

Appendix 7-A

Model Drought Contingency Plans

This appendix includes a Model Drought Contingency Plan for Public Water Suppliers and for Irrigation Districts in the ETRWPA. The model plan also includes sample appendices required:

- Appendix A – List of References
- Appendix B – Texas Commission on Environmental Quality Rules on Drought Contingency Plans

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Drought Contingency Plan for [Public Water Supplier]

Date

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Drought Contingency Plan for [Public Water Supplier]

1. Objectives

This drought contingency plan (the Plan) is intended for use by [municipal water supplier]. The plan includes all current TCEQ requirements for a drought contingency plan.

This drought contingency plan serves to:

- Conserve available water supplies during times of drought and emergency.
- Minimize adverse impacts of water supply shortages.
- Minimize the adverse impacts of emergency water supply conditions.
- Preserve public health, welfare, and safety.

2. Texas Commission on Environmental Quality Rules

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code.

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 5
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 7
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 8
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 7

- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 8
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 6
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 9
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 10
- 288.20(a)(3) – Consultation with Wholesale Supplier – Not applicable
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 6
- 288.20(c) – Review and Update of Plan – Section 11

[If you receive water from a wholesale supplier, you must include in your plan appropriate provisions for responding to reductions in the wholesale water supply.]

3. Provisions to Inform the Public and Opportunity for Public Input

[Public water supplier] will give customers the opportunity to provide public input into the preparation of the plan by one of the following methods:

- Holding a public meeting.
- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper or posted notice.

4. Public Education

[Public water supplier] will notify the public about the drought contingency plan, including changes in Stage and drought measures to be implemented, by one or more of the following methods:

- Prepare a description of the Plan and make it available to customers at appropriate locations.
- Include utility bill inserts that detail the Plan
- Provide radio announcements that inform customers of stages to be initiated or terminated and drought measures to be taken

- Include an ad in a newspaper of general circulation to inform customers of stages to be initiated or terminated and drought measures to be taken

5. Coordination with the East Texas Regional Water Planning Group

This drought contingency plan will be sent to the Chair of the East Texas Regional Water Planning Group in order to ensure consistency with the East Texas Regional Water Plan. If any changes are made to the drought contingency plan, a copy of the newly adopted plan will be sent to the Regional Water Planning Group.

6. Initiation and Termination of Drought Response Stages

The designated official will order the implementation of a drought response stage when one or more of the trigger conditions for that stage exist, as described in Section 7. Official designees may also order the termination of a drought response stage when the termination criteria, as described in Section 7, are met or at their own discretion.

If any mandatory provisions have been implemented or terminated, the water supplier is required to notify the Executive Director of the TCEQ within 5 business days.

7. Goals for Reduction in Water Use

TCEQ requires that each public water supplier develop quantifiable goals for water use reduction for each stage of the drought contingency plan. These goals are outlined below.

[To be developed by each supplier. An example is provided.]

- Stage 1, Mild
 - 0 to 2 percent reduction in use that would have occurred in the absence of drought contingency measures.
- Stage 2, Moderate
 - 2 to 6 percent reduction in use that would have occurred in the absence of drought contingency measures

- Stage 3, Severe
 - 6 to 10 percent reduction in use that would have occurred in the absence of drought contingency measures
- Stage 4, Emergency
 - 10 to 14 percent reduction in use that would have occurred in the absence of drought contingency measures

8. Drought and Emergency Response Stages

Stage 1, Mild

Trigger Conditions for Stage 1, Mild

- A wholesale water supplier that provides all or part of [public water supplier]'s supply has initiated Stage 1, Mild
- [To be otherwise completed by public water supplier]
 - Potential triggers are:
 - When [public water supplier]'s available water supply is equal or less than [amount in ac-ft, percent of storage, etc.].
 - When total daily demand equals [number] million gallons for [number] consecutive days or [number] million gallons on a single day.
 - When the water level in [public water supplier]'s well(s) is equal or less than [number] feet above/below mean sea level.
 - When flows in the [name of river or stream segment] are equal to or less than [number] cubic feet per second.

Stage 1 will end when the circumstances that caused the initiation of Stage 1 no longer exist.

