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April 28, 2021

Dear Landowner/Irrigator,

The Harlingen Irrigation District has a limited amount of water in storage for 2021. We presently have approximately 25% of our storage capacity (approximately 25,000 ac/ft). On Wednesday, April 28, at a regular meeting the Board members voted to allocate one (1) irrigation to all eligible accounts. The Board will review the water usage and availability monthly and re-allocate if there is available water to do so. The one (1) irrigation will be allocated to the owner of record of the account and will be delivered to that account unless permission to move the allocation is granted by the owner. Tenants must obtain permission via a signed and notarized affidavit granting permission to move the allocation to another account. I have attached copies of the affidavit to this letter. Please make copies as needed.

Because of this low amount of water available to us, we are asking all irrigators to be especially conservative in their water usage. I have attached the “Rules and Regulation Governing Irrigation Water Service” for reference. Please pay attention to paragraphs 14,15,16, and 17. The “wasting of water” will not be tolerated. In addition to the description of “wasted water” in the Rules and Regulations, the District defines wasted water as any water leaving the field during the irrigation process.

Our goal is to provide water as long as we can. Our decision to allocate is based on the District’s Drought Contingency Plan which calls for the allocation of water when we reach 25,000 ac/ft in storage. The better job you, as the irrigator, will do to efficiently apply your water, the longer our supply will last and the longer we will be able to hold off curtailing the delivery of irrigation water.

The following are suggestions to improve efficiency in irrigation:

1. Order your water on a timely basis.



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2. Purchase your water ticket prior to irrigating (this will enable the District to better schedule river diversions). The unauthorized use of water could result in all irrigation privileges being revoked and fines being levied.
3. Use poly pipe instead of open ditches.
4. Utilize borders in your field drains to better control your tail water.
5. As rows complete, shut them off.
6. Utilize soil moisture sensors where possible to keep from over watering.
7. Communicate regularly with your canal rider so he can better schedule water deliveries.

Thank you for cooperating with the District on this matter.

Sincerely,

Thomas McLemore

General Manager
Harlingen Irrigation District



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28 abril 2021

Estimado Dueño/Irrigador,

El Harlingen Irrigation District tiene un cantidad limitada de agua en almacenamiento para el 2021. Presentemente tenemos aproximadamente 25% de capacidad en almacenamiento (aproximadamente 25,000 ac/pies). El miércoles, 28 de abril, en una junta regular de la Meza Directiva, los miembros votaron para asignar un (1) riego para todas las cuentas elegibles. La Meza Directiva va a repasar el uso de agua y disponibilidad mensualmente y redistribuirá si hay agua disponible. El riego sera asignado al dueño registrado y sera entregado a esa cuenta, a no ser que permiso sea dado por el dueño para traspasar su asignación. Inquilinos deberan obtener permiso por medio de una declaración notariada otorgando permiso de parte del dueño de los derechos del agua a traspasar la asignación a otra cuenta. Adjunto a esta carta encontrará una declaración. Favor de reproducir la forma si es necesario.

Por la razon de que la cantidad de agua disponible es baja, le pedimos a todos los irrigadores que sean conservadores en su uso de agua. Adjunto encuentran para su referencia las reglas y regulaciones que gobiernan el uso de riego. Favor de poner atención a los párrafos 14,15,16, y 17. El desperdicio de agua no será tolerado. Además de la descripción de “desperdicio de agua,” en las reglas y regulaciones, el Distrito define el desperdicio de agua como agua que escapa del campo durante el proceso de riego.

Nuestro objetivo es proporcionar agua hasta que sea disponible. Nuestra decisión en asignar agua es basada en el plan del Distrito durante sequias, el cual nos pide el asignamiento de agua cuando llegamos a 25,000 ac/pies en almacenamiento. Si juntos trabajamos para eficientemente aplicar su agua, el Distrito puede retrasar la reducción o paro de agua disponible para el riego.

Las siguientes son sugerencias para mejorar la eficiencia del riego:

1. Pida su agua lo antes oportuno.
2. Compre su boleto de riego antes de irrigar (esto permitirá que el Distrito pueda desviar el agua). El uso de agua no autorizado podria resultar en la revocación de privilegios y multas.
3. Use tubo de politileno en vez de zanjas abiertas.
4. Utilize fronteras en sus desagües de campo para mejor controlar su agua.
5. Asi como se vayan completando las filas, apaguelas.



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6. Utilize sensores de humedad del suelo donde posible para no sobre regar.
7. Comuniquese regularmente con el Distrito para que mejor pueda fijar su entrega.

Gracias por su cooperación con el Distrito en este asunto.

