

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team

DATE: December 22, 2023

SUBJECT: Hidalgo County Irrigation District No. 2
ADJ 808
CN600740377, RN102817822
Application No. 23-808K to Sever a portion of Certificate of
Adjudication No. 23-843 and Combine it with and Amend Certificate
of Adjudication No. 23-808
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

The application and partial fees were received on July 11, and July 31, 2023. Additional information and fees were received on August 4, August 11, August 16, September 1, and December 19, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 22, 2023. No notice is required pursuant to Title 30 Texas Administrative Code § 303.42(2).

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

Jeremy Walker-Lee

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

CC Mailed Notice Required YES NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 22, 2023

Mr. Glenn Jarvis, Attorney
Law Offices of Glenn Jarvis
1801 S. 2nd St., Ste 550
McAllen, TX 78503-1353

VIA E-MAIL

RE: Hidalgo County Irrigation District No. 2
ADJ 808
CN600740377, RN102817822
Application No. 23-808K to Sever a portion of Certificate of Adjudication No. 23-843 and Combine it with and Amend Certificate of Adjudication No. 23-808
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on August 4, August 11, September 1, and December 19, 2023, of additional information and additional fees on August 16, 2023 in the amount of \$100.00 (Receipt No. M319691, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 22, 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 Jeremy.walker-lee@tceq.texas.gov or by phone at 512-239-0637.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy Walker-Lee".

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Jeremy Walker-Lee

From: [REDACTED]
Sent: Tuesday, December 19, 2023 3:20 PM
To: Jeremy Walker-Lee
Cc: Anthony Stambaugh
Subject: Amendment to Application for Amendment to Certificate of Adj 23-808
Attachments: J WALKER LTR.pdf; 1 -AMD APPL.pdf; 2 -TECH RPT [Pgs 2-6-20 only].pdf; 3 -Public Involv Plan-form [Pgs 1-2 only].pdf

Mr. Walker,

Attached are District 2's amended pages to TCEQ Application.
Glenn Jarvis

Glenn Jarvis
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
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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."

The Applicant is an Irrigation District operating under Chapters 49 and 58, Texas Water Code, who is the owner in accordance with the Change of Ownership process which has been completed at the TCEQ, of the right to divert a maximum of 2000 acre feet per annum from the Rio Grande for agricultural use and allocated on a Class A irrigation priority basis previously evidenced by Certificate of Adjudication No. 23-843 owned by the Brownsville Irrigation District. Applicant is requesting in this **Amended** Application that these water rights be severed from Certificate No. 23-843 by Order of the Commission, and combined into Certificate No. 23-808, and that Certificate No. 23-808 be amended so as to (1) add the water rights severed from Certificate No. 23-843 to Applicant's existing water rights under Certificate No. 23-808 by changing the ~~purpose of use from agricultural (irrigation) to agricultural use and mining use with Class A irrigation priority of allocation~~ (2) place of use of agricultural (irrigation) water rights ~~be changed~~ to the boundaries of the Applicant in Hidalgo County, and ~~the mining use rights to the following Counties: Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo and Cameron Counties;~~ and (3) the diversion point of the ~~agricultural (irrigation) use rights be changed to the~~ existing point of diversion of the Applicant, as described in Paragraph 2A ~~and the mining use rights at the diversion segment points described in Paragraph 2B~~ of Amendment to Certificate of Adjudication No. 23-808J attached hereto as Attachment B. No other amendment is requested.

Applicant states that its request in this Application does not result in an increased appropriation of water or rate of diversion which would harm any other existing water rights holders on the Rio Grande below Amistad and Falcon.

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: 23-808

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

List of water rights to sever	Combine into this ONE water right
The right to divert a maximum of 2000 ac ft per annum of Class A agricultural use rights out of Certificate 23-843	The portion of Certificate 23-808 authorizing the diversion from the Rio Grande of water <u>an additional 2000 ac.ft. per annum of Class A rights</u> for agricultural use and mining use

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"** N/A

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N_Y**
If yes, submit:

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

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)*

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**
2000	Agricultural use	Agricultural (irrigation) use	Boundaries of Brownsville Irrigation District in Cameron County, Texas	Boundaries of Applicant in Hidalgo County, Texas
		and Mining Use	N/A	Various counties. See Paragraph 2B, Attachment B

*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. N/A

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

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

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. Yes. See Worksheet 1.1
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. N/A
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

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. ****See Attachment C, Applicant's Water Conservation Plan and Drought Contingency Plan**
2. Industrial or Mining Use. See 30 TAC § 288.3. **Applicant does not use water for mining use, but only may provide a raw water**
3. Agricultural Use, including irrigation. See 30 TAC § 288.4. **(*Cont'd below)**
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? /**

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



Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening	N/A because the Application does not requests a major amendment since it only requests a change in existing place and purpose of use.
<input type="checkbox"/> New Permit or Registration Application	amendment, facility, etc. (see instructions)
<input type="checkbox"/> New Activity - modification, registration,	
If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.	

Section 2. Secondary Screening	
<input type="checkbox"/> Requires public notice,	
<input type="checkbox"/> Considered to have significant public interest, and	
<input checked="" type="checkbox"/> Located within any of the following geographical locations:	
<ul style="list-style-type: none"> • Austin • Dallas • Fort Worth • Houston • San Antonio • West Texas • Texas Panhandle • Along the Texas/Mexico Border • Other geographical locations should be decided on a case-by-case basis 	
If all the above boxes are not checked, a Public Involvement Plan is not necessary. Stop after Section 2 and submit the form.	
<input checked="" type="checkbox"/> Public Involvement Plan not applicable to this application. Provide brief explanation.	
See Section 4 below	

Section 3. Application Information

Type of Application (check all that apply):

Air Initial Federal Amendment Standard Permit Title V

Waste Municipal Solid Waste Industrial and Hazardous Waste Scrap Tire
 Radioactive Material Licensing Underground Injection Control

Water Quality

- Texas Pollutant Discharge Elimination System (TPDES)
 - Texas Land Application Permit (TLAP)
 - State Only Concentrated Animal Feeding Operation (CAFO)
 - Water Treatment Plant Residuals Disposal Permit
- Class B Biosolids Land Application Permit
- Domestic Septage Land Application Registration

Water Rights New Permit

- New Appropriation of Water
- New or existing reservoir

Amendment to an Existing Water Right

- Add a New Appropriation of Water
- Add a New or Existing Reservoir
- Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

See Summary of Request on Page 2 of Administration Information Report. It is not a major amendment or a new project. It is not in-consistent with the Regional Water Plan. The amendment only changes the place ~~and purpose~~ of use upstream of the existing place of use within the same segment of the Rio Grande below Falcon Reservoir.

Law Offices

of

GLENN JARVIS

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Telefax (956) 618-2660

December 19, 2023

Mr. Jeremy Walker-Lee
Project Manager
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Comm. On Environmental Quality
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

Via Electronic Transmission

RE: Amendment to Application for Amendment to Certificate of Adjudication No. 23-808

Dear Mr. Jeremy Walker-Lee,

On behalf of Hidalgo County Irrigation District No. 2 ("Applicant"), please allow this letter to serve as an Amendment to its pending Application for Amendment to Certificate of Adjudication No. 23-808. Applicant hereby amends its Original Application by removing its request for a change of purpose of use. For clarification, attached are pages of the Administrative Information Report and Pages 2, 6, and 20 all of 23 pages of the Technical Information Report, and pages 1-2 of the Public Involvement Plan Form, which are to be substituted for such pages in the Original Application, which show deletions of the request for a change of the purpose of use. This Amended Application does not request a change in purpose of use.

Thank you for your attention and assistance pertaining to the further processing of the Application as so amended. Should you need further information regarding the Application as here amended, please contact me.

Very truly yours,


Glenn Jarvis

GJ:llc

Encl.

xc: Mr. Anthony Stambaugh


Jeremy Walker-Lee

From: Jeremy Walker-Lee
Sent: Tuesday, December 19, 2023 9:09 AM
To: [REDACTED]
Cc: Anthony Stambaugh; Chris Kozlowski; Humberto Galvan
Subject: RE: Diversion Point/ Hidalgo County Irrigation District No. 2

Good Morning Mr. Jarvis,

To proceed forward can you please submit a formal letter amending the application so that it only applies to agricultural use.

If you have any questions, please let me know.

Thanks,

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-0637

From: [REDACTED]
Sent: Monday, December 18, 2023 12:40 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Cc: Anthony Stambaugh [REDACTED] Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>
Subject: Re: Diversion Point/ Hidalgo County Irrigation District No. 2

Kathy,

I am sorry we had the problem of your emails going to spam on my end. I appreciate your resending your emails regarding suggested language for the change in description of the upstream diversion point of the diversion segment for the mining use water rights as requested in the pending Application for Amendment.

I have discussed these suggested provisions for the proposed Amendment Certificate with the Applicant Hidalgo County Irrigation District No. 2, and it has reviewed and reevaluated its current and future water rights needs. The Applicant has decided that it should change its requested change of purpose of use in the pending Application from a mixed use of agricultural and mining use to agricultural use only. By doing so, there will be no need to change the purpose of use of the water rights involved in the pending Application.

