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): Harlingen Waterworks System

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 <u>not</u> required for every application).

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

X_____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."

Harlingen Waterworks System wishes to convert the following from Irrigation use to Municipal and Domestic use and merge with 23-831:
23-831 - 747.8 ac.ft. A-Irrigation to 375.9 ac.ft. Municipal and Domestic
23-831 - 964.6375 ac.ft. A-Irrigation to 482.31875 ac.ft. Municipal and Domestic
23-019 - 98.75 ac.ft. A-Irrigation to 39.5 ac.ft. Municipal and Domestic
23-841 - 23.778 ac.ft. A-Irrigation to 11.889 ac.ft. Municipal and Domestic
23-051 - 13.725 ac.ft. B Irrigation to 5.49 ac.ft. Municipal and Domestic

Harlingen Waterworks System wishes to merge the following account with 23-831
23-841 - 81.4775 ac.ft. Municipal and Domestic

Harlingen Waterworks System wishes to merge the following Irrigation accounts into 23-831
23-834 - 1625 ac.ft.
23-840 - 116.325 ac.ft.

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?

Harlingen Waterworks System

(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 : 605239524 (leave blank if you do not yet have a CN).

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

First/Last Name: David R. Sanchez

Title: Acting General Manager

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

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: Harlingen Waterworks System

Mailing Address: P.O. Box 1950

City: Harlingen State: Texas ZIP Code: 78551

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	X City Government
___Other Government	___Other_____

For Corporations or Limited Partnerships, provide:
State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

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

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

First and Last Name: Wayne Halbert

Title: Consultant

Organization Name:

Mailing Address: 1401 Harpers Ferry Road

City: College Station State: Texas ZIP Code: 77845

Phone Number: 956.873.2816

Fax Number:

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, David Sanchez Interim 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: _____ Date: 11/5/2024

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 5th day of November, 2024.

My commission expires on the 13th day of May, 2027.

Nilda Sanchez

Notary Public

NILDA SANCHEZ
My Notary ID # 11510037
Expires May 13, 2027

[SEAL]

County, Texas

CAMERON

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

TECHNICAL INFORMATION REPORT
WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting:_____

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

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

a. Applicant requests a new appropriation (diversion or impoundment) of State Water? **Y / N**N____

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

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

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:_____)

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: 23-831,23-841,23-019,23-051,23-840.23-834

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
23-841, 23-019, 23-051 sever, convert and merge 23-834, 23-840 sever & merge 23-831 Ag water convert and merge	23-831 M&D 23-831 Ag 23-831 M&D

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

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

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

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

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

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

Harlingen Waterworks System wishes to merge and or convert and merge these rights with the HWWS water rights account number 23-831 with the authorized current uses of the 831 account. The application is consistent with the Regional and State Water Plans because there is nothing in the plans that conflict with the application.

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**_____

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
747.8 964.6375 98.75	Irrigation Irrigation Irrigation	373.9 M&D 482.31975 M&D 39.5 M&D	HWWS Service Area HWWS Service Area HWWS Service Area	HWWS Service Area HWWS Service Area HWWS Service Area
23.778 13.725 81.4775	Irrigation Irrigation (B) M	11.889 M&D 5.49 M&D 81.4775 M&D	CCID2 Service Area CCID2 Service Area HWWS Service Area	HWWS Service Area HWWS Service Area HWWS Service Area
1625.0 116.325	Irrigation Irrigation	1625.0 Irrigation 116.325 Irrigation	HWWS Service Area HWWS Service Area	HWWS Service Area HWWS Service Area

See Addendum for Detail

**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**_____

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**Y__

c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? **Y/N**__

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 irrespectiveof the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0
Impoundment/Dam Information

This worksheet **is required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

a. Official USGS name of reservoir, if applicable:_____

b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level:_____.

c. The impoundment is on-channel_____or off-channel_____(mark one)

   i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N**_____
   ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N**_

d. Is the impoundment structure already constructed? **Y / N**____

   i. For already constructed **on-channel** structures:

      1. Date of Construction:_____

      2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N**____
         a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N**_____
         b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N**_____

      3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N**___
         a. If yes, provide the Site No._____and watershed project name_____;
         b. Authorization to close "ports" in the service spillway requested? **Y / N**____

   ii. For **any** proposed new structures or modifications to structures:

      1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application.* Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N**_____ Provide the date and the name of the Staff Person_____

      2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
         a. No additional dam safety documents required with the Application. **Y / N**_____
         b. Plans (with engineer's seal) for the structure required. **Y / N**_____
         c. Engineer's signed and sealed hazard classification required. **Y / N**_____
         d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N**___

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? **Y / N**____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.

2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. **Y/N**_____
If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).*

2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name):_____

b. Zip Code: _____

c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

* ***A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude_____°N, Longitude_____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), andthe lands to be inundated. See instructions Page. 15. **Y / N**___

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. 1 Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point**_____cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N**_____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*_____cfs or_____gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N**_____

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

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

Check one		Write: Existing or Proposed
☑	Directly from stream	
☐	From an on-channel reservoir	
☐	From a stream to an on-channel reservoir	
☐	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. **Y / N**_____

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Rio Grande

b. Zip Code: 78551

c. Location of point: In the See map for legal. Original Survey No. _____, Abstract No. _____, Cameron 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 26.047695 °N, Longitude -97.761294 °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): TCEQ

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0
DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26.** ***Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.***

a. The purpose of use for the water being discharged will be_____.

b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____(% or amount) and explain the method of calculation:_____

c. Is the source of the discharged water return flows? **Y / N**_____If yes, provide the following information:

1. The TPDES Permit Number(s)._____(attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**_____

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater_____, surface water_____?
5. If any percentage is surface water, provide the base water right number(s)_____.

d. Is the source of the water being discharged groundwater? **Y / N**____ If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped:_____
2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp. Additionally, provide well numbers or identifiers_____.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

di. Is the source of the water being discharged a surface water supply contract? **Y / N**____
If yes, provide the signed contract(s).

dii. Identify any other source of the water_____

WORKSHEET 4.1
DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps). **Instructions, Page 27.**

For water discharged at this location provide:

a. The amount of water that will be discharged at this point is_____acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.

b. Water will be discharged at this point at a maximum rate of_____cfs or_____gpm.

c. Name of Watercourse as shown on Official USGS maps: _____

d. Zip Code _____

e. Location of point: In the_____Original Survey No._____, Abstract No._____,_____County, Texas.

f. Point is at:

Latitude_____°N, Longitude_____°W.

Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program):_____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0
ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: _____

☐ Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

☐ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

☐ Primary contact recreation (swimming or direct contact with water)

☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)

☐ Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the mapsubmitted with the application indicating the location of the photograph and the direction of the shot.

2. If the application includes a proposed reservoir, also include:

    i. A brief description of the area that will be inundated by the reservoir.

    ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.

    iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

   i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

   i. If the alternate source is treated return flows, provide the TPDES permit number_____

   ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
   Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

   iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0
Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. **Instructions, Page 31.**

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

1. Water Conservation Plans

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

1. Request for a new appropriation or use of State Water.

2. Request to amend water right to increase appropriation of State Water.

3. Request to amend water right to extend a term.

4. Request to amend water right to change a place of use.
   **does not apply to a request to expand irrigation acreage to adjacent tracts.*

5. Request to amend water right to change the purpose of use.
   **applicant need only address new uses.*

6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
   **including return flows, contract water, or other State Water.*

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

1. X 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**____

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. X 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**___

WORKSHEET 7.0
ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

a. A **text file** that includes:
   1. an introduction explaining the water rights and what they authorize;
   2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
   3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
   4. Should provide a summary of all sources of water.

b. A **spreadsheet** that includes:
   1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
   2. Method for accounting for inflows if needed;
   3. Reporting of all water use from all authorizations, both existing and proposed;
   4. An accounting for all sources of water;
   5. An accounting of water by priority date;
   6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
   7. Accounting for conveyance losses;
   8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
   9. An accounting for spills of other water added to the reservoir; and
   10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0
CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount ($)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under **Amount ($).** In Acre-Feet 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	*Only for those with an Irrigation Use.* Multiply 50¢ x_____Number of acres that will be irrigated with State Water. **	
Use Fee	*Required for all Use Types, **excluding Irrigation Use.*** Multiply $1.00 x_____Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	*Only for those with Recreational Storage.* Multiply $1.00 x_____acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	*Only for those with Storage, **excluding Recreational Storage.*** 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 6 of water rights to combine	600.00
Recording Fee		$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
	TOTAL INCLUDED	$612.50

Use Receipt # M5460001

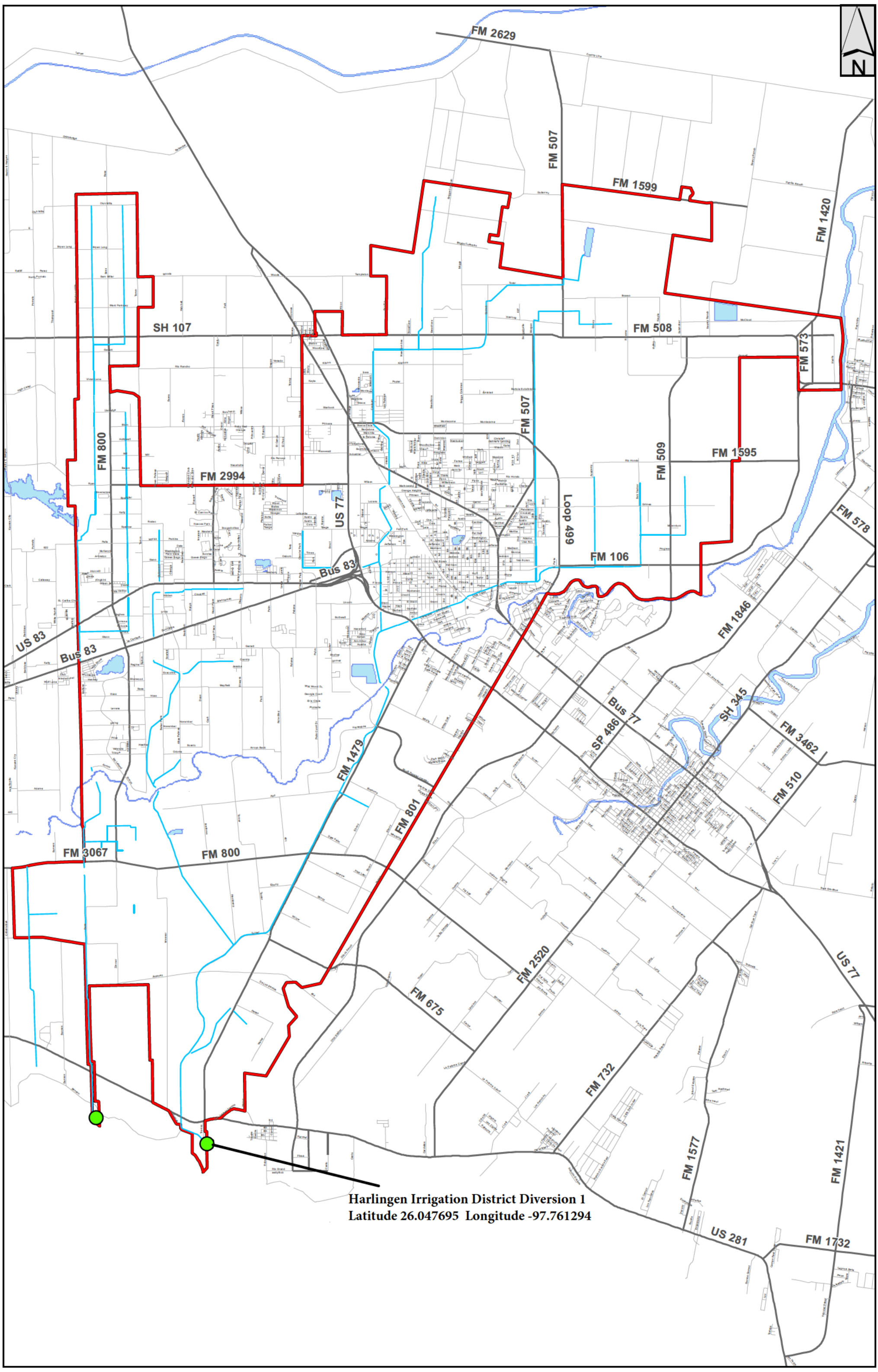
3. BED AND BANKS

	Description	Amount ($)
Filing Fee		$100.00
Recording Fee		$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
	TOTAL INCLUDED	$

ADDENDUM TO WORKSHEET 1.0 2a

Ac.Ft.	Adj #	Use	Service Area	New Ac.Ft.	New Adj#	New Use	New Service Area
747.8	23-831	A-Irr	HWWS	373.9	23-831	M&D	HWWS
964.6375	23-831	A-Irr	HWWS	482.31975	23-831	M&D	HWWS
98.75	23-019	B-Irr	HWWS	39.5	23-831	M&D	HWWS
23.778	23-841	A-Irr	CCID2	11.889	23-831	M&D	HWWS
13.725	23-051	B-Irr	CCID2	5.49	23-831	M&D	HWWS
81.4775	23-841	M	HWWS	81.4775	23-831	M&D	HWWS
1625	23-834	A-Irr	HWWS	1625	23-831	A-Irr	HWWS
116.325	23-840	A-Irr	HWWS	116.325	23-831	A-Irr	HWWS

A-Irr Agriculture use Class A Water Right
B-Irr Agriculture use Class B Water Right
M Municipal use
M&D Municipal and Domestic (I understand this is the "use category" for current HWWS municipal use water).


