

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: November 10, 2023

SUBJECT: City of Weslaco
ADJ 812
CN600520969, RN102861812
Application No. 23-812J to Amend Certificate of Adjudication No. 23-812
Texas Water Code § 11.122, Requiring No Notice
Rio Grande, Rio Grande Basin
Hidalgo County

The application fees were received on September 13, 2023 and the application was received on October 25, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 10, 2023. Notice is not required pursuant to Title 30 Texas Administrative Code § 303.42(2).

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

Jenna 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*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 10, 2023

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

VIA E-MAIL

RE: City of Weslaco
ADJ 812
CN600520969, RN102861812
Application No. 23-812J to Amend Certificate of Adjudication No. 23-812
Texas Water Code § 11.122, Requiring No Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Vaughan:

This acknowledges receipt, on September 13, 2023, of fees in the amount of \$112.50 (Receipt No. M400320, copy attached), and on October 25, 2023, of the referenced application.

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 10, 2023. 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 the application, 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 Rollins".

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

Attachment

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): CITY OF WESLACO, TEXAS

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/N	
<u>Y</u>	Administrative Information Report	<u>Y</u>	Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>N</u>	Additional W.S. 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>N</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>N</u>	Consent for Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>N/A</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>N/A</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>N/A</u>	Original Photographs	<u>N</u>	Groundwater Well Permit
<u>N/A</u>	Water Availability Analysis	<u>N</u>	Signed Water Supply Contract
<u>Y</u>	Worksheet 1.0	<u>N</u>	Worksheet 4.1
<u>N/A</u>	Recorded Deeds for Irrigated Land	<u>N</u>	Worksheet 5.0
<u>N/A</u>	Consent for Irrigated Land	<u>N</u>	Addendum to Worksheet 5.0
<u>Y</u>	Worksheet 1.1	<u>Y</u>	Worksheet 6.0
<u>N</u>	Addendum to Worksheet 1.1	<u>Y</u>	Water Conservation Plan(s)
<u>N</u>	Worksheet 1.2	<u>Y</u>	Drought Contingency Plan(s)
<u>N</u>	Worksheet 2.0	<u>Y</u>	Documentation of Adoption
<u>N</u>	Additional W.S. 2.0 for Each Reservoir	<u>N</u>	Worksheet 7.0
<u>N</u>	Dam Safety Documents	<u>N</u>	Accounting Plan
<u>N</u>	Notice(s) to Governing Bodies	<u>Y</u>	Worksheet 8.0
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Fees
<u>N</u>	Consent for Inundated Land	<u>N</u>	Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

***** Applicants are REQUIRED 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 attached hereto as 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?

CITY OF WESLACO, TEXAS

(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 : 600520969 (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: David Suarez

Title: Mayor

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Y **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: CITY OF WESLACO, TEXAS

Mailing Address: 255 S. Kansas Ave.

City: Weslaco

State: Texas

ZIP Code: _____

Indicate an X next to the type of Applicant:

Individual

Sole Proprietorship-D.B.A.

Partnership

Corporation

Trust

Estate

Federal Government

State Government

County Government

City Government

Other Government

Other _____

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 & LOZANO, L.L.P.

Mailing Address: P.O. DRAWER 1247

City: WESLACO State: TEXAS ZIP Code: 78599

Phone Number: 956-968-5402

Fax Number: 956-968-6089

E-mail Address: [REDACTED]

**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 Number: _____

Fax Number: _____

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** No

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** No

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). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, David Suarez Mayor
(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: *David Suarez* Date: 9/5/23
(Use blue ink)

Subscribed and Sworn to before me by the said
on this 5th day of September, 2023.
My commission expires on the 3rd day of April, 2025.

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, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED 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 contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: 10/24/2023

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 (If yes, indicate the Term Certificate or Permit number:)

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: 23-812

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^N**
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 2022 State Water Plan, which supports conversion of irrigation use rights to municipal use. In addition, the 2021 Region M 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 N

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**
257.58	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:
- 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.
 - 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.

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- 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 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 amendments 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 the 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*

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- ii. 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
<input checked="" type="checkbox"/>	Directly from stream	EXISTING
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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. 15.
- 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 _____ (% or amount) and explain the method of calculation: _____
- c. 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, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, 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, the surface water right holder, or the contract holder, 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) _____.
- d. 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. 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.
- di. Is the source of the water being discharged a surface water supply contract? Y / N ____
If yes, provide the signed contract(s).
- dii. 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 _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____ °N, Longitude _____ °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- g. 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 28.**

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

e. 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 maps 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 Y **SEE ATTACHMENT C

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 / NY **SEE ATTACHMENT C**

Applicant's Water Utility Profile is attached hereto as **ATTACHMENT D.**

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 AMEND RIGHTS FROM CERTIFICATE OF ADJUDICATION NO. 23-812, RIO GRANDE

1. **CITY OF WESLACO, TEXAS**, a home-rule municipality operating under the laws of the State of Texas, 255 South Kansas Avenue, Weslaco, Texas 78596 (hereafter called **APPLICANT**), requests the Commission to change the purpose of use of the right to divert up to a maximum of **257.58 acre feet** of water per annum from the Rio Grande on a Class "A" irrigation priority basis being a portion of those water rights evidenced by **Certificate No. 23-812**.
2. **HIDALGO & CAMERON COUNTIES IRRIGATION DISTRICT NO. 9**, a **political subdivision of the State of Texas**, P.O. Box 237, Mercedes, Texas 78552, has conveyed to Applicant rights under Certificate of Adjudication No. 23-812, amounting to the right to divert 257.58 acre feet per annum for irrigation purposes on a Class "A" 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. Applicant requests that the Commission issue an Amendment to Certificate of Adjudication No. 23-812 changing the purpose of use as requested in this Application.
7. Applicant states that the change of 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 **128.79 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.
8. 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.
9. Applicant's Tax Identification No.: 74-6002544
10. **HIDALGO & CAMERON COUNTIES IRRIGATION DISTRICT NO. 9, a political subdivision of the State of Texas**, will divert the water from the Rio Grande River on behalf of Applicant at its existing diversion point pursuant to the attached Consent to Divert.

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 §

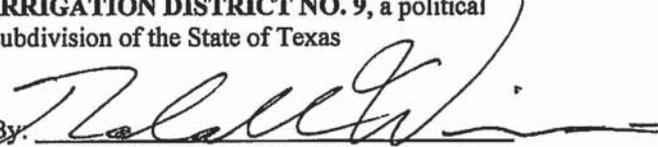
TO: Texas Commission on Environmental Quality Austin, Texas
RE: Certificate of Adjudication No. 23-812, Lower Rio Grande,
 257.58-acre feet of Rio Grande per annum, Class "A" (128.79 acre-feet municipal)

Hidalgo and Cameron Counties Irrigation District No. 9, is presently a diverter of water from the Rio Grande for The City of Weslaco, and is advised that The City of Weslaco has acquired the right to divert and use a maximum of up to 128.9 acre-feet of municipal water per annum for agricultural use out of those rights evidenced by Certificate of Adjudication No. 23-812 for use by The City of Weslaco after conversion of the purpose of use from agricultural to municipal use.

This is to advise that Hidalgo and Cameron Counties Irrigation District No. 9 is able, and its facilities are available to divert and deliver water from the Rio Grande to The City of Weslaco 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 The City of Weslaco, subject to terms and conditions of agreement(s) between it and Hidalgo and Cameron Counties Irrigation District No. 9 pertaining to deliveries of water.