The District appreciates your efforts toward revising the terms of the proposed Amendment based upon its requested change in purpose of use to a mixed use, but now believes that its water rights needs are better served by keeping the purpose of use of the water rights involved in the pending Application for agricultural use only. Accordingly, it will amend its Application so as to eliminate the requested change in purpose of use. This change will dispose of the need to consider the change in description of the upstream diversion point of the diversion segment for the mining use purpose of use.



Regards,
Glenn

Glenn Jarvis
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On Friday, December 15, 2023 at 11:19:12 AM CST, Kathy Alexander <kathy.alexander@tceq.texas.gov> wrote:

From: Kathy Alexander
Sent: Wednesday, December 13, 2023 3:19 PM
To:  
Subject: FW: Diversion Point/ Hidalgo County Irrigation District No. 2

Glen,

I saw the email you sent today to Jeremy. We just wanted to make sure you received the email I sent last week. Let me know if there was anything else you needed.

Kathy

From: Kathy Alexander
Sent: Thursday, December 7, 2023 7:43 PM
To: [REDACTED]
Subject: RE: Diversion Point/ Hidalgo County Irrigation District No. 2

Hi Glen,

Below are my suggestions for how we can address the diversion point issue. Let me know what you think.

We would add the following recitals:

WHEREAS, the upstream limit of the diversion reach in the certificate is currently identified by a point located at the upstream boundary of Amistad reservoir; however, the exact location of the upstream boundary of the reservoir may change in the future as new reservoir surveys are conducted; and

WHEREAS, to ensure that any diversions under the certificate do not occur at a location determined to be upstream and outside of the pool of Amistad reservoir, the upstream limit of the diversion reach will be represented by a point at Amistad dam; and

WHEREAS, the change in the description and representation of the upstream limit of the diversion reach does not alter the previous authorizations in the certificate; and

Change in DIVERSION paragraph:

From a reach anywhere along the U.S. bank of the Rio Grande, between and including Amistad Reservoir and the Gulf of Mexico in Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron counties for mining purposes. With the upstream limit of the reach represented by a point located at Amistad dam being at Latitude 29.441406° N, Longitude 101.057069° W, and the downstream limit of the reach being at Latitude 25.955256° N, Longitude 97.146311° W.

Kathy



Kathy Alexander, Ph.D.

Senior Policy and Technical Analyst

Water Availability Division

Office: 512-239-0778

Mobile: 512-965-9603

From: [REDACTED]
Sent: Monday, November 27, 2023 3:58 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Fw: Diversion Point/ Hidalgo County Irrigation District No. 2

Kathy,

I was wondering about the status of the language for the Amendment. Maybe I overlooked your response, but I can't find one. Let me know.

Talk later,

Glenn

Glenn Jarvis

Law Offices of Glenn Jarvis

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----- Forwarded Message -----

From: [REDACTED]
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Sent: Thursday, November 2, 2023 at 05:20:09 PM CDT
Subject: Re: Diversion Point/ Hidalgo County Irrigation District No. 2

Yes, Kathy that will work out fine. I was at TWCA and saw you, but did not get an opportunity to visit , and the clients are also at meeting. Glenn

Glenn Jarvis

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On Thursday, November 2, 2023 at 02:16:04 PM CDT, Kathy Alexander <kathy.alexander@tceq.texas.gov> wrote:

Hi Glenn,

We're at TWCA this week. I'd be happy to send you all a suggestion early next week if that works for you all.

Kathy

Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Tuesday, October 31, 2023 6:31:03 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Diversion Point/ Hidalgo County Irrigation District No. 2

Kathy,

I talked to Anthony Stambaugh after our Pre-Application meeting about the diversion point issue for the mining use rights. Could you send me the coordinates you are suggesting for the upstream diversion point of the mining use segment, and the wording of the Special Condition that you suggested. I think this is the best way to work on and arrive at a resolution of the issue.

Thank you for your attention and suggestions on this issue.

Regards,

Glenn

Glenn Jarvis

Law Offices of Glenn Jarvis

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Jeremy Walker-Lee

From: [REDACTED]
Sent: Wednesday, December 13, 2023 9:57 AM
To: Jeremy Walker-Lee
Subject: Re: Hidalgo County Irrigation District No. 2 23-808K

Categories: Red Category

Jeremy,

I was wondering about the status of this Amendment Application. It has been pending for some time on the issue about the upper limit diversion point location. In conferring with the client, the Applicant, Hidalgo Irrigation District 2, would like to expedite the Amendment Application because of the need for water allocation for irrigation use purposes during this drought period on the Rio Grande. The client would like to amend its Application so as to delete the change of use from a mixed agricultural use and mining use to agricultural use only. In this manner the question of the diversion point for mining use would no longer be an issue and the water allocation will be available for irrigation.

Would an amendment by a letter to you suffice to amend the Application, or what would be required. It is important at this time because of the pending water shortages on the Rio Grande. I would appreciate your advise on this request.

Thank you for your attention to this matter.

Regards,
Glenn Jarvis

Glenn Jarvis
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
1801 S. 2nd St., Ste. 550
McAllen, TX 78503
(956) 682-2660 -ph
(956) 618-2660 -fax

[REDACTED]
www.GlennJarvis.com

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On Friday, September 29, 2023 at 02:46:43 PM CDT, Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov> wrote:

Hello Mr. Jarvis,

Currently we are still reviewing the RFI response. We will have and update for you soon.

Regards,

Jeremy Walker-Lee, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-0637

From: [REDACTED]
Sent: Friday, September 29, 2023 2:16 PM
To: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>
Cc: Anthony Stambaugh [REDACTED]; Sonny Hinojosa [REDACTED]
Subject: Fw: Hidalgo County Irrigation District No. 2 23-808K

Jeremy,

Forwarding my last email regarding Applicant's Amendment Application No. 23-808K, and was wondering the status of issuance of the Amendment? The status on the Rio Grande is becoming quite dry, and Watermaster allocation are less frequent. Please advise me of the status.

I appreciate your attention to this matter.

Thank You,

Glenn Jarvis

Glenn Jarvis

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----- Forwarded Message -----

From: [REDACTED]

To: Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov>

Cc: Sonny Hinojosa [REDACTED]; Anthony Stambaugh [REDACTED]; Arturo Cabello [REDACTED]

Sent: Friday, September 1, 2023 at 11:48:27 AM CDT

Subject: Fw: Hidalgo County Irrigation District No. 2 23-808K

Jeremy,

I am forwarding the Applicant's response to the request for information. You requested that the Applicant review the description of the upstream point of the mining use diversion segment. The

Applicant has reviewed the description which the Commission has provided in previous Amendments, and find that it is correct and that the one mentioned in your letter should not be used. The description should remain consistent with the previous correct description used in Applicant's prior Amendments to its Certificate of Adjudication.

Please advise, if you wish to further investigate this issue. Thank you for your consideration and attention to this matter.

Regards, Glenn Jarvis

Glenn Jarvis

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----- Forwarded Message -----

From: [REDACTED]

To: Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov>

Cc: Leonor Cadena [REDACTED]

Sent: Friday, August 11, 2023 at 02:11:45 PM CDT

Subject: Re: Hidalgo County Irrigation District No. 2 23-808K

Mr. Lee,

Attached is response letter. Original will follow via regular mail. Thank you. Glenn Jarvis

Glenn Jarvis

Law Offices of Glenn Jarvis

Vantage Bank Texas Bldg.
1801 S. 2nd St., Ste. 550
McAllen, TX 78503
(956) 682-2660 -ph
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On Tuesday, August 1, 2023 at 04:10:58 PM CDT, Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov> wrote:

Good afternoon,

Please see the attached request for information letter for Hidalgo County Irrigation District 2, Application No. #23-808K, and provide a response by 9/1/23.

Thanks,

Jeremy Walker-Lee, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-0637

Jeremy Walker-Lee

From: [REDACTED]
Sent: Friday, September 1, 2023 11:48 AM
To: Jeremy Walker-Lee
Cc: Sonny Hinojosa; Anthony Stambaugh; Arturo Cabello
Subject: Fw: Hidalgo County Irrigation District No. 2 23-808K
Attachments: J WALKER LEE LTR.pdf; 1 -CA 23-808J.pdf; 2 -Reso [Authorztion].pdf; 3 -Ck 7444.pdf

Jeremy,

I am forwarding the Applicant's response to the request for information. You requested that the Applicant review the description of the upstream point of the mining use diversion segment. The Applicant has reviewed the description which the Commission has provided in previous Amendments, and find that it is correct and that the one mentioned in your letter should not be used. The description should remain consistent with the previous correct description used in Applicant's prior Amendments to its Certificate of Adjudication.

Please advise, if you wish to further investigate this issue. Thank you for your consideration and attention to this matter.

Regards, Glenn Jarvis

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----- Forwarded Message -----

From: [REDACTED]
To: Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov>

Cc: [REDACTED]
Sent: Friday, August 11, 2023 at 02:11:45 PM CDT
Subject: Re: Hidalgo County Irrigation District No. 2 23-808K

Mr. Lee,

Attached is response letter. Original will follow via regular mail. Thank you. Glenn Jarvis

Glenn Jarvis
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Good afternoon,

Please see the attached request for information letter for Hidalgo County Irrigation District 2, Application No. #23-808K, and provide a response by 9/1/23.

