

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

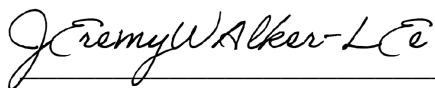
FROM: Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team

DATE: April 24, 2023

SUBJECT: United Irrigation District
ADJ 846
CN600682603, RN101658904
Application No. 23-846M to Sever a Portion of Certificate of
Adjudication No. 23-847 and Combine it with and Amend
Certificate of Adjudication No. 23-846
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

The application was received on March 17, 2023, and fees were received on March 24, 2023. Additional information was received on April 11, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 24, 2023. Notice is not required pursuant to Title 30 Texas Administrative Code § 303.42(2).

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



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

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 24, 2023

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

VIA E-MAIL

RE: United Irrigation District
ADJ 846
CN600682603, RN101658904
Application No. 23-846M to Sever a Portion of Certificate of Adjudication No. 23-847
and Combine it with and Amend Certificate of Adjudication No. 23-846
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on April 11, 2023, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 24, 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 black ink that reads "Jeremy Walker-Lee".

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

Jeremy Walker-Lee

From: Leonor Cadena [REDACTED]
Sent: Tuesday, April 11, 2023 2:17 PM
To: Jeremy Walker-Lee
Cc: Leslie Patterson; [REDACTED]
Subject: Re: United Irrigation District, No. #23-846L
Attachments: Tech Rpt [Rev'd Pg 7] Wrksheet 1.1.pdf; Tech Info Rpt.pdf

Good afternoon Mr. Lee,

In response to your letter dated April 11, 2023, we are submitting Pg 7 (revised Worksheet 1.1) of the Technical Information Report. I apologize for the inconvenience.

Also, for your ready reference, I am attaching copy of the complete Technical Information Report. Thank you for your attention to this matter. Leonor Cadena

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

[REDACTED]
www.GlennJarvis.com

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-----Original Message-----

From: [REDACTED]
To: [REDACTED]
Sent: Tue, Apr 11, 2023 1:59 pm
Subject: Fwd: United Irrigation District, No. #23-846L

Glenn Jarvis
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
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-----Original Message-----

From: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>

To: [REDACTED]

Sent: Tue, Apr 11, 2023 9:17 am

Subject: United Irrigation District, No. #23-846L

Good morning,

Please see the attached request for information letter for United Irrigation District, Application No. #23-846L, and provide a response by 5/11/23.

Thanks,

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

Attachment

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 Certificates of Adjudication Nos. 23-846 & 23-847 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 its 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_____

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

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

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

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

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

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

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

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

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: _____

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: _____
23-846 and 23-847

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

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, Purpose of Use
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 N
If yes, submit:

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

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N
If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**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." See Attachment A*

***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." N/A*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43. Y See Attachment 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. N/A
- 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 Certificates of Adjudication Nos. 23-846 & 23-847 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 its 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_____

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

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

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

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

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

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

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

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

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 SEE ATTACHMENT C

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

SEE ATTACHMENT A,
Paragraph 10, and
ATTACHMENT C

**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____

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

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

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

See Summary of Request of the Administrative Information Report, Paragraph 2, pertaining to delivery of municipal use water.

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 purposes 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:
<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.
Public Involvement Plan not applicable to this application. Provide brief explanation.
This Application is similar to prior amendments to Applicant's water rights by changing of one existing use to another existing authorized use in accordance with past practices and in accordance with water management strategy of conversion of irrigation use rights to municipal use in Regional Plan and adopted in State Water Plan .

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.

Section 5. Community and Demographic Information

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

(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

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)

Jeremy Walker-Lee

From: Jeremy Walker-Lee
Sent: Tuesday, April 11, 2023 9:17 AM
To: [REDACTED]
Subject: United Irrigation District, No. #23-846L
Attachments: United_Irrigation_District23-846M_RFI_Sent_4.11.2023.pdf

Good morning,

Please see the attached request for information letter for United Irrigation District, Application No. #23-846L, and provide a response by 5/11/23.

Thanks,

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

Attachment

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 11, 2023

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

VIA E-MAIL

RE: United Irrigation District
ADJ 846
CN600682603, RN101658904
Application No. 23-846M to Sever a portion of Certificate of Adjudication No. 23-847
and Combine it with and Amend Certificate of Adjudication No. 23-846
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on March 17 and 29, 2023, of the referenced application and fees in the amount of \$212.50 (Receipt No. M314343, copy attached).

Additional information is required before the application can be declared administratively complete. Provide a revised Worksheet 1.1 for Certificate of Adjudication No. 23-846. Staff notes that Worksheet 1.1 was submitted; however, the worksheet references Certificate of Adjudication No. 23-829.

Please provide the requested information by May 11, 2023 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Please be aware that the amendment request to add uses to Certificate of Adjudication No. 23-846 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,

A handwritten signature in black ink that reads "Jeremy Walker-Lee".

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

Attachments



24-MAR-23 03:16 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M314342	7377		BS00102007	24-MAR-23	-\$112.50
	WUP	ADJ23829	032423	N	D3802243		
WATER USE PERMITS		JARVIS, GLENN (LAW OFFICE)	RHDAVIS	CK			
	WUP	M314343	7378		BS00102007	24-MAR-23	-\$212.50
	WUP	ADJ23846/AD	032423	N	D3802243		
WATER USE PERMITS		J23847	RHDAVIS	CK			
		JARVIS, GLENN (LAW OFFICE)					
Total (Fee Code):							-\$325.00
Grand Total:							-\$1,086.00

RECEIVED
 MAR 28 2023
 Water Availability Division

RECEIVED
 MAR 28 2023
 Water Availability Division

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

Law Offices
of

GLENN JARVIS

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

March 17, 2023

Telephone (956) 682-2660

Telefax (956) 618-2660

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 Certificates of Adjudication Nos. 23-846 & 23-847

Dear Ms. Rollins,

On behalf of United Irrigation District, I am enclosing original executed copy of TCEQ Water Rights Permitting Application pertaining to the requested Amendment to Certificates of Adjudication No. 23-846 and 23-847, which includes the Administrative Information Report (including the Administrative Checklist) and those applicable pages of the Technical Information Report, including Attachments A-D.