N
FM 2629
FM 507
FM 1599
FM 1420
SH 107
FM 508
FM 573
FM 800
FM 2994
US 77
FM 507
FM 509
FM 1595
Loop 499
FM 106
FM 578
Bus 83
US 83
Bus 83
FM 1846
Bus 77
SP 486
SH 345
FM 3462
FM 510
FM 1479
FM 801
FM 3067
FM 800
FM 2520
FM 675
FM 732
US 77
FM 1577
FM 1421
US 281
FM 1732
Harlingen Irrigation District Diversion 1
Latitude 26.047695 Longitude -97.761294

RESOLUTION NO. R2324-41

AUTHORIZING THE GENERAL MANAGER TO EXECUTE DOCUMENTS RELATED TO THE MANAGEMENT OF WATER RIGHTS

WHEREAS, Harlingen Waterworks System depends on water rights from the Rio Grande River as its only raw water source for providing water service to its customers; and

WHEREAS, the Waterworks currently maintains a portfolio of water rights of varying priority and classification under several account numbers as summarized in the accompanying table; and

WHEREAS, from time to time, the Waterworks purchases water rights acting on the statutes in Sections 49.501 through 49.512 of the Texas Water Code, requiring various amendments be filed with the Texas Commission on Environmental Quality (TCEQ), or it has need to request changes to existing water rights to enhance the administration of its water rights portfolio; and

WHEREAS, the Texas Commission on Environmental Quality regulates and maintains records of water rights held in the State of Texas and requires that the executor of water rights transactions be authorized by the governing body of the water rights owner; now, therefore:

BE IT RESOLVED, that the Harlingen Waterworks System Utility Board of Trustees does hereby authorize David R Sanchez, Interim General Manager of the Harlingen Waterworks System, to execute all documents related to the management of the System's existing water rights and all water rights it may acquire in the future, as may be required to be executed and filed with the Texas Commission on Environmental Quality.

Board Member **Garza** moved, seconded by Board Member **Murphy**, that the above Resolution be adopted.

Motion carried **5** Yeas **0** Nays

I hereby certify the foregoing Resolution was adopted by the Utility Board of Trustees for the Harlingen Waterworks System at a Board meeting held on the 29th day of May 2024.

Nilda Sanchez – Board Secretary

HWWS WATER RIGHTS PORTFOLIO AND PENDING MANAGEMENT ACTION

as of 11/27/2023

Certificate No.	Account No.	Priority	Purpose	Transporting District	Granted	Acre-feet	REQUESTED ACTION
23-834B	0834-001	Class A	Agricultural	Adam's Gardens	4-Apr-17	**1,625.0000**	Reactivate and combine/merge of these Class A rights into one single Class A Agricultural account
	0840-002	Class A	Agricultural	Adam's Gardens	22-May-18	**116.3250**	
23-19A	0019-000	Class B	Agricultural	HID	20-Apr-17	**98.7500**	Convert into municipal right under 831 account
	0831-011	Class A	Agricultural	HID	20-Jul-18	**747.8000**	Convert to municipal right under 831 muni account
		Class A	Agricultural	HID		**339.6000**	Convert to municipal right under 831 muni account
23-831L	0831-002	Municipal	Municipal & Domestic	HID	20-Apr-17	**22,488.1725**	- none-
N/A		Class A	Agricultural	HID		**625.0375**	Convert to municipal right under 831 muni account
N/A		Municipal	Municipal & Domestic	HID (pending transfer)		**81.4775**	Transfer to HID under 831 muni account
					Proposed as Municipal Rights	**23,465.37**	
					Proposed as Class A Agricultrual Rights	**1,741.33**	

RESOLUTION NO. R2324-34

ADOPTING A DROUGHT CONTINGENCY, EMERGENCY WATER MANAGEMENT AND WATER CONSERVATION PLAN ALSO TO AMEND EXSISTING CITY OF HARLINGEN ORDINANCE PERTAINING TO THESE PLANS

WHEREAS, conservation of water and drought preparedness are vital to our community and critical for the health and safety of the customers of Harlingen Waterworks System and the citizens of Harlingen; and

WHEREAS, in an ongoing effort to encourage water conservation and ensure preparedness for drought conditions, State law requires that water utilities adopt a water conservation and drought contingency plan and updated these plans every five years; and

WHEREAS, State law requires the Drought Contingency & Emergency Water Management Plan to be adopted by ordinance of the City of Harlingen. In accordance with the requirements of Title 30 of the Texas Administrative Code Chapter 288,

WHEREAS, ordinance NO. 2019-32 was adopted by the City of Harlingen Commission on September 4th, 2019; which placed these plans in action,

WHEREAS, these plans have been updated to include additional water use information, proposed 5 and 10-year water savings goals, revised drought stage triggers with corresponding water use restrictions, and proposed enforcement fines and surcharges for non-compliance, all in accordance with State regulation; and

BE IT RESOLVED that the Harlingen Waterworks System Utility Board of Trustees does hereby adopt the updated Drought Contingency & Emergency Water Management Plan and refer the same to the Harlingen City Commission for the amendment of city ordinance NO. 2019-32; and to adopt the plans and or updates to the plans referred to therein.

Board Member **Garza** moved, seconded by Board Member **Brewer**, that the above Resolution be adopted.

Motion carried **5** Yeas **0** Nays

I hereby certify the foregoing Resolution was adopted by the Utility Board of Trustees for the Harlingen Waterworks System at a Board meeting held on the 29th day of May 2024.

Nilda Sanchez – Board Secretary

ORDINANCE NO. 2024-39

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 48 DIVISION 4 SECTIONS 48-144 AND 48-145 OF THE HARLINGEN CITY CODE AS AMENDED TO AMEND DROUGHT CONTINGENCY& EMERGENCY WATER MANAGEMENT PLAN, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

Sec 48-144. Criteria for initiation and termination of drought and emergency response stages.

Drought and emergency response criteria. The general manager shall monitor water supply and/or demand conditions on a weekly basis and, with input from the HWWS board of trustees, shall determine when conditions warrant initiation or termination of each stage of the plan.

The triggering criteria to be considered in the declaration and implementation of each stage of the plan are based on the following set of parameters:

- Percentage of U.S. capacity remaining in the Amistad and Falcon Reservoirs
- Percentage of actual days remaining in the year vs. projected days of water rights remaining
- Percentage of sustained demand vs. total functional treatment capacity
- Failure of critical water conveyance, treatment, or storage infrastructure
- Contamination of raw source water

Initiation. The general manager is authorized to order the implementation of a drought and emergency response stage when one or more of the triggering criteria for the stage are met and shall have discretion not to order such implementation even though one or more of the triggering criteria are met. Factors that could influence such a decision may include, without limitation, the time of year, weather conditions, and the anticipation of replenished water supplies.

For each stage, customers shall be required to comply with the applicable requirements and restrictions on water use when the general manager determines the drought and emergency response for a given stage should be implemented based on consideration of triggering criteria.

STAGE 1 Triggers – Voluntary Water Conservation

- Stage will be implemented when the level of the U.S water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and the Water Commission, reaches 20% of capacity.

STAGE 2 Triggers—MODERATE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 15 percent of U.S. capacity
- Days remaining in the year are more than 80 percent of projected days of water rights remaining
- Three-day average water demand exceeds 90 percent of total functional treatment capacity

STAGE 3 Triggers—SEVERE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 10 percent of U.S. capacity
- Days remaining in the year are more than 90 percent of projected days of water rights remaining
- Three-day average water demand exceeds 95 percent of total functional treatment capacity

STAGE 4 Triggers—EMERGENCY Water Shortage Conditions

- Major water conveyance, pumping, treatment, or storage infrastructure failures occur, which cause unprecedented loss of capability to provide water service
- Natural or man-made contamination of the water supply source
- Combined volume in Amistad and Falcon Reservoirs is below 5 percent of U.S. capacity
- Days remaining in the year are more than 100 percent of projected days of water rights remaining
- One-day water demand exceeds 98 percent of total functional treatment capacity

Termination. The general manager, at his discretion, may order or delay the termination of a drought and emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision may include, without limitation, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought and emergency response stage.

In general, a stage of the plan may be terminated at the general manager's direction based on mitigation or cessation of triggering criteria for that stage, and upon termination, the preceding stage or the applicable response stage based on the triggering criteria, shall become operative.

Notification. Customer notification of the initiation or termination of drought and emergency response stages will be made by one or a combination of website postings, email transmissions, automated telephone callouts, or printed notices on customer bills. The news media will also be informed.

Alternative water sources. Upon initiation of the various drought and emergency response stages, HWWS will consider use of appropriate, alternative water sources and/or alternative delivery mechanisms including:

- Purchase of water and delivery through existing interconnections with neighboring systems
- Expanded use of reclaimed water for non-potable purposes

As a drought intensifies, other potential alternative sources will be evaluated.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

Sec. 48-145. Drought and emergency water management response stages.

Upon reaching a triggering criteria indicative of water shortage condition as defined in the plan, the general manager shall implement the following notification procedures:

Notification.

Notification of officials and agencies:

The general manager shall notify directly, or cause to be notified directly, the following individuals and entities:

- HWWS board of trustees
- City manager
- Mayor
- TCEQ (to be notified within five business days of the implementation of any mandatory provisions of the drought contingency and emergency water management plan)
- Fire chief
- Wholesale customers
- Major retail water users
- Critical water users (hospitals, nursing homes, hospice, dialysis centers)

Notification of the public:

The general manager shall notify the public by means of one or more of the following:

- HWWS's website
- Publication in a newspaper of general circulation
- Public service announcements through radio or television news stations
- Signs posted in public places

Best management practices for supply management

Additional measures that may be implemented by HWWS to manage limited water supplies and/or reduce water demand during each stage may include:

1. Minimization of system flushing while maintaining minimum standard disinfection residuals throughout the distribution system.
2. Maximizing and expanding deliveries of reclaimed water for non-potable uses.
3. Engage interconnects with neighboring water systems to maintain regulated minimum system pressure throughout the distribution system.

Stage 1 Response – Voluntary Water Conservation

Target: to achieve a 5% reduction in total water use relative to given month's average for the preceding five years.

Upon Reaching this stage, all customers will be notified by water bill insert and HWWS website notice.

All customers will be requested to voluntarily comply with the following lawn watering schedule;

- Residential addresses ending in an even number (0,2,4,6,8) may water on Wednesdays and Saturdays.
- Residential addresses ending in an odd number (1,3,5,7,9) may water on Thursdays and Sundays.
- All non-residential addresses including apartment complexes, businesses, industries, parks, and schools may water on Tuesdays and Fridays.

