



**CONSENT AGENDA  
DRAINAGE DISTRICT  
BOARD OF DIRECTORS  
April 19, 2016  
9:00 A.M.**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held in the Commissioners' Courtroom of the Administration Building, 100 E. Cano, 1st floor, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

**The following items are of a routine or administrative nature. The Drainage District #1 Board has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Board Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.**

1. Approval of check register and payment of claims and bills - County Treasurer
  
2. AI Discharge Permit  
-54183 RHTJ Properties, LTD. / Melden & Hunt, Inc. -Huisache Acres #12 Subdivision
  
3. AI Discharge Permit  
-54184 RHTJ Properties, LTD / Melden & Hunt, Inc. - Huisache Acres #13 Subdivision
  
4. AI 2013 Bond Projects - Precinct No. 1 - Rural Drainage Development - Lucero del  
-54228 Norte

Request approval of Invoice No. 20152541-A in the amount of \$6,695.67 to Tedsi Infrastructure for services through September 30, 2015 for Basic Engineering services related to this project.

5. AI 2013 Bond Projects - Precinct No. 1 - Mile 131/2 and 1015 Area Drainage  
-54241 Improvement Project.

Request approval of Invoice 0316112800 in the amount of \$14,330.31 payable to Urban Infrastructure Group, Inc. for Engineering services of preliminary, final design, construction bidding documents, and surveying for this Project. P.O. 's

628833 and 628828; Work Authorization No.'s 1 and 2 respectively.

6. AI 2013 Bond Projects - Precinct No. 1 - Delta Watershed  
-54240

Request approval of Invoice No. 20162676 to Tedsi Infrastructure Group in the amount of \$2,085 for Professional services relating Legal services provided by Beatty Bangle Strama, P.C. through Work Authorization No.12, P.O. 623665.

AI -54183

2.

DRAINAGE - CONSENT

Meeting Date: 04/19/2016

Submitted By: Esther Layton, DRAINAGE  
DISTRICT

Department: DRAINAGE DISTRICT

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Information

CAPTION

Discharge Permit

RHTJ Properties, LTD. / Melden & Hunt, Inc. -Huisache Acres #12 Subdivision

BACKGROUND

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Fiscal Impact

Attachments

permit

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Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/13/2016 03:15 PM
Final Approval	Monica Badillo	04/15/2016 05:20 PM
Form Started By: Esther Layton		Started On: 04/13/2016 02:44 PM
Final Approval Date: 04/15/2016		

APPLICATION FOR DISCHARGING STORM WATER  
INTO H.C.D.D. NO. 1 SYSTEM\*\*

Applicant: RHTJ PROPERTIES, LTD. (RICK D. HARBISON) Permit No: \_\_\_\_\_

Address: 28012 DAL-CIN DRIVE – SAN ANTONIO, TX 78260

Subdivision Name: HUISACHE ACRES #12

Name of Receiving Ditch: DONNA IRRIGATION DRAIN DITCH

Location or Drainage Area (Furnish Location Map): southwest side of Canton Road and Val Verde Road Int.

X(coordinate): 1123597.61 Y(coordinate): 16620083.14  
(NAD 1983 Texas South FIPS 4205 feet)

New or existing entrance: New Calculated Run-off: 8.22

Number of Acres Developed: 36.421 Size of Pipe: 36" (w/15" restriction)

Size of Box Culvert: N/A Ditch Lateral (size of entrance) sq. ft.: N/A

Discharge Flow line of Pipe, Box Culvert, Ditch Lateral: 73.00

Flow line Receiving Ditch: 72.00 Top of Water Receiving Ditch: 81.14

Top of Ditch Elevation: 82.72 Top of water of Connecting Ditch Lateral: N/A

Head Loss Calculated: .08 Formula Used: TXDOT Hydraulic Manual Nomograph K (for n=0.013 only)

Project Engineer: FRED L. KURTH, P.E. MELDEN & HUNT, INC.  
(Engineer's Name) (Firm's Name)

115 W. McINTYRE ST. - EDINBURG, TEXAS 78541 (956) 381-0981 (956) 381-1839  
(Address) (Phone #) (Fax #)

\*Owner shall be considered a City with the appropriate review boards considering/granting approval to subdivision; otherwise owner/developer signature will be required.

*Rick D. Harbison*  
(Owner's Signature)

\_\_\_\_\_  
(Mayor's Signature) (City of)

\_\_\_\_\_  
(Mayor-Print Name) (Date)

APPROVAL OF IRRIGATION DISTRICT

This is to certify that we have reviewed the above application and we hereby approve the plan and application as shown.

Donna Irrigation District  
(Irrigation District)

By: *Nora O Zapata*

Title: General Manager

Date: 4/11/16

If not an Irrigation District facility, please sign on line below as acknowledgement:

\_\_\_\_\_  
(Irrigation District)

APPROVAL OF DRAINAGE DISTRICT

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_

(Hidalgo County Drainage District Number One)

\*\* This application requires Board of Director's approval. Please submit application, to the District, on Tuesday's before 5:00 p.m. to be placed on Board of Director's meeting the following Tuesday.

AI -54184

3.

DRAINAGE - CONSENT

Meeting Date: 04/19/2016

Submitted By: Esther Layton, DRAINAGE  
DISTRICT

Department: DRAINAGE DISTRICT

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Information

CAPTION

Discharge Permit

RHTJ Properties, LTD / Melden & Hunt, Inc. - Huisache Acres #13 Subdivision

BACKGROUND

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Fiscal Impact

Attachments

permit

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Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/13/2016 03:15 PM
Final Approval	Monica Badillo	04/15/2016 05:20 PM
Form Started By: Esther Layton		Started On: 04/13/2016 02:47 PM
Final Approval Date: 04/15/2016		

APPLICATION FOR DISCHARGING STORM WATER  
INTO H.C.D.D. NO. 1 SYSTEM\*\*

Applicant: RHTJ Properties, Ltd. (Rick D. Harbison) Permit No: \_\_\_\_\_

Address: P.O. Box 989 – Blanco, TX 78606

Subdivision Name: Huisache Acres #13 Subdivision

Name of Receiving Ditch: Donna Irrigation District Hidalgo County #1

Location or Drainage Area (Furnish Location Map): Southeast side of Trenton & Dillon Roads

X(coordinate): 1129791.20 Y(coordinate): 16614785.23  
(NAD 1983 Texas South FIPS 4205 feet)

New or existing entrance: New Calculated Run-off: 4.39

Number of Acres Developed: 19.0 Size of Pipe: 24" with 15" Restriction

Size of Box Culvert: N/A Ditch Lateral (size of entrance) sq. ft.: N/A

Discharge Flow line of Pipe, Box Culvert, Ditch Lateral: 71.25

Flow line Receiving Ditch: 69.25 Top of Water Receiving Ditch: 77.50

Top of Ditch Elevation: 79.50 Top of water of Connecting Ditch Lateral: N/A

Head Loss Calculated: .18 Formula Used: TXDOT Hydraulic Manual Nomograph K (for N=0.013)

Project Engineer: Fred L. Kurth, P.E., R.P.L.S. - Melden & Hunt, Inc.  
(Engineer's Name) (Firm's Name)

115 W. McIntyre St. – Edinburg, TX 78541 (956) 381-0981 (956) 381-1839  
(Address) (Phone #) (Fax #)

\*Owner shall be considered a City with the appropriate review boards considering/granting approval to subdivision; otherwise owner/developer signature will be required.

*Rick D. Harbison*  
(Owner's Signature)

\_\_\_\_\_  
(Mayor's Signature) (City of)

\_\_\_\_\_  
(Mayor-Print Name) (Date)

APPROVAL OF IRRIGATION DISTRICT

This is to certify that we have reviewed the above application and we hereby approve the plan and application as shown.

