



# Texas Commission on Environmental Quality

## Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-2214

Resource Protection Team in the Water Availability Division at (512) 239-4691.

**Drought Contingency Plans must be formally adopted by the governing body of the irrigation district and documentation of adoption must be submitted with the plan.** An example resolution can be found at the end of this form.

Irrigation District:	<u>Santa Cruz Irrigation District No. 15</u>	
Address:	<u>P.O. Box 599 Edinburg, Tx 78540 (physical 601 E. FM 2812)</u>	
Telephone Number:	<u>(956) 383-3441</u>	<u>Fax: (956) 318 3709</u>
Water Right No.(s):	<u>A-804</u>	
Regional Water Planning Group:	<u>M</u>	
Form Completed by:	<u>Jose' A. Hinojosa</u>	
Title:	<u>General Manager</u>	
Person responsible for implementation:	<u>Jose' A. Hinojosa</u>	<u>Phone: 956) 383-3441</u>
Signature:	<u>Date:4/25/2019</u>	

### Section I: Declaration of Policy, Purpose, and Intent

The Board of Directors of the Santa Cruz Irrigation District No. 15 deems it to be in the interest of the District to adopt Rules and Regulations governing the equitable and efficient allocation of limited water supplies during times of shortage. These Rules and Regulations constitute the District's drought contingency plan required under Section 11.1272, Texas Water Code, *Vernon's Texas Codes Annotated*, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288).

### Section II: User Involvement

Opportunity for users of water from the Santa Cruz Irrigation District No. 15 was provided by means of posting on webpage, at our District office and via mail outs, as well as monthly meetings that allow for public input on this and any other subject of interest to the respective landowners and district stakeholders.

### Section III: User Education

The Santa Cruz Irrigation District No. 15 will periodically provide water users with information about the Plan, including information about the conditions under which water allocation is to be initiated or terminated and the district's policies and procedures for water allocation. This information will be provided by means of posting on webpage, at our District office and via mail outs, as well as monthly meetings that allow for public input on this and any other subject of interest to landowners and district stakeholders.

#### **Section IV: Authorization**

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

#### **Section V: Application**

The provisions of the Plan shall apply to all persons utilizing water provided by the Santa Cruz Irrigation District No. 15. The term "person" as used in the Plan includes individuals, corporations, partnerships, associations, and all other legal entities.

#### **Section VI: Initiation of Water Allocation**

The General Manager shall monitor water supply conditions on a monthly basis and shall make recommendations to the Board regarding irrigation of water allocation. Upon approval of the Board, water allocation will become effective when the combined storage in the Aminstad and Falcon Reservoirs is at or less than 80% of storage capacity for the District water balance.

#### **Section VII: Termination of Water Allocation**

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

#### **Section VIII: Notice**

Notice of the initiation of water allocation will be given by notice posted on the District's public bulletin board and by mail to each account holder for flat rate assessments and/or active irrigation.

#### **Section IX: Water Allocation**

- (a) In identifying **specific, quantified targets** for water allocation to be achieved during periods of water shortages and drought, each irrigation user shall be allocated 3 irrigations or 2.0 acre-feet of water each flat rate acre on which all taxes, fees, and charges have been paid. The water allotment in each irrigation account will be expressed in acre-feet of water.

A specific description and terms of the District Allocation Program are more accurately defined in **Appendix A**.

See Appendix A.

- (b) As additional water supplies become available to the District in an amount reasonably sufficient for allocation to the District's irrigation users, the additional water made available to the District will be equally distributed, on a pro rata basis, to those irrigation users having a current account on all payments due the District, and paid a stated yearly deposit for inclusion in the District's allocation program for that year.
- (c) The amount of water charged against a user's water allocation will be 8.57 inches per irrigation, or one allocation unit, unless water deliveries to the land are metered. Metered water deliveries will be charged based on actual measured use. In order to maintain parity in charging use against a water allocation between non-metered and metered deliveries, a loss factor of 30 percent of the water delivered in a metered situation will be added to the measured use and will be charged against the user's water allocation. Any metered use, with the loss factor applied, that is less than eight (8)

inches per acre shall be credited back to the allocation unit and will be available to the user. It shall be a violation of the Rules and Regulations for a water user to use water in excess of the amount of water contained in the user's irrigation account.

