



**REGULAR MEETING  
RIVERBEND WATER RESOURCES DISTRICT  
PUBLIC NOTICE OF BOARD OF DIRECTORS' MEETING  
WEDNESDAY, AUGUST 25, 2021  
12:00 P.M.  
228 TEXAS AVENUE, SUITE A, NEW BOSTON, TX 75570**

*Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of the Riverbend Water Resources District will conduct a meeting; open to the public, on **Wednesday, August 25, 2021, at 12:00 p.m.**, at the Riverbend Water Resources District ("Riverbend") office, in the Conference Room located at **228A Texas Avenue, New Boston, TX 75570.***

*The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices (Section 551.076); or discussing economic development matters (Section 551.087). If the Board of Directors makes a determination to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.*

**A G E N D A**

- I. CALL TO ORDER & ROLL CALL
- II. INVOCATION & PLEDGE
- III. PUBLIC COMMENTS

*The Board of Directors allows individuals to speak to the Board. Prior to the meeting, speakers must sign in on the public comment sheet. The time limit is five (5) minutes per speaker. Subject to the provisions set forth under Section 551.007 of the Government Code*

- IV. CONSENT AGENDA ITEMS

- A. Discussion and possible action regarding July 28, 2021 Regular Meeting minutes and August 18, 2021 Special Called Meeting and Workshop Minutes.



V. REGIONAL ENTITY REPORTS

- A. Discussion and possible action regarding activities with Sulphur River Basin Authority.
- B. Discussion and possible action regarding activities with TexAmericas Center.
- C. Discussion and possible action regarding activities with REDI.

VI. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

The Board of Directors will consider, discuss, and if appropriate, take action on the following item(s):

- A. Discussion and possible action regarding approval of a resolution allowing an exemption to Personnel Policy Manual Section 5-3-Annual Leave for fiscal year 2020-2021.
- B. Discussion and possible action regarding approval of a resolution approving a Texarkana Water Utilities (TWU) water production rate increase until such time as the TWU True-Up document can be completed, reviewed and approved.
- C. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to execute a contract with Carollo Engineers for technical consulting services for the 6th cycle of regional water planning on behalf of North East Texas Regional Water Planning Group.
- D. Discussion regarding the Riverbend Budgets:
  - i. Revised 2020-2021 Budgets for the Administrative Member Fund, the Wet Utilities Fund and Labor Table, and the Regional Water System Facilities Fund; and
  - ii. Proposed 2021-2022 Budgets for Administrative Member Fund, Wet Utilities Fund and Labor Table, and the Regional Water System Facilities Fund.

VII. RIVERBEND REPORTS

- A. Board Members
- B. Executive Director/CEO



VIII. EXECUTIVE SESSION

*The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices (Section 551.076); or discussing economic development matters (Section 551.087). If the Board of Directors makes a determination to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.*

IX. NEXT REGULAR MEETING

Riverbend Regular Meeting, September 22, 2021 at 12:00 p.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

X. ADJOURNMENT

Kyle Dooley

Kyle Dooley, Executive Director/CEO  
Riverbend Water Resources District

\*Persons with disabilities who plan to attend the RWRD Board of Directors' meeting and who may need auxiliary aids or services are requested to contact the RWRD Administrative Offices at (903) 831-0091, as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

**REGULAR CALLED MEETING  
RIVERBEND WATER RESOURCES DISTRICT  
WEDNESDAY, AUGUST 25, 2021**

**CONSENT AGENDA ITEM IV. A.  
July 28, 2021  
Regular Meeting Minutes  
August 18, 2021  
Special Called Meeting  
& Workshop Minutes**

**Regular Called Meeting  
Riverbend Water Resources District  
Board Meeting Minutes  
July 28, 2021**

228 Texas Avenue, Suite A, New Boston, Texas 75570

**M I N U T E S**

**I. Call to Order, Roll Call, and Establishment of Quorum and Certification of Notice**

Pursuant to a notice posted on the District website, the Chair, Sonja Hubbard, President of the Board, called the meeting to order at 12:06 p.m.

**Directors Present:**

Sonja Hubbard, President  
Tina Veal Gooch, Vice President  
Van Alexander, Treasurer  
Fred Milton, Past President

**Directors Absent:**

Marshall Wood, Secretary

**Administration Present:**

Kyle Dooley, Executive Director/CEO  
Eli Hunt, Operations Manager  
Tara Houck, CFO  
Becky Melton, Executive Assistant/HR Manager

**Public Present:**

Please see the attached list for additional guests.

**II. Invocation & Pledge**

Sonja Hubbard led the invocation and the pledge of allegiance.

**III. Public Comments**

None.

**IV. Consent Agenda Items**

**A. Discussion and possible action regarding June 23, 2021 Regular Meeting minutes.**

A single motion was made by **Fred Milton** and seconded by **Van Alexander** to approve the Consent Agenda Item as listed above. The motion passed unanimously.

## **V. Regional Entity Reports**

### **A. Discussion and possible action regarding activities with Sulphur River Basin Authority (SRBA).**

Chris Hartung, SRBA Interim Executive Director, provided that the SRBA board is researching more suitable locations near Sulphur Springs or Mt. Vernon to hold their board meetings. Mr. Hartung also plans to address transparency with the board and discuss recording their meetings so as to increase that transparency.

No action taken.

### **B. Discussion and possible action regarding activities with TexAmericas Center (TAC).**

Scott Norton, TAC Executive Director, was not able to attend today's meeting but he did provide an update that Kyle Dooley relayed to the board. The TAC board closed on the sale of a 165 acre tract of land. The name of the manufacturing company has not yet been released to the public. In addition, the spec building is moving along and has an estimated completion date of early September. Business Facilities announced their annual ranking yesterday. In the industrial park rankings, TexAmericas Center ranked 5<sup>th</sup> among all other industrial parks. This is the 17<sup>th</sup> year that rankings have been published and the 2<sup>nd</sup> year they have included industrial parks in those rankings. Last year TAC ranked 8<sup>th</sup>. The Governor's office will put a press release regarding this ranking. Recognition in this prestigious publication will push TAC further to the forefront regarding economic development.

No action taken.

### **C. Discussion and possible action regarding activities with Ar-Tex REDI.**

Sonja Hubbard met with Rob Sitterly regarding the new manufacturing companies mentioned in the TAC report. The Texas side property has been cleared and there have been a couple companies interested in seeing the property on the Arkansas side. Economic development is moving forward.

No action taken.

## **VI. Agenda Items for Individual Consideration**

### **A. Discussion and possible action regarding approval of a resolution approving a revision to the second quarter FY 2020-2021 Investment Report.**

Tara Houck provided that a correction needed to be made to the Investment Report presented at the April 28<sup>th</sup> board meeting.

A motion was made by **Van Alexander** and seconded by **Tina Veal Gooch** to approve **RESO 20210728-01** approving a revision to the second quarter FY 2020-2021 Investment Report. The motion passed unanimously.

**B. Discussion and possible action regarding approval of a resolution approving the third quarter FY 2020-2021 Financial Statements.**

Tara Houck presented the third quarter FY 2020-2021 Financial Statements.

A motion was made by **Van Alexander** and seconded by **Tina Veal Gooch** to approve **RESO 20210728-02** approving the third quarter FY 2020-2021 Financial Statements. The motion passed unanimously.

**C. Discussion and possible action regarding approval of a resolution approving the third quarter FY 2020-2021 Investment Report.**

Tara Houck presented the third quarter FY 2020-2021 Investment Report.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 202100728-03** approving the third quarter FY 2020-2021 Investment Report. The motion passed unanimously.

**VII. Riverbend Reports**

**A. Board Members**

No reports.

No action taken.

**B. Executive Director/CEO**

Kyle Dooley provided the following updates:

Regional Water System Project: VT Madhavan with Pape-Dawson provided an update on project progress. Mr. Madhavan stated that a workshop on July 14, 2021 was held to discuss the regulatory framework for water treatment. Another workshop to discuss the program schedule as well as discuss risk management is scheduled for today at Riverbend from 1:00 P.M. to 5:00 P.M. Productive meetings have also been held with the Army Corps of Engineers. The Program Management Plan has been turned over to Riverbend for review. An ad has been posted on the Riverend website to procure services from PR Firms, survey firms, as well as water sampling firms. Several technical memos, manuals and other documents related to the program are currently being developed for review by Riverbend. Mr. Dooley also provided that Pape-Dawson has been also been working with TAC to nail down a site for the water treatment facility. The intake location has also been discussed and a final location has been proposed. We are still on schedule to have 30% of the design plans completed by the end of December 2021. There is an advisory committee made up of a representative from each member city that is set up to have direct input and get updates on the Regional Water System Project.

TCEQ Water Rights Application: June 27<sup>th</sup> started the thirty-day comment period regarding our application for water rights in Wright Patman Lake. That comment period closed yesterday. Early comments were not concerning. Two comments came from the City of Sulphur Springs and Sulphur River Municipal Water District asking for clarification on

seniority of their water rights. North Texas, Upper Trinity and the City of Irving will be contesting the water rights. TCEQ will compile the comments for Riverbend so that Riverbend can prepare a response.

Ultimate Rule Curve and Cultural Resources Study: The invoice has been paid in full. That needed to be complete before they could publish the RFP to bring on the consultant that will complete the study. They anticipate that they will have someone on board to begin the study in September 2021. There is some crossover with the individuals that are working on the Cultural Resources Study also working with Riverbend on the water treatment permitting.

Region D: Next meeting is scheduled for August 4, 2021 at 10:00 a.m. at the Region 8 Educational Service Center in Pittsburg, TX. This is the preplanning meeting to allow for public comments related to the new planning cycle.

No action taken.

### **VIII. Executive Session**

The board stood at ease beginning at 12:40 p.m.

The board reconvened in Executive Session at 12:45 p.m with quorum pursuant to sections 551.071 and 551.074 of the Texas Open Meetings Act.

The board came out of Executive Session at 1:30 p.m.

### **IX. Next Riverbend Meetings**

Riverbend Special Called Meeting and Work Session, Wednesday, August 18, 2021 at 10:00 a.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

Riverbend Regular Meeting, Wednesday, August 25, 2021 at 12:00 p.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

### **X. Adjournment**

With no additional business to be discussed, a motion was made by **Tina Veal Gooch** and seconded by **Van Alexander** to adjourn the meeting at 1:32 p.m. The motion passed unanimously.

**The minutes of Riverbend Water Resources District Board of Directors meeting, July 28, 2021 were read and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

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**Sonja Hubbard, President**

**Attest:**

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**Kyle Dooley, Executive Director/ CEO**



**Special Called Meeting  
Riverbend Water Resources District  
Work Session Minutes  
August 19, 2020  
New Boston Community Center  
301 NE Front Street, New Boston, Texas 75570**

**MINUTES**

**I. Call to Order, Roll Call, and Establishment of Quorum and Certification of Notice**

Pursuant to a notice posted on the District website on August 18, 2021, the Chair, Tina Veal Gooch, Vice President of the Board, called the meeting to order at 10:05 a.m.

**Directors Present:**

Tina Veal-Gooch, Vice President  
Marshall Wood, Secretary  
Van Alexander, Treasurer  
Fred Milton, Past President

**Directors Absent:**

Sonja Hubbard, President

**Administration Present:**

Kyle Dooley, Executive Director/CEO  
Tara Houck, Chief Financial Officer  
Eli Hunt, Operations Manager  
Becky Melton, Executive Assistant/HR Manager

**Public Present:**

See attached list.

**II. Invocation & Pledge**

Van Alexander led the invocation.

Tina Veal Gooch led Pledge of Allegiance.

**III. Agenda Items for Individual Consideration**

**A. Presentation and discussion of Member Cities' True-Up for use in FY 2021-2022.**

Mr. Dooley reminded the board that the True-Up document and the Riverbend budgets are typically approved at the September Board meeting. However, the Board has the

opportunity to review them at the August Board meeting to provide time for the member entites to review the documents as well.

J.D. Phillips of Texarkana Water Utilities (TWU), provided that, due to the ransomware attack on the TWU server at the end of 2020, the true-up documents will be delayed. The cyber-attack wiped out all financials, spreadsheets, and wordprocessing documents needed to calculate a new wholesale water rate for use in fiscal year 2021-2022. Trisha Briggs, Finance Director for TWU, estimates that the audit will be complete within four to five weeks which will allow them to complete the true-up process. Therefore, TWU does not currently have a wholesale water rate to offer for approval for fiscal year 2021-2022.

Mr. Phillips then provided information specific to completed, ongoing, and future projects for TWU.

Kyle Dooley offered that because there is not a document to review and a rate to approve, a decision must be made on how to proceed to fiscal year 2021-2022. One option is to wait to change the rate until this time next year. Another option is to leave the rate as it sits at \$0.9302/1000 gallons and delay the change in the rate until TWU gets the audited financials in a few weeks that will allow them to calculate the new rate. The member entities would then come back together to discuss the rate calculation and adjust budgets accordingly. Mr. Dooley then opened up the floor for discussion on how the members would like to proceed for the upcoming fiscal year.

Marc Reiter suggested that a slight increase now will allow for more accurate budget planning for the member entites. Marshall Wood inferred from J.D.'s presentation that chemicals increasing in cost will require at least a small increase in the water rate. Sheryl Collom agreed that it would be better to increase a small amount now and adjust when the actual rate is calculated.

There was also discussion regarding having the True-Up document prepared for discussion in July of each year as opposed to August. The consensus among the parties present was that a \$0.03 increase to the current rate would allow the member entites to better prepare budgets for fiscal year 2021-2022. In addition, as soon as TWU has audited numbers available and can produce the water production rate, a special meeting will be called to discuss and approve that new rate.

Tara Houck, CFO for Riverbend, then presented the budget for the Regional Water Systems Facilities Fund. Mr. Dooley explained that this document, in relation to the debt service on the new raw water intake and water treatment facility, would be part of the True-Up process in the future.

No action taken.

#### **IV. Riverbend Reports**

##### **A. Board Members**

No reports.

B. Executive Director/CEO

No report.

**V. Next Riverbend Meetings & Activities:**

Riverbend Regular Meeting, Wednesday, August 25, 2021 at 12:00 p.m. at Riverbend Offices.

**VI. Adjournment**

With no additional business to be discussed, a motion was made by **Fred Milton** and seconded by **Van Alexander** to adjourn the meeting at 11:05 a.m.

**The minutes of Riverbend Water Resources District Board of Directors meeting, August 18, 2021 were read and approved on the \_\_\_\_ day of \_\_\_\_\_, 2021.**

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**Sonja Hubbard, President**

**Attest:**

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**Kyle Dooley, Executive Director/ CEO**

**REGULAR CALLED MEETING  
RIVERBEND WATER RESOURCES DISTRICT  
WEDNESDAY, AUGUST 25, 2021**

**AGENDA ITEM VI. A.  
RWRD RESO 20210825-01  
Personnel Policy Exemption**



**RIVERBEND RESOLUTION NO. 20210825-01**

**AUTHORIZING THE APPROVAL OF AMENDMENTS TO THE PERSONNEL  
POLICY MANUAL OF THE RIVERBEND WATER RESOURCES DISTRICT**

**WHEREAS**, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

**WHEREAS**, Riverbend Water Resources District first adopted a Personnel Policy Manual on March 2, 2016; amendments to the manual have been approved on October 12, 2016, September 26, 2018, January 22, 2020, and March 24, 2021; and

**WHEREAS**, Riverbend Water Resources District has had a shortage of staff due to the ongoing pandemic and other issues throughout this year. There is a need to exempt employees from the cap on the maximum annual leave hours that can be carried over into the next fiscal year, as described in Section 5-3 Annual Leave of the Personnel Policy Manual, for the fiscal year ending September 30, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Riverbend Water Resources District hereby exempts employees of the cap on the carryover limit of 200 hours of annual leave for the fiscal year ending September 30, 2021.

**PASSED and APPROVED this 25<sup>th</sup> day of August 2021**

\_\_\_\_\_  
Sonja Hubbard, President

ATTEST:

\_\_\_\_\_  
Marshall Wood, Secretary



### 5-3 Annual Leave

Full-time employees accrue up to fifteen (15) days of vacation per year (120 hours). Vacation is accrued on a pro-rata basis throughout the year at a rate of 4.62 hours per pay period. Vacation leave may not be taken before the completion of the Probationary Period (Section 4-2), unless approved by the Executive Director/CEO. Annual leave will be considered as hours physically worked when calculating overtime.

A maximum of 200 hours (5 weeks) can be carried over to the following fiscal year.

Every effort will be made to grant your vacation preference, consistent with our operating schedule. However, if too many people request the same period of time off, the District reserves the right to choose who may take vacation during that period. Individuals with the longest length of service generally will be given preference. Vacation requests must be submitted to your manager at least 2 weeks in advance of your requested vacation dates.

Accrued, unused vacation is paid out upon separation for employees that have been employed for six (6) months, worked 1,040 hours, and who resign with at least two weeks' advance written notice. Paid or unpaid leave time may not be counted toward such a notice period. The number of hours paid out upon separation will not exceed 200 hours.

Unused annual leave is forfeited when an employee is terminated from employment for cause.

**REGULAR CALLED MEETING  
RIVERBEND WATER RESOURCES DISTRICT  
WEDNESDAY, AUGUST 25, 2021**

**AGENDA ITEM VI. B.  
RWRD RESO 20210825-02  
Water Production Rate**



**RIVERBEND RESOLUTION NO. 20210825-02**

**APPROVAL OF TEXARKANA WATER UTILITIES (TWU) WATER PRODUCTION RATE INCREASE UNTIL SUCH TIME AS THE TWU TRUE UP DOCUMENT CAN BE COMPLETED, REVIEWED, AND APPROVED**

**WHEREAS**, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

**WHEREAS**, Riverbend Water Resources District is charged with oversight of the annual True-Up conducted amongst and between the City of Texarkana, Texas and all Member Entities; and

**WHEREAS**, Riverbend Water Resources District held an annual True-Up meeting on August 18, 2021 at 10:00 a.m. at the Riverbend offices to discuss the True-Up Process with the City of Texarkana, Texas and its water department through Texarkana Water Utilities; and

**WHEREAS**, due to unforeseen circumstances related to the cyberattack on Texarkana Water Utilities, the True-Up process could not be completed by Texarkana Water Utilities in time for a review of the proposed wholesale water rate; and

**WHEREAS**, the consensus among the member entities is that an increase of \$0.03 per 1000 gallons of water used on the water production rate will allow for fiscal year 2021-2022 preparations.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Riverbend Water Resources District hereby approves the \$0.03 increase in the current water production rate of \$0.9302 for an interim rate of \$0.9602 for use in fiscal year 2021-2022 until the final calculations can be completed, reviewed, and a new rate approved.

**PASSED and APPROVED this 25<sup>th</sup> day of August 2021**

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Sonja Hubbard, President

ATTEST:

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Marshall Wood, Secretary





**REGULAR CALLED MEETING  
RIVERBEND WATER RESOURCES DISTRICT  
WEDNESDAY, AUGUST 25, 2021**

**AGENDA ITEM VI. C.  
RWRD RESO 20210825-03  
Region D Carollo Engineers Contract**



**RIVERBEND RESOLUTION NO. 20210825-03**

**AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO EXECUTE A CONTRACT WITH CAROLLO ENGINEERS ON BEHALF OF NORTH EAST TEXAS REGIONAL WATER PLANNING GROUP**

**WHEREAS**, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

**WHEREAS**, The North East Texas Regional Water Planning Group (“NETxRWPG” or “Region D”) was established by the Texas Water Development Board (TWDB) on February 19, 1998, and any subsequent additional appointments by the initial coordinating body. The purpose of the NETxRWPG shall be to provide comprehensive regional water planning and to carry out the related responsibilities placed on regional water planning groups by state law, including Texas Water Code Chapter 16 and TWDB rules, including 31 TAC Chapter 355, 357, and 358, in and for the North East Texas Regional Water Planning Area; and

**WHEREAS**, on December 16, 2020, the Region D Board of Directors approved Riverbend Water Resources District as the new political subdivision to administer the 6<sup>th</sup> cycle of Regional Water Planning for Region D; and

**WHEREAS**, Region D had a need and posted solicitation for engineering services related to regional water planning and in that process selected Carollo Engineers as the technical consultant.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Riverbend Water Resources District hereby authorizes the Executive Director/CEO to enter into contract negotiations with Carollo Engineers as the technical consultant for the 6<sup>th</sup> cycle of Regional Water planning.

**PASSED and APPROVED this 18<sup>th</sup> day of November 2020**

\_\_\_\_\_  
Sonja Hubbard, President

ATTEST:

\_\_\_\_\_  
Marshall Wood, Secretary

Attached: Carollo Engineers Contract



# AGREEMENT FOR PROFESSIONAL SERVICES

Project No. 200343

This AGREEMENT made and entered into this 4th day of August, 2021 by and between the RIVERBEND WATER RESOURCES DISTRICT of New Boston, Texas, (hereinafter "OWNER"), and Carollo Engineers, Inc., (hereinafter "ENGINEER").

WITNESSETH:

WHEREAS, the OWNER on behalf of the North East Texas Regional Water Planning Group (hereinafter "NETRWPG") and the ENGINEER wish to enter into an Agreement (hereinafter "Agreement") for the furnishing of Engineering Services in connection with preparing a Regional Water Plan for the NETRWPG as defined by 31 TAC Chapters 355, 357 & 358.

(hereinafter "Project"), and

WHEREAS, ENGINEER is qualified and prepared to perform the necessary professional services in connection with the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

## SECTION 1 - PROFESSIONAL SERVICES

- 1.1 ENGINEER shall provide professional engineering services in all phases of the Project to which this Agreement applies. The services furnished by the ENGINEER will be defined by Task Orders which will set forth the Engineer's Services, Time of Performance, and Payment. Subsequent Task Orders will be similarly consistent with future phases and/or amendments of the Owner's contract with TWDB.
- 1.2 It is intended that each Task Order, after execution by both parties shall become a supplement to and a part of this Agreement.

## SECTION 2 - PAYMENT TO ENGINEER

- 2.1 As consideration for providing the services referred to in Section 1, the OWNER shall pay ENGINEER on the basis to be established in the Task Order for Services.

- 2.2 The ENGINEER is not responsible for damage or delay in performance caused by events beyond the control of ENGINEER. In the event ENGINEER's services are suspended, delayed or interrupted for the convenience of the OWNER or delays occur beyond the control of ENGINEER, an equitable adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel and subcontractors shall be made.

- 2.3 OWNER reserves the right to direct revision of ENGINEER's services as may be necessary. When ENGINEER is directed to make revisions under this section of the agreement, ENGINEER shall advise OWNER of the probable costs involved in completing engineering services and the time of performance for such completion. Extra services also include those that are required for defense of claims, in which event ENGINEER shall bill OWNER on an

hourly basis together with cost of material.

2.4 In the event OWNER and ENGINEER cannot agree on equitable compensation for services rendered in making revisions, then, at OWNER's option, ENGINEER shall either continue performance under the revised Agreement and an equitable adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel shall be made at completion of the revised work or ENGINEER shall not be obligated to continue performance under this Agreement.

2.5 The ENGINEER shall bill the OWNER monthly indicating the services performed and the cost of such services.

OWNER agrees to pay invoices within 45 days of their approval by the NETRWPG. Payments not received by ENGINEER within 45 days shall be considered delinquent and subject to a finance charge of 1-percent per month for each month unpaid after the date of invoice. ENGINEER may suspend services should an invoice remain delinquent for 75 days from date of invoice.

2.6 All notices shall be made in writing and may be given by personal delivery or by mail. Notices sent by mail shall be addressed to the designated responsible person or office:

TO OWNER:

Kyle Dooley, P.E.  
Executive Director/CEO  
Riverbend Water Resources District  
228 Texas Ave., Suite A  
New Boston, TX 75570

TO ENGINEER:

David K. Harkins, Ph.D., P.E.  
Vice President  
Carollo Engineers, Inc.  
8911 Capital of Texas Highway North,  
Bldg. 2, Suite 2200  
Austin, Texas 78759

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices and invoices shall be deemed given at the time of actual delivery.

All payments are to be mailed to:

Carollo Engineers, Inc.  
P.O. Box 4932  
Houston, TX 77210-4932

unless otherwise informed on the face of the invoice.

### SECTION 3 - MISCELLANEOUS

3.1 The OWNER shall furnish the ENGINEER available studies, reports and other data pertinent to ENGINEER's services; obtain or authorize ENGINEER to obtain or provide additional reports and data as required; furnish to ENGINEER services of others required for the performance of ENGINEER's services hereunder, and ENGINEER shall be entitled to use and rely upon all such information and services provided by OWNER or others in performing ENGINEER's services under this Agreement.

3.2 The OWNER shall arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services hereunder.

3.3 Documents, including drawings and specifications, prepared by ENGINEER pursuant to this Agreement are not intended or

represented to be suitable for reuse by OWNER or others for this Project or on any other project. Any reuse of completed documents or use of partially completed documents without written verification or concurrence by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure.

- 3.4 The ENGINEER maintains, at its own expense, Worker's Compensation and Employers Liability, Comprehensive General Liability, Automobile Liability and Professional Liability policies with limits at or above that which is reasonably required of other engineering firms and will, upon request, furnish insurance certificates to OWNER.

#### **SECTION 4 - LEGAL RELATIONS**

- 4.1 The ENGINEER shall be responsible for professional negligence, which is failure to exercise skill and ability as ordinarily required of engineers under the same or similar circumstances. The ENGINEER shall not be responsible for warranties, guarantees, fitness for a particular purpose or breach of fiduciary duty and shall only indemnify for failure to perform in accordance with the generally accepted engineering and consulting standards.
- 4.2 ENGINEER agrees to indemnify and hold harmless the OWNER and its directors, officers and employees from and against claims, loss, liability and damages, to which they or any of them may be put or subjected to, to the extent caused by the ENGINEER's negligent acts, errors, or omissions in the performance of this Agreement. Notwithstanding the foregoing, for any claim alleging ENGINEER's negligent performance of professional services, ENGINEER's obligations regarding OWNER's defense under this

paragraph include only the reimbursement of OWNER's reasonable defense costs incurred to the extent of ENGINEER's judicially determined negligence.

- 4.3 Because data stored in electronic media form can be altered, inadvertently, it is agreed that the OWNER shall hold ENGINEER harmless from liability arising out of changes or modifications to ENGINEER's data in electronic media form in the OWNER's possession or released to others by the OWNER.
- 4.4 The services to be performed by ENGINEER are intended solely for the benefit of the OWNER, NETWRPG and TWDB. No person or entity not a signatory to this Agreement, other than NETWRPG and TWDB, shall be entitled to rely on the ENGINEER's performance of its services hereunder, and no right to assert a claim against the ENGINEER by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the performance of the ENGINEER's services hereunder.

#### **SECTION 5 - TERMINATION OF AGREEMENT**

- 5.1 If this Agreement is terminated with or without cause, in either event, OWNER shall provide:
- a. not less than five (5) working days' written notice of intent to terminate, and
  - b. an opportunity for good faith consultation prior to termination.

#### **SECTION 6 - DISPUTE RESOLUTION**

- 6.1 Disputes arising during the course of this Agreement shall be promptly addressed when professional services

can be reasonably and fully assessed. The parties shall use best efforts to reach final resolution of disputes through meetings and negotiations required to resolve the dispute before any other forms of dispute resolution.

## **SECTION 7 - ENTIRE AGREEMENT**

- 7.1 This Agreement, including attachments incorporated herein by reference, represents the entire Agreement and understanding between the parties and any negotiations, proposals or oral agreements are intended to be integrated herein and to be superseded by this written Agreement. Any supplement or amendment to this Agreement to be effective shall be in writing and signed by the OWNER and ENGINEER.

## **SECTION 8 - ADDITIONAL SERVICES**

- 8.1 Additional services to be performed by ENGINEER are described as any service not covered in Basic Services as set forth by Task Order (Exhibit D). For services to be considered and paid for as "Additional Services" ENGINEER must first submit a written request identifying each item of additional service and a breakdown of the additional cost for each item. Authorization for additional services will then be issued by the OWNER in writing. No consideration will be given to any additional services charges by ENGINEER without prior written authorization of the OWNER.

## **SECTION 9 - COORDINATION WITH THE NETRWPG**

- 9.1 ENGINEER shall meet periodically with NETRWPG or representatives designated by the NETRWPG in order to receive information, guidance and instructions. ENGINEER shall provide the NETRWPG periodic briefings,

reviews and summaries of work progress and efforts towards completion of the approved Scope of Work in accordance with professional services to be furnished under the Basic Services section of this contract.

## **SECTION 10 - WRITTEN AUTHORIZATION**

- 10.1 All professional services and work to be performed by ENGINEER under this agreement shall be authorized by the OWNER in writing. It is specifically understood and agreed that ENGINEER shall not be authorized or undertake any work pursuant to this agreement that would require the payment of any charge, expense or reimbursement without having first had and obtained a specific written authorization from the OWNER.

## **SECTION 11 - TIME OF COMPLETION**

- 11.1 This Agreement shall become effective upon execution by the OWNER and ENGINEER and shall remain in force for the period that may reasonably be required to complete the Scope of Work. ENGINEER shall complete all work authorized by the NETRWPG and funded by the TWDB in time to allow the NETRWPG to approve all submittals of the NETRWPG and submit it to the TWDB.

## **SECTION 12 - APPROVAL OF CONTRACTS**

- 12.1 In accordance with TWDB rules, this contract as well as contracts between ENGINEER and its subcontractor(s) and between such subcontractors and any other subcontractor must be approved by the TWDB for consistency with State law and TWDB rules. Each subcontract or agreement shall include a detailed budget



estimate with specific cost details for each task or specific items of work to be performed by the subcontractor and for each category of reimbursable expenses.

The subcontracts shall conform to the terms of the Contract between the TWDB and the OWNER and include provisions, which require subcontractor compliance with TWDB rules. ENGINEER shall submit required documentation to the OWNER within 45 days from the date of this agreement for submission by the OWNER to the TWDB for approval.

### **SECTION 13 - SCHEDULE AND REPORTS**

- 13.1 ENGINEER shall complete all work authorized by the NETRWPG and funded by the TWDB in time to allow the NETRWPG to approve all submittals of the NETRWPG and submit it to the TWDB.

### **SECTION 14 - STATE AUDITOR CLAUSE**

- 14.1 By executing this Contract, the ENGINEER accepts the authority of the State Auditor's Office, under direction of the legislative audit committee, to conduct audits and investigations in connection with any and all state funds received pursuant to this contract. The ENGINEER shall comply with and cooperate in any such investigation or audit. The ENGINEER agrees to provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit. The ENGINEER also agrees to include a provision in any subcontract related to this contract that requires the ENGINEER to submit to audits and investigation by the State Auditor's Office in connection with any and all state

funds received pursuant to the subcontract.

### **SECTION 15 - FINANCIAL RECORDS**

- 15.1 The ENGINEER and its contracted parties shall maintain satisfactory financial accounting documents and records, including copies of invoices and receipts, and shall make them available for examination and audit by the EXECUTIVE ADMINISTRATOR of the TWDB. Accounting by the ENGINEER and its contracted parties shall be in a manner consistent with generally accepted accounting principles.

### **SECTION 16 - OWNERSHIP**

- 16.1 It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this contract and developed by the ENGINEER pursuant to this contract shall become the joint property of the REGIONAL WATER PLANNING GROUP, OWNER, ENGINEER, and the Texas Water Development Board. These materials shall not be copyrighted or patented by the ENGINEER. ENGINEER agrees that neither the Regional Water Planning Group nor the Texas Water Development Board are parties to this contract and agrees that that these entities have no liability under the terms of this contract. The Texas Water Development Board is solely a third-party beneficiary under this contract.

### **SECTION 17 - NO DEBT AGAINST THE STATE**

- 17.1 This SUBCONTRACT and Agreement shall not be construed as creating any debt by or on behalf of the State of Texas, RWRD, and/or TWDB, and all obligations of the State of Texas are subject to the availability of funds. To

the extent the performance of this SUBCONTRACT transcends the biennium in which this SUBCONTRACT is entered into, this SUBCONTRACT is specifically contingent upon the continued authority of the TWDB and appropriations therefore.

### **SECTION 18 - LICENSES, PERMIT AND INSURANCE CLAUSE**

18.1 For the purpose of this CONTRACT, the ENGINEER will be considered an independent SUBCONTRACTOR and therefore solely responsible for liability resulting from negligent acts or omissions. The ENGINEER shall obtain all necessary insurance, in the judgment of the ENGINEER, to protect themselves, the OWNER, the TWDB, and employees and officials of the TWDB from liability arising out of this CONTRACT. The ENGINEER shall indemnify and hold the TWDB and the State of Texas harmless, to the extent the ENGINEER may do so in accordance with state law, from any and all losses, damages, liability, or claims therefore, on account of

personal injury, death, or property damage of any nature whatsoever caused by the ENGINEER, arising out of the activities under this CONTRACT.

The ENGINEER shall be solely and entirely responsible for procuring all appropriate licenses and permits, which may be required by any competent authority for the ENGINEER to perform the subject work.

### **SECTION 19 - COMPLIANCE WITH BOARD RULES AND STATE LAW**

19.1 ENGINEER shall comply with BOARD rules and adhere to all requirements in state law pertaining to the procurement of professional services.

### **SECTION 20 - GOVERNING LAW**

20.1 This Agreement is to be governed by and construed in accordance with the laws of the State of Texas.



Nothing herein shall be construed as creating any personal liability on the part of any officer, director, or agent of the District.

IN WITNESS WHEREOF, duly authorized representatives of the parties have signed in confirmation of this Agreement, with effective date the day and year first above written.

CAROLLO ENGINEERS, INC.

OWNER

By: \_\_\_\_\_  
David K. Harkins, Ph.D., P.E.  
Vice-President

By: \_\_\_\_\_  
KYLE DOOLEY, P.E.  
Executive Director/CEO  
RIVERBEND WATER RESOURCES  
DISTRICT

PE# 87732 \_\_\_\_\_

ATTEST:

ATTEST:

By: \_\_\_\_\_  
Scott P. Hoff, P.E.  
Senior Vice President  
PE #89056

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

**Exhibit A**

**Task and Expense Budgets**

**TASK BUDGET**

		<b>TASK</b>	
<b>Accounting Item No.</b>	<b>Regional Water Planning Task No.</b>	<b>Description</b>	<b>AMOUNT</b>
1	1	Planning Area Description	\$16,231.00
2	2A	Non-Municipal Water Demand Projections	\$28,414.00
3	2B	Population and municipal water demand projections	\$47,482.00
4	8	Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues	\$10,648.00
5	10	Public Participation and Plan Adoption	\$97,916.00
		<b>Total</b>	<b>\$200,691.00</b>

## EXPENSE BUDGET

<b>CATEGORY</b>	<b>TOTAL AMOUNT</b>
<i>Salaries &amp; Wages</i> <sup>1</sup>	\$ 42,785.00
<i>Fringe</i> <sup>2</sup>	\$ 21,392.00
<i>Travel</i>	\$ 2,000.00
<i>Other Expenses</i> <sup>3</sup>	\$ 7,371.00
<i>Subcontract Services #1</i>	\$ 49,445.00
<i>Subcontract Services #2</i>	\$ 3,166.00
<i>Subcontract Services #3</i>	\$ 0.00
<i>Overhead</i> <sup>4</sup>	\$ 62,979.00
<i>Profit</i>	\$ 11,553.00
<b>TOTAL COSTS</b> <sup>5</sup>	<b>\$200,691.00</b>

<sup>1</sup> **Salaries and Wages** is defined as the cost of salaries of engineers, draftsmen, stenographers, surveyors, clerks, laborers, etc., for time directly chargeable to this contract.

<sup>2</sup> **Fringe** is defined as the cost of social security contributions, unemployment, excise, and payroll taxes, employment compensation insurance, retirement benefits, medical and insurance benefits, sick leave, vacation, and holiday pay applicable thereto.

<sup>3</sup> **Other Expenses** is defined to include expendable supplies, communications, reproduction, and postage.

<sup>4</sup> **Overhead** is defined as the costs incurred in maintaining a place of business and performing professional services similar to those specified in this contract. These costs shall include the following:

- Indirect salaries, including that portion of the salary of principals and executives that is allocable to general supervision;
- Indirect salary fringe benefits;
- Accounting and legal services related to normal management and business operations;
- Travel costs incurred in the normal course of overall administration of the business;
- Equipment rental;
- Depreciation of furniture, fixtures, equipment, and vehicles;
- Dues, subscriptions, and fees associated with trade, business; technical, and professional organizations;
- Other insurance;
- Rent and utilities; and
- Repairs and maintenance of furniture, fixtures, and equipment.

<sup>5</sup> **Ineligible expenses** include, but are not limited to:

- Food and Lodging for Regional Water Planning Group members;
- Tips;
- Costs associated with social events and tours;
- Costs of generating or distributing newsletters;
- Direct costs greater than \$250.00 per year for domain fees, website hosting, and/or website maintenance costs;
- Direct or indirect labor costs associated with obtaining, developing, and/or maintaining websites including costs to track website use or post materials on websites.

## **Exhibit B**

# **General Guidelines for Development of the 2026 Regional Water Plans**

**NOTE:**  
**THIS DOCUMENT CURRENTLY INCLUDES ON THE GUIDANCE ASSOCIATED WITH THE  
INITIAL SCOPE OF WORK TASKS. SECTIONS 3 – 9, 11, AND 12 WILL BE  
INCORPORATED INTO GUIDANCE UPON AMENDMENT OF THE FULL SCOPE OF  
WORK.**

*June 2021*

*This document is subject to future revision based upon any future Legislative actions.*

General Guidelines for Development of the 2026 Regional Water Plans

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## General Guidelines for Development of the 2026 Regional Water Plans

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## SECTION 1 – Introduction

### 1.1 Background

The sixth cycle of regional and state water planning as defined by Senate Bill 1 of the 75th Texas Legislature commenced in 2021 and will extend through 2026. Regional water planning groups must prepare the 2026 Regional Water Plans that, once approved, will become the basis for the 2027 State Water Plan.

While the regional water plan development is directed by the regional water planning groups, in order to ensure that the regional water plans follow a consistent and credible approach, the TWDB's Executive Administrator prepared the following guidelines to assist with the planning process. These guidelines augment the Texas Water Code (TWC) and the administrative rules related to regional water planning and are part of the regional water planning grant contracts.

### 1.2 Purpose

These guidelines build upon and provide additional information and greater detail about how to implement the administrative rules, including regarding the required methods, content, and format of information to be contained and presented in each RWP to meet rule and contractual requirements including the scope of work. For convenience, the sections of this document include direct links to the relevant regional water planning rules and the Exhibit A: Scope of Work tasks, followed by 'Guidance' content provided by the Executive Administrator.

While each regional water plan is unique to its region, this guidance is intended to ensure that the 16 regional water plans are developed in a generally consistent and similar manner to produce information that may be combined and aggregated, at the state level, to support the development of a meaningful and credible state water plan. The intent is to ensure that the 16 regions generally produce and provide 'apples to apples' data across the entire state including key information that will support the Texas Water Development Board's (TWDB) development of the state water plan.

Depending upon the nature of particular water planning rules or contract tasks, this guidance intentionally varies in its degree of specificity and flexibility. These guidelines include specific requirements that must be complied with by regional water planning groups as they prepare the regional water plan as well as guidance that the regional water planning groups may "consider", and that leaves certain considerations to the discretion of the planning groups.

The Initially Prepared Plans (IPP) and the final adopted regional water plans will be reviewed by TWDB based on statute, regional water planning rules, as well as requirements that are included in this and all other contract documents including the scope of work.

This document augments existing statute and rules that govern regional water planning. Provisions of [TWC §16.053](#) and 31 Texas Administrative Code (TAC) Chapters [355](#), [357](#),



## General Guidelines for Development of the 2026 Regional Water Plans

and [358](#) serve as the foundation for information in this document and are not superseded or abridged by anything contained within or excluded from this document.

### 1.3 General format and content of this document

This guidance consists of the following sections:

1. **Section 1 – Introduction** includes background material and a general document cross-reference that illustrates how the administrative rules, contract scope of work, and guidance documents all relate and align with one another.
2. **Section 2 – Scope of Work Task-Specific Guidelines** includes guidance organized by Scope of Work tasks and related rules sections. The section identifies various summary tables that are required to be included in the IPP and final RWP.
3. **Section 3 – Appendices** includes appendices that accompany sections 1 and 2.

### 1.4 General guidance

1. Development of the regional water plans will be guided by the [State Water Plan Guidance Principles](#).
2. The regional water plans must include an Executive Summary including key findings and recommendations, not to exceed 30 pages.
3. This guidance document includes the minimum reporting requirements where information and data are available. A regional water planning group may present more information and findings in their plan than is required by this guidance.
4. Regional water planning groups must submit all data identified in Exhibit D: Guidelines for 2026 Regional Water Planning Data Deliverables to the TWDB. The regional water plans are intended to include data reflective of a planning level analysis.