Goals for Use Reduction and Actions Available Under Stage 1, Mild

[Public water supplier] will reduce water use by [goal]. [Public water supplier] may order the implementation of any of the strategies listed below in order to decrease water use:

- Request voluntary reductions in water use.
- Review the problems that caused the initiation of Stage 1.
- Intensify leak detection and repair efforts

Stage 2, Moderate

Trigger Conditions for Stage 2, Moderate

- A wholesale water supplier that provides all or part of [public water supplier]'s supply has initiated Stage 2, Moderate
- [To be otherwise completed by public water supplier]
 - Potential triggers are:
 - When [public water supplier]'s available water supply is equal or less than [amount in ac-ft, percent of storage, etc.].
 - When total daily demand equals [number] million gallons for [number] consecutive days or [number] million gallons on a single day.
 - When the water level in [public water supplier]'s well(s) is equal or less than [number] feet above/below mean sea level.
 - When flows in the [name of river or stream segment] are equal to or less than [number] cubic feet per second.

Stage 2 will end when the circumstances that caused the initiation of Stage 2 no longer exist.

Goals for Use Reduction and Actions Available Under Stage 2, Moderate

[Public water supplier] will reduce water use by [goal]. [Public water supplier] may order the implementation of any of the strategies listed below in order to decrease water use:

- Request voluntary reductions in water use.
- Halt non-essential city government use
- Review the problems that caused the initiation of Stage 2.
- Intensify leak detection and repair efforts
- Implement mandatory restrictions on time of day outdoor water use in the summer.

Stage 3, Severe

Trigger Conditions for Stage 3, Severe

- A wholesale water supplier that provides all or part of [public water supplier]'s supply has initiated Stage 3, Severe
- [To be otherwise completed by public water supplier]
 - Potential triggers are:
 - When [public water supplier]'s available water supply is equal or less than [amount in ac-ft, percent of storage, etc.].
 - When total daily demand equals [number] million gallons for [number] consecutive days or [number] million gallons on a single day.
 - When the water level in [public water supplier]'s well(s) is equal or less than [number] feet above/below mean sea level.
 - When flows in the [name of river or stream segment] are equal to or less than [number] cubic feet per second.

Stage 3 will end when the circumstances that caused the initiation of Stage 3 no longer exist.

Goals for Use Reduction and Actions Available Under Stage 3, Severe

[Public water supplier] will reduce water use by [goal]. [Public water supplier] may order the implementation of any of the strategies listed below in order to decrease water use:

- Request voluntary reductions in water use.
- Require mandatory reductions in water use
- Halt non-essential city government use
- Review the problems that caused the initiation of Stage 3.
- Intensify leak detection and repair efforts
- Implement mandatory restrictions on time of day outdoor water use in the summer.
- Limit outdoor watering to specific weekdays.
- Create and implement a landscape ordinance.

Stage 4, Emergency

Trigger Conditions for Stage 4, Emergency

- A wholesale water supplier that provides all or part of [public water supplier]'s supply has initiated Stage 4, Emergency
- [To be otherwise completed by public water supplier]
 - Potential triggers are:
 - When [public water supplier]'s demand exceeds the amount that can be delivered to customers.
 - When [public water supplier]'s source becomes contaminated

- [Public water supplier]’s system is unable to deliver water due to the failure or damage of major water system components.

Stage 4 will end when the circumstances that caused the initiation of Stage 4 no longer exist.

Goals for Use Reduction and Actions Available Under Stage 4, Emergency

[Public water supplier] will reduce water use by [goal]. [Public water supplier] may order the implementation of any of the strategies listed below in order to decrease water use:

- Require mandatory reductions in water use
- Halt non-essential city government use
- Review the problems that caused the initiation of Stage 4.
- Intensify leak detection and repair efforts
- Implement mandatory restrictions on time of day outdoor water use in the summer.
- Limit outdoor watering to specific weekdays.
- Create and implement a landscape ordinance.
- Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- Prohibit commercial and residential landscape watering
- Prohibit golf course watering except for greens and tee boxes
- Prohibit filling of private pools.
- Initiate a rate surcharge for all water use over [amount in gallons per month].

9. Procedure for Granting Variances to the Plan

The designated official may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions is met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the designated official. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

10. Penalty for Violation of Water Use Restriction

Mandatory restrictions are required by TCEQ regulation to have a penalty. These restrictions will be strictly enforced with the following penalties:

- Potential penalties
 - Written warning that they have violated the mandatory water use

restriction.

