

January 12, 2023  
San Benito, Texas 78586

The Board of Directors of Cameron County Irrigation District #2 met in regular session in the office of the District upon the above date at 9:00 a.m.

The following Directors were present: Sam Simmons, Brady Taubert, William Goad, Buck Rhyner, and Lupe Argullin. Also present were Sonia Lambert, General Manager, Rick Martinez, Assistant Manager, and Buddy Dossett, Attorney.

There was no public comment.

A motion was made by Brady Taubert, seconded by William Goad, and upon unanimous vote, passed to approve the minutes of the regular meeting of December 8<sup>th</sup> and the special meeting of December 15<sup>th</sup>, 2022.

The water report was made by William Goad, who reported that Falcon Reservoir contains 481,562 acre-feet of water of the normal conservation 2,646,817 acre-feet. The Amistad Reservoir contains 1,497,381 acre-feet of water of the normal conservation 3,275,532 acre-feet which 32.22% is U.S. total conservation capacity compared to 36.89% this time last year. As of January 12, 2023, District's usable and storage water balances are 53,688.9075 acre-feet. This time last year, usable and storage water balances were 53,330.1622.

The Board reviewed the following subdivision plats and took the following action:

**5.1) San Sebastian Estates Subdivision** – Being a south 5.0 acres of the north 15.0 acre-tract of land, out of Block 253, San Benito Irrigation Land Company in Volume 3, Pages 16-18, Map Records of Cameron County, Texas. – Altex Engineering. This subdivision is located south of Line 26 Road and west of E. Brown Tract Road. There is an irrigation pipeline along the west side of the platted area. A 20-foot easement (10 feet on each side of the pipeline) was dedicated by plat. A motion was made by William Goad, seconded by Lupe Argullin, and upon unanimous vote, passed to approve the plat as presented. Motion carried.

**5.2) Re-Plat of Lot 1, Earl Dunway Subdivision** – A re-subdivision of 0.954 acres situated in Lot 1, Block 1, Earl Dunway Subdivision being out of that certain 1.180 acre tract of land recorded in Volume 10616, Page 103, Official Records, Cameron County, Texas. – Southpoint Texas Surveying, Inc. This subdivision is located southeast of the intersection of Business 77 and Camelot Dr. This property was previously excluded. There are no irrigation facilities in the platted area and no easement dedicated. A motion was made by William Goad, seconded by Lupe Argullin, and upon unanimous vote, passed to approve the plat as presented. Motion carried.

**5.3) R & J Reyes Subdivision** – Being a tract containing 2.26 acres of land consisting of a 1.13 acre tract of land (called 1.25 acres) being Tract 1 and a 1.13 acre tract of land (called 1.25 acres) being Tract 2, out of Block 11, of the San Benito Land and Water Company Subdivision, as recorded in Volume 1, Page 6, of the Map Records of Cameron County, Texas – Rios Surveying, LLC. This subdivision is located southwest of the intersection of Business 77 and Line M Road. This property was previously excluded. There are no irrigation facilities and easements dedicated and none required. A motion was made by William Goad, seconded by Lupe Argullin, and upon unanimous vote, passed to approve the plat as presented. Motion carried.

**5.4) East Treasure Haven Phase 2 Subdivision** – 26.54 acres out of land comprised of 10.00 acres out of Lot 9, 9.99 acres out of Lot 10, 2.67 acres out of Lot 15, 2.67 acres out of Lot 16, 0.61 acres out of Lot 7, and 0.61 acres out of Lot 8, Block 146, San Benito Land and Water Company Subdivision, Cameron County, Texas, according to the map or plat thereof recorded in Volume 1, Page 6, of the records of Cameron County, Texas. – Brown, Leal, & Associates. This subdivision is located northwest of the intersection of Haine Dr. and FM 509. The District’s Lateral V-5 canal runs along the south side of the subdivision. A 20-foot right-of-way for Lateral V-5 on the south side was reserved. A motion was made by William Goad, seconded by Lupe Argullin, and upon unanimous vote, passed to approve the plat as presented. Motion carried.