### 1.5 Documents and files that accompany and are integral to implementing this guidance

1. **Exhibit C Tables:** An excel template file called “2026 RWP Exhibit C Tables” will be developed to accompany this guidance document and will include the summary tables that are required to be included in the IPP and final regional water plan. The excel spreadsheet must be filled in and submitted with the in the IPP and final regional water plan with associated information.
2. **Exhibit D: Guidelines for 2026 Regional Water Plan Data Deliverables** – this is a separate document that will be developed to support this guidance. Exhibit D will be incorporated into contracts via a future contract amendment that incorporates the remaining Scope of Work tasks. Guidelines for the development of the previous regional water plans may be found [here](#).

General Guidelines for Development of the 2026 Regional Water Plans

## 1.6 General document cross-reference for regional water plans

For convenience the table below illustrates how contract tasks, guidance, administrative rules, and regional water plan chapters generally relate.<sup>1</sup> The chapter breakdown for each plan is specifically required under 31 TAC §357.22(b). Plans that are not organized in this manner will be considered administratively incomplete and will not be reviewed. **Please note that this table includes anticipated scope of work tasks for the 2026 Regional Water Plan development. This table (including any items marked TBD) is subject to revision upon incorporation of the full SOW. Items marked with an asterisk are anticipated to be removed following the TWDB’s implementation of [House Bill 1905](#), 87<sup>th</sup> Legislative Session.**

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<sup>1</sup> Some rules (e.g., TAC §358; §357.22) apply more broadly to all regional water planning activities.

## General Guidelines for Development of the 2026 Regional Water Plans

Regional Water Planning Contract Document References			2026 Regional Water Plan Chapter, Associated TAC Sections, and Content		
TWDB Contract Reimbursement Accounting Number ('CAS')	Exhibit A - Contract Scope of Work Task	Exhibit C - General Guidelines for Development of the 2026 Regional Water Plans	Regional Water Plan Chapter Number	Primary TAC Section	General Content
1	1	1	1	§357.30	Description of the Regional Water Planning Area
2	2A	2	2	§357.31	Projected Non-Municipal Water Demands
3	2B			§357.31	Projected Population and Municipal Water Demands
TBD	TBD	3	3	§357.32	Water Supply Analysis
TBD	TBD	4	4	§357.33	Identification of Water Needs
TBD	TBD	NA	<b>TBD</b>	§357.12	Identification of Infeasible Water Management Strategies
TBD	TBD	NA	<b>NA</b>	contract	Technical Memorandum Deliverable
TBD	TBD	5	5	§357.34	Identification of Potentially Feasible Water Management Strategies
TBD	TBD			§357.34; §357.35	Evaluations of Potentially Feasible Water Management Strategies, Recommended Water Management Strategies and Projects, and Alternative Water Management Strategies and Projects
TBD	TBD			§357.34	Conservation Recommendations <i>[as an individual subchapter]</i>
TBD	TBD	6	6	§357.40	Impacts of Regional Water Plan
				§357.41	Consistency with Protection of Water Resources, Agricultural Resources, and Natural Resources
TBD	TBD	7	7	§357.42	Drought Response Information, Activities, and Recommendations
4	8	8	8	§357.43	Policy Recommendations & Unique Sites
TBD	TBD	9	9	§357.44	Infrastructure Financing Analysis*
5	10	10	10	§357.21; §357.50	Public Participation and Plan Adoption
TBD	TBD	11	11	§357.45	Implementation and Comparison to the Previous Regional Water Plan
TBD	TBD	12	<b>N/A</b>	§357.46	RWPG Prioritization of Recommended Water Management Strategy Projects *

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EXHIBIT C

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## 1.7 Definitions of Terms

### 1.7.1 Regional Water Planning rule definitions

Many of the regional water planning specific terms and acronyms used in this guidance document are defined in 31 TAC §357.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&dir=&p\\_rloc=&ptloc=&p\\_ploc=&pg=1&tac=&ti=31&pt=10&ch=357&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&dir=&p_rloc=&ptloc=&p_ploc=&pg=1&tac=&ti=31&pt=10&ch=357&rl=10)

### 1.7.2 Groundwater Management rule definitions

Many of the groundwater related terms and acronyms used in this guidance document are defined in 31 TAC §356.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&dir=&p\\_rloc=&ptloc=&p\\_ploc=&pg=1&tac=&ti=31&pt=10&ch=356&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&dir=&p_rloc=&ptloc=&p_ploc=&pg=1&tac=&ti=31&pt=10&ch=356&rl=10)

### 1.7.3 Non-rule definitions pertinent to regional water planning

**Aquifer** – Geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs. The formation could be sand, gravel, limestone, sandstone, or fractured igneous rocks.

**Aquifer recharge** – Water that infiltrates to the water table of an aquifer.

**Aquifer storage and recovery** – The practice of injecting water, when available, into an aquifer where it is stored for later use.

**Brackish water** – Water containing total dissolved solids between 1,000 and 10,000 milligrams per liter.

**Capital cost** – Portion of the estimated cost of a water management strategy that includes both the direct costs of constructing facilities, such as materials, labor, and equipment, and the indirect costs associated with construction activities, such as engineering studies, legal counsel, land acquisition, contingencies, environmental mitigation, interest during construction, and permitting.

**Desalination** – Process of removing salt and other dissolved solids from seawater or brackish water.

**Drought** – Generally applied to periods of less than average precipitation over a certain period of time. Associated definitions include meteorological drought (abnormally dry weather), agricultural drought (adverse impact on crop or range production), and hydrologic drought (below-average water content in aquifers and/or reservoirs).

**Environmental flows** – An environmental flow is an amount of water that should remain in a stream or river for the benefit of the environment of the river, bay, and estuary, while balancing human needs.

**Estuary** – A bay or inlet, often at the mouth of a river and may be bounded by barrier islands, where freshwater and seawater mix together providing for economically and ecologically important habitats and species and which also yield essential ecosystem services.

## General Guidelines for Development of the 2026 Regional Water Plans

**Firm diversion (run of river availability)** – Evaluated for municipal sole-source water use (i.e. not firmed up with other sources) is defined as the minimum monthly diversion amount that is available 100 percent of the time during a repeat of the drought of record. Evaluated for all other water users, the ‘firm diversion’ is defined as the minimum annual diversion, which is the lowest annual summation of the monthly diversions reported by the Water Availability Model over the simulation period (lowest annual summation being the calendar year within the simulation that represents the lowest diversion available).

**Group quarter** – A place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

**Infrastructure** – Physical means for meeting water and wastewater needs, such as dams, wells, conveyance systems, and water treatment plants.

**Instream Flow** – Water flow and water quality regime adequate to maintain an ecologically sound environment in streams and rivers.

**Local groundwater supplies** – Supplies found in local groundwater areas usually not associated with a major, minor, or other aquifer (e.g., a small local alluvial aquifer) that may still be used as a non-municipal water supply source (e.g., for livestock use), but that the groundwater management area determined to be small enough to not go through the desired future condition process.

**Local surface water supplies** – Limited, unnamed individual surface water supplies that, separately, are available only to particular non-municipal water user groups, such as livestock.

**Non-relevant aquifer** – An aquifer/region/county/basin geographic unit or a sub-portion of such a geographic aquifer unit where the groundwater management area did not assign a desired future condition. This results in this geographic unit (or sub-portion) not having an associated modeled available groundwater volume. In addition, this means that the associated aquifer/region/county/basin geographic unit may or may not have a non-modeled available groundwater volume (as determined by the planning group) associated with it.

**Other aquifer** – An aquifer that has not been designated as major or minor.

**Rainwater harvesting** – An ancient practice involving the capture, diversion, and storage of rainwater for landscape irrigation, drinking and domestic use, aquifer recharge, and in modern times, stormwater abatement.

**Seawater** – Water typically containing total dissolved solids of 35,000 milligrams per liter or greater. The volume of total dissolved solids may be lower than 35,000 milligrams per liter.

**Sedimentation** – Action or process of depositing sediment in a reservoir, usually silts, sands, or gravel.

**Storage** – Natural or artificial impoundment and accumulation of water in surface or underground reservoirs, usually for later withdrawal or release.

General Guidelines for Development of the 2026 Regional Water Plans

**System gain** – The amount of permitted water a system creates that would otherwise be unavailable if the reservoirs were operated independently and this volume must be reported separately. For multi-reservoir systems, the minimum system gain during drought of record conditions may be considered additional water available, if permitted.

**Water availability model** – Numerical computer program used to determine the availability of surface water within each river basin for permitting in the state.

## General Guidelines for Development of the 2026 Regional Water Plans

## 2 SECTION 2 – Scope of work task specific guidelines

Included in this section is guidance specifically addressing the following scope of work tasks<sup>2</sup>. Items marked with an asterisk are anticipated to be removed following TWDB’s implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Corresponding agency rules are also shown below for convenience and reference:

- Task 1 – Description of the Regional Water Planning Area (§357.30)
- Task 2A and 2B – Projected Population and Water Demands (§357.31)
- Water Supply Analysis (§357.32)
- Needs Analysis: Comparison of Water Supplies and Demands (§357.33)
- Identification of Infeasible Water Management Strategies (§357.12)
- Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects (31 TAC §357.34); Recommended Water Management Strategies and Alternative Water Management Strategy Projects (§357.35)
- Impacts of Regional Water Plan (§357.40); Consistency with Long-term Protection of Water Resources, Agricultural Resources, and Natural Resources (§357.41)
- Drought Response Information, Activities, and Recommendations (§357.42)
- Task 8 – Regulatory, Administrative, or Legislative Recommendations (§357.43)
- Infrastructure Financing Analysis (§357.44)\*
- Task 10 – Adoption, Submittal, and Approval of Regional Water Plans (§357.50 and §357.21)
- Implementation and Comparison to the Previous Regional Water Plan (§357.45)
- Prioritization of Projects by RWPGs (TAC §357.46)\*

### 2.1 Planning area description (Task 1)

#### Rule and scope of work requirements:

- [§357.30: Description of the Regional Water Planning Area](#)
- [Scope of work Task 1: Planning Area Description](#)

#### Guidance:

Each regional water plan must include a description of the regional water planning area including the following items:

1. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
2. current water use and major water demand centers;
3. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
4. major water providers;
5. agricultural and natural resources;
6. identified water quality problems;

<sup>2</sup> The initial regional water planning contracts include only SOW tasks 1, 2A-2B, 8, and 10. The remaining SOW task numbers and related sections of this guidance document will be incorporated via a future contract amendment.

## General Guidelines for Development of the 2026 Regional Water Plans

7. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
8. summary of existing local and regional water plans;
9. the identified historic drought(s) of record within the planning area;
10. current preparations for drought within the planning area;
11. information provided by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to water loss audits); and,
12. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.

*Major water providers*

Major water providers for the planning area are a subset of water user groups and/or wholesale water providers identified by the regional water planning groups to be of particular significance to the region's water supply. Each region must decide which entities are designated as major water providers. If the region decides not to designate any entities as major water providers, the plan needs to include discussion in chapter one of the plan as to why the planning group determined it does not have any water user groups or wholesale water providers of significance to the region's water supply.

*Wholesale water providers*

Entities designated as a wholesale water provider for planning purposes must sell or deliver (or plan to sell or deliver) wholesale water at some point in the 50-year planning horizon. Regional water planning groups will determine which wholesale water providers they want to utilize in their plan development. Data analysis and evaluations described throughout this document are relevant to the water user groups and wholesale water providers of the planning area. Data analyses of identified wholesale water providers will occur in the evaluation of contractual obligations to supply water, the demands associated with water user groups served by the wholesale water provider, the evaluation of the wholesale water provider's existing water supplies, and the evaluation of water management strategies and projects, for example.

Water user group and wholesale water provider data will support compiling results to describe the major water providers of the planning area. Even though the regional water planning group is not required to specifically report basic information on wholesale water provider demands and supplies in the regional water plan, it will need to do so in at least two specific instances:

1. if that same entity is also designated by the planning group as a major water provider, or
2. if that wholesale water provider is designated as the "sponsor" of any recommended water management strategy project in the plan, through TWDB-generated data reports. The wholesale water provider information will provide the basis for the wholesale water provider strategy or project.

These are minimum reporting requirements, however a regional water planning group may present more wholesale water provider information utilized in the development of



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their plan. The extent to which planning groups report on additional wholesale water providers that have not been designated as major water providers is left largely to the discretion of the planning groups.

### *Drought(s) of record*

When presenting information on historic drought(s) of record, the regional water planning group may identify other relevant (e.g., basin-level) droughts of record that impact water supplies in the planning area in addition to identifying the overall historic drought of record in the planning area.

### *Water loss audits*

Information provided by the TWDB from water loss audits may be presented, for example, as a summary in tabular form along with a description of the information and how the regional water planning group considered the information in developing the regional water plan. Examples of water loss audit data presented include the number of entities submitting water loss audits, the total quantity of water produced, the total reported quantity of water lost, and the percent of water loss.

## **2.2 Population and water demand projections (Tasks 2A and 2B)**

### **Rule and scope of work requirements:**

- [§357.31: Projected Population and Water Demands](#)
- [Scope of work Task 2A: Non-Municipal Water Demand Projections](#)
- [Scope of work Task 2B: Population and Municipal Water Demand Projections](#)

### **Guidance:**

The TWDB will provide an updated water user group list for use in the 2026 Regional Water Plans and 2027 State Water Plan. The definition of water user groups can be found in [31 TAC §357.10\(43\)](#).

The TWDB will prepare draft population and municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the new decennial census, new county-level population projections from the Texas Demographic Center, and the most recent utility boundary information.

Non-municipal draft water demand projections consisting of manufacturing, irrigation, livestock, and steam-electric power generation will be developed based on more recent historical water use data (2015-2019) and the same methodologies that were updated for use in developing the 2021 Regional Water Plans and 2022 State Water Plan. For the mining water use category, new projections will be developed based on a contracted mining study by the Bureau of Economic Geology.

### **Criteria and required data for requested changes to draft projections and revisions of approved projections**

The initial list of water user groups will be prepared and provided to each regional water planning group along with historical water use and population data for their review. The

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regional water planning groups will review the water user group list and historical data from the TWDB and provide corrections and feedback to the TWDB.

Once the final list of water user groups is established, the TWDB will prepare draft population and water demand projections for each region. The regional water planning groups will then review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from the TWDB. All requests to adjust draft projections must be submitted along with associated quantified data in an electronic format determined by the TWDB (e.g., Excel spreadsheets). If adequate justification is provided by the regional water planning groups to the TWDB, population and/or water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. The TWDB will then incorporate approved adjustments to the projections prior to the Board's consideration of adoption of the population and water demand projections. Acceptable criteria and required data are specified for each water user group category in Sections 2.2.1 and 2.2.2.

The regional water planning groups must use the Board-adopted projections when preparing their regional water plans. The TWDB will directly populate the state water planning database (DB27) with all Board-adopted water user group-level projections and the TWDB will make any related changes to DB27 if subsequent revisions are approved by the Board.

Regional water planning groups may request revisions to Board-adopted projections if the request demonstrates the projections no longer represent a reasonable estimate of anticipated conditions based on changed conditions or new information in accordance with 31 TAC §357.31(e)(2)<sup>3</sup>. However, planning groups will need to manage the timelines required for agency review and Board action with the subsequent revisions to their regional plans in order to meet all contractual deliverable deadlines.

### **2.2.1 Population projections**

The draft population projections will include permanent residential population including 'group quarter' population residing in institutional facilities (military, prisons, schools, or nursing homes) who are served by municipal water user groups or rely on their own water sources. Seasonal population, including tourist or seasonal workers, are not included in the draft projections although the associated seasonal water use is necessarily reflected in the per capita water use rates.

Prior to the release of the draft projections, the TWDB will analyze the most recent population projections from the Texas Demographic Center in comparison to the 2022 State Water Plan projections to determine the maximum region-wide, net population changes that may be considered by the regional water planning groups.

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<sup>3</sup> Work performed associated with revisions to Board-adopted projections is not eligible for regional water planning grant funding in accordance with 31 TAC §355.92(a)(E).

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**2.2.1.1 Municipal water user group list**

The initial list of water user groups, also referred to as *entities*, will be developed by the TWDB per [31 TAC §357.10\(43\)](#) and with the input of each regional water planning group. Municipal water user groups will be based on utility boundaries and annual water use volumes reported by associated public water systems via TWDB's annual Water Use Survey. Utilities' municipal net use will be evaluated based on whether they are public or private utilities. If the public water system or utility meets the annual municipal net use of 100 acre-feet threshold in any single year within the most recent five years (2015-2019), they will be established as stand-alone water user groups. Collective reporting units will be carried over from the 2022 State Water Plan, but also will be updated per newly established public water systems, changes in utility boundaries or input from the planning groups. Public water systems or utilities that do not meet the definition of a stand-alone water user group or collective reporting unit will be planned for as part of a county-other water user group per 31 TAC §357.10(43)(E). Additionally, group quarters can be water user groups if they meet the definition in 31 TAC §357.10(43)(B) or may be included as part of another water user group.

**Criteria for adjustment:**

A proposed water user group must meet the definition in [31 TAC §357.10\(43\)](#) and the following criteria to be included as a new, discrete entity in the 2026 Regional Water Plan. One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator:

1. Evidence of errors identified in the historical water use for a public water system or utility, which would determine whether the system or utility meets the water user group definition.
2. Evidence of errors in the ownership type of a public water system or utility provided in the Texas Drinking Water Watch.
3. Evidence of recent changes of the ownership of a public water system or utility through merge or annexation.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria to be included in the 2026 Regional Water Plan:

1. Annual water intake, sales, or metered use volumes for recent years for the public water system.
2. Documentation supporting changes of the name or ownership of a public water system or utility.
3. Documentation supporting collective reporting units with the geographic designation along with a list of the utilities or public water systems that have a common association for the purposes of water planning.
4. Documentation supporting that a system or utility within a collective reporting unit boundary should be planned for as a stand-alone water user group.

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**2.2.1.2 Regional-level population projections**

Adjustment to net regional-total population projections may be considered based on the criteria below. Associated adjustments to net county-total population projections within the regional total must also be justified (see Section 2.2.1.3). The net cumulative sub-regional requested changes may not exceed the maximum region-wide population that is provided by the TWDB.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the regional-level population projections:

1. A possible Census undercount took place in a county located within the region and action is currently being pursued to request a U.S. Census Bureau correction.
2. The most recent population growth rate (2015-2020) for the whole region is significantly different than the draft regional projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the regional-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county located in the region.
2. Historical regional-total population estimates from the Texas Demographic Center or the U.S. Census Bureau.
3. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total regional-level population projection.

**2.2.1.3 County-level population projections**

Any net adjustments to a county-total population projection due to adjustments to sub-county water user group-level projections within that county must be justified in a similar manner and will require an accompanying, justifiable redistribution of the projected county population within the same region so that the net, summed regional total remains unchanged unless an accompanying net total adjustment to the regional total is also requested, justified and approved (see Section 2.2.1.2).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising a net total county-level population projection:

1. A possible Census undercount took place in the county and action is currently being pursued to request a U.S. Census Bureau correction.
2. If there is evidence that the most recent years (2015-2020) net migration rate was significantly different than the net migration rate used for the draft projections.

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3. If there is evidence that the 2020-2030 net migration rate will be significantly different than the net migration rate used for the draft projections.
4. There are statistically significant birth and survival rate differences (by appropriate cohorts) between the county and the State.
5. The most recent county population growth rate (2015-2020) is significantly different than draft county's projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the county-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county.
2. Most recent in-migration and out-migration of a county, indicating that the net migration of a county over the most recent years (2015-2020) is significantly different than the net migration rates used for the draft projections.
3. Birth and/or survival rates for a county population between 2010-2020 by gender, race/ethnicity and single-year age cohorts.
4. County population estimates from the Texas Demographic Center or the U.S. Census Bureau.
5. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total county-level population projection.

**2.2.1.4 Water user group (entity) population projections**

The projected population growth throughout the planning period for the utilities and rural area (county-other) within a county is a function of a number of factors, including the water user group's estimated share of the county's population or growth between 2010 and 2020, as well as local information provided by regional water planning groups. The total county population will serve as a control total for the WUG populations within each county. Any adjustments to a sub-county water user group population projection must involve a justifiable redistribution of projected populations within the relevant county so that the county net total remains unchanged unless an adjustment to the county total is also requested, justified and approved (see Section 2.2.1.3).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration in adjusting individual water user group population projections:

1. An adjustment to the population estimates for utilities or rural areas due to official adjustment to the 2020 Census population.
2. The 2010 or 2020 permanent population-served estimate by a municipal water user group is significantly different than the 2010 or 2020 baseline population estimate used in the draft projections.

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3. The population growth rate for a municipal water user group over the most recent years (2015–2020) is substantially different than the growth rate between 2010 and 2020 in the draft projections.
4. Identification of growth limitations or potential build-out conditions for a water user group that would result in an expected maximum population that is different than the draft projections.
5. Updated information regarding the utility or public water system service area or anticipated near-term changes in service area.
6. Plans for new residential development in the near future that has not been counted in the draft projections.
7. Evidence of errors identified in historical connections.
8. Plans for a new or expansion of an existing institutional facility that was not included in the draft projections.
9. Evidence of errors in group quarter population.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustment to the water user group-level population projections:

1. The verified number of residential connections or permanent population of utilities or public water systems that are associated with a water user group and result in correcting the TWDB's Water Use Survey or historical estimates.
2. Updates or corrections to a water user group's group quarter population or the location of institutional facilities.
3. Population estimates for cities developed and published by the Texas Demographic Center or by a regional Council of Governments will be considered for utilities serving these respective cities.
4. Documentation from an official of a city or utility that describes the conditions expected to limit population growth and estimates the maximum expected population for a utility and the potential timeframe for buildout.
5. Documentation or maps that verify and display changes in the utility service area.
6. Documentation demonstrating near-term growth, expansion, or new construction such as platting of new subdivisions, annexation agreements, building permits or impact fee reports.
7. Documentation of potential future growth, such as utility master plans, capital improvement plans, land use and zoning plans, maps of vacant lands with number of dwelling units per acre or number of households and average household size.
8. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to an individual water user group-level population projection.



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**2.2.2 Water demand projections****2.2.2.1 Municipal water demand projections**

Municipal water use includes both residential and non-residential water use. Residential use includes single and multi-family residential household water use. Non-residential use includes water used by commercial establishments, public offices, institutions, and light industrial facilities, but does not include significant industrial water users, such as large manufacturing, mining, or power generation facilities. Residential and non-residential water uses are categorized together because they are similar types of use, both use water primarily for drinking, cleaning, sanitation, cooling, and landscape watering.

Per capita water use is developed as gallons per capita daily (GPCD) using historical population estimates and net use for the utility. The reported data included in the municipal draft projections includes surface water, groundwater, and direct and indirect potable reuse, but does not include non-potable reuse sources.

The TWDB-generated draft municipal water demand projections shall incorporate limited, anticipated future water savings **due only to the transition to more water-efficient plumbing fixtures and appliances, as detailed in relevant legislation and provided to the regional water planning groups by the TWDB**. Any additional anticipated future water savings due to conservation programs undertaken by utilities or county-other water user groups shall be quantified and considered as a potential, recommended water management strategy by the regional water planning group.

*Dry-year and baseline GPCD*

Municipal water demand projections will be based upon dry-year demand conditions. The baseline GPCDs used in the 2026 Regional Water Plans will be carried over from the 2021 Regional Water Plans and used as default baseline GPCDs **with water efficiency savings due to more efficient plumbing fixtures and appliances through 2020 subtracted** to develop the draft water demand projections for municipal water user groups in the 2026 Regional Water Plans.

Regions may make a request to use a water user group's GPCD value from a different base dry-year within the most recent five years (2015-2019) as the basis for the demand projections of that water user group. The TWDB will consider an alternative base dry-year GPCD if the regional water planning group provides sufficient evidence that the alternative base dry-year GPCD is more representative of demands expected under dry-year conditions or that the draft default GPCD fails to adequately reflect water efficiency and conservation savings that have been already been implemented.

**Note that any adjustment to the population projections for a WUG will require an associated adjustment to the municipal water demand projections.**

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the municipal water demand projections:

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1. Evidence that per capita water use from a more recent year (2015-2019) would be more appropriate as the baseline because that year was more representative of dry-year conditions.
2. Evidence of errors identified in the historical water use or GPCD for a utility or public water system, including evidence that volumes of reuse (potable reuse) water used for municipal purposes should be or should not be included in the draft projections.
3. Evidence that the base dry-year water use was abnormal due to temporary infrastructure constraints or water restriction triggered by utility's drought management plan.
4. Trends indicating that per capita water use for a utility or rural area of a county have increased substantially in recent years, and evidence that these trends will continue to rise in the short-term future due to commercial development.
5. Evidence that the most recent water efficiency and conservation savings that have already been implemented are not reflected in the default baseline GPCD.
6. Evidence that the number of installations of water-efficient fixtures and appliances between 2010 and 2020 is substantially different than the TWDB estimate or evidence that the projected replacement rate of water-efficient fixtures and appliances is substantially different than the TWDB projections.
7. Evidence that future water efficiency savings are projected much higher than the draft projections due to a utility's conservation plans that accelerate the replacement of the existing outdated plumbing fixtures and appliances.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the municipal water demand projections:

1. Annual municipal water intake (total surface water diversions and/or groundwater pumpage and water purchased from other entities) for a utility measured in acre-feet.
2. The volume of water sales by a utility to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
3. Net annual municipal water use, defined as total water production less sales to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
4. Documentation of temporary infrastructure, drought restrictions, or other water supply constraints that were in place.
5. Drought index or seasonal rainfall data to document a year different than the designated dry-year as a more appropriate base year for projections.
6. Conservation plans or other documentation that show the number or rate of water-efficient fixtures replaced or planned to be replaced for the future.
7. Estimated water efficiency or conservation savings implemented.
8. To verify increasing or decreasing per capita water use trends for a utility or rural area of a county and therefore revising projections of per capita water use to reflect the trend, the following data should be provided with the request from the RWPG:



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- a. Historical per capita water use estimates based on net annual municipal water use for a utility or rural area of a county, beginning in 2015.
  - b. A trend analysis which takes into account the variation in annual rainfall.
  - c. Revised projections of per capita water use for a utility or rural area of a county, that demonstrate an increasing or decreasing trend of per capita water use.
  - d. Growth data in the residential, commercial and/or public sectors that would justify an increase or decrease in per capita water use.
  - e. Convincing documentation of planned future growth that would result in higher per capita water use.
9. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the municipal water demand projections.

### **2.2.2.2 Manufacturing water demand projections**

Manufacturing water use is defined as water used to produce manufactured goods. Manufacturing facilities report their water use to the TWDB annually through the Water Use Survey. Different manufacturing sectors are denoted by North American Industrial Classification System (NAICS) codes. The baseline for draft manufacturing water demand projections is based on the highest county-aggregated manufacturing water use in the most recent five years (2015-2019). The most recent 10-year projections for employment growth from the Texas Workforce Commission or other relevant economic measures available are used as proxy for growth between 2030 and 2040. After 2040, the draft manufacturing water demand are held constant through 2080 reflecting future efficiencies.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the manufacturing water demand projections:

1. Evidence of a new or existing facility that has not been included in the TWDB's Water Use Survey.
2. Evidence of an industrial facility that has recently closed its operation in a county.
3. Plans for new construction, or expansion or closure of an existing industrial facility in a county at some future date.
4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the manufacturing water demand projections.

1. Historical water use data and the 6-digit NAICS code of a manufacturing facility.

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2. Documentation and analysis that justify that a new manufacturing facility not included in the Water Use Survey database will increase future manufacturing water demand for the county above the draft projections.
3. The 6-digit NAICS code of the industrial facility that has recently located in a county and annual water use volume.
4. Documentation of plans for a manufacturing facility to locate in a county at some future date, including the following data:
  - a. The quantity of water required by the planned facility on an annual basis,
  - b. The proposed construction schedule for the facility including the date the facility will become operational, and
  - c. The 6-digit NAICS code for the planned facility.
5. Reports or research documents describing alternative trends or anticipated water use for manufacturing.
6. Specific information regarding incorrect location for a facility.
7. Other data and evidence that the RWPG considers reasonable and adequate to justify an adjustment to the manufacturing water demand projections.

### ***2.2.2.3 Steam-electric power generation water demand projections***

Water use for steam-electric power generation is consumptive use reported to the TWDB through the annual Water Use Survey. Steam-electric power water demand projections do not include water used in cogeneration facilities (included in manufacturing projections) or facilities which do not require water for production (wind, solar, dry-cooled generation), or hydro-electric generation facilities.

The baseline for draft water demand projections are based on the highest county-aggregated historical steam-electric power water use in the most recent five years (2015-2019). Subsequent demand projections after 2030 are held constant throughout the planning period. The anticipated water use of future facilities listed in state and federal reports is added to the demand projections from the anticipated operation date through 2080. The reported water use of power generation facilities scheduled for retirement in the state and federal reports is subtracted from the baseline or the decade in which they are projected to retire.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the power generation water demand projections:

1. Documentation that the draft projections have not included a facility that warrants inclusion.
2. Any local information related to new facilities or facility closures that may not have been included in U.S. Energy Information Administration report.
3. Evidence of a long-term projected water demand of a facility or a county that is substantially different than the draft projections.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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5. Evidence that a currently operating power generation facility has experienced a higher dry-year water use beyond the most recent five years, within the most recent 10 years.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the steam-electric water demand projections.

1. Historical water use data and description of a surveyed or future facility, including the fuel type, cooling process, capacity, average percent of time operating, and any other information necessary to estimate water use.
2. Reports or research documents describing alternative trends or anticipated water use for steam-electric power generation.
3. Documentation of an anticipated new facility not listed in state or federal reports necessary to estimate the volume of water reasonably expected to be consumed. Such information should include power generation method, cooling method, generation capacity and any additional information necessary to reasonably estimate the future water use.
4. Documentation regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the steam-electric power water demand projections.

**2.2.2.4 Mining water demand projections**

Mining water demand includes water used for oil and gas development, as well as extraction of coal and lignite, sand aggregate, and other resources. Projections do not include water use required for the transportation or refining of materials. The TWDB's annual mining water use estimates are comprised of data from both surveyed and non-surveyed entities and are based on the mining study conducted in partnership with the U.S. Geological Survey and the University of Texas Bureau of Economic Geology.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the mining water demand projections:

1. Evidence that mining water use in a county is substantially different than the draft projections. This could include trends in water use data from the FracFocus national online registry, the Texas Railroad Commission, or other sources.
2. Evidence of new facilities coming online or reported closures in surveyed facilities that may impact county projections.
3. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the mining water demand projections.

1. Historical water use data and description of a surveyed or future facility, and any other information necessary to estimate water use.
2. Reports describing alternative trends or anticipated water use for mining.
3. Documentation of an anticipated new mining facility or new mining activities.
4. Specific information regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Reports or research documents describing alternative trends or anticipated water use for mining.
7. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the mining water demand projections.

#### **2.2.2.5 Irrigation water demand projections**

Irrigation water demand projections include the water necessary for irrigation activities, primarily field crops, but also include orchards, pasture, turf grass, vineyards, and self-supplied golf courses. Note that for the purposes of regional water planning, irrigation demands account for the amount of water pumped for irrigation, not the water needed or used by the crop or associated with dry-land farming.

The baseline methodology for draft irrigation water demand projections is the average of the most recent five-years (2015-2019) of water use estimates held constant between 2030 and 2080. In counties where the total groundwater availability over the planning period is projected to be less than the groundwater-portion of the baseline water demand projections, the draft irrigation water demand projections will begin to decline starting in 2040, or a later decade, commensurate with the decline in the associated groundwater availability.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the irrigation water demand projections:

1. Evidence that irrigation water use estimates for a county from another information source or more recent modeled available groundwater volumes are more accurate than those used in the draft projections.
2. Evidence that recent (10 years or less) irrigation trends are more indicative of future trends than the draft water demand projections.
3. Evidence that the baseline irrigation demand projection is more likely to reflect the future irrigation demand than the groundwater resource-constrained water

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demand projection (especially where economically feasible water supply strategies have been identified).

4. Region or county-specific studies that have developed water demand projections or trends for the planning period, or part of the planning period, and are deemed to be more reasonable estimates than the TWDB-generated draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the irrigation water demand projections:

1. Historical water use, diversion, or pumpage volumes for irrigation by county.
2. Acreage and water use data for irrigated crops grown in a region as published by the Texas Agricultural Statistics Service, the Texas Agricultural Extension Service, the Farm Service Agency or other sources.
3. Available economic, technical, and/or water supply-related evidence that may provide a basis for adjustments in the default baseline projection and/or the future rate of change in irrigation water demand.
4. Alternative projected water availability volumes that may constrain water demand projections.
5. Updated modeled available groundwater volumes.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the irrigation water demand projections.

#### 2.2.2.6 Livestock water demand projections

Livestock water use is defined as water used in the production of livestock, both for consumption and for cleaning and cooling purposes and aquaculture operations. The TWDB produces annual water use estimates for livestock, based on daily water demand per head assumptions for cattle (beef and dairy), hogs, poultry, horses, sheep, and goats. Additional facilities, such as aquaculture operations, report water use estimates through the TWDB Water Use Survey.

Draft water demand projections for each county are based on the average of the most recent five-years (2015-2019) of water use estimates. The rate of change for 2020-2070 from the 2022 State Water Plan will be applied to the new baseline.

### Criteria for adjustment:

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the livestock water demand projections:

1. Evidence that livestock water use estimates for a county from another source are more accurate than those used in the draft projections.

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2. Plans for the construction, expansion, or closure of a confined livestock feeding operation in a county at some future date.
3. Other evidence of change in livestock inventory or water requirements that would justify an adjustment in the projected future rate of change in livestock water demand.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the livestock water demand projections:

1. Documentation of plans for the construction of a confined livestock feeding facility in a county at some future date and includes the following:
  - a. Confirmation of land purchase or lease arrangements for the facility.
  - b. The construction schedule including the date the livestock feeding facility will become operational.
  - c. The daily water requirements of the planned livestock feeding facility.
2. Other evidence that would document an expected increase or decrease in the livestock inventory in the county, such as facility closures.
3. Documentation of an existing confined livestock feeding operation not captured in the draft projections.
4. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the livestock water demand projections.

### 2.2.3 Major water provider demands

Planning groups will review aggregated water demand projections for major water providers provided by the TWDB. Regional water planning groups must summarize and present the projected demands for major water providers by category of use and planning decade. The TWDB will provide retail water demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.

### 2.2.4 Representation of county-other sub-water user groups in regional water plans

Subject to their own time and financial resource constraints and at the discretion of each regional water planning group, county-other water user groups may be sub-divided into sub-county-other water users and presented in the regional water plans as such. However, for the development of the 2026 regional water plans, **this discrete level of information will not be eligible to be entered into DB27 but may be presented in the plan in a manner of the RWPG choice.** Any such entity identified by the planning group will inherently be represented in DB27 under the associated umbrella, county-other water user group. Therefore, any presentation of these entities in the regional water plans will solely



## General Guidelines for Development of the 2026 Regional Water Plans

be based on information analyzed and presented in narrative or tabular form by the regional water planning group. The TWDB will provide historical water use estimates and connection data for individual public water systems that may fall within the county-other water user group and that may be of interest to the planning groups to present as sub-county-other-water user groups in the narrative of their plan. However, planning groups would need to conduct their own analyses with this information to distribute such water demands across their sub-county-other water user groups of interest in a manner that maintains the integrity of the projected net total demand for that county-other water user group.

### **2.3 Water availability and existing water supplies**

*Guidelines for this section (Water Availability and Existing Water Supplies) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous (2021) regional water plans may be found [here](#).*

### **2.4 Identification of water needs**

*Guidelines for this section (Identification of Water Needs) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.5 Water management strategies and water management strategy projects**

*Guidelines for this section (Water Management Strategies and Water Management Strategy Projects) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.6 Impacts of the regional water plan**

*Guidelines for this section (Impacts of the Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.7 Drought response information, activities, and recommendations**

*Note: Guidelines for this section (Drought Response Information, Activities, and Recommendations) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 2.8 Unique stream segments and reservoir sites and other recommendations (Task 8)

### Links to rule and scope of work requirements:

- [§357.43: Regulatory, Administrative, or Legislative Recommendations](#)
- [Scope of work Task 8: Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues](#)

### Guidance:

Regional water planning groups may make recommendations for designating river and stream segments of unique ecological value and unique sites for reservoir construction; however, the Texas Legislature is responsible for making the official designations of these sites.

#### 2.8.1 Unique stream segments

Regional water planning groups may recommend all or parts of river and stream segments in their respective regions as having “unique ecological values.” To recommend this designation, planning groups must justify the recommendation based on the following criteria:

1. biological function measured as stream segments displaying significant habitat value including both quantity and quality considering degrees of biodiversity, age, and uniqueness including terrestrial, wetland, aquatic, or estuarine habitats;
2. hydrologic function measured as stream segments fringed by habitats that perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization, or groundwater recharge and discharge;
3. riparian conservation areas measured as stream segments fringed by significant areas in public ownership including state and federal refuges, wildlife management areas, preserves, parks, mitigation areas, or other areas held by governmental organizations for conservation purposes, or stream segments fringed by other areas managed for conservation purposes under governmentally approved conservation plans;
4. high water quality, exceptional aquatic life, high aesthetic value and spring resources that are significant due to unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality; or
5. threatened or endangered species and unique communities defined as sites along streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species, and sites along streams significant due to the presence of unique, exemplary, or unusually extensive natural communities.

Regional water planning groups seeking a designation shall forward a recommendation package to the Texas Parks and Wildlife Department, who will in turn provide a written evaluation of the proposal within 30 days. If the planning group is recommending stream segments that were recommended in a previous plan but not designated by the legislature, the recommendation package must be resubmitted to Texas Parks and Wildlife Department



## General Guidelines for Development of the 2026 Regional Water Plans

for an updated written evaluation. Final adopted regional water plans must include the Texas Parks and Wildlife Department's written evaluation.

Recommendation packages must include a physical description giving the location of the stream segment, along with maps, photographs, and documentation with supporting literature and data that characterizes a site's unique ecological value addressing criteria in 31 TAC §357.43(b) and §358.2(6).

If a river or stream segment has been recommended in a previous plan, the planning group may incorporate references of supporting materials developed for the previous plan into the current plan. References must be precise and include a summary of the information presented in the previous plan.

Recommendations regarding unique river or stream segments presented in the regional water plans must be specific as to a) which unique river or stream segments have been previously designated by the legislature and b) which are being recommended for designation by the planning group.

If the Texas Legislature designates a stream or river segment as unique; or if a planning group recommends that a stream or river segment be classified as unique, the regional water planning group must quantitatively assess how recommended water management strategies in the regional water plan would affect flows deemed important (by the planning group) to the stream or river segment in question. Furthermore, assessments shall describe how a regional water plan would affect the unique features and criteria cited by a planning group as the impetus for a legislative designation.

## **2.8.2 Unique reservoir sites**

Regional water planning groups may recommend sites for reservoir construction that have "unique value" based on the following criteria:

1. site specific reservoir development is recommended as a specific water management strategy or as a unique reservoir site in a final adopted RWP; or
2. factors such as location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics make a site uniquely suited for either reservoir development to provide water supply for the current planning period, or where it might reasonably be needed to meet water needs beyond the 50-year planning period.

For recommendations regarding unique reservoir sites, the regional water plan must be specific as to a) which unique reservoir sites have been previously designated by the legislature; b) which are being recommended for designation by the RWPG; and c) whether the RWPG is recommending that the legislature re-designate a previously designated unique reservoir site. The adopted regional water plans must also include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site.

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**2.8.3 Other recommendations**

Regional water plans may include any additional regulatory, administrative, or legislative recommendations developed by the planning group including but not limited to the following topics:

- facilitate the orderly development, management, and conservation of water resources in Texas and to prepare for and respond to drought conditions,
- achieve the goals of state and regional water planning including ways the planning group believes the state and regional planning process would be improved,
- facilitate more voluntary water transfers in the region,
- information regarding the potential impacts of recommendations enacted into law once proposed changes are in effect.

In the development of other recommendations, the regional water planning groups should consider TWDB feedback on the implementation of the planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.

The regional water planning groups should also consider recommendations from the Interregional Planning Council as directed to the planning groups.

