

Law Offices

of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

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

April 1, 2024

RECEIVED

By Eddie Valencia at 3:19 pm, Apr 01, 2024

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

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

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

Dear Ms. Lee,

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

Enclosed is my office check no. [REDACTED] 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. Anthony Stambaugh

Mr. Michael Kent

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): Hidalgo County Irrigation District No. 2

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

RECEIVED

By Eddie Valencia at 3:19 pm, Apr 01, 2024

Y/N

Y **Administrative Information Report**

N/A Additional Co-Applicant Information

N/A Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

N/A USGS Map (or equivalent)

N/A Map Showing Project Details

N/A Original Photographs

N/A Water Availability Analysis

Y **Worksheet 1.0**

N/A Recorded Deeds for Irrigated Land

N/A Consent for Irrigated Land

Y **Worksheet 1.1**

N/A Addendum to Worksheet 1.1

N/A **Worksheet 1.2**

N/A **Worksheet 2.0**

N/A Additional W.S. 2.0 for Each Reservoir

N/A Dam Safety Documents

N/A Notice(s) to Governing Bodies

N/A Recorded Deeds for Inundated Land

N/A Consent for Inundated Land

Y/N

Y **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

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

Y Drought Contingency Plan(s)

Y Documentation of Adoption

N/A **Worksheet 7.0**

N/A Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

The Applicant is an Irrigation District operating under Chapters 49 and 58, Texas Water Code, and is the owner and in accordance with the Change of Ownership process has filed the required documentation with the TCEQ, establishing its ownership of the right to divert a maximum of 2200 acre feet per annum from the Rio Grande for agricultural use and allocated on a Class A irrigation priority basis previously evidenced by Certificate of Adjudication No. 23-805 owned by Donna Irrigation District, Hidalgo County No. 1 (See Attachment D).

Applicant is requesting in this Application that these water rights be severed from Certificate No. 23-805 by Order of the Commission, and combined into Certificate No. 23-808, and that Certificate No. 23-808 be amended so as to (1) add the water rights severed from Certificate No. 23-805 to Applicant's existing water rights under Certificate No. 23-808 by changing the place of use of agricultural use water rights changed to the boundaries of the Applicant in Hidalgo County; and (2) the diversion point of the agricultural use rights be changed to the existing point of diversion of the Applicant, as described in Paragraph 2 of Amendment to Certificate of Adjudication No. 23-808L attached hereto as Attachment A. No other amendment is requested.

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

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Hidalgo County Irrigation District No. 2

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 600740377 (leave blank if you do not yet have a CN).

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

First/Last Name: Frank John Schuster

Title: President

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Y **See Attachment 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: Hidalgo County Irrigation District No. 2

Mailing Address: P. O. Box 6

City: San Juan State: TX ZIP Code: 78589

Indicate an X next to the type of Applicant:

☐ Individual ☐ Sole Proprietorship-D.B.A.

☐ Partnership ☐ Corporation

☐ Trust ☐ Estate

☐ Federal Government ☐ State Government

☐ County Government ☐ City Government

☒ Other Government ☐ Other

An Irrigation District operating under Chapters 49 and 58, Texas Water Code, and other applicable Texas statutes.

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Glenn Jarvis

Title: Attorney

Organization Name: Law Offices of Glenn Jarvis

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

City: McAllen State: TX ZIP Code: 78503

Phone Number: 956-682-2660

Fax Number: 956-618-2660

E-mail Address: 

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

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

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

First and Last Name: N/A

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number: _____ Amount past due: _____

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

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

Enforcement order number: _____ Amount past due: _____

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

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

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:

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

Applicant has submitted all required TWDB surveys of groundwater and surface water?

Yes / No Y

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Frank John Schuster

President -Board of Directors

(Typed or printed name)

(Title)

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

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

Signature: 

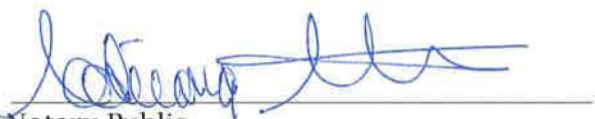
Date: March 27, 2024

(Use blue ink) Frank John Schuster

Subscribed and Sworn to before me by the said Frank John Schuster

on this 27th day of March, 2024.