Donna Irrigation District  
(Irrigation District)

By: *Nora R. Zapata*

Title: General Manager

Date: 4/11/16

If not an Irrigation District facility, please sign on line below as acknowledgement:

\_\_\_\_\_  
(Irrigation District)

APPROVAL OF DRAINAGE DISTRICT

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_  
(Hidalgo County Drainage District Number One)

AI -54228

4.

DRAINAGE - CONSENT

Meeting Date: 04/19/2016

Submitted Lora Briones

Submitted By: Lora Briones, DRAINAGE  
DISTRICT

For:

Department: DRAINAGE DISTRICT

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Information

CAPTION

2013 Bond Projects - Precinct No. 1 - Rural Drainage Development - Lucero del Norte

Request approval of Invoice No. 20152541-A in the amount of \$6,695.67 to Tedsi Infrastructure for services through September 30, 2015 for Basic Engineering services related to this project.

BACKGROUND

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Fiscal Impact

Attachments

20132541-A

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Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/15/2016 02:47 PM
Final Approval	Monica Badillo	04/15/2016 05:20 PM
Form Started By: Lora Briones		Started On: 04/15/2016 10:36 AM
Final Approval Date: 04/15/2016		



# Hidalgo County Drainage District No. 1

902 North Doolittle Road

Edinburg, Texas 78542

Office: (956) 292-7080

## Invoice Processing Checklist/Routing Slip

Invoice/ Backup

Date Received: 11/3/2015

Engineer/Firm Name: TEDSI

Project Name/Number: Lucero Del Norte Rural Drainage Imp. WA NO. 18

Invoice No.: ~~2013-1128-18~~ 20152541-A

Purchase Order No.: 628010

Received By: Rosa Arce

Forwarded to: Nora D. Cavazos \_\_\_\_\_ Date: \_\_\_\_\_  
Claudette Guerrero \_\_\_\_\_ Date: \_\_\_\_\_

Total # of Pages Submitted: 2

Attachments: CD

Forwarded to: Jose N. Saldivar \_\_\_\_\_ Date: \_\_\_\_\_

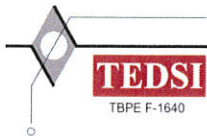
Forwarded to: Lora Briones \_\_\_\_\_ Date: \_\_\_\_\_

Additional Comments: \$ 6,695.67

RECEIVED  
HIDALGO COUNTY  
DRAINAGE DISTRICT #1

NOV 03 2015

12:00 AM/PM  
BY: Rosa Lee



**TEDSI INFRASTRUCTURE GROUP**

*Consulting Engineers*

1201 East Expressway 83 ♦ Mission, Texas 78572

Tel: (956) 424-7898

Fax: (956) 424-7022

October 29, 2015

Project No: 2013-1128-18

Invoice No: 20152541-A

Ms. Claudette Guerrero  
Hidalgo County Drainage District No. 1  
902 North Doolittle Road  
Edinburg, TX 78542

Project 2013-1128-18 Lucero Del Norte Rural Drainage Improvements

Precinct 1 2012 Bond Referendum Professional Agreement - W.A. No. 18

P.O. No. 628010

Account No. 15-133-433-365-010-005-43340

Professional Services from Notice to Proceed to September 30, 2015

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Basic Services	34,478.34	20.00	6,895.67	0.00	6,895.67
Construction Inspection & Contract Management	4,000.00	0.00	0.00	0.00	0.00
Field Survey	5,000.00	0.00	0.00	0.00	0.00
Total Fee	43,478.34		6,895.67	0.00	6,895.67
<b>Total Fee</b>					<b>6,895.67</b>
<b>Total this Phase</b>					<b>\$6,895.67</b>

Billing Summary	Current	Prior	To-Date
Total Billings	6,895.67	0.00	6,895.67
Total Fee			43,478.34
Remaining Fee			36,582.67
<b>Total this Invoice</b>			<b>\$6,895.67</b>

PLEASE REMIT PAYMENT TO:  
TEDSI Infrastructure Group, Inc.  
738 Highway 6 South, Suite 430  
Houston, Texas 77079

Authorized By: Mark D. Corbitt  
Mark D. Corbitt, P.E.  
Project Manager

Date: 10-29-2015



**TEDSI**



*October 2015*  
*Lucero del Norte Subdivision*  
*Pct. 1 Rural Drainage Improvements*  
**INVOICE BACKUP**

AI -54241

5.

DRAINAGE - CONSENT

Meeting Date: 04/19/2016

Submitted Lora Briones

Submitted By: Lora Briones, DRAINAGE  
DISTRICT

For:

Department: DRAINAGE DISTRICT

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Information

CAPTION

2013 Bond Projects - Precinct No. 1 - Mile 131/2 and 1015 Area Drainage Improvement Project.

Request approval of Invoice 0316112800 in the amount of \$14,330.31 payable to Urban Infrastructure Group, Inc. for Engineering services of preliminary, final design, construction bidding documents, and surveying for this Project. P.O. 's 628833 and 628828; Work Authorization No.'s 1 and 2 respectively.

BACKGROUND

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Fiscal Impact

Attachments

0316112800

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Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/15/2016 02:47 PM
Final Approval	Monica Badillo	04/15/2016 05:20 PM
Form Started By: Lora Briones		Started On: 04/15/2016 01:35 PM
Final Approval Date: 04/15/2016		



# Hidalgo County Drainage District No. 1

902 North Doolittle Road

Edinburg, Texas 78542

Office: (956) 292-7080

## Invoice Processing Routing Slip

Invoice/ Backup

Date Received: 4/1/2016

Engineer/Firm Name: Urban Infrastructure Group, Inc.

Project Name/Number: Los Olivarez Acres Drain to Ditch 4E2A

Invoice No.: Feb-March 2016 (0316112800)

Purchase Order No.: 628833 & 628828

Received By: Rosa Arce

Forwarded to: Nora D. Cavazos Date: \_\_\_\_\_  
Claudette Guerrero Date: \_\_\_\_\_

Total # of Pages Submitted: 2

Attachments: Monthly Progress Report WA No. 1 & 2

Amount: \$14,330.31

Forwarded to: Jose N. Saldivar Date: \_\_\_\_\_

Forwarded to: Lora Briones Date: \_\_\_\_\_

Additional Comments: \_\_\_\_\_



URBAN  
INFRASTRUCTURE  
GROUP, INC.

March 31, 2016

Jaime Salazar, Operations Manager  
Hidalgo County Drainage District No.1  
902 N. Doolittle  
Edinburg, Texas 78542

**RECEIVED**  
HIDALGO COUNTY  
DRAINAGE DISTRICT #1

APR 01 2016

10:05 AM / PM

BY: *R. Lee*

RE: Invoice No. 0316112800

Project Name:	Los Olivarez Acres Drain to Ditch 4E2A
Project Number:	112800

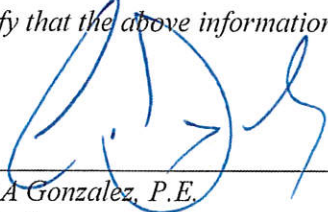
Invoice Period:	Feb – Mar 2016
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This invoice is for engineering services pertaining to the Los Olivarez Acres Drain to Ditch 4E2A project. Attached with this invoice is our Monthly Progress Report. Below shows the amount billed for each Work Authorization (WA). If you have any questions please don't hesitate to call me.