**2.9 Reporting of Financing Mechanisms for Water Management Strategies**

*Note: This section (Reporting of Financing Mechanisms for Water Management Strategies) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

**2.10 Adoption of Plan and Public Participation (Task 10)**

**Links to rule and scope of work requirements:**

- [§357.50: Adoption, Submittal, and Approval of Regional Water Plans](#)
- [Scope of work Task 10: Public Participation and Plan Adoption](#)

**Guidance:**

As required by 31 TAC §357.21, regional water planning groups must conduct all business in meetings posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551, with a copy of all materials presented or discussed available for public inspection prior to and following public meetings. Additional notice requirements referenced in 31 TAC §357.21 shall also be followed when applicable.

The regional water planning groups must adopt regional water plans and accommodate public participation in the regional water development process in accordance with administrative rules, the contract, statute, and the planning group's bylaws. The TWDB has published several documents on its [website](#) that contain helpful public notice guidance.

## General Guidelines for Development of the 2026 Regional Water Plans

This task includes all work required to prepare for and hold meetings and include public input and participation in development of the regional water plan, including but not limited to:

1. holding regional water planning group meetings;
2. holding committee meetings;
3. holding special meetings;
4. posting public notices;
5. holding public input meetings and hearing on the draft plan as required by statute and rules;
6. soliciting and considering public input;
7. technical work required to prepare for and participate in regional water planning group meetings, workshops, and any other committee or other meetings during the development of the regional water plan;
8. conducting surveys of water suppliers or water user groups;
9. coordinating with and collecting information from entities involved with water planning in the region;
10. assembling, producing, and submitting the Technical Memorandum, IPP, and final regional water plan and responding to comments and resubmitting as necessary to ensure the plan can be approved by the TWDB; and,
11. interregional cooperation and interregional conflict resolution efforts.

In addition to regular regional water planning group meetings and committee meetings, there are certain special meetings that each regional water planning group must hold each cycle. These include:

- Holding a preplanning public meeting to receive suggestions and recommendations from the public regarding issues that should be addressed in the next regional or SWP. This meeting must occur near the beginning of each cycle and prior to technical work commencing. During this meeting the regional water planning group will also be required to discuss how the planning group will conduct interregional coordination and collaboration regarding water management strategies. The TWDB will provide an initial list of regional water management strategies to all planning groups to assist in this effort.
- Present to the public the process for identifying potentially feasible WMS and the presentation of the analysis of infeasible water management strategies. The process will be documented and address any public input on the process.
- Holding a public hearing and receiving written comments on the IPP.

### **2.11 Implementation and comparison to the previous regional water plan**

*Note: Guidelines for this section (Implementation and Comparison to the Previous Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

General Guidelines for Development of the 2026 Regional Water Plans

## **2.12 Prioritization of recommended water management strategy projects by regional water planning groups**

*Note: This section (Prioritization of Recommended Water Management Strategy Projects by Regional Water Planning Groups) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.13 Deliverables**

Regional water planning groups must prepare and submit a Technical Memorandum, an IPP, and a final adopted regional water plan.

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.14 Regional Water Planning Data Provisions and Data Reporting**

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 3 Appendices

### 3.1 TWDB data sources for regional water plan development

1. **Planning Data Dashboards**  
<http://www.twdb.texas.gov/waterplanning/data/dashboard/index.asp>
2. **Historical Water Use Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/index.asp>
  - a. Water use summaries (by region, county, basin, cities, utilities)
  - b. Annual reports by industry type (NAICS Code)
  - c. Water reuse reports by reuse type and planning region
  - d. Municipal and industrial water intake reports by planning region
3. **Historical Groundwater Pumpage Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/historical-pumpage.asp>
4. **Mining Water Use Study**  
<https://www.twdb.texas.gov/waterplanning/data/projections/MiningStudy/index.asp>
5. **Water Data for Texas** – Historic and current reservoir data, drought status and resources, groundwater well level, and coastal hydrology data.  
<http://www.waterdatafortexas.org/reservoirs/statewide>
6. **TWDB Groundwater Availability Models**  
<http://www.twdb.texas.gov/groundwater/models/gam/index.asp>
7. **TWDB Research Projects in Support of Groundwater Models**  
<http://www.twdb.texas.gov/groundwater/models/research/index.asp>
8. **Groundwater Joint Planning** – Desired future conditions and modeled available groundwater.  
<http://www.twdb.texas.gov/groundwater/dfc/index.asp>
9. **TWDB Groundwater Database Reports** – The purpose of the TWDB's data collection efforts over the years has been to gain representative information about aquifers in the state in order to support water planning from the local to a more regional perspective.  
<http://www.twdb.texas.gov/groundwater/data/gwdb rpt.asp>
10. **TWDB Groundwater Data Viewer** – GIS datasets relating to groundwater resources, including brackish groundwater data.  
<http://www2.twdb.texas.gov/apps/waterdatainteractive/groundwaterdataviewer>

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11. **Statewide Survey of Aquifer Suitability for Aquifer Storage and Recovery Projects or Aquifer Recharge Projects**  
<http://www.twdb.texas.gov/innovativewater/asr/projects/Statewide/index.asp>
12. **Brackish Resources Aquifer Characterization (BRACS)**  
<http://www.twdb.texas.gov/groundwater/bracs/studies.asp>
  - a. Brackish Groundwater Production Zones  
<http://www.twdb.texas.gov/groundwater/bracs/HB30.asp>
13. **Texas Instream Flows Program (SB2) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/instream/index.asp>
14. **Texas Environmental Flows (SB3) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/environmental/index.asp>
15. **Freshwater Inflow Needs and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/freshwater/index.asp>
16. **Innovative Water Technologies**  
<http://www.twdb.texas.gov/innovativewater/index.asp>
  - a. Aquifer Storage and Recovery
  - b. Desalination
  - c. Rainwater Harvesting
  - d. Water Reuse
17. **Water Conservation**  
<http://www.twdb.texas.gov/conservation/index.asp>
  - e. Water Conservation Advisory Council and BMPs
  - f. Water loss audit information
  - g. Water conservation plans
18. **Other water planning data resources**  
<http://www.twdb.texas.gov/waterplanning/data/resources/index.asp>
  - h. Population data links
  - i. Socio-economic data links
  - j. TCEQ water utility database link
19. **TWDB-funded research relevant to regional water planning**  
<http://www.twdb.texas.gov/waterplanning/rwp/research/index.asp>

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**Exhibit D**

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**Guidelines for 2026 Regional Water Plan  
Data Deliverables**

***NOTE:***

***THIS DOCUMENT IS BEING DEVELOPED AND WILL BE INCORPORATED INTO THE  
CONTRACT UPON AMENDMENT OF THE FULL SCOPE OF WORK  
DATA GUIDELINES FOR THE DEVELOPMENT OF THE PREVIOUS  
REGIONAL WATER PLANS MAY BE FOUND [HERE](#).***

**EXHIBIT D  
TASK ORDER NO. 1**

**RIVERBEND WATER RESOURCES DISTRICT  
(OWNER)**

**AND**

**CAROLLO ENGINEERS, INC.  
(ENGINEER)**

This Task Order is issued by the OWNER and accepted by ENGINEER pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the 4th day of August, 2021, in connection with preparing a Regional Water Plan for the NORTH EAST TEXAS REGIONAL WATER PLANNING GROUP (NETRWPG or RWPG) as defined by 31 TAC Chapters 355, 357 & 358 (Project).

**PURPOSE**

The purpose of this Task Order is to identify the Basic Services that the ENGINEER shall render professional services necessary to complete the following Scope of Work, which is consistent with Exhibit A to the OWNER's contract with the TWDB Contract No. 2148302556.

**ENGINEER'S BASIC SERVICES/SCOPE OF WORK**

**TASK 1 - Planning Area Description**

The objective of this task is to prepare a standalone chapter (in accordance with 31 Texas Administrative Code (TAC) §357.22(b)) to be included in the 2026 Regional Water Plan that describes the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.30.

**This Task includes, but is not limited to, performing all work in accordance with Texas Water Development Board (TWDB) rules and guidance required to:**

- 1) Designate major water providers in the regional water planning area for planning purposes.
- 2) Identify wholesale water providers in the regional water planning area for planning purposes.
- 3) Review and summarize relevant existing planning documents in the region including those that have been developed since adoption of the previous regional water plan. Documents to be summarized include those referenced under 31 TAC §357.22.
- 4) Prepare a chapter that describes the regional water planning area including the following:
  - a. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;



- b. current water use and major water demand centers;
  - c. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
  - d. major water providers;
  - e. agricultural and natural resources;
  - f. identified water quality problems;
  - g. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
  - h. summary of existing local and regional water plans;
  - i. the identified historic drought(s) of record within the planning area;
  - j. current preparations for drought within the regional water planning area;
  - k. information compiled by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to Water Loss Audits); and
  - l. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategy evaluated in the plan.
- 5) Disseminate the chapter document and related information to regional water planning group members for review.
  - 6) Modify the chapter document based on regional water planning group, public, and/or agency comments.
  - 7) Submit the chapter document to the TWDB for review and approval; and
  - 8) Make all efforts required to obtain final approval of the RWP chapter by the TWDB.

**Deliverables:** A completed Chapter 1 describing the regional water planning area must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 2A - Non-Municipal Water Demand Projections**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2B and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will develop draft non-municipal water demand projections for 2030-2080 for all water demand categories unrelated to population (e.g. mining, manufacturing, irrigation, steam-electric power, and livestock) based on the most recent TWDB historical water use estimates. The same methodologies used for the 2022 State Water Plan will be applied to the 2027 State Water Plan projections, except for mining demands. The draft mining demand projections will be prepared based on an updated methodology to be developed by the Bureau of Economic Geology through a contracted mining water use study funded by the United States Geological Survey.

TWDB staff will provide draft water demand projections for all associated non-municipal water user groups to the regional water planning groups for their review and input.

Each regional water planning group will review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from TWDB along with justifications and supporting data as specified in the guidance document General Guidelines for

Development of the 2026 Regional Water Plans. The emphasis of this effort will be on identifying appropriate revisions based on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.

If adequate justification is provided by the regional water planning group to the TWDB, draft water demand projections may be adjusted by the TWDB in consultation with the Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once regional water planning group input and requested changes are considered, final water demand projections will be adopted by the TWDB's governing Board (Board). The adopted projections will then be provided to each regional water planning group. Planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate the state water planning database (DB27) with all water user group-level projections and make related changes to DB27 based on Board-adopted projections.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and make publicly available the draft non-municipal water demand projections provided by the TWDB.
- 2) Evaluate draft non-municipal water demand projections provided by the TWDB.
- 3) Review comments received from local entities and the public for compliance with TWDB requirements.
- 4) Prepare detailed feedback on draft non-municipal water demand projections, as necessary, including justification and documentation supporting requested changes from the regional water planning group and/or local entities with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 5) Submit numerical requests for revisions of draft non-municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document General Guidelines for Development of the 2026 Regional Water Plans.
- 6) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 7) Assist the TWDB, as necessary, in resolving final allocations of water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.
- 8) Prepare non-municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables should match the appropriate final data as reported by DB27.
- 9) Modify any associated non-municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group water demand projections.
- 10) Review the TWDB Water Demand report(s) from DB27 and incorporate this planning database report(s), unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.

- 11) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands, including within DB27 and within any planning memorandums or reports, as appropriate.
- 12) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.
- 13) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
- 14) Disseminate the chapter document and related information to regional water planning group members for review.
- 15) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 16) Submit the chapter document to the TWDB for review and approval; and
- 17) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 2B - Population and Municipal Water Demand Projections**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2A and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will prepare a new municipal water user group entity list including collective reporting units for each regional water planning group based on the water user group criteria under 31 TAC §357.10(43) with associated historical population and water use estimates and Gallons Per Capita Daily (GPCD) and provide them to regional water planning groups for their review and input.

Regional water planning groups will then review the draft municipal water user group list and historical population and water use and provide input to the TWDB or request specific changes to the water user group list including water systems included in collective reporting unit list and changes/corrections to historical population, water use estimates, or GPCDs.

Once the municipal water user group list is finalized TWDB staff will develop draft population and associated municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the 2020 decennial Census, updated county-level population projections from the Texas Demographic Center, and historical population and water use estimates and growth.

TWDB staff will provide draft population projections and associated water demand projections for all municipal water user groups based on utility service boundaries to regional water

planning groups for their review and input. If adequate justification is provided by the regional water planning groups to the TWDB, draft population and/or municipal water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once planning group input and requested changes are considered, final population and associated municipal water demand projections will be adopted by the Board. The adopted projections, based on utility service areas, will be provided to regional water planning groups. Regional water planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate DB27 with all water user group-level projections and make related changes to DB27 if revisions are made.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and review a draft municipal water user group entity list and detailed public water system list within each collective reporting unit provided by the TWDB and submit identified corrections to water user group-water systems relations or water user group names to the TWDB. Once finalized, the municipal water user group entity list will be populated into DB27.
- 2) Receive and review historical population and water use estimates and GPCDs provided by the TWDB and submit identified corrections to the TWDB.
- 3) Receive and make publicly available the draft population and associated municipal water demand projections provided by the TWDB that are based on utility service areas.
- 4) Evaluate draft population, GPCDs, Plumbing Code Savings (PC Savings) and associated municipal water demand projections provided by the TWDB.
- 5) Review and summarize comments received from local entities and the public for compliance with TWDB requirements.
- 6) Provide detailed revision requests to the TWDB for population, GPCDs, PC Savings and associated municipal water demand projections, as necessary, including justification and documentation supporting suggested changes with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 7) Submit numerical requests for revisions of draft population, GPCDs, PC Savings and municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document General Guidelines for Development of the 2026 Regional Water Plans.
- 8) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 9) Assist the TWDB, as necessary, in resolving final allocations of population and municipal water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.
- 10) Prepare population and municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables must match the appropriate final data as reported by DB27.
- 11) Modify any associated population and municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group population and water demand projections.

- 12) Review the *TWDB Population and Water Demand* reports from DB27 and incorporate these planning database reports, unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.
- 13) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands including within DB27 and within any planning memorandums or reports, as appropriate.
- 14) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the regional water planning group, into DB27 if the major water provider is a wholesale water provider.
- 15) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
- 16) Disseminate the chapter document and related information to regional water planning group members for review.
- 17) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 18) Submit the chapter document to the TWDB for review and approval; and
- 19) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 8 – Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) that presents the regional water planning group's unique stream segment, unique reservoir site, legislative, administrative, and regulatory recommendations.

In addition to generally meeting all applicable rule and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.43 and §358.2.

#### **This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and consider TWDB feedback on the implementation of the regional water planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.
- 2) Receive and consider recommendations from the Interregional Planning Council to the regional water planning groups.
- 3) Consider relevant plans referenced under 31 TAC §357.22 in developing this chapter.
- 4) Consider and discuss potential recommendations for designation of ecologically unique stream segments within the regional water planning area, based on the criteria in 31 TAC §358.2.
- 5) If applicable, prepare a recommendation package following the requirements in 31 TAC §357.43(b) recommending which stream segments in the region, if any, should be recommended for designation as ecologically unique stream segments. Evaluate and incorporate comments from the regional water planning group. Upon approval by the

regional water planning group, submit the recommendation package to the Texas Parks and Wildlife Department for comments.

- 6) Include the recommendation package and Texas Parks and Wildlife Department's written evaluation on the unique stream segment(s) recommendation in the final adopted regional water plan. An updated Texas Parks and Wildlife Department evaluation must be included in each regional water plan, even for those stream segments that have been recommended in previous plans but not designated by the Legislature.
- 7) For each recommended or previously designated unique stream segment, include a quantitative analysis of the impact of the regional water plan on the stream segments based upon the assessment criteria in 31 TAC §357.43(b)(2).
- 8) Consider and discuss potential recommendations for designation of unique reservoir sites within the regional water planning area.
- 9) For each recommended unique reservoir site, include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site in accordance with 31 TAC §357.43(c).
- 10) Consider and discuss potential regional policy issues; identify recommendations for legislative, administrative, and regulatory rule changes; including recommendations to improve the state and regional planning process.
- 11) Disseminate the chapter document and related information to regional water planning group members for review.
- 12) Modify the chapter document based on regional water planning group, public, and or agency comments.
- 13) Submit the chapter document to the TWDB for review and approval; and
- 14) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 8 presenting regional water planning group unique stream segment, unique reservoir site, legislative, administrative, and regulatory recommendations must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 10 - Public Participation and Plan Adoption**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement, complete and submit a technical memorandum, initially prepared plan, and final regional water plan, and obtain TWDB approval of the regional water plan.

In addition to generally meeting all applicable statute requirements governing regional and state water planning this portion of work must, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 355, 357, and 358 that are not already addressed under the scope of work associated with other contract tasks but that are necessary and or required to complete and deliver a technical memorandum, initially prepared plan, and final adopted regional water plan to TWDB and obtain approval of the adopted regional water plan by the TWDB.



**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

**A. Plan Development Activities**

- 1) Organize, support, facilitate, and document all meetings/hearings associated with activities necessary and eligible to complete and submit a technical memorandum, initially prepared plan, and final regional water plan to the TWDB, including but not limited to: regular regional water planning group meetings, committee meetings, or subcommittee meetings; pre-planning meeting; meetings associated with revision of draft projections; public meeting for the consideration of the process for identifying potentially feasible water management strategies and the presentation of the analysis of infeasible water management strategies; consideration of a substitution of alternative water management strategies; public hearing on the initially prepared plan; adoption of the final regional water plan, and consideration of regional water plan amendments, alternative WMS substitutions, or Board-directed revisions.
- 2) Include a deliberate discussion on how the planning group will conduct interregional coordination and collaboration regarding water management strategies during both the preplanning meeting required under 31 TAC §357.12(a)(1) and meeting to consider the process for identifying potentially feasible water management strategies required under 31 TAC §357.12(b).
- 3) Collect and evaluate information, including any information gathering surveys from water suppliers or water user groups, (e.g., on existing infrastructure; existing water supplies; potentially feasible water management strategies) and/or maintenance of contact lists for regional planning information in the region.
- 4) Conduct intraregional and interregional coordination and communication, and or facilitation required within the regional water planning area and with other regional water planning groups to develop a regional water plan including with water suppliers or other relevant entities such as groundwater conservation districts, water user groups, and or wholesale water providers. This includes gathering and documenting information on potential interregional opportunities or issues.
- 5) Incorporate all required DB27 reports into the technical memorandum, initially prepared plan and final regional water plan. Note that all DB27 reports are required to be grouped together in one appendix to the regional water plan and that the regional water plan Executive Summary must reference the location of the DB27 reports.
- 6) Develop and include an Executive Summary in both the initially prepared plan and final regional water plan, not to exceed 30 pages.
- 7) Make modifications to the regional water plan documents based on regional water planning group, public, and/or agency comments.
- 8) Prepare a regional water plan chapter summarizing Task 10 activities including review by the RWPG and modification of document as necessary.
- 9) Prepare and transmit correspondence, for example, directly related to public comments on regional water plan documents.
- 10) Develop draft and final responses for regional water planning group approval to public questions or comments as well as approval of the final responses to comments on regional water plan documents.
- 11) Produce, distribute, and submit all draft and final regional water plan-related planning documents for the regional water planning group, public and agency review, including in hard-copy format when required.

- 12) Assemble, compile, and produce of the completed initially prepared plan and final regional water plan documents that meet all requirements of statute, 31 TAC Chapters 355, 357 and 358, regional water planning contract and associated contract guidance documents.
- 13) Submit the regional water plan documents in required formats to the TWDB for review and approval; and all effort required to obtain final approval of the regional water plan by the TWDB.

**B. Technical Support and Administrative Activities**

- 1) Support and accommodate periodic presentations by the TWDB for the purpose of orientation, training, and retraining as determined and provided by the TWDB during regular regional water planning group meetings.
- 2) Consider recommendations in the Best Management Practices Guide(s) for Regional Water Planning Group Political Subdivisions, as prepared and updated by the TWDB.
- 3) Attendance and participation of technical consultants in TWDB-provided DB27 trainings, including individualized trainings and review of technical and data-related contract guidance documents in the TWDB regional water planning contract.
- 4) Develop agendas, presentations, and handout materials for the public meetings and hearings to provide to regional water planning group members and the public.
- 5) Attendance and participation of technical consultants at regional water planning group, committee, subcommittee, and other meetings and hearings necessary for regional water plan development including preparation and follow-up activities.
- 6) Develop technical and other presentations and handout materials for regional water planning group meetings and hearings to provide technical and explanatory data to the regional water planning group and its subcommittees, including follow-up activities.
- 7) Perform administrative and technical support including coordination of and participation in RWPG activities, and documentation of any regional water planning group meetings, hearings, workshops, workgroups, subgroup and/or subcommittee activities.
- 8) Provide status reports to the TWDB for work performed under this Contract.
- 9) Meet all public notice requirements in accordance with the Texas Open Meetings Act, statute, 31 TAC §357.21, and any other applicable public notice requirements.

**C. Other Activities**

- 1) Develop and maintain a regional water planning group website or regional water planning group-dedicated webpage on the regional water planning group administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
- 2) Perform maintenance of the regional water planning group website; reimbursement limited to non-labor, direct costs.
- 3) Document meetings and hearings to include recorded minutes and or audio recordings as required by the regional water planning group bylaws and archiving and provision of minutes to public.
- 4) Promote consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among regional water planning group members and stakeholders in the event that issues arise during the process of developing the regional water plan, including mediation between regional water planning group members, if necessary.



- 5) Perform regional water planning group membership solicitation activities.
- 6) Solicit, review, and disseminate public input, as necessary.
- 7) Perform any additional efforts required, but not otherwise addressed in other scope of work tasks that may be required to complete an regional water plan in accordance with all statute and rule requirements.

**Deliverables:**

- A draft Chapter 10 summarizing public participation activities to date included in the Initially Prepared Plan.
- A completed Chapter 10 summarizing public participation activities and appendices with public and agency comments and regional water planning group responses to comments in the final 2026 regional water plan.
- A complete Initially Prepared Plan and final 2026 Regional Water Plan.

**TIME OF PERFORMANCE**

As specified below, the term shall commence on the CONTRACT INITIATION DATE of February 1, 2021 and shall expire on the CONTRACT EXPIRATION DATE of August 31, 2026.

- a) CONTRACT INITIATION DATE -  
February 1, 2021
- b) DEADLINE FOR CONTRACT EXECUTION -  
August 31, 2021
- c) TECHNICAL MEMORANDUM DEADLINE -  
March 4, 2024

TECHNICAL MEMORANDUM - The technical memorandum to be prepared by the CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR will be in accordance with 31 Texas Administrative Code §§357.10(34) and 357.12(c).

- d) INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE  
March 3, 2025

INITIALLY PREPARED REGIONAL WATER PLAN - The Regional Water Plan to be initially prepared by the CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR for comments pursuant to the CONTRACT.

- e) FINAL REGIONAL WATER PLAN DEADLINE -  
October 20, 2025

REGIONAL WATER PLAN - A plan including amendments that have been adopted by the REGIONAL WATER PLANNING GROUP that meets the requirements contained in the Texas Water Code §16.053 and 31 Texas Administrative Code Chapters 357 and 358 and submitted to the TWDB for approval.

- f) FIRST REIMBURSABLE EXPENSE DATE - The first day that work performed under this CONTRACT is eligible for reimbursement will be February 1, 2021 for limited administrative costs associated with public notices. For activities involving technical work under this CONTRACT, the eligible reimbursement date will be August 4, 2021,

which is the date that the required public meeting to receive preplanning input from the public will be held by the REGIONAL WATER PLANNING GROUP per 31 Texas Administrative Code §357.12(a), which follows the TWDB APPROVAL DATE of June 3, 2021. TWDB will not reimburse expenses associated with Exhibit D, Scope of Work, until after contract execution.

- g) FINAL REIMBURSABLE EXPENSE DATE - The last day that work performed under this CONTRACT is eligible for reimbursement will be February 27, 2026.
- h) FINAL PAYMENT REQUEST DEADLINE - The latest day that the final payment request may be submitted for reimbursement will be April 30, 2026.
- i) CONTRACT EXPIRATION DATE – This CONTRACT expires on August 31, 2026. The last day that any budget amendment requests may be submitted under the CONTRACT will be July 31, 2026.

## **PAYMENT**

For an in consideration of the services to be rendered by the ENGINEER, the OWNER shall pay the fees hereinafter set forth.

### Available Funding/Contract Amount

The maximum not-to-exceed funding as of this contract time is \$200,691.00.

OWNER shall not be liable for any costs in excess of the maximum not-to-exceed funding of this contract unless the contract is amended to increase the maximum not-to-exceed funding.

This Task Order does not require ENGINEER to incur any study costs beyond the maximum not-to-exceed funding.

Future phases of this contract will be authorized by the NETRWPG at a future date based on available funding from the Texas Water Development Board.

### Other Direct Expenses

Other direct expenses are reimbursed at actual cost. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, tests and other work required to be done by independent persons other than staff members.

### Each statement submitted for payment must include the following:

- (1) A progress report with supporting data that describes the work associated with the invoice. The progress report shall include a brief statement of the overall progress made since the last progress report; a brief description of any problems that have been encountered during the previous reporting period that may affect the study, delay the timely completion of or cause a change in any of the study's products or objects; and

a description of any action that ENGINEER plans to take to correct any problems that have been encountered or identified;

- (2) A breakdown of actual study costs by budget category as contained in Exhibit A to this Task Order.
- (3) The billing period; beginning (date) to ending (date);
- (4) For direct expenses paid by ENGINEER and by its subcontractors, copies of invoices to the subcontractor showing the tasks that were performed; the percent and cost of each task completed; a total cost figure for each direct expense category contained in Exhibit A attached to this contract; and the total dollar amount paid to the subcontractors;
- (5) For travel and subsistence expenses of ENGINEER and subcontractors, ENGINEER shall provide the name of traveler, date of travel, purpose of travel, itemization of subsistence expenses of each traveler, limited; however, to travel expenses authorized for State employees by the General Appropriations Act, Tex. Leg. Regular Session, 2019, Article IX, Part 5, as amended or superseded; for other transportation costs, ENGINEER shall provide copies of invoices or receipts covering tickets for transportation or, if not available, names, dates and points of travel of individuals; and all other allowable expenses, ENGINEER shall provide invoices or receipt to evidence the amount paid;
- (6) ENGINEER shall provide certification, signed by an authorized representative that the expenses submitted for the billing period are a true and correct representation of amounts paid for work performed directly related to this contract.

ENGINEER and its subcontractor(s) shall maintain satisfactory financial accounting documents and records, including copies of invoices and receipts for a term of three years after completion of this contract, and shall make them available for examination and audit by the TWDB and the OWNER. Accounting by the ENGINEER and its subcontractor(s) shall be in a manner consistent with generally accepted accounting principles;

- (7) ENGINEER shall submit three (3) complete sets of Partial Payment documentation for each payment request.

#### Retainage

A five percent (5%) retainage will be held from each of the invoices received by the TWDB.

#### EFFECTIVE DATE

This Task Order No. 1 is effective as of the 4th day of August, 2021.

IN WITNESS WHEREOF, duly authorized representatives of the OWNER and of the ENGINEER have executed this Task Order No. 1 evidencing its issuance by OWNER and acceptance by ENGINEER.

CAROLLO ENGINEERS, INC.

OWNER

Accepted this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_

By: \_\_\_\_\_  
David K. Harkins, Ph.D., P.E.  
Vice-President

By: \_\_\_\_\_  
KYLE DOOLEY, P.E.  
Executive Director/CEO  
RIVERBEND WATER RESOURCES  
DISTRICT

ATTEST:

ATTEST:

By: \_\_\_\_\_  
Scott P. Hoff, P.E.  
Senior Vice President  
PE #89056

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

**EXHIBIT E  
CAROLLO ENGINEERS, INC.  
FEE SCHEDULE**

**As of January 1, 2021**

	<u><b>Hourly Rate</b></u>
<b>Engineers/Scientists</b>	
Assistant Professional	\$192.00
Professional	239.00
Project Professional	279.00
Lead Project Professional	300.00
Senior Professional	325.00
<b>Technicians</b>	
Technicians	149.00
Senior Technicians	210.00
<b>Support Staff</b>	
Document Processing / Clerical	128.00
 <b>Other Direct Expenses</b>	
Travel and Subsistence	at cost
Mileage at IRS Reimbursement Rate	\$.56 per mile
Effective January 1, 2021	

This fee schedule is subject to annual revisions due to labor adjustments.

**Exhibit F**

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**Certification of Procurement of Professional Services – 2026 Regional Water Plan**

**Each of the following subcontractor(s) was procured through a Request for Qualifications as required in §355.93, Item E.**

<u>Carollo Engineers, Inc.</u> Subcontractor Name	<u>March 31, 2021</u> Date Procured
<u>Hayes Engineering, Inc.</u> Subcontractor Name	<u>March 31, 2021</u> Date Procured
<u>Advanced Groundwater Solutions, LLC.</u> Subcontractor Name	<u>March 31, 2021</u> Date Procured

Certification:

**This certification evidences that the Region D subcontractors listed above were properly and competitively procured for this planning cycle.**

I, KYLE DOOLEY, the authorized representative for Region D, do hereby certify that each of the subcontractor(s) listed above were procured through a Request for Qualifications which was either published or sent to more than one professional inviting their response, and that the subcontractor(s) listed above were selected from such responses based on their demonstrated competence and qualifications.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

§355.93. Eligibility, Item (e) Subcontracting. A grant recipient or subcontractor of a grant recipient may obtain professional services, including the services of a planner, land surveyor, licensed engineer, or attorney, for development or revision of a regional water plan only if the grant recipient or subcontractor of a grant recipient has secured such services on the basis of demonstrated competence and qualifications through a request for qualifications process.





STATE OF TEXAS

TWDB Contract No. 2148302556

COUNTY OF TRAVIS

RESEARCH AND PLANNING FUND

REGIONAL WATER PLANNING

This Contract, (hereinafter "CONTRACT"), between the Texas Water Development Board (hereinafter "TWDB") and Riverbend Water Resources District, the political subdivision designated by the REGIONAL WATER PLANNING GROUP as its representative (hereinafter "CONTRACTOR"), is composed of two parts: Section I - Specific Conditions and Exceptions to the Standard Agreement; and Section II - Standard Agreement. In the event of any conflict, the terms and conditions set forth in Section I will prevail over terms and conditions in Section II.

**SECTION I. SPECIFIC CONDITIONS AND EXCEPTIONS TO STANDARD AGREEMENT**

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**ARTICLE I. DEFINITIONS:**

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For the purposes of this CONTRACT, the following terms or phrases are defined as follows:

- A. TWDB – the Texas Water Development Board, or its designated representative.
- B. TWDB APPROVAL DATE – June 3, 2021
- C. COMMITTED FUNDS – \$205,691.00 is currently available to CONTRACTOR pursuant to the terms of this CONTRACT for development of the TECHNICAL MEMORANDUM and the REGIONAL WATER PLAN. The COMMITTED FUNDS include necessary and direct costs incurred on or after contract execution, and certain eligible costs related to Task 10 incurred on or after the CONTRACT INITIATION DATE.
- D. CONTRACT INITIATION DATE (START DATE)– February 1, 2021
- E. CONTRACTOR – Riverbend Water Resources District
- F. DEADLINE FOR CONTRACT EXECUTION – August 31, 2021
- G. EXECUTIVE ADMINISTRATOR – the Executive Administrator of TWDB or a designated representative.
- H. TECHNICAL MEMORANDUM – a memorandum to be prepared by CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR in accordance with 31 Texas Administrative Code §§ 357.10(34) and 357.12(c).



- I. TECHNICAL MEMORANDUM DEADLINE – March 4, 2024
- J. INITIALLY PREPARED REGIONAL WATER PLAN – the Regional Water Plan to be initially prepared by CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR for comments pursuant to the CONTRACT.
- K. INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE (PROJECT COMPLETION DATE) – March 3, 2025
- L. REGIONAL WATER PLAN – a plan including any amendments that have been adopted by the REGIONAL WATER PLANNING GROUP and that meets the requirements contained in Texas Water Code § 16.053 and 31 Texas Administrative Code Chapters 357 and 358 and is submitted to TWDB for approval.
- M. FINAL REGIONAL WATER PLAN DEADLINE – October 20, 2025.
- N. FIRST REIMBURSEABLE EXPENSE DATE – The first day that work performed under this CONTRACT is eligible for reimbursement will be the CONTRACT INITIATION DATE for limited administrative costs associated with public notices. For activities involving technical work under this CONTRACT, the eligible reimbursement date will be the date that the required public meeting to receive preplanning input from the public is held by the REGIONAL WATER PLANNING GROUP per 31 Texas Administrative Code §357.12(a) and following the TWDB APPROVAL DATE. TWDB will not reimburse expenses associated with Exhibit A, Scope of Work, until after contract execution.
- O. FINAL REIMBURSEABLE EXPENSE DATE – The last day that work performed under this CONTRACT is eligible for reimbursement will be February 27, 2026.
- P. FINAL PAYMENT REQUEST DEADLINE – The latest day that the final payment request may be submitted for reimbursement will be April 30, 2026.
- Q. CONTRACT EXPIRATION DATE – This CONTRACT expires on August 31, 2026. The last day that any budget amendment requests may be submitted under the CONTRACT will be July 31, 2026.
- R. REGIONAL WATER PLANNING AREA – Region D, designated under Texas Water Code § 16.053 and 31 Texas Administrative Code § 357.11.
- S. REGIONAL WATER PLANNING GROUP – Region D, North East Texas, Regional Water Planning Group, designated under and in compliance with Texas Water Code §16.053 and 31 Texas Administrative Code § 357.11 to develop regional water plans.
- T. STATE WATER PLANNING DATABASE – A database developed and maintained by TWDB that stores data related to water planning. It is used to collect, analyze, and disseminate regional and statewide water planning data.

- U. TOTAL PROJECT COST – The full appropriation anticipated to be received over the five-year planning cycle for necessary and direct planning costs for development of the REGIONAL WATER PLAN.
- V. PAYMENT REQUEST SCHEDULE – A minimum of quarterly.

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**ARTICLE II. OTHER SPECIAL CONDITIONS AND EXCEPTIONS TO STANDARD AGREEMENT OF THIS CONTRACT.**

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- A. TWDB will not be liable for any expenses incurred in excess of COMMITTED FUNDS.

At the time of the execution of this CONTRACT, TWDB was not appropriated sufficient funds for CONTRACTOR to complete the REGIONAL WATER PLAN. TWDB hereby makes available to CONTRACTOR pursuant to the terms of this CONTRACT an amount sufficient to complete the initial Scope of Work. If additional funds are appropriated to TWDB for the purpose of making grants for preparation of regional water plans, the EXECUTIVE ADMINISTRATOR and CONTRACTOR may amend this CONTRACT to provide additional COMMITTED FUNDS and an additional Scope of Work to complete preparation of the TECHNICAL MEMORANDUM, INITIALLY PREPARED REGIONAL WATER PLAN, and REGIONAL WATER PLAN.

If at any time the EXECUTIVE ADMINISTRATOR determines that there will not be sufficient additional appropriated funds to complete the REGIONAL WATER PLAN, the EXECUTIVE ADMINISTRATOR will either issue an order to terminate this CONTRACT pursuant to the terms of Section II, Article VII or negotiate amendments to the scope of work. CONTRACTOR agrees to use its best efforts to timely negotiate any required amendments.

This CONTRACT does not require CONTRACTOR to incur costs beyond those that can be paid with COMMITTED FUNDS. However, this provision does not relieve the REGIONAL WATER PLANNING GROUP from its duty under Texas Water Code § 16.053 to prepare a regional water plan.

- B. Other provisions specific to each region: None.
- C. Exhibit D – *Guidelines for 2026 Regional Water Plan Data Deliverables*, is currently being updated and will be incorporated once the final document is developed by TWDB.

**SECTION II. STANDARD AGREEMENT**

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**ARTICLE I. RECITALS**

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Whereas, CONTRACTOR has been designated by the REGIONAL WATER PLANNING GROUP as its representative to enter into Contracts with TWDB for financial assistance to develop a REGIONAL WATER PLAN for the REGIONAL WATER PLANNING AREA; and

Whereas, CONTRACTOR applied to TWDB for a planning grant to develop a REGIONAL WATER PLAN; and

Whereas, CONTRACTOR is the entity acting as administrator of TWDB's planning grant and responsible for the execution of this CONTRACT; and

Whereas, on TWDB APPROVAL DATE, TWDB approved CONTRACTOR's application for financial assistance;

Now, therefore, TWDB and CONTRACTOR agree as follows:

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**ARTICLE II. PROJECT DESCRIPTION AND SERVICES TO BE PERFORMED**

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- A. CONTRACTOR must develop a TECHNICAL MEMORANDUM, INITIALLY PREPARED REGIONAL WATER PLAN, and REGIONAL WATER PLAN for the REGIONAL WATER PLANNING AREA according to:
  - 1. Exhibit A – Initial Scope of Work
  - 2. Exhibit B – Task and Expense Budgets
  - 3. Exhibit C – General Guidelines for Development of the 2026 Regional Water Plans
  - 4. Exhibit D – Guidelines for 2026 Regional Water Plan Data Deliverables
  - 5. Exhibit E – Original Application (cover pages as a reference to the full, original grant application)
  
- B. The EXECUTIVE ADMINISTRATOR will provide technical assistance to CONTRACTOR within available resources if such assistance is requested for performing regional water planning activities; and, as necessary, will facilitate resolution of conflicts within the REGIONAL WATER PLANNING AREA or between regions.
  
- C. CONTRACTOR must provide for public participation in the planning process as specified in Texas Water Code § 16.053 and 31 Texas Administrative Code § 357.21.
  
- D. CONTRACTOR must provide its best efforts as determined by the EXECUTIVE ADMINISTRATOR to produce a REGIONAL WATER PLAN that has been adopted by the REGIONAL WATER PLANNING GROUP and that was developed in accordance with the statutory and rule requirements identified in this CONTRACT.
  
- E. CONTRACTOR must obtain prior approval of the REGIONAL WATER PLANNING GROUP for all potentially feasible water management strategies and water management strategy projects to be evaluated as part of the REGIONAL WATER PLAN development.

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**ARTICLE III. SCHEDULE, REPORTS, AND OTHER PRODUCTS**

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- A. CONTRACTOR must execute this CONTRACT on or before the DEADLINE FOR CONTRACT EXECUTION or TWDB's commitment to pay COMMITTED FUNDS will be rescinded.
- B. This CONTRACT begins on the CONTRACT INITIATION DATE and expires on the CONTRACT EXPIRATION DATE.
- C. CONTRACTOR must provide written progress reports according to the PAYMENT REQUEST SCHEDULE with each payment reimbursement request or release of advance funds. The progress reports must include:
  - 1. a brief statement of the overall progress made since the last progress report for each task budget item;
  - 2. a brief description of any problems that have been encountered during the previous reporting period that may affect the project, delay the timely completion of any portion of this CONTRACT, or inhibit the completion of or cause a change in any of the project's products or objects; and
  - 3. a description of any action CONTRACTOR plans to take to correct any problems that have been encountered or identified.
- D. CONTRACTOR must complete the TECHNICAL MEMORANDUM according to Article II, Paragraph A of this Section. CONTRACTOR must submit the TECHNICAL MEMORANDUM to the REGIONAL WATER PLANNING GROUP for approval at a REGIONAL WATER PLANNING GROUP meeting. After such approval, CONTRACTOR must submit the TECHNICAL MEMORANDUM to the EXECUTIVE ADMINISTRATOR, if the REGIONAL WATER PLANNING GROUP authorizes such submittal. CONTRACTOR must deliver two electronic copies of the TECHNICAL MEMORANDUM, one (1) in searchable Portable Document Format (PDF) and one (1) in Microsoft Word (MSWord) Format, to the EXECUTIVE ADMINISTRATOR no later than the TECHNICAL MEMORANDUM DEADLINE.

CONTRACTOR must populate TWDB's state water planning database with associated data, prior to submission of the TECHNICAL MEMORANDUM in accordance with this CONTRACT.

The TECHNICAL MEMORANDUM DEADLINE may be extended at the discretion of the EXECUTIVE ADMINISTRATOR either on the EXECUTIVE ADMINISTRATOR's initiative or upon a written request received from CONTRACTOR, at least thirty (30) days prior to the deadline, stating good cause for the extension.

TWDB will not accept a TECHNICAL MEMORANDUM or consider it administratively complete until the associated data in TWDB's state water planning database is complete and accurate, and the required database reports are included in the TECHNICAL MEMORANDUM in accordance with this CONTRACT.

After a 30-day review period, the EXECUTIVE ADMINISTRATOR will either accept or reject the TECHNICAL MEMORANDUM based on administrative completeness. If the TECHNICAL MEMORANDUM is rejected, the rejection letter sent to CONTRACTOR

will state the reasons for rejection and the steps CONTRACTOR needs to take to have the TECHNICAL MEMORANDUM accepted.