Thanks,

Jeremy Walker-Lee, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-0637

Law Offices
of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
www.GlennJarvis.com

August 11, 2023

Mr. Jeremy Walker-Lee, Proj. Mgr.
Water Rights Permitting Team
Water Rights Permitting and Avail. Section
Texas Commission on Environmental Qual.
P.O. Box 13087
Austin TX 78711-3087

**Via Electronic Transmission
and
Via Regular U. S. Mail**

RE: Hidalgo County Irrigation District No. 2
ADJ 808
CN600740377, RN102817822
Application No. 23-808K to Seer a portion of Certificate of Adjudication No. 23-843
and Combine it with and Amend Certificate of Adjudication No. 23-808
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Jeremy Walker-Lee,

Please allow this letter to serve as the Applicant's response to your letter of August 1, 2023,
requesting further information:

Request No. 1: Confirm the coordinates for the upstream point of the authorized diversion reach described in PARAGRAPH 2.B in Certificate of Adjudication No. 23-808J are Latitude 29.441406° N, Longitude 101.057069° W. The coordinates in the certificate are not consistent with the authorized diversion reach description, plotting upstream of Amistad Reservoir.

Response: Applicant has reviewed all Certificates covering the location of the upstream diversion point near Amistad Reservoir and confirms that the diversion points in paragraph 2.B of Amendment to Certificate of Adjudication No. 23-808J are correct. The correct diversion points are Latitude 29.772042° N, Longitude 101.716817° W. Attached for your reference is copy of Certificate no 23-808J.

Request No. 2: Provide written evidence that Mr. Frank John Schuster is authorized to sign the application for Hidalgo County Irrigation District No. 2 pursuant to Title 30 Texas Administrative Code (TAC) § 295.14 which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Response: Applicant by its email of August 4, 2023 email forwarded a copy of Resolution of Authorization. A copy of the Resolution also is enclosed for your reference.

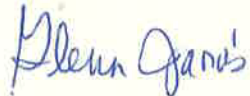
Request No. 3: Remit fees in the amount of \$100.00 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Sever and combine: x 2 Water Rights to Combine)	\$200.00
<u>Recording Fee</u>	<u>\$ 12.50</u>
TOTAL FEES	\$212.50
<u>FEES RECEIVED</u>	<u>\$112.50</u>
BALANCE DUE	\$100.00

Response: Enclosed is my Office check number 7444 in the amount of \$100.00 covering the additional amount of fees due.

Please advise if there are additional questions regarding the Application.

Very truly yours,



Glenn Jarvis

xc: Mr. Sonny Hinojosa

[REDACTED]

Mr. Arturo Cabello

[REDACTED]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-808J TYPE §§ 11.122, 11.085 PRIORITY: Municipal & Class A

Owner:	Hidalgo County Irrigation District No. 2	Address:	P.O. Box 6 San Juan, Texas 78589
Filed:	May 23, 2018	Granted:	February 21, 2019
Purposes:	Municipal, Industrial, Agricultural, & Mining	Counties:	Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron
Watercourse:	Rio Grande	Watershed:	Rio Grande Basin

WHEREAS, A portion of Certificate of Adjudication No. 23-808 authorizes Hidalgo County Irrigation District No. 2 (Owner/Applicant) to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,579.9612 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-808, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and

WHEREAS, Applicant has acquired a portion of Certificate of Adjudication No. 23-302 which authorizes the right to divert and use 9.086 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural purposes in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-302, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and

WHEREAS, Owner seeks to sever its 9.086 acre-foot portion of water rights authorized by Certificate of Adjudication No. 23-302 and combine it with its water rights authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, by Commission Order approved on February 21, 2019, the 9.086 acre-foot portion of Class A water owned by Hidalgo County Irrigation District No. 2, authorized by Certificate of Adjudication No. 23-302, was severed from said Certificate and combined with Certificate of Adjudication No. 23-808; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 23-808 to change the purpose of use of the 9.086 acre-foot portion of Class A water from agricultural purposes to Municipal Priority for municipal purposes, and to change the place of use, and diversion point of that portion to the place of use and diversion points currently authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, pursuant to Title 30 Texas Administrative Code (TAC) § 303.43, the conversion factor of 0.5 is used when converting from Class A to Municipal Priority water, results in 4.543 acre-feet of Municipal Priority water for municipal purposes; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Rio Grande Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment; and

WHEREAS, the Texas Commission on Environmental Quality finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-3808, designated Certificate of Adjudication No. 23-808J, is issued to Hidalgo County Irrigation District No. 2, subject to the following terms and conditions:

1. USE

- A. In lieu of the previous authorizations, Owner is now authorized to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,584.5042 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water

per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County.

- B. Owner is authorized an exempt interbasin transfer to those portions of the Nueces-Rio Grande Coastal Basin within Hidalgo County.

2. DIVERSION

Owner is authorized to divert its authorized water as follows:

- A. From the Rio Grande at a point on the U.S. bank of the Rio Grande, S 64° E, 1900 feet from the SE corner of the Juan Antonio Villareal Survey, Abstract No. 44, in Hidalgo County for municipal, industrial, and agricultural purposes.
- B. From a reach anywhere along the U.S. bank of the Rio Grande, between Amistad Reservoir and the Gulf of Mexico in Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron counties for mining purposes. With the upstream limits of the reach being at Latitude 29.772042° N, Longitude 101.716817° W, and the downstream limits of the reach being at Latitude 25.95256° N, Longitude 97.146311° W.

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in DIVERSION Paragraph 2 and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- D. The issuance of this amendment does not grant to the Owner the right to use

private or public property for diversion of water authorized by this amendment. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owner to acquire property rights as may be necessary to make any diversion authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-808, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Rio Grande Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.



For the Commission

Date Issued: **February 21, 2019**

RESOLUTION

WHEREAS, the Hidalgo County Irrigation District No. 2 (the "District") is in need of additional irrigation water rights to the Rio Grande to meet its water requirements; and

WHEREAS, a Water Rights Sales Agreement attached to the minutes of this meeting between the District and Brownsville Irrigation District, in which the District is agreeing to purchase the right to divert and use 2,000 acre feet per annum of class "A" irrigation water rights to the Rio Grande for a purchase price of \$1600.00 per acre feet, has been presented providing for the purchase of said water rights; and


WHEREAS, the Board of Directors of the District finds that the purchase and acquisition of these water rights is in the best interest of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the District does hereby approve the aforementioned Water Rights Sales Agreement and does hereby authorize the President of the Board of Directors, or his designee or successor to sign the Water Rights Sales Agreement between the District and Brownsville Irrigation District, and further authorizing the President, upon consummation of the said Water Rights Sales Agreement, to sign and file any and all necessary documents and take such action as may be required in connection therewith.

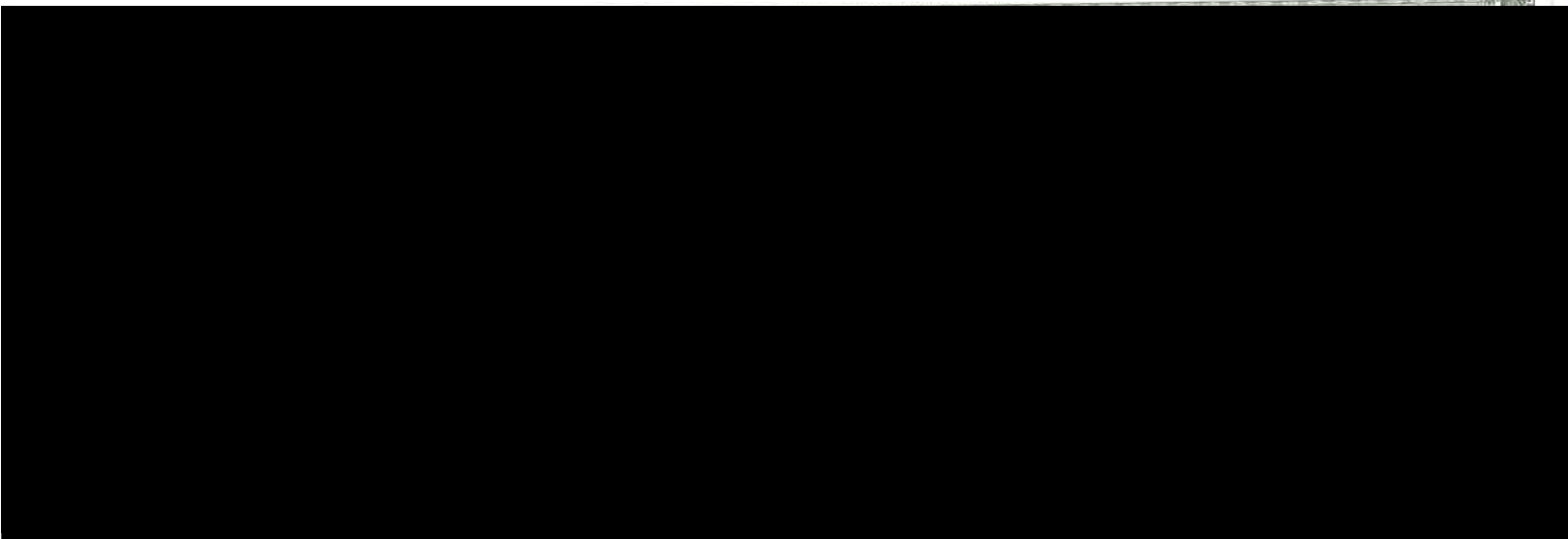
PASSED AND APPROVED THIS 9TH DAY OF MARCH, 2023.