Enclosed is my office check no. 7378 in the amount of \$212.50 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:llc

Encl.

xc: Mr. Juan Martinez



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): _____

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

Y/N

_____ **Administrative Information Report**
_____ Additional Co-Applicant Information **N/A**
_____ Additional Co-Applicant Signature Pages **N/A**
_____ Written Evidence of Signature Authority

_____ **Technical Information Report**

_____ USGS Map (or equivalent) **N/A**
_____ Map Showing Project Details **N/A**
_____ Original Photographs **N/A**
_____ Water Availability Analysis **N/A**

_____ **Worksheet 1.0**

_____ Recorded Deeds for Irrigated Land **N/A**
_____ Consent for Irrigated Land **N/A**

_____ **Worksheet 1.1**

_____ Addendum to Worksheet 1.1 **N/A**

_____ **Worksheet 1.2**

_____ **Worksheet 2.0** **N/A**

_____ Additional W.S. 2.0 for Each Reservoir **N/A**
_____ Dam Safety Documents **N/A**

_____ Notice(s) to Governing Bodies **N/A**

_____ Recorded Deeds for Inundated Land **N/A**

_____ Consent for Inundated Land **N/A**

Y/N

_____ **Worksheet 3.0** **N/A**

_____ Additional W.S. 3.0 for each Point **N/A**

_____ Recorded Deeds for Diversion Points **N/A**

_____ Consent for Diversion Access **N/A**

_____ **Worksheet 4.0** **N/A**

_____ ~~TPDES-Permit(s)~~ **N/A**

_____ WWTP Discharge Data **N/A**

_____ Groundwater Well Permit **N/A**

_____ Signed Water Supply Contract **N/A**

_____ **Worksheet 4.1** **N/A**

_____ **Worksheet 5.0** **N/A**

_____ Addendum to Worksheet 5.0 **N/A**

_____ **Worksheet 6.0**

_____ Water Conservation Plan(s)

_____ Drought Contingency Plan(s)

_____ Documentation of Adoption

_____ **Worksheet 7.0** **N/A**

_____ Accounting Plan **N/A**

_____ **Worksheet 8.0**

_____ Fees

_____ Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

**Indicate the number of Applicants/Co-Applicants _____
(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?

(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 : _____ (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: _____

Title: _____

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N _____ **See Attachment B**

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

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

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Indicate an X next to the type of Applicant:

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

An Irrigation District operating under Chapter 58, Texas Water Code.

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: _____

Title: _____


Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address  _____

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

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

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

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone 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** _____

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** _____

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. Applicants may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

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

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 _____ **N/A**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Jesus Garcia 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: _____

Date: 03/15/2023

(Use blue ink) Jesus Garcia

Subscribed and Sworn to before me by the said Jesus Garcia

on this 15th day of March, 2023.

My commission expires on the 18th day of May, 2026.



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: _____

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: _____
23-846 and 23-847

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

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, Purpose of Use
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 N
If yes, submit:

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

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N
If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**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." See Attachment A*

***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." N/A*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43. Y See Attachment 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. N/A
- 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 23-829 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 its 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_____

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

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

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

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

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

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

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

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

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**SEE ATTACHMENT C**

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

**SEE ATTACHMENT A,
Paragraph 10, and
ATTACHMENT C**

****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____**

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

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

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

See Summary of Request of the Administrative Information Report, Paragraph 2, pertaining to delivery of municipal use water.

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 purposes 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:
<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.
Public Involvement Plan not applicable to this application. Provide brief explanation.
This Application is similar to prior amendments to Applicant's water rights by changing of one existing use to another existing authorized use in accordance with past practices and in accordance with water management strategy of conversion of irrigation use rights to municipal use in Regional Plan and adopted in State Water Plan .

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.

Section 5. Community and Demographic Information

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

(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

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)

SUMMARY OF REQUEST

The Applicant, UNITED IRRIGATION DISTRICT is an irrigation district operating in the Mission, Hidalgo County, Texas area and is requesting that its Water Rights to waters of the Rio Grande under Certificate of Adjudication No. 23-847, as amended (the “Certificate No. 23-847”), Rio Grande Watershed, Lower Rio Grande Basin, be amended so as to change the purpose of use of the right to divert 10,000 acre feet per annum of the Applicant’s Class “A” irrigation priority water rights on the Rio Grande from irrigation use to municipal and industrial use, and to sever such rights from the Certificate No. 23-847 and combine the resultant municipal and industrial use rights with municipal priority of allocation with other municipal and industrial use rights of Applicant under Certificate of Adjudication No. 23-846, as amended (Certificate No. 23-846), and as further information regarding its requested amendment, Applicant would state as follows:

1. In the Final Judgment in the Valley Water Suit (Cause No. 261 in the Court of Civil Appeals for the 13th Judicial District of Texas, in case styled, “*The State of Texas, et al. v. Hidalgo County Water Control and Improvement District No. 18, et al.*”, reported at 443 S.W.2d 728 (err. ref’d. n.r.e.)” (“Valley Water Suit Judgment”), there was awarded to Hidalgo County Water Control and Improvement District No. 14 (“District 14”) the right to divert and use up to 33,630.125 acre feet of water from the Rio Grande per annum for the irrigation of 13,452.05 acres of land within its boundaries in Hidalgo County. Such water rights were later evidenced by the issuance of Certificate No. 23-846. There was also awarded in said Valley Water Suit Judgment to Hidalgo County Water Control and Improvement District No. 7 (“District 7”) the right to divert and use up to 49,331.15 acre feet of water per annum from the Rio Grande for the irrigation of 19,732.46 acres of land within its

boundaries in Hidalgo County on a Class “A” priority basis and these water rights were later evidenced by the issuance of Certificate No. 23-847.

