

Law Offices

of

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March 17, 2023

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

Via Electronic Transmission

RE: Application for Amendment to Certificate of Adjudication No. 23-829

Dear Ms. Rollins,

On behalf of the Cameron County Irrigation District No. 6, I am enclosing original executed copy of TCEQ Water Rights Permitting Application pertaining to the requested Amendment to Certificate of Adjudication No. 23-421, which includes the Administrative Information Report (including the Administrative Checklist) and those applicable pages of the Technical Information Report, including Attachments A-B.

Enclosed is my office check no. 7377 in the amount of \$112.50 made payable to the Cashier representing the filing and recording fees.

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

Very truly yours,



Glenn Jarvis

GJ:llc

Encl.

xc: Mr. Tito Nieto

Mr. Brian Macmanus

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): Cameron County Irrigation District No. 6

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

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

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

This Application is filed by the Applicant, Cameron County Irrigation District No. 6, seeking to amend its Certificate of Adjudication No. 23-829 authorizing it to divert and use waters of the Rio Grande for agricultural (irrigation) purposes and for municipal/industrial purposes. The amendment requested is to change 375 acre feet of its Class A irrigation rights to municipal use rights. Pursuant to the Rules governing the Rio Grande Watermaster program, when irrigation use rights allocated on a Class A irrigation priority basis are converted to municipal use rights, a conversion factor is applied. This conversion factor provides that when a Class A irrigation water rights is converted to a municipal use right, one acre foot of Class A right is converted to 0.5 acre feet per annum. In other words, a 50% reduction in amount in exchange for receiving allocation based upon a municipal priority basis under the Rules. In changing the purpose of use of 375 acre feet of Class A irrigation water rights to municipal use purposes, after application of the conversion factor, would result in 187.5 acre feet of municipal use allocated on a municipal use priority bases by the Rio Grande Watermaster.

Since the Applicant is an Irrigation District, it does not supply treated municipal use water, but is authorized under Chapter 58, of the Texas Water Code, to divert and deliver raw water designated for municipal use in its Certificate of Adjudication to municipal suppliers who treat the raw water and deliver it to ultimate consumers.

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?

Cameron County Irrigation District No. 6

(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 : 601273261 (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: Tito Nieto

Title: General Manager

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

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: Cameron County Irrigation District No. 6

Mailing Address: P.O. Box 295

City: Los Fresnos State: TX ZIP Code: 78566

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 checked="" type="checkbox"/> Other Government | <input type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Glenn Jarvis

Title: Attorney

Organization Name: Law Offices of Glenn Jarvis

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

City: McAllen State: TX ZIP Code: 78503

Phone Number: (956) 682-2660

Fax Number: (956) 618-2660

E-mail Address: [REDACTED]

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

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

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

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number: _____ Amount past due: _____

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

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

Enforcement order number: _____ Amount past due: _____

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

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

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 _____

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Tito Nieto General Manager
(Typed or printed name) (Title)

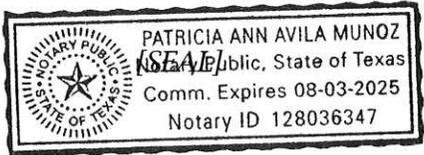
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the 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: *Tito Nieto* Date: 3/16/2023
(Use blue ink) **Tito Nieto**

Subscribed and Sworn to before me by the said **Tito Nieto**
on this 16th day of March, 20 23.
My commission expires on the 3rd day of August, 20 25.

Patricia A. Munoz
Notary Public
Cameron
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: March 10, 2023

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N NO
- 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 NO (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 _____

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: _____

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N NO (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 NO

*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 NO

*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 YES
If yes, submit:

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N NO
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 NO

*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^{NO}_____ *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^{NO}_____

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^{NO}_____

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^{NO}_____

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^{NO}_____

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^{NO}_____

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

Worksheets and information:

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

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

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

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

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

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

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 NO

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>

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

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

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. 78566.

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**
375	agricultural	municipal, municipal priority	Same place of use	Same place 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."*

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

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

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

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

Applicant requests to transfer State Water to another river basin within the State? Y / N NO

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

1. The “Marshall Criteria” (Instructions, Page. 21)

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

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 YES

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 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		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		
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)

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.