- (d) Acreage in an irrigation account that has not been irrigated for any reason within the last two (2) consecutive years will be considered inactive and will not be allocated water. Any landowner whose land has not been irrigated within the last two (2) consecutive years, may, upon application to the District expressing intent to irrigate the land, receive future allocations. However, irrigation water allocated shall be applied only upon the acreage to which it was allocated and such water allotment cannot be transferred until there have been two consecutive years of use.

**Section X: Transfers of Allotments**

- (a) A water allocation in an active irrigation account may be transferred within the boundaries of the District from one irrigation account to another. The transfer of water can only be made by the landowner's agent who is authorized in writing to act on behalf of the landowner in the transfer of all or part of the water allocation from the described land of the landowner covered by the irrigation account.
- (b) A water allocation may not be transferred to land owned by a landowner outside the District boundaries.
- (c) Water from outside the District may be transferred by a landowner for use within the District. The District will divert and deliver the water on the same basis as District water is delivered, except that a 60 percent conveyance loss will be charged against the amount of water transferred for use in the District as the water is delivered.

**Section XI: Penalties**

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of these Rules and Regulations, shall be considered in violation of Section 11.0083, Texas Water Code, *Vernon's Texas Codes Annotated*, which provides for punishment by fine of not less than \$10.00 nor more than \$200.00 or by confinement in the county jail for not more than thirty (30) days, or both, for each violation, and these penalties provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in Hidalgo County, all in accordance with Section 11.083; and in addition, the District may pursue a civil remedy in the way of damages and/or injunction against the violation of any of the foregoing Rules and Regulations.

**Section XII: Severability**

It is hereby declared to be the intention of the Board of Directors of the Santa Cruz Irrigation District No. 15 that the sections, paragraphs, sentences, clauses, and phrases of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Board without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section XIII: Authority**

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

**Section XIV: Effective Date of Plan**

The effective date of this Rule shall be five (5) days following the date of Publication hereof and ignorance of the Rules and Regulations is not a defense for a prosecution for enforcement of the violation of the Rules and Regulations.

**RESOLUTION FOR ADOPTION OF A  
DROUGHT CONTINGENCY PLAN and A WATER CONSERVATION PLAN**

**RESOLUTION NO. 2019-15-001**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE Santa Cruz Irrigation District  
No. 15 ADOPTING A DROUGHT CONTINGENCY PLAN AND A WATER  
CONSERVATION PLAN

WHEREAS, the Board recognizes that the amount of water available to the Santa Cruz Irrigation District No. 15 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 Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan, and a water conservation plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the Santa Cruz Irrigation District No. 15, 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;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE \_ Santa Cruz Irrigation District No. 15.

SECTION 1. That the Drought Contingency Plan and the Water Conservation Plan attached hereto as Exhibits A and B, respectively, and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Santa Cruz Irrigation District No. 15.

SECTION 2. That the General Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan and adhere to the tenets of the Water Conservation Plan

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE \_\_\_\_\_, ON THIS \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
President, Board of Directors

ATTESTED TO:

\_\_\_\_\_  
Secretary, Board of Directors

**APPENDIX A**

**SANTA CRUZ IRRIGATION DISTRICT NO. 15**  
**P.O. BOX 599 EDINBURG, TEXAS 78540**  
**PHONE: (956) 383-3441**

DATE: September 26, 2018

**TO: CURRENT WATER USERS (PLEASE READ)**

**SUBJECT: New Delivery and Assessment Rates and Non-Refundable Deposit**

**Friendly Reminder:** District Flat Rate Land Assessments are due January 31, and July 31 of each year in semi-annual installments . Prompt payment of the balance due by or before these dates will forego the added expense of penalty and interest assessed on late payments.