Professional Services	Complete This Month	Contract Amount	Amount This Month	Total
WA#1 PO 628833 (20% Complete)	20%	\$47,951.57	\$9,590.31	
WA#2 PO 628828 (75% Complete)	75%	\$6,320.00	\$4,740.00	
				\$14,330.31

<b>TOTAL AMOUNT DUE:</b>	<b>\$14,330.31</b>
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*I certify that the above information is true and correct.*

  
\_\_\_\_\_  
Craig A Gonzalez, P.E.  
Principal

*We appreciate the opportunity to serve you on this project.  
God Bless.*



## Hidalgo County Drainage Dist. No.1

902 N. Doolittle  
Edinburg TX 78542  
956-292-7080



Raul E. Sesin, P.E., CFM  
General Manager

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### Mile 13.5 N and Mile 3 W

#### Project Engineer

Craig A. Gonzalez, P.E.  
Urban Infrastructure Group  
407 N. Salinas Blvd.  
Donna, Texas 78537  
Tel: 956.464.4710  
Fax: 956.464.4711

## ENGINEER'S MONTHLY PROGRESS REPORT

March 31<sup>st</sup>, 2016

### PROJECT: Los Olivarez Drain to Ditch 4E2A

**Work Authorization No. 1** – PO# 628833: Engineering Services

**Work Authorization No. 2** – PO# 628828: Surveying Services and CAD Designer Work

#### Progress WA#1

In this work authorization Engineer has been authorized to provide Preliminary Engineering, Final Design and Construction Bidding Documents for the proposed drainage improvements. The following work has been performed during March:

- Performed site visit,
- Directed one call locates and coordinated with utility providers,
- Directed surveying activities,
- Reviewed existing drainage system,
- Attended meeting with Drainage District Staff,
- Reviewed USGS quadrangle map and delineated drainage area,
- Reviewed on-the-ground surveying data,
- Identified field conditions contributing to flood conditions,
- Identified probable route for drainage improvements,
- Began runoff calculations,

Work completed to date under WA#1 is approximately 20% of the scope of work.

#### Progress WA#2

In this work authorization Engineer has been authorized to provide engineering surveying services for the proposed drainage improvements. Surveying within Mile 3 W and Mile 13.5 N is complete and CAD work has been performed. Work completed to date under WA#2 is approximately 70% of the scope of work.

AI -54240

6.

DRAINAGE - CONSENT

Meeting Date: 04/19/2016

Submitted Lora Briones

Submitted By: Lora Briones, DRAINAGE  
DISTRICT

For:

Department: DRAINAGE DISTRICT

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Information

CAPTION

2013 Bond Projects - Precinct No. 1 - Delta Watershed

Request approval of Invoice No. 20162676 to Tedsi Infrastructure Group in the amount of \$2,085 for Professional services relating Legal services provided by Beatty Bangle Strama, P.C. through Work Authorization No.12, P.O. 623665.

BACKGROUND

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Fiscal Impact

Attachments

20162676

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Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/15/2016 04:52 PM
Final Approval	Monica Badillo	04/15/2016 05:20 PM
Form Started By: Lora Briones		Started On: 04/15/2016 01:28 PM
Final Approval Date: 04/15/2016		



# Hidalgo County Drainage District No. 1

902 North Doolittle Road

Edinburg, Texas 78542

Office: (956) 292-7080

## Invoice Processing Routing Slip

Invoice/ Backup

Date Received: 3/22/2016

Engineer/Firm Name: TEDSI

Project Name/Number: LRGVRWMP- Legal

Invoice No.: 20162676

Purchase Order No.: 623665

Received By: Rosa Arce

Forwarded to: Nora D. Cavazos Date: \_\_\_\_\_  
Claudette Guerrero Date: \_\_\_\_\_

Total # of Pages Submitted: 23

Attachments: CD

Amount: \$2,085.00

Forwarded to: Jose N. Saldivar Date: \_\_\_\_\_

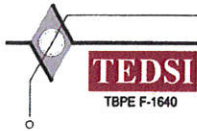
Forwarded to: Lora Briones Date: \_\_\_\_\_

Additional Comments: \_\_\_\_\_



MAR 22 2016

354 AM/PM  
BY: Rosa Lew



**TEDSI INFRASTRUCTURE GROUP**

*Consulting Engineers*  
1201 East Expressway 83 + Mission, Texas 78572  
Tel: (956) 424-7898  
Fax: (956) 424-7022

March 16, 2016

Project No: 2013-1128-12

Invoice No: 20162676

Ms. Claudette Guerrero  
Hidalgo County Drainage District No. 1  
902 North Doolittle Road  
Edinburg, TX 78542

Project 2013-1128-12 Lower Rio Grande Valley Regional Water Management Program – Legal

**Precinct No. 1 - 2012 Bond Referendum**  
**Account No. 13-133-433-360-43340-010-000**  
**P.O. No. 623665**

**Professional Services from January 01, 2016 to February 29, 2016**

Phase	200	Water Rights - BBS, PC			
<b>Consultants</b>					
Reimbursable Consultants Expense					
2/29/2016	Beatty Bangle Strama, PC	Invoice No. 18758	1,050.00		
2/29/2016	Beatty Bangle Strama, PC	Invoice No. 18647	975.00		
	<b>Total Consultants</b>		<b>2,025.00</b>	<b>2,025.00</b>	
			<b>Total this Phase</b>		<b>\$2,025.00</b>

Phase	300	Water Rights - BHDA, LLP			
<b>Consultants</b>					
Reimbursable Consultants Expense					
2/29/2016	Bickerstaff Heath Delgado Acosta LLP	Invoice No. 100050	60.00		
	<b>Total Consultants</b>		<b>60.00</b>	<b>60.00</b>	
			<b>Total this Phase</b>		<b>\$60.00</b>

<b>Billing Summary</b>		<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings		2,085.00	183,266.05	185,351.05	
Total Fee				206,463.14	
Remaining Fee				21,112.09	
			<b>Total this Invoice</b>		<b>\$2,085.00</b>

**PLEASE REMIT PAYMENT TO:**  
TEDSI Infrastructure Group, Inc.  
738 Highway 6 South, Suite 430  
Houston, Texas 77079

Authorized By:

*Mark W. Luper*  
Mark W. Luper, P.E., RPLS  
Executive Vice President

Date:

3.16.16



**BBS** BEATTY  
BANGLE  
STRAMA PC

January 29, 2016

Jesse Salinas  
TEDSI Infrastructure Group  
1201 East Expressway 83  
Mission, TX 78572

Invoice No.18647

In Reference To: *Hidalgo County Delta Watershed Project and Hidalgo County Drainage District No. 1*

Professional Services

		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/11/16	ELIII Water brief	3.00	300.00/hr	900.00
01/19/16	ELIII Correspondence regarding pending amendment to 2012 state plan and status of TCEQ approval.	0.25	300.00/hr	75.00
For professional services rendered			3.25	\$975.00

Previous balance \$900.00

Accounts receivable transactions

2/2/2016 Payment - Thank You(No. 50526) (\$900.00)

Balance due \$975.00

**TEDSI INFRASTRUCTURE GROUP**  
 Project No. 2013-1128-12 Phase No. 200  
 Lump Sum  Approved  Hold  
 Hourly  Rejected  Process  
 Sign MWL Date 3/16/16

400 West 15th Street | Suite 1450 | Austin, Texas 78701

T (512) 879-5050 | F (512) 879-5040 | bbsfirm.com



**BBS** BEATTY  
BANGLE  
STRAMA pc

February 29, 2016

Jesse Salinas  
TEDSI Infrastructure Group  
1201 East Expressway 83  
Mission, TX 78572

Invoice No. 18758

In Reference To: *Hidalgo County Delta Watershed Project and Hidalgo County  
Drainage District No. 1*

Professional Services

	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
02/08/16 ELIII Call with TWDB.	0.50	300.00/hr	150.00
02/10/16 ELIII Water brief	3.00	300.00/hr	900.00
For professional services rendered	3.50		\$1,050.00

Previous balance \$975.00

Balance due \$2,025.00

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$1,050.00	\$975.00	\$0.00	\$0.00	\$0.00

**TEDSI INFRASTRUCTURE GROUP**  
 Project No. 2013-1128-12 Phase No. 200  
 Lump Sum    Approved    Hold  
 Hourly    Rejected    Process  
 Sign MWZ Date 3/16/16

400 West 15th Street | Suite 1450 | Austin, Texas 78701

T (512) 879-5050 | F (512) 879-5040 | bbsfirm.com

January 2016

**Via Electronic Mail**

Mark Lupher  
TEDSI Infrastructure Group  
1201 East Expressway 83  
Mission, TX 78572

Re: January 2016 Water Brief

Please allow the following information to serve as a resource regarding some of the water issues trending in Texas. It is not a comprehensive summary. Its purpose is to provide information that may be of interest to water stakeholders in our region at this time. In addition, the information provided is only basic information regarding the subject matter herein. Additional information regarding any of the subject matters discussed below is available upon request. This is a work product of Beatty Bangle Strama PC and is intended for the sole use of the firm's clients. Before taking any action in reliance on the information included herein, we ask that you personally consult with an attorney from our firm.