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 consistent with Regional Water Plan favoring the conversion of agricultural (irrigation) use rights to municipal use as the need arises and when it is achievable.

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)

Resolution

WHEREAS, Cameron County Irrigation District No. 6 (hereafter "District") owns water rights evidenced by Certificate of Adjudication No. 23-829, as amended, including the right to divert and use a maximum of 375 acre feet per annum measured at the Rio Grande and allocated by the Rio Grande Watermaster, Texas Commission on Environmental Quality (hereafter "TCEQ"), for irrigation use purposes on a Class "A" irrigation priority basis (the "Water Rights"); and

WHEREAS, the Board of Directors of the District has determined that the right to divert and use for such purposes 375 acre feet per annum of the above-described Water Rights, is no longer required for irrigation (agricultural use); and

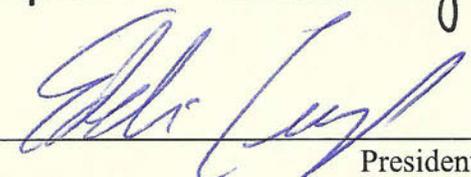
WHEREAS, the District has previously approved and entered into a Water Rights Sales Contract with East Rio Hondo Water Supply Corporation, Cameron County, Texas, in accordance with Subchapter O of Chapter 49, Texas Water Code, to purchase 175 acre feet of the Water Rights; and

WHEREAS, the District wishes to change the purpose of use of an additional 200 acre feet of the Water Rights to municipal use purposes, which when added to the aforementioned 175 acre feet of the Water Rights, amounts to 375 acre feet of the Water Rights, which after conversion to municipal use amounts to 187.5 acre feet of municipal use water rights; and

WHEREAS, the Board of Directors of the District has determined that the change of purpose of use and conversion to municipal use and priority of allocation of the Water Rights is advantageous to the District and in the best interest of the District.

NOW, THEREFORE, BE IT RESOLVED that (1) the General Manager of the District, or his designee or successor, is hereby authorized to execute on behalf of the District, any and all documents and to take such actions which are necessary to accomplish the change in purpose of use of the Water Rights above described and other documents, including (2) the filing of an Application for Amendment to Certificate of Adjudication No. 23-829 requesting the change in purpose of use and priority of allocation of 375 acre feet of the Water Rights to municipal use and priority of allocation, and all other documents in necessary proceedings before the Texas Commission on Environmental Quality, as may be required for these purposes.

We do hereby certify that the above and foregoing Resolution was approved by the Board of Directors of Cameron County Irrigation District No. 6 at its regular meeting held on the 9th day of February, 2023.

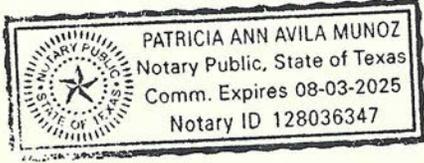


President

Board of Directors

STATE OF TEXAS §
COUNTY OF CAMERON §

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Juan Eduardo Cruz
in the capacity as stated on this the 9th day of February, 2023,
to certify which, witness my hand and seal of office.



Patricia A. Munoz
Notary Public in and for the State of Texas



WATER CONSERVATION IMPLEMENTATION REPORT FORM AND SUMMARY OF UPDATES/REVISIONS TO WATER CONSERVATION PLAN

(Texas Water Code §11.1271(b) and Title 30 Texas Administrative Code §288.30(1) to (4))

Please note, this form replaces the following forms: TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers)

This Form is applicable to the following entities:

1. Water Right Holders of 1,000 acre-feet or more for municipal, industrial, and other non-irrigation uses.
2. Water Right Holders of 10,000 acre-feet or more for irrigation uses.

The above noted entities are required by rule to submit updates to their water conservation plan(s) and water conservation implementation report(s) every five years. The most current five-year submittal deadline is **May 1st, 2019**. See 30 Texas Administrative Code (TAC) §288.30(1) to (4). Entities must also submit any revisions to their water conservation plan within 90 days of adoption when the plans are revised in between the five-year submittal deadlines. This form may be used for the five-year submittal or when revisions are made to the water conservation plans in the interim periods between five-year submittals. Please complete the form as directed below.