A petition for water rights as required by SubChapter O of Chapter 49 of the Texas Water Code was received from East Rio Hondo Water Supply Corporation (ERHWSC) for the following recorded subdivisions:

- MJE Rodriguez Subdivision 1.94 acres out of Block 80, Espiritu Santo Subdivision x 1.25 conversion rate = 2.43 acre feet requested;
- Perez Ranch Subdivision, 4.85 acres out of Block 199, San Benito Sugar Company Subdivision x 1.25 conversion rate = 6.06 acre feet requested;
- Rancho Monteagua Subdivision, 6.78 acres out of Block 215, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 8.48 acre feet requested;
- San Jose Nagel 7 Subdivision, 2.00 acres out of Block 119 and Block 120, San Benito Irrigation Company Subdivision x 1.25 conversion rate = 2.5 acre feet requested; and
- 19.26 acres out of Block 209 of the San Benito Irrigation Company Subdivision x 1.25 conversion rate = 24.08 acre feet requested.

Total acreage eligible for conversion from the 2022 petition is 34.83 acres x 1.25, (proportionate water rights), equals 43.55 acre feet of municipal water rights at 68% of \$3,043.10, the water rights market value, which equals \$90,118.45. A motion was made by William Goad, seconded by Brady Taubert, and upon unanimous vote, passed to approve the transfer of 43.55 acre feet of municipal water rights as per Texas Water Code 49.501-49.512 and as per the agreement between ERHWSC and the District for each of the following subdivisions:

- MJE Rodriguez Subdivision, Account #24942, 1.94 acres out of Block 80 of the Espiritu Santo Subdivision x 1.25 conversion rate = 2.43 acre feet approved;
- Perez Ranch Subdivision, Account #24513, 4.85 acres out of Block 199, San Benito Sugar Company Subdivision x 1.25 conversion rate = 6.06 acre feet approved;
- Rancho Monteagua Subdivision, Account #24931, 6.78 acres out of Block 215, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 8.48 acre feet approved;
- San Jose Nagel 7 Subdivision, Account #196, 2.00 acres out of Block 119 and Block 120, San Benito Irrigation Company Subdivision x 1.25 conversion rate = 2.5 acre feet approved; and
- Account #4770, 19.26 acres out of Block 209 of the San Benito Irrigation Company Subdivision x 1.25 conversion rate = 24.08 acre feet approved.

The District will also convey the water rights petitioned in 2019 “Saguaro Subdivision”, Lot 1 (1.025 acre feet) & Lot 2 (1.25 acre feet), totaling 2.275 acre feet and in 2020 “Rancho Los Pastores”, Lot 1, 1.25 acre feet.

Total acreage eligible for conversion from the 2020 petition is 1.25 acre feet of municipal water rights at 68% of \$3,060.00, the water rights market value, which equals \$2,601.00. Total acreage eligible for conversion from the 2019 petition is 2.275 acre feet of municipal water rights at 68% of \$2,896.81, the water rights market value, which equals \$4,481.37. Total water rights to be transferred is 47.075 acre feet for a total amount of \$97,200.82. In addition, the cost of the water rights transfer is estimated at \$2,500.00. Motion carried.

The District has sufficient water rights to transfer without conversion from irrigation to municipal.