In the event CONTRACTOR has produced a TECHNICAL MEMORANDUM that, despite CONTRACTOR'S best efforts, has not been authorized for submittal by the REGIONAL WATER PLANNING GROUP, CONTRACTOR must provide all data, material, reports, and work accomplished under the CONTRACT to TWDB.

- E. CONTRACTOR or CONTRACTOR's representative (e.g., Subcontractor) must attend at least one state water planning database training session provided by TWDB staff at times and locations to be determined by TWDB.
- F. CONTRACTOR must complete the INITIALLY PREPARED REGIONAL WATER PLAN according to Article II, Paragraph A of this Section. CONTRACTOR must submit the INITIALLY PREPARED REGIONAL WATER PLAN to the REGIONAL WATER PLANNING GROUP and allow the REGIONAL WATER PLANNING GROUP to conduct a public hearing to receive and consider comments on the INITIALLY PREPARED REGIONAL WATER PLAN. CONTRACTOR must submit the adopted and certified INITIALLY PREPARED REGIONAL WATER PLAN to the EXECUTIVE ADMINISTRATOR after the REGIONAL WATER PLANNING GROUP authorizes such submittal. The REGIONAL WATER PLANNING GROUP may submit the INITIALLY PREPARED REGIONAL WATER PLAN prior to the required public hearing but must assure the EXECUTIVE ADMINISTRATOR that the hearing will be completed in time to meet the FINAL REGIONAL WATER PLAN DEADLINE for submission of an adopted REGIONAL WATER PLAN. CONTRACTOR must deliver two (2) bound double-sided copies and two electronic copies of a INITIALLY PREPARED REGIONAL WATER PLAN, one (1) in searchable Portable Document Format (PDF) and one (1) in Microsoft Word (MSWord) Format, to the EXECUTIVE ADMINISTRATOR no later than the INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE. The EXECUTIVE ADMINISTRATOR will provide any written comments to CONTRACTOR within 120 calendar days.

CONTRACTOR must populate the state water planning database, including resolution of data checks and appeals, by the INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE, in accordance with this CONTRACT. CONTRACTOR must incorporate the required online planning database reports from the state water planning database within the submitted INITIALLY PREPARED REGIONAL WATER PLAN in accordance with this CONTRACT.

The INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE may be extended at the discretion of the EXECUTIVE ADMINISTRATOR either on their own initiative or upon written request received from CONTRACTOR at least thirty (30) days prior to the deadline, stating good cause for the extension.

- G. CONTRACTOR must include a copy of the EXECUTIVE ADMINISTRATOR's comments on the INITIALLY PREPARED REGIONAL WATER PLAN in the adopted REGIONAL WATER PLAN, with a summary of all other comments received on the INITIALLY PREPARED REGIONAL WATER PLAN, including written explanations of how the

REGIONAL WATER PLAN was revised in response to comments or why changes recommended in a comment were not warranted.

CONTRACTOR must submit:

- one (1) electronic copy of all files on which the plan is based (e.g. spreadsheets, maps);
- two (2) electronic copies of the entire REGIONAL WATER PLAN, one (1) in searchable Portable Document Format (PDF) and one (1) in Microsoft Word (MSWord) Format. In compliance with 1 Texas Administrative Code Chapters 206 and 213 (related to Accessibility and Usability of State Web Sites, Web Content Accessibility Guidelines (WCAG) 2.1 Level AA Standard – WCAG 2.1 Quick Reference, which can be found at: <https://www.w3.org/WAI/WCAG21/quickref/>), the electronic copy of the REGIONAL WATER PLAN must comply with the requirements and standards specified in statute; and,
- five (5) bound, double-sided copies of the REGIONAL WATER PLAN to the EXECUTIVE ADMINISTRATOR no later than the FINAL REGIONAL WATER PLAN DEADLINE.

H. CONTRACTOR must make corrections, updates, or modifications, to the TWDB state water planning database, as necessary, prior to the FINAL REGIONAL WATER PLAN DEADLINE in accordance with this CONTRACT. TWDB will not accept a REGIONAL WATER PLAN or consider it administratively complete until the associated data in TWDB's state water planning database is complete and accurate and the relevant state water planning database reports are included in the REGIONAL WATER PLAN. CONTRACTOR also must transfer copies of all data and reports generated by the planning process and used in developing the REGIONAL WATER PLAN to the EXECUTIVE ADMINISTRATOR no later than the FINAL REGIONAL WATER PLAN DEADLINE. The REGIONAL WATER PLAN and the data collected and transmitted for the REGIONAL WATER PLAN must be prepared in the format and according to specifications prescribed in Regional Water Planning Guidance Documents to this CONTRACT. In the event CONTRACTOR has produced a REGIONAL WATER PLAN, that despite CONTRACTOR'S best efforts has not been adopted by the REGIONAL WATER PLANNING GROUP, CONTRACTOR must provide all data, material, reports, and work accomplished under the CONTRACT to TWDB.

I. Delivery of a REGIONAL WATER PLAN that meets statutory and rule requirements as determined by the EXECUTIVE ADMINISTRATOR on or before the FINAL REGIONAL WATER PLAN DEADLINE constitutes completion of the terms of this CONTRACT by CONTRACTOR.

J. After a 90-day review period, the EXECUTIVE ADMINISTRATOR will either accept or reject the adopted final REGIONAL WATER PLAN. If the final plan is rejected, the rejection letter sent to CONTRACTOR will state the reasons for rejection and the steps CONTRACTOR must take to have the adopted final REGIONAL WATER PLAN accepted and the retainage released.



- K. ANNUAL AUDIT. During the term of this CONTRACT, TWDB reserves the right to request that CONTRACTOR submit an annual audit of the general purpose financial statements prepared in accordance with generally accepted auditing standards by a certified public accountant or licensed public accountant.

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#### **ARTICLE IV. COMPENSATION AND REIMBURSEMENT**

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- A. TWDB agrees to compensate and reimburse CONTRACTOR in a total amount not to exceed the COMMITTED FUNDS for costs incurred and paid by CONTRACTOR pursuant to performance of this CONTRACT, as specified in Section I, Article I.
- B. Eligible expenses incurred by CONTRACTOR from the FIRST REIMBURSEABLE EXPENSE DATE through FINAL REIMBURSEABLE EXPENSE DATE will be reimbursed by TWDB. CONTRACTOR will be eligible for reimbursement only for the categories set forth in the budget for this CONTRACT. All requests for reimbursement must be accompanied by copies of invoices and receipts. TWDB will reimburse the actual expenses allowed herein during the term of the CONTRACT.
- C. Requests for Advance or Reimbursement for Subcontractor Expenses. Requests for advance or reimbursement for subcontractor expenses will only be considered where such subcontracts or agreements have been determined by the EXECUTIVE ADMINISTRATOR to be consistent with the terms of this CONTRACT. The purpose of this review is solely to ensure that the subcontracts and agreements are consistent with this CONTRACT and that the rights of TWDB, particularly in regard to ownership of data, are protected. CONTRACTOR understands that CONTRACTOR should obtain its own legal review of subcontracts and agreements that CONTRACTOR enters into. CONTRACTOR agrees that TWDB assumes no legal obligations under CONTRACTOR's subcontracts or agreements and is merely a third-party beneficiary of the same. CONTRACTOR is fully responsible for paying all eligible charges by subcontractors prior to reimbursement by TWDB.

Each subcontract or agreement must include a task and expense budget estimate in a format similar to Exhibit B to this CONTRACT, with specific cost details for each task or specific item of work to be performed by the subcontractor and for each category of reimbursable expenses. The subcontracts and agreements must conform to the terms of the CONTRACT and include provisions which require subcontractor compliance with TWDB rules. The subcontracts and agreements must provide that in the event of any conflict with the provisions of this CONTRACT the provisions of the CONTRACT will prevail. In addition, each subcontract or agreement that in any manner involves the collection or manipulation of data must include the provisions in Paragraph D of this Article below.

- D. CONTRACTOR must adhere to all requirements in state law and TWDB rules pertaining to the procurement of professional services, including 31 TAC § 355.92(d). Expenses incurred under subcontracts or agreements that have not been approved by the EXECUTIVE ADMINISTRATOR or do not otherwise comply with the terms of this CONTRACT are not eligible for reimbursement.

- E. CONTRACTOR has budget flexibility within task and expense budget categories to the extent that the amount billed in any one task or expense category does not exceed 35 percent of the total authorized amount for the task or expense budget category, with the exception of funds allocated to the expense budget category Subcontractor Services. Larger deviations require submission of a written request and approval by the REGIONAL WATER PLANNING GROUP and the EXECUTIVE ADMINISTRATOR or designee, which will be documented through an Approved Budget Memorandum to the TWDB contract file. CONTRACTOR will be required to provide written explanation for the overage and reallocation of the task and expense amount. Associated shifts in amounts between budget task and expense categories authorized under this paragraph will not change the COMMITTED FUNDS amount. For all reimbursement billings, including any SUBCONTRACTOR expenses, EXECUTIVE ADMINISTRATOR must have determined that the SUBCONTRACTS between CONTRACTOR and SUBCONTRACTOR(s) are consistent with the terms of this CONTRACT. CONTRACTOR is fully responsible for paying all charges by SUBCONTRACTOR(s) prior to reimbursement by TWDB.
- F. CONTRACTOR and its SUBCONTRACTOR(s) must maintain and retain all records relating to the performance of the CONTRACT, including supporting fiscal documents adequate to ensure that claims for funds are in accordance with applicable State of Texas requirements. These records must be maintained and retained by CONTRACTOR for a period of four (4) years after the CONTRACT expiration date or until all audit, claim, and litigation matters are resolved, whichever is later. TWDB reserves the right to direct CONTRACTOR to retain documents for a longer period of time or transfer certain records to TWDB custody when it is determined the records possess longer term retention value. CONTRACTOR must include the substance of this clause in all subawards and subcontracts.
- G. CONTRACTOR must provide information to an entity or person who is independent of CONTRACTOR and who is selected by the REGIONAL WATER PLANNING GROUP sufficient to allow that person or entity to routinely provide reports of expenses and use of planning funds to the REGIONAL WATER PLANNING GROUP. The person to whom the information is provided may be a member of the REGIONAL WATER PLANNING GROUP. CONTRACTOR must allow such person or entity full access to all records relating to this CONTRACT, including all financial records.
- H. Within thirty (30) days after the execution of this CONTRACT, the EXECUTIVE ADMINISTRATOR will advance to CONTRACTOR twenty percent of the COMMITTED FUNDS, unless CONTRACTOR requests and the EXECUTIVE ADMINISTRATOR approves advances of less than twenty percent.
- I. All advanced funds received must be deposited into an interest-bearing account by CONTRACTOR.
- J. When CONTRACTOR has paid expenses equal to ninety (90) percent of the previous advance, CONTRACTOR may submit a written request to the EXECUTIVE



ADMINISTRATOR for another twenty percent advance of the COMMITTED FUNDS (or less if requested by CONTRACTOR and approved by the EXECUTIVE ADMINISTRATOR). CONTRACTOR must attach to the request a written progress report described in Article III, Paragraph C of this Section, a listing of actual expenses incurred and documents showing payment of such expenses (including those for force labor activities valued at rates consistent with those ordinarily paid for similar work in CONTRACTOR's organization), and statements or documents showing any interest earned on the previous advance. Any interest earned by CONTRACTOR will be considered part of TWDB's payment of COMMITTED FUNDS and used only for COMMITTED FUNDS.

- K. Within thirty (30) days of approving the request, the EXECUTIVE ADMINISTRATOR will advance another twenty percent of the COMMITTED FUNDS, up to ninety-five percent of the total COMMITTED FUNDS. The remaining five percent of COMMITTED FUNDS (retainage) will be held until CONTRACTOR submits a REGIONAL WATER PLAN, as described in Article III, Paragraphs G and H of this Section. If the EXECUTIVE ADMINISTRATOR determines that CONTRACTOR has utilized its best efforts to have a REGIONAL WATER PLAN adopted by the REGIONAL WATER PLANNING GROUP for submittal to TWDB, but has been unable despite those best efforts to do so, the EXECUTIVE ADMINISTRATOR has the discretion to release the five percent retainage.
- L. CONTRACTOR must submit payment requests and documentation for reimbursement in accordance with the approved task and expense budgets contained in Exhibit B to this CONTRACT. For all reimbursement billings, including any subcontractor's expenses, the EXECUTIVE ADMINISTRATOR must have provided written approval of all CONTRACTS or agreements between CONTRACTOR and the SUBCONTRACTOR(s). CONTRACTOR is fully responsible for paying all eligible charges by SUBCONTRACTOR(s) prior to reimbursement by TWDB.
- M. The written progress report required by Article III, Paragraph C of this Section, and the following documentation for the COMMITTED FUNDS, must be submitted by CONTRACTOR to the EXECUTIVE ADMINISTRATOR in support of its requests for reimbursement. CONTRACTOR must submit a progress report and the following documentation for the COMMITTED FUNDS for the reporting period:
1. Completed and Signed Payment Request Checklist which includes the following:
    - (a) TWDB CONTRACT Number;
    - (b) Total expenses for the billing period; beginning (date) to ending (date);
    - (c) Total Services for this billing period;
    - (d) Total In-kind services;
    - (e) Less Local Share of the COMMITTED FUNDS for the billing period;
    - (f) Total of TWDB's share of the COMMITTED FUNDS for the billing period;
    - (g) Amount of retainage to be withheld for the billing period;
    - (h) Total costs to be reimbursed by TWDB for the billing period; and

- (i) Certification, signed by CONTRACTOR's authorized representative, that the expenses submitted for the billing period are a true and correct representation of amounts paid for work performed directly related to this CONTRACT.
2. For direct expenses incurred by CONTRACTOR other than subcontracted work:
  - (a) A spreadsheet showing the tasks that were performed; the percent and cost of each task completed; a total cost figure for each direct expense category including labor, fringe, overhead, travel, and other expenses such as communication and postage, technical and computer services, expendable supplies, printing and reproduction; and
  - (b) Copies of invoices for other expenses.
3. For direct expenses incurred by CONTRACTOR for subcontracted work:
  - (a) Copies of invoices from the SUBCONTRACTOR(S) to CONTRACTOR
  - (b) A spreadsheet showing the tasks that were performed; the percent and cost of each task completed; a total cost figure for each direct expense category including labor, fringe, overhead, travel, and other expenses such as communication and postage, technical and computer services, expendable supplies, printing and reproduction; and the total dollar amount due to the SUBCONTRACTOR(S); and
  - (c) Copies of invoices for other expenses.
4. For travel expenses for CONTRACTOR and/or subcontractor(s):
  - (a) Names, dates, work locations, time periods at work locations, itemization of subsistence expenses of each employee, which will be reimbursed at rates authorized for state employees by the General Appropriations Act, Tex. Leg. Regular Session, 2019, Article IX, Part 5, as amended or superseded. Receipts required for lodging. Any eligible travel expenses related to a subcontract may be reimbursed at the current rate for State of Texas employees which can be found at: <https://fmx.cpa.state.tx.us/fmx/travel/texttravel/trans/personal.php>
  - (b) Copies of invoices or tickets for transportation costs or, if not available, names, dates, and points of travel of individuals; and
  - (c) All other reimbursable travel expenses - invoices or purchase vouchers showing reason for expense with receipts to evidence the amount incurred.
5. Incomplete requests will be returned to CONTRACTOR if deficiencies are not resolved within ten (10) business days.
6. If for some reason the reimbursement request cannot be processed due to the need for an amendment to the CONTRACT, CONTRACTOR must resubmit the Payment Request Checklist dated after the execution of the amendment.

- N. CONTRACTOR must provide a final reconciliation of expended amounts under the CONTRACT. Within thirty (30) days of the EXECUTIVE ADMINISTRATOR'S final accounting of the amounts expended by CONTRACTOR and the amounts advanced by the TWDB to CONTRACTOR, CONTRACTOR must refund to TWDB any advances not used for expenses approved by the EXECUTIVE ADMINISTRATOR, and any interest earned but not expended on such approved expenses. If the amounts expended by CONTRACTOR exceed the amounts advanced by TWDB, the EXECUTIVE ADMINISTRATOR will reimburse the difference, provided the reimbursement does not exceed the COMMITTED FUNDS.

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**ARTICLE V. INTELLECTUAL PROPERTY: OWNERSHIP, PUBLICATION, AND ACKNOWLEDGEMENT**

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- A. "Use" of a work product, whether a Contractor Work, a Subcontractor Work or otherwise, means and includes, without limitation, any lawful use, copying or dissemination of the work product, or any lawful development, use, copying or dissemination of derivative works of the work product, in any media or forms, whether now known or later existing.
- B. "No Compensation Obligation" means there is no obligation on the part of one co-owner or licensee of a work, whether a Contractor Work, a Subcontractor Work or otherwise, to compensate other co-owners, licensees or licensors of the work for any use of the work by the using co-owner or licensee, including but not limited to compensation for or in the form of: royalties; co-owner or licensee accounting; sharing of revenues or profits among co-owners, licensees or licensors; or any other form of compensation to the other co-owners, licensees or licensors on account of any use of the work.
- C. "Dissemination" includes, without limitation, any and all manner of: physical distribution; publication; broadcast; electronic transmission; Internet streaming; posting on the Internet or world wide web; or any other form of communication, transmission, distribution, sending or providing, in any forms or formats, and in or using any media, whether now known or later existing.
- D. TWDB has an unlimited, unrestricted, perpetual, irrevocable, non-exclusive royalty-free right to access and receive in usable form and format, and to use all technical or other data or information developed by CONTRACTOR and SUBCONTRACTOR in, or otherwise resulting from, the performance of services under this CONTRACT.
- E. For purposes of this Article, "Contractor Works" are work products developed by CONTRACTOR and Subcontractor(s) using funds provided under this CONTRACT or otherwise rendered in or related to the performance in whole or in part of this CONTRACT, including but not limited to reports, drafts of reports, or other material, data, drawings, studies, analyses, notes, plans, computer programs and codes, or other work products, whether final or intermediate.

1. It is agreed that all Contractor Works are the joint property of TWDB and CONTRACTOR.
2. The parties hereby agree that, if recognized as such by applicable law, the Contractor Works are intended to and are works-made-for-hire with joint ownership between TWDB and CONTRACTOR as such works are created in whole or in part.
3. If the Contractor Works do not qualify as works-made-for-hire under applicable law, CONTRACTOR hereby conveys co-ownership interest in such works to TWDB as they are created in whole or in part. If present conveyance is ineffective under applicable law, CONTRACTOR agrees to convey a co-ownership interest in the Contractor Works to TWDB after creation in whole or in part of such works, and to provide written documentation of such conveyance upon request by TWDB.
4. TWDB and CONTRACTOR acknowledge that the copyright in and to a copyrightable Contractor Work exists upon creation of the Contractor Work and its fixing in any tangible medium. CONTRACTOR or TWDB may register the copyrights to such Works jointly in the names of CONTRACTOR and TWDB.
5. TWDB and CONTRACTOR each have full and unrestricted rights to use a Contractor Work with No Compensation Obligation.

F. For purposes of this Article, "Subcontractor Works" include all work product developed in whole or in part by or on behalf of SUBCONTRACTOR(S) engaged by CONTRACTOR to perform work for or on behalf of CONTRACTOR under this CONTRACT (or by the SUBCONTRACTOR'S SUBCONTRACTOR(S) hereunder, and so on). CONTRACTOR must secure in writing from any SUBCONTRACTOR(S) so engaged:

1. unlimited, unrestricted, perpetual, irrevocable, royalty-free rights of TWDB (and, if desired, of CONTRACTOR) to access and receive, and to use, any and all technical or other data or information developed in or resulting from the performance of services under such engagement, with No Compensation Obligation; and either:
2. assignment by SUBCONTRACTOR to TWDB (and, if desired by them, jointly to CONTRACTOR) of ownership (or joint ownership with CONTRACTOR) of all Subcontractor Works, with No Compensation Obligation; or
3. grant by SUBCONTRACTOR of a non-exclusive, unrestricted, unlimited, perpetual, irrevocable, world-wide, royalty-free license to TWDB (and, if desired by them, CONTRACTOR) to use any and all Subcontractor Works, including the right to sublicense use to third parties, with No Compensation Obligation.

G. No unauthorized patents. Contractor Works and Subcontractor Works or other work product developed or created in the performance of this CONTRACT or otherwise using funds provided hereunder must not be patented by CONTRACTOR or its SUBCONTRACTOR(s) unless the Executive Administrator consents in writing to submission of an application for patent on such works; and provided that, unless otherwise agreed in writing:

1. any application made for patent must include and name TWDB (and, as applicable and desired by them, both CONTRACTOR and the SUBCONTRACTOR(S)) as co-owners of the patented work;
  2. no patent granted will in any way limit, or be used by CONTRACTOR or SUBCONTRACTOR(S) to limit or bar TWDB's rights hereunder to access and receive in useable form and format, and right to use, any and all technical or other data or information developed in or resulting from performance pursuant to this CONTRACT or Subcontract or the use of funds provided hereunder; and
  3. TWDB (and, if applicable, CONTRACTOR) has No Compensation Obligation to any other co-owners or licensees of any such patented work.
- H. CONTRACTOR must include terms and conditions in all CONTRACTS or other engagement agreements with any SUBCONTRACTOR(S) as are necessary to secure these rights and protections for TWDB; and must require that its Subcontractors include similar such terms and conditions in any CONTRACTS or other engagements with its Subcontractors. For the purposes of this section, "SUBCONTRACTOR(S)" includes independent contractors (including consultants) and also employees working outside the course and scope of employment.
- I. Any work products subject to a TWDB copyright or joint copyright and produced or developed by CONTRACTOR or its SUBCONTRACTOR(S) pursuant to this CONTRACT or Subcontract or using any funding provided by TWDB may be reproduced in any media, forms or formats by TWDB or CONTRACTOR at their own cost, and be disseminated in any medium, format or form by any party at its sole cost and in its sole discretion. CONTRACTOR may utilize such work products as it deems appropriate, including dissemination of such work products or parts thereof under its own name, provided that any TWDB copyright is noted on the materials.
- J. CONTRACTOR agrees to acknowledge TWDB in any news releases or other publications relating to the work performed under this CONTRACT.

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## ARTICLE VI. SUBCONTRACTS

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Each Subcontract entered into to perform required work under this CONTRACT must contain the following information and provisions:

- A. **Contract Dates** –There must be a starting date and ending date for work under the Subcontract.
- B. **Contract Amount** – The subcontract must list the total dollar value.
- C. **Terms of Reimbursement** – Subcontracts must be cost reimbursable. Lump sum agreements are not permitted for services. Please also note that TWDB does not reimburse "handling costs" (mark-ups) on any expenses. Any eligible travel expenses related to a subcontract will be reimbursed at the current rate for State of Texas employees, which can be found at: <https://fmx.cpa.texas.gov/fmx/travel/texttravel/>

- D. **Scope of Work** – The terms of the scope of work must be consistent with the scope of work of the CONTRACT.
- E. **Task Budget** – as appropriate. The task budget must be consistent with the task budget specified in the TWDB CONTRACT.
- F. **Expense Budget** – as appropriate. The expense budget must be consistent with the expense budget specified in the TWDB CONTRACT.
- G. **Signatures** – Each subcontract must be executed appropriately by signature, by each party to the agreement.
- H. **State Auditor’s Right to Audit** - The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the CONTRACT or indirectly through a Subcontract under the CONTRACT. The acceptance of funds directly under the CONTRACT or indirectly through a Subcontract under the CONTRACT acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- I. **Financial Records:** SUBCONTRACTOR(s) and any contracted parties must maintain satisfactory financial accounting documents and records, including copies of invoices and receipts, and must make them available for examination and audit by the EXECUTIVE ADMINISTRATOR of TWDB. Accounting by the SUBCONTRACTOR(s) and any contracted parties must be in a manner consistent with generally accepted accounting principles.
- J. **Excess Obligations Prohibited/No Debt Against the State:** Any SUBCONTRACT is subject to termination or cancellation without penalty to TWDB, either in whole or in part, subject to the availability of state funds.
- K. **License, Permits, and Insurance:** For the purpose of this SUBCONTRACT, SUBCONTRACTOR is an independent CONTRACTOR and therefore solely responsible for liability resulting from negligent acts or omissions. SUBCONTRACTOR must obtain all necessary insurance, in the judgment of the SUBCONTRACTOR, to protect itself, CONTRACTOR, TWDB, and employees and officials of TWDB from liability arising out of this SUBCONTRACT. SUBCONTRACTOR must indemnify and hold TWDB and the State of Texas harmless, to the extent SUBCONTRACTOR may do so in accordance with state law, from any and all losses, damages, liability, or claims therefore, on account of personal injury, death, or property damage of any nature whatsoever caused by the SUBCONTRACTOR, arising out of the activities under this SUBCONTRACT. SUBCONTRACTOR must be solely and entirely responsible for



procuring all necessary licenses and permits which may be required for the SUBCONTRACTOR to perform the subject work.

- L. **Ownership:** It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this SUBCONTRACT and developed by SUBCONTRACTOR pursuant to this SUBCONTRACT will become the joint property of the REGIONAL WATER PLANNING GROUP, CONTRACTOR, SUBCONTRACTOR, and the Texas Water Development Board. These materials must not be copyrighted or patented by the SUBCONTRACTOR. SUBCONTRACTOR agrees that neither the REGIONAL WATER PLANNING GROUP nor the Texas Water Development Board are parties to this SUBCONTRACT and agrees that that these entities have no liability under the terms of this SUBCONTRACT. The Texas Water Development Board is solely a third-party beneficiary under this SUBCONTRACT.
- M. **Compliance with TWDB Rules and State Law:** SUBCONTRACTOR must comply with TWDB rules and adhere to all requirements in state law pertaining to the procurement of professional services.

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#### **ARTICLE VII. AMENDMENT, TERMINATION, AND STOP ORDERS**

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- A. This CONTRACT may be altered or amended by mutual written consent or terminated by the EXECUTIVE ADMINISTRATOR at any time by written notice to CONTRACTOR. The EXECUTIVE ADMINISTRATOR may terminate this CONTRACT if the REGIONAL WATER PLANNING GROUP withdraws its designation of CONTRACTOR as the CONTRACT representative of the REGIONAL WATER PLANNING GROUP. Upon receipt of such termination notice, CONTRACTOR must, unless the notice directs otherwise, immediately discontinue all work in connection with the performance of this CONTRACT and cancel all existing orders insofar as such orders are chargeable to this CONTRACT. CONTRACTOR must submit a statement showing in detail the work performed under this CONTRACT up to the date of termination. TWDB, at its discretion, will pay CONTRACTOR for the work actually performed under this CONTRACT, less all payments that have been previously made and any approved by the EXECUTIVE ADMINISTRATOR to conclude the CONTRACT. Thereupon, copies of all work accomplished under this CONTRACT must be delivered promptly to TWDB.
- B. Any request to amend the CONTRACT Scope of Work (Exhibit A) must be submitted in writing by CONTRACTOR to TWDB following approval by the REGIONAL WATER PLANNING GROUP [31 TAC § 357.12(a)(3)].
- C. The EXECUTIVE ADMINISTRATOR may issue a Stop Work Order to CONTRACTOR at any time. Upon receipt of such order, CONTRACTOR must discontinue all work and cancel all orders under to this CONTRACT, unless the Stop Work Order directs otherwise. If the EXECUTIVE ADMINISTRATOR does not issue a Restart Order within 60 days after receipt by CONTRACTOR of the Stop Work Order, this CONTRACT is terminated in accordance with the foregoing provisions.

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#### **ARTICLE IX. LICENSES, PERMIT, AND INSURANCE**

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- A. For the purpose of this CONTRACT, CONTRACTOR is an independent contractor and therefore solely responsible for liability resulting from negligent acts or omissions.
- B. CONTRACTOR is solely and entirely responsible for procuring all necessary licenses and permits which may be required for CONTRACTOR to perform the subject work.

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## ARTICLE X. SEVERANCE PROVISION

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Should any one or more provisions of this CONTRACT be held to be null, void, voidable, or for any reason whatsoever of no force and effect, such provision(s) will be construed as severable from the remainder of this CONTRACT and will not affect the validity of all other provisions of this CONTRACT, which will remain of full force and effect.

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## ARTICLE XI. GENERAL TERMS AND CONDITIONS

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### 1. GENERAL TERMS

- A. **Disaster Recovery Plan.** Upon request of TWDB, CONTRACTOR must provide descriptions or copies of its business continuity and disaster recovery plans.
- B. **Dispute Resolution.** The dispute resolution process provided for in Texas Government Code Chapter 2009 is available to the parties to resolve any dispute arising under the CONTRACT.
- C. **Excess Obligations Prohibited/No Debt Against the State.** This Contract is subject to termination or cancellation without penalty to TWDB, either in whole or in part, subject to the availability of state funds
- D. **False Statements.** If CONTRACTOR signs its application with a false statement or it is subsequently determined that CONTRACTOR has violated any of the representations, guarantees, warranties, certifications or affirmations included in its application, CONTRACTOR will be in default under the CONTRACT and TWDB may terminate or void the CONTRACT.
- E. **Force Majeure.** Neither CONTRACTOR nor TWDB will be liable to the other for any delay in or failure of performance of any requirement contained in this CONTRACT caused by force majeure. The existence of such causes of delay or failure will extend the period of performance until after the causes of delay or failure have been removed, provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected



to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome.

- F. **Governing Law and Venue.** This CONTRACT is governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under this CONTRACT is fixed in any court of competent jurisdiction in Travis County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to TWDB.
- G. **Indemnification.** CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND TWDB, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF CONTRACTOR OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE CONTRACT AND ANY PURCHASE ORDERS ISSUED UNDER THE CONTRACT. THE DEFENSE MUST BE COORDINATED BY CONTRACTOR WITH THE OFFICE OF THE TEXAS ATTORNEY GENERAL WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT, AND CONTRACTOR MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING CONCURRENCE FROM THE OFFICE OF THE TEXAS ATTORNEY GENERAL. CONTRACTOR AND TWDB AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.
- H. **Public Information Act.** CONTRACTOR understands that TWDB will comply with the Texas Public Information Act, Texas Government Code Chapter 552, as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation and other material in connection with this CONTRACT may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Texas Government Code § 2252.907, CONTRACTOR is required to make any information created or exchanged with the State pursuant to this CONTRACT, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.
- I. **State Auditor's Right to Audit.** The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. The acceptance of funds directly under the contract or indirectly through a subcontract under the contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or

investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

## 2. STANDARDS OF PERFORMANCE

- A. **Personnel.** CONTRACTOR must assign only qualified personnel to perform the services required under this CONTRACT. CONTRACTOR is responsible for ensuring that any Subcontractor utilized also assigns only qualified personnel. Qualified personnel are persons who are properly licensed to perform the work and who have sufficient knowledge, skill and ability to perform the tasks and services required herein according to the standards of performance and care for their trade or profession.
- B. **Professional Standards.** CONTRACTOR must provide the services and deliverables in accordance with applicable professional standards. CONTRACTOR represents and warrants that it is authorized to acquire Subcontractors with the requisite qualifications, experience, personnel and other resources to perform in the manner required by this CONTRACT.
- C. **Procurement Laws.** CONTRACTOR must comply with applicable State of Texas procurement laws, rules and policies, including but not limited to competitive bidding and the Professional Services Procurement Act, Texas Government Code Chapter 2254, relating to contracting with persons whose services are within the scope of practice of: accountants, architects, landscape architects, land surveyors, medical doctors, optometrists, professional engineers, real estate appraisers, professional nurses, and certified public accountants.
- D. **Independent Contractor.** Both parties hereto, in the performance of this CONTRACT, act in an individual capacity and not as agents, employees, partners, joint ventures or associates of one another. The employees or agents of one party will not be deemed or construed to be the employees or agents of the other party for any purposes whatsoever.
- E. **Proprietary and Confidential Information.** CONTRACTOR warrants and represents that any information that is proprietary or confidential and is received by CONTRACTOR from TWDB or any governmental entity will not be disclosed to third parties without the written consent of TWDB or applicable governmental entity, whose consent will not be unreasonably withheld.
- F. **Contract Administration.** TWDB will designate a contract manager for this CONTRACT. The contract manager will serve as the point of contact between TWDB and CONTRACTOR. TWDB's contract manager will supervise TWDB's review of CONTRACTOR's technical work, deliverables, draft reports, the final REGIONAL WATER PLAN, payment requests, schedules, financial and budget administration, and similar matters. The contract manager does not have any

express or implied authority to vary the terms of the CONTRACT, amend the CONTRACT in any way or waive strict performance of the terms or conditions of the CONTRACT.

- G. **Nepotism.** CONTRACTOR must comply with Texas Government Code Chapter 573 by ensuring that no officer, employee or member of CONTRACTOR's governing body votes or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition does not prohibit the employment of a person who has been continuously employed for a period of two years prior to the election or appointment of the officer, employee or governing body member related to such person in the prohibited degree.
- H. **Open Meetings.** CONTRACTOR must comply with Texas Government Code Chapter 551, which requires all regular, special or called meetings of governmental bodies to be open to the public, except as otherwise provided by law.

### 3. **AFFIRMATIONS AND CERTIFICATIONS**

- A. **Antitrust Affirmation.** CONTRACTOR represents and warrants that, in accordance with Texas Government Code § 2155.005, neither CONTRACTOR nor any firm, corporation, partnership, or institution represented by CONTRACTOR, or anyone acting for such a firm, corporation, partnership, or institution has (1) violated any provision of the Texas Free Enterprise and Antitrust Act of 1983, Chapter 15 of the Texas Business & Commerce Code, or the federal antitrust laws; or (2) communicated directly or indirectly the contents of the proposal resulting in this CONTRACT to any competitor or any other person engaged in the same line of business as CONTRACTOR.
- B. **Child Support Obligation Affirmation.** CONTRACTOR represents and warrants that it will include the following clause in the award documents for every subaward and subcontract and will require subrecipients and subcontractors to certify accordingly: "Under Texas Family Code § 231.006, contractor certifies that the individual or business entity named in this contract, bid or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate. A bid or an application for a contract, grant, or loan paid from state funds must include the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of at least 25 percent of the business entity submitting the bid or application."
- C. **Dealings With Public Servants.** Pursuant to Texas Government Code § 2155.003, CONTRACTOR represents and warrants that it has not given, offered to give, nor intends to give at any time hereafter any economic opportunity,

future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the goods or services being supplied.

- D. **Debts and Delinquencies Affirmation.** CONTRACTOR agrees that any payments due under the CONTRACT will be applied towards any debt or delinquency that is owed to the State of Texas.
- E. **E-Verify Program.** CONTRACTOR certifies that for contracts for services, CONTRACTOR will utilize the U.S. Department of Homeland Security’s E-Verify system during the term of the CONTRACT to determine the eligibility of: 1) all persons employed by CONTRACTOR to perform duties within Texas; and 2) all persons, including Subcontractors, assigned by CONTRACTOR to perform work pursuant to the CONTRACT within the United States of America.
- F. **Entities that Boycott Israel.** Pursuant to Texas Government Code § 2270.002, CONTRACTOR certifies that either (i) it meets one of the exemption criteria under § 2270.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. CONTRACTOR must state any facts that make it exempt from the boycott certification.
- G. **Excluded Parties.** CONTRACTOR certifies that it is not listed on the federal government’s terrorism watch list as described in Executive Order 13224.
- H. **Executive Head of a State Agency Affirmation.** In accordance with Texas Government Code § 669.003, relating to contracting with the executive head of a state agency, CONTRACTOR certifies that it is not: 1) the executive head of TWDB; 2) a person who at any time during the four years before the date of this CONTRACT was the executive head of TWDB; or 3) a person who employs a current or former executive head of TWDB.

If Section 669.003 applies, CONTRACTOR must provide the following information:

Name of Former Executive:

\_\_\_\_\_

Name of State Agency:

\_\_\_\_\_

Date of Separation from State Agency:

\_\_\_\_\_

Position with Contractor:

\_\_\_\_\_

Date of Employment with Contractor:

\_\_\_\_\_

- I. **Financial Participation Prohibited.** Pursuant to Texas Government Code § 2155.004(a), CONTRACTOR certifies that neither CONTRACTOR nor any person or entity represented by CONTRACTOR has received compensation from TWDB or any agency of the State of Texas for participation in the

preparation of the specifications or solicitation on which this CONTRACT is based. Under Texas Government Code § 2155.004(b), CONTRACTOR certifies that the individual or business entity named in this CONTRACT is not ineligible to receive the specified contract and acknowledges that this CONTRACT may be terminated and payment withheld if this certification is inaccurate.

- J. **Foreign Terrorist Organizations.** CONTRACTOR represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Texas Government Code § 2252.152.
- K. **Human Trafficking Prohibition.** Under Texas Government Code § 2155.0061, CONTRACTOR certifies that the individual or business entity named in this CONTRACT is not ineligible to receive the specified contract and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.
- L. **Lobbying Prohibition.** CONTRACTOR represents and warrants that TWDB's payments to CONTRACTOR and CONTRACTOR's receipt of appropriated or other funds under the contract are not prohibited by Texas Government Code §§ 556.005 or 556.0055, related to the prohibition on payment of state funds to a lobbyist or for lobbying activities.
- M. **No Conflict of Interest.** CONTRACTOR represents and warrants that the provision of goods and services or other performance under this CONTRACT will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety. CONTRACTOR also represents and warrants that, during the term of this CONTRACT, CONTRACTOR will immediately notify TWDB, in writing, of any existing or potential conflict of interest relative to the performance of the CONTRACT.
- O. **Suspension and Debarment.** CONTRACTOR certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the State of Texas Debarred Vendor List maintained by the Texas Comptroller of Public Accounts and the System for Award Management (SAM) maintained by the General Services Administration.

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**ARTICLE XII. CORRESPONDENCE**

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All correspondence between the parties must be made to the following addresses:

For **TWDB:**

**Contract Issues:**

Texas Water Development Board  
Attention: Procurement & Contract  
Services  
P.O. Box 13231  
Austin, Texas 78711-3231  
Email: [contracts@twdb.texas.gov](mailto:contracts@twdb.texas.gov)

**Payment Request Submission:**

Texas Water Development Board  
Attention: Accounts Payable  
P.O. Box 13231  
Austin, Texas 78711-3231  
Email: [invoice@twdb.texas.gov](mailto:invoice@twdb.texas.gov)

**Physical Address:**

Stephen F. Austin Building  
1700 N. Congress Avenue, 6<sup>th</sup> Floor  
Austin, Texas 78701

For **CONTRACTOR:**

**Contract Issues:**

Kyle Dooley  
Riverbend Water Resources District  
228 Texas Ave., Suite A  
New Boston, TX 75570  
Email: [kyledooley@rwr.org](mailto:kyledooley@rwr.org)

**Payment Request Submission:**

Kyle Dooley  
Riverbend Water Resources District  
228 Texas Ave., Suite A  
New Boston, TX 75570  
Email: [kyledooley@rwr.org](mailto:kyledooley@rwr.org)

**Physical Address:**

228 Texas Ave., Suite A  
New Boston, TX 75570

IN WITNESS WHEREOF, the parties have caused this CONTRACT to be duly executed.

TEXAS WATER DEVELOPMENT BOARD

RIVERBEND WATER RESOURCES DISTRICT



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Jeff Walker  
Executive Administrator

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Kyle Dooley  
Executive Director/CEO

Date: 7/13/2021

Date: 7/13/2021

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**Exhibit A**

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**Scope of Work**

**2026 Regional Water Plans**

***NOTE:***  
***SCOPE OF WORK TO BE AMENDED TO INCORPORATE REMAINING PLANNING TASKS***  
***NECESSARY TO COMPLETE THE 2026 REGIONAL WATER PLANS AT A LATER DATE.***

June 2021

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<sup>1</sup> Requirements for each task are further explained in the *General Guidelines for Development of the 2026 Regional Water Plans*.

## Task 1- Planning Area Description

The objective of this task is to prepare a standalone chapter (in accordance with 31 Texas Administrative Code (TAC) §357.22(b)) to be included in the 2026 Regional Water Plan that describes the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.30.