**Clean Water Rule Litigation**

The Natural Resources Defense Council ("NRDC"), Michigan Farm Bureau and National Wildlife Federation ("NWF") were denied by an Ohio federal judge from intervening in litigation over the changes proposed by the EPA to the Clean Water Act. The basis for the judge's ruling was that the petitioners' interests are already clearly represented by the parties currently involved in the case. "Although the farm bureau and the environmental groups have argued that they might present arguments different from those that the existing parties would present, neither of the proposed interveners has identified a distinct argument that might advance," the judge said. "Given that the farm bureau and the environmental groups share nearly identical interests, and arguments, with the existing parties, permitting those groups to intervene would unnecessarily complicate this case and delay the proceedings."

In its effort to intervene, the farm bureau argued that its interests cannot be adequately protected by any other governmental party to the litigation because "the other parties are not primarily concerned with the rule's impact on the farming industry within Michigan."<sup>1</sup>

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<sup>1</sup> Information derived from Law360 Article "*Farm Group And Enviro Sidelined In Clean Water Rule Suit*"

The NWF and the NRDC, who argue that the rule doesn't go far enough in identifying water to be protected under the CWA, argued that they should be permitted to intervene because they may have different positions than the federal government and may not approve of a future settlement between the current parties.

This decision limits the number of individual parties who will be allowed to directly participate in the lawsuit, which will set a precedent for similar lawsuits being litigated in other federal court jurisdictions.

### **House Natural Resources Interim Hearing**

The House Committee on Natural Resources held an interim hearing to discuss the future of water marketing in Texas. Water marketing refers to the sale and movement of water from one area to another. Historically, a proposal for a project to move water from one area for use in another has been met with adamant opposition from the stakeholders in the area of the waters' origin. These stakeholders have argued that "their" water must be protected and conserved for future growth. Over time however, many of these rural areas that are rich in water have either experienced no growth or a loss of their population. Their argument that water should not be moved out of their area because of a need to conserve for the future is weakened with the trend in population loss. In addition, groundwater is considered a property right in Texas, which has recently been strengthened by various court cases. Water marketing advocates argue that this property right should allow the owner to sell and market this right as they so choose. Pumping can be limited by groundwater conservation districts, however this limitation cannot be discriminatory against landowners seeking permits to pump water for use outside the groundwater conservation district boundaries.

The committee is tasked with studying the viability of establishing a water grid in Texas similar to our electrical grid infrastructure. A bill to that would have created a study on this issue failed to pass the 84<sup>th</sup> legislative session. The fight over these type of proposals typically pits rural lawmakers against urban lawmakers. The motivation behind these proposals centers on lawmakers' concern with accommodating the very rapidly growing population in Texas' urban areas.

It was stated at the committee that the ultimate goal should be to strike a balance between maintaining enough water in the area of origin for environmental conservation and growth, and developing a plan to provide opportunities to market this resource to other parts of the state that are booming with population and desperately need water. The committee will spend the period before next legislative session looking at opportunities for incentives from areas receiving water to areas providing water that could benefit each area and the state as a whole.<sup>2</sup>

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<sup>2</sup> Information derived from Austin American Statesman article "With water issues on tap, House committee looks at statewide solutions"

### **Lasting Effects from Texas Drought**

In a Business Wire article, Fitch Ratings, the international bond ratings agency, states that despite the end of the severe drought in Texas, the state's water and sewer utilities will continue to see an impact. "The lessons and momentum that the dry spell left on political leaders, water suppliers and consumers will have lasting effects on the sector," says Gabriela Gutierrez, Director. "While Texas typically experiences dry spells, the most recent drought stretched for four long years and heightened the urgency to ensure adequate water supplies are available to sustain a prosperous economy." As of January 2016, 95% of Texas was drought-free, compared with just 34% the year prior; reservoirs are now 85% full, up from 63% in early 2015.

Recent wet weather from El Nino combined with continued focus on conservation is likely to curb water consumption. As a result, water suppliers will see a decline in revenues. It is highly likely that suppliers will need to raise prices in order to meet their current financial demands while at the same time planning and financing infrastructure projects that are needed to keep pace with growth. The lost in revenues impacts the suppliers bond ratings and their ability to financing need infrastructure projects. In addition, each time suppliers propose to raise rates they are met with adamant opposition from rate payers resulting in a hesitancy to raise rates. Fitch is concerned that surplus revenues have not been sufficient enough to maintain existing assets. Given the added challenge of updating aging infrastructure, utilities will be increasingly reliant on borrowable resources for funding. These issues highlight the need for utilities to establish master plans and integrate these plans into the State Water Plan with the Texas Water Development Board so that policy makers and appropriates have a clear picture of Texas' water needs.<sup>3</sup>

### **TCEQ Graywater**

"House Bill (HB) 1902, 84<sup>th</sup> Texas Legislature (201), amended Texas Health and Safety Code (THSC) Chapters 341 and 366 and Texas Water Code (TWC) Chapter 26 in relation to the use of graywater.

The bill requires the TCEQ to develop standards to allow the re-use of graywater for toilet and urinal flushing. The bill also creates a new regulatory classification for "alternative onsite water" which is defined as "rainwater, air-conditioning condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other sources of water considered appropriate by the Commission." The bill directs the TCEQ to develop similar standards for the re-use of this new source of water similar to graywater.

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<sup>3</sup> Information acquired from Business Wire article "*Fitch: Texas Drought Leaves a Lasting Impact on Water/Sewer Utilities*"

The TCEQ has drafted language that amends 30 TAC Chapters 210 and 285 to implement HB 1902. The draft rules are available for informal stakeholder review and comment. The TCEQ will not provide a response to the informal comments; however the comments will be used to finalize the draft rules. The draft rule language can be found at: [www.tceq.texas.gov/permitting/wastewater/graywater/](http://www.tceq.texas.gov/permitting/wastewater/graywater/). Comments will be accepted through Feb. 29, 2016, and may be submitted by e-mail to: [Laurie.Fleet@tceq.texas.gov](mailto:Laurie.Fleet@tceq.texas.gov).<sup>4</sup>

### **TCEQ Rulemaking Spill Reporting**

“On Jan 20, 2016, TCEQ commissioners approved publication of rulemaking implementing Senate Bill (SB) 912, 84<sup>th</sup> Legislature, related to volume-based exemptions from reporting requirements for certain accidental discharges or spills from wastewater treatment facilities or collections systems.”<sup>5</sup> “The proposed rulemaking will allow any single, accidental discharge or spill of treated or untreated domestic wastewater that occurs at a wastewater treatment or collection system owned or operated by a local government to be reported to the TCEQ monthly, as a summary of spills, provided the following conditions are met:

- The spill volume is 1,000 gallons or less;
- It is not associated with another accidental discharge or spill;
- It is controlled or removed before entering water in the state;
- It does not adversely affect a public or private source of drinking water;
- It will not endanger human health or safety or the environment; and
- It is not otherwise subject to local regulatory control and reporting requirements

Additionally, the proposed rules require the owner or operator of the facility or collection system to use one of three standard methods in the proposed rule when calculating the volume of a discharge or spill. The proposed rules will also implement SB 912 by requiring the TCEQ to consider the compliance history of the individual and to establish procedures for formatting and submission of the monthly summary (including location, volume, and content of each accidental discharge or spill that occurred during the preceding month).<sup>6</sup> To obtain a copy of the proposed rule, visit the TCEQ website at: <https://www.tceq.texas.gov/rules/prop.html>. For more information on providing comments to the TCEQ, visit their website at: <https://www.tceq.texas.gov/about/comments.html>.