I hereby certify that the above and foregoing Resolution was adopted by the Board of Directors of Hidalgo County Irrigation District No. 2 at its regular meeting held on the 9th day of March, 2023.

March 9, 2023
Date



Marcus Forthuber
Secretary, Board of Directors
Hidalgo County Irrigation District No. 2



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE**

Phone Contact Information

Call to: Jeremy Walker-Lee	Call from: Anthony Stambaugh
Permittee Name: Hidalgo County Irrigation District #2	Date of Call: 08/18/2023
Phone No.: (956)787-1446	File No: 23-808K

Phone Subject

Subject: RFI Question

Phone Conversation Details

Information for the file: Applicant called PM in response to RFI question #1. Applicant explained that they are concerned that agency is moving diversion point. Requested to see original application for 23-808H to confirm if current diversion point was requested or granted to determine validity of agency request.

Signature/Date:

Jeremy Walker-Lee

8/18/2023

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE**

Phone Contact Information

Call to: Jeremy Walker-Lee	Call from: Glen Jarvis
Permittee Name: Hidalgo County Irrigation District #2	Date of Call: 08/17/2023
Phone No.: (956)778-0425	File No: 23-808K

Phone Subject

Subject: RFI Question

Phone Conversation Details

Information for the file: Applicant returned a missed call addressing a misunderstood RFI question about an incorrect diversion reach that needs confirming. Applicant contact will reach out to applicant to confirm information addressed in RFI question and call/email PM back.

Signature/Date:

Jeremy Walker-Lee

Jeremy Walker-Lee

From: [REDACTED]
Sent: Friday, August 11, 2023 2:12 PM
To: Jeremy Walker-Lee
Cc: Leonor Cadena
Subject: Re: Hidalgo County Irrigation District No. 2 23-808K
Attachments: J WALKER LEE LTR.pdf; 1 -CA 23-808J.pdf; 2 -Reso [Authorztion].pdf; 3 -Ck 7444.pdf

Mr. Lee,

Attached is response letter. Original will follow via regular mail. Thank you. Glenn Jarvis

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Good afternoon,

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Thanks,

Jeremy Walker-Lee, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-0637

Law Offices
of

GLENN JARVIS

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August 11, 2023

Mr. Jeremy Walker-Lee, Proj. Mgr.
Water Rights Permitting Team
Water Rights Permitting and Avail. Section
Texas Commission on Environmental Qual.
P.O. Box 13087
Austin TX 78711-3087

**Via Electronic Transmission
and
Via Regular U. S. Mail**

RE: Hidalgo County Irrigation District No. 2
ADJ 808
CN600740377, RN102817822
Application No. 23-808K to Seer a portion of Certificate of Adjudication No. 23-843
and Combine it with and Amend Certificate of Adjudication No. 23-808
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Jeremy Walker-Lee,

Please allow this letter to serve as the Applicant's response to your letter of August 1, 2023,
requesting further information:

Request No. 1: Confirm the coordinates for the upstream point of the authorized diversion reach described in PARAGRAPH 2.B in Certificate of Adjudication No. 23-808J are Latitude 29.441406° N, Longitude 101.057069° W. The coordinates in the certificate are not consistent with the authorized diversion reach description, plotting upstream of Amistad Reservoir.

Response: Applicant has reviewed all Certificates covering the location of the upstream diversion point near Amistad Reservoir and confirms that the diversion points in paragraph 2.B of Amendment to Certificate of Adjudication No. 23-808J are correct. The correct diversion points are Latitude 29.772042° N, Longitude 101.716817° W. Attached for your reference is copy of Certificate no 23-808J.

Request No. 2: Provide written evidence that Mr. Frank John Schuster is authorized to sign the application for Hidalgo County Irrigation District No. 2 pursuant to Title 30 Texas Administrative Code (TAC) § 295.14 which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Response: Applicant by its email of August 4, 2023 email forwarded a copy of Resolution of Authorization. A copy of the Resolution also is enclosed for your reference.

Request No. 3: Remit fees in the amount of \$100.00 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Sever and combine: x 2 Water Rights to Combine)	\$200.00
<u>Recording Fee</u>	<u>\$ 12.50</u>
TOTAL FEES	\$212.50
<u>FEES RECEIVED</u>	<u>\$112.50</u>
BALANCE DUE	\$100.00

Response: Enclosed is my Office check number 7444 in the amount of \$100.00 covering the additional amount of fees due.

Please advise if there are additional questions regarding the Application.

Very truly yours,



Glenn Jarvis

xc: Mr. Sonny Hinojosa

[REDACTED]

Mr. Arturo Cabello

[REDACTED]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-808J TYPE §§ 11.122, 11.085 PRIORITY: Municipal & Class A

Owner:	Hidalgo County Irrigation District No. 2	Address:	P.O. Box 6 San Juan, Texas 78589
Filed:	May 23, 2018	Granted:	February 21, 2019
Purposes:	Municipal, Industrial, Agricultural, & Mining	Counties:	Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron
Watercourse:	Rio Grande	Watershed:	Rio Grande Basin

WHEREAS, A portion of Certificate of Adjudication No. 23-808 authorizes Hidalgo County Irrigation District No. 2 (Owner/Applicant) to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,579.9612 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-808, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and

WHEREAS, Applicant has acquired a portion of Certificate of Adjudication No. 23-302 which authorizes the right to divert and use 9.086 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural purposes in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-302, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and

WHEREAS, Owner seeks to sever its 9.086 acre-foot portion of water rights authorized by Certificate of Adjudication No. 23-302 and combine it with its water rights authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, by Commission Order approved on February 21, 2019, the 9.086 acre-foot portion of Class A water owned by Hidalgo County Irrigation District No. 2, authorized by Certificate of Adjudication No. 23-302, was severed from said Certificate and combined with Certificate of Adjudication No. 23-808; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 23-808 to change the purpose of use of the 9.086 acre-foot portion of Class A water from agricultural purposes to Municipal Priority for municipal purposes, and to change the place of use, and diversion point of that portion to the place of use and diversion points currently authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, pursuant to Title 30 Texas Administrative Code (TAC) § 303.43, the conversion factor of 0.5 is used when converting from Class A to Municipal Priority water, results in 4.543 acre-feet of Municipal Priority water for municipal purposes; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Rio Grande Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment; and

WHEREAS, the Texas Commission on Environmental Quality finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-3808, designated Certificate of Adjudication No. 23-808J, is issued to Hidalgo County Irrigation District No. 2, subject to the following terms and conditions:

1. USE

- A. In lieu of the previous authorizations, Owner is now authorized to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,584.5042 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water

per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County.

- B. Owner is authorized an exempt interbasin transfer to those portions of the Nueces-Rio Grande Coastal Basin within Hidalgo County.

2. DIVERSION

Owner is authorized to divert its authorized water as follows:

- A. From the Rio Grande at a point on the U.S. bank of the Rio Grande, S 64° E, 1900 feet from the SE corner of the Juan Antonio Villareal Survey, Abstract No. 44, in Hidalgo County for municipal, industrial, and agricultural purposes.
- B. From a reach anywhere along the U.S. bank of the Rio Grande, between Amistad Reservoir and the Gulf of Mexico in Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron counties for mining purposes. With the upstream limits of the reach being at Latitude 29.772042° N, Longitude 101.716817° W, and the downstream limits of the reach being at Latitude 25.95256° N, Longitude 97.146311° W.

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in DIVERSION Paragraph 2 and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- D. The issuance of this amendment does not grant to the Owner the right to use

private or public property for diversion of water authorized by this amendment. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owner to acquire property rights as may be necessary to make any diversion authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-808, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Rio Grande Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.



For the Commission

Date Issued: **February 21, 2019**

RESOLUTION

WHEREAS, the Hidalgo County Irrigation District No. 2 (the "District") is in need of additional irrigation water rights to the Rio Grande to meet its water requirements; and

WHEREAS, a Water Rights Sales Agreement attached to the minutes of this meeting between the District and Brownsville Irrigation District, in which the District is agreeing to purchase the right to divert and use 2,000 acre feet per annum of class "A" irrigation water rights to the Rio Grande for a purchase price of \$1600.00 per acre feet, has been presented providing for the purchase of said water rights; and


WHEREAS, the Board of Directors of the District finds that the purchase and acquisition of these water rights is in the best interest of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the District does hereby approve the aforementioned Water Rights Sales Agreement and does hereby authorize the President of the Board of Directors, or his designee or successor to sign the Water Rights Sales Agreement between the District and Brownsville Irrigation District, and further authorizing the President, upon consummation of the said Water Rights Sales Agreement, to sign and file any and all necessary documents and take such action as may be required in connection therewith.

PASSED AND APPROVED THIS 9TH DAY OF MARCH, 2023.

I hereby certify that the above and foregoing Resolution was adopted by the Board of Directors of Hidalgo County Irrigation District No. 2 at its regular meeting held on the 9th day of March, 2023.