STAGE 2 Response—MODERATE Water Shortage Conditions

Target: Achieve a ten percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction

Retail customers. The following water use restrictions shall apply to all persons within HWWS's retail service area:

1. Irrigation of landscaped areas shall be limited to twice per week between the hours of 8:00 p.m. on the designated watering day to 10:00 a.m. the following morning as outlined below except that watering of landscaped areas is permitted at any time if by means of a hand-held hose, a faucet filled bucket, or watering can of five gallons or less, or drip irrigation.
    - Residential addresses ending in an even number (0, 2, 4, 6, 8) may water on Wednesdays and Saturdays.
    - Residential addresses ending in an odd number (1, 3, 5, 7, 9) may water on Thursdays and Sundays.
    - All non-residential addresses including apartment complexes, hotels and motels, mobile home parks, commercial businesses, institutions, industry and manufacturing, and schools may water on Tuesdays and Fridays.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes shall be limited to designated watering days except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may continue under standard permit from HWWS.
6. Use of potable water for the irrigation of golf course greens, tees, and fairways shall be limited to designated watering days. However, if the golf course utilizes a water source other than potable water provided by HWWS, the facility shall not be subject to these regulations.
7. Water customers are requested to practice water conservation and to minimize or discontinue water use for the following non-essential purposes:
    a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
    b. Use of water to wash down buildings or structures or purposes other than immediate fire protection.
    c. Use of water for dust control.
    d. Flushing gutters or permitting water to run or accumulate in any gutter or street.
    e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will request wholesale water customers to initiate measures to reduce non-essential water use in accordance with stage 1 of the plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a twice per week schedule.
2. The general manager will initiate monthly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of curtailment of water deliveries.
3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 3 Response—SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction.

Retail customers. All requirements of stage 2 shall be in effect during stage 3 except:

1. All means of irrigation of landscaped areas shall be limited to once per week between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. the following morning as outlined below.
    - All addresses may water as follows:

Address Ending	Watering Day
1	Sunday
2	Monday
3	Tuesday
4	Wednesday
5, 6	Thursday
7, 8	Friday
9, 0	Saturday

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to weekend days for personal vehicles and to Wednesdays for non-personal, business-related vehicles. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
3. Use of water to fill, refill, or add to an indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued except for the amount necessary for the actual construction of structures.
6. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS. Greens and fairways may be watered only on designated watering days between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. of the following day.
7. The following uses of water are defined as non-essential and are prohibited:
    a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
    b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    c. Use of water for dust control;
    d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
    e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use in accordance with stage 2 of the plan for retail customers except that

wholesale customers may use a different watering schedule provided that each service address is limited to a once per week schedule.

2. The general manager will further prepare for the implementation of curtailment of water deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 4 Response—EMERGENCY Water Shortage Conditions

Drought conditions target: Achieve a 30 percent or greater reduction in total water use relative to the given month's average for the preceding five years.

Emergency conditions torget: Achieve a reduction of water demand sufficient to avoid a drop in system pressure below regulated minimums.

Water use restrictions for reducing demand.

Retail customers. All requirements of stage 3 shall be in effect during stage 4 except:

1. Irrigation of landscaped areas is absolutely prohibited. All outdoor uses of water are prohibited except for the direct need to protect and preserve the health, safety, and welfare of the public.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited except that such washing may be done at any time on the immediate premises of a commercial car wash or commercial service station that recycles water to limit makeup water consumption to a minor fraction of total wash water volume.

3. Use of water to fill, refill, or add to indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited.

4. The watering of golf course tees, fairways, and greens is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS.

5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to protect aquatic life.

6. As deemed necessary, the general manager is authorized to deny any new, additional, expanded, or increased in size water service connections, meters, service lines, pipelines extensions, or water service facilities.

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.

2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems including initiation of additional mandatory measures to reduce non-essential water use in accordance with stage 4 of the plan for retail customers.

3. The general manager may also initiate curtailment of water deliveries in accordance with Texas Water Code, § 11.039. During any period when stage 4 is in effect, the general manager is authorized to curtail wholesale customers' water allocation to 70 percent of that month's average for the prior five-year period.

Wholesale customers exceeding their allocation shall pay the following surcharge on excess water deliveries:

1.25 times the contract rate for first 15 percent over allocation

1.5 times the current rate for the next 15 percent over allocation

2.0 times the current rate for the next 15 percent over allocation

2.5 times the current rate for use more than 45 percent over allocation.

4. If appropriate, notify city, county, and/or state emergency response officials for assistance.

5. Undertake necessary actions, including repairs and/or clean-up as needed.

6. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

PASSED ON FIRST READING, this 21st day of, August 2024.

ADOPTED AND APPROVED UPON SECOND READING, this 4th day of September 2024.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

APPROVED AS TO FORM:

Mark Sossi, City Attorney

RESOLUTION NO. R1819-48

ADOPTING A DROUGHT CONTINGENCY & EMERGENCY WATER MANAGEMENT PLAN AND A DRAFT WATER CONSERVATION PLAN

WHEREAS, conservation of water and drought preparedness are critical objectives for health and safety of the customers of Harlingen Waterworks System; and

WHEREAS, in an ongoing effort to encourage water conservation and ensure readiness for drought conditions, State law requires water utilities to adopt updated water conservation and drought contingency plans every five years; and

WHEREAS, recent legislation has expanded the requirements for water use reporting and adoption of drought contingency plans, and it is in the Waterworks' best interests to develop the required updates and adopt its Plans; and

WHEREAS, the Waterworks' Water Conservation Plan and the Drought Contingency and Emergency Water Management Plan have been updated and expanded to include additional water use information, proposed 5-year and 10-year water savings goals, proposed drought stage triggers with corresponding water use restrictions, and proposed enforcement fines and surcharges for non-compliance, all in accordance with State regulation; and

WHEREAS, State law requires the Drought Contingency & Emergency Water Management Plan to be adopted by ordinance of the City of Harlingen; and

WHEREAS, additional data collection, analysis, and development of the provisions of the Water Conservation Plan will be needed for finalization and adoption by resolution of the Harlingen Waterworks Board of Trustees at a later date; now, therefore:

BE IT RESOLVED, that the Harlingen Waterworks System Utility Board of Trustees does hereby adopt the updated Drought Contingency & Emergency Water Management Plan and refer the same to the Harlingen City Commission for adoption as a city ordinance; and adopt a Draft Water Conservation Plan for regulatory review purposes.

Board Member **Fields** moved, seconded by Board Member **Campbell** that the above Resolution be adopted.

Motion carried **4** Yeas, **0** Nays

I hereby certify the foregoing Resolution was adopted by the Utility Board of Trustees for the Harlingen Waterworks System at a Board meeting held on the 4th day of September, 2019.

Nilda Sanchez – Board Secretary

HARLINGEN
WATERWORKS
SYSTEM

WATER CONSERVATION PLAN

May 2024

This Water Conservation Plan (the "Plan") has been prepared in accordance with the requirements of Title 30 of the Texas Administrative Code Chapter 288. It presents water operations information, historical use, future projections and goals, and a set of management practices and conservation strategies designed to promote water conservation for both retail and wholesale customers of Harlingen Waterworks System (HWWS), a department of the City of Harlingen, Texas.

The Plan was adopted by the HWWS Board of Trustees by Resolution No.1819-48

Complete utility profile information filed with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ) is attached hereto in Appendix 1.

Section 1. Population and Service Area Data

Retail

1. Harlingen, Texas is located at the approximate geographical center of the Rio Grande Valley (N26.1906, W-97.6961) about 30 miles from the coast of the Gulf of Mexico. Figure 1 attached hereto presents a map of HWWS's Certificate of Convenience and Necessity (CCN) defining HWWS's water service area.

2. HWWS's retail water service area is approximately 69 square miles.

3. Harlingen's population is 88,887.

4. Including portions of its water CCN outside city limits, HWWS serves a population of approximately 100,000 Because HWWS's wastewater CCN differs from its Water CCN, and a significant number of residents rely on on-site septic tanks, the estimated population served by HWWS centralized wastewater system is 90,000 for wastewater.

5. The population served for the previous five years, and the projected population growth for the next five years can be found in the Utility Profile in Appendix 1.

Current year and projected water service populations have been estimated based HWWS Master plan growth projection of 1.5%. Wastewater population served has been estimated as the product of the number of sewer connections and an assumed average household size of 3.

Wholesale

HWWS provides potable water to four wholesale customers on a full-time, non-emergency basis.

City of Primera. Primera is located approximately 3 miles northwest of the center of Harlingen (N26.223152, W-97.751470). HWWS provides all potable water for this community and the majority of its wastewater service (excluding on-site sewerage facilities). Primera's population is 4,989 according to Census 2018 Population Estimates. The current population served for water and wastewater has been estimated at 5,200 based on the number of Primera's retail accounts and an assumed population per connection of 3.

City of Combes. Combes is located about 4 miles north of Harlingen (N26.245051, W-97.727028). HWWS provides all potable water for this community and the majority of its wastewater service (excluding on-site sewerage facilities). Combes' population is 3,043 according to Census 2018 Population Estimates. The current population served for water and wastewater has been estimated as 3,128 based on the number of Combes' retail accounts and an assumed population per connection of 3.

City of Palm Valley. Palm Valley (N26.203585, W-97.754013) is located 3.7 miles west of the center of Harlingen. HWWS provides all potable water for this community. Palm Valley's population is 1,256 according to Census 2018 Population Estimates. The population served for water has been estimated to be 1,300 based on the number of Palm Valley's retail accounts and an assumed population per connection of 3.

East Rio Hondo Water Supply Corporation. ERHWSC is located in the city of Rio Hondo (N26.234451, W-97.581364) and outlying areas. HWWS provides a portion of the potable water supply for East Rio Hondo WSC. The population served by potable wholesale water provided by HWWS has been approximated as 903 based on a proration of population by the volume fraction of wholesale water provided by HWWS.

HWWS's combined wholesale service area size is 72.37 square miles. The wholesale population served by HWWS wholesale is 11,912 for water and 7,149 for wastewater. The map below shows the service area served by HWWS wholesale water.

The combined population served for the previous five years and the projected population growth for the next five years can be found in the Utility Profile in Appendix 1. With the exception of East Rio Hondo WSC, the current year and projected wholesale populations served have been estimated as the product of the number of retail connections and an assumed population per connection of 3.

Section 2. Customer Data

Retail

1. HWWS considers multi-family service as a *commercial* use. The current total number of retail connections is 39414. Refer to Appendix 1 for a breakdown by use category.

2. Net number of new connections in each year from 2019 to 2023 are as follows:

	Net Number of New Retail Connections						
Year	**Residential - Single Family**	**Residential - Multi-Family**	**Industrial**	**Commercial**	**Institutional**	**Agricultural**	**Total**
2023	369	7,203	0	50	2	0	7,624
2022	715	37	0	704	132	0	1,588
2021	394	28	0	390	0	0	812
2020	2,136	91	36	583	56	0	2,902
2019	0	19	0	0	331	0	350

3. The water use for the five highest volume customers in 2023 was 307,543,500 gallons. A breakdown by each customer is presented in Appendix 1.

Wholesale

Following is a list of all wholesale customers, the amount of annual contract, and the amount of annual use for each in 2023.

Customer	Water Use Category	Annual Water Use	Treated or Raw
City of Palm Valley	Municipal	172,873,800	Treated
City of Primera	Municipal	154,011,600	Treated
City of Combes	Municipal	105,744,400	Treated
Military Water Supply Corporation	Municipal	75,313,000	Treated
East Rio Hondo Water Supply Corporation	Municipal	36,698,368	Treated

Section 3. Water Use Data for Service Area

Retail

1. Below is a listing of annual volumes of treated water delivered to retail customers. Refer to Appendix 1 for a monthly breakdown for each year.