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<sup>4</sup> Information acquired from TCEQ *The Advocate* publication article “TCEQ Seeking Stakeholder Input for Graywater Rulemaking”

<sup>5</sup> Information acquired from TCEQ *The Advocate* publication article “TCEQ Proposes New Rules for Accidental Discharges or Spills at Wastewater Treatment or Collection Systems”

<sup>6</sup> *i.e.*

**Miscellaneous**

Congressman Vela will host a RESTORE Act event on Thursday, Feb 18, 2016, from 1:30pm to 4:00pm that will include an application workshop. This event will be held at the Hilton Garden Inn, located at 7010 Padre Island in South Padre Island, Texas. Applications for RESTORE Direct Component (Bucket 1) grants must be submitted to <http://www.restorethetexascoast.org/> no later than 5:00pm on Friday, April 15, 2016.

[http://www.law360.com/environmental/articles/756465?nl\\_pk=f062d438-c54c-4110-b811-53ce77d55810&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=environmental](http://www.law360.com/environmental/articles/756465?nl_pk=f062d438-c54c-4110-b811-53ce77d55810&utm_source=newsletter&utm_medium=email&utm_campaign=environmental) article about a ex public water systems operator getting sentenced to 3 years prison for falsifying testing results.

<http://apps.texastribune.org/reservoirs/> this is a link to an interactive website that provides up to date information on reservoir levels in Texas.

Attached please find “*Texas Water Update*” policy brief published by Central Texas Water Coalition.

[http://www.law360.com/environmental/articles/753894?nl\\_pk=f062d438-c54c-4110-b811-53ce77d55810&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=environmental](http://www.law360.com/environmental/articles/753894?nl_pk=f062d438-c54c-4110-b811-53ce77d55810&utm_source=newsletter&utm_medium=email&utm_campaign=environmental) link to an article about the Flint, Michigan water contamination case.

<https://journals.tdl.org/twj/index.php/twj/article/view/7019> great article about how different states managed water during the drought.

Attached please find the TCEQ’s latest water delivery report.

Good afternoon,

**This report is for the week ending 1/23/2016.**

- As of the date of this report, Mexico has delivered 211,700 AF since October 25, 2015.\*
- The previous cycle ended with a debt of 263,250 AF.

\*Data is preliminary and subject to IBWC revision.

On January 23, 2016, the U.S. combined ownership at Amistad/Falcon stood at 66.61% of normal conservation capacity, impounding 2,259,449 acre-feet, up from 48.69% (1,651,416 AF) of normal conservation a year ago at this time.

The Mexican Reservoirs report shows, as a whole, a total of 69.20% average capacity. All Mexican Reservoirs are below 100% capacity at this time.

As of 1/23/16:

The United States has 1,366,857 AF in Amistad and 892,592 AF in Falcon.

Mexico has 565,065 AF in Amistad and 651,000 AF in Falcon.

The Amistad Reservoir is currently at:

1092.14 ft -24.86 with a release of 20.0 cms / 706 cfs

Falcon Reservoir is currently at:

285.68 ft -15.52 with a release of 25.0 cms / 882 cfs

February 2016

**Via Electronic Mail**

Mark Lupher  
TEDSI Infrastructure Group  
1201 East Expressway 83  
Mission, TX 78572

Re: February 2016 Water Brief

Please allow the following information to serve as a resource regarding some of the water issues trending in Texas. It is not a comprehensive summary. Its purpose is to provide information that may be of interest to water stakeholders in our region at this time. In addition, the information provided is only basic information regarding the subject matter herein. Additional information regarding any of the subject matters discussed below is available upon request. This is a work product of Beatty Bangle Strama PC and is intended for the sole use of the firm's clients. Before taking any action in reliance on the information included herein, we ask that you personally consult with an attorney from our firm.

**Flint Michigan and the Lead Copper Rule**

The problem in Flint Michigan originates from lead and copper contamination in their drinking water supply. Aging distribution pipes seem to be the culprit which caused the contamination. Water that sat in distribution pipes for any length of time was contaminated in certain parts of the system with the oldest infrastructure. In 1991, the EPA published its Lead and Copper Rule as part of the Safe Drinking Water Act, which established a maximum contaminant level for lead in drinking water and a treatment technique to reduce corrosion of lead and copper within distribution systems. The rule has been modified several times since its inception, but experts say that it is a weak rule in need of a major overhaul. The EPA has stated that it is currently considering a new rule overhaul and expects changes to be published in 2017.

Current problems stem from the testing model used today. Testing typically occurs at the point treated water comes out of the treatment plant before the water is exposed to aging distribution pipes where the lead contamination typically occurs. Therefore, systems using the existing model continuously pass testing standards even though they could have major problems with lead contaminates originating beyond the testing points. Advocates are pushing to change the sampling protocol to overcome shortcomings with current testing and provide a more effective way to identifying lead problems.

Advocates also argue that the current testing model allows utilities to manipulate testing results. Under the existing Lead and Copper rule, systems are not in compliance if more than 10 percent of the homes in a water system have more than 15 parts per billion of lead which will then require the utility to implement corrosion controls. Some utilities have been accused of targeting specific areas in their system for testing that they know will pass the Lead and Copper Rule standards and avoiding certain problem areas that will produce testing results that will trigger the rule's requirements. Lastly, the current rule doesn't not mandate the removal of the lead pipe when testing reveals problems with contamination. Advocates are urging for a requirement for full lead service line replacement as part of the rule.

### **Mexican Water Debt**

On March 7, 2016, state officials declared that Mexico had paid off its water debt owed to Texas in accordance with its obligations under the 1944 Water Treaty governing allocation and use of Waters of the Rio Grande River by Mexico and Texas. Mexico failed to deliver its obligated amount of water by the end of the 5-year cycle timeframe dictated by the treaty, resulting in a water debt owed to the US/Texas. At the end of the 2010-2015 cycle, Mexico owed the United States more that 263,000 acre feet of water. However, officials with the United States Section of the International Boundary and Water Commission said Mexico fully repaid the amount of water it owed the United States on January 25, 2016. The U.S. Commissioner for the IBWC stated, "this success exemplifies the cooperation that now exists between the United States and Mexico to address the water needs of both countries." He went on to say, "Water debts may sometimes be unavoidable, but all water owners along our common border need to have annual notifications of how much water they can expect to receive the next year in order to plan accordingly."

However, there are some stakeholders in the region who have been working on this issue for a long time that still have concerns with the way the payment of the debt was acknowledged. The water delivered by Mexico and credited against the debt carried over from the last cycle did not include the amount of water Mexico needs to deliver to stay in compliance with its current obligations. Instead of first requiring Mexico to meet its current obligations and then crediting the remainder against its debt, officials allowed the accounting to reflect full credit against last cycle's debt. As a result, we are staring the current cycle, like we have historically, with a delivery shortage. Ultimately, we have not achieved or made progress on the long-term goal of requiring Mexico to treat the United States and Texas as a user and planning for delivery of our water on a regular schedule like they do other users within their county. Water users in the Valley may continue to experience hardships due to water shortages because of the historic unpredictable method Mexico has used to deliver its obligation water to the Rio Grande.