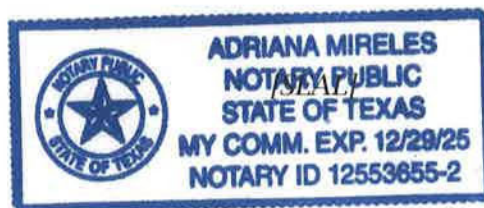
My commission expires on the 29th day of December, 2025.



Notary Public

Hidalgo

County, Texas



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

***See Attachment B**

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: MARCH 22, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

List of water rights to sever	Combine into this ONE water right
The right to divert a maximum of 2200 ac ft per annum of Class A agricultural use rights out of Certificate 23-805	The portion of Certificate 23-808 authorizing the diversion from the Rio Grande of water for agricultural use

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

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

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

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

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N Y
If yes, submit:

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

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

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
	Not Applicable because Application does not involve a new or additional appropriation of State water or a Bed and Banks authorization	Not Applicable because Application does not involve a new or additional appropriation of State water or a bed and Banks authorization	Not applicable because Application does not involve a new or additional appropriation of State water or a Bed and Banks authorization

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

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

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. 78589.

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**
2200	Agricultural use	Agricultural use	Boundaries of Donna Irrigation District, Hidalgo County No. 1	Boundaries of Applicant in Hidalgo County, Texas

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated: **N/A**
- Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

16.051. NOTE: Applicant's water rights associated with Certificate of Adjudication No. 23-808 and the water rights under Certificate No. 23-805 are based upon the Final Judgment in "The State of Texas, et al. v. Hidalgo County Water Control & Improvement District No. 18, et al, reported at 443 S.W.2d 728 (err. ref'd n.r.e) which adjudicated water rights to be diverted from the Rio Grande and used in the Rio Grande Basin and adjoining Nueces-Rio Grande Coastal Basin.

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

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

- Provide the Basin of Origin. _____
- Provide the quantity of water to be transferred (acre-feet). _____
- 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:

- 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 N
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N N
- The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N N
- The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N N

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

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

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- 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;
- 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 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

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

c. Does this point share a diversion rate with other points? Y / N NO
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or _____ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N NO

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing (See Attachment A)
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N N/A

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

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

2. Diversion Location (Instructions, Page 25)

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

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

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

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

****Which is a copy of Amendment to Certificate of Adjudication No. 23-808L, Paragraph 2, which describes the current diversion location on the Rio Grande of Applicant, and new diversion location of the water rights covered by this Application.***

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture – including irrigation, wholesale):
1. Request for a new appropriation or use of State Water.
 2. Request to amend water right to increase appropriation of State Water.
 3. Request to amend water right to extend a term.
 4. Request to amend water right to change a place of use. **Y**
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
 5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
 6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1. ____Municipal Use. See 30 TAC § 288.2. **** See Attachment C, Applicant's Water Conservation Plan and Drought Contingency Plan**
 2. ____Industrial or Mining Use. See 30 TAC § 288.3.
 3. x____Agricultural Use, including irrigation. See 30 TAC § 288.4.
 4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. ******
- **If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / NY**
- c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

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

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

2. Drought Contingency Plans

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	
	OR Sever and Combine: \$100 x <u>2</u> of water rights to combine	200.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 212.50

3. BED AND BANKS

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



Texas Commission on Environmental Quality

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

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

N/A because the Application does not request a major amendment since it only requests a change in existing place of use of existing water rights on the Rio Grande.

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

Section 2. Secondary Screening

- ☐ Requires public notice,
- ☐ Considered to have significant public interest, and
- ☒ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

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

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

See Section 4 below

Section 3. Application Information

Type of Application (check all that apply):

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

Water Quality

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

Water Rights New Permit

- ☐ New Appropriation of Water
- ☐ New or existing reservoir

Amendment to an Existing Water Right

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

Section 4. Plain Language Summary

Provide a brief description of planned activities.