Hidalgo and Cameron Counties Irrigation District No. 9 diverts water pursuant to its water rights, and other rights, including rights evidenced by Certificate of Adjudication 23- 812, and its diversion point is located on the Rio Grande .

DATED this 26th day of July, 2023.

**HIDALGO AND CAMERON COUNTIES
IRRIGATION DISTRICT NO. 9**, a political
subdivision of the State of Texas
By: 
**RANDALL WINSTON, P.E., General
Manager**



MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
MARCH 7, 2023

On Tuesday, March 7, 2023, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	David Suarez
	Commissioner	Israel Gonzalez Jr.
	Commissioner	Greg Kerr
	Commissioner	Letty Lopez
	Commissioner	Adrian Farias
ABSENT:	Mayor Pro Tem	JP Rodriguez
	Commissioner	Josh Pedraza
STAFF PRESENT:	Martin Garza	City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Andrew Munoz, Asst. City Manager/Airport Director, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Arnold Becho, Library Director, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, Deputy Public Works Director, Albert Aldana, City Engineer, Omar Rodriguez, Parks & Recreation Director, Martin Vela, IT Director, Rosa Badillo, Court Coordinator, Molly Vallejo, Executive Secretary and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 3, 2023.

B. Invocation.

Pastor Lori de los Santos, City Church RGV led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the "Pledge of Allegiance and Texas Flag."

D. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Mayor Pro Tem Rodriguez and Commissioner Pedraza and a quorum was present.

E. Mayoral Recognition.

1) Award from the Government Finance Officers Association to the City of Weslaco Finance Department for Excellence in Financial Reporting fiscal year ending September 30, 2021.

Rosie Cavazos, Finance Director, stated the Finance Department was awarded the highest recognition of governmental accounting for the sixth consecutive year and thanked her staff for achieving this recognition and for their commitment.

Rebekah de la Fuente stated the development is inside city limits; serviced with water and sewer by the city; proposed use will be multi-family and residential; developer requested to waive the requirement or grant a variance for the exterior sidewalk required along Milanos and Mile 6 North Road (18th Street) which is approximately 2,640 feet. The Planning and Zoning Commission recommended approval of a variance for the sidewalk on Milanos Road only. Staff recommended compliance with the ordinance.

In response to Commissioner Farias, the Planning and Zoning Commission felt future roadway improvements for Milanos Road (widening) would be forthcoming and the sidewalk would end up being reconstructed; staff stated the sidewalk could be done referencing the development of San Jacinto 10 whereby the sidewalk was to the border fence with sufficient room available for widening of the street and asking for escrow funds was at their discretion. Mayor Suarez recommended deny the variance and advise developer on option to construct sidewalk as noted by staff.

In response to Commissioner Kerr, developer, Bobby Carrillo, Affordable Homes and Richard Garcia Consultant, stated the development is in a rural area (Milanos Road) and agreed with Mile 6 because of the location of a school and park, they wished to save the homeowners costs and there is no connectivity of sidewalks on Milanos Road at this time the development itself will have internal sidewalks.

Commissioner Kerr withdrew his original motion.

Commissioner Kerr seconded by Mayor Suarez moved to approve the variance along Milanos Road only as recommended by the Planning and Zoning Commission. The motion failed 1-4; Commissioner Kerr in favor; Mayor Suarez was present and voting.

E. Discussion and consideration to approve Ordinance 2023-16 for the Voluntary Annexation of Ranchettes on 18th St Subdivision being 12.16 acres of land out of a 14.82 acre tract of land out of Farm Tract 706, West Tract Subdivision, Hidalgo County, Texas located approximately 500 ft. West from the intersection of 18th Street and Pleasantview Dr. and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-16. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated the proposed subdivision is an eight (8) lot subdivision for single family homes; located outside city limits on 18th Street just east of Country Sunshine RV Park; serviced with water by city and proposing sanitary sewer by offsite that would be evaluated during the subdivision process. The Planning and Zoning Commission and staff recommended approval of the voluntary annexation as the development is contiguous to the existing city limits line.

Commissioner Lopez seconded by Commissioner Kerr moved to approve Ordinance 2023-16 for Voluntary Annexation of Ranchettes on 18th St Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve retainage payment for the Weslaco Mid Valley Airport Corporate Hangar Project for an amount not to exceed \$173,716.64 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Munoz, Asst. City Manager/Airport Director, recommended approval for the retainage payment in an amount of \$173,716.64 and noted once approved, the project will be closed.

Commissioner Kerr seconded by Commissioner Lopez moved to approve retainage payment not to exceed \$173,716.64 for Weslaco Mid Valley Airport Corporate Hangar Project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration on the petition, acquisition and purchase of Class A Municipal Water Rights from Hidalgo and Cameron Counties Irrigation District No. 9 and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Asst. City Manager.)

Commissioner Kerr abstained from discussion and vote.

Andrew Munoz stated the city has been growing through annexation of property but the city has not converted irrigation rights to municipal water rights to the city; experiencing shortage of water rights for the last several years and paying a higher premium rate; working with the City Attorney staff petitioned for the conversion of water rights from the Irrigation District who determined 103.3 Irrigatable Acres, or 128.79 Acre Feet of municipal water rights the city could purchase at a cost of \$266,501.00 with \$2,500 in attorney fees and will address annually moving forward. Staff recommended approval and stated it is an unbudgeted item and will require a mid-year budget amendment from the City's General Fund.

In response to Mayor Suarez, staff stated moving forward they will determine how to address this in the subdivision ordinance as to how this cost will be absorbed either the developer or other partnerships and will apply to new development.

Commissioner Lopez seconded by Commissioner Farias moved to approve the purchase of Class A Municipal Water Rights from Hidalgo and Cameron Counties Irrigation District No. 9, as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

H. Discussion and consideration to approve Resolution 2023-25 and submittal of an application to the SAFER Program Grant, requesting six new Firefighter positions for an amount not to exceed \$395,000 with NO MATCH REQUIRED and NO RECURRING FEES and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department/Grant Writer.)

Maggie Perez, Grant Writer, stated the grant provides funding directly to the fire department and volunteer firefighters to help increase and maintain the number of trained, "front line" firefighters available in their communities. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Kerr moved to approve Resolution 2023-25 submittal of an application to the SAFER Program Grant as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve the purchase of body-worn cameras and relevant equipment in the amount of \$101,825 (Sourcewell Contract #010720-WCH) with an amount of \$75,900.83 to be reimbursed by the FY22 Body-Worn Camera Program Grant #4367801 with a 25% local match (\$25,924.17) from Motorola Solutions and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)

Joel Rivera, Police Chief, stated this type of equipment has been a priority for the commission; staff has applied for grants in the past and two were awarded and accepted the most advantageous one. Staff recommended approval to purchase equipment from Motorola Solutions that would consist of 71 body-worn cameras with twenty additional batteries, 9 battery banks and necessary software licenses and would be for all patrol officers and auxiliary staff.