A petition for water rights as required by SubChapter O of Chapter 49 of the Texas Water Code was received from City of Harlingen for the following recorded subdivisions:

- IHOP at Ed Carey Subdivision, 1.892 acres out of Block 181, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 2.375 acre feet requested;
- Westway Subdivision Phase III, 27.230 acres out of part of Share 19, being a portion of Block 191, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 34.038 acre feet requested;
- East Treasure Haven I, 14.640 acres out of Lot 15 and Lot 16, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 15.33 acre feet requested;
- Paso Real Cove Phase I, 26.33 acres out of Part or Portion of Lots 1, 2, 3, 4, 5, 6, and all of Lot 7, all of Block 146, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 29.75 acre feet requested; and
- Harlingen Towne Centre No. 2, 2.74 acres of Lot 1, Frank R. Smith, Unit 2 and all of Lot 3R, Block 1, Harlingen Towne Centre #2;

It was determined that Harlingen Towne Center No. 2 was excluded in 2001, prior to the legislation passed in 2007, allowing for conversion of water rights, under Texas Water Code Chapter 49, Subchapter O, and thereby does not qualify for petition of conversion rights. Total acreage eligible for conversion from the 2022 petition is 65.182 acres x 1.25 (proportionate water rights), equals 81.4775 acre feet of municipal water rights at 68% of \$3,043.10, the water rights market value, which equals \$168,602.21. In addition, the cost of the water rights transfer is estimated at \$2,500.00. A motion was made by William Goad, seconded by Brady Taubert, and upon unanimous vote, passed to approve the transfer of 81.4775 municipal water rights to City of Harlingen associated with the recorded subdivisions as follows:

- IHOP at Ed Carey Subdivision, Account #10948, 1.892 acres out of Block 181, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 2.37 acre feet approved;
- Westway Subdivision Phase III, Account #24141, 27.230 acres out of part of Share 19, being a portion of Block 191, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 34.038 acre feet approved;
- East Treasure Haven I, Account #24141, 14.640 gross acres (12.26 net acres) out of Lot 15 and Lot 16, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 15.33 acre feet approved; and
- Paso Real Cove Phase I, Account #282, 26.33 gross acres (23.80 net acres) out of Part or Portion of Lots 1, 2, 3, 4, 5, 6, and all of Lot 7, all of Block 146, San Benito Land & Water Company Subdivision x 1.25 conversion rate = 29.75 acre feet approved.

Motion carried.

The District has sufficient water rights to transfer without conversion from irrigation to municipal.

The District's 2022 4<sup>th</sup> Quarter Investment report was reviewed by the Board of Directors. The report showed the rate for the account with First Community Bank, interest yielded for each month of the quarter and the ending value as of December 31, 2022. A motion was made by Brady Taubert, seconded by William Goad, and upon unanimous vote, passed to approve the District's 4<sup>th</sup> Quarter Investment report. Motion carried.

The Manager discussed a request from Joe Gonzalez for assistance in the installation of 800 feet of 15" pvc pipe on Block 251 of the San Benito Land and Water Company Subdivision, funded by NRCS. It was determined that due to the increase in pipe, valves, and other associated materials for pipe installation, projects do not cover the cost of all the material and that the pipe installation agreement would have to be revised to require the requestor to cover all material, allowing only the labor and use of District equipment as contribution for these grant funded pipe installations. A motion was made by William Goad, seconded by Brady Taubert, and upon unanimous vote, passed to authorize only the labor and use of District equipment as contribution from the District, provided Mr. Joe Gonzalez pays all other associated costs (other than labor) in the installation of the pipeline. Motion carried.

The Pipe Installation agreement will be revised to reflect the District's contribution of labor and use of District equipment only.

The Manager discussed a request from Mr. Pablo Flores PID #13855-2 for the installation of 200 feet of 12" pvc pipe in Block 203 of the San Benito Sugar Company Subdivision. A motion was made by William Goad, seconded by Brady Taubert, and upon unanimous vote, passed to authorize the labor and use of District equipment only for the installation of 200 feet pvc pipe in Block 203 of the San Benito Sugar Company Subdivision. Motion carried.

The information from the insurance company's appraiser was not available to the District to discuss the purchase of the dozer stolen in February 2021 and later recovered. No action was taken.