March 9, 2023
Date



Marcus Forthuber
Secretary, Board of Directors
Hidalgo County Irrigation District No. 2



Jeremy Walker-Lee

From: Jeremy Walker-Lee
Sent: Friday, August 4, 2023 4:35 PM
To: [REDACTED]
Cc: Humberto Galvan
Subject: RE: Hidalgo County Irrigation District No. 2 23-808K

Hello Mr. Jarvis,

Attachment A provided in this email was not provided with the original submittal of the application. The additional information is acknowledged and will be reviewed.

Thanks,

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-0637

From: [REDACTED]
Sent: Friday, August 4, 2023 3:04 PM
To: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>
Subject: Re: Hidalgo County Irrigation District No. 2 23-808K

I was wondering whether you had reviewed the Resolution which I am attaching which was Attachment A to the Application? I am working on the other items. I just wanted to be sure, and if the attached is not sufficient I will need to prepare another for the District's Board of Directors action.

Thanks for you attention to this matter.

Glenn Jarvis

Glenn Jarvis
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
1801 S. 2nd St., Ste. 550
McAllen, TX 78503
(956) 682-2660 -ph
(956) 618-2660 -fax

[REDACTED]
www.GlennJarvis.com

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error and that any review, use, dissemination, forwarding, printing, copying, disclosure or distribution by persons other than the intended recipient(s) is prohibited and may be unlawful. You must delete this message and any copy of it (in any form) without disclosing it. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission, or by calling LAW OFFICES OF GLENN JARVIS (956) 682-2660. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

On Tuesday, August 1, 2023 at 04:10:58 PM CDT, Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov> wrote:

Good afternoon,

Please see the attached request for information letter for Hidalgo County Irrigation District 2, Application No. #23-808K, and provide a response by 9/1/23.

Thanks,

Jeremy Walker-Lee, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-0637

RESOLUTION

WHEREAS, the Hidalgo County Irrigation District No. 2 (the "District") is in need of additional irrigation water rights to the Rio Grande to meet its water requirements; and

WHEREAS, a Water Rights Sales Agreement attached to the minutes of this meeting between the District and Brownsville Irrigation District, in which the District is agreeing to purchase the right to divert and use 2,000 acre feet per annum of class "A" irrigation water rights to the Rio Grande for a purchase price of \$1600.00 per acre feet, has been presented providing for the purchase of said water rights; and

WHEREAS, the Board of Directors of the District finds that the purchase and acquisition of these water rights is in the best interest of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the District does hereby approve the aforementioned Water Rights Sales Agreement and does hereby authorize the President of the Board of Directors, or his designee or successor to sign the Water Rights Sales Agreement between the District and Brownsville Irrigation District, and further authorizing the President, upon consummation of the said Water Rights Sales Agreement, to sign and file any and all necessary documents and take such action as may be required in connection therewith.

PASSED AND APPROVED THIS 9TH DAY OF MARCH, 2023.

I hereby certify that the above and foregoing Resolution was adopted by the Board of Directors of Hidalgo County Irrigation District No. 2 at its regular meeting held on the 9th day of March, 2023.

March 9, 2023

Date



Marcus Forthuber
Secretary, Board of Directors
Hidalgo County Irrigation District No. 2



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

August 1, 2023

Mr. Glenn Jarvis, Attorney
Law Offices of Glenn Jarvis
1801 S. 2nd St., Ste 550
McAllen, TX 78503-1353

VIA E-MAIL

RE: Hidalgo County Irrigation District No. 2
ADJ 808
CN600740377, RN102817822
Application No. 23-808K to Sever a portion of Certificate of Adjudication No. 23-843
and Combine it with and Amend Certificate of Adjudication No. 23-808
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on July 11, 2023, of the referenced application, and on July 31, 2023, of fees in the amount of \$112.50 (Receipt No. M318715, copy attached).

Additional information and fees are required before the application can be declared administratively complete.

1. Confirm the coordinates for the upstream point of the authorized diversion reach described in PARAGRAPH 2.B in Certificate of Adjudication No. 23-808J are Latitude 29.441406° N, Longitude 101.057069° W. The coordinates in the certificate are not consistent with the authorized diversion reach description, plotting upstream of Amistad Reservoir.
2. Provide written evidence that Mr. **Frank John Schuster** is authorized to sign the application for Hidalgo County Irrigation District No. 2 pursuant to Title 30 Texas Administrative Code (TAC) § 295.14 which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Mr. Glenn Jarvis
Application No.23-808K
August 1, 2023
Page 2 of 2

3. Remit fees in the amount of \$100.00 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

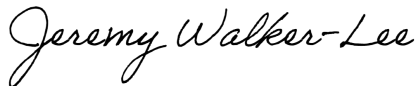
Filing Fee (Sever and Combine: X 2 Water Rights to Combine)	\$ 200.00
<u>Recording Fee</u>	<u>\$ 12.50</u>
TOTAL FEES	\$ 212.50
<u>FEES RECEIVED</u>	<u>\$ 112.50</u>
BALANCE DUE	\$ 100.00

Please provide the requested information and fees by September 1, 2023, or the application may be returned pursuant to Title 30 TAC § 281.18.

Please be aware that the amendment request to add mining uses to Certificate of Adjudication No. 23-808K may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the attached Frequently Asked Questions fact sheet or contact the Water Quality Monitoring & Assessment Section at (512) 239-3838.

If you have any questions concerning this matter, please contact me via email at jeremy.walker-lee@tceq.texas.gov or by telephone at (512) 239-0637.

Sincerely,



Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

JUL-31-23 09:34 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M318715	ADJ23808	JARVOS, GLENN(LAW OFFICES)	CK	7435		BS00104027	14-JUL-23	\$112.50

Water Use Assessment Fee (WUF) Frequently Asked Questions

What Is This Fee?

The Water Use Assessment Fee is a fee that is assessed annually on applicable water rights permits. Texas Water Code, §26.0135 & 26.0291 authorizes the TCEQ to establish fees to recover the reasonable costs of water quality assessment programs from wastewater and water right permit holders. TCEQ rules, Title 30 Texas Administrative Code (TAC), §21.1-21.4, set out the methodology for assessing water use fees, described below.

Why are you billed?

If you hold a water right and do not fall under an exemption, then you are subject to the Water Use Assessment Fee. Unless the water right is amended to fall under an exemption, you will be billed for this water right on an annual basis.

Amendments can also make a water right that was not previously billed now billable. If you have not been billed in the past but are now receiving a WUF invoice, this is most likely because your water right has been amended and is now considered billable.

If the water under your water right is being sold to a wastewater treatment plant that pays the Consolidated Water Quality Fee, and you can provide proof of these sales, please contact us using the information at the end of this document.

What are reasons for exemption?

Exemptions are listed in 30 TAC, § 21.3(c). Exemptions from the Water Use Assessment Fee include: municipal or industrial water rights directly associated with a facility that is assessed a Consolidated Water Quality Fee; agriculture (irrigation) water rights; non-priority hydroelectric water rights for a facility with a capacity of less than 2 megawatts; consumptive authorization less than 250 acre-feet; and non-consumptive authorization less than 2,500 acre-feet.

How Is the Fee Assessed?

Fees are based on the authorized annual use, not actual use. The total fee is the sum of the separate fees for each authorized water use in each of the following categories for each permit.

The fee rate of **\$0.385** per acre-foot per year applies to authorized consumptive use (municipal, industrial, or mining purposes) if the specified limit is more than 250 acre-feet per year.

The fee rate of **\$0.021** per acre-foot per year applies to authorized non-consumptive use (including hydroelectric and some recreation) if the specified limit is more than 2,500 acre-feet per year.

The maximum water use fee for a single permit is \$127,770, which may be adjusted annually using the latest Consumer Price Index.

How are Diversion Amounts Distributed Among Uses?

For permits with multiple uses that do not specify the amount per use, the total authorized amount is divided equally among all uses.

Example: 10,000 ac-ft for irrigation, municipal, industrial, and mining
10,000/4 = 2,500 ac-ft per use
Irrigation is exempt; municipal not billed because wastewater treatment plant that uses the water pays the Consolidated Water Quality Fee; industrial billed \$962.50 for 2,500 ac-ft; mining billed \$962.50 for 2,500 ac-ft.

Why do I have Multiple Invoice Numbers?

Multiple invoice numbers are generated when the water right has multiple uses such as municipal (code 1), industrial (code 2), and mining (code 4). The bill is divided by use for accounting purposes.

What If I Have More Than One Account?

You may send all your payments in one envelope, but please enclose a separate check for each coupon. Do not send a check for the total amount. If the number of checks does not equal the number of coupons, the agency will be unable to determine which accounts to credit. Also, TCEQ will not be able to process your transactions by the automated process, and your account may not be credited in time to avoid late fees.

Where Do I Get More Information?

For copies of the fee rules (30 TAC, §21.1-21.4), refer to the TCEQ rules from the Texas Administrative Code on the Secretary of State's web site at www.sos.state.tx.us. To learn more about the fee, please visit:

<https://www.tceq.texas.gov/agency/financial/fees/water-related-fees>

For billing and account balance information, call the TCEQ's Financial Administration Division, Revenue Section at (512) 239-0369.

