

**WATER ALLOCATION GUIDELINES
OF THE
CAMERON COUNTY IRRIGATION DISTRICT #2**

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 of 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 and website.

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 - usable 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 63,000-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 website.

Section IX: Water Allocation

- (a) Upon initiation of water allocation, each irrigation user shall be allocated one irrigation per irrigated acre -from 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. Allotees who do not put any of the water in their account to beneficial use within two consecutive years shall have that account reduced to zero. 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. 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.

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.

- b) A water allocation may not be transferred to land owned by the 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 conveyance loss equal to the loss for the previous month's loss, but not exceed 20%, 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.