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March 26, 2024

Via e-Filing: WRPT@TCEQ.Texas.gov

cc: Texas Commission on Environmental Quality (“**TCEQ**”)
Central Office, MC-160
P.O. Box 13088
Austin, TX 78711-3088

RE: Olmito Water Supply Corporation - CN600657548, RN102721081
Application to Sever 100 A/F Municipal Water Rights from COA 23-829
and Combine with COA 23-841; Change of Place of Use; and
Change Point(s) of Diversion
Rio Grande, Rio Grande River Basin, Cameron County, Texas

Dear Sirs:

Included herein please find this firm’s check representing the \$212.50 TCEQ fee for processing Olmito Water Supply Corporation’s application to **Sever and Combine** the referenced water rights. Olmito Water Supply Corporation’s **Worksheet 8.0 Calculation of Fees** is included herein.

By copy of this letter, the original application to Sever and Combine has been forwarded to Water Rights Permitting & Availability Section - MC- 160, Water Permits & Resource Management Division, to request that TCEQ update its ownership records of surface water rights to: (1) sever the 100.00 acre-feet of Municipal water rights for Irrigation use from COA 23-829 and combine with Olmito Water Supply Corporation’s COA 23-841; change the place(s) of use and point(s) of diversion to those reflected in Olmito Water Supply Corporation’s COA 23-841.

Please evidence your receipt of this request. If you have any questions regarding this request or the documents enclosed, please contact me. Your assistance in this matter is most appreciated.

Very truly yours,

Richard W. Fryer

Richard W. Fryer

cc: Water Rights Permitting & Availability Section - MC- 160
Water Permits & Resource Management Division
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

COVER LETTER

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1. Summary of Request;
2. Administrative Checklist 10214B;
3. Copy of Certificate of Good Standing
4. Technical Information Report 10214C;
5. Copy of Conveyance of Water Rights into Olmito WSC
6. Copy of TCEQ's letter/order/or memorandum reflecting approval of Change of Ownership (with attachments, if applicable);
7. Copy of WSC's Drought Contingency Plan (w/copy of Drought Contingency Projections);
8. Copy of Water Conservation Plan (w/copy of utility profile); and
9. Resolution authorizing signer's signature

1. Summary of Request

SUMMARY OF REQUEST

Pursuant to the Texas Water Code and the Commission's Rules and Regulations, Olmito Water Supply Corporation, a water supply corporation of Cameron County, Texas, (hereinafter called Applicant), hereby requests the Commission to change the place of use and point of diversion of the right to divert up to a maximum of 100 acre feet of municipal use water rights from the Rio Grande, hereinafter referred to as the Water Rights, and as grounds for this Application, Applicant would state as follows:

1. Cameron County Irrigation District No. 6 conveyed 100.00 acre-feet of municipal use water rights to Olmito Water Supply Corporation from Certificate of Adjudication No. 23-829 by one (1) Conveyance of Water Rights. TCEQ has approved the Change of Ownership and a copy of the recorded Conveyance and the TCEQ approval are included herein.

2. The existing purpose of the Water Rights is for municipal purposes. Applicant will utilize the allocated water under the Water Rights for municipal purposes and, therefore, a change in purpose of use is not required.

3. A. The existing place of use of said Water Rights of Applicant is in Cameron County, Texas.

B. The proposed new place of use of the Water Rights is within the service area of Applicant in Cameron County, Texas, as it presently exists, or as it is hereafter changed.

4. The proposed new diversion point is the diversion point of Applicant maintained in association with Certificate of Adjudication No. 23-841, as amended, owned by Olmito Water Supply Corporation. The location of this diversion point is through the pumping facilities of Cameron County Irrigation District No. 6, located on the left, or north, bank of the Rio Grande at Latitude 25.948167° N, Longitude 97.565531° W, and also being S 52 °, 30' E, 17,850 feet from the southwest corner of the Jose S. de la Garza (Espiritu Santo) Grant, Abstract No. 2, approximately 5.5 miles northwest of Brownsville, Cameron County, Texas; the diversion point being well known to the Rio Grande Water Master and described in the Commission records.

5. Applicant states that the change in point of diversion and place of use, as requested herein, does not contemplate an increased consumptive use of water or rate of diversion which would harm any other existing water rights holders on the Rio Grande below Amistad and Falcon Reservoirs; and will not prejudice any other water rights holder on the Rio Grande below Amistad Reservoir.

6. Applicant has submitted the required fees.

7. The conversion/purchase of surface water rights is listed as a recommended water management strategy in the 2021 Region M Water Plan. The application is consistent with the 2021 Region M Water Plan and the 2022 State Water Plan.

2. Administrative Checklist 10214B;

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): Olmito Water Supply Corporation

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

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

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

Sever 100 acre-feet of Municipal use water rights from Certificate of Adjudication No 23-829 and combine with Olmito Water Supply Corporation's Certificate of Adjudication No. 23-841; change place of use and point of diversion to the existing diversion points of Olmito Water Supply Corporation's Certificate of Adjudication No. 23-841, as amended, as further described in Summary of Request attached hereto.

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?

Olmito Water Supply Corporation

(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: .600657548 (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: Margarita G. Tapia

Title: President

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

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: Olmito Water Supply Corporation

Mailing Address: P. O. Box 36

City: Olmito State: Texas ZIP Code: 78575

Indicate an X next to the type of Applicant:

Individual Sole Proprietorship-D.B.A.

Partnership Corporation

Trust Estate

Federal Government State Government

County Government City Government

Other Government Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 174159554 SOS Charter (filing) Number: 23246201

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: Richard W. Fryer

Title: Attorney

Organization Name: Fryer & Hansen, PLLC

Mailing Address: 1352 W. Pecan Blvd.

City: McAllen State: Texas ZIP Code: 78501

Phone Number: (956) 686-6606

Fax Number: (956) 686-6601

E-mail Address: 

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

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

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

First and Last Name: N/A

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number: N/A Amount past due: N/A

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

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

Enforcement order number: N/A Amount past due: N/A

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** Yes

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Margarita G. Tapia, President of Olmito Water Supply Corporation
(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.

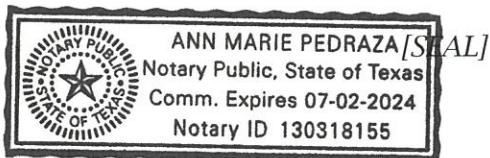
Signature: *Margarita Tapia* Date: 2/9/24
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 9th day of February, 2024.

My commission expires on the 2nd day of July, 2024.