### **This Task includes, but is not limited to, performing all work in accordance with Texas Water Development Board (TWDB) rules and guidance required to:**

- 1) Designate major water providers in the regional water planning area for planning purposes.
- 2) Identify wholesale water providers in the regional water planning area for planning purposes.
- 3) Review and summarize relevant existing planning documents in the region including those that have been developed since adoption of the previous regional water plan. Documents to be summarized include those referenced under 31 TAC §357.22.
- 4) Prepare a chapter that describes the regional water planning area including the following:
  - a. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
  - b. current water use and major water demand centers;
  - c. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
  - d. major water providers;
  - e. agricultural and natural resources;
  - f. identified water quality problems;
  - g. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
  - h. summary of existing local and regional water plans;
  - i. the identified historic drought(s) of record within the planning area;
  - j. current preparations for drought within the regional water planning area;
  - k. information compiled by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to Water Loss Audits); and
  - l. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategy evaluated in the plan.
- 5) Disseminate the chapter document and related information to regional water planning group members for review.
- 6) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 7) Submit the chapter document to the TWDB for review and approval; and
- 8) Make all efforts required to obtain final approval of the RWP chapter by the TWDB.

**Deliverables:** A completed Chapter 1 describing the regional water planning area must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

## Task 2A - Non-Municipal Water Demand Projections

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2B and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will develop draft non-municipal water demand projections for 2030-2080 for all water demand categories unrelated to population (e.g. mining, manufacturing, irrigation, steam-electric power, and livestock) based on the most recent TWDB historical water use estimates. The same methodologies used for the 2022 State Water Plan will be applied to the 2027 State Water Plan projections, except for mining demands. The draft mining demand projections will be prepared based on an updated methodology to be developed by the Bureau of Economic Geology through a contracted mining water use study funded by the United States Geological Survey.

TWDB staff will provide draft water demand projections for all associated non-municipal water user groups to the regional water planning groups for their review and input.

Each regional water planning group will review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from TWDB along with justifications and supporting data as specified in the guidance document *General Guidelines for Development of the 2026 Regional Water Plans*. The emphasis of this effort will be on identifying appropriate revisions based on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.

If adequate justification is provided by the regional water planning group to the TWDB, draft water demand projections may be adjusted by the TWDB in consultation with the Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once regional water planning group input and requested changes are considered, final water demand projections will be adopted by the TWDB's governing Board (Board). The adopted projections will then be provided to each regional water planning group. Planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate the state water planning database (DB27) with all water user group-level projections and make related changes to DB27 based on Board-adopted projections.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and make publicly available the draft non-municipal water demand projections provided by the TWDB.
- 2) Evaluate draft non-municipal water demand projections provided by the TWDB.
- 3) Review comments received from local entities and the public for compliance with TWDB requirements.
- 4) Prepare detailed feedback on draft non-municipal water demand projections, as necessary, including justification and documentation supporting requested changes from the regional

- water planning group and/or local entities with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 5) Submit numerical requests for revisions of draft non-municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document *General Guidelines for Development of the 2026 Regional Water Plans*.
  - 6) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
  - 7) Assist the TWDB, as necessary, in resolving final allocations of water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.
  - 8) Prepare non-municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables should match the appropriate final data as reported by DB27.
  - 9) Modify any associated non-municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group water demand projections.
  - 10) Review the TWDB *Water Demand* report(s) from DB27 and incorporate this planning database report(s), unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.
  - 11) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands, including within DB27 and within any planning memorandums or reports, as appropriate.
  - 12) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.
  - 13) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
  - 14) Disseminate the chapter document and related information to regional water planning group members for review.
  - 15) Modify the chapter document based on regional water planning group, public, and/or agency comments.
  - 16) Submit the chapter document to the TWDB for review and approval; and
  - 17) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

## **Task 2B - Population and Municipal Water Demand Projections**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2A and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will prepare a new municipal water user group entity list including collective reporting units for each regional water planning group based on the water user group criteria under 31 TAC §357.10(43) with associated historical population and water use estimates and Gallons Per Capita Daily (GPCD) and provide them to regional water planning groups for their review and input.

Regional water planning groups will then review the draft municipal water user group list and historical population and water use and provide input to the TWDB or request specific changes to the water user group list including water systems included in collective reporting unit list and changes/corrections to historical population, water use estimates, or GPCDs.

Once the municipal water user group list is finalized TWDB staff will develop draft population and associated municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the 2020 decennial Census, updated county-level population projections from the Texas Demographic Center, and historical population and water use estimates and growth.

TWDB staff will provide draft population projections and associated water demand projections for all municipal water user groups based on utility service boundaries to regional water planning groups for their review and input. If adequate justification is provided by the regional water planning groups to the TWDB, draft population and/or municipal water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once planning group input and requested changes are considered, final population and associated municipal water demand projections will be adopted by the Board. The adopted projections, based on utility service areas, will be provided to regional water planning groups. Regional water planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate DB27 with all water user group-level projections and make related changes to DB27 if revisions are made.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and review a draft municipal water user group entity list and detailed public water system list within each collective reporting unit provided by the TWDB and submit identified corrections to water user group-water systems relations or water user group names to the TWDB. Once finalized, the municipal water user group entity list will be populated into DB27.
- 2) Receive and review historical population and water use estimates and GPCDs provided by the TWDB and submit identified corrections to the TWDB.
- 3) Receive and make publicly available the draft population and associated municipal water demand projections provided by the TWDB that are based on utility service areas.
- 4) Evaluate draft population, GPCDs, Plumbing Code Savings (PC Savings) and associated municipal water demand projections provided by the TWDB.
- 5) Review and summarize comments received from local entities and the public for compliance with TWDB requirements.
- 6) Provide detailed revision requests to the TWDB for population, GPCDs, PC Savings and associated municipal water demand projections, as necessary, including justification and

- documentation supporting suggested changes with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 7) Submit numerical requests for revisions of draft population, GPCDs, PC Savings and municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document *General Guidelines for Development of the 2026 Regional Water Plans*.
  - 8) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
  - 9) Assist the TWDB, as necessary, in resolving final allocations of population and municipal water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.
  - 10) Prepare population and municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables must match the appropriate final data as reported by DB27.
  - 11) Modify any associated population and municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group population and water demand projections.
  - 12) Review the TWDB *Population and Water Demand* reports from DB27 and incorporate these planning database reports, unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.
  - 13) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands including within DB27 and within any planning memorandums or reports, as appropriate.
  - 14) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the regional water planning group, into DB27 if the major water provider is a wholesale water provider.
  - 15) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
  - 16) Disseminate the chapter document and related information to regional water planning group members for review.
  - 17) Modify the chapter document based on regional water planning group, public, and/or agency comments.
  - 18) Submit the chapter document to the TWDB for review and approval; and
  - 19) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.



## **Task 8 - Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) that presents the regional water planning group's unique stream segment, unique reservoir site, legislative, administrative, and regulatory recommendations.

In addition to generally meeting all applicable rule and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.43 and §358.2.

### **This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and consider TWDB feedback on the implementation of the regional water planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.
- 2) Receive and consider recommendations from the Interregional Planning Council to the regional water planning groups.
- 3) Consider relevant plans referenced under 31 TAC §357.22 in developing this chapter.
- 4) Consider and discuss potential recommendations for designation of ecologically unique stream segments within the regional water planning area, based on the criteria in 31 TAC §358.2.
- 5) If applicable, prepare a recommendation package following the requirements in 31 TAC §357.43(b) recommending which stream segments in the region, if any, should be recommended for designation as ecologically unique stream segments. Evaluate and incorporate comments from the regional water planning group. Upon approval by the regional water planning group, submit the recommendation package to the Texas Parks and Wildlife Department for comments.
- 6) Include the recommendation package and Texas Parks and Wildlife Department's written evaluation on the unique stream segment(s) recommendation in the final adopted regional water plan. An updated Texas Parks and Wildlife Department evaluation must be included in each regional water plan, even for those stream segments that have been recommended in previous plans but not designated by the Legislature.
- 7) For each recommended or previously designated unique stream segment, include a quantitative analysis of the impact of the regional water plan on the stream segments based upon the assessment criteria in 31 TAC §357.43(b)(2).
- 8) Consider and discuss potential recommendations for designation of unique reservoir sites within the regional water planning area.
- 9) For each recommended unique reservoir site, include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site in accordance with 31 TAC §357.43(c).
- 10) Consider and discuss potential regional policy issues; identify recommendations for legislative, administrative, and regulatory rule changes; including recommendations to improve the state and regional planning process.
- 11) Disseminate the chapter document and related information to regional water planning group members for review.
- 12) Modify the chapter document based on regional water planning group, public, and or agency comments.
- 13) Submit the chapter document to the TWDB for review and approval; and



- 14) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 8 presenting regional water planning group unique stream segment, unique reservoir site, legislative, administrative, and regulatory recommendations must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

## **Task 10 - Public Participation and Plan Adoption**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement, complete and submit a technical memorandum, initially prepared plan, and final regional water plan, and obtain TWDB approval of the regional water plan.

In addition to generally meeting all applicable statute requirements governing regional and state water planning this portion of work must, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 355, 357, and 358 that are not already addressed under the scope of work associated with other contract tasks but that are necessary and or required to complete and deliver a technical memorandum, initially prepared plan, and final adopted regional water plan to TWDB and obtain approval of the adopted regional water plan by the TWDB.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

### **A) Plan Development Activities**

- 1) Organize, support, facilitate, and document all meetings/hearings associated with activities necessary and eligible to complete and submit a technical memorandum, initially prepared plan, and final regional water plan to the TWDB, including but not limited to: regular regional water planning group meetings, committee meetings, or subcommittee meetings; pre-planning meeting; meetings associated with revision of draft projections; public meeting for the consideration of the process for identifying potentially feasible water management strategies and the presentation of the analysis of infeasible water management strategies; consideration of a substitution of alternative water management strategies; public hearing on the initially prepared plan; adoption of the final regional water plan, and consideration of regional water plan amendments, alternative WMS substitutions, or Board-directed revisions.
- 2) Include a deliberate discussion on how the planning group will conduct interregional coordination and collaboration regarding water management strategies during both the preplanning meeting required under 31 TAC §357.12(a)(1) and meeting to consider the process for identifying potentially feasible water management strategies required under 31 TAC §357.12(b).
- 3) Collect and evaluate information, including any information gathering surveys from water suppliers or water user groups, (e.g., on existing infrastructure; existing water supplies; potentially feasible water management strategies) and/or maintenance of contact lists for regional planning information in the region.
- 4) Conduct intraregional and interregional coordination and communication, and or facilitation required within the regional water planning area and with other regional water planning groups to develop a regional water plan including with water suppliers or other

relevant entities such as groundwater conservation districts, water user groups, and or wholesale water providers. This includes gathering and documenting information on potential interregional opportunities or issues.

- 5) Incorporate all required DB27 reports into the technical memorandum, initially prepared plan and final regional water plan. Note that all DB27 reports are required to be grouped together in one appendix to the regional water plan and that the regional water plan Executive Summary must reference the location of the DB27 reports.
- 6) Develop and include an Executive Summary in both the initially prepared plan and final regional water plan, not to exceed 30 pages.
- 7) Make modifications to the regional water plan documents based on regional water planning group, public, and/or agency comments.
- 8) Prepare a regional water plan chapter summarizing Task 10 activities including review by the RWPG and modification of document as necessary.
- 9) Prepare and transmit correspondence, for example, directly related to public comments on regional water plan documents.
- 10) Develop draft and final responses for regional water planning group approval to public questions or comments as well as approval of the final responses to comments on regional water plan documents.
- 11) Produce, distribute, and submit all draft and final regional water plan-related planning documents for the regional water planning group, public and agency review, including in hard-copy format when required.
- 12) Assemble, compile, and produce of the completed initially prepared plan and final regional water plan documents that meet all requirements of statute, 31 TAC Chapters 355, 357 and 358, regional water planning contract and associated contract guidance documents.
- 13) Submit the regional water plan documents in required formats to the TWDB for review and approval; and all effort required to obtain final approval of the regional water plan by the TWDB.

## **B) Technical Support and Administrative Activities**

- 1) Support and accommodate periodic presentations by the TWDB for the purpose of orientation, training, and retraining as determined and provided by the TWDB during regular regional water planning group meetings.
- 2) Consider recommendations in the *Best Management Practices Guide(s) for Regional Water Planning Group Political Subdivisions*, as prepared and updated by the TWDB.
- 3) Attendance and participation of technical consultants in TWDB-provided DB27 trainings, including individualized trainings and review of technical and data-related contract guidance documents in the TWDB regional water planning contract.
- 4) Develop agendas, presentations, and handout materials for the public meetings and hearings to provide to regional water planning group members and the public.
- 5) Attendance and participation of technical consultants at regional water planning group, committee, subcommittee, and other meetings and hearings necessary for regional water plan development including preparation and follow-up activities.
- 6) Develop technical and other presentations and handout materials for regional water planning group meetings and hearings to provide technical and explanatory data to the regional water planning group and its subcommittees, including follow-up activities.
- 7) Perform administrative and technical support including coordination of and participation in RWPG activities, and documentation of any regional water planning group meetings, hearings, workshops, workgroups, subgroup and/or subcommittee activities.
- 8) Provide status reports to the TWDB for work performed under this Contract.

- 9) Meet all public notice requirements in accordance with the Texas Open Meetings Act, statute, 31 TAC §357.21, and any other applicable public notice requirements.

**C) Other Activities**

- 1) Develop and maintain a regional water planning group website or regional water planning group-dedicated webpage on the regional water planning group administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
- 2) Perform maintenance of the regional water planning group website; reimbursement limited to non-labor, direct costs.
- 3) Document meetings and hearings to include recorded minutes and or audio recordings as required by the regional water planning group bylaws and archiving and provision of minutes to public.
- 4) Promote consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among regional water planning group members and stakeholders in the event that issues arise during the process of developing the regional water plan, including mediation between regional water planning group members, if necessary.
- 5) Perform regional water planning group membership solicitation activities.
- 6) Solicit, review, and disseminate public input, as necessary.
- 7) Perform any additional efforts required, but not otherwise addressed in other scope of work tasks that may be required to complete an regional water plan in accordance with all statute and rule requirements.

**Deliverables:**

- A draft Chapter 10 summarizing public participation activities to date included in the Initially Prepared Plan.
- A completed Chapter 10 summarizing public participation activities and appendices with public and agency comments and regional water planning group responses to comments in the final 2026 regional water plan.
- A complete Initially Prepared Plan and final 2026 Regional Water Plan.

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**Exhibit B**

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**Task and Expense Budgets**

**2026 Regional Water Plans**

**June 2021**

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### CONTRACTOR TASK BUDGET

CAS Item No.	Regional Water Planning Task No.	Task Description	Amount
1	1	Planning Area Description	\$16,231.00
2	2A	Non-Municipal Water Demand Projections	\$28,414.00
3	2B	Population and Municipal Water Demand Projections	\$47,482.00
4	8	Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues	\$10,648.00
5	10	Public Participation and Plan Adoption	\$102,916.00
		<b>Total</b>	<b>\$205,691.00</b>

### CONTRACTOR EXPENSE BUDGET

CATEGORY	AMOUNT
Other Expenses <sup>1</sup>	\$5,000.00
Subcontract Services	\$200,691.00
Voting Planning Member Travel <sup>2</sup>	\$0.00
Political Subdivision Travel <sup>3</sup>	\$0.00
<b>Total Study Cost <sup>4</sup></b>	<b>\$205,691.00</b>

<sup>1</sup> Eligible Other Expenses as described in 31 TAC §355.92(c) include the following administrative costs that may be billed under Task 10 associated with the RWPG's Political Subdivision if the RWPG or its chairperson certifies, during a public meeting, that the expenses are eligible for reimbursement and are correct and necessary:

- a. Direct costs, excluding personnel costs, for placing public notices for the legally required public meetings, maintaining a website, and of providing copies of information for the public and for members of the RWPG as needed for the efficient performance of planning work such as:
  1. expendable supplies consumed in direct support of the planning process;
  2. direct communication charges;
  3. limited direct costs/fees of maintaining RWPG website domain, website hosting, and/or website – not to exceed \$250.00 per calendar year;
  4. direct non-labor costs of storing or posting of audio-visual files (e.g., meeting recordings) – this is not limited by cap stated in item a.3 above;
  5. direct non-labor costs and fees associated with the initial development of a website – this is not limited by cap stated in item a.3 above, but must be reasonable by professional standards and not detract from plan development;
  6. reproduction of materials directly associated with notification or planning activities (currently 10¢ per copy or the actual non-labor direct costs as documented by the Contractor);
  7. other direct costs of public meetings, all of which must be directly related to planning (e.g., newspaper and other public notice posting costs, and facility rentals); and
  8. direct postage (e.g., postage for mailed notification of funding applications or meetings).

- b. Costs associated with providing translators and accommodations for persons with disabilities for public meetings when required by law or deemed necessary by the RWPGs and certified by the chairperson.
- c. Food, drink, or lodging (excluding tips and alcoholic beverages) for Political Subdivision staff designated to be the representative for the RWPG and travel to support participation in legislatively required or Board requested meetings, as specifically authorized by the RWPG and TWDB Executive Administrator;
- d. Limited labor, reproduction, or distribution of newsletters – not to exceed 3% of the Task 10 budget for the full period of the contract nor a total of \$5,000;
- e. The RWPG Political Subdivision’s personnel costs for the staff hours that are directly spent providing, preparing for, and posting public notice for RWPG meetings and hearings, including labor, fringe, overhead, and other expenses for their support of and attendance at such RWPG meetings and hearings. This may not exceed: \$5,000 per regular RWPG meeting nor a total of 10% of the total study cost budget for the full period of the contract or a total of \$60,000, whichever is lower.

<sup>2</sup> Voting Planning Member Travel Expenses are limited to the maximum amounts authorized for state employees by the General Appropriations Act, Tex. Leg. Regular Session, 2019, Article IX, Part 5, as amended or superseded. These expenses are defined as:

- a. eligible mileage expenses incurred by RWPG members, or their designee, to attend RWPG meetings that cannot be reimbursed by any other entity, political subdivision, etc. as certified by the voting member, or their designee, and
- b. food, drink, lodging, or airfare of designated RWPG member travel to support participation in legislatively-required or Board-requested meetings, as specifically authorized by the RWPG and TWDB Executive Administrator.

<sup>3</sup> Political Subdivision Travel Expenses is defined as eligible mileage expenses incurred by political subdivisions for work associated with regional water plan development. Travel must be specifically authorized by the RWPG and TWDB Executive Administrator. The reimbursed amount is limited to the maximum amounts authorized for state employees by the General Appropriations Act, Tex. Leg. Regular Session, 2019, Article IX, Part 5, as amended or superseded.

<sup>4</sup> Ineligible Expenses include funding any of the activities specified in 31 TAC 355.92(a), as well as the following items as applicable to RWPG members and Political Subdivisions:

- a. Compensation for the time or expenses of RWPGs members’ service on or for the RWPG;
- b. Costs of administering the RWPGs, other than those eligible and authorized under Eligible Expenses;
- c. Costs for training;
- d. Costs of administering the regional water planning grant and associated contracts;
- e. Costs associated with development of an application for a regional water planning grant or reviewing materials developed due to this grant;
- f. Food, drink, or lodging for RWPG members (including tips and alcoholic beverages), unless eligible and authorized under item <sup>2</sup>b above;
- g. Purchase, rental, or depreciation of equipment (e.g., computers, copiers, fax machines);
- h. General purchases of office supplies not documented as consumed directly for the planning process; and
- i. Costs associated with social events or tours.



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## Exhibit C

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# General Guidelines for Development of the 2026 Regional Water Plans

***NOTE:***

***THIS DOCUMENT CURRENTLY INCLUDES ONLY THE GUIDANCE ASSOCIATED WITH THE INITIAL SCOPE OF WORK TASKS. SECTIONS 3 - 9, 11, AND 12 WILL BE INCORPORATED INTO GUIDANCE UPON AMENDMENT OF THE FULL SCOPE OF WORK***

June 2021

*This document is subject to future revision based upon any future Legislative actions.*

General Guidelines for Development of the 2026 Regional Water Plans

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General Guidelines for Development of the 2026 Regional Water Plans

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## SECTION 1 – Introduction

### 1.1 Background

The sixth cycle of regional and state water planning as defined by Senate Bill 1 of the 75th Texas Legislature commenced in 2021 and will extend through 2026. Regional water planning groups must prepare the 2026 Regional Water Plans that, once approved, will become the basis for the 2027 State Water Plan.

While the regional water plan development is directed by the regional water planning groups, in order to ensure that the regional water plans follow a consistent and credible approach, the TWDB's Executive Administrator prepared the following guidelines to assist with the planning process. These guidelines augment the Texas Water Code (TWC) and the administrative rules related to regional water planning and are part of the regional water planning grant contracts.

### 1.2 Purpose

These guidelines build upon and provide additional information and greater detail about how to implement the administrative rules, including regarding the required methods, content, and format of information to be contained and presented in each RWP to meet rule and contractual requirements including the scope of work. For convenience, the sections of this document include direct links to the relevant regional water planning rules and the Exhibit A: Scope of Work tasks, followed by 'Guidance' content provided by the Executive Administrator.

While each regional water plan is unique to its region, this guidance is intended to ensure that the 16 regional water plans are developed in a generally consistent and similar manner to produce information that may be combined and aggregated, at the state level, to support the development of a meaningful and credible state water plan. The intent is to ensure that the 16 regions generally produce and provide 'apples to apples' data across the entire state including key information that will support the Texas Water Development Board's (TWDB) development of the state water plan.

Depending upon the nature of particular water planning rules or contract tasks, this guidance intentionally varies in its degree of specificity and flexibility. These guidelines include specific requirements that must be complied with by regional water planning groups as they prepare the regional water plan as well as guidance that the regional water planning groups may "consider", and that leaves certain considerations to the discretion of the planning groups.

The Initially Prepared Plans (IPP) and the final adopted regional water plans will be reviewed by TWDB based on statute, regional water planning rules, as well as requirements that are included in this and all other contract documents including the scope of work.

This document augments existing statute and rules that govern regional water planning. Provisions of [TWC §16.053](#) and 31 Texas Administrative Code (TAC) Chapters [355](#), [357](#),

## General Guidelines for Development of the 2026 Regional Water Plans

and [358](#) serve as the foundation for information in this document and are not superseded or abridged by anything contained within or excluded from this document.

### 1.3 General format and content of this document

This guidance consists of the following sections:

1. **Section 1 – Introduction** includes background material and a general document cross-reference that illustrates how the administrative rules, contract scope of work, and guidance documents all relate and align with one another.
2. **Section 2 – Scope of Work Task-Specific Guidelines** includes guidance organized by Scope of Work tasks and related rules sections. The section identifies various summary tables that are required to be included in the IPP and final RWP.
3. **Section 3 – Appendices** includes appendices that accompany sections 1 and 2.

### 1.4 General guidance

1. Development of the regional water plans will be guided by the [State Water Plan Guidance Principles](#).
2. The regional water plans must include an Executive Summary including key findings and recommendations, not to exceed 30 pages.
3. This guidance document includes the minimum reporting requirements where information and data are available. A regional water planning group may present more information and findings in their plan than is required by this guidance.
4. Regional water planning groups must submit all data identified in Exhibit D: Guidelines for 2026 Regional Water Planning Data Deliverables to the TWDB. The regional water plans are intended to include data reflective of a planning level analysis.

### 1.5 Documents and files that accompany and are integral to implementing this guidance

1. **Exhibit C Tables:** An excel template file called “2026 RWP Exhibit C Tables” will be developed to accompany this guidance document and will include the summary tables that are required to be included in the IPP and final regional water plan. The excel spreadsheet must be filled in and submitted with the in the IPP and final regional water plan with associated information.
2. **Exhibit D: Guidelines for 2026 Regional Water Plan Data Deliverables** – this is a separate document that will be developed to support this guidance. Exhibit D will be incorporated into contracts via a future contract amendment that incorporates the remaining Scope of Work tasks. Guidelines for the development of the previous regional water plans may be found [here](#).

General Guidelines for Development of the 2026 Regional Water Plans

## 1.6 General document cross-reference for regional water plans

For convenience the table below illustrates how contract tasks, guidance, administrative rules, and regional water plan chapters generally relate.<sup>1</sup> The chapter breakdown for each plan is specifically required under 31 TAC §357.22(b). Plans that are not organized in this manner will be considered administratively incomplete and will not be reviewed. **Please note that this table includes anticipated scope of work tasks for the 2026 Regional Water Plan development. This table (including any items marked TBD) is subject to revision upon incorporation of the full SOW. Items marked with an asterisk are anticipated to be removed following the TWDB’s implementation of [House Bill 1905](#), 87<sup>th</sup> Legislative Session.**

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<sup>1</sup> Some rules (e.g., TAC §358; §357.22) apply more broadly to all regional water planning activities.

## General Guidelines for Development of the 2026 Regional Water Plans

Regional Water Planning Contract Document References			2026 Regional Water Plan Chapter, Associated TAC Sections, and Content		
TWDB Contract Reimbursement Accounting Number ('CAS')	Exhibit A - Contract Scope of Work Task	Exhibit C - General Guidelines for Development of the 2026 Regional Water Plans	Regional Water Plan Chapter Number	Primary TAC Section	General Content
1	1	1	1	§357.30	Description of the Regional Water Planning Area
2	2A	2	2	§357.31	Projected Non-Municipal Water Demands
3	2B			§357.31	Projected Population and Municipal Water Demands
TBD	TBD	3	3	§357.32	Water Supply Analysis
TBD	TBD	4	4	§357.33	Identification of Water Needs
TBD	TBD	NA	<b>TBD</b>	§357.12	Identification of Infeasible Water Management Strategies
TBD	TBD	NA	<b>NA</b>	contract	Technical Memorandum Deliverable
TBD	TBD	5	5	§357.34	Identification of Potentially Feasible Water Management Strategies
TBD	TBD			§357.34; §357.35	Evaluations of Potentially Feasible Water Management Strategies, Recommended Water Management Strategies and Projects, and Alternative Water Management Strategies and Projects
TBD	TBD			§357.34	Conservation Recommendations <i>[as an individual subchapter]</i>
TBD	TBD	6	6	§357.40	Impacts of Regional Water Plan
				§357.41	Consistency with Protection of Water Resources, Agricultural Resources, and Natural Resources
TBD	TBD	7	7	§357.42	Drought Response Information, Activities, and Recommendations
4	8	8	8	§357.43	Policy Recommendations & Unique Sites
TBD	TBD	9	9	§357.44	Infrastructure Financing Analysis*
5	10	10	10	§357.21; §357.50	Public Participation and Plan Adoption
TBD	TBD	11	11	§357.45	Implementation and Comparison to the Previous Regional Water Plan
TBD	TBD	12	<b>N/A</b>	§357.46	RWPG Prioritization of Recommended Water Management Strategy Projects *



## 1.7 Definitions of Terms

### 1.7.1 Regional Water Planning rule definitions

Many of the regional water planning specific terms and acronyms used in this guidance document are defined in 31 TAC §357.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=31&pt=10&ch=357&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=357&rl=10)

### 1.7.2 Groundwater Management rule definitions

Many of the groundwater related terms and acronyms used in this guidance document are defined in 31 TAC §356.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=31&pt=10&ch=356&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=356&rl=10)

### 1.7.3 Non-rule definitions pertinent to regional water planning

**Aquifer** – Geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs. The formation could be sand, gravel, limestone, sandstone, or fractured igneous rocks.

**Aquifer recharge** – Water that infiltrates to the water table of an aquifer.

**Aquifer storage and recovery** – The practice of injecting water, when available, into an aquifer where it is stored for later use.

**Brackish water** – Water containing total dissolved solids between 1,000 and 10,000 milligrams per liter.

**Capital cost** – Portion of the estimated cost of a water management strategy that includes both the direct costs of constructing facilities, such as materials, labor, and equipment, and the indirect costs associated with construction activities, such as engineering studies, legal counsel, land acquisition, contingencies, environmental mitigation, interest during construction, and permitting.

**Desalination** – Process of removing salt and other dissolved solids from seawater or brackish water.

**Drought** – Generally applied to periods of less than average precipitation over a certain period of time. Associated definitions include meteorological drought (abnormally dry weather), agricultural drought (adverse impact on crop or range production), and hydrologic drought (below-average water content in aquifers and/or reservoirs).

**Environmental flows** – An environmental flow is an amount of water that should remain in a stream or river for the benefit of the environment of the river, bay, and estuary, while balancing human needs.

**Estuary** – A bay or inlet, often at the mouth of a river and may be bounded by barrier islands, where freshwater and seawater mix together providing for economically and ecologically important habitats and species and which also yield essential ecosystem services.

## General Guidelines for Development of the 2026 Regional Water Plans

**Firm diversion (run of river availability)** – Evaluated for municipal sole-source water use (i.e. not firmed up with other sources) is defined as the minimum monthly diversion amount that is available 100 percent of the time during a repeat of the drought of record. Evaluated for all other water users, the ‘firm diversion’ is defined as the minimum annual diversion, which is the lowest annual summation of the monthly diversions reported by the Water Availability Model over the simulation period (lowest annual summation being the calendar year within the simulation that represents the lowest diversion available).

**Group quarter** – A place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

**Infrastructure** – Physical means for meeting water and wastewater needs, such as dams, wells, conveyance systems, and water treatment plants.

**Instream Flow** – Water flow and water quality regime adequate to maintain an ecologically sound environment in streams and rivers.

**Local groundwater supplies** – Supplies found in local groundwater areas usually not associated with a major, minor, or other aquifer (e.g., a small local alluvial aquifer) that may still be used as a non-municipal water supply source (e.g., for livestock use), but that the groundwater management area determined to be small enough to not go through the desired future condition process.

**Local surface water supplies** – Limited, unnamed individual surface water supplies that, separately, are available only to particular non-municipal water user groups, such as livestock.

**Non-relevant aquifer** – An aquifer/region/county/basin geographic unit or a sub-portion of such a geographic aquifer unit where the groundwater management area did not assign a desired future condition. This results in this geographic unit (or sub-portion) not having an associated modeled available groundwater volume. In addition, this means that the associated aquifer/region/county/basin geographic unit may or may not have a non-modeled available groundwater volume (as determined by the planning group) associated with it.

**Other aquifer** – An aquifer that has not been designated as major or minor.

**Rainwater harvesting** – An ancient practice involving the capture, diversion, and storage of rainwater for landscape irrigation, drinking and domestic use, aquifer recharge, and in modern times, stormwater abatement.

**Seawater** – Water typically containing total dissolved solids of 35,000 milligrams per liter or greater. The volume of total dissolved solids may be lower than 35,000 milligrams per liter.

**Sedimentation** – Action or process of depositing sediment in a reservoir, usually silts, sands, or gravel.

**Storage** – Natural or artificial impoundment and accumulation of water in surface or underground reservoirs, usually for later withdrawal or release.

General Guidelines for Development of the 2026 Regional Water Plans

**System gain** – The amount of permitted water a system creates that would otherwise be unavailable if the reservoirs were operated independently and this volume must be reported separately. For multi-reservoir systems, the minimum system gain during drought of record conditions may be considered additional water available, if permitted.

**Water availability model** – Numerical computer program used to determine the availability of surface water within each river basin for permitting in the state.

## General Guidelines for Development of the 2026 Regional Water Plans

## 2 SECTION 2 – Scope of work task specific guidelines

Included in this section is guidance specifically addressing the following scope of work tasks<sup>2</sup>. Items marked with an asterisk are anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Corresponding agency rules are also shown below for convenience and reference:

- Task 1 – Description of the Regional Water Planning Area (§357.30)
- Task 2A and 2B – Projected Population and Water Demands (§357.31)
- Water Supply Analysis (§357.32)
- Needs Analysis: Comparison of Water Supplies and Demands (§357.33)
- Identification of Infeasible Water Management Strategies (§357.12)
- Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects (31 TAC §357.34); Recommended Water Management Strategies and Alternative Water Management Strategy Projects (§357.35)
- Impacts of Regional Water Plan (§357.40); Consistency with Long-term Protection of Water Resources, Agricultural Resources, and Natural Resources (§357.41)
- Drought Response Information, Activities, and Recommendations (§357.42)
- Task 8 – Regulatory, Administrative, or Legislative Recommendations (§357.43)
- Infrastructure Financing Analysis (§357.44)\*
- Task 10 – Adoption, Submittal, and Approval of Regional Water Plans (§357.50 and §357.21)
- Implementation and Comparison to the Previous Regional Water Plan (§357.45)
- Prioritization of Projects by RWPGs (TAC §357.46)\*

### 2.1 Planning area description (Task 1)

#### Rule and scope of work requirements:

- [§357.30: Description of the Regional Water Planning Area](#)
- [Scope of work Task 1: Planning Area Description](#)

#### Guidance:

Each regional water plan must include a description of the regional water planning area including the following items:

1. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
2. current water use and major water demand centers;
3. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
4. major water providers;
5. agricultural and natural resources;
6. identified water quality problems;

<sup>2</sup> The initial regional water planning contracts include only SOW tasks 1, 2A-2B, 8, and 10. The remaining SOW task numbers and related sections of this guidance document will be incorporated via a future contract amendment.

## General Guidelines for Development of the 2026 Regional Water Plans

7. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
8. summary of existing local and regional water plans;
9. the identified historic drought(s) of record within the planning area;
10. current preparations for drought within the planning area;
11. information provided by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to water loss audits); and,
12. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.

*Major water providers*

Major water providers for the planning area are a subset of water user groups and/or wholesale water providers identified by the regional water planning groups to be of particular significance to the region's water supply. Each region must decide which entities are designated as major water providers. If the region decides not to designate any entities as major water providers, the plan needs to include discussion in chapter one of the plan as to why the planning group determined it does not have any water user groups or wholesale water providers of significance to the region's water supply.

*Wholesale water providers*

Entities designated as a wholesale water provider for planning purposes must sell or deliver (or plan to sell or deliver) wholesale water at some point in the 50-year planning horizon. Regional water planning groups will determine which wholesale water providers they want to utilize in their plan development. Data analysis and evaluations described throughout this document are relevant to the water user groups and wholesale water providers of the planning area. Data analyses of identified wholesale water providers will occur in the evaluation of contractual obligations to supply water, the demands associated with water user groups served by the wholesale water provider, the evaluation of the wholesale water provider's existing water supplies, and the evaluation of water management strategies and projects, for example.

Water user group and wholesale water provider data will support compiling results to describe the major water providers of the planning area. Even though the regional water planning group is not required to specifically report basic information on wholesale water provider demands and supplies in the regional water plan, it will need to do so in at least two specific instances:

1. if that same entity is also designated by the planning group as a major water provider, or
2. if that wholesale water provider is designated as the "sponsor" of any recommended water management strategy project in the plan, through TWDB-generated data reports. The wholesale water provider information will provide the basis for the wholesale water provider strategy or project.

These are minimum reporting requirements, however a regional water planning group may present more wholesale water provider information utilized in the development of

## General Guidelines for Development of the 2026 Regional Water Plans

their plan. The extent to which planning groups report on additional wholesale water providers that have not been designated as major water providers is left largely to the discretion of the planning groups.

### *Drought(s) of record*

When presenting information on historic drought(s) of record, the regional water planning group may identify other relevant (e.g., basin-level) droughts of record that impact water supplies in the planning area in addition to identifying the overall historic drought of record in the planning area.

### *Water loss audits*

Information provided by the TWDB from water loss audits may be presented, for example, as a summary in tabular form along with a description of the information and how the regional water planning group considered the information in developing the regional water plan. Examples of water loss audit data presented include the number of entities submitting water loss audits, the total quantity of water produced, the total reported quantity of water lost, and the percent of water loss.

## **2.2 Population and water demand projections (Tasks 2A and 2B)**

### **Rule and scope of work requirements:**

- [§357.31: Projected Population and Water Demands](#)
- [Scope of work Task 2A: Non-Municipal Water Demand Projections](#)
- [Scope of work Task 2B: Population and Municipal Water Demand Projections](#)

### **Guidance:**

The TWDB will provide an updated water user group list for use in the 2026 Regional Water Plans and 2027 State Water Plan. The definition of water user groups can be found in [31 TAC §357.10\(43\)](#).

The TWDB will prepare draft population and municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the new decennial census, new county-level population projections from the Texas Demographic Center, and the most recent utility boundary information.

Non-municipal draft water demand projections consisting of manufacturing, irrigation, livestock, and steam-electric power generation will be developed based on more recent historical water use data (2015-2019) and the same methodologies that were updated for use in developing the 2021 Regional Water Plans and 2022 State Water Plan. For the mining water use category, new projections will be developed based on a contracted mining study by the Bureau of Economic Geology.

### **Criteria and required data for requested changes to draft projections and revisions of approved projections**

The initial list of water user groups will be prepared and provided to each regional water planning group along with historical water use and population data for their review. The



## General Guidelines for Development of the 2026 Regional Water Plans

regional water planning groups will review the water user group list and historical data from the TWDB and provide corrections and feedback to the TWDB.

Once the final list of water user groups is established, the TWDB will prepare draft population and water demand projections for each region. The regional water planning groups will then review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from the TWDB. All requests to adjust draft projections must be submitted along with associated quantified data in an electronic format determined by the TWDB (e.g., Excel spreadsheets). If adequate justification is provided by the regional water planning groups to the TWDB, population and/or water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. The TWDB will then incorporate approved adjustments to the projections prior to the Board's consideration of adoption of the population and water demand projections. Acceptable criteria and required data are specified for each water user group category in Sections 2.2.1 and 2.2.2.

The regional water planning groups must use the Board-adopted projections when preparing their regional water plans. The TWDB will directly populate the state water planning database (DB27) with all Board-adopted water user group-level projections and the TWDB will make any related changes to DB27 if subsequent revisions are approved by the Board.

Regional water planning groups may request revisions to Board-adopted projections if the request demonstrates the projections no longer represent a reasonable estimate of anticipated conditions based on changed conditions or new information in accordance with 31 TAC §357.31(e)(2)<sup>3</sup>. However, planning groups will need to manage the timelines required for agency review and Board action with the subsequent revisions to their regional plans in order to meet all contractual deliverable deadlines.

### **2.2.1 Population projections**

The draft population projections will include permanent residential population including 'group quarter' population residing in institutional facilities (military, prisons, schools, or nursing homes) who are served by municipal water user groups or rely on their own water sources. Seasonal population, including tourist or seasonal workers, are not included in the draft projections although the associated seasonal water use is necessarily reflected in the per capita water use rates.

Prior to the release of the draft projections, the TWDB will analyze the most recent population projections from the Texas Demographic Center in comparison to the 2022 State Water Plan projections to determine the maximum region-wide, net population changes that may be considered by the regional water planning groups.

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<sup>3</sup> Work performed associated with revisions to Board-adopted projections is not eligible for regional water planning grant funding in accordance with 31 TAC §355.92(a)(E).



## General Guidelines for Development of the 2026 Regional Water Plans

**2.2.1.1 Municipal water user group list**

The initial list of water user groups, also referred to as *entities*, will be developed by the TWDB per [31 TAC §357.10\(43\)](#) and with the input of each regional water planning group. Municipal water user groups will be based on utility boundaries and annual water use volumes reported by associated public water systems via TWDB's annual Water Use Survey. Utilities' municipal net use will be evaluated based on whether they are public or private utilities. If the public water system or utility meets the annual municipal net use of 100 acre-feet threshold in any single year within the most recent five years (2015-2019), they will be established as stand-alone water user groups. Collective reporting units will be carried over from the 2022 State Water Plan, but also will be updated per newly established public water systems, changes in utility boundaries or input from the planning groups. Public water systems or utilities that do not meet the definition of a stand-alone water user group or collective reporting unit will be planned for as part of a county-other water user group per 31 TAC §357.10(43)(E). Additionally, group quarters can be water user groups if they meet the definition in 31 TAC §357.10(43)(B) or may be included as part of another water user group.

**Criteria for adjustment:**

A proposed water user group must meet the definition in [31 TAC §357.10\(43\)](#) and the following criteria to be included as a new, discrete entity in the 2026 Regional Water Plan. One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator:

1. Evidence of errors identified in the historical water use for a public water system or utility, which would determine whether the system or utility meets the water user group definition.
2. Evidence of errors in the ownership type of a public water system or utility provided in the Texas Drinking Water Watch.
3. Evidence of recent changes of the ownership of a public water system or utility through merge or annexation.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria to be included in the 2026 Regional Water Plan:

1. Annual water intake, sales, or metered use volumes for recent years for the public water system.
2. Documentation supporting changes of the name or ownership of a public water system or utility.
3. Documentation supporting collective reporting units with the geographic designation along with a list of the utilities or public water systems that have a common association for the purposes of water planning.
4. Documentation supporting that a system or utility within a collective reporting unit boundary should be planned for as a stand-alone water user group.