2. Thereafter, District 14 and District 7 were consolidated pursuant to proceedings provided by law and became “United Irrigation District,” the Applicant in this Application. The Texas Water Commission, a predecessor of the Commission, issued to Applicant an amendment to Certificate of Adjudication No. 23-847A on June 5, 1989 in which it combined the irrigation rights of the former Districts 7 and 14 so as to authorize the diversion of up to 27.5 acre feet per annum of water on a Class “B” irrigation priority basis, and 81,963.525 acre feet per annum on a Class “A” irrigation priority basis. Certificate of Adjudication No. 23-847 has been amended several times since that time because of urban growth within the boundaries of the Applicant since the rendition of the Valley Water Suit Judgment. The demand upon the Applicant for municipal and industrial use water has been increasing each year. This increased water demand is primarily due to population growth in prior rural areas in and around the City of Mission and other smaller communities and urban type areas in the vicinity of the Applicant. Because of this growth, the Applicant’s water rights have been amended several times, and another amendment is requested herein.

3. As noted above, after the consolidation of Districts 7 and 14 into United Irrigation District, the Applicant consolidated the water rights jointly held by Districts 7 and 14 into Certificates of Adjudications so as to have the Applicant’s domestic, municipal and industrial use water rights evidenced by Certificate No. 23-846 (previously in the name of District 14) and its irrigation (agricultural) rights under Certificate No. 23-847 (previously held by District 7). Later, Applicant requested that its said Class “A” irrigation water rights be severed and withdrawn from Certificate No. 23-847, as amended, and that Certificate No. 23-846, as amended, be further

amended so as to add the resulting municipal use water rights to be shown under the authority of Certificate No. 23-846, as amended. In this manner, the water rights held by Applicant remained on the same basis as previously, that is, its domestic, municipal, and industrial use water rights was evidenced by Certificate No. 23-846, as amended, and its irrigation use water rights evidenced by Certificate No. 23-847, as amended, which includes 39,374.314 acre feet of Class A irrigation use rights allocated and identified by the Rio Grande Watermaster as Account A847-001.

4. Due to changing circumstances and needs of the Applicant, through its Board of Directors, determined that it is necessary and in the best interest of the Applicant to convert an additional portion of its irrigation use rights, identified in Paragraph 3 above, to divert up to 10,000 acre feet of water per annum to irrigate land within its boundaries on a Class “A” irrigation priority basis from irrigation (agricultural) use to municipal and industrial use; and sever from its irrigation entitlement and allocation this amount of water rights under Certificate No. 23-847 and combine them with the Applicant’s water rights allocation having a municipal and industrial purpose of use with municipal priority of allocation under its Certificate No. 23-846, as amended.

5. Applicant is making this request under the provisions of § 11.122 of the Texas Water Code. In order for the allotment referred to in paragraph 4 above to have the higher municipal priority allocation by the Rio Grande Watermaster, the said irrigation rights above-described must be converted under current rules of the Commission pertaining to the conversion of irrigation rights to municipal use priority in the Lower Rio Grande, which would provide 5,000 acre feet per annum of municipal and industrial use water allocated on a municipal priority basis. This requested amendment and change of priority of allocation of said irrigation water rights based upon current Commission rules and regulations pertaining to the conversion of irrigation rights to municipal use

priority rights requires, as stated above, is made without prejudice to Applicant's water rights, as amended, should the Commission's rules and regulations ever be amended in this respect; and Applicant does reserve its right for further amendment in the event of changes to such Commission rules and regulations.

6. No other amendments to the Applicant's water rights are requested or involved herein. For further information, Applicant's diversion point and pumping plant on the Rio Grande remains the same, and is shown as located on the Rio Grande on Attachment D.

7. The address of the Applicant is:

United Irrigation District
P.O. Box 877
Mission, Texas 78573-0014

Applicant's Tax Identification: # [REDACTED]

8. Applicant states that the change in purpose of use as requested herein, does not contemplate a use of water which would harm any other existing water right holders on the Rio Grande below Amistad and Falcon Reservoirs; and thus, this amendment will not prejudice any other water right holder on the Rio Grande below Amistad and Falcon Reservoirs.

9. This Application is consistent with the Region M Regional Water Plan and the State Water Plan which provides as a water management strategy, the voluntary conversion of irrigation water rights to municipal priority use water rights.

10. The Applicant has existing agricultural (irrigation) purpose of use and municipal and industrial purpose of use rights under Certificate Nos. 23-846 and 23-847, and this Application is only changing a portion of its agricultural (irrigation) use rights under Certificate No. 23-847, identified in Paragraph 3 above, and sever the requested amount of 10,000 acre feet from said

Certificate and convert, under Commission Rules, a change of purpose of use of those rights and combine the converted municipal and industrial use rights to its municipal priority use rights under its Certificate No. 23-846. It delivers its municipal and industrial use rights as raw and untreated water to municipal suppliers for treatment and delivery as treated water to consumers in accordance with the Applicant's authority pursuant to Chapter 58, Texas Water Code. In such capacity, it is attaching as Attachment C to its Application, its current Water Conservation Plan and Drought Contingency Plan.

IN SUMMARY, Applicant requests that this Application be approved, and that an Order be issued severing the Class "A" irrigation (agricultural) use rights herein involved from Certificate No. 23-847, and that an Amendment to Certificate No. 23-846 be issued combining such irrigation (agricultural) use rights after conversion to 5,000 acre feet of municipal and industrial use rights with other municipal use priority rights of Applicant under Certificate No. 23-846.