Commissioner Lopez seconded by Commissioner Gonzalez, Jr., moved to approve the purchase of body-worn cameras and relevant equipment from Motorola Solutions as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to authorize staff to solicit Statements of Qualifications for Architectural/Engineering Services for various parks projects including new restroom/concession stands, sports field lighting and irrigation systems, and playgrounds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

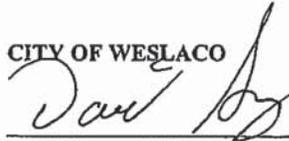
Omar Rodriguez, Park and Recreation Director stated the statement of qualifications would be for Architectural/Engineering for parks projects at Isaac Rodriguez Park for \$1,400,000 and Mayor Pablo Pena City Park for \$600,000. Isaac Rodriguez Park proposed improvements are a new restroom and concession stand, new sports field lighting and irrigation of the sports fields. Mayor Pablo Pena City Park proposed improvements are a new restroom and concession stand. Staff recommended approval.

Commissioner Farias seconded Commissioner Lopez moved to approve to participate in the 2023 New Opioid Settlement for Subdivision as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Gonzalez, Jr., moved to adjourn the meeting of March 7, 2023, at 7:39 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO



David Suarez, MAYOR

ATTEST:



Norma A. Cantu, CITY SECRETARY

ATTACHMENT C

RESOLUTION NO. 2023-46

THE STATE OF TEXAS § ADOPTING THE 2019 UPDATED WATER
COUNTY OF HIDALGO § CONSERVATION PLAN AND DROUGHT
CITY OF WESLACO § CONTINGENCY PLAN.

A RESOLUTION OF THE CITY OF WESLACO, TEXAS ADOPTING A WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN:

1. ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF THE DROUGHT RESPONSE STAGES.
2. ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES.
3. ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISION FOR ENFORCEMENT OF THESE RESTRICTIONS.
4. ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND
5. PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Weslaco recognizes that the amount of water available to the City and its customers is limited and subject to depletion during periods of extended drought; and

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

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

WHEREAS, It is in the best interest of the citizens and customers of the City of Weslaco to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO THAT:

SECTION 1.

That the City of Weslaco Water Conservation and Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Weslaco.

SECTION 2.

That all resolutions that conflict with the provisions of this resolution are, and the same are hereby, repealed and all other resolutions of the City not in conflict with the provisions of this resolution shall remain in full force and effect.

SECTION 3.

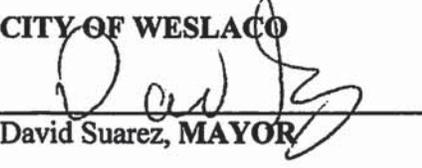
Should any paragraph, sentence, subdivision, clause, phrase, or section of this resolution held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this resolution as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This resolution shall take effect immediately from and after its passage.

PASSED AND ADOPTED BY THE CITY COMMISSION on this 1st day of August, 2023.

CITY OF WESLACO



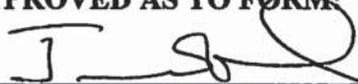
David Suarez, **MAYOR**

ATTEST:



Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:



Juan E. Gonzalez, **CITY ATTORNEY**

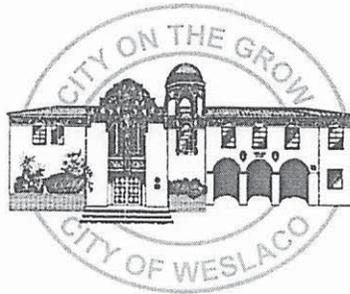
EXHIBIT "A"

City of Weslaco

WATER CONSERVATION

AND

DROUGHT CONTINGENCY PLAN



Prepared for:

City of Weslaco, Texas
255 S. Kansas
Weslaco, Texas 78596-6285
May 23, 2019

Prepared by:

Jorge Pena
Water Plant Chief Operator

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I. INTRODUCTION

The City of Weslaco's water conservation and drought response plan meets the requirements of Title 30, Chapter 288 of the Texas Administrative Code (30 TAC § 288). The Texas Commission for Environmental Quality (TCEQ) requires water conservation plans to be updated every five years.

The plan is needed to comply with the TCEQ requirements that all municipal water right holders of 1,000 acre-feet of water per year or more, and cities applying for a new water right or an amendment to an existing water right, must submit a water conservation and drought response plan.

The plan will include a review of the City's current and future water demand, supply and production capacity, an analysis of water conservation opportunities and reduction goals with initial five- and ten-year water conservation targets; and preparation of the water conservation and drought contingency plans for adoption.

The study will establish a baseline to understand the current water demand, metered or unmetered, and develop steps to reduce it. The demand reduction should eventually result in a more durable water supply, i.e. satisfying the demand caused by the city's growth while limiting water right purchases.

As the City moves in the direction of water conservation and reuse, the water conservation plan will serve as a planning guide to create conservation activities and monitoring programs. The drought contingency and emergency response plan is designed to give the City clear guidelines and lines of authority during specific natural or man-made events that may disrupt the normal delivery of water service.

II. WATER CONSERVATION PLAN

The preceding sections have developed the concepts needed to derive tangible, quantified water conservation targets. The City of Weslaco understands that simply stating a level of savings does not translate into a successful program implementation, thus the need to discuss the possible opportunities for conservation with measurable results.

A. Water Conservation Goals

5 & 10-Year Targets

The City of Weslaco water use patterns suggest further conservation gains will require great efforts. This is manifested by the fact that both parameters of importance in water conservation:

Based on data found on the utility profile and on evaluation of Weslaco's water consumption practices, Weslaco has set the following goals to be achieved through the adoption of this Water Conservation Plan.

1. To reduce Daily Municipal Per Capita water use to 125 GPCD by the year 2024 and reduce the target water loss to 18 GPCD water loss percentage to 14%; and 120 GPCD by the year 2029 and reduce the target water loss 15 GPCD and 12% water loss.
2. To reduce Daily Residential Per Capita water use to 65 GPCD by the year 2024 and reduce the target water loss to 15 GPCD water loss percentage to 12%; and 60 GPCD by the year 2029 and reduce the target water loss 15 GPCD and 12% water loss.
3. To implement long term cost-effective recovery measures for major causes of unaccounted for water loss due to metering.
4. To increase both public and employee awareness regarding water conservation and water related issues. This will especially be encouraged during the summer months when water consumption increases significantly.
5. To promote the re-use of treated wastewater effluent for agriculture, industry, and public use.

B. Public Education

The City recognizes the fact that considerable gains in water conservation come from individual actions thus it will develop a permanent public education campaign to promote a culture of prudent water use at home. Specific plans will be developed in the next year so that a reasonable approach can be matched with an adequate budget.

C. Recycling and Reuse

The City of Weslaco is also exploring the possible use of the treated wastewater effluent for agriculture, industry, and private use.

D. Metering

New meters, 2 inches and smaller in size, are bought according to the latest revision of "AWWA C-700 Standard for Cold-Water Meters" to specify all materials, design, and testing of these meters. The manufacturer will guarantee that all new meters will test at an accuracy of 98.5% to 101.5% at the low flow rate designed by "AWWA Standards Manual M-6" on a meter size or size basis.

Older meters that may be over or under registering will be replaced as time permits in order to accurately account for water sales and lower unaccounted-for water losses.

Weslaco uses computers to maintain billing accounts, to keep accurate records of water consumption, and to identify high and low water user accounts. Weslaco will test all meters that appear to show unusually high or low water usage based on fluctuating meter reading data. Meter readers test meters based on an as needed basis, or when customers complain, or a problem arises. Meter testing is done at the shop. Customers may accompany the meter reader to the shop and verify the test. If the meter is over-registering the customer's account will be credited, or if the meter is under-registering, the meter is then replaced with a new one.