Year	Annual Retail Water Use (kgal)
2019	3,400,342
2020	3,664,075
2021	3,431,963
2022	3,515,893
2023	3,785,234

2. The amounts presented in the table above and in Appendix 1 were determined from metered retail water sales.

3. The following table presents the amount of water sold in units of 1,000 gallons (kgal) per account type for each of the prior five years.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Total
2023	2,252,693,700	381,688,900	98,210,000	1,104,363,493	106,877,600	3,943,833,693
2022	1,895,272,169	379,712,739	102,455,600	822,269,882	312,496,800	3,512,207,190
2021	1,877,886,099	348,275,795	101,528,500	818,838,013	281,792,400	3,428,320,807
2020	2,081,745,600	374,557,700	112,163,500	622,313,500	465,421,500	3,656,201,800
2019	1,806,664,400	362,933,900	108,482,000	660,779,300	488,467,800	3,427,327,400

4. The following table presents water loss for each of the previous five years computed as the difference between production (system input) and metered consumption/

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	543,305,900	17	12.08 %
2022	811,733,815	27	20.57 %
2021	817,260,475	30	20.90 %
2020	899,039,759	37	21.01 %
2019	430,781,420	18	10.89 %
Average	700,424,274	26	17.09 %

5. There are no water supply demands for HWWS identified on the Region M Regional Water Planning Group for the next ten years.

Wholesale

1. All water provided under wholesale contracts is *treated* water. Annual amounts of wholesale water sold and estimated wholesale populations for the previous five years are presented in the following table:

Year	Population Served	Total Amount of Water Sold (gallons)
2019	11,251	444,642,527
2020	12,215	481,219,780
2021	12,284	490,877,033
2022	12,253	549,328,462
2023	11,912	598,506,778

2. The wholesale population served, and total amount of water diverted for municipal use for the previous five years is shown in the table below.

Year	Wholesale Population Served	Wholesale Water Supply
2023	11,912	598,506,778
2022	12,253	549,328,462
2021	12,284	490,877,780
2020	12,215	481,642,527
2019	11,251	446,642,527

3. Projected wholesale water supply demands for the next five years is presented in the table below.

Year	Wholesale Water Supply Demands
2025	625,845,985
2026	635,233,278
2027	644,761,778
2028	654,433,204
2029	664,249,702
2030	674,213,448
2031	684,326,650
2032	694,591,549
2033	705,010,423
2034	715,585,579

Section 4. Water Supply System Data

Retail & Wholesale

1. HWWS receives all of its source water from the Rio Grande River and owns 23,465.37-acre feet of municipal water rights. With the exception of East Rio Hondo WSC, all wholesale customers provide their own water rights for HWWS's production of treated water for wholesale delivery. Annual municipal water rights utilization averages approximately 67%.

2. HWWS owns and operates two reservoirs that are fed from irrigation canals that convey raw water supply from the Rio Grande River. Cameron County Irrigation District No. 1 owns and operates pump river pumping facilities and the irrigation canals. The reservoirs are constantly recharged from this source.

3. HWWS owns and operates two surface water treatment plants: Downtown Water Treatment Plant and MFR Water Treatment Plant. The Downtown Water Treatment Plant has a design capacity of 18.14 MGD and employs a high-rate flocculation/sedimentation process using sand ballast material in conjunction with chloramine contact basins, filters, and clear wells.

The MFR Water Treatment Plant has a design capacity of 20.4 MGD and uses a conventional flocculation/clarification process with filters and clear wells.

The water distribution system consists of approximately 508 miles of water lines and two elevated storage tanks. The Tamm Lane Tower has a storage capacity of 1.75 MG and the Loop 499 Tower has a storage capacity of 1.5 MG.

At both water treatment plants, filter backwash is recycled to the head of the plant.

Section 5. Wastewater System Data

Retail & Wholesale

1. HWWS owns and operates one wastewater treatment plant (WWTP) with a design capacity of 10 million gallons per day under the name of City of Harlingen Waterworks System. The NPDES Permit Number is WQ0010490003. Unit processes include mechanical headworks, screening, aeration basins for ammonia and BOD reduction, final clarifiers for solids separation, and a chlorine contact basin for disinfection. Finished effluent is discharged into the Arroyo Colorado. Separated solids are processed via filter belt press and surface applied to dedicated land disposal at the WWTP site.

2. HWWS provides reclaimed water to off-site users including the City of Harlingen Soccer Complex, Treasure Hills Golf Course, wetland ponds at Hugh Ramsey Nature Park. Additionally, treated wastewater is also used for the WWTP's pressurized non-potable water system for washdown and chemical feed systems.

3. The total usage of reclaimed water is 15 million gallons per month, approximately 10% of total treated wastewater.

4. HWWS's water CCN is completely contained within its wastewater CCN; however, because of a significant number of on-site sewage facilities (septic tanks), active retail sewer accounts (20,528) account for only 79% of active retail water accounts (26,144).

5. The monthly treated wastewater volume in units of 1,000 gallons (kgal) for each month of the previous five years is presented in the table below.

Month	Total Gallons of Treated Wastewater				
	2023	2022	2021	2020	2019
January	143,840,000	148,397,000	135,966,000	151,614,000	147,697,000
February	130,760,000	138,376,000	135,156,000	142,168,000	135,115,000
March	149,234,000	141,794,000	152,055,000	154,497,000	163,893,000
April	146,370,000	145,170,000	144,780,000	143,219,000	158,428,000
May	152,303,000	155,341,000	179,800,000	163,806,000	168,169,000
June	138,240,000	148,950,000	165,570,000	156,897,000	184,134,000
July	144,654,000	151,931,000	220,441,000	191,167,000	178,973,000
August	150,319,000	151,590,000	166,997,000	156,410,000	173,064,000

September	146,280,000	134,580,000	156,300,000	160,399,000	165,061,000
October	146,568,000	147,529,000	160,611,000	147,591,000	164,238,000
November	154,980,000	155,760,000	150,480,000	138,480,000	158,152,000
December	141,360,000	143,964,000	153,946,000	132,122,000	156,308,000
Total	1,744,908,000	1,763,382,000	1,922,102,000	1,838,370,000	1,953,232,000

Section 6. Record Management System

Retail & Wholesale

For each water treatment plant, HWWS will continue to maintain records of water diverted from the Rio Grande River, water received into the plants for treatment, water pumped into the distribution system, and water used for backwash purposes within the plants.

Metered water sales records will continue to be maintained for each customer type including wholesale, residential, commercial, industrial, and public/institutional uses.

HWWS will continue monitoring and quantifying water losses through calculation of the difference between metered volumes recorded at the various stages through the diversion, treatment, and distribution systems.

HWWS does not monitor water loss within wholesale customer distribution systems, and such losses are not included in, and have no impact on, HWWS's water loss records.

Section 7. 5-Year and 10-Year Goals for Water Savings

Retail

In accordance with the requirements of 30 TAC Section 288.2(a)(1)(C), HWWS has established specific, quantifiable water savings targets as shown in the table below to reduce the loss and waste of water, and to increase the level of recycling and reuse of its water supply.

	Historic 5-Year Average Baseline	**5-Year Goal for 2024**	**10-Year Goal for 2029**
Total GPCD	163	160	155
Residential GPCD	85	83	81
Water Loss (GPCD)	28	26	22
Water Loss Percentage	17.0%	16.25%	14.19%

To accomplish these goals, HWWS and the City of Harlingen will implement and enforce the programs and policies in this Plan including:

- Required installation of accurate metering devices for new connections
- Universal metering for all customer connections

- Meter testing and repair
- Periodic meter replacement as a function of meter size, age, and total throughput
- Identification and prompt repair of leaks
- Control of water losses including minimization of system flushing
- Public education
- Continued enforcement of low-flow fixture requirements in accordance with the International Plumbing Code.

Wholesale

Wholesale customers will be encouraged to follow HWWS's goals and targets for their distribution systems. New contracts and renewals of expiring contracts will include requirements and enforcement provisions for goals, programs and policies to achieve water savings.

Section 8. Measuring and Accounting for Diversions

Retail & Wholesale

HWWS meters all raw water supply intake, all finished water production, and all customer connections to the distribution system. Meters in HWWS's system will continue to be selected and maintained to accurately record flows to within +/- 5% accuracy.

HWWS's Water Treatment Plants meter both raw and treated water using mag meters and instrumentation. Certified calibration will continue to be performed annually.
Diversions of water from the Rio Grande River to HWWS's reservoirs are metered by Cameron County Irrigation District No. 1. HWWS does not convey raw water to any wholesale customers and has no plans to do so in the future.

Section 9. Universal Metering

Retail & Wholesale

HWWS will continue metering every customer connection to the distribution system and continue its meter replacement program. Mechanical meters will be replaced as a function of age, size and totalized throughput, but any mechanical meter in service for 15 years or more will be replaced regardless of size or throughput. Additionally, selected large meters ($\geq$ 3-inch) will be randomly field or bench-tested for accuracy. All meters suspected of inaccuracy will also be tested. Generally, HWWS does not use repaired meters in the system.

Section 10. Measures to Determine and Control Water Loss

Retail

HWWS makes a monthly accounting of water delivery efficiencies by calculating the difference between water pumped into the distribution system and water sold to customers. Because customer meter read cycles do not coincide with the beginning and end of a calendar month, two differing

approaches are used to estimate unaccounted-for and non-revenue water on 30-day and 12-month-moving-average intervals.

Section 11. Continuing Public Education and Information

Retail

HWWS will periodically provide the public with information about recommended conservation practices including information about the conditions and drought triggers under which water restrictions are to be implemented. HWWS maintains a station at two of its public buildings for distribution of printed educational information on conservation geared to children and adults. Information is available in English and Spanish. Water conservation tips will continue to be included in the Water Quality Report made available to the public on the HWWS website.

HWWS will continue to participate in various community events on an annual basis and will distribute printed information and promotional items on water conservation. Ad hoc educational tours of the water plants will include discussion of the importance and recommended practices for water conservation.

When drought contingency stages are triggered and water use restrictions are implemented, educational information will be provided by means of public notices, website postings, press releases, and mailings.

Section 12. Standard Water Rate Structure

Retail & Wholesale

HWWS adopted a standard water rate structure for retail and wholesale customers designed to reflect the cost of providing water, send a price signal about the marginal cost of additional water, and encourage efficient use of water. Appendix 3 presents the water rates adopted by Ordinance on April 17, 2024.

Section 13. Reservoir Systems Operations Plan

Retail & Wholesale

HWWS owns and operates two reservoirs, one at each treatment plant, that are fed from irrigation canals that convey raw water supply from the Rio Grande River. The reservoirs serve to buffer diurnal raw water demands and provide reserve supply in the event raw water delivery from the River is interrupted or the River experiences temporary spikes of low water quality or contamination. The reservoirs are operated independently, and there is no direct hydraulic interconnection between the reservoirs.

All of HWWS's raw water supply is delivered through the reservoirs. Cameron County Irrigation District No. 1 owns and operates river pumping facilities and the irrigation canals that feed and continuously recharge the reservoirs. Reservoir levels are maintained within a specified range that is monitored and controlled by the Irrigation District via SCADA. The reservoir must be

maintained above a minimum level to keep the treatment plants' raw water pumps operating within their design range.

Section 14. Leak Detection and Repair Program

Retail

HWWS accomplishes leak detection of its distribution system through visual monitoring of the ground surface. HWWS meter readers, meter technicians, water system maintenance crews and wastewater maintenance field personnel as well as those of other City departments are successfully relied upon to reconnoiter HWWS's service area and identify and report suspected leaks. Leak reports by the general public further support employee-led leak detection efforts.

Water treatment plant staff monitor system pressure at all times and immediately report any sudden changes in pressure or flow that may be indicative of sizeable leaks. Occasionally, district metering is performed in synchronization with customer meter reads to estimate water loss for limited geographical portions of the system.

All main and meter leaks are repaired daily or as quickly as practicable. When customer-side service line leaks are discovered, the customer is advised to contact a plumber to perform repairs.

For the 5-year period following adoption of this Plan, HWWS will evaluate the feasibility of implementing routine or permanent district metering to more precisely identify water loss by geographic sector, and will consider implementation of a program using technologies for detection of leaks that are not apparent at the ground surface.