Sinceramente,

Thomas McLemore

Gerente General
Harlingen Irrigation District



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**RULES AND REGULATIONS
GOVERNING IRRIGATION WATER SERVICE
HARLINGEN IRRIGATION DISTRICT
CAMERON COUNTY NUMBER ONE
Harlingen, Texas**

In order to insure efficient and equitable water service to all persons served by the district: It is ordered by the Board of Directors of Harlingen Irrigation District Cameron County Number One that the following rules and regulations be and they are hereby adopted:

GENERAL RULES AND REGULATIONS

1. No water for irrigation purposes shall be delivered except to bonafide holders of water tickets issued at the District office authorizing the canal rider to deliver water.
2. A person purchasing a water ticket should indicate on the ticket the date water is wanted. If such date does not conflict with previous applications, the canal rider will arrange to have water ready at the field gate on the date indicated. In cases when the date indicated on water ticket conflicts with previous applications, it will be the duty of the canal rider to contact the applicant and arrange a mutually satisfactory date.
3. If the user making application for water does not know the exact date he will be ready to take water, the water ticket should be marked "Will Call," in which case it will be the duty of the ticket holder to contact his canal rider and arrange for a mutually satisfactory date for water delivery. It shall be the duty of clerks and of the applicants to see that the "Date-Wanted" is filled in on the ticket. The ticket should have the telephone number so that the canal rider may know where to contact the ticket holder should it be necessary.



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4. When any water user is not ready to take delivery on the date indicated on the water ticket, or agreed upon with the canal rider, he shall lose his priority and shall not be entitled to water delivery until deliveries are completed on other outstanding water tickets on the same canal or until otherwise arranged with the canal rider.

5. When a water user does not take delivery of water authorized by the water ticket upon the second offer of delivery by the canal rider the water ticket will be marked "CREDIT" by the canal rider, the water ticket will be considered canceled, and a water credit receipt will be issued by the canal rider. The water user may re-order water in like amount or request the purchase price of ticket be processed for a refund check.

6. Any water ticket for which water has not been delivered may be refunded. It is the responsibility of the customer to acquire a credit receipt from the District office. This must be done within two weeks of the scheduled time of acceptance of delivery for which a part or all of the water ticket was not used. The District office will process a refund check upon request.

7. A water ticket does not constitute a contract between the District and the water user. The water ticket does not guarantee water delivery in any particular time frame. Water will be delivered as timely as possible within the capabilities of the District and the particular system.

8. Each canal rider is expressly authorized to allocate water to the users in the area holding water tickets, or to so rotate the delivery of taking of water, as to assure fair and equitable service among the users in points of time and amount; and his decisions shall constitute the condition and measure of the right of users to water. The canal rider, if and when he deems it necessary to meet the demands of water users in his area, may require around the clock (24 hr.) irrigation, and in any case in which the water user fails or refuses to comply with this requirement, communicated to him, he may be refused delivery of water until other ticket holders have completed their irrigation, or until the condition bringing about such requirement has been alleviated.



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9. The only person authorized to open a head gate or check gate, or take or deliver water from a District canal or pipe-line is the canal rider in charge of water deliveries in the area. The Canal rider may delegate this authority to a bonafide holder of a water ticket as a matter of convenience to the ticket holder, in respect of water delivery authorized by a water ticket. If a ticket holder is asked by the canal rider to await his turn, he is not entitled to receive the water until given permission by the canal rider.

10. In order to conserve water, time and expense, all irrigation water users are urged to keep their field laterals free of weeds and grass or other impediments to the free flow of water and in condition for conveying water. In cases where field laterals are not reasonably free of weeds, grass or other impediments and not in good condition for delivering water without waste, it shall be the duty of the canal rider to call the attention of the user to such condition, and if it is not remedied, to withhold and refuse delivery of water until the condition is remedied.

11. Canal riders shall see that water is not held in canals higher than is reasonably safe to prevent breakage or overflow. If water at the appropriate height is not sufficient to water lands served by the canals it shall be the duty of the canal rider to request inspection thereof by the engineering department to determine whether a high land adjustment or other correction should be made in the canal operation.

12. No person shall open, close, change or interfere with, any head gate, check gate, or change the flow through pipeline delivery systems of the District, except a duly authorized canal rider. The opening and closing of field gates will be the responsibility of the customer but only as authorized as to time and amount by the canal rider. Scheduled closings of field gates must be coordinated with the canal rider. In specific instances the canal rider may authorize exceptions to the aforementioned rule for the convenience of the customer and the District. In addition the customers, as they open and close field gates, should attempt to utilize the bypass gates to keep head levels stable for the benefit of all users.

13. Strip watering is purchased for the entire field acreage. The canal rider will determine how many acres of any given field was actually irrigated and a credit will be



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issued for the unused part of the ticket acreage. This credit may be applied to the purchase of other water ticket or a request for a refund check can be made at the District office. No strip irrigation will be authorized for less than four (4) normal width rows (approximately 13 feet). Wet ground in un-watered strips will be considered irrigated.