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

Section 5. Community and Demographic Information N/A

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

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

(City)

(County)

(Census Tract)

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

☐

City

☐

County

☐

Census Tract

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

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

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

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

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities N/A

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

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes, please describe.

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

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

☐ Yes ☐ No

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

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

Section 7. Voluntary Submittal N/A

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

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

☐ Yes ☐ No

What types of notice will be provided?

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

MAR 19 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OF THE COMMISSION, REVIEW UNDER MY HAND AND THE
SEAL OF OFFICE ON
APRIL 10, 2024, 11:00 AM
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE
OF ADJUDICATION

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

Owner:	Hidalgo County Irrigation District No. 2	Address:	P.O. Box 6 San Juan, TX 78589-0006
Filed:	December 22, 2023	Granted:	March 14, 2024
Purposes:	Agricultural, Municipal, Industrial, and Mining	Counties:	Val Verde, Kinney Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron
Watercourse:	Rio Grande	Watersheds:	Rio Grande Basin, Nueces-Rio Grande Coastal Basin

WHEREAS, A portion of Certificate of Adjudication No. 23-808, as amended, authorizes Hidalgo County Irrigation District No. 2 (Owner/Applicant) to divert and use not to exceed 130,500 acre-feet of Class A water per year for agricultural and mining purposes, 2,000 acre-feet of Class A water per year for agricultural purposes, 13,937.7732 acre-feet of Municipal Priority water per year for municipal purposes, and 13,273 acre-feet of Municipal Priority water per year for municipal and industrial purposes from the Rio Grande, Rio Grande Basin for use within the Owner's service area in Hidalgo County; and

WHEREAS, Owner is also authorized an exempt interbasin transfer to the Nueces-Rio Grande Coastal Basin within Hidalgo County; and

WHEREAS, Certificate of Adjudication No. 23-109, acquired by Hidalgo County Irrigation District No. 2, authorizes Owner to divert and use not to exceed 375 acre-feet of Class B water per year from the Rio Grande, Rio Grande Basin for agricultural purposes in Cameron County; and

WHEREAS, Certificate of Adjudication No. 23-109 includes an implied authorized exempt interbasin transfer to those portions of the Nueces-Rio Grande Coastal Basin within Cameron County; and

2 of 4



WHEREAS, Applicant seeks to sever its 375 acre-feet of Class B water authorized by Certificate of Adjudication No. 23-109 and combine it with its water rights authorized by Certificate of Adjudication No. 23-808; and

WHEREAS, by Commission Order approved on 3/14/2024, the 375-acre-feet of Class B water owned by the Hidalgo County Irrigation District No. 2, authorized by Certificate of Adjudication No. 23-109, was severed from said Certificate and combined with Certificate of Adjudication No. 23-808; and

WHEREAS, Applicant also seeks to amend its portion of Certificate of Adjudication No. 23-808 to change the purpose of use of the 375 acre-feet of Class B water for agricultural purposes to Municipal Priority water for municipal purposes, and to change the diversion point to a point currently authorized by Certificate of Adjudication No. 23-808, as amended; and

WHEREAS, pursuant to Title 30 Texas Administrative Code § 303.43, the conversion factor of 0.4 is used when converting from Class B water to Municipal Priority water, and results in 150 acre-feet of Municipal Priority water for municipal purposes; and

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

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

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

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

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

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

1. USE

- A. In addition to the previous authorizations, Owner is authorized to divert and use 150 acre-feet of Municipal Priority water per year for municipal purposes for a total of 14,087.7732 acre-feet of Municipal Priority water per year for municipal purposes, from the Rio Grande, Rio Grande Basin for use within the Owner's service area in Hidalgo County.
- B. Owner is authorized an exempt interbasin transfer to the Nueces-Rio Grande Coastal Basin within Hidalgo County.