## General Guidelines for Development of the 2026 Regional Water Plans

**2.2.1.2 Regional-level population projections**

Adjustment to net regional-total population projections may be considered based on the criteria below. Associated adjustments to net county-total population projections within the regional total must also be justified (see Section 2.2.1.3). The net cumulative sub-regional requested changes may not exceed the maximum region-wide population that is provided by the TWDB.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the regional-level population projections:

1. A possible Census undercount took place in a county located within the region and action is currently being pursued to request a U.S. Census Bureau correction.
2. The most recent population growth rate (2015-2020) for the whole region is significantly different than the draft regional projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the regional-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county located in the region.
2. Historical regional-total population estimates from the Texas Demographic Center or the U.S. Census Bureau.
3. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total regional-level population projection.

**2.2.1.3 County-level population projections**

Any net adjustments to a county-total population projection due to adjustments to sub-county water user group-level projections within that county must be justified in a similar manner and will require an accompanying, justifiable redistribution of the projected county population within the same region so that the net, summed regional total remains unchanged unless an accompanying net total adjustment to the regional total is also requested, justified and approved (see Section 2.2.1.2).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising a net total county-level population projection:

1. A possible Census undercount took place in the county and action is currently being pursued to request a U.S. Census Bureau correction.
2. If there is evidence that the most recent years (2015-2020) net migration rate was significantly different than the net migration rate used for the draft projections.

## General Guidelines for Development of the 2026 Regional Water Plans

3. If there is evidence that the 2020-2030 net migration rate will be significantly different than the net migration rate used for the draft projections.
4. There are statistically significant birth and survival rate differences (by appropriate cohorts) between the county and the State.
5. The most recent county population growth rate (2015-2020) is significantly different than draft county's projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the county-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county.
2. Most recent in-migration and out-migration of a county, indicating that the net migration of a county over the most recent years (2015-2020) is significantly different than the net migration rates used for the draft projections.
3. Birth and/or survival rates for a county population between 2010-2020 by gender, race/ethnicity and single-year age cohorts.
4. County population estimates from the Texas Demographic Center or the U.S. Census Bureau.
5. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total county-level population projection.

**2.2.1.4 Water user group (entity) population projections**

The projected population growth throughout the planning period for the utilities and rural area (county-other) within a county is a function of a number of factors, including the water user group's estimated share of the county's population or growth between 2010 and 2020, as well as local information provided by regional water planning groups. The total county population will serve as a control total for the WUG populations within each county. Any adjustments to a sub-county water user group population projection must involve a justifiable redistribution of projected populations within the relevant county so that the county net total remains unchanged unless an adjustment to the county total is also requested, justified and approved (see Section 2.2.1.3).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration in adjusting individual water user group population projections:

1. An adjustment to the population estimates for utilities or rural areas due to official adjustment to the 2020 Census population.
2. The 2010 or 2020 permanent population-served estimate by a municipal water user group is significantly different than the 2010 or 2020 baseline population estimate used in the draft projections.

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3. The population growth rate for a municipal water user group over the most recent years (2015–2020) is substantially different than the growth rate between 2010 and 2020 in the draft projections.
4. Identification of growth limitations or potential build-out conditions for a water user group that would result in an expected maximum population that is different than the draft projections.
5. Updated information regarding the utility or public water system service area or anticipated near-term changes in service area.
6. Plans for new residential development in the near future that has not been counted in the draft projections.
7. Evidence of errors identified in historical connections.
8. Plans for a new or expansion of an existing institutional facility that was not included in the draft projections.
9. Evidence of errors in group quarter population.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustment to the water user group-level population projections:

1. The verified number of residential connections or permanent population of utilities or public water systems that are associated with a water user group and result in correcting the TWDB's Water Use Survey or historical estimates.
2. Updates or corrections to a water user group's group quarter population or the location of institutional facilities.
3. Population estimates for cities developed and published by the Texas Demographic Center or by a regional Council of Governments will be considered for utilities serving these respective cities.
4. Documentation from an official of a city or utility that describes the conditions expected to limit population growth and estimates the maximum expected population for a utility and the potential timeframe for buildout.
5. Documentation or maps that verify and display changes in the utility service area.
6. Documentation demonstrating near-term growth, expansion, or new construction such as platting of new subdivisions, annexation agreements, building permits or impact fee reports.
7. Documentation of potential future growth, such as utility master plans, capital improvement plans, land use and zoning plans, maps of vacant lands with number of dwelling units per acre or number of households and average household size.
8. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to an individual water user group-level population projection.

## General Guidelines for Development of the 2026 Regional Water Plans

## 2.2.2 Water demand projections

### 2.2.2.1 *Municipal water demand projections*

Municipal water use includes both residential and non-residential water use. Residential use includes single and multi-family residential household water use. Non-residential use includes water used by commercial establishments, public offices, institutions, and light industrial facilities, but does not include significant industrial water users, such as large manufacturing, mining, or power generation facilities. Residential and non-residential water uses are categorized together because they are similar types of use, both use water primarily for drinking, cleaning, sanitation, cooling, and landscape watering.

Per capita water use is developed as gallons per capita daily (GPCD) using historical population estimates and net use for the utility. The reported data included in the municipal draft projections includes surface water, groundwater, and direct and indirect potable reuse, but does not include non-potable reuse sources.

The TWDB-generated draft municipal water demand projections shall incorporate limited, anticipated future water savings **due only to the transition to more water-efficient plumbing fixtures and appliances, as detailed in relevant legislation and provided to the regional water planning groups by the TWDB**. Any additional anticipated future water savings due to conservation programs undertaken by utilities or county-other water user groups shall be quantified and considered as a potential, recommended water management strategy by the regional water planning group.

#### *Dry-year and baseline GPCD*

Municipal water demand projections will be based upon dry-year demand conditions. The baseline GPCDs used in the 2026 Regional Water Plans will be carried over from the 2021 Regional Water Plans and used as default baseline GPCDs **with water efficiency savings due to more efficient plumbing fixtures and appliances through 2020 subtracted** to develop the draft water demand projections for municipal water user groups in the 2026 Regional Water Plans.

Regions may make a request to use a water user group's GPCD value from a different base dry-year within the most recent five years (2015-2019) as the basis for the demand projections of that water user group. The TWDB will consider an alternative base dry-year GPCD if the regional water planning group provides sufficient evidence that the alternative base dry-year GPCD is more representative of demands expected under dry-year conditions or that the draft default GPCD fails to adequately reflect water efficiency and conservation savings that have been already been implemented.

**Note that any adjustment to the population projections for a WUG will require an associated adjustment to the municipal water demand projections.**

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the municipal water demand projections:

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1. Evidence that per capita water use from a more recent year (2015-2019) would be more appropriate as the baseline because that year was more representative of dry-year conditions.
2. Evidence of errors identified in the historical water use or GPCD for a utility or public water system, including evidence that volumes of reuse (potable reuse) water used for municipal purposes should be or should not be included in the draft projections.
3. Evidence that the base dry-year water use was abnormal due to temporary infrastructure constraints or water restriction triggered by utility's drought management plan.
4. Trends indicating that per capita water use for a utility or rural area of a county have increased substantially in recent years, and evidence that these trends will continue to rise in the short-term future due to commercial development.
5. Evidence that the most recent water efficiency and conservation savings that have already been implemented are not reflected in the default baseline GPCD.
6. Evidence that the number of installations of water-efficient fixtures and appliances between 2010 and 2020 is substantially different than the TWDB estimate or evidence that the projected replacement rate of water-efficient fixtures and appliances is substantially different than the TWDB projections.
7. Evidence that future water efficiency savings are projected much higher than the draft projections due to a utility's conservation plans that accelerate the replacement of the existing outdated plumbing fixtures and appliances.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the municipal water demand projections:

1. Annual municipal water intake (total surface water diversions and/or groundwater pumpage and water purchased from other entities) for a utility measured in acre-feet.
2. The volume of water sales by a utility to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
3. Net annual municipal water use, defined as total water production less sales to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
4. Documentation of temporary infrastructure, drought restrictions, or other water supply constraints that were in place.
5. Drought index or seasonal rainfall data to document a year different than the designated dry-year as a more appropriate base year for projections.
6. Conservation plans or other documentation that show the number or rate of water-efficient fixtures replaced or planned to be replaced for the future.
7. Estimated water efficiency or conservation savings implemented.
8. To verify increasing or decreasing per capita water use trends for a utility or rural area of a county and therefore revising projections of per capita water use to reflect the trend, the following data should be provided with the request from the RWPG:



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- a. Historical per capita water use estimates based on net annual municipal water use for a utility or rural area of a county, beginning in 2015.
  - b. A trend analysis which takes into account the variation in annual rainfall.
  - c. Revised projections of per capita water use for a utility or rural area of a county, that demonstrate an increasing or decreasing trend of per capita water use.
  - d. Growth data in the residential, commercial and/or public sectors that would justify an increase or decrease in per capita water use.
  - e. Convincing documentation of planned future growth that would result in higher per capita water use.
9. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the municipal water demand projections.

### **2.2.2.2 Manufacturing water demand projections**

Manufacturing water use is defined as water used to produce manufactured goods. Manufacturing facilities report their water use to the TWDB annually through the Water Use Survey. Different manufacturing sectors are denoted by North American Industrial Classification System (NAICS) codes. The baseline for draft manufacturing water demand projections is based on the highest county-aggregated manufacturing water use in the most recent five years (2015-2019). The most recent 10-year projections for employment growth from the Texas Workforce Commission or other relevant economic measures available are used as proxy for growth between 2030 and 2040. After 2040, the draft manufacturing water demand are held constant through 2080 reflecting future efficiencies.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the manufacturing water demand projections:

1. Evidence of a new or existing facility that has not been included in the TWDB's Water Use Survey.
2. Evidence of an industrial facility that has recently closed its operation in a county.
3. Plans for new construction, or expansion or closure of an existing industrial facility in a county at some future date.
4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the manufacturing water demand projections.

1. Historical water use data and the 6-digit NAICS code of a manufacturing facility.



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2. Documentation and analysis that justify that a new manufacturing facility not included in the Water Use Survey database will increase future manufacturing water demand for the county above the draft projections.
3. The 6-digit NAICS code of the industrial facility that has recently located in a county and annual water use volume.
4. Documentation of plans for a manufacturing facility to locate in a county at some future date, including the following data:
  - a. The quantity of water required by the planned facility on an annual basis,
  - b. The proposed construction schedule for the facility including the date the facility will become operational, and
  - c. The 6-digit NAICS code for the planned facility.
5. Reports or research documents describing alternative trends or anticipated water use for manufacturing.
6. Specific information regarding incorrect location for a facility.
7. Other data and evidence that the RWPG considers reasonable and adequate to justify an adjustment to the manufacturing water demand projections.

### ***2.2.2.3 Steam-electric power generation water demand projections***

Water use for steam-electric power generation is consumptive use reported to the TWDB through the annual Water Use Survey. Steam-electric power water demand projections do not include water used in cogeneration facilities (included in manufacturing projections) or facilities which do not require water for production (wind, solar, dry-cooled generation), or hydro-electric generation facilities.

The baseline for draft water demand projections are based on the highest county-aggregated historical steam-electric power water use in the most recent five years (2015-2019). Subsequent demand projections after 2030 are held constant throughout the planning period. The anticipated water use of future facilities listed in state and federal reports is added to the demand projections from the anticipated operation date through 2080. The reported water use of power generation facilities scheduled for retirement in the state and federal reports is subtracted from the baseline or the decade in which they are projected to retire.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the power generation water demand projections:

1. Documentation that the draft projections have not included a facility that warrants inclusion.
2. Any local information related to new facilities or facility closures that may not have been included in U.S. Energy Information Administration report.
3. Evidence of a long-term projected water demand of a facility or a county that is substantially different than the draft projections.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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5. Evidence that a currently operating power generation facility has experienced a higher dry-year water use beyond the most recent five years, within the most recent 10 years.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the steam-electric water demand projections.

1. Historical water use data and description of a surveyed or future facility, including the fuel type, cooling process, capacity, average percent of time operating, and any other information necessary to estimate water use.
2. Reports or research documents describing alternative trends or anticipated water use for steam-electric power generation.
3. Documentation of an anticipated new facility not listed in state or federal reports necessary to estimate the volume of water reasonably expected to be consumed. Such information should include power generation method, cooling method, generation capacity and any additional information necessary to reasonably estimate the future water use.
4. Documentation regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the steam-electric power water demand projections.

**2.2.2.4 Mining water demand projections**

Mining water demand includes water used for oil and gas development, as well as extraction of coal and lignite, sand aggregate, and other resources. Projections do not include water use required for the transportation or refining of materials. The TWDB's annual mining water use estimates are comprised of data from both surveyed and non-surveyed entities and are based on the mining study conducted in partnership with the U.S. Geological Survey and the University of Texas Bureau of Economic Geology.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the mining water demand projections:

1. Evidence that mining water use in a county is substantially different than the draft projections. This could include trends in water use data from the FracFocus national online registry, the Texas Railroad Commission, or other sources.
2. Evidence of new facilities coming online or reported closures in surveyed facilities that may impact county projections.
3. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the mining water demand projections.

1. Historical water use data and description of a surveyed or future facility, and any other information necessary to estimate water use.
2. Reports describing alternative trends or anticipated water use for mining.
3. Documentation of an anticipated new mining facility or new mining activities.
4. Specific information regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Reports or research documents describing alternative trends or anticipated water use for mining.
7. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the mining water demand projections.

#### **2.2.2.5 Irrigation water demand projections**

Irrigation water demand projections include the water necessary for irrigation activities, primarily field crops, but also include orchards, pasture, turf grass, vineyards, and self-supplied golf courses. Note that for the purposes of regional water planning, irrigation demands account for the amount of water pumped for irrigation, not the water needed or used by the crop or associated with dry-land farming.

The baseline methodology for draft irrigation water demand projections is the average of the most recent five-years (2015-2019) of water use estimates held constant between 2030 and 2080. In counties where the total groundwater availability over the planning period is projected to be less than the groundwater-portion of the baseline water demand projections, the draft irrigation water demand projections will begin to decline starting in 2040, or a later decade, commensurate with the decline in the associated groundwater availability.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the irrigation water demand projections:

1. Evidence that irrigation water use estimates for a county from another information source or more recent modeled available groundwater volumes are more accurate than those used in the draft projections.
2. Evidence that recent (10 years or less) irrigation trends are more indicative of future trends than the draft water demand projections.
3. Evidence that the baseline irrigation demand projection is more likely to reflect the future irrigation demand than the groundwater resource-constrained water

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demand projection (especially where economically feasible water supply strategies have been identified).

4. Region or county-specific studies that have developed water demand projections or trends for the planning period, or part of the planning period, and are deemed to be more reasonable estimates than the TWDB-generated draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the irrigation water demand projections:

1. Historical water use, diversion, or pumpage volumes for irrigation by county.
2. Acreage and water use data for irrigated crops grown in a region as published by the Texas Agricultural Statistics Service, the Texas Agricultural Extension Service, the Farm Service Agency or other sources.
3. Available economic, technical, and/or water supply-related evidence that may provide a basis for adjustments in the default baseline projection and/or the future rate of change in irrigation water demand.
4. Alternative projected water availability volumes that may constrain water demand projections.
5. Updated modeled available groundwater volumes.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the irrigation water demand projections.

#### 2.2.2.6 Livestock water demand projections

Livestock water use is defined as water used in the production of livestock, both for consumption and for cleaning and cooling purposes and aquaculture operations. The TWDB produces annual water use estimates for livestock, based on daily water demand per head assumptions for cattle (beef and dairy), hogs, poultry, horses, sheep, and goats. Additional facilities, such as aquaculture operations, report water use estimates through the TWDB Water Use Survey.

Draft water demand projections for each county are based on the average of the most recent five-years (2015-2019) of water use estimates. The rate of change for 2020-2070 from the 2022 State Water Plan will be applied to the new baseline.

### Criteria for adjustment:

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the livestock water demand projections:

1. Evidence that livestock water use estimates for a county from another source are more accurate than those used in the draft projections.

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2. Plans for the construction, expansion, or closure of a confined livestock feeding operation in a county at some future date.
3. Other evidence of change in livestock inventory or water requirements that would justify an adjustment in the projected future rate of change in livestock water demand.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the livestock water demand projections:

1. Documentation of plans for the construction of a confined livestock feeding facility in a county at some future date and includes the following:
  - a. Confirmation of land purchase or lease arrangements for the facility.
  - b. The construction schedule including the date the livestock feeding facility will become operational.
  - c. The daily water requirements of the planned livestock feeding facility.
2. Other evidence that would document an expected increase or decrease in the livestock inventory in the county, such as facility closures.
3. Documentation of an existing confined livestock feeding operation not captured in the draft projections.
4. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the livestock water demand projections.

### 2.2.3 Major water provider demands

Planning groups will review aggregated water demand projections for major water providers provided by the TWDB. Regional water planning groups must summarize and present the projected demands for major water providers by category of use and planning decade. The TWDB will provide retail water demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.

### 2.2.4 Representation of county-other sub-water user groups in regional water plans

Subject to their own time and financial resource constraints and at the discretion of each regional water planning group, county-other water user groups may be sub-divided into sub-county-other water users and presented in the regional water plans as such. However, for the development of the 2026 regional water plans, **this discrete level of information will not be eligible to be entered into DB27 but may be presented in the plan in a manner of the RWPG choice.** Any such entity identified by the planning group will inherently be represented in DB27 under the associated umbrella, county-other water user group. Therefore, any presentation of these entities in the regional water plans will solely

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be based on information analyzed and presented in narrative or tabular form by the regional water planning group. The TWDB will provide historical water use estimates and connection data for individual public water systems that may fall within the county-other water user group and that may be of interest to the planning groups to present as sub-county-other-water user groups in the narrative of their plan. However, planning groups would need to conduct their own analyses with this information to distribute such water demands across their sub-county-other water user groups of interest in a manner that maintains the integrity of the projected net total demand for that county-other water user group.

### **2.3 Water availability and existing water supplies**

*Guidelines for this section (Water Availability and Existing Water Supplies) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous (2021) regional water plans may be found [here](#).*

### **2.4 Identification of water needs**

*Guidelines for this section (Identification of Water Needs) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.5 Water management strategies and water management strategy projects**

*Guidelines for this section (Water Management Strategies and Water Management Strategy Projects) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.6 Impacts of the regional water plan**

*Guidelines for this section (Impacts of the Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.7 Drought response information, activities, and recommendations**

*Note: Guidelines for this section (Drought Response Information, Activities, and Recommendations) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*



## 2.8 Unique stream segments and reservoir sites and other recommendations (Task 8)

### Links to rule and scope of work requirements:

- [§357.43: Regulatory, Administrative, or Legislative Recommendations](#)
- [Scope of work Task 8: Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues](#)

### Guidance:

Regional water planning groups may make recommendations for designating river and stream segments of unique ecological value and unique sites for reservoir construction; however, the Texas Legislature is responsible for making the official designations of these sites.

#### 2.8.1 Unique stream segments

Regional water planning groups may recommend all or parts of river and stream segments in their respective regions as having “unique ecological values.” To recommend this designation, planning groups must justify the recommendation based on the following criteria:

1. biological function measured as stream segments displaying significant habitat value including both quantity and quality considering degrees of biodiversity, age, and uniqueness including terrestrial, wetland, aquatic, or estuarine habitats;
2. hydrologic function measured as stream segments fringed by habitats that perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization, or groundwater recharge and discharge;
3. riparian conservation areas measured as stream segments fringed by significant areas in public ownership including state and federal refuges, wildlife management areas, preserves, parks, mitigation areas, or other areas held by governmental organizations for conservation purposes, or stream segments fringed by other areas managed for conservation purposes under governmentally approved conservation plans;
4. high water quality, exceptional aquatic life, high aesthetic value and spring resources that are significant due to unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality; or
5. threatened or endangered species and unique communities defined as sites along streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species, and sites along streams significant due to the presence of unique, exemplary, or unusually extensive natural communities.

Regional water planning groups seeking a designation shall forward a recommendation package to the Texas Parks and Wildlife Department, who will in turn provide a written evaluation of the proposal within 30 days. If the planning group is recommending stream segments that were recommended in a previous plan but not designated by the legislature, the recommendation package must be resubmitted to Texas Parks and Wildlife Department



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for an updated written evaluation. Final adopted regional water plans must include the Texas Parks and Wildlife Department's written evaluation.

Recommendation packages must include a physical description giving the location of the stream segment, along with maps, photographs, and documentation with supporting literature and data that characterizes a site's unique ecological value addressing criteria in 31 TAC §357.43(b) and §358.2(6).

If a river or stream segment has been recommended in a previous plan, the planning group may incorporate references of supporting materials developed for the previous plan into the current plan. References must be precise and include a summary of the information presented in the previous plan.

Recommendations regarding unique river or stream segments presented in the regional water plans must be specific as to a) which unique river or stream segments have been previously designated by the legislature and b) which are being recommended for designation by the planning group.

If the Texas Legislature designates a stream or river segment as unique; or if a planning group recommends that a stream or river segment be classified as unique, the regional water planning group must quantitatively assess how recommended water management strategies in the regional water plan would affect flows deemed important (by the planning group) to the stream or river segment in question. Furthermore, assessments shall describe how a regional water plan would affect the unique features and criteria cited by a planning group as the impetus for a legislative designation.

## **2.8.2 Unique reservoir sites**

Regional water planning groups may recommend sites for reservoir construction that have "unique value" based on the following criteria:

1. site specific reservoir development is recommended as a specific water management strategy or as a unique reservoir site in a final adopted RWP; or
2. factors such as location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics make a site uniquely suited for either reservoir development to provide water supply for the current planning period, or where it might reasonably be needed to meet water needs beyond the 50-year planning period.

For recommendations regarding unique reservoir sites, the regional water plan must be specific as to a) which unique reservoir sites have been previously designated by the legislature; b) which are being recommended for designation by the RWPG; and c) whether the RWPG is recommending that the legislature re-designate a previously designated unique reservoir site. The adopted regional water plans must also include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site.

## General Guidelines for Development of the 2026 Regional Water Plans

**2.8.3 Other recommendations**

Regional water plans may include any additional regulatory, administrative, or legislative recommendations developed by the planning group including but not limited to the following topics:

- facilitate the orderly development, management, and conservation of water resources in Texas and to prepare for and respond to drought conditions,
- achieve the goals of state and regional water planning including ways the planning group believes the state and regional planning process would be improved,
- facilitate more voluntary water transfers in the region,
- information regarding the potential impacts of recommendations enacted into law once proposed changes are in effect.

In the development of other recommendations, the regional water planning groups should consider TWDB feedback on the implementation of the planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.

The regional water planning groups should also consider recommendations from the Interregional Planning Council as directed to the planning groups.

**2.9 Reporting of Financing Mechanisms for Water Management Strategies**

*Note: This section (Reporting of Financing Mechanisms for Water Management Strategies) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

**2.10 Adoption of Plan and Public Participation (Task 10)**

**Links to rule and scope of work requirements:**

- [§357.50: Adoption, Submittal, and Approval of Regional Water Plans](#)
- [Scope of work Task 10: Public Participation and Plan Adoption](#)

**Guidance:**

As required by 31 TAC §357.21, regional water planning groups must conduct all business in meetings posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551, with a copy of all materials presented or discussed available for public inspection prior to and following public meetings. Additional notice requirements referenced in 31 TAC §357.21 shall also be followed when applicable.

The regional water planning groups must adopt regional water plans and accommodate public participation in the regional water development process in accordance with administrative rules, the contract, statute, and the planning group's bylaws. The TWDB has published several documents on its [website](#) that contain helpful public notice guidance.

## General Guidelines for Development of the 2026 Regional Water Plans

This task includes all work required to prepare for and hold meetings and include public input and participation in development of the regional water plan, including but not limited to:

1. holding regional water planning group meetings;
2. holding committee meetings;
3. holding special meetings;
4. posting public notices;
5. holding public input meetings and hearing on the draft plan as required by statute and rules;
6. soliciting and considering public input;
7. technical work required to prepare for and participate in regional water planning group meetings, workshops, and any other committee or other meetings during the development of the regional water plan;
8. conducting surveys of water suppliers or water user groups;
9. coordinating with and collecting information from entities involved with water planning in the region;
10. assembling, producing, and submitting the Technical Memorandum, IPP, and final regional water plan and responding to comments and resubmitting as necessary to ensure the plan can be approved by the TWDB; and,
11. interregional cooperation and interregional conflict resolution efforts.

In addition to regular regional water planning group meetings and committee meetings, there are certain special meetings that each regional water planning group must hold each cycle. These include:

- Holding a preplanning public meeting to receive suggestions and recommendations from the public regarding issues that should be addressed in the next regional or SWP. This meeting must occur near the beginning of each cycle and prior to technical work commencing. During this meeting the regional water planning group will also be required to discuss how the planning group will conduct interregional coordination and collaboration regarding water management strategies. The TWDB will provide an initial list of regional water management strategies to all planning groups to assist in this effort.
- Present to the public the process for identifying potentially feasible WMS and the presentation of the analysis of infeasible water management strategies. The process will be documented and address any public input on the process.
- Holding a public hearing and receiving written comments on the IPP.

## **2.11 Implementation and comparison to the previous regional water plan**

*Note: Guidelines for this section (Implementation and Comparison to the Previous Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

General Guidelines for Development of the 2026 Regional Water Plans

## **2.12 Prioritization of recommended water management strategy projects by regional water planning groups**

*Note: This section (Prioritization of Recommended Water Management Strategy Projects by Regional Water Planning Groups) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.13 Deliverables**

Regional water planning groups must prepare and submit a Technical Memorandum, an IPP, and a final adopted regional water plan.

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.14 Regional Water Planning Data Provisions and Data Reporting**

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 3 Appendices

### 3.1 TWDB data sources for regional water plan development

1. **Planning Data Dashboards**  
<http://www.twdb.texas.gov/waterplanning/data/dashboard/index.asp>
2. **Historical Water Use Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/index.asp>
  - a. Water use summaries (by region, county, basin, cities, utilities)
  - b. Annual reports by industry type (NAICS Code)
  - c. Water reuse reports by reuse type and planning region
  - d. Municipal and industrial water intake reports by planning region
3. **Historical Groundwater Pumpage Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/historical-pumpage.asp>
4. **Mining Water Use Study**  
<https://www.twdb.texas.gov/waterplanning/data/projections/MiningStudy/index.asp>
5. **Water Data for Texas** – Historic and current reservoir data, drought status and resources, groundwater well level, and coastal hydrology data.  
<http://www.waterdatafortexas.org/reservoirs/statewide>
6. **TWDB Groundwater Availability Models**  
<http://www.twdb.texas.gov/groundwater/models/gam/index.asp>
7. **TWDB Research Projects in Support of Groundwater Models**  
<http://www.twdb.texas.gov/groundwater/models/research/index.asp>
8. **Groundwater Joint Planning** – Desired future conditions and modeled available groundwater.  
<http://www.twdb.texas.gov/groundwater/dfc/index.asp>
9. **TWDB Groundwater Database Reports** – The purpose of the TWDB's data collection efforts over the years has been to gain representative information about aquifers in the state in order to support water planning from the local to a more regional perspective.  
<http://www.twdb.texas.gov/groundwater/data/gwdb rpt.asp>
10. **TWDB Groundwater Data Viewer** – GIS datasets relating to groundwater resources, including brackish groundwater data.  
<http://www2.twdb.texas.gov/apps/waterdatainteractive/groundwaterdataviewer>

General Guidelines for Development of the 2026 Regional Water Plans

11. **Statewide Survey of Aquifer Suitability for Aquifer Storage and Recovery Projects or Aquifer Recharge Projects**  
<http://www.twdb.texas.gov/innovativewater/asr/projects/Statewide/index.asp>
12. **Brackish Resources Aquifer Characterization (BRACS)**  
<http://www.twdb.texas.gov/groundwater/bracs/studies.asp>
  - a. Brackish Groundwater Production Zones  
<http://www.twdb.texas.gov/groundwater/bracs/HB30.asp>
13. **Texas Instream Flows Program (SB2) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/instream/index.asp>
14. **Texas Environmental Flows (SB3) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/environmental/index.asp>
15. **Freshwater Inflow Needs and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/freshwater/index.asp>
16. **Innovative Water Technologies**  
<http://www.twdb.texas.gov/innovativewater/index.asp>
  - a. Aquifer Storage and Recovery
  - b. Desalination
  - c. Rainwater Harvesting
  - d. Water Reuse
17. **Water Conservation**  
<http://www.twdb.texas.gov/conservation/index.asp>
  - e. Water Conservation Advisory Council and BMPs
  - f. Water loss audit information
  - g. Water conservation plans
18. **Other water planning data resources**  
<http://www.twdb.texas.gov/waterplanning/data/resources/index.asp>
  - h. Population data links
  - i. Socio-economic data links
  - j. TCEQ water utility database link
19. **TWDB-funded research relevant to regional water planning**  
<http://www.twdb.texas.gov/waterplanning/rwp/research/index.asp>

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## Exhibit D

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# Guidelines for 2026 Regional Water Plan Data Deliverables

***NOTE:***

***THIS DOCUMENT IS BEING DEVELOPED AND WILL BE INCORPORATED INTO THE CONTRACT UPON AMENDMENT OF THE FULL SCOPE OF WORK DATA GUIDELINES FOR THE DEVELOPMENT OF THE PREVIOUS REGIONAL WATER PLANS MAY BE FOUND [HERE](#).***



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## **Exhibit E**

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# Cover Page

(Original application in contract file)

## SIXTH CYCLE 2026 REGIONAL WATER PLANNING CONTRACTS – TWDB INTERNAL PRE-DOCUSIGN APPROVALS

Please enter vendor contact info and other special instructions in the README.txt for each contract in the shared drive review directory.

REGION	PCS (Cameron Turner)	Legal (Kaye Schultz)	Contract Manager	Program Manager (Sarah Backhouse)	Budget Officer (Joseph Monyer)	Budget Director (Chris Hayden)	Division Director (Temple McKinnon)	DEA (Jessica Pena)	Accounts Payable (Eldrisha Eubanks)	Accounting Manager (Letty Molina)
<b>A: Panhandle Regional Plan Commission 2148302553</b>	ct 7/1/2021	KS 7/1/2021	WA 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>B: Red River Authority 2148302554</b>	ct 7/1/2021	KS 7/1/2021	KS 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>C: Trinity River Authority 2148302555</b>	ct 7/1/2021	KS 7/1/2021	KS 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>D: Riverbend Water Resources District 2148302556</b>	ct 7/1/2021	KS 7/1/2021	RE 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>E: Rio Grande Council of Governments 2148302557</b>	ct 7/1/2021	KS 7/1/2021	SB for EM 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>F: Colorado River Municipal Water District 2148302558</b>	ct 7/1/2021	KS 7/1/2021	SB for EM 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>G: Brazos River Authority 2148302559</b>	ct 7/1/2021	KS 7/1/2021	JD 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>H: San Jacinto River Authority 2148302560</b>	ct 7/1/2021	KS 7/1/2021	SB for LB 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21

## SIXTH CYCLE 2026 REGIONAL WATER PLANNING CONTRACTS – TWDB INTERNAL PRE-DOCUSIGN APPROVALS

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REGION	PCS (Cameron Turner)	Legal (Kaye Schultz)	Contract Manager	Program Manager (Sarah Backhouse)	Budget Officer (Joseph Monyer)	Budget Director (Chris Hayden)	Division Director (Temple McKinnon)	DEA (Jessica Pena)	Accounts Payable (Eldrisha Eubanks)	Accounting Manager (Letty Molina)
<b>I: City of Nacogdoches 2148302561</b>	ct 7/1/2021	KS 7/1/2021	SB for LB 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>J: Upper Guadalupe River Authority 2148302562</b>	ct 7/1/2021	KS 7/1/2021	WA 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>K: Lower Colorado River Authority 2148302563</b>	ct 7/1/2021	KS 7/1/2021	SB for LB 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>L: San Antonio River Authority 2148302564</b>	ct 7/1/2021	KS 7/1/2021	SB for EM 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>M: Lower Rio Grande Valley Development Council 2148302565</b>	ct 7/1/2021	KS 7/1/2021	WA 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>N: Nueces River Authority 2148302566</b>	ct 7/1/2021	KS 7/1/2021	KS 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>O: South Plains Association of Governments 2148302567</b>	ct 7/1/2021	KS 7/1/2021	JD 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21
<b>P: Lavaca- Navidad River Authority 2148302568</b>	ct 7/1/2021	KS 7/1/2021	JD 7/2/21	SB 7/2/21	jcm 06/30/2021	CHH 7.5.21	[DOCUSIGN] TM 7/12/2021	[DOCUSIGN] JJP 7/12/2021	EE 7/6/21	LM 07/06/21

## AGREEMENT FOR PROFESSIONAL SERVICES

Project No. 200343

This AGREEMENT made and entered into this 4th day of August, 2021 by and between Carollo Engineers, Inc., (hereinafter "ENGINEER"), and Advanced Groundwater Solutions, LLC. (hereinafter "SUBCONSULTANT").

WITNESSETH:

WHEREAS, the ENGINEER and the SUBCONSULTANT wish to enter into an Agreement (hereinafter "Agreement") for the furnishing of services in connection with the RIVERBEND WATER RESOURCES DISTRICT (hereinafter "OWNER"), preparing a Regional Water Plan for the NETRWPG as defined by 31 TAC Chapters 355, 357 & 358 (hereinafter "Project"),

and

WHEREAS, the SUBCONSULTANT possesses the qualifications to perform the necessary services for the ENGINEER in connection with the Project, and

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

### SECTION 1 - GENERAL

- 1.1 The services herein required, shall be set forth in the attached Task Order. In performance of these services, the SUBCONSULTANT shall provide qualified, and where required, licensed personnel. The Task Order shall include designation of a Project Manager and, if required by ENGINEER, a list of proposed personnel. The SUBCONSULTANT shall promptly notify the ENGINEER of any changes in his initial organization.
- 1.2 It is intended that each additional Task Order sequentially numbered setting forth the SUBCONSULTANT's Services, Time of Performance, and Payment, or any other conditions, shall become a supplement to and a part of this Agreement.

### SECTION 2 - PAYMENT

- 2.1 Compensation for providing services referred to in Section 1 shall be detailed in the attached Task Order.
- 2.2 The SUBCONSULTANT shall submit invoices to the ENGINEER once per month. Invoices shall be prepared in such form and supported by documentation as the ENGINEER may reasonably require. All such invoices shall be reviewed and approved by the ENGINEER before submittal to the OWNER and shall contain the ENGINEER's Progress Billing statement, attached to this Agreement.
- 2.3 Following receipt of reimbursement from the OWNER, payment will be made to the SUBCONSULTANT within 15 days for the value of the partially completed services, less any amounts previously paid on account, less retainage, but only if required by the OWNER.

- 2.4 Final payment of any balance will be made upon completion of the SUBCONSULTANT's services and acceptance by the OWNER.

### **SECTION 3 - TIME OF PERFORMANCE**

- 3.1 The Time of Performance under this Agreement shall be defined in the attached Task Order.
- 3.2 The SUBCONSULTANT shall report from time to time as requested by the ENGINEER, its progress under this Agreement. The SUBCONSULTANT shall plan its performance of services to accomplish its timely completion, and shall promptly notify the ENGINEER of any anticipated delay which may affect the SUBCONSULTANT's Time of Performance.
- 3.3 In the event the SUBCONSULTANT falls behind schedule for an unreasonable period of time for reasons within its control, the ENGINEER has the option to exercise any of the following:
- a. Extend the SUBCONSULTANT's work day or work week.
  - b. Require additional qualified staff to be assigned to the Project.
  - c. Termination of Agreement.
- 3.4 The SUBCONSULTANT shall remain on accelerated schedule (Paragraphs a and b above), until such time as the ENGINEER determines the SUBCONSULTANT's progress conforms to Time of Performance requirements. All premium costs of the accelerated schedule shall be borne solely by the SUBCONSULTANT.

### **SECTION 4 - LEGAL RELATIONS**

- 4.1 The SUBCONSULTANT is for all purposes an independent contractor.

In no event shall the SUBCONSULTANT or any personnel retained by the SUBCONSULTANT be deemed to be an agent or employee of the ENGINEER or engaged by the OWNER for the account of or on behalf of the ENGINEER. Full control of means and methods of work including provisions for required safety precautions shall be the responsibility of the SUBCONSULTANT. The SUBCONSULTANT will ensure that its employees and its subcontractors' employees observe and abide by the OWNER's safety requirements and all safety regulations and laws, including, but not limited to, OSHA codes incident to the work while under contract to ENGINEER. The SUBCONSULTANT shall indemnify ENGINEER and OWNER for any damages or costs incurred by ENGINEER and/or OWNER for the SUBCONSULTANT's failure to fulfill this obligation.

- 4.2 The SUBCONSULTANT shall be responsible to the level of competency presently maintained by other practicing professional consultants performing the same or similar work in the state where the project is located.
- 4.3 The SUBCONSULTANT agrees to indemnify, hold harmless and defend the ENGINEER and the OWNER, their principals, partners, officers, agents, and employees from and against all claims, loss, damage, attorney's fees, charge or expense to which they or any of them may be put or subjected to arising out of or caused in whole or in part by any negligent act or omission of the SUBCONSULTANT, or anyone directly or indirectly employed by the SUBCONSULTANT. In the event the subject action alleges negligence on the part of the SUBCONSULTANT and/or the ENGINEER, or any third

parties not under contract with SUBCONSULTANT, SUBCONSULTANT's obligations regarding the ENGINEER's defense under this paragraph include only the reimbursement of the ENGINEER's reasonable defense costs incurred to the extent of SUBCONSULTANT's negligence as expressly determined by a final judgment, arbitration, award, order, settlement, or other final resolution.

- 4.4 If the SUBCONSULTANT shall fail to complete the services as detailed in the attached Task Order, to the detriment of the ENGINEER, the SUBCONSULTANT shall reimburse the ENGINEER for any costs incurred by ENGINEER because of such default of the SUBCONSULTANT.
- 4.5 In the event of legal action brought by either party against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amount for fees, costs and expenses, including attorney's fees, as may be set by the court or the actual costs incurred by the prevailing party if the dispute does not reach final judgment.
- 4.6 The SUBCONSULTANT shall not make, sublet or assign any of the services covered by this Agreement, except with the prior written approval of the ENGINEER and in compliance with the terms, provisions and conditions of the Agreement. The SUBCONSULTANT shall not separately solicit or accept any assignment from the OWNER related to the Project during the life of the Agreement without the ENGINEER's written approval or unless the ENGINEER is terminated by the

OWNER under the provisions of the Prime Agreement.

- 4.7 The SUBCONSULTANT shall, upon request and without cost, provide ENGINEER and the OWNER all directly pertinent books, documents, papers and records including electronic data of the SUBCONSULTANT involving transactions related to this Agreement.

## SECTION 5 - INSURANCE

- 5.1 Business Insurance. SUBCONSULTANT shall maintain, at its own expense, Commercial General Liability and Automobile Liability with limits at or above that which is reasonably required of other firms in the industry for their protection and management of business risks. SUBCONSULTANT shall name ENGINEER and OWNER as additional insureds on the above required policies.
- 5.2 Workers' Compensation Insurance. A current Workers' Compensation and Employer's Liability insurance certificate with limits pursuant to state law is required. By initialing below, SUBCONSULTANT asserts that it is not legally required to carry Workers' Compensation Insurance:  
  
\_\_\_\_\_ (Initials)
- 5.3 Professional Liability Insurance. A current Professional Liability insurance certificate with minimum limits of \$1,000,000 is required.
- 5.4 SUBCONSULTANT shall attach the certificate(s) evidencing the coverages required above to the signed Agreement before returning to ENGINEER. This Agreement is not final and invoices cannot be paid until

an insurance certificate(s) evidencing all policies is received. Additionally, SUBCONSULTANT shall provide ENGINEER with updated certificates for the duration of this Project to the following address:

Carollo Engineers  
Risk Management Services  
3150 Bristol Street, Suite 500  
Costa Mesa, CA 92626

## **SECTION 6 - INDEPENDENT INVESTIGATIONS**

- 6.1 The SUBCONSULTANT has reviewed the services required under the Agreement and has made his own investigation concerning services. The SUBCONSULTANT has determined that he has sufficient information to enter into the Agreement and perform the services called for herein. The SUBCONSULTANT agrees and acknowledges that the ENGINEER has made no representations or warranties concerning the services provided and that the SUBCONSULTANT has relied solely upon his own review and investigation prior to entering into this Agreement.

## **SECTION 7 - TERMINATION OF AGREEMENT**

- 7.1 The ENGINEER may terminate this Agreement at any time by giving the SUBCONSULTANT written notice thereof. Upon said termination, the SUBCONSULTANT will be reimbursed for that portion of the work completed prior to termination less expenses or costs incurred as a result of the SUBCONSULTANT's default.