If you have any questions about the Water Use Assessment Fee or the rates for your water right, contact the Water Quality Monitoring & Assessment Section at (512) 239-3838, or via email at wateruse@tceq.texas.gov, or write to:

Texas Commission on Environmental Quality
Water Quality Monitoring & Assessment, MC 234
Water Use Fees
P.O. Box 13087
Austin, TX 78711-3087



Basis2 Historical Receipt Report

DEC-22-23 11:28 AM

Selected date range

16-AUG-23 - 16-AUG-23

<u>Fee</u>	<u>Account Number & Name</u>	<u>Endorse.#</u>	<u>T-Code</u>	<u>Fac/Per</u>	<u>Check #</u>	<u>Paid In By</u>	<u>Paid In For</u>	<u>Tran Date</u>	<u>Receipt Amount</u>
WUP	WUP:WATER USE PERMITS	M319719A	N		2022	LAGERLEF, DAVID/CHRISTINE	AMEND	16-AUG-23	-\$112.50
		M319691	N	ADJ23808	7444	JARVIS, GLENN (LAW OFFICES)		16-AUG-23	-\$100.00

Total (Fee Code): **-\$212.50**

Report_ID:



Basis2 Receipt Report by Endorsement Number

JUL-31-23 09:34 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M318715	ADJ23808	JARVOS, GLENN(LAW OFFICES)	CK	7435		BS00104027	14-JUL-23	\$112.50

Law Offices

of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
www.GlennJarvis.com

July 11, 2023

Ms. Jenna Rollins
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Comm. On Environmental Quality
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

**Via Electronic Transmission
and
Via Regular U. S. Mail**

RE: Application for Amendment to Certificate of Adjudication No. 23-808

Dear Ms. Rollins,

On behalf of Hidalgo County Irrigation District No. 2, I am enclosing original executed copy of TCEQ Water Rights Permitting Application pertaining to the requested Amendment to Certificate of Adjudication No. 23-808, which includes the Administrative Information Report (including the Administrative Checklist) and those applicable pages of the Technical Information Report, including Attachments A-C (Water Conservation Plan).

Enclosed is my office check no. 7435 in the amount of \$112.50 made payable to the Cashier representing the filing and recording fees.

Thank you for your attention and assistance in this matter. Should you need further information regarding the enclosed Application, please contact me.

Very truly yours,


Glenn Jarvis

GJ:lhc

Encl.

xc: Mr. Sonny Hinojosa



Mr. Arturo Cabello

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): Hidalgo County Irrigation District No. 2

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).

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

The Applicant is an Irrigation District operating under Chapters 49 and 58, Texas Water Code, who is the owner in accordance with the Change of Ownership process which has been completed at the TCEQ, of the right to divert a maximum of 2000 acre feet per annum from the Rio Grande for agricultural use and allocated on a Class A irrigation priority basis previously evidenced by Certificate of Adjudication No. 23-843 owned by the Brownsville Irrigation District. Applicant is requesting in this Application that these water rights be severed from Certificate No. 23-843 by Order of the Commission, and combined into Certificate No. 23-808, and that Certificate No. 23-808 be amended so as to (1) add the water rights severed from Certificate No. 23-843 to Applicant's existing water rights under Certificate No. 23-808 by changing the purpose of use from agricultural (irrigation) to agricultural use and mining use with Class A irrigation priority of allocation (2) place of use of agricultural (irrigation) water rights be changed to the boundaries of the Applicant in Hidalgo County, and the mining use rights to the following Counties: Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo and Cameron Counties; and (3) the diversion point of the agricultural (irrigation) use rights be changed to the existing point of diversion of the Applicant, as described in Paragraph 2A and the mining use rights at the diversion segment points described in Paragraph 2B of Amendment to Certificate of Adjudication No. 23-808J attached hereto as Attachment B. No other amendment is requested.

Applicant states that its request in this Application does not result in an increased appropriation of water or rate of diversion which would harm any other existing water rights holders on the Rio Grande below Amistad and Falcon.

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?

Hidalgo County Irrigation District No. 2

(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 : 600740377 (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: Frank John Schuster

Title: President

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 A**

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: Hidalgo County Irrigation District No. 2

Mailing Address: P. O. Box 6

City: San Juan State: TX 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: Glenn Jarvis

Title: Attorney

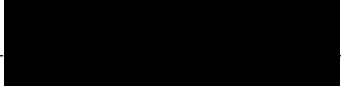
Organization Name: Law Offices of Glenn Jarvis

Mailing Address: 1801 S. 2nd St., Ste. 550

City: McAllen State: TX ZIP Code: 78503

Phone Number: 956-682-2660

Fax Number: 956-618-2660

E-mail Address: 

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

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

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

First and Last Name: N/A

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** N

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

Account number: _____ Amount past due: _____

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

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

Enforcement order number: _____ Amount past due: _____

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

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, Frank John Schuster President -Board of Directors
(Typed or printed name) (Title)

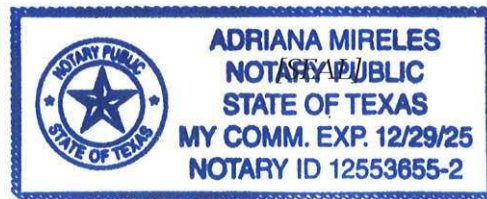
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the 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: *Frank John Schuster* Date: July 10, 2023
(Use blue ink) Frank John Schuster

Subscribed and Sworn to before me by the said Frank John Schuster
on this 10th day of July, 2023.
My commission expires on the 29th day of December, 2025.

Adriana Mireles
Notary Public
Hidalgo
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: June 30, 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: _____)

*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** N/A*

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 23-808

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

List of water rights to sever	Combine into this ONE water right
The right to divert a maximum of 2000 ac ft per annum of Class A agricultural use rights out of Certificate 23-843	The portion of Certificate 23-808 authorizing the diversion from the Rio Grande of water for agricultural use and mining use

- 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"** N/A

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N Y
If yes, submit:

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

- 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 not in-consistent with the 2022 State Water Plan or Region M Water Plan. It accommodates a water supply need between political subdivisions in Region M engaged in diversion of water from Rio Grande and delivery of such water to supply users in Region M.

- 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/A

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>
	Not Applicable because Application does not involve a new or additional appropriation of State water or a Bed and Banks authorization	Not Applicable because Application does not involve a new or additional appropriation of State water or a bed and Banks authorization	Not applicable because Application does not involve a new or additional appropriation of State water or a Bed and Banks authorization

N/A 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: **N/A**

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of N/A 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**
2000	Agricultural use	Agricultural (irrigation) use	Boundaries of Brownsville Irrigation District in Cameron County, Texas	Boundaries of Applicant in Hidalgo County, Texas
		and Mining Use	N/A	Various counties. See Paragraph 2B, Attachment B

**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. N/A

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

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

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. **Yes. See Worksheet 1.1**
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. **N/A**
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

16.051. NOTE: Applicant's water rights associated with Certificate of Adjudication No. 23-808 and the water rights under Certificate No. 23-843 are based upon the Final Judgment in "The State of Texas, et al. v. Hidalgo County Water Control & Improvement District No. 18, et al, reported at 443 S.W.2d 728 (err. ref'd n.r.e) which adjudicated water rights to be diverted from the Rio Grande and used in the Rio Grande Basin and adjoining Nueces-Rio Grande Coastal Basin. 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 Y
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N Y
- 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 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 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);

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. **Y**
**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. **** See Attachment C, Applicant's Water Conservation Plan and Drought Contingency Plan**
2. Industrial or Mining Use. See 30 TAC § 288.3. **Applicant does not use water for mining use, but only may provide a raw water (*Cont'd below)**
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**

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 Y

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. X Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N Y

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		
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 <u>2</u> of water rights to combine	200.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 212.50

3. BED AND BANKS

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



Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

N/A because the Application does not requests a major amendment since it only requests a change in existing place and purpose of use.

- New Permit or Registration Application
- New Activity - modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- Requires public notice,
- Considered to have significant public interest, **and**
- Located within any of the following geographical locations:
 - Austin
 - Dallas
 - Fort Worth
 - Houston
 - San Antonio
 - West Texas
 - Texas Panhandle
 - Along the Texas/Mexico Border
 - Other geographical locations should be decided on a case-by-case basis

If all the above boxes are not checked, a Public Involvement Plan is not necessary. Stop after Section 2 and submit the form.

- Public Involvement Plan not applicable to this application. Provide **brief** explanation.

See Section 4 below

Section 3. Application Information

Type of Application (check all that apply):

- Air Initial Federal Amendment Standard Permit Title V
- Waste Municipal Solid Waste Industrial and Hazardous Waste Scrap Tire
 Radioactive Material Licensing Underground Injection Control

Water Quality

- Texas Pollutant Discharge Elimination System (TPDES)
- Texas Land Application Permit (TLAP)
 - State Only Concentrated Animal Feeding Operation (CAFO)
 - Water Treatment Plant Residuals Disposal Permit
- Class B Biosolids Land Application Permit
- Domestic Septage Land Application Registration

Water Rights New Permit

- New Appropriation of Water
- New or existing reservoir

Amendment to an Existing Water Right

- Add a New Appropriation of Water
- Add a New or Existing Reservoir
- Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

See Summary of Request on Page 2 of Administration Information Report. It is not a major amendment or a new project. It is not in-consistent with the Regional Water Plan. The amendment only changes the place and purpose of use upstream of the existing place of use within the same segment of the Rio Grande below Falcon Reservoir.

Section 5. Community and Demographic Information **N/A**

Community information can be found using EPA’s EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

City

County

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities N/A

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

Yes No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

Yes No

If Yes, please describe.