Ann Marie Pedraza
Notary Public
APDRAZA
Cameron
County, Texas



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



3. Copy of Certificate of Good Standing



Franchise Tax Account Status

As of : 01/22/2024 14:51:58

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

OLMITO WATER SUPPLY CORPORATION	
Texas Taxpayer Number	17415955453
Mailing Address	PO BOX 36 OLMITO, TX 78575-0036
? Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	03/09/1967
Texas SOS File Number	0023246201
Registered Agent Name	LAWYER'S AID SERVICE, INC.
Registered Office Street Address	505 WEST 15TH STREET AUSTIN, TX 78701

4. Technical Information Report 10214C;

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: March 8, 2023

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? **Y / NN** _____
- 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 / NN** _____ (If yes, indicate the Certificate or Permit number: N/A)

*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 / NN** N/A*

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 23-841

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

List of water rights to sever	Combine into this ONE water right
ADJ 23-809	23-841

- 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 / NN _____

*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 / NN _____

*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 / NY _____
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 / NY _____
If yes, submit:

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

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

*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 / NN_____ *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/NN_____

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 / NN_____

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 / NN_____

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 / NN_____

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 / NN_____

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

Worksheets and information:

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

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

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

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

Applicant is located within the Region M Planning Group. This Application is consistent with the 2022 State Water Plan which supports Applicant's acquisition of additional water rights, including those available through urbanization. The Applicant's need for additional water rights are discussed in the 2022 Region M Water Plan as a water management strategy. The plan is consistent with this 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 ^N_____

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

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. 78575.

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**
		Municipal	Hidalgo County	Cameron County

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

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

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

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- 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 ^N_____

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

Rio Grande, Hidalgo County, Texas

- a. Provide the Basin of Origin. _____
80 A/F Class "A"
- 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:
Rio Grande, Cameron County, Texas

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/NY
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/NN
- 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/NNY
- 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/NNY

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

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

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

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

WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 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), and the 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. N/A Diversion Point No.
2. N/A Upstream Limit of Diversion Reach No.
3. N/A Downstream Limit of Diversion Reach No.

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

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

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

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

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

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

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** / NN/A _____

If yes, the drainage area is N/A _____ 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): N/A
- b. Zip Code: N/A
- c. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, N/A County, Texas.

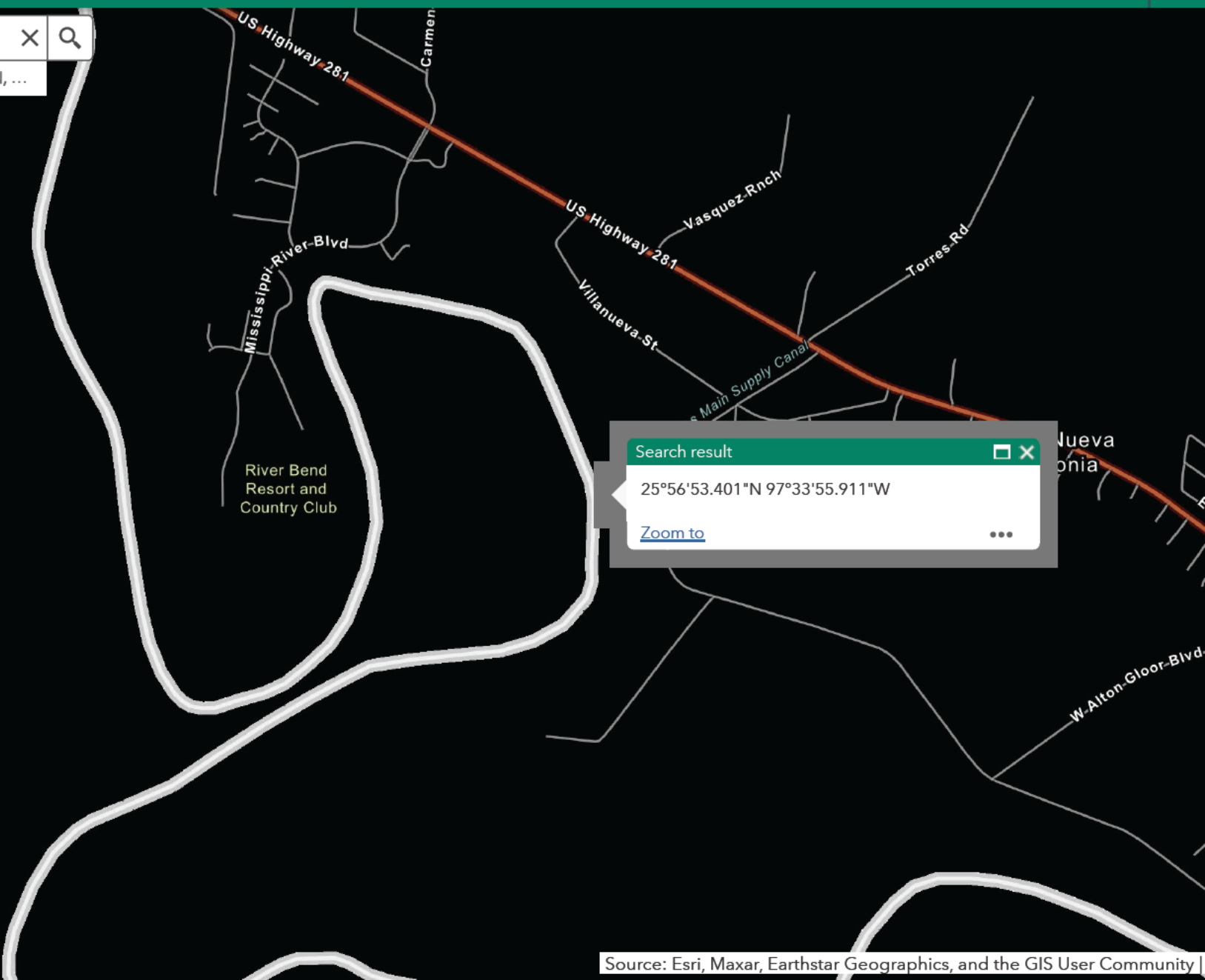
A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

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

- d. Point is at: Latitude N/A°N, Longitude N/A°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): N/A
- 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.



25.948167N, 97.565531W X Q
Show search results for 25.948167N, ...



River Bend
Resort and
Country Club

Search result □ ✕

25°56'53.401"N 97°33'55.911"W

[Zoom to](#) ⋮

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0.3mi
-97.586 25.951 Degrees



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/gwdbbrpt.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: 23246201

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 maps submitted 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. Y Municipal Use. See 30 TAC § 288.2. **
2. N Industrial or Mining Use. See 30 TAC § 288.3.
3. N Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. N Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

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:
- Y
 - 1. _____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 - N
 - 2. _____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 - N
 - 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 / NY_____

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 (\$) . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

5. Copy of Conveyance of Water Rights into Olmito WSC

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WATER RIGHTS CONVEYANCE

Date: January 6, 2023

Grantor: CAMERON COUNTY IRRIGATION DISTRICT NO. 6

Grantor's Mailing Address: P.O. Box 295, Los Fresnos, Cameron County, Texas 78566

Grantee: OLMITO WATER SUPPLY CORPORATION

Grantee's Mailing Address: P.O. Box 36, Olmito, Cameron County, Texas 78575

Consideration:

The sum of **TEN AND NO/100THS DOLLARS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Water Rights:

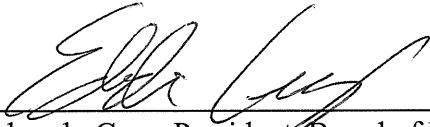
The right to divert and use a maximum of up to 100 acre-feet of water per annum from the Rio Grande River for municipal use purposes with a municipal use priority allocation, being water rights owned by GRANTOR out of the water rights evidenced by Certificate of Adjudication No. 23-829 (the "Water Rights").