## **SECTION 8 - ENTIRE AGREEMENT**

- 8.1 This Agreement including attachments incorporated herein by reference represents the entire Agreement and understanding between the parties

and any negotiations, proposals or oral agreements are intended to be superseded by this written Agreement. Any supplement or amendment to this Agreement to be effective shall be in writing and signed by the parties.

## **SECTION 9 - TIME OF COMPLETION**

- 9.1 SUBCONSULTANT shall support the completion of all work authorized by the NETRWPG and funded by the TWDB in time to allow the NETRWPG to approve all submittals of the NETRWPG and submit it to the TWDB.

## **SECTION 10 - STATE AUDITOR CLAUSE**

- 10.1 By executing this Contract, the SUBCONSULTANT accepts the authority of the State Auditor's Office, under direction of the legislative audit committee, to conduct audits and investigations in connection with any and all state funds received pursuant to this contract. The SUBCONSULTANT shall comply with and cooperate in any SUBCONSULTANT investigation or audit. The ENGINEER agrees to provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit. The SUBCONSULTANT also agrees to include a provision in any subcontract related to this contract that requires the SUBCONSULTANT to submit to audits and investigation by the State Auditor's Office in connection with any and all state funds received pursuant to the subcontract.

## **SECTION 11 FINANCIAL RECORDS**

- 11.1 The SUBCONSULTANT and its contracted parties shall maintain satisfactory financial accounting documents and records, including



copies of invoices and receipts, and shall make them available for examination and audit by the EXECUTIVE ADMINISTRATOR of the TWDB. Accounting by the SUBCONSULTANT and its contracted parties shall be in a manner consistent with generally accepted accounting principles.

## **SECTION 12 OWNERSHIP**

- 12.1 It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this contract and developed by the SUBCONSULTANT pursuant to this contract shall become the joint property of the REGIONAL WATER PLANNING GROUP, RWRD, ENGINEER, SUBCONSULTANT, and the Texas Water Development Board. These materials shall not be copyrighted or patented by the SUBCONSULTANT. SUBCONSULTANT agrees that neither the Regional Water Planning Group nor the Texas Water Development Board are parties to this contract and agrees that that these entities have no liability under the terms of this contract. The Texas Water Development Board is solely a third-party beneficiary under this contract.

## **SECTION 13 NO DEBT AGAINST THE STATE**

- 13.1 This SUBCONTRACT and Agreement shall not be construed as creating any debt by or on behalf of the State of Texas and the TWDB, and all obligations of the State of Texas are subject to the availability of funds. To the extent the performance of this SUBCONTRACT transcends the biennium in which this SUBCONTRACT is entered into, this SUBCONTRACT is specifically

contingent upon the continued authority of the TWDB and appropriations therefore.

## **SECTION 14 LICENSES, PERMIT AND INSURANCE CLAUSE**

- 14.1 For the purpose of this CONTRACT, the SUBCONSULTANT will be considered an independent SUBCONTRACTOR and therefore solely responsible for liability resulting from negligent acts or omissions. The SUBCONSULTANT shall obtain all necessary insurance, in the judgment of the SUBCONSULTANT, to protect themselves, the ENGINEER, the RWRD, the TWDB, and employees and officials of the TWDB from liability arising out of this CONTRACT. The SUBCONSULTANT shall indemnify and hold the TWDB and the State of Texas harmless, to the extent the SUBCONSULTANT may do so in accordance with state law, from any and all losses, damages, liability, or claims therefore, on account of personal injury, death, or property damage of any nature whatsoever caused by the SUBCONSULTANT, arising out of the activities under this CONTRACT.

The SUBCONSULTANT shall be solely and entirely responsible for procuring all appropriate licenses and permits, which may be required by any competent authority for the SUBCONSULTANT to perform the subject work.

## **SECTION 15 COMPLIANCE WITH BOARD RULES AND STATE LAW**

- 15.1 SUBCONSULTANT shall comply with BOARD rules and adhere to all requirements in state law pertaining to the procurement of professional services.

**SECTION 16 - REQUIRED PROVISIONS**

- 16.1 The SUBCONSULTANT shall, in the performance of this Agreement, comply with all federal, state and local laws; and all regulations and orders issued under any applicable law.
- 16.2 The SUBCONSULTANT and its subconsultants shall abide by the requirements of 41 CFR 60-741.5 (a). This regulation prohibits discrimination against qualified individuals on the basis of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities.
- 16.3 The SUBCONSULTANT and its subconsultants shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination

against qualified protected veterans, and requires affirmative action to employ and advance in employment qualified protected veterans.

- 16.4 The Prime Agreement between ENGINEER and OWNER is attached as Exhibit A and hereby incorporated into this Agreement by reference. In the event of a conflict between the Prime Agreement and this Agreement, the Prime Agreement shall prevail.

**SECTION 17 - GOVERNING LAW**

- 17.1 This Agreement is to be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, duly authorized representatives of the parties have signed in confirmation of this Agreement, with effective date the day and year first above written.

CAROLLO ENGINEERS, INC.

SUBCONSULTANT

By: \_\_\_\_\_  
David K. Harkins, Ph.D., P.E.  
Vice-President

By: \_\_\_\_\_  
P.O. Box 741  
Address

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

Dripping Springs, TX 78620  
City State Zip

Date \_\_\_\_\_

Phone (512) 796-8636

Fax ( ) \_\_\_\_\_

E-mail James.Beach@advancedgw.com

Fed Tax ID # 85-4402620

Certified MBE, WBE or SBE? \_\_\_\_\_ Yes, if so which? \_\_\_\_\_ No

## **Exhibit A**

### **Contract between Carollo Engineers, Inc. and the RWRD**

**Exhibit B**

**Task and Expense Budgets**

**TASK BUDGET**

		<b>TASK</b>	
<b>Accounting Item No.</b>	<b>Regional Water Planning Task No.</b>	<b>Description</b>	<b>AMOUNT</b>
1	1	Planning Area Description	\$1,000.00
2	10	Public Participation and Plan Adoption	\$2,166.00
		<b>Total</b>	<b>\$3,166.00</b>

## EXPENSE BUDGET

<b>CATEGORY</b>	<b>TOTAL AMOUNT</b>
<i>Salaries &amp; Wages</i> <sup>1</sup>	\$ 1,203.00
<i>Fringe</i> <sup>2</sup>	\$ 823.00
<i>Travel</i>	\$0.00
<i>Other Expenses</i> <sup>3</sup>	\$0.00
<i>Subcontract Services #1</i>	\$0.00
<i>Overhead</i> <sup>4</sup>	\$ 760.00
<i>Profit</i>	\$ 380.00
<b>TOTAL COSTS</b> <sup>5</sup>	<b>\$3,166.00</b>

<sup>1</sup> **Salaries and Wages** is defined as the cost of salaries of engineers, draftsmen, stenographers, surveyors, clerks, laborers, etc., for time directly chargeable to this contract.

<sup>2</sup> **Fringe** is defined as the cost of social security contributions, unemployment, excise, and payroll taxes, employment compensation insurance, retirement benefits, medical and insurance benefits, sick leave, vacation, and holiday pay applicable thereto.

<sup>3</sup> **Other Expenses** is defined to include expendable supplies, communications, reproduction, and postage.

<sup>4</sup> **Overhead** is defined as the costs incurred in maintaining a place of business and performing professional services similar to those specified in this contract. These costs shall include the following:

- Indirect salaries, including that portion of the salary of principals and executives that is allocable to general supervision;
- Indirect salary fringe benefits;
- Accounting and legal services related to normal management and business operations;
- Travel costs incurred in the normal course of overall administration of the business;
- Equipment rental;
- Depreciation of furniture, fixtures, equipment, and vehicles;
- Dues, subscriptions, and fees associated with trade, business; technical, and professional organizations;
- Other insurance;
- Rent and utilities; and
- Repairs and maintenance of furniture, fixtures, and equipment.

<sup>5</sup> **Ineligible expenses** include, but are not limited to:

- Food and Lodging for Regional Water Planning Group members;
- Tips;
- Costs associated with social events and tours;
- Costs of generating or distributing newsletters;
- Direct costs greater than \$250.00 per year for domain fees, website hosting, and/or website maintenance costs;
- Direct or indirect labor costs associated with obtaining, developing, and/or maintaining websites including costs to track website use or post materials on websites.

## **Exhibit C**

# **General Guidelines for Development of the 2026 Regional Water Plans**

**NOTE:**  
**THIS DOCUMENT CURRENTLY INCLUDES ON THE GUIDANCE ASSOCIATED WITH THE  
INITIAL SCOPE OF WORK TASKS. SECTIONS 3 – 9, 11, AND 12 WILL BE  
INCORPORATED INTO GUIDANCE UPON AMENDMENT OF THE FULL SCOPE OF  
WORK.**

*June 2021*

*This document is subject to future revision based upon any future Legislative actions.*

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Contract Exhibit C,  
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General Guidelines for Development of the 2026 Regional Water Plans

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## General Guidelines for Development of the 2026 Regional Water Plans

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## SECTION 1 – Introduction

### 1.1 Background

The sixth cycle of regional and state water planning as defined by Senate Bill 1 of the 75th Texas Legislature commenced in 2021 and will extend through 2026. Regional water planning groups must prepare the 2026 Regional Water Plans that, once approved, will become the basis for the 2027 State Water Plan.

While the regional water plan development is directed by the regional water planning groups, in order to ensure that the regional water plans follow a consistent and credible approach, the TWDB's Executive Administrator prepared the following guidelines to assist with the planning process. These guidelines augment the Texas Water Code (TWC) and the administrative rules related to regional water planning and are part of the regional water planning grant contracts.

### 1.2 Purpose

These guidelines build upon and provide additional information and greater detail about how to implement the administrative rules, including regarding the required methods, content, and format of information to be contained and presented in each RWP to meet rule and contractual requirements including the scope of work. For convenience, the sections of this document include direct links to the relevant regional water planning rules and the Exhibit A: Scope of Work tasks, followed by 'Guidance' content provided by the Executive Administrator.

While each regional water plan is unique to its region, this guidance is intended to ensure that the 16 regional water plans are developed in a generally consistent and similar manner to produce information that may be combined and aggregated, at the state level, to support the development of a meaningful and credible state water plan. The intent is to ensure that the 16 regions generally produce and provide 'apples to apples' data across the entire state including key information that will support the Texas Water Development Board's (TWDB) development of the state water plan.

Depending upon the nature of particular water planning rules or contract tasks, this guidance intentionally varies in its degree of specificity and flexibility. These guidelines include specific requirements that must be complied with by regional water planning groups as they prepare the regional water plan as well as guidance that the regional water planning groups may "consider", and that leaves certain considerations to the discretion of the planning groups.

The Initially Prepared Plans (IPP) and the final adopted regional water plans will be reviewed by TWDB based on statute, regional water planning rules, as well as requirements that are included in this and all other contract documents including the scope of work.

This document augments existing statute and rules that govern regional water planning. Provisions of [TWC §16.053](#) and 31 Texas Administrative Code (TAC) Chapters [355](#), [357](#),

## General Guidelines for Development of the 2026 Regional Water Plans

and [358](#) serve as the foundation for information in this document and are not superseded or abridged by anything contained within or excluded from this document.

### 1.3 General format and content of this document

This guidance consists of the following sections:

1. **Section 1 – Introduction** includes background material and a general document cross-reference that illustrates how the administrative rules, contract scope of work, and guidance documents all relate and align with one another.
2. **Section 2 – Scope of Work Task-Specific Guidelines** includes guidance organized by Scope of Work tasks and related rules sections. The section identifies various summary tables that are required to be included in the IPP and final RWP.
3. **Section 3 – Appendices** includes appendices that accompany sections 1 and 2.

### 1.4 General guidance

1. Development of the regional water plans will be guided by the [State Water Plan Guidance Principles](#).
2. The regional water plans must include an Executive Summary including key findings and recommendations, not to exceed 30 pages.
3. This guidance document includes the minimum reporting requirements where information and data are available. A regional water planning group may present more information and findings in their plan than is required by this guidance.
4. Regional water planning groups must submit all data identified in Exhibit D: Guidelines for 2026 Regional Water Planning Data Deliverables to the TWDB. The regional water plans are intended to include data reflective of a planning level analysis.

### 1.5 Documents and files that accompany and are integral to implementing this guidance

1. **Exhibit C Tables:** An excel template file called “2026 RWP Exhibit C Tables” will be developed to accompany this guidance document and will include the summary tables that are required to be included in the IPP and final regional water plan. The excel spreadsheet must be filled in and submitted with the in the IPP and final regional water plan with associated information.
2. **Exhibit D: Guidelines for 2026 Regional Water Plan Data Deliverables** – this is a separate document that will be developed to support this guidance. Exhibit D will be incorporated into contracts via a future contract amendment that incorporates the remaining Scope of Work tasks. Guidelines for the development of the previous regional water plans may be found [here](#).

## General Guidelines for Development of the 2026 Regional Water Plans

**1.6 General document cross-reference for regional water plans**

For convenience the table below illustrates how contract tasks, guidance, administrative rules, and regional water plan chapters generally relate.<sup>1</sup> The chapter breakdown for each plan is specifically required under 31 TAC §357.22(b). Plans that are not organized in this manner will be considered administratively incomplete and will not be reviewed. **Please note that this table includes anticipated scope of work tasks for the 2026 Regional Water Plan development. This table (including any items marked TBD) is subject to revision upon incorporation of the full SOW. Items marked with an asterisk are anticipated to be removed following the TWDB's implementation of [House Bill 1905](#), 87<sup>th</sup> Legislative Session.**

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<sup>1</sup> Some rules (e.g., TAC §358; §357.22) apply more broadly to all regional water planning activities.

## General Guidelines for Development of the 2026 Regional Water Plans

Regional Water Planning Contract Document References			2026 Regional Water Plan Chapter, Associated TAC Sections, and Content		
TWDB Contract Reimbursement Accounting Number ('CAS')	Exhibit A - Contract Scope of Work Task	Exhibit C - General Guidelines for Development of the 2026 Regional Water Plans	Regional Water Plan Chapter Number	Primary TAC Section	General Content
1	1	1	1	§357.30	Description of the Regional Water Planning Area
2	2A	2	2	§357.31	Projected Non-Municipal Water Demands
3	2B			§357.31	Projected Population and Municipal Water Demands
TBD	TBD	3	3	§357.32	Water Supply Analysis
TBD	TBD	4	4	§357.33	Identification of Water Needs
TBD	TBD	NA	<b>TBD</b>	§357.12	Identification of Infeasible Water Management Strategies
TBD	TBD	NA	<b>NA</b>	contract	Technical Memorandum Deliverable
TBD	TBD	5	5	§357.34	Identification of Potentially Feasible Water Management Strategies
TBD	TBD			§357.34; §357.35	Evaluations of Potentially Feasible Water Management Strategies, Recommended Water Management Strategies and Projects, and Alternative Water Management Strategies and Projects
TBD	TBD			§357.34	Conservation Recommendations <i>[as an individual subchapter]</i>
TBD	TBD	6	6	§357.40	Impacts of Regional Water Plan
				§357.41	Consistency with Protection of Water Resources, Agricultural Resources, and Natural Resources
TBD	TBD	7	7	§357.42	Drought Response Information, Activities, and Recommendations
4	8	8	8	§357.43	Policy Recommendations & Unique Sites
TBD	TBD	9	9	§357.44	Infrastructure Financing Analysis*
5	10	10	10	§357.21; §357.50	Public Participation and Plan Adoption
TBD	TBD	11	11	§357.45	Implementation and Comparison to the Previous Regional Water Plan
TBD	TBD	12	<b>N/A</b>	§357.46	RWPG Prioritization of Recommended Water Management Strategy Projects *

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## 1.7 Definitions of Terms

### 1.7.1 Regional Water Planning rule definitions

Many of the regional water planning specific terms and acronyms used in this guidance document are defined in 31 TAC §357.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=31&pt=10&ch=357&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=357&rl=10)

### 1.7.2 Groundwater Management rule definitions

Many of the groundwater related terms and acronyms used in this guidance document are defined in 31 TAC §356.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=31&pt=10&ch=356&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=356&rl=10)

### 1.7.3 Non-rule definitions pertinent to regional water planning

**Aquifer** – Geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs. The formation could be sand, gravel, limestone, sandstone, or fractured igneous rocks.

**Aquifer recharge** – Water that infiltrates to the water table of an aquifer.

**Aquifer storage and recovery** – The practice of injecting water, when available, into an aquifer where it is stored for later use.

**Brackish water** – Water containing total dissolved solids between 1,000 and 10,000 milligrams per liter.

**Capital cost** – Portion of the estimated cost of a water management strategy that includes both the direct costs of constructing facilities, such as materials, labor, and equipment, and the indirect costs associated with construction activities, such as engineering studies, legal counsel, land acquisition, contingencies, environmental mitigation, interest during construction, and permitting.

**Desalination** – Process of removing salt and other dissolved solids from seawater or brackish water.

**Drought** – Generally applied to periods of less than average precipitation over a certain period of time. Associated definitions include meteorological drought (abnormally dry weather), agricultural drought (adverse impact on crop or range production), and hydrologic drought (below-average water content in aquifers and/or reservoirs).

**Environmental flows** – An environmental flow is an amount of water that should remain in a stream or river for the benefit of the environment of the river, bay, and estuary, while balancing human needs.

**Estuary** – A bay or inlet, often at the mouth of a river and may be bounded by barrier islands, where freshwater and seawater mix together providing for economically and ecologically important habitats and species and which also yield essential ecosystem services.



## General Guidelines for Development of the 2026 Regional Water Plans

**Firm diversion (run of river availability)** – Evaluated for municipal sole-source water use (i.e. not firmed up with other sources) is defined as the minimum monthly diversion amount that is available 100 percent of the time during a repeat of the drought of record. Evaluated for all other water users, the ‘firm diversion’ is defined as the minimum annual diversion, which is the lowest annual summation of the monthly diversions reported by the Water Availability Model over the simulation period (lowest annual summation being the calendar year within the simulation that represents the lowest diversion available).

**Group quarter** – A place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

**Infrastructure** – Physical means for meeting water and wastewater needs, such as dams, wells, conveyance systems, and water treatment plants.

**Instream Flow** – Water flow and water quality regime adequate to maintain an ecologically sound environment in streams and rivers.

**Local groundwater supplies** – Supplies found in local groundwater areas usually not associated with a major, minor, or other aquifer (e.g., a small local alluvial aquifer) that may still be used as a non-municipal water supply source (e.g., for livestock use), but that the groundwater management area determined to be small enough to not go through the desired future condition process.

**Local surface water supplies** – Limited, unnamed individual surface water supplies that, separately, are available only to particular non-municipal water user groups, such as livestock.

**Non-relevant aquifer** – An aquifer/region/county/basin geographic unit or a sub-portion of such a geographic aquifer unit where the groundwater management area did not assign a desired future condition. This results in this geographic unit (or sub-portion) not having an associated modeled available groundwater volume. In addition, this means that the associated aquifer/region/county/basin geographic unit may or may not have a non-modeled available groundwater volume (as determined by the planning group) associated with it.

**Other aquifer** – An aquifer that has not been designated as major or minor.

**Rainwater harvesting** – An ancient practice involving the capture, diversion, and storage of rainwater for landscape irrigation, drinking and domestic use, aquifer recharge, and in modern times, stormwater abatement.

**Seawater** – Water typically containing total dissolved solids of 35,000 milligrams per liter or greater. The volume of total dissolved solids may be lower than 35,000 milligrams per liter.

**Sedimentation** – Action or process of depositing sediment in a reservoir, usually silts, sands, or gravel.

**Storage** – Natural or artificial impoundment and accumulation of water in surface or underground reservoirs, usually for later withdrawal or release.

General Guidelines for Development of the 2026 Regional Water Plans

**System gain** – The amount of permitted water a system creates that would otherwise be unavailable if the reservoirs were operated independently and this volume must be reported separately. For multi-reservoir systems, the minimum system gain during drought of record conditions may be considered additional water available, if permitted.

**Water availability model** – Numerical computer program used to determine the availability of surface water within each river basin for permitting in the state.

## 2 SECTION 2 – Scope of work task specific guidelines

Included in this section is guidance specifically addressing the following scope of work tasks<sup>2</sup>. Items marked with an asterisk are anticipated to be removed following TWDB’s implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Corresponding agency rules are also shown below for convenience and reference:

- Task 1 – Description of the Regional Water Planning Area (§357.30)
- Task 2A and 2B – Projected Population and Water Demands (§357.31)
- Water Supply Analysis (§357.32)
- Needs Analysis: Comparison of Water Supplies and Demands (§357.33)
- Identification of Infeasible Water Management Strategies (§357.12)
- Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects (31 TAC §357.34); Recommended Water Management Strategies and Alternative Water Management Strategy Projects (§357.35)
- Impacts of Regional Water Plan (§357.40); Consistency with Long-term Protection of Water Resources, Agricultural Resources, and Natural Resources (§357.41)
- Drought Response Information, Activities, and Recommendations (§357.42)
- Task 8 – Regulatory, Administrative, or Legislative Recommendations (§357.43)
- Infrastructure Financing Analysis (§357.44)\*
- Task 10 – Adoption, Submittal, and Approval of Regional Water Plans (§357.50 and §357.21)
- Implementation and Comparison to the Previous Regional Water Plan (§357.45)
- Prioritization of Projects by RWPGs (TAC §357.46)\*

### 2.1 Planning area description (Task 1)

#### Rule and scope of work requirements:

- [§357.30: Description of the Regional Water Planning Area](#)
- [Scope of work Task 1: Planning Area Description](#)

#### Guidance:

Each regional water plan must include a description of the regional water planning area including the following items:

1. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
2. current water use and major water demand centers;
3. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
4. major water providers;
5. agricultural and natural resources;
6. identified water quality problems;

<sup>2</sup> The initial regional water planning contracts include only SOW tasks 1, 2A-2B, 8, and 10. The remaining SOW task numbers and related sections of this guidance document will be incorporated via a future contract amendment.

## General Guidelines for Development of the 2026 Regional Water Plans

7. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
8. summary of existing local and regional water plans;
9. the identified historic drought(s) of record within the planning area;
10. current preparations for drought within the planning area;
11. information provided by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to water loss audits); and,
12. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.

*Major water providers*

Major water providers for the planning area are a subset of water user groups and/or wholesale water providers identified by the regional water planning groups to be of particular significance to the region's water supply. Each region must decide which entities are designated as major water providers. If the region decides not to designate any entities as major water providers, the plan needs to include discussion in chapter one of the plan as to why the planning group determined it does not have any water user groups or wholesale water providers of significance to the region's water supply.

*Wholesale water providers*

Entities designated as a wholesale water provider for planning purposes must sell or deliver (or plan to sell or deliver) wholesale water at some point in the 50-year planning horizon. Regional water planning groups will determine which wholesale water providers they want to utilize in their plan development. Data analysis and evaluations described throughout this document are relevant to the water user groups and wholesale water providers of the planning area. Data analyses of identified wholesale water providers will occur in the evaluation of contractual obligations to supply water, the demands associated with water user groups served by the wholesale water provider, the evaluation of the wholesale water provider's existing water supplies, and the evaluation of water management strategies and projects, for example.

Water user group and wholesale water provider data will support compiling results to describe the major water providers of the planning area. Even though the regional water planning group is not required to specifically report basic information on wholesale water provider demands and supplies in the regional water plan, it will need to do so in at least two specific instances:

1. if that same entity is also designated by the planning group as a major water provider, or
2. if that wholesale water provider is designated as the "sponsor" of any recommended water management strategy project in the plan, through TWDB-generated data reports. The wholesale water provider information will provide the basis for the wholesale water provider strategy or project.

These are minimum reporting requirements, however a regional water planning group may present more wholesale water provider information utilized in the development of

## General Guidelines for Development of the 2026 Regional Water Plans

their plan. The extent to which planning groups report on additional wholesale water providers that have not been designated as major water providers is left largely to the discretion of the planning groups.

### *Drought(s) of record*

When presenting information on historic drought(s) of record, the regional water planning group may identify other relevant (e.g., basin-level) droughts of record that impact water supplies in the planning area in addition to identifying the overall historic drought of record in the planning area.

### *Water loss audits*

Information provided by the TWDB from water loss audits may be presented, for example, as a summary in tabular form along with a description of the information and how the regional water planning group considered the information in developing the regional water plan. Examples of water loss audit data presented include the number of entities submitting water loss audits, the total quantity of water produced, the total reported quantity of water lost, and the percent of water loss.

## **2.2 Population and water demand projections (Tasks 2A and 2B)**

### **Rule and scope of work requirements:**

- [§357.31: Projected Population and Water Demands](#)
- [Scope of work Task 2A: Non-Municipal Water Demand Projections](#)
- [Scope of work Task 2B: Population and Municipal Water Demand Projections](#)

### **Guidance:**

The TWDB will provide an updated water user group list for use in the 2026 Regional Water Plans and 2027 State Water Plan. The definition of water user groups can be found in [31 TAC §357.10\(43\)](#).

The TWDB will prepare draft population and municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the new decennial census, new county-level population projections from the Texas Demographic Center, and the most recent utility boundary information.

Non-municipal draft water demand projections consisting of manufacturing, irrigation, livestock, and steam-electric power generation will be developed based on more recent historical water use data (2015-2019) and the same methodologies that were updated for use in developing the 2021 Regional Water Plans and 2022 State Water Plan. For the mining water use category, new projections will be developed based on a contracted mining study by the Bureau of Economic Geology.

### **Criteria and required data for requested changes to draft projections and revisions of approved projections**

The initial list of water user groups will be prepared and provided to each regional water planning group along with historical water use and population data for their review. The

## General Guidelines for Development of the 2026 Regional Water Plans

regional water planning groups will review the water user group list and historical data from the TWDB and provide corrections and feedback to the TWDB.

Once the final list of water user groups is established, the TWDB will prepare draft population and water demand projections for each region. The regional water planning groups will then review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from the TWDB. All requests to adjust draft projections must be submitted along with associated quantified data in an electronic format determined by the TWDB (e.g., Excel spreadsheets). If adequate justification is provided by the regional water planning groups to the TWDB, population and/or water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. The TWDB will then incorporate approved adjustments to the projections prior to the Board's consideration of adoption of the population and water demand projections. Acceptable criteria and required data are specified for each water user group category in Sections 2.2.1 and 2.2.2.

The regional water planning groups must use the Board-adopted projections when preparing their regional water plans. The TWDB will directly populate the state water planning database (DB27) with all Board-adopted water user group-level projections and the TWDB will make any related changes to DB27 if subsequent revisions are approved by the Board.

Regional water planning groups may request revisions to Board-adopted projections if the request demonstrates the projections no longer represent a reasonable estimate of anticipated conditions based on changed conditions or new information in accordance with 31 TAC §357.31(e)(2)<sup>3</sup>. However, planning groups will need to manage the timelines required for agency review and Board action with the subsequent revisions to their regional plans in order to meet all contractual deliverable deadlines.

### **2.2.1 Population projections**

The draft population projections will include permanent residential population including 'group quarter' population residing in institutional facilities (military, prisons, schools, or nursing homes) who are served by municipal water user groups or rely on their own water sources. Seasonal population, including tourist or seasonal workers, are not included in the draft projections although the associated seasonal water use is necessarily reflected in the per capita water use rates.

Prior to the release of the draft projections, the TWDB will analyze the most recent population projections from the Texas Demographic Center in comparison to the 2022 State Water Plan projections to determine the maximum region-wide, net population changes that may be considered by the regional water planning groups.

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<sup>3</sup> Work performed associated with revisions to Board-adopted projections is not eligible for regional water planning grant funding in accordance with 31 TAC §355.92(a)(E).



## General Guidelines for Development of the 2026 Regional Water Plans

**2.2.1.1 Municipal water user group list**

The initial list of water user groups, also referred to as *entities*, will be developed by the TWDB per [31 TAC §357.10\(43\)](#) and with the input of each regional water planning group. Municipal water user groups will be based on utility boundaries and annual water use volumes reported by associated public water systems via TWDB's annual Water Use Survey. Utilities' municipal net use will be evaluated based on whether they are public or private utilities. If the public water system or utility meets the annual municipal net use of 100 acre-feet threshold in any single year within the most recent five years (2015-2019), they will be established as stand-alone water user groups. Collective reporting units will be carried over from the 2022 State Water Plan, but also will be updated per newly established public water systems, changes in utility boundaries or input from the planning groups. Public water systems or utilities that do not meet the definition of a stand-alone water user group or collective reporting unit will be planned for as part of a county-other water user group per 31 TAC §357.10(43)(E). Additionally, group quarters can be water user groups if they meet the definition in 31 TAC §357.10(43)(B) or may be included as part of another water user group.

**Criteria for adjustment:**

A proposed water user group must meet the definition in [31 TAC §357.10\(43\)](#) and the following criteria to be included as a new, discrete entity in the 2026 Regional Water Plan. One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator:

1. Evidence of errors identified in the historical water use for a public water system or utility, which would determine whether the system or utility meets the water user group definition.
2. Evidence of errors in the ownership type of a public water system or utility provided in the Texas Drinking Water Watch.
3. Evidence of recent changes of the ownership of a public water system or utility through merge or annexation.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria to be included in the 2026 Regional Water Plan:

1. Annual water intake, sales, or metered use volumes for recent years for the public water system.
2. Documentation supporting changes of the name or ownership of a public water system or utility.
3. Documentation supporting collective reporting units with the geographic designation along with a list of the utilities or public water systems that have a common association for the purposes of water planning.
4. Documentation supporting that a system or utility within a collective reporting unit boundary should be planned for as a stand-alone water user group.



## General Guidelines for Development of the 2026 Regional Water Plans

**2.2.1.2 Regional-level population projections**

Adjustment to net regional-total population projections may be considered based on the criteria below. Associated adjustments to net county-total population projections within the regional total must also be justified (see Section 2.2.1.3). The net cumulative sub-regional requested changes may not exceed the maximum region-wide population that is provided by the TWDB.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the regional-level population projections:

1. A possible Census undercount took place in a county located within the region and action is currently being pursued to request a U.S. Census Bureau correction.
2. The most recent population growth rate (2015-2020) for the whole region is significantly different than the draft regional projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the regional-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county located in the region.
2. Historical regional-total population estimates from the Texas Demographic Center or the U.S. Census Bureau.
3. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total regional-level population projection.

**2.2.1.3 County-level population projections**

Any net adjustments to a county-total population projection due to adjustments to sub-county water user group-level projections within that county must be justified in a similar manner and will require an accompanying, justifiable redistribution of the projected county population within the same region so that the net, summed regional total remains unchanged unless an accompanying net total adjustment to the regional total is also requested, justified and approved (see Section 2.2.1.2).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising a net total county-level population projection:

1. A possible Census undercount took place in the county and action is currently being pursued to request a U.S. Census Bureau correction.
2. If there is evidence that the most recent years (2015-2020) net migration rate was significantly different than the net migration rate used for the draft projections.

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3. If there is evidence that the 2020-2030 net migration rate will be significantly different than the net migration rate used for the draft projections.
4. There are statistically significant birth and survival rate differences (by appropriate cohorts) between the county and the State.
5. The most recent county population growth rate (2015-2020) is significantly different than draft county's projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the county-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county.
2. Most recent in-migration and out-migration of a county, indicating that the net migration of a county over the most recent years (2015-2020) is significantly different than the net migration rates used for the draft projections.
3. Birth and/or survival rates for a county population between 2010-2020 by gender, race/ethnicity and single-year age cohorts.
4. County population estimates from the Texas Demographic Center or the U.S. Census Bureau.
5. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total county-level population projection.

**2.2.1.4 Water user group (entity) population projections**

The projected population growth throughout the planning period for the utilities and rural area (county-other) within a county is a function of a number of factors, including the water user group's estimated share of the county's population or growth between 2010 and 2020, as well as local information provided by regional water planning groups. The total county population will serve as a control total for the WUG populations within each county. Any adjustments to a sub-county water user group population projection must involve a justifiable redistribution of projected populations within the relevant county so that the county net total remains unchanged unless an adjustment to the county total is also requested, justified and approved (see Section 2.2.1.3).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration in adjusting individual water user group population projections:

1. An adjustment to the population estimates for utilities or rural areas due to official adjustment to the 2020 Census population.
2. The 2010 or 2020 permanent population-served estimate by a municipal water user group is significantly different than the 2010 or 2020 baseline population estimate used in the draft projections.

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3. The population growth rate for a municipal water user group over the most recent years (2015–2020) is substantially different than the growth rate between 2010 and 2020 in the draft projections.
4. Identification of growth limitations or potential build-out conditions for a water user group that would result in an expected maximum population that is different than the draft projections.
5. Updated information regarding the utility or public water system service area or anticipated near-term changes in service area.
6. Plans for new residential development in the near future that has not been counted in the draft projections.
7. Evidence of errors identified in historical connections.
8. Plans for a new or expansion of an existing institutional facility that was not included in the draft projections.
9. Evidence of errors in group quarter population.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustment to the water user group-level population projections:

1. The verified number of residential connections or permanent population of utilities or public water systems that are associated with a water user group and result in correcting the TWDB's Water Use Survey or historical estimates.
2. Updates or corrections to a water user group's group quarter population or the location of institutional facilities.
3. Population estimates for cities developed and published by the Texas Demographic Center or by a regional Council of Governments will be considered for utilities serving these respective cities.
4. Documentation from an official of a city or utility that describes the conditions expected to limit population growth and estimates the maximum expected population for a utility and the potential timeframe for buildout.
5. Documentation or maps that verify and display changes in the utility service area.
6. Documentation demonstrating near-term growth, expansion, or new construction such as platting of new subdivisions, annexation agreements, building permits or impact fee reports.
7. Documentation of potential future growth, such as utility master plans, capital improvement plans, land use and zoning plans, maps of vacant lands with number of dwelling units per acre or number of households and average household size.
8. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to an individual water user group-level population projection.

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**2.2.2 Water demand projections****2.2.2.1 Municipal water demand projections**

Municipal water use includes both residential and non-residential water use. Residential use includes single and multi-family residential household water use. Non-residential use includes water used by commercial establishments, public offices, institutions, and light industrial facilities, but does not include significant industrial water users, such as large manufacturing, mining, or power generation facilities. Residential and non-residential water uses are categorized together because they are similar types of use, both use water primarily for drinking, cleaning, sanitation, cooling, and landscape watering.

Per capita water use is developed as gallons per capita daily (GPCD) using historical population estimates and net use for the utility. The reported data included in the municipal draft projections includes surface water, groundwater, and direct and indirect potable reuse, but does not include non-potable reuse sources.

The TWDB-generated draft municipal water demand projections shall incorporate limited, anticipated future water savings **due only to the transition to more water-efficient plumbing fixtures and appliances, as detailed in relevant legislation and provided to the regional water planning groups by the TWDB**. Any additional anticipated future water savings due to conservation programs undertaken by utilities or county-other water user groups shall be quantified and considered as a potential, recommended water management strategy by the regional water planning group.

*Dry-year and baseline GPCD*

Municipal water demand projections will be based upon dry-year demand conditions. The baseline GPCDs used in the 2026 Regional Water Plans will be carried over from the 2021 Regional Water Plans and used as default baseline GPCDs **with water efficiency savings due to more efficient plumbing fixtures and appliances through 2020 subtracted** to develop the draft water demand projections for municipal water user groups in the 2026 Regional Water Plans.

Regions may make a request to use a water user group's GPCD value from a different base dry-year within the most recent five years (2015-2019) as the basis for the demand projections of that water user group. The TWDB will consider an alternative base dry-year GPCD if the regional water planning group provides sufficient evidence that the alternative base dry-year GPCD is more representative of demands expected under dry-year conditions or that the draft default GPCD fails to adequately reflect water efficiency and conservation savings that have been already been implemented.

**Note that any adjustment to the population projections for a WUG will require an associated adjustment to the municipal water demand projections.**

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the municipal water demand projections:

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1. Evidence that per capita water use from a more recent year (2015-2019) would be more appropriate as the baseline because that year was more representative of dry-year conditions.
2. Evidence of errors identified in the historical water use or GPCD for a utility or public water system, including evidence that volumes of reuse (potable reuse) water used for municipal purposes should be or should not be included in the draft projections.
3. Evidence that the base dry-year water use was abnormal due to temporary infrastructure constraints or water restriction triggered by utility's drought management plan.
4. Trends indicating that per capita water use for a utility or rural area of a county have increased substantially in recent years, and evidence that these trends will continue to rise in the short-term future due to commercial development.
5. Evidence that the most recent water efficiency and conservation savings that have already been implemented are not reflected in the default baseline GPCD.
6. Evidence that the number of installations of water-efficient fixtures and appliances between 2010 and 2020 is substantially different than the TWDB estimate or evidence that the projected replacement rate of water-efficient fixtures and appliances is substantially different than the TWDB projections.
7. Evidence that future water efficiency savings are projected much higher than the draft projections due to a utility's conservation plans that accelerate the replacement of the existing outdated plumbing fixtures and appliances.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the municipal water demand projections:

1. Annual municipal water intake (total surface water diversions and/or groundwater pumpage and water purchased from other entities) for a utility measured in acre-feet.
2. The volume of water sales by a utility to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
3. Net annual municipal water use, defined as total water production less sales to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
4. Documentation of temporary infrastructure, drought restrictions, or other water supply constraints that were in place.
5. Drought index or seasonal rainfall data to document a year different than the designated dry-year as a more appropriate base year for projections.
6. Conservation plans or other documentation that show the number or rate of water-efficient fixtures replaced or planned to be replaced for the future.
7. Estimated water efficiency or conservation savings implemented.
8. To verify increasing or decreasing per capita water use trends for a utility or rural area of a county and therefore revising projections of per capita water use to reflect the trend, the following data should be provided with the request from the RWPG:

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- a. Historical per capita water use estimates based on net annual municipal water use for a utility or rural area of a county, beginning in 2015.
  - b. A trend analysis which takes into account the variation in annual rainfall.
  - c. Revised projections of per capita water use for a utility or rural area of a county, that demonstrate an increasing or decreasing trend of per capita water use.
  - d. Growth data in the residential, commercial and/or public sectors that would justify an increase or decrease in per capita water use.
  - e. Convincing documentation of planned future growth that would result in higher per capita water use.
9. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the municipal water demand projections.

**2.2.2.2 Manufacturing water demand projections**

Manufacturing water use is defined as water used to produce manufactured goods. Manufacturing facilities report their water use to the TWDB annually through the Water Use Survey. Different manufacturing sectors are denoted by North American Industrial Classification System (NAICS) codes. The baseline for draft manufacturing water demand projections is based on the highest county-aggregated manufacturing water use in the most recent five years (2015-2019). The most recent 10-year projections for employment growth from the Texas Workforce Commission or other relevant economic measures available are used as proxy for growth between 2030 and 2040. After 2040, the draft manufacturing water demand are held constant through 2080 reflecting future efficiencies.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the manufacturing water demand projections:

1. Evidence of a new or existing facility that has not been included in the TWDB's Water Use Survey.
2. Evidence of an industrial facility that has recently closed its operation in a county.
3. Plans for new construction, or expansion or closure of an existing industrial facility in a county at some future date.
4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the manufacturing water demand projections.

1. Historical water use data and the 6-digit NAICS code of a manufacturing facility.



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2. Documentation and analysis that justify that a new manufacturing facility not included in the Water Use Survey database will increase future manufacturing water demand for the county above the draft projections.
3. The 6-digit NAICS code of the industrial facility that has recently located in a county and annual water use volume.
4. Documentation of plans for a manufacturing facility to locate in a county at some future date, including the following data:
  - a. The quantity of water required by the planned facility on an annual basis,
  - b. The proposed construction schedule for the facility including the date the facility will become operational, and
  - c. The 6-digit NAICS code for the planned facility.
5. Reports or research documents describing alternative trends or anticipated water use for manufacturing.
6. Specific information regarding incorrect location for a facility.
7. Other data and evidence that the RWPG considers reasonable and adequate to justify an adjustment to the manufacturing water demand projections.

### ***2.2.2.3 Steam-electric power generation water demand projections***

Water use for steam-electric power generation is consumptive use reported to the TWDB through the annual Water Use Survey. Steam-electric power water demand projections do not include water used in cogeneration facilities (included in manufacturing projections) or facilities which do not require water for production (wind, solar, dry-cooled generation), or hydro-electric generation facilities.

The baseline for draft water demand projections are based on the highest county-aggregated historical steam-electric power water use in the most recent five years (2015-2019). Subsequent demand projections after 2030 are held constant throughout the planning period. The anticipated water use of future facilities listed in state and federal reports is added to the demand projections from the anticipated operation date through 2080. The reported water use of power generation facilities scheduled for retirement in the state and federal reports is subtracted from the baseline or the decade in which they are projected to retire.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the power generation water demand projections:

1. Documentation that the draft projections have not included a facility that warrants inclusion.
2. Any local information related to new facilities or facility closures that may not have been included in U.S. Energy Information Administration report.
3. Evidence of a long-term projected water demand of a facility or a county that is substantially different than the draft projections.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.



