

PUSHWATER

The United States began the year with the least amount of water in storage at Amistad/Falcon as compared to this time of the year for any of the past 10 years. In fact, as compared to last year the US storage balance had dropped approximately 60% (or 831,788 AF) to 1,357,939 AF. Storage balances have continued to decline as the Lower Rio Grande Valley has entered pre-irrigation.

Many valley municipalities rely on irrigation districts to convey their municipal water. Municipal releases from Falcon and conveyance through irrigation districts rely heavily on irrigation water being in the conveyance channels. In essence, Municipal water "rides" on top of irrigation water. As irrigation districts run out of irrigation water they will require "pushwater" to simply convey Municipal water to end users.

The Rio Grande Valley faced a similar situation in 1998 and 2002 when based on the following legal opinion, pushwater was provided to local irrigation districts:

"In times of severe drought, the watermaster needs to be able to allocate the water in the way he or she deems best. The rules do not address a situation as severe as the one facing the watermaster right now. Since the rules seem to contemplate that the balance of the operating reserve should not fall below 150,000 AF* and since they are silent on whether water can be taken from the DMI reserve in times of severe drought, and since the irrigation accounts are becoming depleted, it is reasonable and appropriate to conclude that the watermaster may deduct water from the DMI account for this pushwater. If the DMI account is somewhat depleted before the operating account is depleted, it appears that water in the operating reserve could be used for municipalities, since this water can be used for "emergencies." It is also reasonable for the watermaster to decide to use the operating reserve account for this "pushwater" now."

****Note: Operating reserve by rule change in 2001 is now set at 75,000 AF and may drop to 0 AF before a negative allocation will take place. Pushwater represents a system loss that affects all users directly or indirectly.***

The criteria for authorizing pushwater in 2002 were as follows:

- Irrigation district account is at zero water balance.
- At least 60 day written notice from Irrigation District to each potentially affected municipal entity and to the watermaster shall be provided by the irrigation district indicating the expected date by which the irrigation district **may** run out of irrigation water, the potentially affected municipal entities, and the expected amount of pushwater that will be required on a monthly basis to satisfy each individual municipal entity.
- Municipal user serviced by the irrigation district has reviewed its own approved conservation plans and determined appropriate implementation of water conservation measures consistent with those plans. Applicable conservation measures that have in fact been implemented should be communicated to the irrigation district and the watermaster's office.
- Monthly amount of pushwater needed by the district must be provided to the watermaster for review.

- Compliance with established watermaster certification procedures.
- No other efficient conveyance options are available for the municipal user.
- Allow actual irrigation district to run negative values for pushwater to be paid back by subsequent allocations and/or purchased water. While a negative balance exists, absolutely no irrigation to take place within district. Districts may however continue to purchase water for conveyance and irrigation and to the extent that positive balances remain, irrigation may continue as per the district's prerogative.
- Watermaster may authorize temporary emergency diversion facilities from the Rio Grande for affected municipalities where practicable.
- District specific internal repayment options may include a combination of any of the following (to be implemented by and between the irrigation district and the municipalities served):
 - Increasing conveyance charge from irrigation district to municipal user. Charging a portion (0 to 100%) of the required pushwater to the actual DMI account.
 - Requiring DMI users to purchase or participate in the purchase of irrigation water for the district to be used specifically for pushwater, or to set up a pushwater pool maintained by the watermaster at Amistad/Falcon.

A meeting was held with most all Irrigation District Managers on January 7, 2013 at the Region 15 office to discuss current storage balances and possible modifications to pushwater criteria. Prior to the meeting, nine districts were identified as possible candidates to require pushwater for municipal deliveries in 2013; some possibly within the next 90-120 days. They are:

- Cameron County ID No. 2 (San Benito) servicing the cities of San Benito, Rio Hondo and Arroyo City. None of these users have a secondary source of water.
- Hidalgo and Cameron Counties ID No. 9 (Mercedes) servicing the cities of Weslaco, Mercedes, North Alamo, Edcouch, Elsa and La Villa. Of the named cities, only North Alamo has a secondary source of water (Donna ID).
- Delta Lake servicing Raymondville, Lyford and North Alamo. Only North Alamo has a secondary source of water (Donna ID).
- Hidalgo ID No. 16 servicing La Joya Water Supply and the City of La Joya. No secondary source of water.
- Donna ID servicing the City of Donna, which has no secondary source of water and a portion of the Cities serviced by North Alamo, which has a secondary source of water thru Hidalgo and Cameron Counties ID No. 9.
- Hidalgo County ID #3 services the City of McAllen. United ID and HCID #2 can supply the City of McAllen as a secondary source.