**CERTIFICATE ON RESOLUTION
OF
UNITED IRRIGATION DISTRICT**

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

The undersigned officer of the Board of Directors of said District, hereby certifies as follows:

1. A regular Meeting of the Board of Directors of UNITED IRRIGATION DISTRICT was convened on the 26th day of January, 2023, at 12:00 o'clock p.m. at the offices of the District in Mission, Hidalgo County, Texas, and the roll was called of the duly constituted members of said Board. The following were present to-wit:

Jesus Garcia	President
Mike Helle	Vice President
Susan Y. Kawamoto	Secretary
Bruce Sutton	Member
Javier Ledesma	Member

constituting a quorum. Whereupon, the following transacted at said Meeting. the Board approve the following:

RESOLUTION

WHEREAS, United Irrigation District (hereafter "District") owns water rights authorized by Certificate of Adjudication No. 23-847, as amended, ("Certificate No. 23-847") including the right to divert and use from the Rio Grande and allocated by the Rio Grande Watermaster, Texas Commission on Environmental Quality (hereafter "TCEQ"), for irrigation (agricultural) use purposes on a Class A irrigation priority basis (the "Water Rights"); and

WHEREAS, the Board of Directors of the District finds that it is in the best interest of the District to change the purpose of use of 10,000 acre feet of the amount authorized in the Water Rights and sever the amount of 10,000 acre feet from the Water Rights authorized by Certificate No. 23-847 to municipal and industrial use and merge the severed Water Rights after conversion to municipal and industrial use to its water rights authorized by Certificate of Adjudication No. 23-846, as amended; and

WHEREAS, the Board of Directors of the District desires to authorize initiation of required proceedings with the TCEQ, including the filing of an Application requesting authorization to change the purpose of use of the Water Rights as above described.

ATTACHMENT B

NOW, THEREFORE, BE IT RESOLVED, that the President of the Board of Directors, or his designee or successor, is hereby authorized to file and execute on behalf of the District an Application requesting the change of purpose of use of 10,000 acre feet per annum of its Class A irrigation (agricultural) use water rights authorized by Certificate No. 23-847, as amended, from agricultural (irrigation) use to be severed from Certificate No. 23-847 and changed to municipal and industrial use and merged with its water rights authorized by Certificate of Adjudication No. 23-846, as amended, and to approve and execute any and all other documents and actions that are necessary in order to change the purpose of use of said Water Rights and other documents that may be required in such proceedings before the TCEQ.

and, after due discussion, said motion, carrying with it the passage of said Resolution prevailed and carried by the following vote:

AYES: 5
NOES: 0

2. The above and foregoing paragraphs are a true, full and correct copy of the aforesaid action taken at the Meetings described above, that said action has been duly recorded in said Board's Minutes of said Meeting, that the above and foregoing paragraphs are a true, full and correct excerpt from said Board's minutes of said Meeting pertaining to the passage of said motion, that the members of said Board are the duly chosen, qualified and acting officers and members of said Board; that each was duly and sufficiently notified, officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Government Code, *Vernon's Ann. Civ. Statutes*.

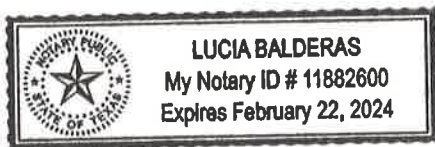
SIGNED the 26 day of January, 2023.

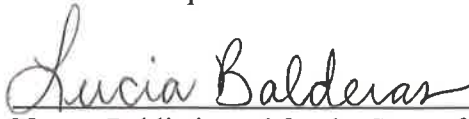


Juan Martinez, General Manger
United Irrigation District

STATE OF TEXAS §
COUNT OF HIDALGO §

This instrument was acknowledged before me on the 26 day of January 2023, by Juan Martinez, General Manager of UNITED IRRIGATION DISTRICT, a political subdivision of the State of Texas, on behalf of said political subdivision.




Notary Public in and for the State of Texas

UNITED IRRIGATION DISTRICT
WATER CONSERVATION & DROUGHT CONTINGENCY PLAN
Adopted May 30, 2019

Name: **United Irrigation District**
of Hidalgo County Texas

Address: **P.O. Box 877 Mission Texas 78573**

Telephone Number: **(956) 585-4818**

Fax: **(956) 585-9743**

Form Completed by:



5/30/2019

JUAN MARTINEZ / District Staff

Date

Part I – Water Conservation Plan

A. System Inventory

The United Irrigation District has had a Water Conservation Plan since required by state agencies. This recently adopted plan is based on the last plan adopted in 2009, modified to current state requirements. In addition to irrigation customers within its boundaries, the District supplies water to the Public Water Systems (PWS) of the City of Mission, Sharyland Water Supply Corporation and the City of McAllen. Each of those entities is required to adopt and maintain their own conservation plan.

i. Structural Facilities

1. *Description of service area:* The District maintains and operates an irrigation system, which encompasses 26,239 acres in Hidalgo County to serve landowners within its boundaries with irrigation water from the Rio Grande and also delivers raw water to the City of Mission and Sharyland Water Supply Corporation and the City of McAllen.
2. *Total miles of main canals and pipelines:* The District has 73.5 miles of main canals and pipelines.
3. *Total miles of lateral canals and pipelines:* The District has 83 miles of lateral canals and concrete pipelines.
4. *Description of Canal Construction:* Except for the first 6.8 miles of canal from the River, the District's canals are concrete lined. The first 6.8 miles were constructed with bentonite treated soil.
5. *Description of Canal Conditions and Recent or Planned Improvements:* The District's canals are in fair condition. The concrete canals that are in the worst condition are planned for replacement or shotcrete lining. The District currently has a plan to accomplish this work in five (5) years.
6. *Reservoir capacity:* The District does not have an off-channel reservoir.
7. *Pumps and pumping stations:* The District have three (3) 54" 5720 Fairbanks-Morse Pumps at the First Lift Pumping Plant. One of the pumps is driven by a Waukesha Pierce Natural Gas Engine, one is driven by a fixed speed 500 HP electric motor and one is driven by an electric motor controlled by a variable frequency drive. Each pump has a maximum capacity of 54,000 gallons per minute at full speed.