The Manager discussed the District's current Water Allocation Guidelines, (drought contingency plan), more specifically Section IX: Water Allocation (d), pertaining to acreage in an irrigation account that has not been irrigated within the last two consecutive years to be considered inactive and not allocated water. Due to the water shortage extending beyond one year, it was noted that most farmers are transferring water from one account to another, possibly leaving that account inactive. A motion was made by William Goad, seconded by Buck Rhyner, and upon unanimous vote, passed to adopt the following resolution amending the District's Water Allocation Guidelines as follows:

RESOLUTION OF THE BOARD OF DIRECTORS  
ADOPTING THE REVISION OF  
WATER CONSERVATION PLAN AND  
A DROUGHT CONTINGENCY PLAN FOR  
THE CAMERON COUNTY IRRIGATION DISTRICT #2  
SUBMITTED 2019

January 12, 2023

2023-001

**WHEREAS**, the Board recognizes that the amount of water available to the Cameron County Irrigation District #2 and to its irrigation water 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**, Applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a water conservation plan.

**WHEREAS**, Section 11.039 of the Texas Water Code authorizes water suppliers to distribute available water supplies on a pro rata basis during times of water supply shortage; and

**WHEREAS**, as authorized under law, and in the best interests of the customers of the Cameron County Irrigation District #2, 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 CAMERON COUNTY IRRIGATION DISTRICT #2:

SECTION 1. That the Water Conservation Plan and the Drought Contingency Plan attached hereto and are hereby adopted as the official policy of the Cameron County Irrigation District #2.

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

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

DULY PASSED BY THE BOARD OF DIRECTORS OF THE CAMERON COUNTY IRRIGATION DISTRICT #2, ON THIS THE 12th DAY OF January 2023.

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Sam Simmons, President

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William Goad, Secretary

**WATER ALLOCATION GUIDELINES  
OF THE  
CAMERON COUNTY IRRIGATION DISTRICT #2  
January 12, 2023**

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

The Board of Directors of the Cameron County Irrigation District #2 deems it to be in the best interest on the District to adopt Guidelines governing the equitable and efficient allocation of limited water supplies during times of shortage. These Guidelines 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 Cameron County Irrigation District #2 was provided by means of a notice posted at the District's main office.

## **Section III: User Education**

The Cameron County Irrigation District #2 will periodically provide water users with information about the Plan, including information about the conditions under which 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 water allocation guidelines on the District's public bulletin board.

## **Section IV: Authorization**

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

## **Section V: Application**

The provisions of this Plan shall apply to all persons utilizing water provided by the Cameron County Irrigation District #2. 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 initiation of water allocation. Upon approval of the Board, water allocation will become effective when the - useable balance in the District's irrigation water right account reaches 42,000 acre-feet.

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

The District's water allocation policies will remain in effect until the conditions defined in Section VI of the Plan no longer exist and the usable balance in the District's irrigation water right account reaches 50,000 acre feet.

## **Section VIII: Notice**

Notice of the initiation or termination of water allocation will be given by notice posted on the District's public bulletin board and by publication in the local newspaper.

## **Section IX: Water Allocation**

- (a) Upon initiation of water allocation, each irrigation user shall be allocated one irrigation per acre for each flat rate acre on which all flat rate assessments have been paid, and on which the water account has remained active for a (24) twenty-four-month period. The water allotment in each irrigation account will be expressed in acres.
- (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 to those irrigation users as defined in Section 11.039 of the Texas Water Code.
- (c) The amount of water charged against a user's water allocation will be one acre-foot per acre irrigated, or one allocation unit, unless water deliveries to the land are metered. Metered water deliveries will be charged based on actual measured use. It shall be a violation of these guidelines for a water user to use water in excess of water contained in the user 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. *If the District remains in allocation for a period to exceed 1 year from the date of allocation, the two- (2) consecutive year period requirement shall be extended to three- (3) consecutive years but shall at no time be extended beyond 3 years.* 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 a 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 the landowner outside the District boundaries.
- (b) Water from outside the District may be transferred by a landowner for use within the District. The District will divert and deliver the water on the same basis as District water is delivered, except that a (25%) twenty-five percent conveyance loss will be charged against the amount of water transferred for use in the District as the water is delivered.

