

**Delta Lake Irrigation District
10370 Charles Green Rd.
Office: (956) 262-2101 Fax: (956) 262-5695**

**Water Rights Number: 23-811
Regional Planning Group: M**

**Form Completed by: Troy Allen – General Manager
January 3, 2024**

**Approved by the Board of Directors of Delta Lake Irrigation District
January 17, 2024**

Drought Contingency Policy / Water Allocation Policy

Section #1: Purpose and Intent

The Board of Directors of the **Delta Lake Irrigation District (District)** deems it to be in the best interest of the District to adopt Policy governing the equitable and efficient allocation of limited water supplies during times of shortage. This policy constitutes the drought contingency plan required under Section 11.1272, Texas Water Code, (Vernon’s Texas Codes Annotated), and associated administrative rules of the Texas Natural Resource Conservation Commission (title 30, Texas Administrative Code, Chapter 288)

Section #2: User Involvement

The District is a political subdivision of the State of Texas, governed by a Board of Directors, under the direction of the provisions of Section 49 & 58 of the Texas Water Code, (Vernon’s Texas Codes Annotated). The Board members must be landowners of the district and are elected by the Landowners of the District. The Board will be open to comments on this policy by water users at the regular scheduled Board meetings during the public comment agenda item.

Section #3: User Education

The District will periodically provide the water users with information about the Plan, including information about the conditions under which water allocation is to be initiated or terminated and the District’s policies and procedures for water allocation. This information will be provided by means of available copies of the plan at all times at the District office as well as posted on the District’s website. When the Board determines that drought conditions warrant the implementation of the drought contingency plan, notice will be posted on the public bulletin board at the District office, posted on the District’s website and mailed to landowners and water users for which the District has a valid mailing address on file at the District office.

Section #4: Authorization

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

Section #5: Application

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

Section #6: Initiation of Water Allocation

The general manager shall monitor water supply conditions on a daily basis and shall make recommendations to the Board regarding initiation of water allocation.

Upon approval of the Board, water allocation will become effective when:

- A. The storage balance in the District's irrigation water rights account has decline to 50,000 ac/ft.

AND/OR

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

Section #7: Termination of Water Allocation

The District's water allocation policies will remain in effect until:

- A. The storage balance in the District's irrigation water rights account exceeds 65,000 ac/ft.

AND/OR

- B. The Board deems that the requirements to continue with the water allocation program no longer exist.

Section #8: Notice

Notice of the initiation or termination of water allocation will be given by notice posted on the District's public bulletin board, the District's website or by mail to each landowner and water user who has a valid mailing address on file at the District office.

Section #9: Water Allocation

A. Water Allocation to irrigation accounts shall be the same parcels of land as identified by ownership for flat rate assessments purposes as shown in the records of the District. Upon institution of the Water Allocation Program, additional water allocated to the District will be distributed to the eligible District's users on a pro-rata flat rate acreage basis. Eligible District users are those irrigation users having an account balance of 6" or less for each flat rate acre and having no outstanding balances due to the District.

B. Water allocated to an irrigation account shall be referred to as the District water user's Water Allocation. The amount of water that will be charged to water allotments will be based on the meter readings turned in from the canal rider. The overuse of the allotment shall be a violation of the District policy and subject to penalties.

Section #10: Transfers of Allotments

A. All or part of a water allotment may be transferred within the boundaries of the District from one landowners account to another. The transfer of all or a portion of a water allotment from landowner account to another account shall constitute irrigation use for purposes of use provided for in these Policies. Only the landowners or the landowner's agent may make the transfer of water allotments.

B. No water contained in a water allotment account may be transferred to land located outside the District boundaries except in special situations where traditionally these lands are irrigated as out of District lands and the water is diverted through the District current diversion system.

C. Water from outside the District may be transferred into the District by a landowner for use within the District. The District will divert and deliver the water on the same basis as District water is delivered, except a 40% loss will be charged against the amount of water transferred for use in the District. The loss of 40% will be deducted at

time of transfer. The District will allow the total amount of transferred water not to exceed 1 ac/ft per taxable acre of land. The transferred water will be stored in an account called *OUT OF DISTRICT WATER*. The District requires all transferred in water to be delivered first. The District will only be able to store the transferred water up to *12 MONTHS* or when the District's storage balance with the Rio Grande Master reaches the maximum allowable balance.

Section # 11: Deliveries to Municipal Accounts

Water is delivered to municipal suppliers (i.e., City of Raymondville, City of Lyford and North Alamo Water Supply Corporation) in accordance with existing contracts and the District's water conservation and drought contingency plan. Upon the activation of the District's drought contingency provisions, the District will coordinate with municipal suppliers to whom it delivers Rio Grande water for treatment. Normally, if the District expects a shortage in agricultural deliveries which could make it difficult to maintain deliveries to municipal suppliers, it will advise its municipal suppliers, if reasonably possible, at least sixty (60) days in advance of this possibility, otherwise, as soon as possible. A copy of this notice will be sent to the Rio Grande Watermaster and Office of Commissioners TCEQ. Following such notice, the District will monitor available water supply and irrigation deliveries in coordination with the Rio Grande Watermaster, Office of Commissioners TCEQ and municipal suppliers during the shortage period. Once all agricultural water is exhausted, the point of diversion for municipalities will shift to the District's river pumping plant. If this occurs, the municipalities will be required to provide "**push water**" to the District's to cover system losses and water duty to the diversion point.

Section #12: Penalties

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of Section 11.083, Texas Water Code, may be assessed an administrative penalty up to \$5,000.00 a day under Section 11.0842 of the Texas Water Code. Additionally, if the violator is also taking, diverting, or appropriating state water, the violator may be assessed a civil penalty in court of up to \$5,000.00 a day. These penalties are provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in Hidalgo or Willacy County, all in accordance with Section 11.083; and in addition, the District may pursue a civil remedy in the way of damages and/or injunction against the violation of any of the foregoing Policies.

Section #13: Sever-Ability

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

Section #14: Authority

The foregoing policies are adopted pursuant to and in accordance with applicable sections of the Texas Water Code, Vernon's Texas Codes Annotated, which govern the actions of the District.

Section #15: Effective Date of Plan

The effective date of this Policy shall be January 17, 2024, and ignorance of the Policies of the District is not a defense for a prosecution for enforcement of the violation of these Policies.

Approved by Delta Lake Irrigation District Board of Directors on January 17, 2024.