Wholesale

HWWS provides wholesale water directly through metered connections. Wholesale customers are responsible for leak detection and repair within their distribution systems.

HWWS will replace existing wholesale mechanical meters with electronic AMI meters capable of transmitting water consumption data via cellular communication at a frequency of not less than once every 15 minutes. HWWS will establish flow thresholds in the AMI data management software to trigger notifications of abnormal use conditions.

Section 15. Enforcement Procedure and Official Adoption

Retail & Wholesale

This Water Conservation Plan was adopted by Resolution No. 1819-48 on September 4, 2019, by the Board of Trustees of the Harlingen Waterworks System under the authority of Article 10 of the City of Harlingen Charter. The adopting resolution is included in Appendix 4.

Section 16. Coordination with the Regional Water Planning Group

Retail & Wholesale

HWWS's retail and wholesale service areas are located within the Rio Grande Region M Water Planning area. A copy of this Water Conservation Plan has been provided to the Region M Water Planning Group for coordination with the Region M Water Plan. A copy of the letter is presented in Appendix 5.

Section 17. Plan Review and Update

Retail & Wholesale

This Water Conservation Plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. HWWS will review and update the Plan by May 1, 2029, and every five years thereafter to coincide with planning efforts of the Region M Water Planning Group. An implementation report will accompany revised Plans.

Section 18. Contract Requirements for Successive Customer Conservation

Wholesale

HWWS maintains wholesale contracts for the regular delivery of potable water to the cities of Primera, Combes, and Palm Valley and to East Rio Hondo Water Supply Corporation. Any wholesale water supply contracts entered into, renewed, extended, or modified after the adoption of this Water Conservation Plan will include provisions that the wholesale customer and their successive wholesale customers will be required to develop and implement a water conservation plan or water conservations measures in accordance with the applicable requirements of 30 TAC Part 1, Chapter 288, Subchapters A and B.

Wholesale customers who intend to resell water provided by HWWS will be required to include provisions in the contracts with successive wholesale customers requiring implementation of water conservation measures in accordance with the 30 TAC Part 1, Chapter 288, Subchapters A and B.

Section 19. Additional Conservation Strategies

Retail & Wholesale

The City of Harlingen operates under the 2012 International Plumbing Code that requires water conserving plumbing fixtures to be installed in new structures and structures undergoing substantial modification or addition. IPC 2012 has been adopted and included in the Harlingen Code of Ordinances.

Within its adjunct role in the building permitting process, HWWS routinely inspects new construction, remodeling, and additions. All new construction is required to meet IPC 2012 requirements regarding water-conserving plumbing fixtures.

HWWS recognizes that accomplishing the goals and objectives of this Water Conservation Plan may require other conservation measures to be implemented that are not outlined within Plan. As necessary, HWWS will implement other measures to assure compliance with the Plan. Best management practices may include those in the Water Conservation Best Management Practices Guide published in 2004 by the Water Conservation Implementation Task Force (WCITF), or those recommended by the State of Texas' Water Conservation Advisory Council (WCAC). HWWS will review WCITF and WCAC best management practices and consider them for inclusion in future Plans.

Section 20. List of Appendices

Appendix 1 – Utility Profile
Appendix 2 – HWWS CCN
Appendix 3 – HWWS Water Rates
Appendix 4 – City Ordinance Adopting the Water Conservation Plan
Appendix 5 – Water Conservation Plan Submittal Letter to Region M Planning Group
Figure 1 – Wholesale Service Area Map

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: HARLINGEN WATER WORKS SYSTEM

Public Water Supply Identification Number (PWS ID): TX0310002

Certificate of Convenience and Necessity (CCN) Number: 11875

Surface Water Right ID Number: 19, 223-A, 834-A, 840-B, 831-J, 5254

Wastewater ID Number:

Contact: First Name: Samantha Last Name: Perez

Title: Environmental Coordinator

Address: 134 E. Van Buren City: Harlingen State: TX

Zip Code: 78550 Zip+4: Email: [redacted]

Telephone Number: 9564406563 Date: 5/20/2024

Is this person the designated Conservation Coordinator? (•) Yes ( ) No

Regional Water Planning Group: M

Groundwater Conservation District:

Our records indicate that you:

☐ Received financial assistance of $500,000 or more from TWDB

☑ Have 3,300 or more retail connections

☑ Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 69

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2023	88,887	11,912	92,400
2022	84,607	12,253	88,075
2021	75,050	12,284	78,509
2020	66,090	12,215	69,513
2019	65,436	11,251	68,763

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	98,651	13,220	102,550
2040	114,488	15,343	119,013
2050	132,868	17,806	138,120
2060	154,199	20,665	160,293
2070	178,954	23,982	186,027

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

multiplied sewer connections by the average household size of 3 and added to population
Based off of a growth rate of 1.5% per year per the approved Master Plan.

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.
Total System Input = Self-supplied + Imported– Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2023	5,095,505,955	0	598,506,778	4,496,999,177	139
2022	4,982,376,636	0	549,328,462	4,433,048,174	144
2021	4,835,835,836	0	490,877,033	4,344,958,803	159
2020	5,184,164,164	0	481,219,780	4,702,944,384	195
2019	4,400,058,651	0	444,642,527	3,955,416,124	166
Historic Average	4,899,588,248	0	512,914,916	4,386,673,332	160

C. Water Supply System

1. Designed daily capacity of system in gallons 39,000,000

2. Storage Capacity

2a. Elevated storage in gallons: 3,250,000

2b. Ground storage in gallons: _____

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2025	91,574	5,134,209,715
2026	92,947	5,211,222,861
2027	94,341	5,289,391,204
2028	95,757	5,368,732,072
2029	97,193	5,449,263,053
2030	98,651	5,531,001,999
2031	100,131	5,613,967,029
2032	101,633	5,698,176,534
2033	103,157	5,783,649,182
2034	104,704	5,870,403,920

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

Based off a growth rate of 1.5% per year per the approved Master Plan.

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL customers.**

Customer	Water Use Category	Annual Water Use	Treated or Raw
HCISD	Institutional	133,475,900	Treated
Valley Baptist Medical Center	Commercial	79,715,100	Treated
Texas Industrial Service	Industrial	34,003,600	Treated
TSTC	Institutional	33,574,400	Treated
Harlingen Medical Center	Commercial	26,774,500	Treated

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

Customer	Water Use Category	Annual Water Use	Treated or Raw
City of Palm Valley	Municipal	172,873,800	Treated
City of Primera	Municipal	154,011,600	Treated
City of Combes	Municipal	105,744,400	Treated
Military Water Supply Corporation	Municipal	75,313,000	Treated
East Rio Hondo Water Supply Corporation	Municipal	36,698,368	Treated

F. Utility Data Comment Section

Additional comments about utility data.

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	26,135	66.62 %
Residential - Multi-Family	8,166	20.82 %
Industrial	41	0.10 %
Commercial	4,071	10.38 %
Institutional	818	2.09 %
Agricultural	0	0.00 %
Total	39,231	100.00 %

2. Net number of new retail connections by water use category for the previous five years.

	Net Number of New Retail Connections						
Year	**Residential - Single Family**	**Residential - Multi-Family**	**Industrial**	**Commercial**	**Institutional**	**Agricultural**	**Total**
2023	369	7,203	0	50	2	0	7,624
2022	715	37	0	704	132	0	1,588
2021	394	28	0	390	0	0	812
2020	2,136	91	36	583	56	0	2,902
2019	0	19	0	0	331	0	350

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	2,252,693,700	381,688,900	98,210,000	1,104,363,493	106,877,600	0	3,943,833,693
2022	1,895,272,169	379,712,739	102,455,600	822,269,882	312,496,800	0	3,512,207,190
2021	1,877,886,099	348,275,795	101,528,500	818,838,013	281,792,400	0	3,428,320,807
2020	2,081,745,600	374,557,700	112,163,500	622,313,500	465,421,500	0	3,656,201,800
2019	1,806,664,400	362,933,900	108,482,000	660,779,300	488,467,800	0	3,427,327,400

C. Residential Water Use

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

Year	Total Residential GPCD
2023	81
2022	74
2021	81
2020	102
2019	91
Historic Average	86

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	258,500,443	244,360,111	272,486,437	250,751,280	246,224,420
February	270,405,470	222,281,138	279,250,368	257,002,500	235,891,476
March	298,638,680	241,021,347	277,390,009	279,210,540	230,435,040
April	298,609,960	301,048,527	303,765,613	325,039,120	234,913,196
May	252,420,934	327,081,418	312,375,919	334,578,560	274,471,273
June	269,794,728	324,129,452	276,745,178	327,813,320	335,435,500
July	391,873,988	368,788,129	281,389,383	314,586,080	312,713,590
August	402,531,064	382,297,525	269,233,517	335,248,760	370,878,245
September	419,653,737	287,241,566	326,316,805	321,614,660	383,078,271
October	406,123,313	262,647,666	301,967,575	275,081,240	270,161,461
November	414,665,342	304,856,822	275,911,275	319,217,980	270,553,315
December	260,616,034	246,453,489	251,488,734	316,057,760	262,571,613
Total	3,943,833,693	3,512,207,190	3,428,320,813	3,656,201,800	3,427,327,400

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2023	2022	2021	2020	2019
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0
Total	0	0	0	0	0

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2023	1,064,199,780	3,943,833,693
2022	1,075,215,106	3,512,207,190
2021	827,368,078	3,428,320,813
2020	977,648,160	3,656,201,800
2019	1,019,027,335	3,427,327,400
Average in Gallons	992,691,691.80	3,593,578,179.20

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	543,305,900	17	12.08 %
2022	811,733,815	27	20.57 %
2021	817,260,475	30	20.90 %
2020	899,039,759	37	21.01 %
2019	430,781,420	18	10.89 %
Average	700,424,274	26	17.09 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for theprevious five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2023	10,805,023	11567388	1.0706
2022	9,622,485	11687120	1.2146
2021	9,392,659	8993131	0.9575
2020	10,016,991	10626610	1.0609
2019	9,389,938	11076384	1.1796

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	1,982,852,393	66.62 %	55.18 %
Residential - Multi-Family	369,433,806	20.82 %	10.28 %
Industrial	104,567,920	0.10 %	2.91 %
Commercial	805,712,837	10.38 %	22.42 %
Institutional	331,011,220	2.09 %	9.21 %
Agricultural	0	0.00 %	0.00 %

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 10,000,000

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

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	89	0	89	2.16 %
Industrial	43	0	43	1.04 %
Commercial	3,684	0	3,684	89.22 %
Institutional	135	178	313	7.58 %
Agricultural	0	0	0	0.00 %
Total	3,951	178	4,129	100.00 %

3. Percentage of water serviced by the wastewater system: 80.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	143,840,000	148,397,000	135,966,000	151,614,000	147,697,000
February	130,760,000	138,376,000	135,156,000	142,168,000	135,115,000
March	149,234,000	141,794,000	152,055,000	154,497,000	163,893,000
April	146,370,000	145,170,000	144,780,000	143,219,000	158,428,000
May	152,303,000	155,341,000	179,800,000	163,806,000	168,169,000
June	138,240,000	148,950,000	165,570,000	156,897,000	184,134,000
July	144,654,000	151,931,000	220,441,000	191,167,000	178,973,000
August	150,319,000	151,590,000	166,997,000	156,410,000	173,064,000
September	146,280,000	134,580,000	156,300,000	160,399,000	165,061,000
October	146,568,000	147,529,000	160,611,000	147,591,000	164,238,000
November	154,980,000	155,760,000	150,480,000	138,480,000	158,152,000
December	141,360,000	143,964,000	153,946,000	132,122,000	156,308,000
Total	1,744,908,000	1,763,382,000	1,922,102,000	1,838,370,000	1,953,232,000