If you answered “yes” that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

Yes No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- Publish in alternative language newspaper
- Posted on Commissioner’s Integrated Database Website
- Mailed by TCEQ’s Office of the Chief Clerk
- Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

Yes No

(e) If a public meeting is held, will a translator be provided if requested?

Yes No

(f) Hard copies of the application will be available at the following (check all that apply):

- TCEQ Regional Office TCEQ Central Office
- Public Place (specify)

Section 7. Voluntary Submittal N/A

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

Yes No

What types of notice will be provided?

- Publish in alternative language newspaper
- Posted on Commissioner’s Integrated Database Website
- Mailed by TCEQ’s Office of the Chief Clerk
- Other (specify)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-808J TYPE §§ 11.122, 11.085 PRIORITY: Municipal & Class A

Owner:	Hidalgo County Irrigation District No. 2	Address:	P.O. Box 6 San Juan, Texas 78589
Filed:	May 23, 2018	Granted:	February 21, 2019
Purposes:	Municipal, Industrial, Agricultural, & Mining	Counties:	Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron
Watercourse:	Rio Grande	Watershed:	Rio Grande Basin

WHEREAS, A portion of Certificate of Adjudication No. 23-808 authorizes Hidalgo County Irrigation District No. 2 (Owner/Applicant) to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,579.9612 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-808, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and

WHEREAS, Applicant has acquired a portion of Certificate of Adjudication No. 23-302 which authorizes the right to divert and use 9.086 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural purposes in Hidalgo County; and

WHEREAS, the original adjudication, Certificate of Adjudication No. 23-302, includes an implied authorized exempt interbasin transfer to that portion of Hidalgo County within the Nueces-Rio Grande Coastal Basin; and



WHEREAS, Owner seeks to sever its 9.086 acre-foot portion of water rights authorized by Certificate of Adjudication No. 23-302 and combine it with its water rights authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, by Commission Order approved on February 21, 2019, the 9.086 acre-foot portion of Class A water owned by Hidalgo County Irrigation District No. 2, authorized by Certificate of Adjudication No. 23-302, was severed from said Certificate and combined with Certificate of Adjudication No. 23-808; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 23-808 to change the purpose of use of the 9.086 acre-foot portion of Class A water from agricultural purposes to Municipal Priority for municipal purposes, and to change the place of use, and diversion point of that portion to the place of use and diversion points currently authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, pursuant to Title 30 Texas Administrative Code (TAC) § 303.43, the conversion factor of 0.5 is used when converting from Class A to Municipal Priority water, results in 4.543 acre-feet of Municipal Priority water for municipal purposes; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Rio Grande Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment; and

WHEREAS, the Texas Commission on Environmental Quality finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-3808, designated Certificate of Adjudication No. 23-808J, is issued to Hidalgo County Irrigation District No. 2, subject to the following terms and conditions:

1. USE

- A. In lieu of the previous authorizations, Owner is now authorized to divert and use not to exceed 130,500 acre-feet of Class A water per year from the Rio Grande, Rio Grande Basin for agricultural and mining purposes, 14,584.5042 acre-feet of Municipal Priority water per year from the Rio Grande, Rio Grande Basin for municipal purposes, and 13,273 acre-feet of Municipal Priority water

per year from the Rio Grande, Rio Grande Basin for municipal and industrial purposes for use within the District's service area in Hidalgo County.

- B. Owner is authorized an exempt interbasin transfer to those portions of the Nueces-Rio Grande Coastal Basin within Hidalgo County.

2. DIVERSION

Owner is authorized to divert its authorized water as follows:

- A. From the Rio Grande at a point on the U.S. bank of the Rio Grande, S 64° E, 1900 feet from the SE corner of the Juan Antonio Villareal Survey, Abstract No. 44, in Hidalgo County for municipal, industrial, and agricultural purposes.
- B. From a reach anywhere along the U.S. bank of the Rio Grande, between Amistad Reservoir and the Gulf of Mexico in Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron counties for mining purposes. With the upstream limits of the reach being at Latitude 29.772042° N, Longitude 101.716817° W, and the downstream limits of the reach being at Latitude 25.955256° N, Longitude 97.146311° W.

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in DIVERSION Paragraph 2 and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- D. The issuance of this amendment does not grant to the Owner the right to use

private or public property for diversion of water authorized by this amendment. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owner to acquire property rights as may be necessary to make any diversion authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-808, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Rio Grande Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.


For the Commission

Date Issued: **February 21, 2019**

HIDALGO COUNTY IRRIGATION DISTRICT NO. 2


RESOLUTION APPROVING IRRIGATION WATER CONSERVATION
PLAN, MUNICIPAL AND INDUSTRIAL WATER CONSERVATION PLAN,
AND WATER ALLOCATION RULES AND REGULATIONS


WHEREAS, Texas Water Code Chapter 11 and Title 30, Texas Administrative Code, Chapter 288 requires the Hidalgo County Irrigation District No. 2 (District) to submit an updated Water Conservation Plan and an updated Drought Contingency Plan to the Texas Commission on Environmental Quality every five years; and

WHEREAS, the Board of Directors of the Hidalgo County Irrigation District No.2 have reviewed the Water Conservation Plans and considers the District's Water Allocation Rules and Regulations as its Drought Contingency Plan.

NOW, THEREFORE, be it resolved that the Board of Directors of the Hidalgo County Irrigation District No. 2, after reviewing the Water Conservation Plans and the Water Allocation Rules and Regulations hereby adopts the existing Water Conservation Plans and Water Allocation Rules and Regulations of the District. The Board of Directors hereby directs that the adopted written document be made a part of these minutes.

Adopted this 18th day of April, 2019.


Frank John Schuster, President
Board of Directors
Hidalgo County Irrigation
District No.2


Fred Schuster, Secretary
Board of Directors
Hidalgo County Irrigation
District No.2



HIDALGO COUNTY IRRIGATION DISTRICT NUMBER TWO WATER ALLOCATION RULES AND REGULATIONS

The Board of Directors of Hidalgo County Irrigation District Number Two ("District") deems it in the best interest of the District to adopt rules and regulations dealing with the allocation of irrigation water in the event of a shortage in water supply from the Rio Grande. Accordingly, the following Rules and Regulations shall apply in periods of water supply shortage from the Rio Grande.

1. Activation of Water Allocation Program: Water allocation to irrigation users in the District will go into effect when the District's total irrigation water account storage balance in the Rio Grande Watermaster records amounts to a maximum of 2 irrigations for each flat rate acre in which all flat rate is paid and current, and for each net irrigable acre as shown by District records with respect to land in the IBWC Floodway.

The determination of the 2-irrigation level which activates the water allocation program will vary from year to year as acreage irrigated with the District changes. The calculation of the 2-irrigation level will be calculated by taking the flat rate and net floodway acreage multiplied by 1.33 acre feet. The 1.33 acre feet amount is derived from an historical assumption utilized by the District approximating the average water used by an irrigator per irrigation per acre. This assumption assumes that 6 inches of water per acre is applied and that there are 2 inches of water per acre lost in transporting water from the Rio Grande to the acre irrigated. Thus, the calculation: 6 inches + 2 inches of water loss = 8 inches x 2 irrigations = 16 inches of water, or 1.33 acre feet measured at the Rio Grande.

2. Water Allocation: As water is allocated to the District's irrigation account by the Rio Grande Watermaster in an amount reasonably sufficient for allocation to District irrigation users, the additional water allocated to the District will be equally distributed to those irrigation accounts having a balance of less than 2 irrigations (or 1.33 acre feet equivalent) based upon flat rate or net floodway acreage.

The irrigation accounts shall be composed of the same parcels of land as identified by ownership for flat rate assessment purposes as carried in the records of the District.

3. Transfers: A water allotment may be transferred within the boundaries of the District from one irrigation account to another. The transfer of a water allotment from one irrigation account to another does not constitute irrigation for purposes of this program. The transfer of water may be made only by the landowner or landowner's agent who is authorized in writing to act on behalf of the landowner

in the transfer of the water allotment from described land of the landowner covered by the irrigation account.

A water allotment may not be transferred to land by a landowner outside the District boundaries.