Exception and Reservation: GRANTOR reserves and retains the right to divert and take from the Rio Grande River the water authorized to be diverted by the Water Rights for delivery to GRANTEE, or its successors.

GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, subject to the above Exception and Reservation, all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to GRANTEE and GRANTEE's successors, and assigns forever. GRANTOR binds GRANTOR and GRANTOR's successors to warrant and forever defend all and singular the title to the Water Rights, to GRANTEE and GRANTEE's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights (TCEQ), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ.

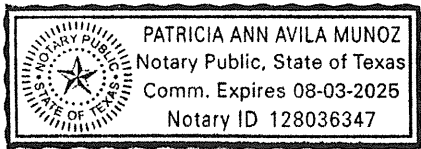
CAMERON COUNTY IRRIGATION DISTRICT NO. 6

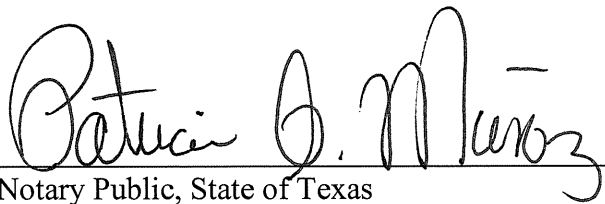
By: 
Juan Eduardo Cruz, President, Board of Directors

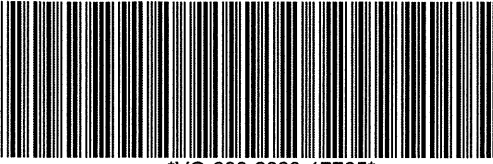
STATE OF TEXAS §

COUNTY OF CAMERON §

This instrument was acknowledged before me on this 6th day of January 2023, by Juan Eduardo Cruz, President of the Board of Directors of Cameron County Irrigation District No. 6, to certify which witness my hand and seal of office.




Notary Public, State of Texas



VG-833-2023-17765

**Cameron County
Sylvia Garza-Perez
Cameron County Clerk**

Instrument Number: 2023-17765

Real Property Recordings

Recorded On: May 22, 2023 10:36 AM

Number of Pages: 3

" Examined and Charged as Follows: "

Total Recording: \$40.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

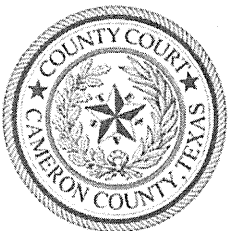
File Information:

Document Number: 17765
Receipt Number: 20230522000055
Recorded Date/Time: May 22, 2023 10:36 AM
User: Ivonne R
Station: CCLERK18_07

Record and Return To:

LAW OFFICES OF GLENN JARVIS
1801 SOUTH SECOND ST SUITE 550

MCALLEN TX 78503



**STATE OF TEXAS
Cameron County**

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Cameron County, Texas

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

6. Copy of TCEQ's letter/order/or memorandum reflecting approval of Change of Ownership (with attachments, if applicable)

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 19, 2023

Richard W. Fryer, Attorney
Fryer & Hansen, PLLC
1352 W Pecan Blvd.
McAllen, TX 78501-4352

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-829

Dear Mr. Fryer:

This acknowledges receipt on August 30, 2023, of the Surface Water Rights Change of Ownership request and fees in the amount of \$100 (Voucher No. 658747).

TCEQ Change of Ownership Memorandum attached.

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

Sincerely,

Ariel Black

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

Attachment

cc: Rio Grande Watermaster's Office

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** September 19, 2023
Thru: SD Sandra Douglas, Team Leader **Certificate of Adjudication No.** 23-829
Water Rights Compliance Assurance Team
From: Ariel Black, Project Manager **Source County:** Val Verde, Kinney, Maverick,
Water Rights Compliance Assurance Team Webb, Zapata, Starr, Hidalgo,
and Cameron
Subject: Change of Ownership **Source Basin:** Rio Grande
Add: East Rio Hondo Water Supply Corporation, as part-owner

Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	08/22/2023	31568

The change of ownership application and \$100 recording fee (Voucher No. 658747) were received on August 30, 2023. The review of the application was completed on September 19, 2023. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Cameron County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. Cameron County Irrigation District No. 6
PO Box 295
Los Fresnos, TX 78566-0295
2. Olmito Water Supply Corporation
PO Box 36
Olmito, TX 78575-0036
3. Cameron County Drainage District No. 1
3510 Old Port Isabel Rd.
Brownsville, TX 78526-9553
4. East Rio Hondo Water Supply Corporation
PO Box 621
Rio Hondo, TX 78583-0621

The owners of record have been updated as follows:

Authorization 1: Diversion of 48,398.522 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, in Cameron County, and for mining purposes in Val Verde, Kinney, Maverick, Dimmit, Webb, Zapata, Starr, Hidalgo, Willacy, and Cameron counties.

Owner Name	Amount	Purpose
Cameron County Irrigation District No. 6	48,398.522 ac-ft	Agricultural & Mining

Authorization 2: Diversion of 20 acre-feet of Municipal Priority water per year from the Rio Grande, for industrial purposes, in Cameron County.

Owner Name	Amount	Purpose
Cameron County Irrigation District No. 6	20 ac-ft	Industrial

Authorization 3: Diversion of 208 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in Cameron County.

Owner Name	Amount	Purpose
Cameron County Irrigation District No. 6	208 ac-ft	Municipal

Authorization 4: Diversion of 100 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in Cameron County.

Owner Name	Amount	Purpose
Olmito Water Supply Corporation	100 ac-ft	Municipal

Authorization 5: Diversion of 62.5 acre-feet of Class A water per year from the Rio Grande, for agricultural purposes, in Cameron County.

Owner Name	Amount	Purpose
Cameron County Drainage District No. 1	62.5 ac-ft	Agricultural

Authorization 6: Diversion of 87.5 acre-feet of Municipal Priority water per year from the Rio Grande, for municipal purposes, in Cameron County.

Owner Name	Amount	Purpose
East Rio Hondo Water Supply Corporation	87.5 ac-ft	Municipal

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

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

Ariel Black

Ariel Black

**7. Copy of WSC's Drought
Contingency Plan**

**(w/copy of Drought Contingency
Projections)**

OLMITO WATER SUPPLY CORPORATION

Drought Contingency Plan

Section I: Declaration of Policy, Purpose and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities with 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, the Olmito Water Supply Corporation hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency 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 Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Olmito WSC by inviting the public to participate and to present suggestions during the Regular Board Meetings of October 2018 through January 2019. The invitation was listed on the posted meetings agendas and the Olmito WSC website.