The District's Second Lift Pumping Plant has four (4) 30 LS Johnston Vertical Mixed-Flow Pumps. Two (2) of these pumps are constant speed, each driven by a 350 HP, 705-RPM electric motor, and each furnishing 55 cfs (24,750 GPM) to the Main Canal. The third and fourth pumps are driven by variable speed 350 HP natural gas engines. Each engine is a natural gas Caterpillar 3408 and is used to satisfy the variable main canal demand conditions or the extremely low demands. A new reinforced concrete sump was constructed just west of the existing third lift pumping plant, and includes one (1) 150 HP, 11,250 GPM (25 cfs) pump a 19,931 gallon per minute pump driven by a Caterpillar 3406 natural gas engine and a 12,804 gallon per minute pump driven by a Caterpillar 3306 natural gas engine.

8. *River meters:* The amount of water diverted by the District from the River is measured in accordance with the rules and regulations of the Rio Grande Watermaster and amounts diverted are reported monthly to the Rio Grande Watermaster.
9. *Field gates and measuring devices:* All gates in the main and lateral canals are cast iron gates. Where meters cannot be used, deliveries are measured by the hour depending on length of time needed to irrigate each field. There are gates located in the District's main canals to regulate the flow of water into the pipelines or lateral canals, which in turn have gates and valves which regulate the flow into the fields.
10. *Description of any other structural facilities not covered above:* There are no structural facilities not covered above.

ii. Management Practices

1. *Water available to District:* The District's water rights are based upon those water rights adjudicated to Districts 7 and 14 in the Final Judgment in a cause styled, "State of Texas, et al., vs. Hidalgo County Water Control & Improvement District No. 18, et al., 443 S.W.2d 728 (Tex.Civ.App-Corpus Christi 1969, writ of error ref'd by the Supreme Court of Texas) ("Valley Water Suit"). In that Judgment, District 14 was awarded the right to divert not to exceed 33,630.125-acre feet per annum of waters of the Rio Grande from the United States share of the water in the Lower Rio Grande to irrigate 13,452.05 acres of land on a Class "A" priority basis and 720-acre feet for domestic, municipal and industrial purposes.

District 7 was awarded a Class "A" right to irrigate 19,732.46 acres of land with not to exceed 49,331.15-acre feet of water per annum and 470-acre feet per annum for domestic, municipal and industrial uses from the Rio Grande in the Final Judgment of the Valley Water Suit. The right to divert and use a maximum of 5300-acre feet per annum was adjudicated to both Districts for the use of the City of Mission for municipal use purposes.

The water rights of Districts 7 and 14 upon consolidation into United Irrigation District, were consolidated with United Irrigation District. Since then, additional adjudicated water rights have been acquired through inclusion of lands into the District boundaries with water rights and irrigation rights have been converted from irrigation to municipal use by the District.

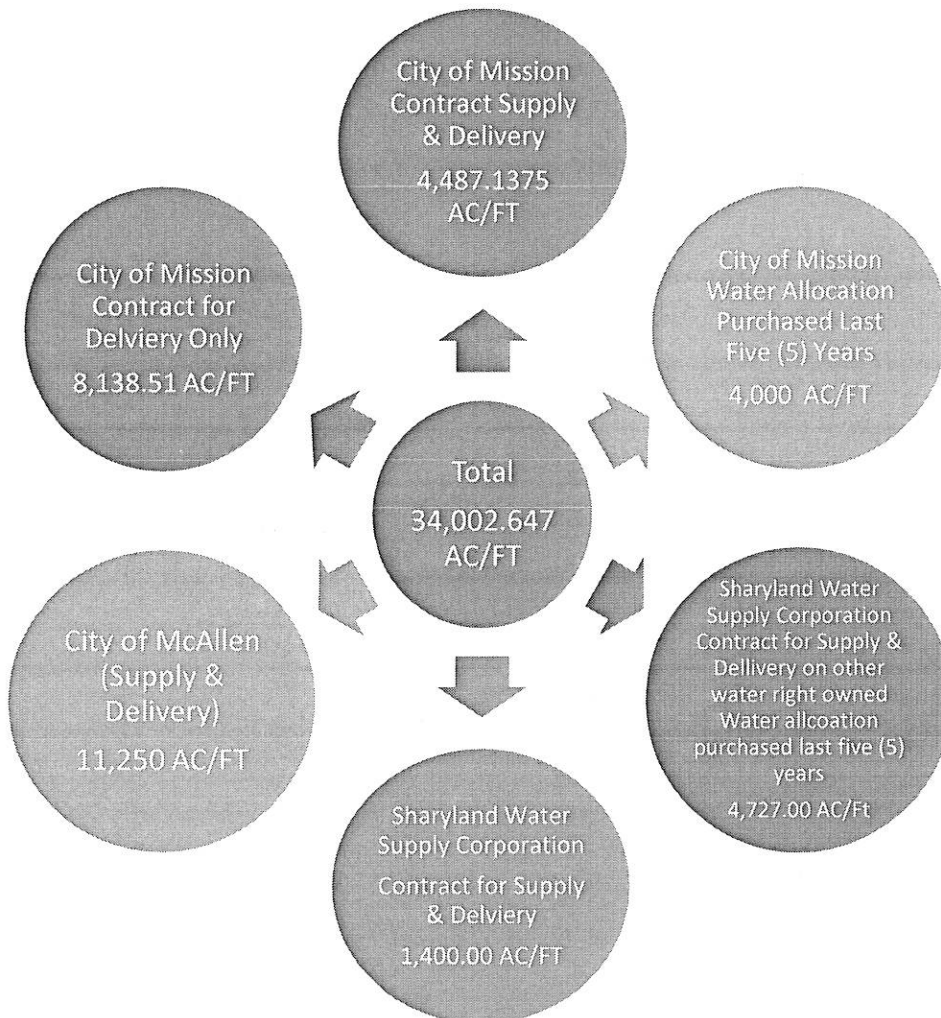
Currently the District has a total right to divert and use up to a maximum of 49,374.3140-acre feet of Rio Grande

water per annum for irrigation purposes within the boundaries of the consolidated District and 23,778.77-acre feet for domestic, municipal and/or industrial purposes.