5. Could treated wastewater be substituted for potable water?

◯ Yes ◉ No

B. Reuse Data

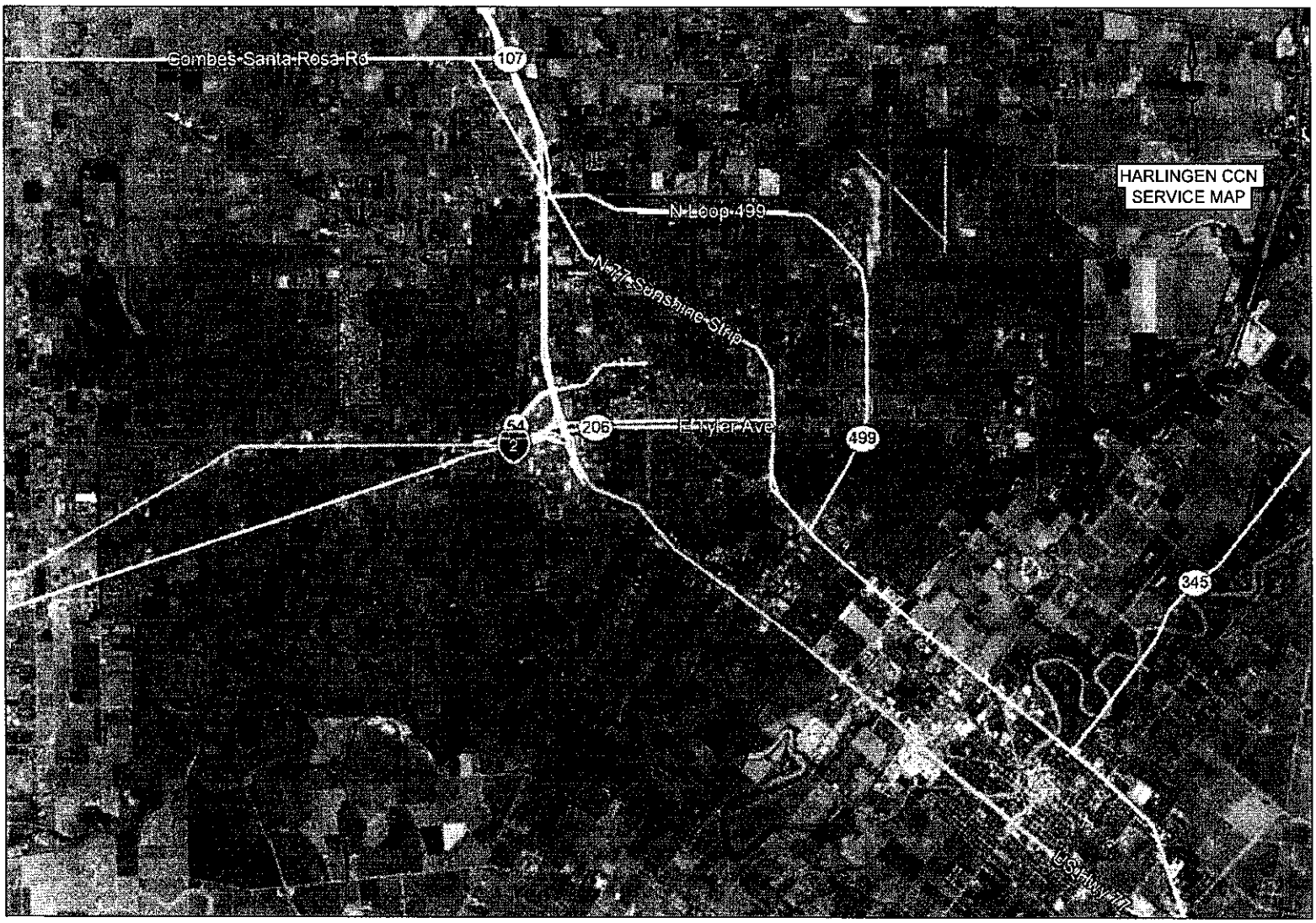
1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	11,183,000
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	150,960,000
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
Total	162,143,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

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


Combes-Santa-Rosa-Rd
107
HARLINGEN CCN
SERVICE MAP
N-Loop-499
N-77-Sunshine-Strip
E-Tyler-Ave
206
499
345
US-Hwy-77

CURRENT RATE SCHEDULE 2024

WATER RATES

RESIDENTIAL AND COMMERCIAL INSIDE CITY LIMITS

CONSUMPTION	5/8"	1"	1 1/2"	2"	3"
FLAT FEE	$ 9.91	$ 13.16	$ 19.85	$ 43.35	$ 65.9

RESIDENTIAL VOLUME RATE PER 1,000 GALLONS

0 TO 3,000	3,001 TO 10,000	10,001 TO 20,000
$ 1.30	$ 1.80	$ 2.55

COMMERCIAL VOLUME RATE PER 1,000 GALLONS

VOLUME CHARGE

RESIDENTIAL AND COMMERCIAL OUTSIDE CITY LIMITS

CONSUMPTION	5/8"	1"	1 1/2"	2"	3"
FLAT FEE	$ 14.87	$ 19.74	$ 29.77	$ 65.02	$ 98.88

RESIDENTIAL VOLUME RATE PER 1,000 GALLONS

0 TO 3,000	3,001 TO 10,000	10,001 TO 20,000
$ 1.95	$ 2.70	$ 3.83

COMMERCIAL VOLUME RATE PER 1,000 GALLONS

VOLUME CHARGE

SEWER RATES

RESIDENTIAL AND COMMERCIAL INSIDE CITY LIMITS

METER SIZE	5/8"	1"	1 1/2"	2"	3"
FLAT FEE	$ 7.73	$ 11.80	$ 26.76	$ 32.21	$ 66.21

VOLUME RATE PER 1,000 GALLONS

VOLUME CHARGE

RESIDENTIAL AND COMMERCIAL OUTSIDE CITY LIMITS

METER SIZE	5/8"	1"	1 1/2"	2"	3"
FLAT FEE	$ 20.50	$ 20.50	$ 40.14	$ 48.32	$ 99.32

VOLUME RATE PER 1,000 GALLONS

VOLUME CHARGE

ORDINANCE NO. 2024-39

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 48 DIVISION 4 SECTIONS 48-144 AND 48-145 OF THE HARLINGEN CITY CODE AS AMENDED TO AMEND DROUGHT CONTINGENCY& EMERGENCY WATER MANAGEMENT PLAN, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

Sec 48-144. Criteria for initiation and termination of drought and emergency response stages.

Drought and emergency response criteria. The general manager shall monitor water supply and/or demand conditions on a weekly basis and, with input from the HWWS board of trustees, shall determine when conditions warrant initiation or termination of each stage of the plan.

The triggering criteria to be considered in the declaration and implementation of each stage of the plan are based on the following set of parameters:

- Percentage of U.S. capacity remaining in the Amistad and Falcon Reservoirs
- Percentage of actual days remaining in the year vs. projected days of water rights remaining
- Percentage of sustained demand vs. total functional treatment capacity
- Failure of critical water conveyance, treatment, or storage infrastructure
- Contamination of raw source water

Initiation. The general manager is authorized to order the implementation of a drought and emergency response stage when one or more of the triggering criteria for the stage are met and shall have discretion not to order such implementation even though one or more of the triggering criteria are met. Factors that could influence such a decision may include, without limitation, the time of year, weather conditions, and the anticipation of replenished water supplies.

For each stage, customers shall be required to comply with the applicable requirements and restrictions on water use when the general manager determines the drought and emergency response for a given stage should be implemented based on consideration of triggering criteria.

STAGE 1 Triggers – Voluntary Water Conservation

- Stage will be implemented when the level of the U.S water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and the Water Commission, reaches 20% of capacity.

STAGE 2 Triggers—MODERATE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 15 percent of U.S. capacity
- Days remaining in the year are more than 80 percent of projected days of water rights remaining
- Three-day average water demand exceeds 90 percent of total functional treatment capacity

STAGE 3 Triggers—SEVERE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 10 percent of U.S. capacity
- Days remaining in the year are more than 90 percent of projected days of water rights remaining
- Three-day average water demand exceeds 95 percent of total functional treatment capacity

STAGE 4 Triggers—EMERGENCY Water Shortage Conditions

- Major water conveyance, pumping, treatment, or storage infrastructure failures occur, which cause unprecedented loss of capability to provide water service
- Natural or man-made contamination of the water supply source
- Combined volume in Amistad and Falcon Reservoirs is below 5 percent of U.S. capacity
- Days remaining in the year are more than 100 percent of projected days of water rights remaining
- One-day water demand exceeds 98 percent of total functional treatment capacity

Termination. The general manager, at his discretion, may order or delay the termination of a drought and emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision may include, without limitation, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought and emergency response stage.

In general, a stage of the plan may be terminated at the general manager's direction based on mitigation or cessation of triggering criteria for that stage, and upon termination, the preceding stage or the applicable response stage based on the triggering criteria, shall become operative

Notification. Customer notification of the initiation or termination of drought and emergency response stages will be made by one or a combination of website postings, email transmissions, automated telephone callouts, or printed notices on customer bills. The news media will also be informed.

Alternative water sources. Upon initiation of the various drought and emergency response stages, HWWS will consider use of appropriate, alternative water sources and/or alternative delivery mechanisms including:

- Purchase of water and delivery through existing interconnections with neighboring systems
- Expanded use of reclaimed water for non-potable purposes

As a drought intensifies, other potential alternative sources will be evaluated.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

Sec. 48-145. Drought and emergency water management response stages.

Upon reaching a triggering criteria indicative of water shortage condition as defined in the plan, the general manager shall implement the following notification procedures:

Notification.

Notification of officials and agencies:

The general manager shall notify directly, or cause to be notified directly, the following individuals and entities:

- HWWS board of trustees
- City manager
- Mayor
- TCEQ (to be notified within five business days of the implementation of any mandatory provisions of the drought contingency and emergency water management plan)
- Fire chief
- Wholesale customers
- Major retail water users
- Critical water users (hospitals, nursing homes, hospice, dialysis centers)

Notification of the public:

The general manager shall notify the public by means of one or more of the following:

- HWWS's website
- Publication in a newspaper of general circulation
- Public service announcements through radio or television news stations
- Signs posted in public places

Best management practices for supply management

Additional measures that may be implemented by HWWS to manage limited water supplies and/or reduce water demand during each stage may include:

1. Minimization of system flushing while maintaining minimum standard disinfection residuals throughout the distribution system.
2. Maximizing and expanding deliveries of reclaimed water for non-potable uses.
3. Engage interconnects with neighboring water systems to maintain regulated minimum system pressure throughout the distribution system.

Stage 1 Response – Voluntary Water Conservation

Target: to achieve a 5% reduction in total water use relative to given month's average for the preceding five years.

Upon Reaching this stage, all customers will be notified by water bill insert and HWWS website notice.

All customers will be requested to voluntarily comply with the following lawn watering schedule;

- Residential addresses ending in an even number (0,2,4,6,8) may water on Wednesdays and Saturdays.
- Residential addresses ending in an odd number (1,3,5,7,9) may water on Thursdays and Sundays.
- All non-residential addresses including apartment complexes, businesses, industries, parks, and schools may water on Tuesdays and Fridays.

STAGE 2 Response—MODERATE Water Shortage Conditions

Target: Achieve a ten percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction

Retail customers. The following water use restrictions shall apply to all persons within HWWS's retail service area:

1. Irrigation of landscaped areas shall be limited to twice per week between the hours of 8:00 p.m. on the designated watering day to 10:00 a.m. the following morning as outlined below except that watering of landscaped areas is permitted at any time if by means of a hand-held hose, a faucet filled bucket, or watering can of five gallons or less, or drip irrigation.
    - Residential addresses ending in an even number (0, 2, 4, 6, 8) may water on Wednesdays and Saturdays.
    - Residential addresses ending in an odd number (1, 3, 5, 7, 9) may water on Thursdays and Sundays.
    - All non-residential addresses including apartment complexes, hotels and motels, mobile home parks, commercial businesses, institutions, industry and manufacturing, and schools may water on Tuesdays and Fridays.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes shall be limited to designated watering days except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may continue under standard permit from HWWS.
6. Use of potable water for the irrigation of golf course greens, tees, and fairways shall be limited to designated watering days. However, if the golf course utilizes a water source other than potable water provided by HWWS, the facility shall not be subject to these regulations.
7. Water customers are requested to practice water conservation and to minimize or discontinue water use for the following non-essential purposes:
    a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
    b. Use of water to wash down buildings or structures or purposes other than immediate fire protection.
    c. Use of water for dust control.
    d. Flushing gutters or permitting water to run or accumulate in any gutter or street.
    e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will request wholesale water customers to initiate measures to reduce non-essential water use in accordance with stage 1 of the plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a twice per week schedule.
2. The general manager will initiate monthly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of curtailment of water deliveries.
3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 3 Response—SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction.