2. DIVERSION

In addition to previous authorizations, Owner is authorized to divert its additional 150 acre-feet of Municipal Priority water per year for municipal purposes from the Rio Grande from the point currently authorized under the Certificate, which is also authorized for the diversion of water for municipal, industrial, and agricultural purposes. The point is located

on the U.S. Bank of the Rio Grande at Latitude 26.079671° N, Longitude 98.251481° W, being approximately S 64° E, 1900 feet from the SE corner of the Juan Antonio Villareal Survey, Abstract No. 44, in Hidalgo County.

3. CONSERVATION

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

4. SPECIAL CONDITIONS

- A. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the Rio Grande and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.

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

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

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

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

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



For the Commission

Date Issued: **March 14, 2024**

Rio Grande

26.079671, -98.251481



RESOLUTION

WHEREAS, THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 2 (THE "DISTRICT") IS IN NEED OF ADDITIONAL IRRIGATION WATER RIGHTS TO THE RIO GRANDE TO MEET ITS WATER REQUIREMENTS; AND

WHEREAS, A WATER RIGHTS SALES AGREEMENT ATTACHED TO THE MINUTES OF THIS MEETING BETWEEN THE DISTRICT AND DONNA IRRIGATION DISTRICT, HIDALGO COUNTY NO. ONE, IN WHICH THE DISTRICT IS AGREEING TO PURCHASE THE RIGHT TO DIVERT AND USE 2,200 ACRE FEET PER ANNUM OF CLASS "A" IRRIGATION WATER RIGHTS TO THE RIO GRANDE FOR A PURCHASE PRICE OF \$1600.00 PER ACRE FEET, HAS BEEN PRESENTED PROVIDING FOR THE PURCHASE OF SAID WATER RIGHTS; AND

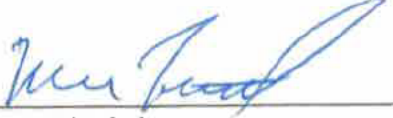
WHEREAS, THE BOARD OF DIRECTORS OF THE DISTRICT FINDS THAT THE PURCHASE AND ACQUISITION OF THESE WATER RIGHTS IS IN THE BEST INTEREST OF THE DISTRICT.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the District does hereby approve the aforementioned Water Rights Sales Agreement and does hereby authorize the President of the Board of Directors, or his designee or successor to sign the Water Rights Sales Agreement between the District and Donna Irrigation District, Hidalgo County No. One, and does hereby further authorize the President, his designee, or successor, upon consummation of the said Water Rights Sales Agreement, to sign and file Change of Ownership and Application for Amendment to Certificate No. 23-808, as amended, and any and all necessary documents and take such action as may be required in connection therewith.

PASSED AND APPROVED THIS 4th DAY OF JANUARY, 2024.

I hereby certify that the above and foregoing Resolution was adopted by the Board of Directors of Hidalgo County Irrigation District No. 2 at its regular meeting held on the 4 day of January, 2024.

1-4-24
Date



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



file\\hld2\\donna\\reso[hld2]

HIDALGO COUNTY IRRIGATION DISTRICT NO. 2

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

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

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

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

Adopted this 18th day of April, 2019.



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



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



HIDALGO COUNTY IRRIGATION DISTRICT NUMBER TWO WATER ALLOCATION RULES AND REGULATIONS

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

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

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

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

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

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

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

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


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

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

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

DATED this 1st day of SEPTEMBER 2022.

Approved:


Frank John Schuster, President

ATTEST:


Marcus Forthuber, Secretary

IRRIGATION WATER CONSERVATION PLAN

HIDALGO COUNTY IRRIGATION DISTRICT NO. 2

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

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

The District has two pumping plants;

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

Also included in the inventory:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DATED this 18th day of April, 2019.

Approved:

Frank John Schuster
Frank John Schuster, President

ATTEST:

Fred Schuster
Fred Schuster, Secretary

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 14, 2024

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

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-805

Dear Glenn Jarvis:

This acknowledges receipt on February 2, 2024, of the Surface Water Rights Change of Ownership request and receipt of fees in the amount of \$100 (Receipt No. M412315, copy attached) received on February 8, 2024.