Even though the District currently has the right to divert from the Rio Grande a maximum of 49,374.3140 acre feet per annum under Certificate of Adjudication number 23-847, as amended, on a Class A irrigation priority basis, it does not normally have this amount of water on a typical annual basis because of the lack of water supply in the Rio Grande below Amistad Reservoir. The municipal and industrial use water is regularly available.

The District diverts water for the City of Mission, the City of McAllen and Sharyland Water Supply Corporation for municipal and industrial purposes. By Contract, the District is required to supply and/or deliver the following municipal and/or industrial rights to each on an annual basis:

The District also diverts and delivers water for irrigation purposes to lands with water rights outside the District boundaries based upon the water rights owned and appurtenant to such lands.



- 2 *Average annual water diverted by district (in acre-feet/year):* Table 1 provides the annual water diverted by the District. Over the past five years, the District diverted an average of 46,174-acre feet; of that, 14,138-acre feet was for irrigation pumped in District, 1,275-acre feet was for agriculture out of District and the remainder was for

municipal purposes. The District's current loss rate is about 1.6% in District. Adding about 3.5% for river losses, the total loss average is about 5.1%. River losses amount to water ordered from the Rio Grande WaterMaster at least two days in advance that cannot be diverted due to wet weather and the lack of Off-Channel storage facilities.

- 3 *Average annual water delivered to customers (in acre-feet/year):* The average annual water delivered to municipal customers over the past five years total 26,000-acre feet annually. 1,275- acre feet were delivered to out of District agricultural customers.
- 4 *Delivery efficiency (percentage):* The delivery efficiency is estimated to be 94.9%.
- 5 *Historical diversion and deliveries for the previous thirty-one years (in acre-feet/year):* Historical diversion and deliveries for the previous thirty-one years is provided in Table 1. The District's delivery efficiency has improved over the past thirty-one years and is currently estimated to be 94%.
- 6 *Practices and/or devices used to account for water deliveries:* All of the municipal customers are metered at the delivery point with magnetic meters. The out of District and pond meters are all metered with propeller meters. All irrigation in District deliveries are based on an assumed application rate of 6" per irrigated acre.
- 7 *Water pricing policy:* As required by Chapter 58, Texas Water Code, the District's irrigation water rate structure is composed of a flat rate assessment and a water delivery charge. Currently, the flat rate assessment is \$18.00 per flat rate acre and the water delivery charge is \$7.00 per hour (\$28.00 per acre foot). Contract delivery rates to municipal suppliers are a flat rate per thousand gallons delivered as established by the Board of Directors under existing contracts.
- 8 *Water conservation policies:* District personnel observe on a daily basis the District system to prevent leaks and when leaks occur, to repair and minimize water losses.

The District encourages farmers to improve irrigation techniques on the farms so as to conserve water and prevent pollution from entering into farm drains and into the general area drainage system. The District encourages bench leveling of land in the District as well as other on-farm water conservation techniques.

All water tickets must be purchased in advance before water is scheduled for delivery to the customer. Water penalties are imposed if water is stolen or is wastefully applied. Length of runs is determined by soil types and the farmer is encouraged to abide by these determinations, but penalties are not applied.

Land grading (or land leveling) is encouraged for more even and efficient applications of water. Cooperation is encouraged by emphasis on the conservation and economic benefits gained. Penalties are not applied.

- 9 *Describe the practice(s) and/or device(s) which will be utilized to measure and account for the amount of water diverted from the source(s) of supply:* The District maintains transient time meters at their River Pumping Facility. The meters are required by the Rio Grande Watermaster. The District monitors the meter information on their SCADA System. The meters are read daily and repaired as quickly as possible when needed.
- 10 *Describe the monitoring and record management program for water deliveries, sales, and losses:* The District maintains an agricultural ticket sale in its computer accounting system when it charges for water based on acreage. At the end of each fiscal year, when preparing its Water Conservation Plan Report, the District evaluates how many

acres of water tickets were sold and converts it into an equivalent acre foot based on an average application rate of 6" per acre. For municipal and Out of District customers, the District charges the customer's account based on meter use plus a loss factor. The result is an analysis much like Table 1. Weekly Watermaster Orders are evaluated to determine if any orders resulted in River Losses and adjustments to operation made accordingly.

- 11 *Describe any methods that will be used for water loss control, leak detection, and repair:* The methods used for water loss control, leak detention and repair include monitoring by District personnel. The Canal Riders, the employees responsible for delivery of water to customers, monitor the canals and pipelines for any signs of leakage including wet ground and vegetation that is lush than surrounding vegetation. The District has a maintenance crew to repair leaks as they occur.
- 12 *Describe any program for customer assistance in the development of on-farm water conservation and pollution prevention measures:* The District will work with any customer that chooses the install on-farm construction such as drip or sprinklers. The District will develop a special rate structure and install meters as required.
- 13 *Describe any other water conservation practice, method, or technique which the supplier shows to be appropriate for achieving conservation (if applicable):* The District has installed meters on all of the ponds it supplies to accurately account for and charge for water. This policy has been effective in reducing waste in the ponds.