E. Leak Detection and Repair

The City will develop a leak detection program to measures and locate leaks within the next five years. Customers and City staff currently call-in water breaks to the Utilities Department. Repairs are usually addressed within 30 minutes.

F. Plumbing Codes and Retrofit Programs

The City of Weslaco has adopted the Standard International Plumbing Code, 2012 Edition for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees.

The City of Weslaco encourages businesses and homeowners to replace older water fixtures like low-flow showerheads, faucet aerators, and toilet dams purchased before January 1, 1992, with the newer efficient replacements. Weslaco will also advocate the use of low demand water appliances instead of older, high use ones in homes and businesses.

G. Conservation Orientated Water Rate Structure

The City of Weslaco has established three schedules of rates to be charged for the consumption of water supplied through the city water system, as follows:

1. Standard water rate schedule within the city limits for Weslaco’s customers under the city’s Certificate of Convenience and Necessity.
2. Standard water rate schedule for areas previously covered by Military Highway WSC and North Alamo WSC Certificate of Convenience and Necessity relating to any buyout phases whereby the City has entered into agreements with MHWSC and NAWSC for buyout of their certified area.
3. Standard water rate schedule outside of Weslaco’s City limits.

The following water rates show the standard rate to be charged for water furnished and consumed by single-family residence, multi-family residence, commercial, and industrial customers within the City. Water and sewer rates are periodically evaluated and updated as needed, so information in is subject to future change.

Schedule A. Residential Inside City Limits

(1) Minimum monthly bill, (not including water)..... \$14.75

Minimum monthly bill, (includes 2,000 gallons of water) if applied for by a Resident over 65 years of age, Disabled, or a Veteran\$9.54

(2) Charge per each 1,000 gallons or portion thereof.....\$2.71

Schedule B. Commercial Inside City Limits

(1) Minimum monthly bill (not including water):

5/8 inch or 3/4 inch meter.....	\$18.07
1 inch meter.....	\$21.01
1 1/2 inch meter.....	\$27.14
2 inch meter.....	\$36.24
3 inch meter.....	\$59.11
4 inch meter.....	\$88.94
6 inch meter.....	\$156.42
8 inch meter.....	\$203.04

(2) Charges per each 1,000 gallons or portion thereof: 0 to 15,000 gallons... \$3.03

15,000 to 15,001 gallons.....	\$9.91
15,001 to 30,000 gallons.....	\$3.38
30,000 to 35,000 gallons.....	\$3.40
35,000 to 35,001 gallons.....	\$9.26
Over 35,001 gallons.....	\$3.40

Schedule C. Multi Family Inside City Limits

(1) Minimum monthly bill (not including water):

5/8 inch or 3/4 inch meter.....	\$18.07
1 inch meter.....	\$21.01
1 1/2 inch meter.....	\$27.14
2 inch meter.....	\$36.24
3 inch meter.....	\$59.11
4 inch meter.....	\$88.94
6 inch meter.....	\$156.42
8 inch meter.....	\$203.04

Multi Family residents whose water rates increase because of Ordinance 2013-26 affixing the rate structure for "Multi Family Inside City Limits" may request a 2% reduction of their current minimum monthly bill as assigned by the Water Rates prescribed to be "Residential Inside City Limits" from the Weslaco City Manager.

(2) Charges per each 1,000 gallons or portion thereof:

0 to 15,000 gallons	\$3.03
---------------------------	--------

15,000 to 15,001 gallons (An Addition to the base fee when this level is reached.)	\$9.91
15,001 to 30,000 gallons.....	\$3.38
30,000 to 35,000 gallons.....	\$ 3.40
35,000 to 35,001 gallons (An addition to the base fee when this level is reached.)	\$9.26
Over 35,001 gallons.....	\$3.40

Schedule D. Irrigation Meters Inside City Limits

(1) Minimum monthly bill (not including water):

5/8 inch or 3/4 inch meter.....	\$10.47
1 inch meter.....	\$14.06
1 1/2 inch meter.....	\$22.35
2 inch meter.....	\$31.46
3 inch meter.....	\$54.33
4 inch meter.....	\$84.16
6 inch meter.....	\$151.64
8 inch meter.....	\$198.26

(2) Charges per each 1,000 gallons or portion thereof: 0 to 10,000 gallons
.....\$2.97

10,000 to 15,000 gallons.....	\$2.97
Over 15,000 gallons.....	\$3.07

(3) Irrigation meters with no associated wastewater service will not be assessed monthly charges for wastewater service.

Schedule E. Service Provided to Customers Residing Outside of the City Limits

(1) The monthly water charges for any customer (residential, commercial, multi-family, irrigation, or other) located outside the corporate limits of the City of Weslaco shall be at the rate of 150% of the rate charged customers inside the corporate limits of the City.

III. DROUGHT CONTINGENCY PLAN

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of drought, emergency conditions, or other water shortages, this water plan incorporates the following regulations and restrictions of the delivery and consumption of water, to be adopted and enforced via City of Weslaco (the City) ordinance.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in this section.

A. Public Involvement

Opportunity for the public to provide input into the preparation of the Drought Plan was provided by the City of Weslaco by scheduling and providing public notice of a public meeting to accept input on the Drought Plan.

B. Public Education

Weslaco Public Utility will periodically provide the public with information about drought Contingency Plan, including information about the conditions under which each stage of the Drought Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of periodic publications in the local newspaper and utility bill inserts or mail-out.

C. Coordination with Regional Water Planning Groups

The consumer conveyance and necessity (CCN) of the Weslaco Public Utility is located within the lower Rio Grande Valley. The City of Weslaco has provided a copy of this Water Conservation and Drought Contingency Plan to the Lower Rio Grande Valley Development Council Region M.

D. Implementation and Enforcement

The City Manager, or his/her designee, is authorized and directed to implement the applicable provisions of this plan upon their determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, is authorized to initiate or terminate response measures as described in this Plan. In case of an emergency situation (e.g. canal breakdown, pump failures, line ruptures, etc.) the City Manager, or his/her designee, is authorized to take immediate minimize or mitigate the risks and impacts of the water supply emergency. Steps in an emergency can include activation of any relevant portions of this plan, as determined appropriate by the City Manager, or his/her designee.

E. Triggering Criteria and Response Stages

The City Manager, or his/her designee, shall monitor water supply and demand conditions on a monthly basis, and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on water supply considerations and extraordinary circumstances faced by the water system. For the water supply, the source of information is the levels of U.S. water storage in Amistad and Falcon Reservoirs at which stages of the Plan will be implemented or terminated. For the non-supply related triggers, the stages will be terminated whenever the level of service is restored to normal.

In the case of the water supply triggers, the stage determination is intended to be progressive, but for extraordinary circumstances the City Manager or his/her designee may invoke any stage at any time, at his/her discretion.

Upon determining that a trigger condition has been reached and a stage of the Plan initiated, the City Manager, or, shall implement the following notification procedures and practices.

Stage 1 Triggers – Mild Water Shortage Conditions

When the level of U.S. water stored in Amistad and Falcon reservoirs reaches 51% or 1,660,000 AF (or below), Stage 1 of the Plan shall be initiated. When the level is above this amount, this stage may be terminated.

When water demand projections for the year suggest that the City's available water rights may be used at 95 percent.

Target

Achieve a voluntary 2% reduction in total daily water use. This reduction will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.