### **Texas Supreme Court Limits TCEQ**

### **to Act in Times of Drought**

The Texas Supreme Court declined to take up a case to review a decision by a lower Court that limited the TCEQ's ability to curtail senior water right holders water use in order to accommodate junior municipal water right holders who supply fresh water to cities and power generators. The basis of the initial lawsuit originated from an action taken by TCEQ during the most recent drought to limit senior water right holders full use of their water rights for the benefit of junior holders supplying municipal water. Dow Chemical and the Texas Farm Bureau sued the TCEQ for this action declaring that their property rights had been violated. The TCEQ declared that it had the right to do this under its jurisdiction to protect the "public health, safety and welfare". A Corpus Christi Court of Appeals held, "None of the statutes or the constitutional provision cited by TCEQ give the agency the general authority to suspend water rights after they have been issued." It further held, "While we recognized TCEQ's authority to manage and regulate the state's scarce water resources, such authority must not exceed its express legislative mandate." The Supreme Court denying to take up this case, has left the lower courts ruling in effect, meaning that cities will likely not be able to rely on the water they currently have permitted and would have to buy more senior water rights or lease water from senior water rights holders during times of drought and water shortage. The Texas Farm Bureau was pleased with the Supreme Court's decision not to take up the case hence leaving the lower court's more favorable ruling in effect declaring, "We think it's a great victory because people will continue to have property rights that would otherwise be taken away from them". However, officials from the TCEQ expressed concern with this ruling and stated that this would severely impact their ability to protect the health and safety of Texans during times of drought resulting in limited water supply to accommodate basic human water consumption needs.

### **TWDB Funds Study to Help with Drainage Problems in Colonias**

The TWDB recently announced that it will fund a study to create and implement drainage designs to relieve flooding in colonias that results in water contamination problems along the border. 403 colonias will be included in the TWDB study that will assess which colonias are most in need of better drainage; the study almost certainly will also determine which neighborhoods will be first to get state-funded improvements. Recent severe weather has created several examples of major drainage problems in Valley colonias. Understanding the current state of flood management in colonias and identifying the most problem areas is a great first step towards alleviating the problem. The problems caused by poor drainage are not isolated to the colonias themselves and often spill over to surrounding communities causing problems with infectious diseases spread by mosquitos.

### **Miscellaneous**

Mark Luper  
February 2016  
Page 4

The Surface Water Quality Standards Advisory Workgroup will host its next meeting on Thursday, March 31, 2016 at the TCEQ Austin Campus in Building F, Room 2210. Attached, please find the agenda for that meeting. Please use the following link if you would like to read more about the purpose and function of the State Water Quality Standards Advisory Workgroup. [https://www.tceq.texas.gov/waterquality/standards/WQ\\_standards\\_intro.html](https://www.tceq.texas.gov/waterquality/standards/WQ_standards_intro.html)

<http://apps.texastribune.org/reservoirs/> link to an interactive website with the latest information on reservoir levels in Texas.

Attached please find the latest reservoir report prepared by the TCEQ Water Master's office for the Rio Grande River. Included in the report is the latest information regarding Mexican water deliveries.

The Texas Water Development Board recently announced the date for their next *Water for Texas* conference to be held on January 24-26, 2017, at the AT&T Conference Center in Austin, Texas. The conference will feature topics that include; innovative water technologies, groundwater science, 2017 State Water Plan, geographic data services, water data interactive, flood funding initiatives, TWDB's financial assistance programs, and Texas water policy.



# TEXAS WATER UPDATE

The manner in which leaders, communities, citizens and businesses responded to recent drought conditions was not only an important lesson in our state's ability to adapt, but it served as a powerful demonstration of how we can change our behavior as times require.

In response to dwindling water supplies, many municipalities implemented water conservation measures to preserve drinking water. Some stepped up their efforts for water reuse. And numerous communities adjusted their pricing to encourage conservation and prudent use.

Lower lake levels not only affected water supplies, but they also impacted local economies. In many regions, declining water levels forced businesses to close. Jobs were lost. Tax bases used to support local government services were diminished, and some communities faced challenges in responding to fires and other emergencies.

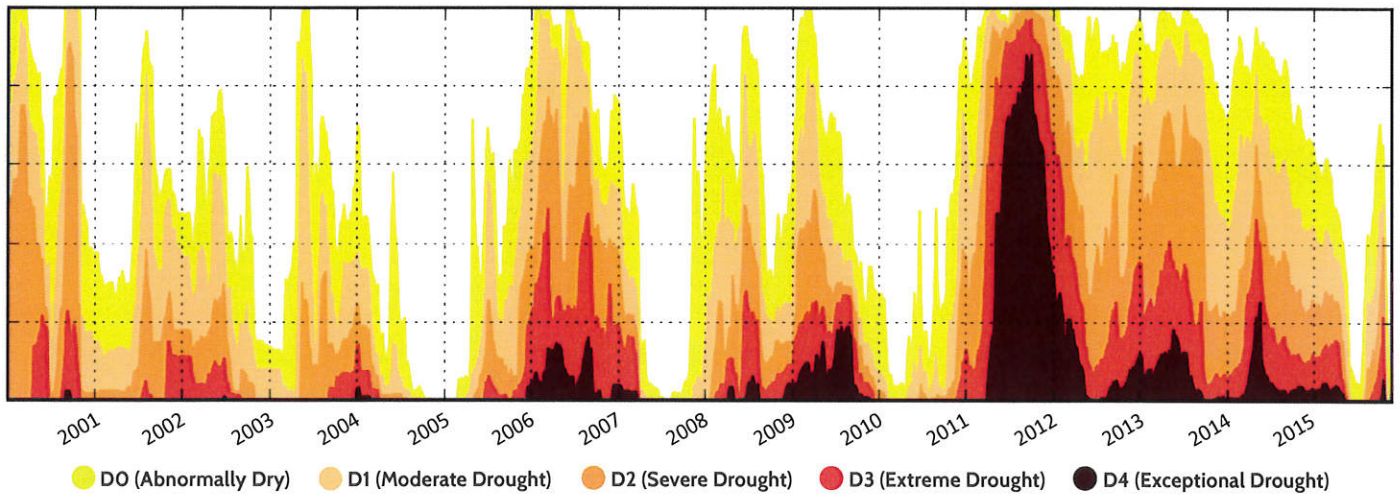
Through it all, the most significant takeaway is the compelling reinforcement that management and usage of our state's water resources must evolve in order to meet the future needs of the state's growing population and expanding economy. We can't just talk about conservation; there must be smarter and more efficient use of water by all. The price that everybody pays for water must encourage conservation and reflect the value of this precious commodity. Use of modern technologies and irrigation methods must become the norm for those who use mass quantities of water in their operations. And regulators must weigh potential economic impacts as they make water management decisions that affect communities, economies and public health.

At one point during 2015, the Texas Commission on Environmental Quality (TCEQ) listed 59 of the state's public water systems as at risk of running out of water within 180 days or less.

## **DROUGHT CONDITIONS CAN RETURN**

Even when we are blessed with rain, we must remember that even the heaviest downpours could be a mere brief respite in an ongoing multiyear drought. We know this can happen because it happened during the Drought of Record in the 1940s and 1950s. Rain in 1951 and 1952 replenished reservoirs temporarily, but the drought continued for another five years. We must learn from our history that even a rainy year doesn't mean a drought is over.

Since 2000 at least some part of the state was in drought conditions 93 percent of the time.



Source: Texas Water Development Board

## THE CENTRAL TEXAS EXPERIENCE

For a quick case study on ways to better manage the state's precious water supplies, one need only look to the experience of Central Texans who rely on the Highland Lakes to provide water to the more than 1 million residents who live in the region.

