

# **Model Drought Contingency Plan for [Irrigation District]**

**Date**

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# 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:



<b>TAC Reference</b>	<b>Subject</b>	<b>Plan Location</b>
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.