Best Management Practices for Demand Management

Inform the public through notification channels described above that a trigger condition has been reached, and that they should look for ways to voluntarily reduce water use. Specific steps which can be taken will be provided as part of the public notification. Directly notify major water users, as defined previously, of the situation and request voluntary water use restrictions.

Wholesale customers are also directly notified of the activation of the Plan, and requested to voluntarily reduce consumption to the target levels. Where contracts include appropriate clauses, water supplied to these customers will be automatically reduced by the target amount to guarantee compliance with the Plan.

Stage 2 Triggers – Moderate Water Shortage Conditions

When the level of U.S. water stored in Amistad and Falcon reservoirs reaches 25% or 834,600 AF (or below), Stage 2 of the Plan shall be initiated. When the level is above this amount, this stage may be terminated.

When a condition, natural or manmade, causes system-wide problems and in the opinion of the City, the normal and customary level of water service may be diminished for a period of time.

When water demand projections for the year suggest that the City's available water rights may be used at 98 percent. Target Achieve a three percent reduction in total daily water use. This reduction will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.

Best Management Practices for Demand Management

1. Under Stage 2 the City Manager, or his/her designee, may restrict the watering of grass and vegetation as follows:
 - a. The watering of trees, shrubbery, gardens, vegetables, and flowers may be permitted through the means of a hand-held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand-held bucket or watering can, or a sprinkler system which is either attended throughout its use or is equipped with an automatic shutoff.
 - b. The watering of residential lawns will be prohibited except on irrigation days. Irrigation days will be permitted once every seven (7) days from midnight to 7:00am and from 7:00pm to midnight. Odd numbered addresses will be allowed to water on Tuesdays, and even numbered addresses will be allowed to water on Thursday. Hand-held hose or drip irrigation is permitted any day.
 - c. Commercial nurseries and sod farms shall be exempted from the prohibitions of this subparagraph and shall be permitted to water nursery stock by means of a hand-held bucket or watering can, or a sprinkler system which is attended throughout its use, is equipped with an automatic shutoff, or recaptures and re-circulates irrigation water.
2. Adding water to swimming pools is permitted only on irrigation days.
3. Allowing water to run off yards or plants into gutters or streets shall be deemed a waste of water and is prohibited.
4. The washing of automobiles, trucks, trailers, boats, airplanes, and any other type of mobile equipment is prohibited except that individuals may wash their private cars or boats if they use a bucket, pail, or normal sized receptacles, and further that filling stations shall wash their customers' cars with a bucket, pan, pail, or other receptacle not larger than of five-gallon capacity. An individual or filling station, after washing, shall be permitted to rinse the car or boat off with a hose, using only a reasonable amount of water in doing so. Commercial or automatic car wash establishments shall use minimum practical water settings.
5. The washing of building exteriors and interiors, trailers, trailer houses, and railroad cars is prohibited, except where in the interests of public health the City Manager, or his/her designee, may permit limited use of water on a case-by-case basis.
6. The permitting or maintaining of defective plumbing in a home, business establishment, or any location where water is used on the premises is prohibited. This defective plumbing shall include, but not be limited to, the existence of out-of-repair water closets, underground leaks, defective faucets and taps. The permitting of water to flow constantly through a tap, hydrant, valve, or otherwise by a user of water connected to the city system, shall be considered as wasting of water and is prohibited.

7. The use of fire hydrants for any purpose other than firefighting is prohibited, except where the City Manager, or his/her designee, may permit the use of metered fire hydrant water by the city or by commercial operators using jet rodding equipment to clear sanitary and storm sewers.
8. The use of water in ornamental fountains or in artificial waterfalls where the water is not reused or re-circulated in any manner is prohibited.
9. The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area, building, or structure is prohibited.
10. The use of water for dust control is prohibited.
11. The use of potable water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens, and except between the hours of 6:00 am and 9:00 AM on designated watering days (see 1a above) is prohibited.
12. Any use of water for the purposes or in a manner prohibited in this section shall be deemed to be a waste of water, and any person violating any of the provisions of this article and any person in whose name a water meter connection is registered in the water department which water connection serves premises upon which a violation occurs, and proof that the particular premises has a water meter connection registered in the name of the defendant in the complaint, shall constitute in evidence a prima facie presumption that the person in whom such water connection was registered was the person who permitted or caused the act of waste charged to occur on the premises.
13. Wholesale customers are also directly notified of the activation of this Stage and requested to voluntarily reduce consumption to the target levels. Where contracts include appropriate clauses, water supplied to these customers will be automatically reduced by the target amount to guarantee compliance with the Plan. See section 3.12 below

Stage 3 Triggers – Severe Water Shortage Conditions

When the level of U.S. water stored in Amistad and Falcon reservoirs reaches 15% or 504,600 MAF (or below), Stage 3 of the Plan shall be initiated. When the level is above this amount, this stage may be terminated.

When a condition related to extraordinary circumstances, such as impact on the water system due to natural disasters or unanticipated restrictions on the raw water delivery system, severely and immediately diminishes the City's ability to deliver a normal and customary level of water.

When water demand projections for the year suggest that the City's available water rights may be used at 100 percent.

Target

Achieve a four percent reduction in total daily water use. This reduction will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.)

Best Management Practices for Demand Management

1. New service connections to the City's water system are prohibited where some other source independent of the City's water supply is existing and in use at the time of adoption of this Plan.
2. The use of water to serve a customer in a restaurant unless requested by the customer is prohibited.
3. The use of water for the expansion of commercial nursery facilities is prohibited.
4. The use of water for scenic and recreational ponds and lakes is prohibited.
5. The use of water for private, single-family residential swimming, wading, and Jacuzzi-type pools, hot tubs and the like or similar uses is prohibited.
6. The use of water for municipally owned swimming pools is prohibited.
7. The use of water for privately owned neighborhood and subdivision swimming pools is prohibited.
8. The use of water to put new agricultural land into production is prohibited.
9. The use of water for new planting or landscaping is prohibited.
10. No application for new, additional, further expanded, or increased in size water service connection, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed except as approved by the City Manager, Allocation and Review Committee, and City Planning Department.
11. The City will require that industrial and commercial users implement an individual curtailment plan. The curtailment goal will aim to allow the user a reasonable level of operation; however, the City will reserve the right to require additional mandatory curtailments, if a state of emergency is declared.
12. The maximum monthly use for a residential customer will be 15,000 gallons. Revised rates and penalties will be implemented on all water used in excess of that amount. The rate will increase to 1-1/2 times the normal rate, and penalties will be administered as listed in section 3.10 below.
13. The City Council and City Manager shall take those actions deemed necessary to meet the conditions resulting from any emergency.
14. Wholesale customers are also directly notified of the activation of this Stage, and requested to voluntarily reduce consumption to the target levels. Where contracts include appropriate clauses, water supplied to these customers will be automatically reduced by the target amount to guarantee compliance with the Plan. See section 3.12 below.

IV. PENALTY OF VIOLATIONS

An ordinance establishing the City's Drought Contingency Plan and providing penalties for non-compliance has been drafted and presented to the City Commission for adoption. The City Manager is authorized to implement the Drought Contingency Plan including decisions regarding the determination of water supply and water demand conditions, whether to upgrade and downgrade the conditions and whether to initiate specified actions or terminate such action when conditions warrant. The City Manager shall also have the authority to promulgate rules and regulations if necessary to protect the public health and safety in the event of water system failure. The City's Police Department and Public Utilities Department is empowered to enforce the conditions of the Drought Contingency Plan.