## A DIFFERENT DECISION

In 2011, as the drought's grip on the region tightened, nearly half of the available water supply in Lake Travis was released for use in flooding rice fields in several South Texas counties. The water released for approximately 200 rice farmers was enough to supply Los Angeles, a city of 3.8 million people, for a year. In the five years since the mass release, Lakes Buchanan and Travis experienced the three lowest annual water inflow totals ever recorded for the lakes. The release of half of the lake's water supply was devastating to the region and threatened the primary water supply for the City of Austin.

In 2011, the water provided to  
**200 RICE FARMERS**  
was enough to supply Los Angeles for a year.

Source: City of Los Angeles, CA

This didn't have to happen. The long-lasting impact of the 2011 water release serves as a powerful lesson on water management, and one that we must learn from, not repeat. Recognizing the serious negative impacts of the 2011 water release, the Lower Colorado River Authority (LCRA) and the Texas Commission on Environmental Quality (TCEQ) have changed the rules for such releases. The TCEQ approved a new LCRA water management plan in early November 2015. The two agencies' actions were an important step toward ensuring the region's drinking water supplies are better protected.

MUNICIPAL AND BUSINESS USERS  
**PAY 15 TIMES MORE FOR  
WATER THAN RICE FARMERS**



**\$9.25** No incentive  
to conserve

Price per acre-foot for water  
**Agricultural Users**  
(Rice Farmers)

**\$145.00**

Price per acre-foot for water  
**Firm Water Users**

Source: LCRA

## EQUITABLE PRICING

We know pricing motivates behavior. We use cheap things freely and sometimes even waste them. For more expensive things, we purchase only what we need and try to stretch them so they last. Pricing of water follows this principle of human nature. Water pricing should encourage conservation of valuable water resources and responsible use by all. In Central Texas, there is a clear link between the current trend to better manage water usage in residential settings and the prices those users pay. Conversely, the lack of modern technology in the rice-growing sector shows us that the outdated price of \$9.25 per acre-foot (325,851 gallons), compared to \$145 paid by municipal users in the region, provides no incentive to rice farmers to conserve and make changes. Fair pricing for all users must be part of the state's water management formula, not just because it is the right thing to do, but, more importantly, because it will drive much-needed innovation, leading to conservation.

Although more abundant rainfall and accessible groundwater supplies exist in the rice-growing region, the underpriced water from the Highland Lakes is a much more appealing purchase. Additionally, the highly inefficient method of transporting the water for hundreds of miles

down the Colorado River and distributing it through miles of unlined irrigation canals results in significant losses of water and revenue to the water supplier and the entire river basin. A 2012 report by the Lower Colorado River Authority estimated that of the water released for rice farming in 2011, the amount lost to evaporation, seepage or changed conditions that eliminated the need for the water was more than 21 billion gallons.<sup>2</sup> Not only will market-based pricing encourage greater conservation, but the use of supplies other than the Highland Lakes will eliminate the excessive and inefficient waste that results from the water traveling down the Colorado River to its destination.

## CONSIDERING ECONOMIC IMPACT

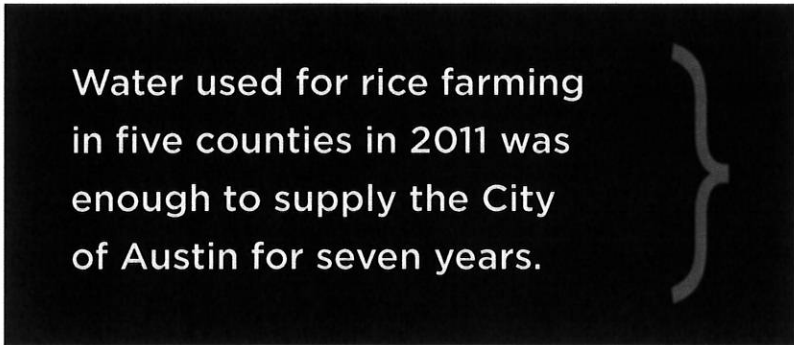
If the range of economic consequences had been considered, it is possible that decisions would not have been made that resulted in sending almost half of Lake Travis downstream to flood rice fields in 2011. Receding shorelines, closed businesses, "For Sale" signs, lost jobs, declining tax revenues and the jeopardizing of a region's primary drinking water supply were all part of the aftermath of action taken under a management plan that did not fully weigh the potential consequences. While the exact economic impact to the region might have been difficult to forecast, consideration of the best and worst-case scenarios could have led to a different result. Many find it hard to believe that the State of Texas does not consider evidence related to economic impact when making decisions regarding the allocation and management of surface water, a resource so critical to the state's economic viability and its public health and safety. Groups who best understand this critical dynamic are continuing work they began in 2015 to advocate for the inclusion of economic impact as a factor to be considered in water management decisions.

The LCRA estimates that of the water released for rice farming in 2011, 21 billion gallons was lost to evaporation, seepage or changed conditions that eliminated the need for the water.

## REDUCING USE WITH IMPROVED IRRIGATION METHODS

In 2011, the Texas Water Development Board (TWDB) reported that agricultural irrigation accounted for approximately 56 percent of the state's total water use.<sup>3</sup> According to the TWDB, rice farming use in five South Texas counties alone comprised more than 276 billion gallons.<sup>4</sup>

Texas has one of the country's fastest-growing populations and an ever-expanding state economy. Pair that with dwindling, less-reliable water supplies, and it is becoming increasingly necessary to ensure that the most efficient methods of irrigation are used, especially when innovation can significantly reduce water waste. Given the amount of water used in rice farming with traditional flooding methods, opportunities exist to develop and implement new best practices that will help ensure the most efficient use of a limited natural resource.



Water used for rice farming  
in five counties in 2011 was  
enough to supply the City  
of Austin for seven years.

A 2001 study funded by the Lower Colorado River Authority in conjunction with the Texas Department of Agriculture and Netafim USA showed that subsurface drip irrigation methods reduced water use by approximately 50 percent over traditional flood irrigation.

Other improvements in water management have also shown that techniques such as surge irrigation and narrow-border flood irrigation use substantially less water than flood irrigation

while maintaining the quality of yields. In fact, these techniques resulted in an astounding 56 percent increase in income for cotton farmers in South Texas.<sup>6</sup> Alternate wetting and drying (AWD) has also been used successfully in regions around the world. SRI, or system of rice intensification, not only reduces water use by almost half, but also has been shown to increase yields by more than 40 percent and farmer income by as much as 60 percent.<sup>7</sup>

While some of these innovations may not be applicable for broad agricultural use, they do demonstrate the ability to change practices as times require. Even with its record-breaking population growth, Austin has reduced per capita consumption by 22 percent from 2007-2013.<sup>8</sup> But cities aren't the only ones reducing water usage. Farmers around the world are demonstrating they can adapt to using less water with alternative irrigation methods, and in some instances are improving their yields by doing so.

## CHANGING TIMES, CHANGING WAYS

Even though change can be difficult, families, cities and businesses have demonstrated how they can reduce use and increase efficiency to respond to a less predictable water supply. Their actions were not just out of concern that we're running out of water, but to adapt to changing times as they arise so that we don't. The state's evolving drought conditions and the increasingly unpredictable weather patterns have reinforced the need to think differently when it comes to managing our water supply.

While we don't control how much water falls from the sky, we are able to promote water management that recognizes the true value of this precious resource.