iii User Profile

1. *Total number of acres in service area:* 26,239 acres.
2. *Average number of acres irrigated annually:* 12,000 acres.
3. *Projected number of acres to be irrigated in ten years:* Approximately 10,000 acres.
4. *Number of active irrigation customers:* 500 active irrigation accounts
5. *Total irrigation water delivered annually (acre-feet):* Five Year Average of 16,000 acre-feet. 23,500-acre feet in /fiscal Year.
6. *Types of crops grown by customers:* Crops grown by District water users include citrus, pasture, vegetables, sugarcane, cotton, corn, grain, and Aloe Vera. There are various nurseries that receive water from the District.
7. *Types of irrigation systems used by customers:* The types of irrigation systems utilized by District water users are row irrigation with respect to vegetables and other row type crops. Small bordered irrigation with respect to citrus and pastures. The District water users are encouraged to use and some are using other irrigation techniques, which are believed to be more water efficient, such as drip irrigation and the use of flexible plastic pipe. The District encourages the use of these methods. A majority of the land in the District's service area has been bench leveled to accommodate the most efficient delivery of water, especially in the irrigation of citrus groves. Many citrus users have underground pipelines with valves on each pan to further conserve water use.
8. *Types of drainage systems used by customers:* District customers are encouraged to use subsurface drainage systems. Subsurface tile drainage systems prevail in a significant part of the District's service area.
9. *Further description of irrigation customers:* There are some yard irrigators, golf courses, and two cemeteries.

10. *List of municipal customers and number of acre feet allocated annually:* City of McAllen, City of Mission, and Sharyland Water Supply Corporation used an average of 26,000-acre feet through the system over the past five years.

11. *List of industrial and other customers and number of acre-feet allocated annually:* No industrial water delivered.

B. *Describe specific and quantified five-year and ten-year targets for water savings including maximum allowable losses for the storage and distribution system:* Specific 5-year goal is to complete all of the Districts ongoing water conservation projects including the Off-Channel Storage facility and the LRGV Conservation Project. The Off-Channel Storage facility will result in water conservation of 2,000-acre feet per year. The District's 10-year goal is to have each year be below 20% losses with a five-year average loss less than 15% loss (85% efficient). In addition, the District plans to re-line the remainder of the Main Canals to result in conservation of an additional 6,250-acre feet per year resulting in a ten-year conservation goal of 8,250-acre feet per year.

C. Additional Requirements

Additional information about water users: Most of the District's water users come into the office to order and pay for water. They will not hesitate to communicate with District staff regarding their concerns.

RIO GRANDE REGIONAL WATER PLANNING GROUP (Region M, Texas Water Development Board) The District delivers approximately 32,555 acre-feet of Rio Grande water to the City of McAllen, City of Mission, and Sharyland Water Supply Corporation under existing water supply and delivery contracts. This water is delivered from the District's irrigation canal and pipeline system and is metered at the delivery point to the diversion point of each Corporation.

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. The Rio Grande Watermaster charges these deliveries against the applicable municipal priority water allocation.

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 Administration Code 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.

A copy of this Water Conservation Program shall be filed with the Rio Grande Regional Water Planning Group, or its successor, and the District will coordinate its activities in order to ensure consistency with approved Regional Water Plans.

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Part II – Drought Contingency Plan

A. Declaration of Policy, Purpose, and Intent

The Board of Directors of the United Irrigation District deems it to be in the interest of the District to adopt a drought contingency plan governing the equitable and efficient allocation of limited water supplies for irrigation purposes during times of shortage. The Plan contains policy and rules of the District as its Drought Contingency Plan required under Section 11.1272, Texas Water Code, Vernon's Texas Codes Annotated, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288). This plan is based on the "District's Water Allocation Policy" and the District's "Unauthorized Water Use Policy". Any changes in these policies may require amendment of this Drought Contingency Plan.

B. User Involvement

Opportunity for users of water from the United Irrigation District was provided by means of discussion at Public Meetings. The District's Board of directors meets two times per month and notice is published in accordance with the Texas Water Code. The Water Allocation Policy was discussed at several meetings in 2012 and meeting agendas were posted as required. In addition, this Drought Contingency Plan was posted as part of the District's Agenda as required by law at the meetings for adoption in May of 2019.

C. User Education

The United Irrigation District will periodically provide water users with information about the Plan, including information about the conditions under which water allocation is to be initiated or terminated and the district's policies and procedures for water allocation. This information will be provided by means of its regular public meetings (twice per month). In addition, the District's Water Allocation Policy and Drought Contingency Plan are available in both digital and hard copy, upon request from the District office.

D. Authorization

The General Manager is hereby authorized and directed to implement the applicable provision of the Plan upon determination by the Board that such implementation is necessary to ensure the equitable and efficient allocation of limited water supplies during times of shortage.

E. Application

The provisions of the Plan shall apply to all persons utilizing water provided by the United Irrigation District. The term "person" as used in the Plan includes individuals, corporations, partnerships, associations, and all other legal entities.

F. Initiation of Water Allocation

The General Manager shall monitor water supply conditions on a monthly basis and shall make recommendations to the Board regarding initiation of water allocation. After careful study of all pertinent data the Board will consider institution of the Program during a period when the District has an estimated maximum of 18-month supply or an estimated minimum of 1-year supply of estimated irrigation water use remaining in its water allocation allocated by the Rio Grande Watermaster.

G. Termination of Water Allocation

Once the Program is instituted by the Board it shall take effect and remain in effect until such time that conditions change at Falcon and Amistad reservoirs to insure a greater than 18-month supply of water.

H. Notice

The Water Allocation Program ("Program") will go into effect as determined by and in the discretion of the Board of Directors of the District. Written notice of institution of the Program will be given to irrigation water users in the District. After the Program is instituted, it shall remain in effect until further order of the Board or when the Board determines that the existing water supply shortage no longer exists or determines that the Program should be modified.