The following enforcement provisions shall be activated as part of the Plan to ensure compliance with its restrictions.

(a) No person shall knowingly or intentionally allow the use of water from the City of Weslaco for residential, commercial, industrial, agricultural, governmental, or any purpose in a manner contrary to the provisions of this plan, or in an amount in excess of that permitted by the stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50.00 dollars and not more than \$500.00 dollars.

(c) To implement the requirements of this plan, the following steps will be utilized to address those individuals who are not complying with the plan.

Any City of Weslaco Code Enforcement Officer may issue a citation to a person he/she reasonably believes to be in violation of this ordinance. The citation issues will be the standard NOTICE OF VIOLATION currently in use.

Step 1: Verbal communication instructing the party to discontinue non-compliance

Step 2: If non-compliance continues, a citation will be issued

Step 3: If non-compliance continues, assess fines according to the City Ordinance instituting this plan.

Step 4: If non-compliance continues, and the fines are not paid, the City will disconnect the water service and a reconnect fee will be required to re-institute the service.

A. Variances

The Water Conservation Management Committee may, in writing, grant temporary variances for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:

(a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Weslaco within five (5) days after the Plan or a particular stage has been invoked. All petitions for variances shall be reviewed by the Water Conservation Management Committee and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water uses restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

B. Wholesale Customers

The City of Weslaco will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039 in the event this plan is activated, shall distribute water to all current and future wholesale providers in accordance with this plan. Existing customers shall be requested to reduce demand as described below and are subject to the same use prohibitions listed above.

Upon activation of any stage of this Plan, wholesale customers shall be directly notified within twenty- four (24) hours. Wholesalers are required to notify their customers within seven (7) days of the activation of any stage of this plan. All relevant portions of this plan are effective at the end of this seven (7) day period.

The notification to wholesale customers shall include the following language:

“The City reserves the right, under section 11.039(b)(2) of the Texas Water Code, to reduce the amount of water supplied to wholesale customers in accordance with the goals established under the Drought & Emergency Contingency Plan. Wholesale suppliers are encouraged to adopt this or a similar plan to achieve the necessary demand reductions within their system that will accomplish the goals of the City of Weslaco Drought Contingency Plan. Any reduction in water supplied to wholesale customers shall be limited to those stated in the targets for each stage (e.g. Stage 1, 2% reduction from previous thirty-day water consumption), unless otherwise determined by the City Manager, or his/her designee, as described in the complete plan.”

V. UTILITY PROFILE

A. Service Area

The City of Weslaco is located in South Texas, east of McAllen and west of Harlingen in the Rio Grande Valley area. The City holds Certificate of Convenience and Necessity (CCN) no. 10568, serving an area of 12.9 square miles.

The City provides water to residential, commercial, and industrial concerns within its municipal boundaries and Extra-Territorial Jurisdiction (ETJ); the service area also includes subdivisions and colonias in the ETJ. In addition, Weslaco provides water on a wholesale basis to Military Highway and North Alamo Water Supply Corporations.

Wastewater service is provided inside the City limits and to selected developments in the ETJ.

B. Water System Description

The City of Weslaco has a total of 4 water treatment plants three of them were originally constructed in 1940s and 1970s with a new addition Plant 5 that was added 2017. The plants treat Rio Grande river surface water with conventional surface water treatment and are rated at 18 MGD. With three ground storage tanks at the plant site have a capacity of 3.130 million gallons. Over the last three years the plant worked at an average daily flow of 4.8 MGD, with the new addition of Plant 5 high production summer no longer peak near its rated capacity.

The distribution system includes 126 miles of transmission lines and water mains and it has four elevated storage tanks with a combined capacity of 2.3 million gallons.

C. Wastewater System Description

The wastewater system includes 47 lift stations, and two wastewater treatment plants, with a combination of VCP and PVC pipe, ranging in size from 6 to 21 inches. A 30-in interceptor is being constructed.

The North WWTP is 4.9 MGD in capacity and the South WWTP. 2.5 MGD. Both plants treat water to a secondary level and discharge into unnamed tributaries. The North plant is operating at 42 percent capacity; its effluent continues to the Arroyo Colorado and eventually reaches the Laguna Madre in the Gulf of Mexico. The South plant is operating at 60 % capacity; its effluent takes the Rio Grande valley floodway to the Laguna Madre. The treatment plants are owned and operated by the City of Weslaco.

Texas Commission on Environmental Quality

**UTILITY PROFILE & WATER CONSERVATION PLAN
REQUIREMENTS
FOR MUNICIPAL WATER USE BY PUBLIC WATER SUPPLIERS**

This form is provided to assist entities in water conservation plan development for municipal water use by a retail public water supplier. Information from this form should be included within a water conservation plan for municipal use. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Supply Division at (512) 239-4691.

Name of Entity:
City of Weslaco

255 S. Kansas, Weslaco, TX 78596-6285
Address & Zip:

Telephone Number: (956) 973-3146 Fax: (956) 968-2833
Marcelo Cosme
Form Completed By:
Title:

Water / Wastewater
Superintendent
Date:

Signature

Name and Phone Number of Person/Department responsible for implementing a water conservation program: Marcelo Cosme, Water/Wastewater Superintendent

UTILITY PROFILE

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).

2. Service area size (square miles): 12.9

3. Current population of service area: 40,358

4. Current population served:

a. water 40,358

b. wastewater 40,358

5. Population served by water utility

6. Projected population for the previous five years: service area in the following decades:

Year Population

2018	40,360	2020	35,485
2017	40,358	2030	40,645
2016	39,984	2040	46,229
2015	39,539	2050	52,328
2014	39,901	2060	59,033

7. List source/method for the calculation of current and projected population:

Used US Census Bureau data.

B. Active Connections

1.	2018 Active Connections (Treated Water Users)				Current number of connections. Check whether multi-family counted as Residential Commercial
active	User Group	Metered	Unmetered	Total	
	Residential	9,307		9,307	
service	Commercial	1,272		1,272	
is	Industrial	NA		NA	
<input checked="" type="checkbox"/> or	Other	NA		NA	
	Total	10,579		10,579	

2. List the net number of new connections per year for most recent three years:

New Connections Last Three Years			
User Group	2016	2017	2018
Residential	9,634	9,105	9,307
Commercial	1,506	1,269	1,272
Industrial	NA	NA	NA
Other	NA	NA	NA

C. High Volume Customers

List annual water use for the five highest volume customers (indicate if treated or raw water delivery)

2013 High Volume Customers (Treated Water)		
	Customer	Use (Kgal)
1	Military Hwy WSC	53,691
2	John Knox Village	19,295
3	North Side Apartments	18,146
4	Sevilla Apartment Homes	14,761
5	Knapp Medical Center	11,071

II. WATER USE DATA FOR SERVICE AREA A.

Water Accounting Data

1. Amount of water use for previous five years (in 1,000 gal.):
Please indicate: Diverted Water Treated Water

Water Production Last Five Years (Kgal)					
Month	2018	2017	2016	2015	2014
January	140,320	145,920	128,510	120,001	133,925
February	125,740	152,340	134,070	106,290	124,695
March	158,090	146,140	137,490	100,508	135,212
April	147,590	159,774	137,120	115,282	139,455
May	171,030	183,380	140,640	125,580	135,250
June	168,420	175,150	133,870	123,410	163,269
July	173,450	192,050	181,130	154,880	180,557
August	204,050	200,040	180,340	129,880	190,475
September	164,050	145,420	148,280	132,240	126,608
October	141,540	141,280	160,780	129,880	141,619
November	136,840	145,110	142,220	117,230	118,041
December	148,180	141,750	137,270	129,970	116,583
Total	1,830,470	1,928,354	1,761,720	1,485,151	1,705,689

Indicate how the above figures were determined (e.g., from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

The water treatment plant has a meter for finished water going into the distribution system. The meter is read daily and amount of treated water delivered is calculated.

