10-5. Response Stages and Use Restrictions.

a. For purposes of the implementing landscape irrigation restrictions in any of the stages of the District's drought plan, the District is divided accordingly:

(1) The Green Watering Zone No. 1 includes customers south of Expressway 83 from west of Inspiration Road into Starr County.

(2) The Yellow Watering Zone No. 2 includes customers north of Expressway 83, south of 3 Mile Line from west of Inspiration Road into Starr County.

(3) The Red Watering Zone No. 3 includes customers north of 3 Mile Line, south of 8 Mile Line from West of Bentsen Palm Dr. into Starr County.

A copy of the map identifying the different zones is available for review at the District's offices or on the District's website.

b. *Voluntary Water Conservation Measures.*

(1) The District, in an effort to conserve water resources, will promote voluntary water conservation measures year-round.

(2) *Voluntary Water Use Practices.*

(A) Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems.

(B) Customers are requested, where practicable, to limit outdoor water use and landscape irrigation to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(C) Water customers are requested to voluntarily limit irrigation of landscaped areas hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

(D) Water customers are requested to avoid activities that waste water or that allows water to leave the customers property, such as water running down the gutter.

c. *Stage 1 - Mandatory Water Use Restrictions.*

(1) The District Manager shall implement Stage 1 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 40 percent storage capacity, any of the drinking water treatment plants are operating at or above 80% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 80% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 1 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 40% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 80% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining the public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except by hand-held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

d. *Stage 2 – Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 2 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 30 percent storage capacity, any of the drinking water treatment plants are operating at or above 85% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 85% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 2 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 30% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 85% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

(i) Mondays and Thursdays for water customers in Green Watering Zone No. 1;

(ii) Tuesdays and Fridays for water customers in Yellow Watering Zone No. 2; and

(iii) Wednesdays and Saturdays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool is prohibited except on designated watering days between the hours of 8:00 p.m. and 12:00 midnight.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(2). use of water to wash down buildings or structures for purposes other than immediate fire protection;

(3) use of water for dust control;

(4) flushing gutters or permitting water to run or accumulate in any gutter or street;

(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(6) any waste of water.

e. *Stage 3 - Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 3 mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 25 percent storage capacity, any of the drinking water treatment plants are operating at or above 90% of their total daily capacity for 3 or more consecutive days, or the water system's pumps are operating at or above 90% of their total daily capacity for 3 or more consecutive days.

(2) Requirements for Termination: Stage 3 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 25% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 90% capacity for a period of three (3) consecutive days.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers:

(A) Irrigation of landscaped areas with a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system shall be limited to:

No. 1; (i) Mondays for water customers in Green Watering Zone

Zone No. 2; and (ii) Wednesdays for water customers in Yellow Watering

(iii) Fridays for water customers Red Watering Zone No. 3.

(B) Irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 12:00 midnight on designated watering days. Landscape irrigation by means of hose-end sprinklers or automated sprinkler systems is prohibited at any time.

(C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or “jacuzzi” type pool is prohibited.

(E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(F) Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.

(G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of the District.

(4) The following uses of water are defined as nonessential and are prohibited:

(A) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(B) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(C) use of water for dust control;

(D) flushing gutters or permitting water to run or accumulate in any gutter or street;

(E) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(F) any waste of water.

(5) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

f. *Stage 4 - Emergency Mandatory Water Use Restrictions.*

(1) The District Manager will implement Stage 4 emergency mandatory water use restrictions when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is equal to or less than 20 percent storage capacity, any of the drinking water treatment plants are operating at or above 95% of their total daily capacity for 3 consecutive days, or the water system’s pumps are operating at or above 95% of their total daily capacity for 3 consecutive days. The District Manager may implement Stage 4

emergency mandatory water use restrictions if an immediate reduction of water use is required to protect the public health and safety and/or the integrity of the District water system.

(2) Requirements for Termination: Stage 4 will end when the combined storage of the U.S. combined ownership at Amistad/Falcon Reservoirs is greater than 20% storage capacity for a period of 30 consecutive days, or when the drinking water treatment plants or the water system's pumps are operating at less than 95% capacity for a period of three (3) consecutive days. If the District has implemented Stage 4 of the Plan because immediate reduction in water use is required to protect public health and safety, the District may terminate Stage 4 when the threat to public health and safety no longer exists.

(3) Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers and are prohibited:

- (A) Irrigation of landscaped areas;
- (B) All outdoor use of water;
- (C) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (D) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pool;
- (E) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system;
- (F) Use of water from hydrants or flush valves, except when necessary to maintain public health, safety, and welfare;
- (G) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited unless the golf course utilizes a water source other than that of District;
- (H) Use of water to wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (I) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (J) Use of water for dust control;
- (K) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(L) Failing to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(M) any waste of water.

(4) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