14. Any water user will be expected to be fully prepared for carrying out prompt and continuous irrigation in a workmanlike manner by having field ditches clean and in good repair and by having sufficient laborers to make good use of water.

15. Any water user wasting water on roads, low lands or on land previously irrigated, through carelessness or on account of defective ditches or borders, or land not properly prepared for irrigation or by failure to provide adequate labor, will be refused water service until conditions causing wasted water are remedied.

16. A water user deliberately permitting water to flow into road, low land, land not covered by water ticket or on a part of land previously irrigated will be required to pay for such water in an amount determined by the canal rider.

17. No water will be sold to a person who has not paid for excess water charged to him as set above.

18. In the event of a "consistent waster" the District may require water to be metered through a meter furnished by the District at a rental cost to the customer. Such water will be priced at the regular price of water for the considered water duty of the District at the time, with a sur charge for additional water used. Current information on these charges will be available at the District office.

19. No water may be pumped by individuals from wells, reservoirs, resacas, drainage ditches or any other source into the District's distribution system except upon specific authorizations.

20. No water may be pumped into the District distribution system - or transmitted through the system, if the District has water for delivery.



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21. In the event individuals wish to use District facilities for transporting water and are authorized to do so, such individuals shall agree to repair any damage they may cause to the system and leave the part of the system so used in good condition.

22. Only the following persons shall be entitled to receive water from canals, pipelines or other works of the District for any purpose:

a. Any person who has paid the District for water and all due assessments or charges pertinent to the account, and holds a water ticket of the District authorizing water to be delivered for irrigating the land on which it is to be used; and has been authorized by the District's canal rider having charge of water deliveries on the canal or pipe line serving this land, to take water therefrom, within the amount and time and by the means authorized by the canal rider;

b. Any person who holds an annual permit for water to be used through a drip or low volume water system, currently paid up to date including all due assessments or charges pertinent to the account, and has been authorized by the District's canal rider having charge of water deliveries on the canal or pipe line serving this land, to take water therefrom, within the amount and time and by the means authorized by the canal rider;

c. Any person who holds a current temporary permit for water to be used for construction projects or similar temporary projects and has been authorized by the District's canal rider having charge of water deliveries on the canal or pipe line serving this facility, to take water therefrom, within the amount and time and by the means authorized by the canal rider;

d. Any person who holds an annual permit for water to be used on his property, for limited domestic purposes only, not for production of commercial crops. This permit includes a signed agreement to pay a yearly sum for the use of water and all district taxes and any assessments on property, as well as an acknowledgment that canal water is untreated and not potable and shall be available only when water is in the canal in the normal course of the conduct of the affairs of the District. The agreement also



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includes an affidavit by the subscriber that property where canal water is to be used has an alternate treated water supply or that there are no domestic facilities located at the diversion site and that canal water is not used for any prohibited purpose. Prohibited purposes for human consumption are as outlined by Title 40 Code of Federal Regulations Part 141. (Human consumption includes drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene.)

23. Each canal rider is expressly authorized to have charge of all water deliveries and make sure all rules and regulations of the District are followed in use of any water from the District.

24. Attention of all persons concerned is called to Subchapter C, Section 11.081, 11.082 and 11.083 of the Texas Water Code.

ADDENDUM

SUBCHAPTER C. UNLAWFUL USE, DIVERSION, WASTE, ETC.

Sec. 11.081. Unlawful Use of State Water.

No person may willfully take, divert, or appropriate any state water for any purpose without first complying with all applicable requirements of this chapter.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977.

Amended by Acts 1997, 75th Leg., ch. 1072, Sec. 3, eff. Sept. 1, 1997.

Sec. 11.082. Unlawful Use: Civil Penalty.

(a) A person who willfully takes, diverts, or appropriates state water without complying with the applicable requirements of this chapter is also liable to a civil penalty of not more than \$5,000 for each day he continues the taking, diversion, or appropriation.

(b) The state may recover the penalties prescribed in Subsection (a) of this section by suit brought for that purpose in a court of competent jurisdiction.

(c) An action to collect the penalty provided in this section must be brought within two years from the date of the alleged violation.



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Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977;
Acts 1981, 67th Leg., p. 3150, ch. 828, Sec. 1, eff. June 17, 1981.

Amended by Acts 1997, 75th Leg., ch. 1010, Sec. 3.01, eff. Sept. 1, 1997.
Sec. 11.083. Other Unlawful Taking.

(a) No person may willfully open, close, change, or interfere with any head gate or water box without lawful authority.

(b) No person may willfully use water or conduct water through his ditch or upon his land unless he is entitled to do so.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977.

Amended by Acts 1997, 75th Leg., ch. 1072, Sec. 4, eff. Sept. 1, 1997.