2. Amount of water (in 1,000 gallons) delivered (sold) as recorded by the following account types for the past five years.

Water Sold to All Users (Kgal)					
User Group	2018	2017	2016	2015	2014
Residential	819,137	378,240	1,512,125	692,678	969,111
Commercial	448,491	695,454	56,957	503,499	436,052
Industrial					
Wholesale					
Other					
Total					

3. List previous five years records for water loss (the difference between water diverted (or Treated) and water delivered (or sold))

Water Losses		
Year	Amt (Kgal)	%
2018	299,070	16.07
2017	573,848	30.36
2016	220,683	12.28
2015	262,410	17.09
2014	208,166	15.58

B. Projected Water Demands

If applicable, attach projected water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirement from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

List all current water supply sources and the amounts authorized with each:

Water Supply (ac-ft)		
Type	Source	Amount
Surface Water	Rio Grande River	8,030.470
Groundwater	Local Aquifer	525.6
Contracts		NA
Other		NA

B. Treatment and Distribution System

- Design daily capacity of system: 18 MGD
- Storage Capacity: Elevated 2.3MG, Ground 3.130 MG
- If surface water, do you recycle filter backwash to the head of the plant?
Yes X No. If yes, approximately 15.7 MGD

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s): 7.4 MGD
2. Is treated effluent used for irrigation on-site, off-site X, plant wash-down X, or chlorination/dichlorination?
If yes, approximately 8,000,000 gallons per month.
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed of. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and, if wastewater is discharged, the receiving stream. If possible, attach a sketch or map which locates the plant(s) and discharge points or disposal sites.

B. Wastewater Data for Service Area

1. Percent of water service area served by wastewater system: 98 %
2. Monthly volume treated for previous three years (in 1,000 gallons):

Wastewater Treatment Last Three Years (Kgal)			
Month	2018	2017	2016
January	150.58	148.90	117.33
February	142.56	130.42	104.76
March	152.12	152.42	114.70
April	141.04	136.97	110.72
May	144.25	145.28	110.38
June	194.65	141.09	108.51
July	166.87	142.29	109.43
August	162.31	146.38	124.22
September	164.94	148.89	122.25
October	167.70	163.39	116.12
November	148.59	154.24	110.19
December	152.05	151.94	112.91
Total	1,887.66	1,762.21	1,677.08



UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: CITY OF WESLACO

Public Water Supply Identification Number (PWS ID): TX1080011

Certificate of Convenience and Necessity (CCN) Number: 10568

Surface Water Right ID Number: 824-A

Wastewater ID Number: 20198

Contact: First Name: Pena Last Name: Jorge

Title: Water Plant Chief Operator

Address: 255 South Kansas Ave. City: Weslaco State: TX

Zip Code: 78596 Zip+4: _____ Email: [REDACTED]

Telephone Number: 9569682833 Date: 5/14/2019

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: 13

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	40,000	2,530	65,550
2017	38,000	2,500	65,719
2016	37,601	2,500	65,719
2015	37,000	2,471	62,000
2014	35,915	11,100	58,281

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	30,878	2,025	47,860
2030	40,645	2,665	62,999
2040	46,229	3,032	71,654
2050	52,328	3,432	81,108
2060	58,100	3,810	90,905

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

Used US census bureau data.

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	1,867,826,531	0	6,430,268	1,861,396,263	127
2017	1,899,188,542	0	8,947,583	1,890,240,959	136
2016	1,835,125,000	0	65,085,568	1,770,039,432	129
2015	1,563,316,842	0	27,701,384	1,535,615,458	114
2014	0	1,920,704,000	48,629,000	1,872,075,000	143
Historic Average	1,433,091,383	384,140,800	31,358,761	1,785,873,422	130

C. Water Supply System

1. Designed daily capacity of system in gallons 18
2. Storage Capacity
 - 2a. Elevated storage in gallons: 2,300,000
 - 2b. Ground storage in gallons: 3,130,000

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	30,878	1,734,748,000
2021	31,854	1,734,748,000
2022	32,830	1,925,124,000
2023	33,806	1,718,206,000
2024	34,782	2,079,683,000
2025	35,758	1,900,539,411
2026	36,734	1,767,570,000
2027	37,710	2,142,743,000
2028	38,686	2,094,956,000
2029	39,662	1,485,151,000

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

For population I used US Census Bureau. For Water demands I used yearly totals off of the Monthly Operating Reports.
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UTILITY PROFILE FOR RETAIL WATER SUPPLIER

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
Hidalgo County Housing	Commercial	179,585	Treated
John Knoxvillage	Commercial	125,437	Treated
Weslaco Hill Apt.	Commercial	90,552	Treated
Blue Wave Car Wash	Commercial	89,644	Treated
Rio Valley Estates Moble Home Park	Commercial	88,423	Treated

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

Customer	Water Use Category	Annual Water Use	Treated or Raw
Military Water Supply	Commercial	151,008	Treated
City of Weslaco Water Plant	Commercial	140,890	Treated
South Wastewater Plant	Commercial	112,782	Treated
Millitary Hwy Water Supply	Commercial	108,703	Treated

F. Utility Data Comment Section

Additional comments about utility data.

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

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	9,307	83.46 %
Residential - Multi-Family	394	3.53 %
Industrial	0	0.00 %
Commercial	1,272	11.41 %
Institutional	179	1.61 %
Agricultural	0	0.00 %
Total	11,152	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	9,307	394	179	1,272			11,152
2017	9,105	308	176	1,269			10,858
2016	9,634	102		1,506			11,242
2015	8,516	111		1,541			10,168
2014	1,008	17		148			1,173

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	819,137,400	190,834,500	0	448,491,200	78,360,700	0	1,536,823,800
2017	378,240,167	201,197,540	0	695,454,680	37,759,680	0	1,312,652,067
2016	1,512,125,480	1,981,504	0	56,957,122	4,588,542	0	1,575,652,648
2015	692,678,500	76,558,200	0	503,499,400	0	0	1,272,736,100
2014	969,111,100	0	0	436,052,200	0	0	1,405,163,300

C. Residential Water Use

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

Year	Total Residential GPCD
2018	69
2017	42
2016	110
2015	53
2014	71
Historic Average	69

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	137,320,000	145,920,000	128,510,000	120,001,000	133,925,000
February	122,740,000	152,340,000	134,070,000	106,290,000	124,695,000
March	155,090,000	146,140,000	137,490,000	100,508,000	135,212,000
April	144,590,000	159,774,000	137,120,000	115,281,000	139,455,000
May	168,030,000	183,380,000	140,640,000	125,580,000	135,250,000
June	165,420,000	175,150,000	133,870,000	123,410,000	163,269,000
July	170,450,000	192,050,000	181,130,000	154,880,000	180,557,000
August	201,020,000	200,040,000	180,340,000	129,880,000	190,475,000
September	161,050,000	145,420,000	148,280,000	132,240,000	126,608,000
October	137,440,000	141,280,280	160,780,000	129,880,000	141,619,000
November	133,820,000	145,110,000	142,220,000	117,230,000	118,041,000
December	133,077,000	141,750,000	137,270,000	129,970,000	116,583,000
Total	1,830,047,000	1,928,354,280	1,761,720,000	1,485,150,000	1,705,689,000