- Issue a citation. Minimum and maximum fines are established by ordinance.
- Discontinue water service to the user.

11. Review and Update of Drought Contingency Plan

This drought contingency plan will be updated at least every 5 years as required by TCEQ regulations.

Appendix A

List of References

APPENDIX A

List of References

Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from <http://www.sos.state.tx.us/tac>, May 2014.

Appendix B

*Texas Commission on
Environmental Quality Rules on
Drought Contingency Plans*

APPENDIX B
Texas Commission on Environmental Quality Rules on Drought Contingency Plans

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

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Model Drought Contingency Plan for [Irrigation District]

Date

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10. Penalty for Violation of Water Use Restriction
11. Review and Update of Drought Contingency Plan

Drought Contingency Plan for [Irrigation District]

1. Introduction

[Include basic information about the Irrigation District and its operations, for example location; service area; water rights; water sources; service accounts; types of irrigation and irrigation practices; crop types; and diversion, storage, and conveyance infrastructure.]

2. Objectives

This drought contingency plan is intended for use by [irrigation district]. The plan includes all current TCEQ requirements for a drought contingency plan.

This drought contingency plan serves to:

- Conserve available water supplies during times of drought and emergency.
- Minimize adverse impacts of water supply shortages.
- Minimize the adverse impacts of emergency water supply conditions.

This model plan is a template for irrigation users to use as they develop their own drought contingency plans. This model plan includes all of the elements required by TCEQ. Each irrigation user should customize the details to match its unique situation. The final adopted version should be provided to the TCEQ.

3. Texas Commission on Environmental Quality Rules

The TCEQ rules governing development of drought contingency plans for irrigation districts are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.21 of the Texas Administrative Code.

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

TAC Reference	Subject	Plan Location
30 TAC §288.21(a)(1)(A)	Provisions to Inform the Public and Provide Opportunity for Public Input	Section 4
30 TAC §288.21(a)(1)(B)	Document Coordination with Regional Planning Group	Section 5
30 TAC §288.21(a)(1)(C)	Criteria for Initiation and Termination of Water Allocation	Sections 6 & 7
30 TAC §288.21(a)(1)(D)	Specific, Quantified Targets for Water Use Reduction	Section 8
30 TAC §288.21(a)(1)(E)	Procedures for Determining the Allocation of Irrigation Supplies to Individual Users	Section 8
30 TAC §288.21(a)(1)(F)	Procedures for Initiation and Termination of Water Allocation	Sections 6 & 7
30 TAC §288.21(a)(1)(G)	Procedures for Use Accounting During Water Allocation	Section 9
30 TAC §288.21(a)(1)(H)	Procedures for the Transfer of Water Allocations Among Individual Users	Section 10
30 TAC §288.21(a)(1)(I)	Procedures for Enforcement of Water Allocation Policies	Section 11
30 TAC §288.21(a)(2)	Consultation with Wholesale Supplier	Section 12
30 TAC §288.21(a)(3)	Protection of Public Water Supplies	Section 13
30 TAC §288.21(a)(3)(b)	Review and Update of Plan	Section 14

4. Provisions to Inform the Public and Opportunity for Public Input

[Irrigation district] will give customers the opportunity to provide public input into the preparation of the plan by one of the following methods:

- Holding a public meeting.
- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper or posted notice.

5. Coordination with the East Texas Regional Water Planning Group

This drought contingency plan will be sent to the Chair of the East Texas Regional Water Planning Group in order to ensure consistency with the East Texas Regional Water Plan. If any changes are made to the drought contingency plan, a copy of the newly adopted plan will be sent to the Regional Water Planning Group.

6. Initiation of Water Allocation

The *[designated official]* shall monitor water supply conditions on a *[e.g. weekly, 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:

[Below are examples of the types of triggering criteria that might be used; singly or in combination, in an irrigation district's drought contingency plan:

- *A wholesale water supplier that provides all or part of an irrigation user's supply has initiated water allocation.*
- *When the district Board determines that there is insufficient water to complete the traditional crop year.*
- *When [irrigation district]'s available water supply is equal or less than [amount in ac-ft, amount in inches per acre, percent of storage, etc.].*
- *When total daily demand equals [number] million gallons for [number] consecutive days or [number] million gallons on a single day.*
- *When the water level in [irrigation district]'s well(s) is equal or less than [number] feet above/below mean sea level.*
- *When flows in the [name of river or stream segment] are equal to or less than [number] cubic feet per second.*

7. Termination of Water Allocation

The district's water allocation policies will remain in effect until the conditions defined in Section 6 no longer exist and the Board deems that the need to allocate water no longer exists.