Retail customers. All requirements of stage 2 shall be in effect during stage 3 except:

1. All means of irrigation of landscaped areas shall be limited to once per week between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. the following morning as outlined below.
   - All addresses may water as follows:

Address Ending	Watering Day
1	Sunday
2	Monday
3	Tuesday
4	Wednesday
5, 6	Thursday
7, 8	Friday
9, 0	Saturday

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to weekend days for personal vehicles and to Wednesdays for non-personal, business-related vehicles. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
3. Use of water to fill, refill, or add to an indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued except for the amount necessary for the actual construction of structures.
6. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS. Greens and fairways may be watered only on designated watering days between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. of the following day.
7. The following uses of water are defined as non-essential and are prohibited:
   a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
   b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
   c. Use of water for dust control;
   d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
   e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use in accordance with stage 2 of the plan for retail customers except that

wholesale customers may use a different watering schedule provided that each service address is limited to a once per week schedule.

2. The general manager will further prepare for the implementation of curtailment of water deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 4 Response—EMERGENCY Water Shortage Conditions

Drought conditions target: Achieve a 30 percent or greater reduction in total water use relative to the given month's average for the preceding five years.

Emergency conditions target: Achieve a reduction of water demand sufficient to avoid a drop in system pressure below regulated minimums.

Water use restrictions for reducing demand.

Retail customers. All requirements of stage 3 shall be in effect during stage 4 except:

1. Irrigation of landscaped areas is absolutely prohibited. All outdoor uses of water are prohibited except for the direct need to protect and preserve the health, safety, and welfare of the public.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited except that such washing may be done at any time on the immediate premises of a commercial car wash or commercial service station that recycles water to limit makeup water consumption to a minor fraction of total wash water volume.

3. Use of water to fill, refill, or add to indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited.

4. The watering of golf course tees, fairways, and greens is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS.

5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to protect aquatic life.

6. As deemed necessary, the general manager is authorized to deny any new, additional, expanded, or increased in size water service connections, meters, service lines, pipelines extensions, or water service facilities.

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.

2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems including initiation of additional mandatory measures to reduce non-essential water use in accordance with stage 4 of the plan for retail customers.

3. The general manager may also initiate curtailment of water deliveries in accordance with Texas Water Code, § 11.039. During any period when stage 4 is in effect, the general manager is authorized to curtail wholesale customers' water allocation to 70 percent of that month's average for the prior five-year period.

Wholesale customers exceeding their allocation shall pay the following surcharge on excess water deliveries:

1.25 times the contract rate for first 15 percent over allocation

1.5 times the current rate for the next 15 percent over allocation

2.0 times the current rate for the next 15 percent over allocation

2.5 times the current rate for use more than 45 percent over allocation.

4. If appropriate, notify city, county, and/or state emergency response officials for assistance.

5. Undertake necessary actions, including repairs and/or clean-up as needed.

6. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

PASSED ON FIRST READING, this 21st day of, August 2024.

ADOPTED AND APPROVED UPON SECOND READING, this 4th day of September 2024.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

APPROVED AS TO FORM:

Mark Sossi, City Attorney

Francisco Diaz

From: Jack Cano [redacted]
Sent: Wednesday, August 21, 2024 11:04 AM
To: Francisco Diaz
Subject: RE: Harlingen Waterworks System Drought contingency Plan & Water Conservation Plan

Thank you, Francisco!

Sincerely,

Jack L. Cano
Community & Economic Development Department
Lower Rio Grande Valley Development Council
301 W. Railroad Street
Weslaco, Texas 78596
(956) 682-3481 ext. 116 – office
(956) 682-3295 – Fax
[redacted]
www.lrgvdc.org

From: Francisco Diaz [redacted]
Sent: Wednesday, August 21, 2024 10:51 AM
To: Jack Cano [redacted]
Subject: Harlingen Waterworks System Drought contingency Plan & Water Conservation Plan

Mr. Cano

Attached find our plans

Thank You

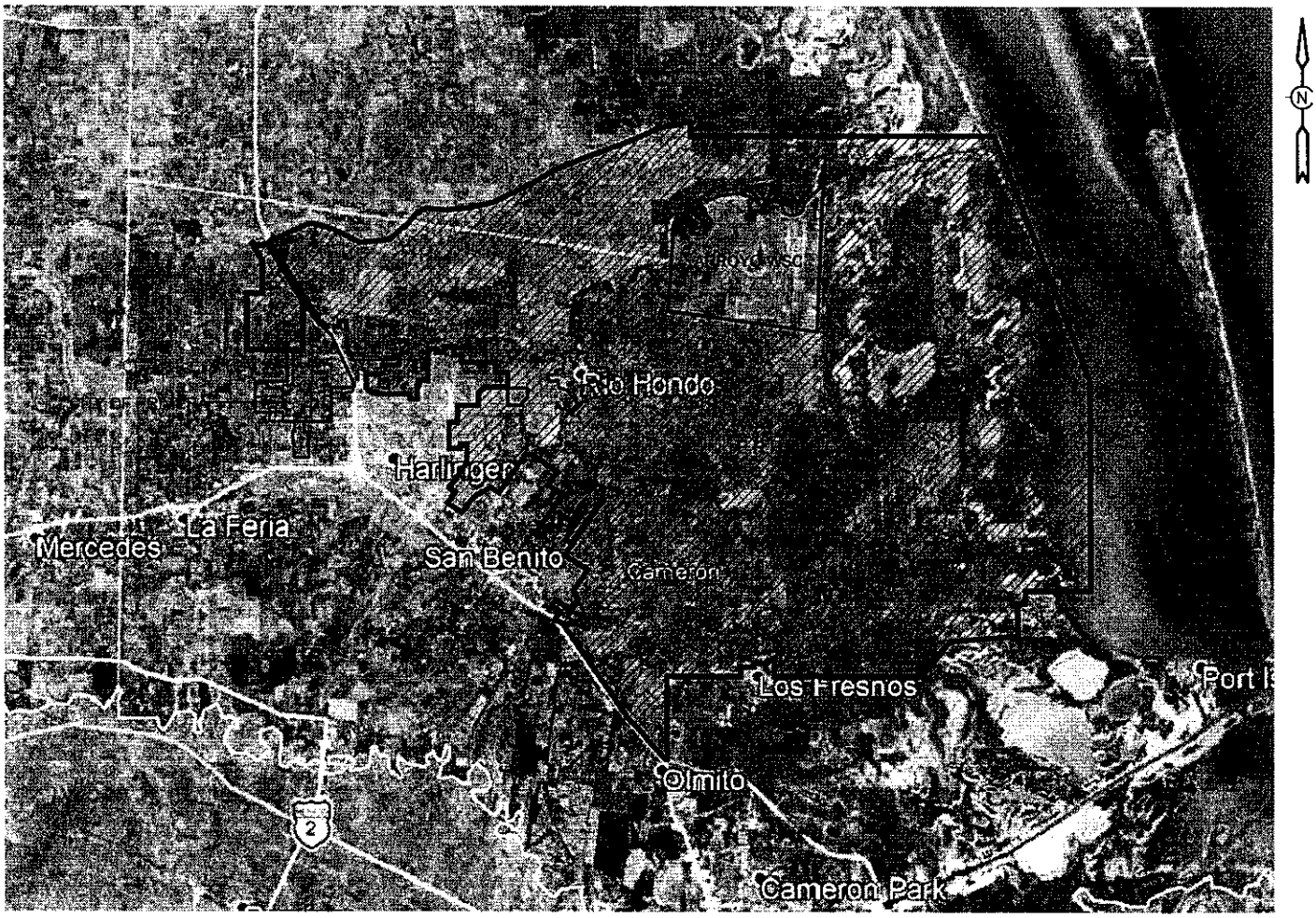
Frank Diaz

Compliance Manager

[redacted]

Office 956-440-6561

"I FIND YOUR LACK OF FAITH DISTURBING" D. V.



WHOLESALE AREAS MAP

HARLINGEN
WATERWORKS
SYSTEM

DROUGHT CONTINGENCY & EMERGENCY WATER MANAGEMENT PLAN

for Retail and Wholesale Water Customers

Adopted: [09/4/2024]

Effective: [09/4/2024]

Table of Contents

Section 1. Declaration of Policy, Purpose, and Intent

This Drought Contingency and Emergency Water Management Plan (the "Plan") has been adopted by Resolution No. R2324-34 of the Harlingen Waterworks System (HWWS) Board of Trustees and by Ordinance No. 2024-39 of the Harlingen City Commission in accordance with the requirements of Title 30 of the Texas Administrative Code Chapter 288.

The purpose of this Plan is to conserve the available water supply and protect the integrity of water supply facilities with particular regard for domestic water use, sanitation, and fire protection and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions.

Unless otherwise indicated, all Sections of this plan shall apply to both retail and wholesale customers of HWWS.

Retail customer water uses regulated or prohibited under this Plan are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in the *Enforcement* section herein.

Section 2. Public Involvement

Opportunity for the public and wholesale water customers to provide input on the Plan was provided at the Harlingen City Commission at a meeting held on September 4, 2024. Input from officials of wholesale customers was also solicited via individual meetings with HWWS officials during September 2024.

Section 3. Public Education/Wholesale Customer Education

HWWS will periodically provide the public and wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought and emergency response measures to be implemented in each stage. When drought and emergency stages are triggered and water use restrictions are implemented, educational information will be provided by means of any one or a combination of public notices, website postings, press releases, and mailings.

HWWS maintains a station at two of its public buildings for distribution of printed educational information on conservation and drought contingency geared for children and adults. Information is available in English and Spanish. Information promoting drought contingency awareness will be included in the Water Quality Report made available to the public on the HWWS website.

HWWS will continue to participate in various community events on an annual basis and will distribute printed information and promotional items on water conservation and drought contingency awareness. Ad hoc educational tours of the water plants will include discussion of the importance and recommended practices for water conservation.

Section 4. Coordination with Regional Water Planning Groups

The service areas of HWWS and its wholesale customers are located within the Rio Grande Region M Planning Group area. HWWS has provided a copy of this adopted Plan to Region M, and a copy of the transmittal letter is presented in Appendix 1.

Section 5. Authorization

The General Manager of HWWS, or his/her appointed designee, (collectively the "General Manager" hereinafter, but only to the extent the designee has express authorization by the General Manager to take the action so delegated), is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 6. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by HWWS. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

The Plan shall apply to Wholesale customers to the extent allowed and enforceable under the terms of current wholesale contracts and State regulation.

Section 7. Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic Water Use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and Institutional Water Use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by HWWS.

Domestic Water Use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even Number Address: street address, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, 8 and locations without addresses.

Industrial Water Use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape Irrigation Use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-Essential Water Use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

a. Irrigation of landscape areas, including parks, athletic fields, and golf course, except otherwise provided under this Plan;

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;

c. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

d. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

e. Flushing gutters or permitting water to run or accumulate in any gutter or street;

f. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

g. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

h. Loss of water because of failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

i. Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd Numbered Address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section 8. Criteria for Initiation and Termination of Drought and Emergency Response Stages

Drought and Emergency Response Criteria. The General Manager shall monitor water supply and/or demand conditions on a weekly basis and, with input from the HWWS Board of Trustees, shall determine when conditions warrant initiation or termination of each stage of the Plan.