**Water Delivery:**

**Flood** In-District \$27.50 / Out of District \$33.00; **Meter** In-District \$55.00 / Out District \$73.00

**Flat Rate Assessments:** Will increase from \$23.00 per acre to **\$26.00/acre**

**Allocation Program:** SCID#15 Board of Directors determined that in order to assure that water allocations are made to persons who intend to use such water a NON-REFUNDABLE DEPOSIT will be required. If you are a current water user and desire to continue to participate in the Temporary Allocation System, then you must pay by 5 P.M on October 31, 2018 a non-refundable deposit of \$13.50 for each acre for which irrigation is desired (even if a deposit had been previously paid on such land), **such deposit being a prepayment** of water delivery charges, provided that the acreage paid for does not exceed the irrigable acres shown on the flat rate assessment.

**Water users must be current on Flat Rate and Special Assessments. District rules prohibit water delivery and allocations when an account is delinquent on assessments or past due for water or other charges. Water allocations will be cancelled after two years of non-use. For further information regarding these rules, please contact Joe Hinojosa, District Manager.**

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FECHA: 26 de Septiembre del 2018

**DIRIGIDO A: Usadores de Agua (PORFAVOR LEA)**

**PROPOSITO: Nuevo Deposito para Agua Requerido Para Continuar Uso**

La Mesa Directiva de SCID#15 ha determinado que para asegurar que distribuciones de agua sean para personas con intencion de usar tal agua se va a requerir un DEPOSITO NUEVO QUE NO SE REGRESARA. Si Ud. es al presente usador de agua y desea continuar a participar en el Sistema Provisional de Distribucion, entonces Ud. necesita pagar antes de las 5 P.M. del dia 31 de Octubre 2018 un deposito que no se regresara de \$13.50 por acre en que se desea riego (aunque se haiga pagado deposito en tal terreno antes), tal deposito siendo un pago antemano por cobros de entrega de agua, cuando y donde esos acres pagados no sean en exceso de los acres de riego ya ensenados en los impuestos de "Flat Rate".

**Usadores de agua deben estar al corriente en impuestos de “Flat Rate” y el Impuesto Especial. Reglas prohíben entrego de agua Y nuevas distribuciones cuanto hay delinquencia en un impuesto o pagos atrojados de agua o otros cargos. Para más information con respect a estas reglas, pongase en contacto con el Sr. Joe Hinojosa, el Gerente del Distrito.**

ARTICLE 841 of the PENAL CODE OF TEXAS reads as follows:

“Whoever shall willfully open, close, change, or interfere with headgate or water box without lawful authority, or who shall willfully use water or conduct water in and through his ditch or upon his land, to which water he was not entitled, shall be fined not less than Ten Dollars and not more than One Thousand Dollars, or be imprisoned in jail not exceeding six months. The possession or use of water to which the person using or possessing same shall not be lawfully entitled shall be prima facie proof of the guilt of the person so using or in possession of same.”

Please be advised, the Santa Cruz Irrigation District No. 15 is obligated by its charter to protect District assets and safeguard its water reserves for proper and legitimate use by authorized District land owner entitled to same as outlined by District and State policies and rules thereof. As such, District Staff will use any and all legal remedies to accomplish same to include but not limited to warnings, notice of violation and legal enforcement as described above to fulfill its obligation.

Should you have questions regarding any part of this notice, or should you wish to report any abuse of and against District policies and regulations, please contact Santa Cruz Irrigation District Manager, Joe Hinojosa, and/ or call District Staff at 956-383-3441 for assistance

Thank you,

Joe Hinojosa  
District General Manager

## Important

Friendly reminder, **NO** water will be sold if the customer has no water accumulated, negative in water from current and previous years, or owes **ANY** type of taxes or water balance. If running meters, **you have to** call and check for water balance and money balance **NO EXCEPTIONS!!** This is our district policy and regulation.

Recordatorio, **NO** se le vendera agua a nadie que no tenga agua acumulada, tenga balance negativo en agua de actual o años pasados, o deba **CUALQUIER** tipo de taxes or balance de agua. Si corren meters tienen que hablar para checar balance de agua y dinero **NO EXCEPCIONES!** Estas son la polizas y regulaciones de nuestro distrito.