- Valley Acres ID services the Rio Grande Valley Sugar Growers Association with raw water to run the sugar mill operations. At this time there is no other ID that can service the sugar mill; however, the Mill does have the ability to divert waters from the Arroyo Colorado / North Floodway.
- La Feria ID services the City of La Feria and City of Santa Rosa and these do not have a secondary source.
- Valley Municipal Utility District services the Rancho Viejo community and may receive secondary water from Olmito WSC or Southmost WSC.

The following modification/recommendation has been reviewed regarding the authorization of pushwater in 2013. The modification address inequities in the criteria used in 2002, as well as mitigates in-system losses and long term impacts to other water right holders who have not yet run out of water.

- Irrigation districts will not be allowed to run to negative values. Districts may however, continue to purchase water for conveyance and irrigation and to the extent that positive balances remain, irrigation may continue as per the district's prerogative.
- If an irrigation district begins to run out of water, they can certify on other accounts of which they are agents for, as long as those accounts have a positive balance remaining. Contract water balances held by irrigation districts for internal farmers will be not be reduced unless the account is certified on or a credit adjustment is requested for those accounts.

In order for irrigation districts and municipalities to plan for the future diversions, this pushwater 2013 document will be in effect immediately with the proposed modifications.

The criteria for authorizing pushwater in 2013 are as follows:

- Irrigation district account is at zero water balance.
- At least 60 day written notice from Irrigation District to each potentially affected municipal entity and to the watermaster shall be provided by the irrigation district indicating the expected date by which the irrigation district **may** run out of irrigation water, the potentially affected municipal entities, and the expected amount of pushwater that will be required on a monthly basis to satisfy each individual municipal entity.
- Municipal user serviced by the irrigation district has reviewed its own approved conservation plans and determined appropriate implementation of water conservation measures consistent with those plans. Applicable conservation measures that have in fact been implemented should be communicated to the irrigation district and the watermaster's office.
- Monthly amount of pushwater needed by the district must be provided to the

watermaster for review.

- Compliance with established watermaster certification procedures.
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 - Increasing conveyance charge from irrigation district to municipal user. Charging a portion (0 to 100%) of the required pushwater to the actual DMI account.
 - Requiring DMI users to purchase or participate in the purchase of irrigation water for the district to be used specifically for pushwater, or to set up a pushwater pool maintained by the watermaster at Amistad/Falcon.

It is believed that the proposed 2013 pushwater allocation criteria will partially mitigate long term impacts to water right holders that are not the recipient of pushwater, promote increased conservation measures by all users, and involve municipalities in the notification, discussion and participation in the resolution to individual conveyance factors.

Aside from the legal opinion previously mentioned, the following rules and regulations may be relied upon in the implementation of the recommended criteria.

Texas Administrative Code §303.22. Allocations to Accounts

(h) The watermaster may take any actions appropriate to prevent the waste of water or to alleviate emergencies.

Texas Water Code § 11.327. Duties of Watermaster

(a) A watermaster shall divide the water of the streams or other sources of supply of his division in accordance with the adjudicated water rights.

(b) A watermaster shall regulate or cause to be regulated the controlling works of reservoirs and diversion works in time of water shortage, as is necessary because of the rights existing in the streams of his division, or as is necessary to prevent the waste of water or its diversion, taking, storage, or use in excess of the quantities to which the holders of water rights are lawfully entitled.

(c) A watermaster may regulate the distribution of water from any system of works that serves users whose rights have been separately determined.