### **Section XI: Water Delivered to Municipal Suppliers**

Water is delivered to municipal suppliers in accordance with existing contracts and the District's water conservation plan 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 irrigation 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 is possible. A copy of this notice will be sent to Rio Grande Watermaster and Texas Water Development Board. Following such notice, the District will monitor available water supply and irrigation deliveries in coordination with the Rio Grande Watermaster, Texas Water Development Board and municipal suppliers during the shortage period.

### **Section XII: Coordination With Regional Water Planning Group**

A copy of this drought management plan shall be filed with the Rio Grande Regional Water Planning Group (Region M, Texas Water Development Board) and the District will coordinate its activities so as to ensure consistency with the approved Regional Water Plan.

### **Section XIII: Penalties**

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of section 11.083 of the Texas 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. Someone who is aggrieved by these violations may sue the violator for injunctive relief and civil damages in court.

### **Section XII: Severability**

It is hereby declared to be the intention of the Board of Directors of the Cameron County Irrigation District #2, 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 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 guidelines 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 Plan shall be five (5) days following the date of Publication hereof and ignorance of the guidelines is not a defense for a prosecution for enforcement of the violation of the guidelines.

The Board discussed the District’s water availability for 2023 and reviewed the Manager’s projections.

A motion was made by Brady Taubert, seconded by Buck Rhyner, and upon unanimous vote, passed to approve the following bills:

<u>Ck#</u>	<u>Vendor</u>	<u>Amount</u>
21303	Aflac	\$186.35
21304	Boswell Elliff Ford	\$160.00
21305	Cameron County Drainage District #3	\$15,000.00
21306	Dainamik Business Solutions	\$490.00
21307	First Community Bank	\$372.19
21308	Meyer, Paul A.	\$174.68
21309	Gateway	\$81.75
21310	Hollon Oil Co.	\$193.00
21311	Johnny’s True Value	\$26.96
21312	JR ITSoftware, LLC	\$1,771.42
21313	Lewis Electric Motors	\$106.00
21314	LRGV Water District	\$2,243.67
21315	Orkin	\$211.00
21316	Powerplan	\$806.79
21317	Romco Equipment	\$6,022.83
21318	Eduardo Rodriguez	\$10,600.00
21319	Smartcom Telephone LLC	\$628.81
21320	Texas Gas Service	\$461.36
21321	Texas Child Support	\$260.77
21322	AT&T Mobility	\$65.60
21323	American Heritage Life	\$350.99
21324	BC/BS of Texas	\$15,643.20
21325	Cameron County Drainage District #3	\$7,500.00
21326	Dearborn Life Insurance	\$153.90
21327	Direct Energy	\$9,353.72
21328	Home Depot Credit Service	\$33.51
21329	Military Highway Water	\$258.72
21330	Office Depot	\$502.96
21331	Online Stores, Inc.	\$175.35
21332	Romco Equipment	\$544.60