Section III: Public Education

Olmito WSC will periodically provide the public 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 response measures to be implemented in each stage. This information will be provided by means of press releases in the local newspaper, the Corporation's website, customer hand-outs and public meetings.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Olmito WSC is located within the Texas Water Development Board Water Planning Area Region M. The Olmito WSC has provided a copy of this Plan to the Texas Water Development Board and the Lower Rio Grande Development Council (Rio Grande Regional Water Planning Group Region M).

Section V: Authorization

The General Manager or his/her designee 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 and to initiate and terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this plan shall apply to all persons, customers and property utilizing water provided by the Olmito WSC. The terms “person” and “customer” as used in the Plan include individuals, partnerships, associations and all other legal entities.

Section VII: 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 consumptions of water, reduce the loss or waste 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 Olmito Water Supply Corporation.

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 addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 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 neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, 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) 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.

Section VIII: Criteria for Initiation and Termination for Drought Response Stages

The General Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified triggers are reached. The triggering criteria described below are based on triggering criteria/trigger levels based on a statistical analysis of the vulnerability of the water source under drought of record conditions.

Stage 1 Triggers - MILD Water Shortage Conditions

Requirements for Initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when the water levels at the U.S. water storage in Amistad and the Falcon Reservoirs, as defined by the International Boundary Commission, decrease to 51% of capacity.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the water levels at the U.S. water storage in Amistad and the Falcon Reservoirs, as defined by the International Boundary Commission, decrease to 25% of capacity.

Requirements of Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers - SEVERE Water Shortage Conditions

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the water levels at the U.S. water storage in Amistad and the Falcon Reservoirs, as defined by the International Boundary Commission, decrease to 15% of capacity.

Requirements of Termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days. Upon termination of stage 3, Stage 2 becomes operative.

Stage 4 Triggers - CRITICAL Water Shortage Conditions

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the water levels at the U.S. water storage in Amistad and the Falcon Reservoirs, as defined by the International Boundary Commission, decrease to 10% of capacity.

Requirements for Termination

Stage 4 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers - EMERGENCY Water Shortage Conditions

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the General Manager or his/her designee determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or as determined by the following:
 - Olmito WSC Board of Directors
 - County Emergency Management Coordinator(s)
 - County Judge & Commissioners
 - Texas Commission on Environmental Quality

Requirements for Termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

Stage 6 Triggers--Water Allocation

Requirements for Initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for stage 5 of this Plan when water shortages occur due to system failure.

Requirements for Termination

Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

Section IX: Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The General Manager or his/her designee shall notify the public by means of the following activities.

1. Publication in a newspaper of general circulation
2. Direct mail to each customer
3. Public service announcements
4. Signs posted in public places

Additional Notification:

The General Manager or his/her designee shall notify directly the following individuals and entities:

1. Fire Chief(s)
2. County Emergency Management Coordinator(s)
3. TCEQ (required when mandatory restrictions are imposed)
4. Major water users
5. Critical water users (i.e. hospitals)
6. Parks and public facilities managers

Water customers shall be notified to reduce or discontinue the irrigation of public landscaped areas, use an alternative water supply source and use reclaimed water for non-potable purposes.

Stage 1 Response---MILD Water Shortage Conditions

Target: Achieve a voluntary five (5) percent reduction in daily water demand.

Best Management Practices for Supply Management:

The Olmito WSC will reduce or discontinue the flushing of water mains, use an alternative water supply source and use reclaimed water for non-potable purposes.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the Olmito WSC shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response--MODERATE Water Shortage Conditions

Target: Achieve a five (5) percent reduction of daily water demand.

Best Management Practices for Supply Management:

The Olmito WSC will reduce or manage water demand by reducing water flushing techniques and reducing the irrigation of landscaped areas.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rises. 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.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from 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 be allowed under special permit from the Olmito WSC.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Olmito WSC, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 - 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response--SEVERE Water Shortage Conditions

Target: Achieve a five (5) percent reduction in daily water demand.

Best Management Practices for Supply Management:

The Olmito WSC will implement measures to manage limited water supplies and reduce water demand by discontinuing the irrigation of landscaped areas, making use of an alternative water supply source and using reclaimed water for non-potable purposes.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during stage 3 except:

- (a) Irrigation of landscaped areas shall be limited designed watering days between the hours

of 12:00 midnight and 11:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by Olmito WSC.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued

Stage 4 Response--CRITICAL Water Shortage Conditions

Target: Achieve a five (5) percent reduction of daily water demand.

Best Management Practices for Supply Management:

The Olmito WSC will implement the following water use restrictions to reduce daily water demand.

Water Use Restrictions for Reducing Demand: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operational of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased- in- size water service connections, meters, service lines pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response--EMERGENCY Water Shortage Conditions

Target: Achieve a five (5) percent reduction of daily water demand.

Best Management Practices for Supply Management:

The Olmito WSC will implement the following water use restrictions for reducing demand.

Water Use Restrictions for Reducing Demand: All requirements of stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) Use of water from hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare and for construction purposes under special permit from the Olmito WSC.

Stage 6 Response--WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to allocate to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. Persons per household include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the Olmito WSC of a greater number of persons per household on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the Olmito WSC office to

complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the General Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Olmito WSC on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Olmito WC in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the Olmito WSC of a reduction in the number of person in a household shall be fined not less than \$100.

Residential water customers shall pay following surcharges:

- \$5 for the first 1,000 gallons over allocation.
- \$10 for the second 1,000 gallons over allocation.
- \$15 for the third 1,000 gallons over allocation.
- \$20 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the Olmito WSC of a greater number on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Olmito WSC office to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the General Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the Olmito WSC in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by master meter or fails to timely notify the Olmito WSC of a reduction in the number of person in a household shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$5 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit
- \$10 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$15 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$20 thereafter, for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for the corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer, 75 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 5,000 gallons. The General Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Olmito WSC to determine the allocation. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one non-residential customer agrees to transfer part of its allocation to another nonresidential customer, (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the General Manager. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 1,000 gallons through 10,000 gallons per month:

- \$5 per thousand gallons for the first 1,000 gallons over allocation
- \$10 per thousand gallons for the second 1,000 gallons over allocation
- \$15 per thousand gallons for the third 1,000 gallons over allocation
- \$20 per thousand gallons for each additional 1,000 gallons over allocation

The surcharge shall be cumulative.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Olmito WSC for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the General Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100) and not more than two hundred dollars (\$200). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a

re-connection charge, hereby established at \$100, and any other costs incurred by the Olmito WSC in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the Olmito WSC, in apparent control of the property where a violation occurs or originates shall be presumed to be violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the Olmito WSC, police officer or any person designated by the General Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The General Manager, or his/her designee, 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 the Olmito WSC within 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, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specified 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 purposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Section XII: Plan Adoption

Official adoption of the Drought Contingency Plan by the Board of Directors of the Olmito Water Supply Corporation is evidenced by Corporation Resolution No. 2020-003. A copy of the resolution indicating the official adoption of the Drought Contingency Plan is included in Appendix C.