TCEQ Change of Ownership Memorandum attached.

If you have any questions concerning this matter, please contact me via e-mail at Ariel.Black@tceq.texas.gov or by telephone at (512) 239-4625.

Sincerely,

Ariel Black

Ariel Black, Project Manager
Water Rights Compliance Assurance Team
Water Availability Division

Attachment

cc: Rio Grande Watermaster's Office



TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** February 14, 2024
Thru: SD Sandra Douglas, Team Leader **Certificate of Adjudication No.** 23-805
Water Rights Compliance Assurance Team
From: Ariel Black, Project Manager **Source County:** Hidalgo
Water Rights Compliance Assurance Team
Subject: Change of Ownership **Source Basin:** Rio Grande
Add: Hidalgo County Irrigation District No. 2, as part owner

Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	01/12/2024	3515052

The change of ownership application was received on February 2, 2024, and the \$100 recording fee (Receipt No. M412315) was received on February 8, 2024. The review of the application was completed on February 14, 2024. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicants from the Official Public Records of Hidalgo County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. Donna Irrigation District Hidalgo County No. 1
PO Box 775
Donna, TX 78537-0775
2. Hidalgo County Irrigation District No. 2
PO Box 6
San Juan, TX 78589-0006

The owners of record have been updated as follows:

Authorization 1: Diversion of 2,690 acre-feet of Municipal Priority water per year from the Rio Grande, for domestic purposes, in Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	2,690 ac-ft	Domestic

Authorization 2: Diversion of 4,190 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	4,190 ac-ft	For Municipal Purposes by the City of Donna

Authorization 3: Diversion of 91,863.6 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, to irrigate 37,625.44 acres of land in TWC Tract No. H-131, (Court No. 263), Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	91,863.6 ac-ft	Agricultural

Certificate No. 23-805
February 14, 2024
Page 2 of 2

Authorization 4: Diversion of 2,200 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, to irrigate 37,625.44 acres of land in TWC Tract No. H-131, (Court No. 263), in Hidalgo County. No land was conveyed.

Owner Name	Amount	Purpose
Hidalgo County Irrigation District No. 2	2,200 ac-ft	Agricultural

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

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

Ariel Black
Ariel Black

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** February 14, 2024
Thru: SD Sandra Douglas, Team Leader **Certificate of Adjudication No.** 23-805
Water Rights Compliance Assurance Team
From: Ariel Black, Project Manager **Source County:** Hidalgo
Water Rights Compliance Assurance Team
Subject: Change of Ownership **Source Basin:** Rio Grande
Add: Hidalgo County Irrigation District No. 2, as part owner

Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	01/12/2024	3515052

The change of ownership application was received on February 2, 2024, and the \$100 recording fee (Receipt No. M412315) was received on February 8, 2024. The review of the application was completed on February 14, 2024. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicants from the Official Public Records of Hidalgo County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. Donna Irrigation District Hidalgo County No. 1
PO Box 775
Donna, TX 78537-0775
2. Hidalgo County Irrigation District No. 2
PO Box 6
San Juan, TX 78589-0006

The owners of record have been updated as follows:

Authorization 1: Diversion of 2,690 acre-feet of Municipal Priority water per year from the Rio Grande, for domestic purposes, in Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	2,690 ac-ft	Domestic

Authorization 2: Diversion of 4,190 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	4,190 ac-ft	For Municipal Purposes by the City of Donna

Authorization 3: Diversion of 91,863.6 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, to irrigate 37,625.44 acres of land in TWC Tract No. H-131, (Court No. 263), Hidalgo County.

Owner Name	Amount	Purpose
Donna Irrigation District Hidalgo County No. 1	91,863.6 ac-ft	Agricultural

Authorization 4: Diversion of 2,200 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, to irrigate 37,625.44 acres of land in TWC Tract No. H-131, (Court No. 263), in Hidalgo County. No land was conveyed.

Owner Name	Amount	Purpose
Hidalgo County Irrigation District No. 2	2,200 ac-ft	Agricultural

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

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

Ariel Black
Ariel Black