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	140,890,000	142,400,000	141,140,000	138,367,000	145,807,000
February	126,120,000	134,310,000	154,310,000	124,487,000	154,357,000
March	159,130,000	153,500,000	150,620,000	126,162,000	135,008,000
April	150,200,000	166,940,000	151,095,000	124,646,000	165,124,000
May	174,940,000	182,804,000	153,120,000	127,410,000	167,157,000
June	172,810,000	172,730,000	138,830,000	126,560,000	182,067,000
July	180,040,000	191,910,000	184,870,000	159,900,000	188,006,000
August	217,020,000	198,300,000	183,020,000	133,690,000	197,868,000
September	175,290,000	151,990,000	150,100,000	133,470,000	146,162,000
October	151,900,000	143,190,000	161,170,000	133,690,000	156,575,000
November	148,040,000	142,780,000	144,340,000	126,070,000	139,963,000
December	160,350,000	142,110,000	140,010,000	138,280,000	142,610,000
Total	1,956,730,000	1,922,964,000	1,852,625,000	1,592,732,000	1,920,704,000

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2018	1,106,760,000	3,786,777,000
2017	1,130,180,000	3,851,318,280
2016	1,002,060,000	3,614,345,000
2015	828,320,000	3,077,882,000
2014	1,102,242,000	3,626,393,000
Average in Gallons	1,033,912,400.00	3,591,343,056.00

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	299,070,772	20	16.07 %
2017	573,848,781	41	30.36 %
2016	193,661,516	14	10.94 %
2015	257,161,832	19	16.75 %
2014	443,509,346	34	23.69 %
Average	353,450,449	26	19.56 %

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	10,374,731	12030000	1.1595
2017	10,551,556	12284565	1.1642
2016	9,902,315	10891956	1.0999
2015	8,432,553	9003478	1.0677
2014	9,935,323	11980891	1.2059

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	874,258,529	83.46 %	61.54 %
Residential - Multi-Family	94,114,348	3.53 %	6.62 %
Industrial	0	0.00 %	0.00 %
Commercial	428,090,920	11.41 %	30.13 %
Institutional	24,141,784	1.61 %	1.70 %
Agricultural	0	0.00 %	0.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 8,000,000

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

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	10,392	10,392	20,784	83.75 %
Industrial	1,008	1,008	2,016	8.12 %
Commercial	1,008	1,008	2,016	8.12 %
Institutional			0	0.00 %
Agricultural			0	0.00 %
Total	12,408	12,408	24,816	100.00 %

3. Percentage of water serviced by the wastewater system: 98.00 %

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	104,910,000	105,350,000	44,830,000	107,761,000	111,362,000
February	99,410,000	93,000,000	43,910,000	113,395,000	103,580,000
March	106,630,000	108,000,000	123,050,000	110,970,000	123,252,000
April	100,090,000	97,770,000	100,370,000	111,077,000	115,440,000
May	103,010,000	105,010,000	107,680,000	101,620,000	134,996,000
June	147,840,000	102,350,000	107,740,000	132,355,000	106,027,000
July	118,500,000	102,850,000	103,540,000	114,013,000	118,472,000
August	113,370,000	105,280,000	104,900,000	119,344,000	103,510,000
September	119,740,000	106,490,000	103,570,000	107,174,000	125,184,000
October	117,810,000	116,530,000	102,280,000	110,243,000	107,730,000
November	104,370,000	108,500,000	112,330,000	112,233,000	113,773,000
December	105,900,000	106,830,000	103,380,000	103,008,000	110,984,000
Total	1,341,580,000	1,257,960,000	1,157,580,000	1,343,193,000	1,374,310,000

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	
Plant wash down	46,000,000
Chlorination/de-chlorination	80,000,000
Industrial	
Landscape irrigation (park, golf courses)	0
Agricultural	
Discharge to surface water	0
Evaporation Pond	0
Other	
Total	126,000,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 25, 2023

Eugene R. Vaughan, III
PO Box 1247
Weslaco, TX 78599-1247

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-812

Dear Eugene R. Vaughan, III:

This acknowledges receipt of additional information on October 24, 2023.

TCEQ Change of Ownership Memorandum attached.

If you have any questions concerning this matter, please contact me via e-mail at Jazzmin.Hernandez@tceq.texas.gov or by telephone at (512) 239-1444.

Sincerely,

A handwritten signature in blue ink that reads "Jazzmin M. Hernandez".

Jazzmin M. Hernandez, Project Manager
Water Rights Compliance Assurance Team
Water Availability Division

Attachment

cc: Rio Grande Watermaster's Office

Authorization 3: Diversion of 7,194 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in the City of Weslaco, Texas.

Owner Name	Amount	Purpose
Hidalgo & Cameron Counties Irrigation District 9	7,194 ac-ft	Municipal

Authorization 4: Diversion of 1,340 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in the City of Edcouch, Texas.

Owner Name	Amount	Purpose
Hidalgo & Cameron Counties Irrigation District 9	1,340 ac-ft	Municipal

Authorization 5: Diversion of 1,840 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in the City of Elsa, Texas.

Owner Name	Amount	Purpose
Hidalgo & Cameron Counties Irrigation District 9	1,840 ac-ft	Municipal

Authorization 6: Diversion of 500 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in the City of La Villa, Texas.

Owner Name	Amount	Purpose
Hidalgo & Cameron Counties Irrigation District 9	500 ac-ft	Municipal

Authorization 7: Diversion of 170,809.905 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, within the Owner's service area, in Hidalgo and Cameron counties.

Owner Name	Amount	Purpose
Hidalgo & Cameron Counties Irrigation District 9	170,809.905 ac-ft	Agricultural

Authorization 8: Diversion of 2,500 acre-feet of Class A water per year from the Rio Grande, for mining purposes, for use within the Owner's service area, in Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron counties.

Owner Name	Amount	Purpose
Segundo Navarro Drilling, Ltd.	2,500 ac-ft	Mining

Authorization 9: Diversion of 2,500 acre-feet of Class A water per year from the Rio Grande, for mining purposes, for use within the Owner's service area, in Webb County.

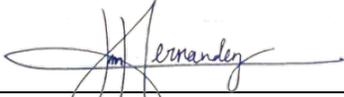
Owner Name	Amount	Purpose
SM Energy Company	2,500 ac-ft	Mining

Authorization 10: Diversion of 257.58 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, for use within the Owner's service area, in Hidalgo County. No land was conveyed.

Owner Name	Amount	Purpose
City of Weslaco	257.58 ac-ft	Agricultural

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. *See* Texas Water Code §11.040(a) and 30 Texas Administrative Code (TAC) § 297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. *See* 30 TAC § 297.81(b).

This water right falls under the jurisdiction of the Rio Grande Watermaster Program. Prior to diverting, please contact the Rio Grande Watermaster's Office at (800) 609-1219.



Jazzmin M. Hernandez