The triggering criteria to be considered in the declaration and implementation of each Stage of the Plan are based on the following set of parameters:

- Percentage of US Capacity remaining in the Amistad and Falcon Reservoirs
- Percentage of actual days remaining in the year vs. projected days of water rights remaining
- Percentage of sustained demand vs. total functional treatment capacity
- Failure of critical water conveyance, treatment, or storage infrastructure
- Contamination of raw source water

Initiation. The General Manager is authorized to order the implementation of a drought and emergency response stage when one or more of the triggering criteria for the stage are met, and shall have discretion not to order such implementation even though one or more of the triggering criteria are met. Factors that could influence such a decision may include, without limitation, the time of year, weather conditions, and the anticipation of replenished water supplies.

For each stage, customers shall be required to comply with the applicable requirements and restrictions on water use when the General Manager determines the drought and emergency response for a given stage should be implemented based on consideration of triggering criteria.

STAGE 1 Triggers – Voluntary Water Conservation

- Stage will be implemented when the level of the U.S water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and the Water Commission, reaches 20% of capacity.

STAGE 2 Triggers – MODERATE Water Shortage Conditions

- The combined volume in Amistad and Falcon Reservoirs is below 15% of US capacity.
- Days remaining in the year is more than 80% of projected days of water rights remaining
- 3-day average water demand exceeds 90% of total functional treatment capacity

STAGE 3 Triggers – SEVERE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below10 % of US capacity.
- Days remaining in the year is more than 90% of projected days of water rights remaining
- 3-day average water demand exceeds 95% of total functional treatment capacity

STAGE 4 Triggers – EMERGENCY Water Shortage Conditions

- Major water conveyance, pumping, treatment, or storage infrastructure failures occur, which cause unprecedented loss of capability to provide water service
- Natural or man-made contamination of the water supply source
- Combined volume in Amistad and Falcon Reservoirs is below 5% of US capacity.
- Days remaining in the year are more than 100% of projected days of water rights remaining
- 1-day water demand exceeds 98% of total functional treatment capacity

Termination. The General Manager, at his discretion, may order or delay the termination of a drought and emergency response stage even though the conditions for termination of the stage are

met. Factors which could influence such a decision may include, without limitation, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought and emergency response stage.

In general, a stage of the Plan may be terminated at the General Manager's direction based on mitigation or cessation of triggering criteria for that stage, and upon termination, the preceding stage or the applicable response stage based on the triggering criteria, shall become operative.

Notification. Customer notification of the initiation or termination of drought and emergency response stages will be made by one or a combination of website postings, email transmissions, automated telephone callouts, or printed notices on customer bills. The news media will also be informed.

Alternative Water Sources. Upon initiation of the various drought and emergency response stages, HWWS will consider use of appropriate, alternative water sources and/or alternative delivery mechanisms including:

- Purchase of water and delivery through existing interconnections with neighboring systems
- Expanded use of reclaimed water for non-potable purposes

As a drought intensifies, other potential alternative sources will be evaluated.

Section 9. Drought and Emergency Water Management Response Stages

Upon reaching a triggering criteria indicative of water shortage condition as defined in the Plan, the General Manager shall implement the following notification procedures:

Notification

Notification of Officials and Agencies:

The General Manager shall notify directly, or cause to be notified directly, the following individuals and entities:

- HWWS Board of Trustees
- City Manager
- Mayor
- TCEQ (to be notified within five business days of the implementation of any mandatory provisions of the Drought Contingency and Emergency Water Management Plan)
- Fire Chief
- Wholesale customers
- Major retail water users
- Critical water users (hospitals, nursing homes, hospice, dialysis centers)

Notification of the Public:

The General Manager shall notify the public by means of one or more of the following:

- HWWS's website

- Publication in a newspaper of general circulation
- Public service announcements through radio or television news stations
- Signs posted in public places
-

Best Management Practices for Supply Management

Additional measures that may be implemented by HWWS to manage limited water supplies and/or reduce water demand during each stage may include:

1. Minimization of system flushing while maintaining minimum standard disinfection residuals throughout the distribution system.
2. Maximizing and expanding deliveries of reclaimed water for non-potable uses.
3. Engage interconnects with neighboring water systems to maintain regulated minimum system pressure throughout the distribution system.

Stage 1 Response – Voluntary Water Conservation

Target: to achieve a 5% reduction in total water use relative to given month's average for the preceding five years.

Upon Reaching this stage, all customers will be notified by water bill insert notice and HWWS website notice.

All customers will be requested to voluntarily comply with the following lawn watering schedule;

- Residential addresses ending in an even number (0,2,4,6,8) may water on **Wednesdays** and **Saturdays**.
- Residential addresses ending in an odd number (1,3,5,7,9) may water on **Thursdays** and **Sundays**.
- All non-residential addresses including apartment complexes, businesses, industries, parks, and schools may water on **Tuesdays** and **Fridays**.

STAGE 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a 10% reduction in total water use relative to the given month's average for the preceding five years.

Water Use Restrictions for Demand Reduction

Retail Customers. The following water use restrictions shall apply to all persons within HWWS's retail service area:

1. Irrigation of landscaped areas shall be limited to *twice per week* between the hours of 8:00 pm on the designated watering day to 10:00 am the following morning as outlined below except that watering of landscaped areas is permitted at any time if by means of a hand-held hose, a faucet filled bucket, or watering can of five gallons or less, or drip irrigation.
   - Residential addresses ending in an even number (0,2,4,6,8) may water on **Wednesdays** and **Saturdays**.
   - Residential addresses ending in an odd number (1,3,5,7,9) may water on **Thursdays** and **Sundays.**
   - All non-residential addresses including apartment complexes, businesses, industries, parks, and schools may water on **Tuesdays** and **Fridays.**
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes shall be limited to designated watering days except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may continue under standard permit from HWWS.
6. Use of potable water for the irrigation of golf course greens, tees, and fairways shall be limited to designated watering days. However, if the golf course utilizes a water source other than potable water provided by HWWS, the facility shall not be subject to these regulations.
7. Water customers are requested to practice water conservation and to minimize or discontinue water use for the following non-essential purposes:
   a. Wash down of any sidewalks, walkways, driveways parking lots, tennis courts, or other hard-surfaced areas.
   b. Use of water to wash down buildings or structures or purposes other than immediate fire protection.
   c. Use of water for dust control.
   d. Flushing gutters or permitting water to run or accumulate in any gutter or street.

e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Wholesale Customers. The following actions shall be taken with regard to wholesale customers:

1. The General Manager will request wholesale water customers to initiate measures to reduce non-essential water use in accordance with Stage 1 of the Plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a twice per week schedule.
2. The General Manager will initiate monthly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of curtailment of water deliveries.
3. The General Manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 20% reduction in total water use relative to the given month's average for the preceding five years.

Water Use Restrictions for Demand Reduction.

Retail Customers. All requirements of Stage 1 shall be in effect during Stage 2 except:

1. All means of irrigation of landscaped areas shall be limited to *once per week* between the hours of 8:00 pm on the designated watering day to 8:00 am the following morning as outlined below.
   - Residential addresses may water as follows:

Address Ending	Watering Day
0, 2	**Wednesday**
1, 3, 5	**Thursday**
4, 6, 8	**Saturday**
7, 9	**Sunday**

   - Apartment complexes, businesses, governmental, and parks may water on **Mondays**
   - Industries (manufacturing), institutions, recreational, and schools may water on **Tuesdays**.
2. The use of hose-end sprinklers is prohibited.

3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
4. Use of water to fill, refill, or add to an indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools shall be limited to designated watering days.
5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
6. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued except for the amount necessary for the actual construction of structures.
7. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS. Greens and fairways may be watered only on designated watering days between the hours of 8:00 pm on the designated watering day to 8:00 am of the following day.
8. The following uses of water are defined as non-essential and are prohibited:
    a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
    b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    c. Use of water for dust control;
    d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
    e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Wholesale Customers. The following actions shall be taken with regard to wholesale customers:

1. The General Manager will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use in accordance with Stage 2 of the Plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a once per week schedule.
2. The General Manager will further prepare for the implementation of curtailment of water deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.
3. The General Manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and

demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 4 Response – EMERGENCY Water Shortage Conditions

Drought Conditions Target: Achieve a 30% or greater reduction in total water use relative to the given month's average for the preceding five years.

Emergency Conditions Target: Achieve a reduction of water demand sufficient to avoid a drop in system pressure below regulated minimums.

Water Use Restrictions for Reducing Demand

Retail Customers. All requirements of Stage 2 shall be in effect during Stage 3 except:

1. Irrigation of landscaped areas is absolutely prohibited. All outdoor uses of water are prohibited except for the direct need to protect and preserve the health, safety, and welfare of the public.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.
3. Use of water to fill, refill, or add to indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited.
4. The watering of golf course tees, fairways, and greens is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS.
5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to protect aquatic life.
6. As deemed necessary, the General Manager is authorized to deny any new, additional, expanded, or increased in size water service connections, meters, service lines, pipelines extensions, or water service facilities.

Wholesale Customers. The following actions shall be taken with regard to wholesale customers:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems including initiation of additional mandatory measures to reduce non-essential water use in accordance with Stage 3 of the Plan for retail customers.
3. The General Manager may also initiate curtailment of water deliveries in accordance with Texas Water Code, §11.039. During any period when Stage 3 is in effect, the General Manager is authorized to curtail wholesale customers' water allocation to 70 percent of that month's average for the prior five-year period.

Wholesale customers exceeding their allocation shall pay the following surcharge on excess water deliveries:

1.25 times the contract rate for first 15% over allocation

1. 5 times the current rate for the next 15% over allocation

2.0 times the current rate for the next 15% over allocation

2.5 times the current rate for use more than 45% over allocation

4. If appropriate, notify city, county, and/or state emergency response officials for assistance.
5. Undertake necessary actions, including repairs and/or clean-up as needed.
6. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section 10. Contract Provisions for Wholesale Customers

HWWS will include a provision in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Section 11. Enforcement

Retail Customers Only

Mandatory water use restrictions, curtailment, or pro rata allocation of available water supplies may be imposed during drought and emergency response stages. These water use restrictions will be enforced by warnings and penalties as follows:

1. On the first violation, customers will be notified by written notice that they have violated the mandatory water use restriction.
2. If the first violation recurs or has not been corrected after ten (10) days from the written notice, HWWS may assess a fine up to $200 per violation.
3. HWWS maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citations.
4. Subsequent violations of the Plan shall result in increased fines up to a maximum of 1,000 dollars or upon the occurrence of three (3) violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of unpaid fines, disconnection and reconnection fees, and any other costs incurred by the utility in discontinuing service.

Section 12. Variances

Retail Customers

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

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

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with HWWS within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager and shall include the following:

a. Name and address of the petitioner(s).

b. Purpose of water use.

c. Specific provision(s) of the Plan from which the petitioner is requesting relief.

d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

e. Description of the relief requested.

f. Period of time for which the variance is sought.

g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

h. Other pertinent information.

Wholesale Customers

The General Manager may, in writing, grant a temporary variance to the curtailment or pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

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

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within five (5) days after curtailment or pro rata allocation

has been invoked. All petitions for variances shall be reviewed by the HWWS Board of Trustees and shall include the following:

a. Name and address of the petitioner(s)

b. Detailed statement with supporting data and information as to how the curtailment or pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

c. Description of the relief requested.

d. Period of time for which the variance is sought.

e. Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

f. Other pertinent information.

Variances granted by the HWWS Board of Trustees shall be subject to the following conditions, unless waived or modified by the Board:

a. Variances granted shall include a timetable for compliance.

b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 13. Severability

It is hereby declared to be the intention of the HWWS Board of Trustees and the Harlingen City Commission 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 judgement 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 Harlingen City Commission without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 14. Plan Review and Update

HWWS will review and update the Plan by May 1, 2029 and every five years thereafter to coincide with planning efforts of the Region M Water Planning Group.

Section 15. List of Appendices

Appendix 1 – City Ordinance Adopting the Drought Contingency and Emergency Water Management Plan