21333	Silva's Transmissions	\$1,000.00
21334	Texas Child Support	\$260.77
21335	Utility Trailer Sales	\$532.62
21336	Verizon	\$747.14
21337	Alamo Iron Works	\$93.28
21338	Boswell Elliff Ford	\$121.75
21339	Department of the Treasury	\$1,636.55
21340	Direct Energy	\$14.44
21341	Gateway	\$25.00
21342	Hollon Oil Co.	\$613.60
21343	JR ITSoftware, LLC	\$1,771.42
21344	La Hormiga Tire Shop	\$24.00
21345	Magic Valley Electric	\$121.94
21346	McCoy's	\$585.77
21347	Mendez Tire Shop #2	\$25.00
21348	O'Reilly Automotive, Inc.	\$1,476.32
21349	Orkin	\$211.00
21350	Pitney Bowes Services	\$20.31
21351	Pro Billing & Funding Services	\$98.39
21352	Rio Hondo Lumber	\$11.94
21353	Rubicon Systems America	\$6,540.00
21354	R & A Truck Repair	\$7.00
21355	Sprint	\$338.85
21356	Smartcom Telephone LLC	\$628.29
21357	South Texas Bolts & Supply	\$74.19
21358	TWCA Risk Management Fund	\$2,562.00
21359	Unifirst	\$1,003.22
21360	Waste Management of Texas	\$174.48

The Manager reported on the following items to the Board of Directors:

- a) December Maintenance Report – The report was presented and reviewed. In addition to the maintenance, the crews are working on the piping of Lateral G-2.
- b) December Machine Locations– A report indicating work performed by the excavators and dozers for the month was presented to the Board.
- c) December Pumping Plants Reports – 1) Running standard operations; 2) General maintenance of plant and grounds; 3) Pumping for the month: Pump Station #1 – 12/5 – 4 p.m. Cert set at 50 CFS for 24 hours, Stop 4 p.m. 12/6, 12/6 – 3 p.m. Rate at 50 CFS for 24 hours, 12/12 – 3 p.m. Rate set at 50 CFS through 12/15-3 p.m., 12/26 – 8 a.m. Cert at 50 CFS through 12/27-2 p.m., 30 hours, 12/31 – 3 p.m. Cert set at 50 CFS through rest of pumping period; Pump Station #2 – 11/27 – 12 a.m. rate set at 12 CFS, 12/10 – 3 p.m. Rate set at 12 CFS, 12/15 – 10 a.m. Rate set at 12 CFS; 4) Rainfall: .30"; 5) Acre feet diverted: 825.1160; 6) Total No Charge Pumping: 194.8757; 7) Average TDS readings: 814 p.p.m.
- d) December Financial Reports:
  - 1) M&O Account – The financial report was presented.
  - 2) Rehab Account – The financial report was presented.
  - 3) Canal Rehab Account – The financial report was presented.
  - 4) WaterSMART Account – The financial report was presented.
- e) Water Duty – was 1.35 acre-feet per acre for the month of December 2022 and 1.20 acre-feet per acre year to date.
- f) Sign/Land Leases – A report with a listing of all contracts and amounts due was presented to the Board.

- g) Legislative – Few bills have been filed to date. Some bills of interest include: HB170 regarding lobbying restriction, applicable to public entities and SB 43 and SB 44 regarding public information requests.

Attorney's report:

- a) Eminent Domain report – State of Texas – has been filed with the State Comptroller.
- b) Canal 39 Interconnect – It was discovered that at the time of right of way acquisition for the Canal 39 Interconnect, only one of 2 tracts acquired from Norma Lee Harris, was filed of record. The attorney has filed necessary documents for the second tract acquired.
- c) A request was made by Ronnie Garza, who purchased by tax deed auction, 10.00 gross acres out of Block 417 SBICO, to have the District petition the court for funds necessary to pay for the delinquent flat rate. It was the consensus of the Boards that all fees associated with the petition are to be incurred by the owner so that the District receives the full amount of flat rate and interest owed to the District.
- d) All necessary documents conveying an easement for the border wall just north of the District's pumping plant have been completed and sent to the State of Texas. The cost of the easement has been received by the District.
- e) The U.S. Border Patrol's Tower Lease Agreement has been renewed for a 20 year period.

A motion was made by Brady Taubert, seconded by Buck Rhyner, and upon unanimous vote, passed to adjourn the meeting at 10:22 a.m. Next regular meeting is scheduled for Thursday, February 9, 2023 at 9:00 a.m.

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Sam Simmons, President

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William Goad, Secretary