1. Water Right Holder Name: Cameron County Irrigation District #6
2. Water Right Permit or Certificate Nos. 0829-000 and 0829-001

3. Please Indicate by placing an 'X' next to all that Apply to your Entity:

Water Right Holder of 1,000 acre-feet or more for non-irrigation uses

- Municipal Water Use by Public Water Supplier
- Wholesale Public Water Supplier
- Industrial Use
- Mining Use
- Agriculture Non-Irrigation

Water Right Holder of 10,000 acre-feet or more for irrigation uses

- Individually-Operated Irrigation System
- Agricultural Water Suppliers Providing Water to More Than One User

Water Conservation Implementation Reports/Annual Reports

4. Water Conservation Annual Reports for the previous five years were submitted to the Texas Water Development Board (TWDB) for each of the uses indicated above as required by 30 TAC §288.30(10)(C)? Yes No

TCEQ no longer requires submittal of the information contained in the detailed implementation report previously required in Forms TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers). However, the Entity must be up-to-date on its Annual Report Submittals to the TWDB.

Water Conservation Plans

5. For the five-year submittal (or for revisions between the five-year submittals), attach your updated or revised Water Conservation Plan for each of the uses indicated in Section 3, above. Every updated or revised water conservation plan submitted must contain each of the minimum requirements found in the TCEQ rules and must be duly adopted by the entity submitting the water conservation plan. Please include evidence that each water conservation plan submitted has been adopted.
- Rules on minimum requirements for Water Conservation Plans can be found in 30 TAC 288.
http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288
 - Forms which include the minimum requirements and other useful information are also available to assist you. Visit the TCEQ webpage for Water Conservation Plans and Reports. https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserve.html

Call 512-239-4691 or email to wcp@tceq.texas.gov for assistance with the requirements for your water conservation plan(s) and report(s).

6. For each Water Conservation Plan submitted, state whether the five and ten-year targets for water savings and water loss were met in your *previous* water conservation plan.
Yes No
If the targets were not met, please provide an explanation.

7. For each five-year submittal, does each water conservation plan submitted contain *updated* five and ten-year targets for water savings and water loss?
Yes No

If yes, please identify where in the water conservation plan the updated targets are located (page, section).

Page 4, section 9

8. In the box below (or in an attachment titled "Summary of Updates or Revisions to Water Conservation Plans), please identify any other revisions/updates made to each water conservation plan that is being updated or revised. Please specify the water conservation plan being updated and the location within the plan of the newly adopted updates or revisions.

Several of our canals have been placed underground, our new river pump station was created in 2016 and the District is the process of replacing a major flume in main canal system.

9. Form Completed by (Point of Contact): Tito Nieto
(If different than name listed above, owner and contact may be different individual(s)/entities)

Contact Person Title/Position: General Manager

Contact Address: 32343 FM 803, Los Fresnos, Texas 78566

Contact Phone Number: 956-399-7186 Contact Email Address: [REDACTED]

Signature: 

Date: July 18, 2019

**DROUGHT CONTINGENCY PLAN
OF THE
CAMERON COUNTY IRRIGATION DISTRICT NO. 6
2019**

Section I: Declaration of Policy, Purpose, and Intent

The Board of Directors of **Cameron County Irrigation District No. 6 (District 6)** deems it to be in the best interest of the District to adopt Rules and Regulations governing the equitable and efficient allocation of limited water supplies during times of shortage. These Rules and Regulations constitute the District's drought contingency plan required under Section 11.1272, Texas Water Code, *Vernon's Texas Codes Annotated*, and associated administrative rules of the Texas Natural Resource Conservation Commission (Title 30, Texas Administrative Code, Chapter 288).

Section II: User Involvement

Opportunity for users of water from **District 6** was provided by means of public meeting of the Board of Directors of this District, public notice published in the Valley Morning Star newspaper, and notice mailed to all water users and landowners of this District.

Section III: User Education

District 6 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 a public meeting of the Board of Directors of this District, by providing copies of the plan to those requesting it, by posting a copy of the plan on the District's public bulletin Board.

Section IV: Authorization

The General Manager is hereby authorized and directed to implement the applicable provisions of this 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.

Section V: Quantified Targets

During those periods of shortage and drought, the General Manager will coordinate with the Rio Grande Watermaster to identify the specific, quantified targets for per acre allocations of water.