4. Non-Use: Acreage in an irrigation account that has not been irrigated for any reason within the last two (2) consecutive years will be considered inactive and will not be allocated water. Any landowner whose land has not been irrigated within the last two (2) consecutive years may, upon application to the District expressing a desire to irrigate the land, receive future allocations; however, irrigation water allocated shall be applied upon the acreage to which it is allocated and such water allotment cannot be transferred until there have been two (2) consecutive years of use.
5. Amount of Water Charged to Water Allotment : The amount of water charged against a user's water allotment will be eight (8") inches per irrigation unless water is metered. Metered water is charged based on actual use. In order to maintain a parity in charging use against a water allotment between metered and non-metered deliveries, a loss factor will be applied to metered water. For parity purposes, therefore, the same percentage of loss will applied to metered water as is the assumption for non metered water, i.e., 25 percent of amount diverted at the Rio Grande. Thus, in charging use in a non-metered situation, the 8 inches criteria will be used for each irrigation of an acre and in charging use in a metered situation, the actual metered amount plus 33 1/3% percent of the metered amount will be charged. It shall be a violation of these Rules and Regulations for a water user to use water that exceeds the amount of water contained in the users irrigation account.
6. Water Delivered to Municipal Suppliers: Water is delivered to municipal suppliers in accordance with existing agreements and the District's water conservation plan and water allocation plan. Upon the activation of the District's water allocation provisions, the District will coordinate with municipal suppliers to whom it delivers Rio Grande water for treatment. If the District expects a shortage in irrigation deliveries which could make it difficult to maintain deliveries to municipal suppliers, it will advise municipal suppliers, if reasonably possible, at least sixty (60) days in advance of this possibility, otherwise, as soon as possible. A copy of this notice will be sent to the Rio Grande Watermaster and Texas Water Development Board. Following such notice, the District will monitor available water supply and irrigation deliveries in coordination with the Rio Grande Watermaster, Texas Water Development Board, and municipal suppliers during the shortage period.
7. Termination of Water Allocation : The water allocation program will remain in effect until (a) the District's total irrigation account storage balance as shown by the Rio Grande Watermaster's records exceeds 2 irrigations per acre as referred to

in paragraph 1 above and (b) the District's Board of Directors deems that the need for allocation no longer exists.


8. Penalties : Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of these Rules and Regulations shall be considered in violation of Section 11.083, Texas Water Code, *Vernon's Texas Codes Annotated*, which provides for punishment by a fine of not less than \$10.00 nor more than \$200.00 or by confinement in the county jail for not more than thirty (30) days, or both, for each violation, and these penalties shall be in addition to any other penalties provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in Hidalgo County, all in accordance with Section 11.083; and in addition, the District may pursue a civil remedy in the way of damages and/or injunction against the violation of any of the foregoing Rules and Regulations.
9. Authority : The foregoing Rules and Regulations are adopted in accordance with the provisions of Section 58.127-58.132 of the Texas Water Code, *Vernon's Texas Codes Annotated*.
10. Effective Date of Rules : The effective date of this Rule shall be five (5) days following the date of Publication hereof and ignorance of the Rules and Regulations is not a defense for a prosecution for enforcement of the violation of the Rules and Regulations.
11. Coordination with Regional Planning Group: A copy of this water allocation plan shall be filed with the Rio Grande Regional Water Planning Group (Region M, Texas Water Development Board) and the District will coordinate its activities so as to ensure consistency with the approved Regional Water Plan.

DATED this 1st day of SEPTEMBER 2022.

Approved:


Frank John Schuster, President

ATTEST:


Marcus Forthuber, Secretary

IRRIGATION WATER CONSERVATION PLAN

HIDALGO COUNTY IRRIGATION DISTRICT NO. 2

Hidalgo County Irrigation District No.2 (District) is a political subdivision of the state of Texas operating under the provisions of Chapter 58, Title 4 of the Texas Water Code and Article XVI, Section 59 of the Texas Constitution.

The primary purposes of the District are to supply an adequate, reliable source of raw water for irrigation, municipal, industrial and domestic uses, and to afford drainage insofar as reasonably possible to the lands located within the District boundaries. The District will strive at all times to pump and deliver water as timely and efficiently as possible to its patrons, and will cooperate in rendering any other service which it is authorized to render.

The District has two pumping plants;

1. A river pumping plant that diverts water from the Rio Grande for the District's 72,000 acres (112 square miles). Ultrasonic doppler flow meters are installed at each pump for the accurate accounting of diverted water.
2. A relift plant that enables water to reach the northernmost areas of the District.

Also included in the inventory:

- An 1800 acre-foot storage reservoir
- 225 miles of irrigation pipeline
- 21 miles of lined canals
- 46 miles of earthen canals
- 74 miles of drainage ditches
- 85 miles of subsurface drain pipe

From 2014 through 2018, the District replaced 5.25 miles of leaking mortar-joint concrete pipelines with new flexible-joint concrete or pvc pipe. The District has also replaced 9 canal control sluice gates with Rubicon Flume Gates and has implemented Total Channel Control (TCC) on the Alamo Main Canal. The District has also implemented TCC on the Lateral A Canal. The District also replaced the Lateral B Canal headgate with a Rubicon Flume Gate.

TCC allows for remote monitoring of the canal system and the automated feature of TCC maintains water elevations within the pools of each canal segment providing constant head pressure, thus

providing for more efficient irrigation. The automation of the system also conserves water by eliminating operational spills.

The District, through its vast network of canals and pipelines, diverts water from the River and delivers it by gravity flow to one point per each 40-acre tract within the original subdivision of the District. Over 3,900 accounts exist in the 34,350 acres of irrigable farmland. Crops grown within the District include: sugar cane, cotton, grain sorghum, citrus, hay crops and various vegetables. Since the majority of the irrigable farmland has been leveled, the most common methods of irrigation include flood, furrow, and drip.

The District delivers approximately 30,000 acre feet annually of Rio Grande water to the cities of Pharr, San Juan, Alamo, McAllen, Edinburg, and to the North Alamo Water Supply Corporation under existing water supply and delivery agreements. This water is delivered from the District's irrigation canal and pipeline system and is metered at the delivery point. The amount of water measured at the Rio Grande is reported monthly to the Rio Grande Watermaster and is based upon the amount of water delivered plus transportation losses. These deliveries are charged against the applicable municipal priority water allocation by the Rio Grande Watermaster. In the future, water supply and delivery contracts entered into for the furnishing of Rio Grande water to municipal suppliers, or any extension of existing contracts, shall contain provisions that the customer shall develop and implement a water conservation plan or water conservation measures using the applicable elements contained in Title 30, Texas Administrative Code, Chapter 288, and in the event, after treatment, such water is resold to another supplier, then such contract shall also contain provisions dealing with water conservation requirements in accordance with Title 30, Texas Administrative Code, Chapter 288.

Along with the network of canals and pipelines providing water to acreage within the District, there is also a network of open ditches and subsurface drainpipes to relieve farmland of tail water or storm runoff.

The conservation of water is always stressed and penalties may be assessed for the overuse of water. The cities that are provided water by the District have their own water conservation and drought contingency plans, and are required to submit a copy of their plan along with any future water contracts. A water allocation program, (drought contingency plan), goes into effect for irrigation when the District's irrigation water account storage balance amounts to a maximum of three (3) irrigations per acre. This program remains in

effect until water is restored to the District's irrigation account. Notice of this water allocation program is made available to all water users as they request water as well as being posted at the District's office.

The goal of the District is to maintain its current high level of efficiency. Even with an 1800 acre-foot reservoir and approximately 300 miles of waterway, the District's maximum allowable loss is 15-20%. The District continues to maintain and upgrade its conveyance system. Faulty, mortar-joint pipelines are replaced with rubber-gasket concrete pipe or plastic pipe. When feasible, open canals are placed in underground pipelines or lined with an impermeable liner. Leaks in the system do not go beyond a working day without getting the attention of the canal rider or the District's full time repair crew. The maintenance crew's responsibility of keeping all canals and ditches free of debris also aid in the delivery of water and for the drainage of excess waters of all fields.

The computerized water accounting system provides for the accurate accounting of all water tickets purchased and acreage watered within the District. The staff of canal riders ensure the delivery of water to the users in a timely manner. The District has derived from historical use an approximation of the average water used per irrigation per acre. Flow meters are provided to the staff of canal riders to monitor the volume of water being delivered. As a result of the system's high efficiency, the price of water is kept at a minimum and reflects only the cost of delivery.

The current 34,350 acres of irrigable land is down from the 65,000 acres of 30 years ago, and is projected to decline even further as more agricultural land is giving way to development and urbanization.

This is a summary of several policies and practices that have been made by the Board of Directors over a period of years to improve the efficiency of the District's operation and water use.

The Board of Directors officially recognize the explanation of the water conservation plan as official policy of the Hidalgo County Irrigation District No.2 and affirm that the power of implementation lies in the various operating practices already in effect.

A copy of this Water Conservation Plan shall be filed with the Rio Grande Regional Water Planning Group (Region M, Texas Water Development Board), or its successor, and the District will coordinate its activities in order to ensure consistency with approved Regional Water Plans.

DATED this 18th day of April, 2019.

Approved:

Frank John Schuster
Frank John Schuster, President

ATTEST:

Fred Schuster
Fred Schuster, Secretary

Law Offices

of

GLENN JARVIS

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McAllen, Texas 78503
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July 11, 2023

Ms. Jenna Rollins
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Comm. On Environmental Quality
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

**Via Electronic Transmission
and
Via Regular U. S. Mail**

RE: Application for Amendment to Certificate of Adjudication No. 23-808

Dear Ms. Rollins,

On behalf of Hidalgo County Irrigation District No. 2, I am enclosing original executed copy of TCEQ Water Rights Permitting Application pertaining to the requested Amendment to Certificate of Adjudication No. 23-808, which includes the Administrative Information Report (including the Administrative Checklist) and those applicable pages of the Technical Information Report, including Attachments A-C (Water Conservation Plan).

Enclosed is my office check no. 7435 in the amount of \$112.50 made payable to the Cashier representing the filing and recording fees.

Thank you for your attention and assistance in this matter. Should you need further information regarding the enclosed Application, please contact me.

Very truly yours,


Glenn Jarvis

GJ:lhc

Encl.

xc: Mr. Sonny Hinojosa


Mr. Arturo Cabello