I. Water Allocation

The Program is a conservative approach in which the District shall promote water conservation. In order to accomplish this, no more than (6) hours of irrigation water (or equivalent volume of water) per acre shall be held in an allocation account at any one time. The accounting for water use shall be based upon the same parcels of land as identified by ownership for flat rate assessment purposes as shown in the records of the District (referred to as the "flat rate tract").

Each acre of land in the flat rate tract is allowed only those hours of irrigation (or equivalent volume of water) allocated and available to each tract of land. After an irrigation user has exceeded the irrigation hours allotted to each acre in their flat rate tract, water deliveries shall thereafter be stopped until such time as the property receives a future allocation or the owner of said property purchases water from outside sources and transfers that water to the District to be credited to their account.

All water will be allocated on an equivalent volume basis and for purposes of the Program, four (4) hours of irrigation is equivalent to one (1) acre feet of water.

All water deliveries are subject to the District's ability to deliver irrigation water based upon its water allocation from the Rio Grande Watermaster pursuant to the District's water rights.

J. Non-Use

Flat rate tracts which are entitled to a water allocation which have not been actually irrigated within the past 1 ½ years will not receive an allocation upon institution of water allocation by the Board or an allocation will be cancelled when irrigation water has not been used for 1 ½ years while water allocation is in effect. Water allocation to a flat rate tract which has been cancelled may be re-activated by the landowner of the flat rate tract filing with the District office an affidavit of intent to commence irrigation of the tract upon receipt of future water allocations.

K. Transfers of Allotments

Irrigation users may transfer water allocated (irrigation hours or equivalent acre feet) from one flat rate tract owned or controlled by the irrigation user to another flat rate tract owned or controlled by the same irrigation user. The transfer of water allocation from one flat rate tract to another flat rate tract may only be made upon authorization of the landowner of the flat rate tract or the landowner's agent who is authorized in writing to act on behalf of the landowner in respect to the use of water on the landowner's flat rate tract. In this respect a landowner's written authorization shall be deemed effective by the District until revoked in writing by the landowner.

The District will deliver irrigation water obtained by an irrigation user from outside the District upon proper authorization received from the Rio Grande Watermaster. Any water brought into the District to be used for irrigation purposes will be used first before accounted for as use of water allocated by the District. Since this water is measured at the Rio Grande, conveyance losses of 25% of water delivered will be charged in reporting such diversion of water from the River to the Rio Grande Watermaster.

Water allocated to the District for use within its boundaries by irrigation users in the District may not be transferred for use outside the District boundaries.

L. Water Delivery Charges

In appropriate circumstances the Board of Directors of the District may adjust the applicable water delivery charges while the Program is in effect. Such circumstances could be in emergencies, conditions in which water would otherwise be lost, District loss of revenue, water conservation, and other unforeseen conditions when such an adjustment is proper in order to make the best utilization of the available water supply of the District.

M. Water Reserves

The District will maintain a water reserve containing water allocated to the District by the Rio Grande Watermaster but not allocated for use to flat rate tracts, which may be adjusted from time to time by the General Manager. Water in the water reserve may be used for water management purposes as deemed necessary by the General Manager.

N. Penalties

Any person who willfully opens, closes, changes or interferes with any head gate or uses water in violation of the District's Unauthorized Water Use Policy, including the provisions of this Plan, shall be subject to a fine of not more than \$1,000.00 or by confinement in the County Jail for not more than 180 days, or both, for each violation. Each day a person engages in unlawful conduct constitutes a separate offense and violation. The possession or use of water on a person's land by a person not entitled to the water from the District is prima facie evidence of a violation.

Civil penalties provided by the law of the State of up to \$10,000.00 may also be enforced by complaints filed in the appropriate court having jurisdiction in Hidalgo County, all in accordance with State law and in addition, the District may pursue a civil remedy in the way of damages and/or injunction prohibiting unauthorized water use.

The District may assess a charge and penalty in cases where irrigation water is taken from the District's facilities without obtaining a water ticket or contractual authorization in advance, or authorization under the District's Water Allocation Policy in effect at the time. In such cases, a person who willfully takes water from the District's facilities and applies it to land without authorization will be given written notice and charged the District's current delivery rate for every hour estimated to have been diverted regardless of lot size or a minimum of 2 hours for water used, whichever is greater; and an additional \$250.00 penalty for the unauthorized use; or \$500.00 penalty for violation of the District's Water Allocation

Policy. All penalties are due upon receipt of written notice. Should a violator fail to pay the delivery charge and penalties for unauthorized water use within 10 days, the District will seal the delivery facilities and cease delivery of water to such land until payment is made. If the irrigation outlet facilities are sealed, a reconnection fee of \$500.00 will be charged before delivery of water by the District.

O. Severability

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

P. Authority

The foregoing Plan is adopted pursuant to and in accordance with one or more of the following: Chapter 7, including Sections 7.142, 7.186, 7.187(1)(A), 7.187(2)(C), 7.188, Sections 11.039, 11.083, 11.1272; Sections 49.004; and Sections 58.127-130 all of the Texas Water Code, Vernon's Texas Codes Annotated.

Q. Effective Date of Plan

The effective date of this Plan shall be upon adoption hereof and ignorance of its provisions is not a defense for a prosecution for enforcement of the violation of the terms hereof.

This Plan was adopted by the Board of Directors at their regular meeting of May 30, 2019.

UNITED IRRIGATION DISTRICT

By: Mike Warshak

Mike Warshak

Its: General Manager



Montezuma Bald Cypress Tree

Garden of Angels Cemetery

St. Mary Magdalene
Abram

2718



2062

2062

Bentsen Palm RV Village Resort

Bentsen-Rio Grande Valley State Park

26°11'4.53"N Long: 98°24'19.94"W

National Butterfly Center

UNITED STATES

Rio Grande

ATTACHMENT D