Section XIII: Contact Information

Tomas Tamayo
General Manager

[REDACTED]
(956) 350-4099

**8. Copy of Water Conservation
Plan
(w/copy of utility profile)**

OLMITO WATER SUPPLY CORPORATION

**101 Clara Bennett Drive
Olmito, Texas 78575**

**PWS # 310026
CCN # 10537**

WATER CONSERVATION PLAN

&

DROUGHT CONTINGENCY PLAN

**REVISED & ADOPTED
December 8, 2020**

OLMITO WATER SUPPLY CORPORATION

Water Conservation Plan

I. Introduction

In accordance with the requirements of the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), the Olmito Water Supply Corporation updated its Water Conservation Plan for the five (5) year period of January 1, 2019 through December 31, 2023 and the Board of Directors adopted the plan on March 7, 2019 as Corporation Resolution No. 2019-002. Subsequently, the plan was revised, and on December 8, 2020, the Board of Directors adopted the revised Water Conservation Plan as Resolution No. 2020-003. The resolution adopting the Water Conservation Plan shall authorize the Olmito WSC to implement, enforce, and administer the program.

The Board of Directors of the Olmito WSC recognize the importance of water conservation for the efficient management of our water resources and is committed to reduce water use, prevent water loss and promote water conservation among our customers.

II: Purpose of the Plan

The purpose of this Water Conservation Plan is to comply with Title 30 of the Texas Administrative Code, Chapter 288 (30 TAC Section 288), to increase the efficiency of water use by the Olmito WSC treatment & distribution systems, to provide the public with information for water conservation and to set five-year and ten-year goals to reduce the average water usage per connection and limit water loss to less than 10% of total gallons per capita per day.

III: Utility Profile

The Olmito Water Supply Corporation has a water distribution service area of approximately 18 square miles and services a population of over 6,000 residents including the Cameron County Detention Facility which is the largest customer. The Olmito WSC provides drinking water to customers through a network of approximately 40 miles of transmission and distribution lines to over 1,900 water connections. The annual water usage for 2019 for the five highest volume customers was 45% of total water billed.

The Olmito WSC continues to strive to improve its operating system and reduce water loss. Over 1,200 residential water meters were replaced during 2017. The average annual water loss percentage for the five-year period of 2014 to 2018 was 10.4%, which represents a decrease of 1.7% when compared to the five-year period of 2009 to 2013. The annual water loss percentage for 2019 was 9.3%.

The annual water loss (in gallons) for 2014 through 2019 is listed below.

Year	Total System Input (Gallons)	Annual Water Loss	Water Loss Percentage
2014	309,443,000	24,679,600	8%
2015	304,179,592	33,645,392	11%
2016	344,125,612	41,801,012	12%
2017	377,377,755	34,156,855	9%
2018	339,809,489	42,816,989	12.6%
2019	329,149,592	30,604,192	9.3%

The annual water sales (in gallons) for 2014 through 2019 are listed below.

Year	Residential	Commercial	Total
2014	125,817,200	135,016,800	260,834,000
2015	118,821,100	127,712,200	246,533,300
2016	131,858,400	157,758,700	289,617,100
2017	132,387,300	175,992,500	308,379,800
2018	128,290,000	153,289,400	281,579,400
2019	129,786,900	155,864,600	285,651,500

The Texas Commission on Environmental Quality Utility Profile is included in Appendix A. The Olmito WSC service area map is included in Appendix B.

IV: 5-Year and 10-Year Goals

The OlmitoWSC continues to encourage water conservation and to strive to improve its water loss reduction goals and decrease per capita water use. The following schedule sets specific 5-Year and 10-Year targets for water use and water loss. The baseline figures for Total GPCD and Residential GPCD are those for 2018.

	5-Year Avg. 2014-2018	Baseline	5-Year Goal for Year 2023	10-Year Goal for Year 2028
Total GPCD	154	142	140	138
Residential GPCD	60.4	58	56	54
Water Loss GPCD	16	16	14	13
Water Loss Percentage	10.4%	11%	10%	9.4%

V: Metering Devices

A master meter registers the amount of water diverted from the source of supply as raw water flows from the water source through the raw water pumps. This master meter is calibrated annually to ensure an accuracy of plus or minus 5%. A second raw water meter is in place for the purpose of accuracy comparison. There is also a meter at the water plant to account for treated water.

A distribution meter registers the amount of treated water that flows out of the water treatment plant into the distribution lines to the customers' meters. Treated water used at the wastewater treatment plant and lift stations is also metered.

VI: Universal Metering

The water conservation plan includes a program for universal metering of all customer uses of water, for meter testing and repair and for periodic meter replacement. Metering of all retail water customers provides the means for accurate accounting of water use

In addition to a meter at the supply source and the water treatment meter, a meter has been installed at the initial entry point to the customer distribution system. Also, meters have been installed at all Olmito WSC facilities that account for water usage.

Maintaining accurate meters is a high priority for Olmito WSC. A schedule has been implemented for testing and replacing customer water meters on a monthly basis to insure water usage accuracy. Over 1,200 residential water meters were replaced during 2017.

VII: Unaccounted-For Water Use and Water Loss Accounting

Unaccounted-for water is due to unauthorized water use, inaccurate customer metering and distribution system leaks. The Water Conservation Plan includes measures such as periodic visual inspections along distribution lines for leaks and illegal water use to determine and control water loss. The Olmito WSC continues to replace old water lines and meters to reduce water loss. Transient meters are issued for all temporary water uses.

Water production and usage is monitored on a daily basis and a monthly water accountability report provides data for metered production, metered and unmetered consumption, fire hydrant flushing, estimated water loss due to leaks, and unaccounted-for water loss. The Olmito WSC strives for a monthly unaccounted-for water loss rate of equal to or less than 10% of treated water.

VIII: Public Education & Information

Education is an important tool in promoting water conservation. The Olmito WSC will periodically provide the public and members/customers with information about the Water Conservation Plan, including information about the conditions under which stages of the Drought Contingency Plan are to be initiated or terminated and the drought response measures to be implemented at each stage. This information will be provided by means of public notices, Corporation website postings and hand-outs to customers of water conservation literature. Olmito WSC encourages customers to use efficient landscape irrigation practices and to improve inefficient systems.

IX: Public Involvement

The Olmito WSC provided an opportunity for public input into the preparation of the Water Conservation Plan by inviting the public to participate and to present suggestions for water conservation during the Regular Board Meetings of October 2018 through January 2019. The invitation was listed on the posted meetings agendas and the Olmito WSC website. The Olmito Water Supply Corporation's members/customers were informed of the necessity to conserve water, especially during times of drought. The Olmito WSC will continue to involve the public in future meetings and related activities, especially those customers with high-volume water usage.

X: Water Rate Structure

The Olmito WSC water rate structure is cost-based, non-promotional and discourages the excessive use of water. The water rates increase as the water consumption increases. The rate structure has separate minimum rates for residential and commercial customers. This rate structure is reviewed and evaluated annually.