Section VI: Application

The provisions of this Plan shall apply to all persons utilizing water provided by **District 6**. The term “person” as used in the Plan includes individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Initiation of Water Allocation

The General Manager shall monitor water supply conditions on a weekly basis and shall make recommendations to the Board regarding initiation of water allocation. Upon approval of the Board, water allocation will become effective when:

- A: The storage balance in the district’s irrigation water rights account reaches 14,500 acre-feet.**

- and**

- B: The Board determines that there is not sufficient water to complete the crop year.**

Section VIII: Termination of Water Allocation

The district’s water allocation policies will remain in effect until the conditions defined in Section IV of the Plan no longer exist and the Board deems that the need to allocate water no longer exists.

Section IX: Notice

Notice of the initiation or termination of water allocation will be given by notice posted on the District’s public bulletin board and by mail to each landowner and water user.

Section X: Water Allocation

- (a) Water allocation irrigation accounts shall be the same parcels of land as identified by ownership of flat rate assessment purposes as shown in the records of the District. The acreage within each flat rate account will be allocated water in accordance with these policies. Upon institution of the water allocation program, as water is allocated to the District’s irrigation account by the Rio Grande Watermaster, in an amount reasonably sufficient for allocation, the additional water allocated to the District will be equally distributed to a pro-rata flat rate acreage basis to those irrigation accounts eligible to water allocation.

- (b) The amount of water charged against a user's water allocation will be on the assumption that each acre irrigated requires the District to divert 2/3 acre foot of water measured at the Rio Grande River. This is equivalent to eight (8) inches of water per acre per irrigation, or one allocation unit, unless water deliveries to the land are metered. Metered water deliveries will be charged based on actual measured use. In order to maintain parity in charging use against a water allocation between non-metered and metered deliveries, a loss factor of 25 percent of the water delivered in a metered situation will be added to the measured use and will be charged against the user's water allocation. Any metered use, with the loss factor applied, that is less than eight (8) inches per acre shall be credited back to the allocation unit and will be available to the user. It shall be a violation of these Rules and Regulations for a water user to use water in excess of the amount of water contained in the user's irrigation account. It is the intention of the District to insure that water users take every precaution to not use more than their water allocation. It will be considered a violation of these policies if the user obviously uses more water than the amount allocated for each acre irrigated.

Section XI: Transfers of Allotments

- (a) A water allocation in an active irrigation account may be transferred within the boundaries of the District from one irrigation account to another. The transfer of water can only be made by the landowner's agent who is authorized in writing to act on behalf of the landowner in the transfer of all or a part of the water allocation from the described land of the landowner covered by the irrigation account.
- (b) Water from outside the District may be transferred by a landowner for use within the District. The District will divert and deliver the water on the same basis as District water is delivered, except that a 25 percent conveyance loss will be charged against the amount of water transferred for use in the District as the water is delivered.
- (c) No water contained in a water allotment account within the boundaries of the District may be transferred to land outside the District boundaries.

(d) Municipal Water Deliveries

District 6 has two (2) public water suppliers which it diverts for and distributes water to on a constant basis. **District 6** has a 3,000 acre foot reservoir where it can store water for deliveries of municipal water. In the case of a water shortage in the District, **District 6** will reserve sufficient water in its reservoir in an amount that will satisfy the public water suppliers for a least a minimum of three (3) months.

Section XII: 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 11.082, Texas Water Code, *Vernon's Texas Codes Annotated*, and may be assessed an administrative penalty of up to \$5,000 a day for each day he is in violation. These penalties are provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in Cameron County, all in accordance with Sections 11.082 and 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 parties.

Section XIII: Severability

It is hereby declared to be the intention of the Board of Directors of **District 6** that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section 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.

Section XIV: Authority

The foregoing rules and regulations are adopted pursuant to and in accordance with Sections 11.039, 11.083, 11.1272; Section 49.004; and Section 58.127-130 of the Texas Water Code, *Vernon's Texas Codes Annotated*.

Section XV: Effective Date of Plan

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.

This Drought Contingency Plan has been presented to and approved by the Board of Directors of Cameron County Irrigation District No. 6 on this day, the May 1, 2019.