8. Water Allocation

- a) One allocation account will be associated with each parcel of land identified by ownership for flat rate assessment purposes as shown in the records of the District.
- b) In identifying specific, quantified targets for water allocation to be achieved

during periods of water shortages and drought, each allocation account shall be allocated [number] irrigations or [number] acre-feet of water for each flat rate acre on which all taxes, fees, and charges have been paid. The water allotment in each allocation account will be expressed in acre-feet of water.

[Include explanation of water allocation procedure. For example, in the Lower Rio Grande Valley, an “irrigation” is typically considered to be equivalent to eight (8) inches of water per irrigation acre; consisting of six (6) inches of water per acre applied plus two (2) inches of water lost in transporting the water from the river to the land. Thus, three irrigations would be equal to 24 inches of water per acre or an allocation of 2.0 acre-feet of water measured at the diversion from the river.]

- c) 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 allocation accounts having _____.

[Example 1: An account balance of less than _____ irrigations for each flat rate acre (i.e. _____ acre-feet).

Example 2: An account balance of less than _____ acre-feet of water for each flat rate acre.

Example 3: An account balance of less than _____ acre-feet of water.]

- d) The amount of water charged against an allocation account will be [number, e.g., eight inches] per irrigation unless water deliveries to the land are metered. Metered water deliveries will be charges 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 [number] 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 [number] 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 users allocation account.

- e) Acreage in an allocation account that has not been irrigated for any reason within the last two consecutive years will be considered inactive and will not be allocated water. Any landowner whose land has not been irrigated within the last two 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.

9. Procedures for Use Accounting During Water Allocation

For unmetered water use, the District will record the number of irrigations performed by each allocation account. As additional water becomes available for each allocation, additional irrigations are added to each allocation account. For metered water deliveries, actual measured use plus the conveyance loss factor is recorded and deducted from the user's allocation.

10. Procedures for the Transfer of Water Allocations Among Individual Users

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.

A water allocation may not be transferred to land owned by a landowner outside the District boundaries. *[OR: A water allocation may be transferred to land outside the District's boundaries by paying the current water charge as if the water was actually delivered by the District to the land covered by an irrigation account. The amount of water allowed to be transferred shall be stated in terms of acre-feet and deducted from*

the landowner's current allocation balance in the irrigation account. Transfers of water outside the District shall not affect the allocation of water under Section VII of these Rules and Regulations.]

Water from outside the District may not be transferred by a landowner for use within the District. *[OR: 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 ___ percent conveyance loss will be charged against the amount of water transferred for use in the District as the water is delivered.]*

11. Enforcement of Water Allocation Policies

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 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 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 *[Name]* 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.

12. Consultation with Wholesale Water Supplier

[Provide a description of consultations with the wholesale water supplier(s), if any.

Any irrigation water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan, appropriate provisions for responding to reductions in that water supply.]

13. Protection of Public Water Supplies

[Provide a description of provisions to protect public water supplies, if applicable.

Any irrigation water supplier that also provides or delivers water to a public water supplier(s) shall consult with that public water supplier(s) and shall include in the plan, mutually agreeable and appropriate provisions to ensure an uninterrupted supply of water necessary for essential uses relating to public health and safety. Nothing in this provision shall be construed as requiring the irrigation water supplier to transfer irrigation water supplies to non-irrigation use on a compulsory basis or without just compensation.]

14. Review and Update of Drought Contingency Plan

This drought contingency plan will be updated at least every 5 years as required by TCEQ regulations. The District will provide the updated plan to the TCEQ and the East Texas Region Water Planning Group.

15. References

The following references were used extensively in the development of this model plan, particularly in Sections 6 through 11:

1. Texas Commission on Environmental Quality: *Handbook for Drought Contingency Planning for Irrigation Districts*, April 2005.
2. Harlingen Irrigation District Cameron County #1: *Documents for Water Diversions and Deliveries*, Amended May 19, 2003.
3. Texas Commission on Environmental Quality: "Drought Contingency Plans for Irrigation Use," Texas Administrative Code Title 30 Part I Subchapter A §288.21, effective October 7, 2004.