WATER & SEWER RATES

<u>Residential</u>	Water <u>Residential</u>	Sewer <u>Residential</u>
Minimum 0 – 2,000 gallons	\$24.68	\$18.90
Every additional 1,000 gallons:		
2,001 to 5,000	\$ 2.36	\$ 2.10
5,001 to 20,000	\$ 2.63	\$ 2.10
Over 20,000	\$ 2.89	\$ 2.10

<u>Commercial 1</u>	<u>Water Commercial 1</u>	<u>Sewer Commercial 1</u>
Minimum 0 – 4,000 gallons	\$92.40	\$64.05
Every additional 1,000 gallons:		
4,001 – 5,000	\$ 2.36	\$ 2.10
5,001 – 20,000	\$ 2.63	\$ 2.10
Over 20,000	\$ 2.89	\$ 2.10

<u>Commercial 2</u>	<u>Water Commercial 2</u>	<u>Sewer Commercial 2</u>
Minimum 0 – 8,000 gallons	\$174.40	\$114.45
Every additional 1,000 gallons:		
8,001 – 20,000	\$ 2.63	\$ 2.10
Over 20,000	\$ 2.89	\$ 2.10

XI: Plan Adoption, Implementation and Enforcement

Official adoption, implementation and enforcement of the Water Conservation Plan by the Board of Directors of the Olmito Water Supply Corporation is evidenced by Corporation Resolution No. 2020-003. The General Manager is authorized and directed to implement, administer and enforce the applicable provisions of this Plan.

A schedule to implement the plan to achieve the targets and goals will be an ongoing process. The General Manager will be monitoring water usage on a regular basis to determine the effectiveness of the plan. The Utility System Coordinator and the office personnel work together in compiling monthly water usage and water loss reports.

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

A copy of the resolution indicating the official adoption of the Water Conservation Plan is included in Appendix C.

XII: Coordination with the Regional Water Planning Groups

The service area of the Olmito WSC is located within the Texas Water Development Board Water Planning Area Region M. The Olmito WSC has provided a copy of this Plan to the Texas Water Development Board and the Lower Rio Grande Development Council (Rio Grande Regional Water Planning Group Region M).

XIII: Leak Detection and Repair

The Olmito WSC is committed to reducing water loss resulting from leaks in the water distribution system with a continuous effort to locate and repair leaks. Daily visual inspections are performed along distribution lines for leaks and illegal water use to determine and control water loss. Leak repair is a priority and performed as rapidly as possible. The Corporation continues to replace old water lines and meters to reduce water loss.

XIV: Contract Requirements

The Olmito WSC will include a requirement in every wholesale water supply contract entered into or renewed stating that each wholesale customer develop and implement a water conservation plan or water conservation measures to comply with Title 30 of the Texas Administrative Code, Chapter 288 (30 TAC Section 288) for the efficiency of water use.

XV: Plan Review and Update

The Olmito WSC shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information.

XVI: Contact Information

Tomas Tamayo
General Manager

[REDACTED]
(956) 350-4099

APPENDIX A: TCEQ UTILITY PROFILE



Texas Commission on Environmental Quality

**UTILITY PROFILE AND WATER CONSERVATION PLAN
REQUIREMENTS FOR MUNICIPAL WATER USE
BY RETAIL PUBLIC WATER SUPPLIERS**

This form is provided to assist retail public water suppliers in water conservation plan development. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Name: Olmito Water Supply Corporation

Address: 101 Clara Bennett Dr., Olmito, TX 78575

Telephone Number: (956)350-4099 Fax: (956)350-4480

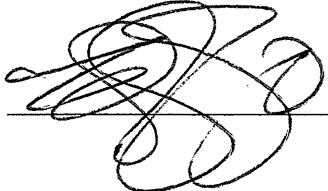
Water Right No.(s): 0854-000 0841-009

Regional Water Planning Group: M

Form Completed by: Robert Tamayo

Title: Accountant

Person responsible for implementing conservation program: Tomas Tamayo (Director of Operations) Phone: (956)466-4943

Signature:  Date 03/07/2019

NOTE: If the plan does not provide information for each requirement, include an explanation of why the requirement is not applicable.

UTILITY PROFILE

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN). CCN: 10537
2. Service area size (in square miles): 18
(Please attach a copy of service-area map)
3. Current population of service area: 6,550
4. Current population served for:
 - a. Water 6,550
 - b. Wastewater 5,892

5. Population served for previous five years:
6. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>	<i>Year</i>	<i>Population</i>
2014	5,767	2020	6,774
2015	5,839	2030	7,894
2016	5,977	2040	9,014
2017	6,287	2050	10,134
2018	6,550	2060	11,254

7. List source or method for the calculation of current and projected population size.

The projected population is based on an average increase of 112 persons per year according to Regional Water Planning Group M projections.

B. Customers Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. http://www.tceq.texas.gov/assets/public/permitting/watersupply/water_rights/sb181_guidance.pdf

1. Current number of active connections. Check whether multi-family service is counted as Residential or Commercial? Residential

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	Totals
Residential			
Single-Family	1733		1733
Multi-Family	40		40
Commercial	156		156
Industrial/Mining			
Institutional			
Agriculture			
Other/Wholesale	1		1

2. List the number of new connections per year for most recent three years.

<i>Year</i>	2016	2017	2018
<i>Treated Water Users</i>			
Residential			
Single-Family	15	18	50
Multi-Family	(3)	2	1
Commercial	9	3	11
Industrial/Mining			
Institutional			
Agriculture			
Other/Wholesale			

3. List of annual water use for the five highest volume customers.

	<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
1.	Cameron County Detention	67,108.4	Treated
2.	Los Fresnos CISD	22,774.9	Treated
3.	East Rio Hondo WSC	17,898.7	Treated
4.	Retama Apartments	15,946.6	Treated
5.	7 – Eleven Inc.	3,450.9	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons). Indicate whether this is diverted or treated water. Diverted

<u>Year</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<u>Month</u>					
January	23,092.8	24,125.0	22,311.7	27,388.7	32,618.4
February	21,768.2	22,587.0	25,899.9	31,762.6	25,155.1
March	19,952.0	19,734.0	23,876.2	26,495.0	25,900.7
April	22,620.0	22,976.0	26,373.0	32,365.0	30,097.9
May	29,297.0	24,103.0	28,898.8	35,616.0	36,063.5
June	29,737.0	28,330.0	24,239.6	37,979.7	36,052.6
July	30,033.0	24,319.0	27,785.9	32,000.4	27,985.9
August	34,502.0	30,399.0	34,894.1	39,716.7	36,541.6
September	26,921.0	29,350.0	34,982.6	33,093.4	29,439.1
October	27,864.0	23,289.0	30,338.9	29,959.5	26,309.4
November	23,064.0	27,762.0	27,666.1	36,044.1	23,839.4
December	20,592.0	21,122.0	29,976.3	25,820.7	22,248.3
Totals	309,443.0	298,096.0	337,243.1	388,241.9	352,251.9

Describe how the above figures were determine (e.g, from a master meter located at the point of a diversion from the source, or located at a point where raw water enters the treatment plant, or from water sales).

At a point where raw water enters the treatment plant.

2. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

<u>Year</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<u>Account Types</u>					
Residential					
Single-Family	120,435.6	113,783.0	127,103.4	127,897.9	123,632.4
Multi-Family	5,381.6	5,038.1	4,755.0	4,489.4	4,657.6
Commercial	135,016.8	127,712.2	157,758.7	195,102.3	153,289.4
Industrial/Mining					
Institutional					
Agriculture					
Other/Wholesale					

3. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
2014	24,679,600	7.98 %
2015	33,645,392	11.06 %
2016	41,801,012	12.15 %
2017	34,156,855	9.05 %
2018	42,816,989	12.6%

B. Projected Water Demands

If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	Rio Grande River	1545.71 Acre Ft.
Groundwater		
Contracts		
Other		

B. Treatment and Distribution System

1. Design daily capacity of system (MGD): 2 MGD
2. Storage capacity (MGD):
 - a. Elevated .2 MGD
 - b. Ground 1.0 MGD
3. If surface water, do you recycle filter backwash to the head of the plant?
 Yes No If yes, approximate amount (MGD): .0087 MGD

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD): .750
2. Treated effluent is used for on-site irrigation, off-site irrigation, for plant wash-down, and/or for chlorination/dechlorination. On-site irrig. and plant washdown
 If yes, approximate amount (in gallons per month): 5,000
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.
 Constructed wetland. Disposed to drainage ditch after final treatment. Tx0113875, Tomas Tamayo, Olmito WSC, Drainage Dist. #1 – ditch #2.

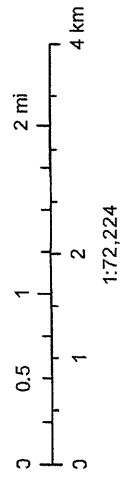
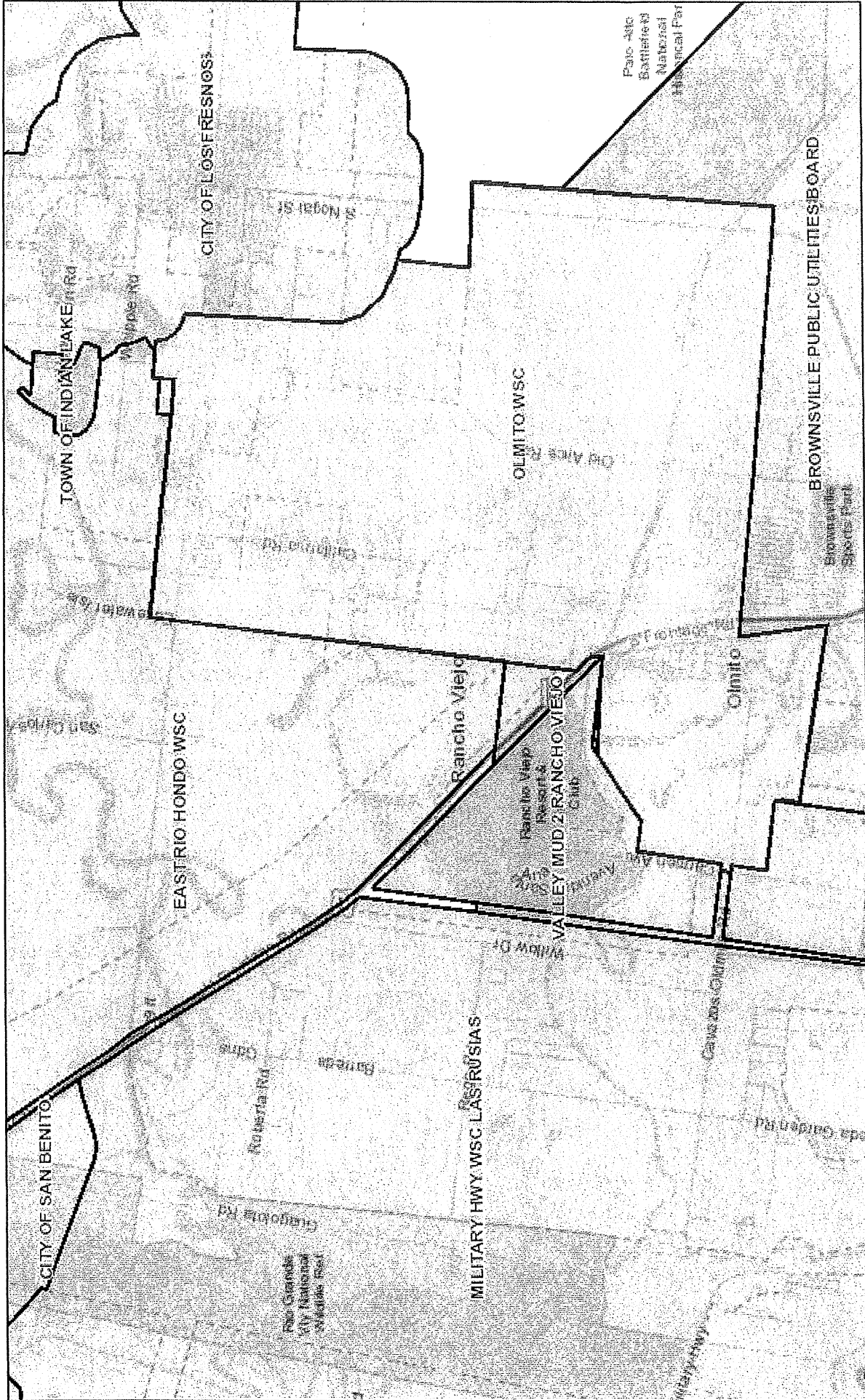
B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 80 %
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>	2014	2015	2016	2017	2018
<i>Month</i>					
January	18,784	17,833	20,355	14,590	11,916
February	14,153	11,411	13,491	16,555	14,105
March	15,714	25,995	17,141	12,778	14,686
April	17,369	15,986	16,956	11,698	13,584
May	18,733	21,312	16,974	11,463	13,631
June	14,229	17,780	16,327	14,364	14,878
July	17,559	16,351	11,423	13,903	12,522
August	11,644	13,211	14,935	10,030	11,047
September	12,927	16,212	13,813	10,252	14,079
October	16,428	18,990	15,321	15,142	14,743
November	16,480	15,398	15,113	18,391	7,302
December	17,985	15,968	15,623	16,279	11,450
Totals	192,005	206,447	187,472	165,445	153,943

Public Water Service Areas, Texas

APPENDIX B: OLMITO WSC SERVICE AREA MAP



1:72,224



Texas Water Development Board

February 5, 2019

The data in the Texas Water Service Boundary Viewer represents the best available information provided by the Texas Water Development Board (TWDB) and third-party cooperators of the TWDB and is believed to be accurate and reliable. However, the TWDB provides information via this web site as a public service. Neither the State of Texas nor the TWDB assumes any legal liability or responsibility or makes any guarantees or warranties as to the accuracy, completeness or suitability of the information or boundaries.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and

Water Service Boundaries

**OLMITO WATER SUPPLY CORPORATION
RESOLUTION NUMBER 2020-003**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLMITO WATER SUPPLY CORPORATION APPROVING AN AMENDED OLMITO WATER SUPPLY CORPORATION WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN AS REQUIRED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TECQ).