### Sources

<sup>1</sup> <http://www.waterdatafortexas.org/reservoirs/basin/colorado>;

<sup>2</sup> [http://www.lcra.org/water/water-supply/Documents/water\\_use\\_summary\\_2011.pdf](http://www.lcra.org/water/water-supply/Documents/water_use_summary_2011.pdf);

<sup>3</sup> <http://texasstatewaterplan.org/#/demands/2010/state>;

<sup>4</sup> [http://www2.twdb.texas.gov/ReportServerExt/Pages/ReportViewer.aspx?%2fIWU%2fIrrigation\\_Crop\\_Water\\_Use&rs:Command=Render](http://www2.twdb.texas.gov/ReportServerExt/Pages/ReportViewer.aspx?%2fIWU%2fIrrigation_Crop_Water_Use&rs:Command=Render);

<sup>5</sup> [http://www2.twdb.texas.gov/ReportServerExt/Pages/ReportViewer.aspx?%2fIWU%2fSumFinal\\_WUG\\_Entity\\_Detail\\_2013&rs:Command=Render](http://www2.twdb.texas.gov/ReportServerExt/Pages/ReportViewer.aspx?%2fIWU%2fSumFinal_WUG_Entity_Detail_2013&rs:Command=Render);

<sup>6</sup> [http://www.twdb.texas.gov/conservation/agriculture/demonstration/doc/AWE\\_AnnualReport2013.pdf](http://www.twdb.texas.gov/conservation/agriculture/demonstration/doc/AWE_AnnualReport2013.pdf);

<sup>7</sup> [http://www.earthisland.org/journal/index.php/elist/eListRead/system\\_of\\_rice\\_intensification\\_brings\\_hope\\_to\\_global\\_rice\\_production/](http://www.earthisland.org/journal/index.php/elist/eListRead/system_of_rice_intensification_brings_hope_to_global_rice_production/);

<sup>8</sup> City of Austin

# SWQS Advisory Workgroup Agenda

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**Location: TCEQ Headquarters, Building F, Second Floor, Room 2210**

**Date: March 31, 2016**

**Time: 1:00pm – 4:00pm**

- 1:00 Welcome and Workgroup Introductions – Debbie Miller
- 1:15 UAA Updates – Jason Godeaux
- 1:45 RUAA Updates – Kate Lavelle
- 2:00 Texas General Land Office Beach Watch Program – Craig Davis
- 2:30 BEACH Act and the EPA 2012 Recreational Criteria for Coastal Waters– Joe Martin
- 4:00 Adjourn

Good afternoon,

**This report is for the week ending 2/27/2016.**

- The current cycle began on October 25, 2015. As of the date of this report, Mexico has delivered 86,647 AF.\*
- The pro-rated deficit for the current cycle is 34,175 AF.
- The previous cycle ended with a debt of 263,250 AF. As of January 25, 2016, Mexico has delivered water to the United States to pay down the debt.

\*Data is preliminary and subject to IBWC revision.

On February 27, 2016, the U.S. combined ownership at Amistad/Falcon stood at 65.66% of normal conservation capacity, impounding 2,227,020 acre-feet, up from 49.38% (1,674,927 AF) of normal conservation a year ago at this time.

The Mexican Reservoirs report shows, as a whole, a total of 68.03% average capacity. All Mexican Reservoirs are below 100% capacity at this time.

As of 2/27/16:

The United States has 1,370,100 AF in Amistad and 856,920 AF in Falcon.

Mexico has 568,308 AF in Amistad and 633,165 AF in Falcon.

The Amistad Reservoir is currently at:

1092.25 ft -24.74 with a release of 20.0 cms / 706 cfs

Falcon Reservoir is currently at:

284.79 ft -16.40 with a release of 60.0 cms / 2,119 cfs



# Bickerstaff Heath Delgado Acosta LLP

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Hidalgo County Drainage District No. 1  
c/o TEDSI Infrastructure Group, Inc.  
1201 E. Expressway 83  
Mission, TX 78572

March 14, 2016  
Client: 003978  
Matter: 000001  
Invoice #: 100050  
Bill Atty: DM

Page: 1

RE: Drainage Improvements

For Professional Services Rendered Through February 29, 2016

## SERVICES

Date	Person	Description of Services	Hours	
2/1/2016	EWR	Prepare summary of permitting process.	0.2	
Total Professional Services			0.2	\$60.00

## BILLING RECAP

	Level	Hours	Rate	Amount
EWR	Emily Rogers	Partner	0.2	\$300.00
Total Services				\$60.00
Total Current Charges				\$60.00

**TEDSI INFRASTRUCTURE GROUP**  
 Project No. 2013-1128-12 Phase No. 300  
 Lump Sum  Approved  Hold  
 Hourly  Rejected  Process  
 Sign MW Date 3/16/16

**PAY THIS AMOUNT \$60.00**

## Samantha DeLeon

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**From:** Emily Rogers [ERogers@bickerstaff.com]  
**Sent:** Monday, February 01, 2016 10:49 AM  
**To:** Samantha DeLeon  
**Cc:** Mark Corbitt; Mark Lupher; Mariano Manzano  
**Subject:** RE: Delta Watershed

To store, divert or use state water, a person must obtain a water right from the Texas Commission on Environmental Quality (TCEQ). The person must submit an application with the TCEQ that meets the requirements of Texas Water Code Sec. 11.134, which are the following:

1. The application must conform with the TCEQ's application requirements and be accompanied by the required fee;
2. There is unappropriated water available from the source of supply;
3. The proposed appropriation is intended for a beneficial use, does not impair existing water rights, is not detrimental to the public welfare, considers any applicable environmental flow standard, and addresses a water supply need in a manner that is consistent with the state water plan and relevant regional water plan; and
4. The application provides evidence that reasonable diligence will be used to avoid waste and achieve water conservation.

Upon receipt of the application, TCEQ reviews it for administrative completeness and determines if any additional information is needed from the applicant. The TCEQ declared HCDD1's application administrative complete on November 20, 2015. Once an application is administratively complete, the TCEQ will start its technical review, which will include running a water availability model to determine if there is unappropriated water available.

When the TCEQ has completed technical review and prepared a draft permit, the TCEQ will require the applicant to provide mailed notice of the application to other water rights holders and interested persons within the basin, and will require the applicant to publish notice of the application in a newspaper of general circulation in each county affected by the application. The notice will allow persons and entities to request a contested case hearing on the application.

If no person requests a contested case hearing, the water right will be issued by the TCEQ. If a person requests a contested case hearing, the TCEQ Commissioners will decide if the person is an affected person entitled to a contested hearing, and refer the matter to the State Office of Administrative Hearing (SOAH) for a hearing on the merits of application. Upon completion of the contested case hearing, the SOAH judge will issue proposal for decision and send the application back to the TCEQ Commissioners for their ultimate decision regarding the application and the water right.

Emily Willms Rogers | Attorney | Bickerstaff Heath Delgado Acosta LLP  
3711 S. Mo-Pac | Building One | Suite 300 | Austin, TX | 78746  
Phone 512.472.8021 | Fax 512.320.5638

[erogers@bickerstaff.com](mailto:erogers@bickerstaff.com) | [www.bickerstaff.com](http://www.bickerstaff.com)



**From:** Samantha DeLeon [<mailto:SDeLeon@tedsi.com>]  
**Sent:** Tuesday, January 12, 2016 8:41 AM  
**To:** Emily Rogers <[ERogers@bickerstaff.com](mailto:ERogers@bickerstaff.com)>  
**Cc:** Mark Corbitt <[MCorbitt@tedsi.com](mailto:MCorbitt@tedsi.com)>; Mark Lupher <[MLupher@tedsi.com](mailto:MLupher@tedsi.com)>; Mariano Manzano <[MManzano@tedsi.com](mailto:MManzano@tedsi.com)>  
**Subject:** Delta Watershed

Good Morning Emily,

We are working on the Preliminary Engineering Report for the Delta Watershed Project. Could you please provide a brief write up of the legal process associated with obtaining the water rights for us to include?

Thank you!

*Samantha DeLeon, E.I.T.*

**TEDSI INFRASTRUCTURE GROUP**

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Mission, Texas 78572

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Email: [sdeleon@tedsi.com](mailto:sdeleon@tedsi.com)

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TEDSI  
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