WHEREAS, the Board recognizes that the amount of water available to the Olmito Water Supply Corporation and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the Board recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the TCEQ require all public water supply systems in Texas to prepare a water conservation plan and drought contingency plan;

WHEREAS, as authorized under law, and in the best interests of the customers of the Olmito Water Supply Corporation, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

WHEREAS, the Board adopted this Water Conservation Plan and Drought Contingency Plan in the year 2020 and these plans need to be amended every five years.

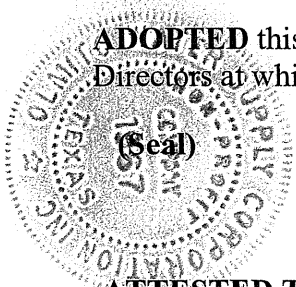
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE OLMITO WATER SUPPLY CORPORATION:

That the Water Conservation Plan & Drought Contingency Plan, attached hereto and made part hereof for all purposes, be adopted as the official policy of the Olmito Water Supply Corporation.

That the General Manager is hereby directed to implement, administer, and enforce the Water Conservation Plan and the Drought Contingency Plan.

That this resolution shall be effective immediately.

ADOPTED this 04th day of December, 2020 at the Regular meeting of the Board of Directors at which a quorum was present.



ATTESTED TO:

Nora Ureste, Secretary-Treasurer

BOARD OF DIRECTORS:

Margie Tapia, President

9. Resolution authorizing signer's signature

CERTIFICATE OF RESOLUTIONS

Date: December 8, 2020

Corporation: Olmito Water Supply Corporation

Date of Adoption: December 8, 2020

We, the directors of Olmito Water Supply Corporation (the "Corporation"), a Texas nonprofit corporation certify that we have custody of the records of the Corporation, and that we are authorized to execute and deliver this Certificate of Resolutions on behalf of the Corporation. We further certify as follows:

1. The resolutions below were duly adopted on the Date of Adoption. The meeting of the directors of the Corporation was called and held in accordance with the law and the bylaw of the Corporation, and a quorum was present. The resolution has not been amended, modified, or rescinded and is now in full force and effect.

BE IT RESOLVED THE BOARD OF DIRECTORS OF Olmito Water Supply Corporation ("Corporation") that its President, Margie Tapia, is hereby authorized and empowered in the name of Olmito Water Supply Corporation, and as its own act, to execute, on behalf of the Corporation, any and all documents necessary to effect the acquisition, reconveyance, sale, consolidation, or management of water rights on behalf of the Corporation for the purposes within its corporate authority, and to certify and attest to any documents which such officer may deem necessary and appropriate to consummate the transactions contemplated by this resolution, but such certification shall not be required for the validity of the particular document.

BE IT FURTHER RESOLVED, that the Board of Directors of Olmito Water Supply Corporation hereby adopt, approve, ratify and confirm all other actions heretofore undertaken and performed on behalf of the Corporation by its President, Margie Tapia, for the acquisition, reconveyance, sale, consolidation, or management of water rights for the Corporation.

2. We further certify that the Corporation is duly organized and existing under the laws of the state of Texas, is qualified to do business in Texas, and is in good standing; that no proceeding is pending for the forfeiture of the certificate of incorporation or for the dissolution, voluntary or involuntary, of the Corporation; that there is no provision of the bylaws or articles of incorporation of the Corporation limiting the powers of the directors of the Corporation to adopt the resolutions referenced hereinabove, and that the resolutions are in conformity with the provisions of the bylaws and the articles of incorporation of the Corporation; that the undersigned is the keeper of the records and minutes of the proceedings of the corporation; and that the following persons constitute all of the directors of the Corporation:



Margie Tapia
Margie Tapia, President

Pedro Rodriguez, Jr.
Pedro Rodriguez, Jr., Vice President

Nora G. Ureste
Nora G. Ureste, Secretary/Treas.

Oscar Sanchez, Jr.
Oscar Sanchez, Jr.

Enrique Esquivel, Jr.
Enrique Esquivel, Jr.

The undersigned hereby certifies that he is the duly elected and qualified Vice President of Olmito Water Supply Corporation; that Margie Tapia is the duly elected and qualified President of Olmito Water Supply Corporation; that the signature above is Margie Tapia's genuine signature; and that the foregoing certificate of resolution is true and correct.

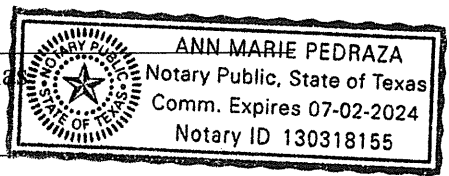
Pedro Rodriguez
Pedro Rodriguez, Vice President

ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

The foregoing instrument was acknowledged before me this 8th day of December, 2020, by Margie Tapia, President of Olmito Water Supply Corporation, a Texas corporation.

Ann Marie Pedraza
Notary Public, State of Texas

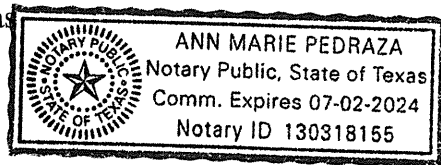


My Commission Expires: July 02, 2024

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

The foregoing instrument was acknowledged before me this 8th day of December, 2020, by Pedro Rodriguez, Jr., Vice President of Olmito Water Supply Corporation, a Texas corporation.

Ann Marie Pedraza
Notary Public, State of Texas



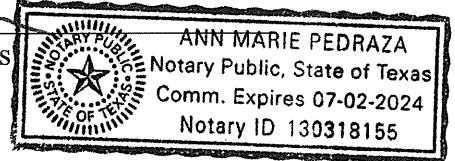
My Commission Expires: July 02, 2024

STATE OF TEXAS §
§
COUNTY OF CAMERON §

The foregoing instrument was acknowledged before me this 8th day of December, 2020,
by Nora G. Ureste, Secretary/Treasurer, of Olmito Water Supply Corporation, a Texas corporation.

AMPDZ
Notary Public, State of Texas

My Commission Expires: July 02, 2024

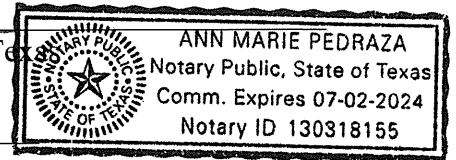


STATE OF TEXAS §
§
COUNTY OF CAMERON §

The foregoing instrument was acknowledged before me this 8th day of December, 2020,
by Oscar Sanchez, Jr., Director, of Olmito Water Supply Corporation, a Texas corporation.

AMPDZ
Notary Public, State of Texas

My Commission Expires: July 02, 2024



STATE OF TEXAS §
§
COUNTY OF CAMERON §

The foregoing instrument was acknowledged before me this 8th day of December, 2020,
by Enrique Escquivel, Jr., Director, of Olmito Water Supply Corporation, a Texas corporation.

AMPDZ
Notary Public, State of Texas

My Commission Expires: July 02, 2024