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5. Evidence that a currently operating power generation facility has experienced a higher dry-year water use beyond the most recent five years, within the most recent 10 years.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the steam-electric water demand projections.

1. Historical water use data and description of a surveyed or future facility, including the fuel type, cooling process, capacity, average percent of time operating, and any other information necessary to estimate water use.
2. Reports or research documents describing alternative trends or anticipated water use for steam-electric power generation.
3. Documentation of an anticipated new facility not listed in state or federal reports necessary to estimate the volume of water reasonably expected to be consumed. Such information should include power generation method, cooling method, generation capacity and any additional information necessary to reasonably estimate the future water use.
4. Documentation regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the steam-electric power water demand projections.

**2.2.2.4 Mining water demand projections**

Mining water demand includes water used for oil and gas development, as well as extraction of coal and lignite, sand aggregate, and other resources. Projections do not include water use required for the transportation or refining of materials. The TWDB's annual mining water use estimates are comprised of data from both surveyed and non-surveyed entities and are based on the mining study conducted in partnership with the U.S. Geological Survey and the University of Texas Bureau of Economic Geology.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the mining water demand projections:

1. Evidence that mining water use in a county is substantially different than the draft projections. This could include trends in water use data from the FracFocus national online registry, the Texas Railroad Commission, or other sources.
2. Evidence of new facilities coming online or reported closures in surveyed facilities that may impact county projections.
3. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the mining water demand projections.

1. Historical water use data and description of a surveyed or future facility, and any other information necessary to estimate water use.
2. Reports describing alternative trends or anticipated water use for mining.
3. Documentation of an anticipated new mining facility or new mining activities.
4. Specific information regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Reports or research documents describing alternative trends or anticipated water use for mining.
7. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the mining water demand projections.

#### **2.2.2.5 Irrigation water demand projections**

Irrigation water demand projections include the water necessary for irrigation activities, primarily field crops, but also include orchards, pasture, turf grass, vineyards, and self-supplied golf courses. Note that for the purposes of regional water planning, irrigation demands account for the amount of water pumped for irrigation, not the water needed or used by the crop or associated with dry-land farming.

The baseline methodology for draft irrigation water demand projections is the average of the most recent five-years (2015-2019) of water use estimates held constant between 2030 and 2080. In counties where the total groundwater availability over the planning period is projected to be less than the groundwater-portion of the baseline water demand projections, the draft irrigation water demand projections will begin to decline starting in 2040, or a later decade, commensurate with the decline in the associated groundwater availability.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the irrigation water demand projections:

1. Evidence that irrigation water use estimates for a county from another information source or more recent modeled available groundwater volumes are more accurate than those used in the draft projections.
2. Evidence that recent (10 years or less) irrigation trends are more indicative of future trends than the draft water demand projections.
3. Evidence that the baseline irrigation demand projection is more likely to reflect the future irrigation demand than the groundwater resource-constrained water

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demand projection (especially where economically feasible water supply strategies have been identified).

4. Region or county-specific studies that have developed water demand projections or trends for the planning period, or part of the planning period, and are deemed to be more reasonable estimates than the TWDB-generated draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the irrigation water demand projections:

1. Historical water use, diversion, or pumpage volumes for irrigation by county.
2. Acreage and water use data for irrigated crops grown in a region as published by the Texas Agricultural Statistics Service, the Texas Agricultural Extension Service, the Farm Service Agency or other sources.
3. Available economic, technical, and/or water supply-related evidence that may provide a basis for adjustments in the default baseline projection and/or the future rate of change in irrigation water demand.
4. Alternative projected water availability volumes that may constrain water demand projections.
5. Updated modeled available groundwater volumes.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the irrigation water demand projections.

#### 2.2.2.6 Livestock water demand projections

Livestock water use is defined as water used in the production of livestock, both for consumption and for cleaning and cooling purposes and aquaculture operations. The TWDB produces annual water use estimates for livestock, based on daily water demand per head assumptions for cattle (beef and dairy), hogs, poultry, horses, sheep, and goats. Additional facilities, such as aquaculture operations, report water use estimates through the TWDB Water Use Survey.

Draft water demand projections for each county are based on the average of the most recent five-years (2015-2019) of water use estimates. The rate of change for 2020-2070 from the 2022 State Water Plan will be applied to the new baseline.

### Criteria for adjustment:

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the livestock water demand projections:

1. Evidence that livestock water use estimates for a county from another source are more accurate than those used in the draft projections.

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2. Plans for the construction, expansion, or closure of a confined livestock feeding operation in a county at some future date.
3. Other evidence of change in livestock inventory or water requirements that would justify an adjustment in the projected future rate of change in livestock water demand.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the livestock water demand projections:

1. Documentation of plans for the construction of a confined livestock feeding facility in a county at some future date and includes the following:
  - a. Confirmation of land purchase or lease arrangements for the facility.
  - b. The construction schedule including the date the livestock feeding facility will become operational.
  - c. The daily water requirements of the planned livestock feeding facility.
2. Other evidence that would document an expected increase or decrease in the livestock inventory in the county, such as facility closures.
3. Documentation of an existing confined livestock feeding operation not captured in the draft projections.
4. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the livestock water demand projections.

### 2.2.3 Major water provider demands

Planning groups will review aggregated water demand projections for major water providers provided by the TWDB. Regional water planning groups must summarize and present the projected demands for major water providers by category of use and planning decade. The TWDB will provide retail water demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.

### 2.2.4 Representation of county-other sub-water user groups in regional water plans

Subject to their own time and financial resource constraints and at the discretion of each regional water planning group, county-other water user groups may be sub-divided into sub-county-other water users and presented in the regional water plans as such. However, for the development of the 2026 regional water plans, **this discrete level of information will not be eligible to be entered into DB27 but may be presented in the plan in a manner of the RWPG choice.** Any such entity identified by the planning group will inherently be represented in DB27 under the associated umbrella, county-other water user group. Therefore, any presentation of these entities in the regional water plans will solely

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be based on information analyzed and presented in narrative or tabular form by the regional water planning group. The TWDB will provide historical water use estimates and connection data for individual public water systems that may fall within the county-other water user group and that may be of interest to the planning groups to present as sub-county-other-water user groups in the narrative of their plan. However, planning groups would need to conduct their own analyses with this information to distribute such water demands across their sub-county-other water user groups of interest in a manner that maintains the integrity of the projected net total demand for that county-other water user group.

### **2.3 Water availability and existing water supplies**

*Guidelines for this section (Water Availability and Existing Water Supplies) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous (2021) regional water plans may be found [here](#).*

### **2.4 Identification of water needs**

*Guidelines for this section (Identification of Water Needs) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.5 Water management strategies and water management strategy projects**

*Guidelines for this section (Water Management Strategies and Water Management Strategy Projects) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.6 Impacts of the regional water plan**

*Guidelines for this section (Impacts of the Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.7 Drought response information, activities, and recommendations**

*Note: Guidelines for this section (Drought Response Information, Activities, and Recommendations) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 2.8 Unique stream segments and reservoir sites and other recommendations (Task 8)

### Links to rule and scope of work requirements:

- [§357.43: Regulatory, Administrative, or Legislative Recommendations](#)
- [Scope of work Task 8: Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues](#)

### Guidance:

Regional water planning groups may make recommendations for designating river and stream segments of unique ecological value and unique sites for reservoir construction; however, the Texas Legislature is responsible for making the official designations of these sites.

### 2.8.1 Unique stream segments

Regional water planning groups may recommend all or parts of river and stream segments in their respective regions as having “unique ecological values.” To recommend this designation, planning groups must justify the recommendation based on the following criteria:

1. biological function measured as stream segments displaying significant habitat value including both quantity and quality considering degrees of biodiversity, age, and uniqueness including terrestrial, wetland, aquatic, or estuarine habitats;
2. hydrologic function measured as stream segments fringed by habitats that perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization, or groundwater recharge and discharge;
3. riparian conservation areas measured as stream segments fringed by significant areas in public ownership including state and federal refuges, wildlife management areas, preserves, parks, mitigation areas, or other areas held by governmental organizations for conservation purposes, or stream segments fringed by other areas managed for conservation purposes under governmentally approved conservation plans;
4. high water quality, exceptional aquatic life, high aesthetic value and spring resources that are significant due to unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality; or
5. threatened or endangered species and unique communities defined as sites along streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species, and sites along streams significant due to the presence of unique, exemplary, or unusually extensive natural communities.

Regional water planning groups seeking a designation shall forward a recommendation package to the Texas Parks and Wildlife Department, who will in turn provide a written evaluation of the proposal within 30 days. If the planning group is recommending stream segments that were recommended in a previous plan but not designated by the legislature, the recommendation package must be resubmitted to Texas Parks and Wildlife Department



## General Guidelines for Development of the 2026 Regional Water Plans

for an updated written evaluation. Final adopted regional water plans must include the Texas Parks and Wildlife Department's written evaluation.

Recommendation packages must include a physical description giving the location of the stream segment, along with maps, photographs, and documentation with supporting literature and data that characterizes a site's unique ecological value addressing criteria in 31 TAC §357.43(b) and §358.2(6).

If a river or stream segment has been recommended in a previous plan, the planning group may incorporate references of supporting materials developed for the previous plan into the current plan. References must be precise and include a summary of the information presented in the previous plan.

Recommendations regarding unique river or stream segments presented in the regional water plans must be specific as to a) which unique river or stream segments have been previously designated by the legislature and b) which are being recommended for designation by the planning group.

If the Texas Legislature designates a stream or river segment as unique; or if a planning group recommends that a stream or river segment be classified as unique, the regional water planning group must quantitatively assess how recommended water management strategies in the regional water plan would affect flows deemed important (by the planning group) to the stream or river segment in question. Furthermore, assessments shall describe how a regional water plan would affect the unique features and criteria cited by a planning group as the impetus for a legislative designation.

## **2.8.2 Unique reservoir sites**

Regional water planning groups may recommend sites for reservoir construction that have "unique value" based on the following criteria:

1. site specific reservoir development is recommended as a specific water management strategy or as a unique reservoir site in a final adopted RWP; or
2. factors such as location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics make a site uniquely suited for either reservoir development to provide water supply for the current planning period, or where it might reasonably be needed to meet water needs beyond the 50-year planning period.

For recommendations regarding unique reservoir sites, the regional water plan must be specific as to a) which unique reservoir sites have been previously designated by the legislature; b) which are being recommended for designation by the RWPG; and c) whether the RWPG is recommending that the legislature re-designate a previously designated unique reservoir site. The adopted regional water plans must also include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site.



## General Guidelines for Development of the 2026 Regional Water Plans

**2.8.3 Other recommendations**

Regional water plans may include any additional regulatory, administrative, or legislative recommendations developed by the planning group including but not limited to the following topics:

- facilitate the orderly development, management, and conservation of water resources in Texas and to prepare for and respond to drought conditions,
- achieve the goals of state and regional water planning including ways the planning group believes the state and regional planning process would be improved,
- facilitate more voluntary water transfers in the region,
- information regarding the potential impacts of recommendations enacted into law once proposed changes are in effect.

In the development of other recommendations, the regional water planning groups should consider TWDB feedback on the implementation of the planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.

The regional water planning groups should also consider recommendations from the Interregional Planning Council as directed to the planning groups.

**2.9 Reporting of Financing Mechanisms for Water Management Strategies**

*Note: This section (Reporting of Financing Mechanisms for Water Management Strategies) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

**2.10 Adoption of Plan and Public Participation (Task 10)**

**Links to rule and scope of work requirements:**

- [§357.50: Adoption, Submittal, and Approval of Regional Water Plans](#)
- [Scope of work Task 10: Public Participation and Plan Adoption](#)

**Guidance:**

As required by 31 TAC §357.21, regional water planning groups must conduct all business in meetings posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551, with a copy of all materials presented or discussed available for public inspection prior to and following public meetings. Additional notice requirements referenced in 31 TAC §357.21 shall also be followed when applicable.

The regional water planning groups must adopt regional water plans and accommodate public participation in the regional water development process in accordance with administrative rules, the contract, statute, and the planning group's bylaws. The TWDB has published several documents on its [website](#) that contain helpful public notice guidance.

## General Guidelines for Development of the 2026 Regional Water Plans

This task includes all work required to prepare for and hold meetings and include public input and participation in development of the regional water plan, including but not limited to:

1. holding regional water planning group meetings;
2. holding committee meetings;
3. holding special meetings;
4. posting public notices;
5. holding public input meetings and hearing on the draft plan as required by statute and rules;
6. soliciting and considering public input;
7. technical work required to prepare for and participate in regional water planning group meetings, workshops, and any other committee or other meetings during the development of the regional water plan;
8. conducting surveys of water suppliers or water user groups;
9. coordinating with and collecting information from entities involved with water planning in the region;
10. assembling, producing, and submitting the Technical Memorandum, IPP, and final regional water plan and responding to comments and resubmitting as necessary to ensure the plan can be approved by the TWDB; and,
11. interregional cooperation and interregional conflict resolution efforts.

In addition to regular regional water planning group meetings and committee meetings, there are certain special meetings that each regional water planning group must hold each cycle. These include:

- Holding a preplanning public meeting to receive suggestions and recommendations from the public regarding issues that should be addressed in the next regional or SWP. This meeting must occur near the beginning of each cycle and prior to technical work commencing. During this meeting the regional water planning group will also be required to discuss how the planning group will conduct interregional coordination and collaboration regarding water management strategies. The TWDB will provide an initial list of regional water management strategies to all planning groups to assist in this effort.
- Present to the public the process for identifying potentially feasible WMS and the presentation of the analysis of infeasible water management strategies. The process will be documented and address any public input on the process.
- Holding a public hearing and receiving written comments on the IPP.

### **2.11 Implementation and comparison to the previous regional water plan**

*Note: Guidelines for this section (Implementation and Comparison to the Previous Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

General Guidelines for Development of the 2026 Regional Water Plans

## **2.12 Prioritization of recommended water management strategy projects by regional water planning groups**

*Note: This section (Prioritization of Recommended Water Management Strategy Projects by Regional Water Planning Groups) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.13 Deliverables**

Regional water planning groups must prepare and submit a Technical Memorandum, an IPP, and a final adopted regional water plan.

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.14 Regional Water Planning Data Provisions and Data Reporting**

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 3 Appendices

### 3.1 TWDB data sources for regional water plan development

1. **Planning Data Dashboards**  
<http://www.twdb.texas.gov/waterplanning/data/dashboard/index.asp>
2. **Historical Water Use Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/index.asp>
  - a. Water use summaries (by region, county, basin, cities, utilities)
  - b. Annual reports by industry type (NAICS Code)
  - c. Water reuse reports by reuse type and planning region
  - d. Municipal and industrial water intake reports by planning region
3. **Historical Groundwater Pumpage Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/historical-pumpage.asp>
4. **Mining Water Use Study**  
<https://www.twdb.texas.gov/waterplanning/data/projections/MiningStudy/index.asp>
5. **Water Data for Texas** – Historic and current reservoir data, drought status and resources, groundwater well level, and coastal hydrology data.  
<http://www.waterdatafortexas.org/reservoirs/statewide>
6. **TWDB Groundwater Availability Models**  
<http://www.twdb.texas.gov/groundwater/models/gam/index.asp>
7. **TWDB Research Projects in Support of Groundwater Models**  
<http://www.twdb.texas.gov/groundwater/models/research/index.asp>
8. **Groundwater Joint Planning** – Desired future conditions and modeled available groundwater.  
<http://www.twdb.texas.gov/groundwater/dfc/index.asp>
9. **TWDB Groundwater Database Reports** – The purpose of the TWDB's data collection efforts over the years has been to gain representative information about aquifers in the state in order to support water planning from the local to a more regional perspective.  
<http://www.twdb.texas.gov/groundwater/data/gwdb rpt.asp>
10. **TWDB Groundwater Data Viewer** – GIS datasets relating to groundwater resources, including brackish groundwater data.  
<http://www2.twdb.texas.gov/apps/waterdatainteractive/groundwaterdataviewer>

General Guidelines for Development of the 2026 Regional Water Plans

11. **Statewide Survey of Aquifer Suitability for Aquifer Storage and Recovery Projects or Aquifer Recharge Projects**  
<http://www.twdb.texas.gov/innovativewater/asr/projects/Statewide/index.asp>
12. **Brackish Resources Aquifer Characterization (BRACS)**  
<http://www.twdb.texas.gov/groundwater/bracs/studies.asp>
  - a. Brackish Groundwater Production Zones  
<http://www.twdb.texas.gov/groundwater/bracs/HB30.asp>
13. **Texas Instream Flows Program (SB2) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/instream/index.asp>
14. **Texas Environmental Flows (SB3) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/environmental/index.asp>
15. **Freshwater Inflow Needs and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/freshwater/index.asp>
16. **Innovative Water Technologies**  
<http://www.twdb.texas.gov/innovativewater/index.asp>
  - a. Aquifer Storage and Recovery
  - b. Desalination
  - c. Rainwater Harvesting
  - d. Water Reuse
17. **Water Conservation**  
<http://www.twdb.texas.gov/conservation/index.asp>
  - e. Water Conservation Advisory Council and BMPs
  - f. Water loss audit information
  - g. Water conservation plans
18. **Other water planning data resources**  
<http://www.twdb.texas.gov/waterplanning/data/resources/index.asp>
  - h. Population data links
  - i. Socio-economic data links
  - j. TCEQ water utility database link
19. **TWDB-funded research relevant to regional water planning**  
<http://www.twdb.texas.gov/waterplanning/rwp/research/index.asp>

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## Exhibit D

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# Guidelines for 2026 Regional Water Plan Data Deliverables

***NOTE:***

***THIS DOCUMENT IS BEING DEVELOPED AND WILL BE INCORPORATED INTO THE CONTRACT UPON AMENDMENT OF THE FULL SCOPE OF WORK DATA GUIDELINES FOR THE DEVELOPMENT OF THE PREVIOUS REGIONAL WATER PLANS MAY BE FOUND [HERE](#).***

**EXHIBIT E**  
**TASK ORDER NO. 1**

CAROLLO ENGINEERS, INC.

AND

ADVANCED GROUNDWATER SOLUTIONS, LLC.  
SUBCONSULTANT

This Task Order is issued by the ENGINEER and accepted by the SUBCONSULTANT pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the 4th day of August, 2021, in connection with:

Preparing a Regional Water Plan for the NETRWPG (Region D) as defined by 31 TAC Chapters 355, 357 & 358. (Project)

PURPOSE

The purpose of this Task Order is to identify the Basic Services that the SUBCONSULTANT shall render professional services necessary to support the completion of the following Scope of Work, which is Exhibit A to the ENGINEER'S contract with the RIVERBEND WATER RESOURCES DISTRICT, and which is incorporated herein and made a permanent part of the Contract.

SUBCONSULTANT'S SERVICES

SUBCONSULTANT will provide support for the tasks described below.

**TASK 1 - Planning Area Description**

The objective of this task is to prepare a standalone chapter (in accordance with 31 Texas Administrative Code (TAC) §357.22(b)) to be included in the 2026 Regional Water Plan that describes the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.30.

**This Task includes, but is not limited to, performing all work in accordance with Texas Water Development Board (TWDB) rules and guidance required to:**

- 1) Designate major water providers in the regional water planning area for planning purposes.
- 2) Identify wholesale water providers in the regional water planning area for planning purposes.
- 3) Review and summarize relevant existing planning documents in the region including those that have been developed since adoption of the previous regional water plan. Documents to be summarized include those referenced under 31 TAC §357.22.



- 4) Prepare a chapter that describes the regional water planning area including the following:
  - a. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
  - b. current water use and major water demand centers;
  - c. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
  - d. major water providers;
  - e. agricultural and natural resources;
  - f. identified water quality problems;
  - g. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
  - h. summary of existing local and regional water plans;
  - i. the identified historic drought(s) of record within the planning area;
  - j. current preparations for drought within the regional water planning area;
  - k. information compiled by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to Water Loss Audits); and
  - l. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategy evaluated in the plan.
- 5) Disseminate the chapter document and related information to regional water planning group members for review.
- 6) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 7) Submit the chapter document to the TWDB for review and approval; and
- 8) Make all efforts required to obtain final approval of the RWP chapter by the TWDB.

**Deliverables:** A completed Chapter 1 describing the regional water planning area must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 10 - Public Participation and Plan Adoption**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement, complete and submit a technical memorandum, initially prepared plan, and final regional water plan, and obtain TWDB approval of the regional water plan.

In addition to generally meeting all applicable statute requirements governing regional and state water planning this portion of work must, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 355, 357, and 358 that are not already addressed under the scope of work associated with other contract tasks but that are necessary and or required to complete and deliver a technical memorandum, initially prepared plan, and final adopted regional water plan to TWDB and obtain approval of the adopted regional water plan by the TWDB.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

**A. Plan Development Activities**

- 1) Organize, support, facilitate, and document all meetings/hearings associated with activities necessary and eligible to complete and submit a technical memorandum, initially prepared plan, and final regional water plan to the TWDB, including but not limited to: regular regional water planning group meetings, committee meetings, or subcommittee meetings; pre-planning meeting; meetings associated with revision of draft projections; public meeting for the consideration of the process for identifying potentially feasible water management strategies and the presentation of the analysis of infeasible water management strategies; consideration of a substitution of alternative water management strategies; public hearing on the initially prepared plan; adoption of the final regional water plan, and consideration of regional water plan amendments, alternative WMS substitutions, or Board-directed revisions.
- 2) Include a deliberate discussion on how the planning group will conduct interregional coordination and collaboration regarding water management strategies during both the preplanning meeting required under 31 TAC §357.12(a)(1) and meeting to consider the process for identifying potentially feasible water management strategies required under 31 TAC §357.12(b).
- 3) Collect and evaluate information, including any information gathering surveys from water suppliers or water user groups, (e.g., on existing infrastructure; existing water supplies; potentially feasible water management strategies) and/or maintenance of contact lists for regional planning information in the region.
- 4) Conduct intraregional and interregional coordination and communication, and or facilitation required within the regional water planning area and with other regional water planning groups to develop a regional water plan including with water suppliers or other relevant entities such as groundwater conservation districts, water user groups, and or wholesale water providers. This includes gathering and documenting information on potential interregional opportunities or issues.
- 5) Incorporate all required DB27 reports into the technical memorandum, initially prepared plan and final regional water plan. Note that all DB27 reports are required to be grouped together in one appendix to the regional water plan and that the regional water plan Executive Summary must reference the location of the DB27 reports.
- 6) Develop and include an Executive Summary in both the initially prepared plan and final regional water plan, not to exceed 30 pages.
- 7) Make modifications to the regional water plan documents based on regional water planning group, public, and/or agency comments.
- 8) Prepare a regional water plan chapter summarizing Task 10 activities including review by the RWPG and modification of document as necessary.
- 9) Prepare and transmit correspondence, for example, directly related to public comments on regional water plan documents.
- 10) Develop draft and final responses for regional water planning group approval to public questions or comments as well as approval of the final responses to comments on regional water plan documents.

- 11) Produce, distribute, and submit all draft and final regional water plan-related planning documents for the regional water planning group, public and agency review, including in hard-copy format when required.
- 12) Assemble, compile, and produce of the completed initially prepared plan and final regional water plan documents that meet all requirements of statute, 31 TAC Chapters 355, 357 and 358, regional water planning contract and associated contract guidance documents.
- 13) Submit the regional water plan documents in required formats to the TWDB for review and approval; and all effort required to obtain final approval of the regional water plan by the TWDB.

**B. Technical Support and Administrative Activities**

- 1) Support and accommodate periodic presentations by the TWDB for the purpose of orientation, training, and retraining as determined and provided by the TWDB during regular regional water planning group meetings.
- 2) Consider recommendations in the Best Management Practices Guide(s) for Regional Water Planning Group Political Subdivisions, as prepared and updated by the TWDB.
- 3) Attendance and participation of technical consultants in TWDB-provided DB27 trainings, including individualized trainings and review of technical and data-related contract guidance documents in the TWDB regional water planning contract.
- 4) Develop agendas, presentations, and handout materials for the public meetings and hearings to provide to regional water planning group members and the public.
- 5) Attendance and participation of technical consultants at regional water planning group, committee, subcommittee, and other meetings and hearings necessary for regional water plan development including preparation and follow-up activities.
- 6) Develop technical and other presentations and handout materials for regional water planning group meetings and hearings to provide technical and explanatory data to the regional water planning group and its subcommittees, including follow-up activities.
- 7) Perform administrative and technical support including coordination of and participation in RWPG activities, and documentation of any regional water planning group meetings, hearings, workshops, workgroups, subgroup and/or subcommittee activities.
- 8) Provide status reports to the TWDB for work performed under this Contract.
- 9) Meet all public notice requirements in accordance with the Texas Open Meetings Act, statute, 31 TAC §357.21, and any other applicable public notice requirements.

**C. Other Activities**

- 1) Develop and maintain a regional water planning group website or regional water planning group-dedicated webpage on the regional water planning group administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
- 2) Perform maintenance of the regional water planning group website; reimbursement limited to non-labor, direct costs.
- 3) Document meetings and hearings to include recorded minutes and or audio recordings as required by the regional water planning group bylaws and archiving and provision of minutes to public.
- 4) Promote consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among

regional water planning group members and stakeholders in the event that issues arise during the process of developing the regional water plan, including mediation between regional water planning group members, if necessary.

- 5) Perform regional water planning group membership solicitation activities.
- 6) Solicit, review, and disseminate public input, as necessary.
- 7) Perform any additional efforts required, but not otherwise addressed in other scope of work tasks that may be required to complete an regional water plan in accordance with all statute and rule requirements.

**Deliverables:**

- A draft Chapter 10 summarizing public participation activities to date included in the Initially Prepared Plan.
- A completed Chapter 10 summarizing public participation activities and appendices with public and agency comments and regional water planning group responses to comments in the final 2026 regional water plan.
- A complete Initially Prepared Plan and final 2026 Regional Water Plan.

**TIME OF PERFORMANCE/CONTRACT DATES**

As specified below, the term shall commence on the CONTRACT INITIATION DATE of February 1, 2021 and shall expire on the CONTRACT EXPIRATION DATE of August 31, 2026.

- a) CONTRACT INITIATION DATE -  
February 1, 2021
- b) DEADLINE FOR CONTRACT EXECUTION -  
August 31, 2021
- c) TECHNICAL MEMORANDUM DEADLINE -  
March 4, 2024

TECHNICAL MEMORANDUM - The technical memorandum to be prepared by the CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR will be in accordance with 31 Texas Administrative Code §§357.10(34) and 357.12(c).

- d) INITIALLY PREPARED REGIONAL WATER PLAN DEADLINE  
March 3, 2025

INITIALLY PREPARED REGIONAL WATER PLAN - The Regional Water Plan to be initially prepared by the CONTRACTOR and submitted to the EXECUTIVE ADMINISTRATOR for comments pursuant to the CONTRACT.

- e) FINAL REGIONAL WATER PLAN DEADLINE -  
October 20, 2025

REGIONAL WATER PLAN - A plan including amendments that have been adopted by the REGIONAL WATER PLANNING GROUP that meets the requirements contained in the Texas Water Code §16.053 and 31 Texas Administrative Code Chapters 357 and 358 and submitted to the TWDB for approval.

- f) FIRST REIMBURSABLE EXPENSE DATE - The first day that work performed under this CONTRACT is eligible for reimbursement will be February 1, 2021 for limited administrative costs associated with public notices. For activities involving technical work under this CONTRACT, the eligible reimbursement date will be August 4, 2021, which is the date that the required public meeting to receive preplanning input from the public will be held by the REGIONAL WATER PLANNING GROUP per 31 Texas Administrative Code §357.12(a), which follows the TWDB APPROVAL DATE of June 3, 2021. TWDB will not reimburse expenses associated with Exhibit D, Scope of Work, until after contract execution.
- g) FINAL REIMBURSABLE EXPENSE DATE - The last day that work performed under this CONTRACT is eligible for reimbursement will be February 27, 2026.
- h) FINAL PAYMENT REQUEST DEADLINE - The latest day that the final payment request may be submitted for reimbursement will be April 30, 2026.
- i) CONTRACT EXPIRATION DATE – This CONTRACT expires on August 31, 2026. The last day that any budget amendment requests may be submitted under the CONTRACT will be July 31, 2026.

## PAYMENT

For and in consideration of the services to be rendered by the SUBCONSULTANT, the ENGINEER shall pay the fees hereinafter set forth.

### Available Funding/Contract Amount

The maximum not-to-exceed funding as of this contract time is \$3,166.00, to be reimbursed on a time and material basis. Per TWDB requirement, contract must be cost reimbursable.

ENGINEER shall not be liable for any costs in excess of the maximum not-to-exceed funding of this contract unless the contract is amended to increase the maximum not-to-exceed funding.

This Task Order does not require SUBCONSULTANT to incur any study costs beyond the maximum not-to-exceed funding.

Future phases of this contract will be authorized by the NETRWPG at a future date based on available funding from the Texas Water Development Board.

### Other Direct Expenses

Other direct expenses are reimbursed at actual cost (no "handling costs" or mark-ups are allowed on any expenses. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, tests and other work required to be done by independent persons other than staff members.

Each statement submitted for payment must include the following:

- (1) A progress report with supporting data that describes the work associated with the invoice. The progress report shall include a brief statement of the overall progress made since the last progress report; a brief description of any problems that have been encountered during the previous reporting period that may affect the study, delay the timely completion of or cause a change in any of the study's products or objects; and a description of any action that SUBCONSULTANT plans to take to correct any problems that have been encountered or identified;
- (2) A breakdown of actual study costs by budget category as contained in Exhibit B to this Task Order.
- (3) The billing period; beginning (date) to ending (date);
- (4) For direct expenses paid by SUBCONSULTANT, the percent and cost of each task completed; and a total cost figure for each direct expense category contained in Exhibit B attached to this contract;
- (5) For travel and subsistence expenses of SUBCONSULTANT, SUBCONSULTANT shall provide the name of traveler, date of travel, purpose of travel, itemization of subsistence expenses of each traveler, limited; however, to travel expenses authorized for State employees by the General Appropriations Act, Tex. Leg. Regular Session, 2009, Article IX, Part 5, as amended or superseded; for other transportation costs, SUBCONSULTANT shall provide copies of invoices or receipts covering tickets for transportation or, if not available, names, dates and points of travel of individuals; and all other allowable expenses, SUBCONSULTANT shall provide invoices or receipt to evidence the amount paid;
- (6) SUBCONSULTANT shall provide certification, signed by an authorized representative that the expenses submitted for the billing period are a true and correct representation of amounts paid for work performed directly related to this contract.

SUBCONSULTANT shall maintain satisfactory financial accounting documents and records, including copies of invoices and receipts for a term of three years after completion of this contract, and shall make them available for examination and audit by the TWDB and the OWNER. Accounting by the SUBCONSULTANT shall be in a manner consistent with generally accepted accounting principles;

- (7) SUBCONSULTANT shall submit three (3) complete sets of Partial Payment documentation for each payment request.

#### Retainage

A five percent (5%) retainage will be held from each of the invoices received by the TWDB.

#### EFFECTIVE DATE

This Task Order No. 1 is effective as of the 4th day of August, 2021.

IN WITNESS WHEREOF, duly authorized representatives of the ENGINEER and of the SUBCONSULTANT have executed this Task Order No. 1 evidencing its issuance by ENGINEER and acceptance by SUBCONSULTANT.

CAROLLO ENGINEERS, INC.

SUBCONSULTANT

Accepted this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_

By: \_\_\_\_\_  
David K. Harkins, Ph.D., P.E.  
Vice President

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

ATTEST:

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



**PROGRESS BILLING**

Please submit invoice in one pdf format to: [accountspayable@carollo.com](mailto:accountspayable@carollo.com)

Carollo Engineers, Inc.

Advanced Groundwater Solutions, LLC.  
 (SUBCONSULTANT)

If mailing the invoice, please send to:

4600 E. Washington Street, Suite 500  
 (Address)

P.O. Box 741  
 (Address)

Phoenix, AZ 85034  
 (City, State, Zip)

Dripping Springs, Texas 78620  
 (City, State, Zip)

512-796-8636  
 (Phone)

Sent by: \_\_\_\_\_

Date: \_\_\_\_\_

Attn: Accounts Payable

Subject: Region D Water Plan

Carollo Project Number 200343

Professional Services for the Period Ending \_\_\_\_\_

Task Summary	Current Period	Previous Billings	Job to Date	Contract Limits	% of Budget
	\$	\$	\$	\$	%
Task 1	_____	_____	_____	\$ 1,000.00	_____
Task 10	_____	_____	_____	\$ 2,166.00	_____
...	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
<b>Total Amounts</b>	=====	=====	=====	=====	=====
Prior Billings Not Paid	_____	_____	_____	\$	_____
Progress Percent Complete (based on completed work)	_____	_____	_____	_____	%

NOTE: SUBCONSULTANT's Current Period Invoice attached.

## AGREEMENT FOR PROFESSIONAL SERVICES

Project No. 200343

This AGREEMENT made and entered into this 4th day of August, 2021 by and between Carollo Engineers, Inc., (hereinafter "ENGINEER"), and Hayes Engineering, Inc. (hereinafter "SUBCONSULTANT").

WITNESSETH:

WHEREAS, the ENGINEER and the SUBCONSULTANT wish to enter into an Agreement (hereinafter "Agreement") for the furnishing of services in connection with the RIVERBEND WATER RESOURCES DISTRICT (hereinafter "OWNER"), preparing a Regional Water Plan for the NETRWPG as defined by 31 TAC Chapters 355, 357 & 358 (hereinafter "Project"),

and

WHEREAS, the SUBCONSULTANT possesses the qualifications to perform the necessary services for the ENGINEER in connection with the Project, and

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

### SECTION 1 - GENERAL

- 1.1 The services herein required, shall be set forth in the attached Task Order. In performance of these services, the SUBCONSULTANT shall provide qualified, and where required, licensed personnel. The Task Order shall include designation of a Project Manager and, if required by ENGINEER, a list of proposed personnel. The SUBCONSULTANT shall promptly notify the ENGINEER of any changes in his initial organization.
- 1.2 It is intended that each additional Task Order sequentially numbered setting forth the SUBCONSULTANT's Services, Time of Performance, and Payment, or any other conditions, shall become a supplement to and a part of this Agreement.

### SECTION 2 - PAYMENT

- 2.1 Compensation for providing services referred to in Section 1 shall be detailed in the attached Task Order.
- 2.2 The SUBCONSULTANT shall submit invoices to the ENGINEER once per month. Invoices shall be prepared in such form and supported by documentation as the ENGINEER may reasonably require. All such invoices shall be reviewed and approved by the ENGINEER before submittal to the OWNER and shall contain the ENGINEER's Progress Billing statement, attached to this Agreement.
- 2.3 Following receipt of reimbursement from the OWNER, payment will be made to the SUBCONSULTANT within 15 days for the value of the partially completed services, less any amounts previously paid on account, less retainage, but only if required by the OWNER.

- 2.4 Final payment of any balance will be made upon completion of the SUBCONSULTANT's services and acceptance by the OWNER.

### **SECTION 3 - TIME OF PERFORMANCE**

- 3.1 The Time of Performance under this Agreement shall be defined in the attached Task Order.
- 3.2 The SUBCONSULTANT shall report from time to time as requested by the ENGINEER, its progress under this Agreement. The SUBCONSULTANT shall plan its performance of services to accomplish its timely completion, and shall promptly notify the ENGINEER of any anticipated delay which may affect the SUBCONSULTANT's Time of Performance.
- 3.3 In the event the SUBCONSULTANT falls behind schedule for an unreasonable period of time for reasons within its control, the ENGINEER has the option to exercise any of the following:
- a. Extend the SUBCONSULTANT's work day or work week.
  - b. Require additional qualified staff to be assigned to the Project.
  - c. Termination of Agreement.
- 3.4 The SUBCONSULTANT shall remain on accelerated schedule (Paragraphs a and b above), until such time as the ENGINEER determines the SUBCONSULTANT's progress conforms to Time of Performance requirements. All premium costs of the accelerated schedule shall be borne solely by the SUBCONSULTANT.

### **SECTION 4 - LEGAL RELATIONS**

- 4.1 The SUBCONSULTANT is for all purposes an independent contractor.

In no event shall the SUBCONSULTANT or any personnel retained by the SUBCONSULTANT be deemed to be an agent or employee of the ENGINEER or engaged by the OWNER for the account of or on behalf of the ENGINEER. Full control of means and methods of work including provisions for required safety precautions shall be the responsibility of the SUBCONSULTANT. The SUBCONSULTANT will ensure that its employees and its subcontractors' employees observe and abide by the OWNER's safety requirements and all safety regulations and laws, including, but not limited to, OSHA codes incident to the work while under contract to ENGINEER. The SUBCONSULTANT shall indemnify ENGINEER and OWNER for any damages or costs incurred by ENGINEER and/or OWNER for the SUBCONSULTANT's failure to fulfill this obligation.

- 4.2 The SUBCONSULTANT shall be responsible to the level of competency presently maintained by other practicing professional consultants performing the same or similar work in the state where the project is located.
- 4.3 The SUBCONSULTANT agrees to indemnify, hold harmless and defend the ENGINEER and the OWNER, their principals, partners, officers, agents, and employees from and against all claims, loss, damage, attorney's fees, charge or expense to which they or any of them may be put or subjected to arising out of or caused in whole or in part by any negligent act or omission of the SUBCONSULTANT, or anyone directly or indirectly employed by the SUBCONSULTANT. In the event the subject action alleges negligence on the part of the SUBCONSULTANT and/or the ENGINEER, or any third

parties not under contract with SUBCONSULTANT, SUBCONSULTANT's obligations regarding the ENGINEER's defense under this paragraph include only the reimbursement of the ENGINEER's reasonable defense costs incurred to the extent of SUBCONSULTANT's negligence as expressly determined by a final judgment, arbitration, award, order, settlement, or other final resolution.

- 4.4 If the SUBCONSULTANT shall fail to complete the services as detailed in the attached Task Order, to the detriment of the ENGINEER, the SUBCONSULTANT shall reimburse the ENGINEER for any costs incurred by ENGINEER because of such default of the SUBCONSULTANT.
- 4.5 In the event of legal action brought by either party against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amount for fees, costs and expenses, including attorney's fees, as may be set by the court or the actual costs incurred by the prevailing party if the dispute does not reach final judgment.
- 4.6 The SUBCONSULTANT shall not make, sublet or assign any of the services covered by this Agreement, except with the prior written approval of the ENGINEER and in compliance with the terms, provisions and conditions of the Agreement. The SUBCONSULTANT shall not separately solicit or accept any assignment from the OWNER related to the Project during the life of the Agreement without the ENGINEER's written approval or unless the ENGINEER is terminated by the

OWNER under the provisions of the Prime Agreement.

- 4.7 The SUBCONSULTANT shall, upon request and without cost, provide ENGINEER and the OWNER all directly pertinent books, documents, papers and records including electronic data of the SUBCONSULTANT involving transactions related to this Agreement.

## SECTION 5 - INSURANCE

- 5.1 Business Insurance. SUBCONSULTANT shall maintain, at its own expense, Commercial General Liability and Automobile Liability with limits at or above that which is reasonably required of other firms in the industry for their protection and management of business risks. SUBCONSULTANT shall name ENGINEER and OWNER as additional insureds on the above required policies.
- 5.2 Workers' Compensation Insurance. A current Workers' Compensation and Employer's Liability insurance certificate with limits pursuant to state law is required. By initialing below, SUBCONSULTANT asserts that it is not legally required to carry Workers' Compensation Insurance:  
  
\_\_\_\_\_ (Initials)
- 5.3 Professional Liability Insurance. A current Professional Liability insurance certificate with minimum limits of \$1,000,000 is required.
- 5.4 SUBCONSULTANT shall attach the certificate(s) evidencing the coverages required above to the signed Agreement before returning to ENGINEER. This Agreement is not final and invoices cannot be paid until

an insurance certificate(s) evidencing all policies is received. Additionally, SUBCONSULTANT shall provide ENGINEER with updated certificates for the duration of this Project to the following address:

Carollo Engineers  
Risk Management Services  
3150 Bristol Street, Suite 500  
Costa Mesa, CA 92626

## **SECTION 6 - INDEPENDENT INVESTIGATIONS**

- 6.1 The SUBCONSULTANT has reviewed the services required under the Agreement and has made his own investigation concerning services. The SUBCONSULTANT has determined that he has sufficient information to enter into the Agreement and perform the services called for herein. The SUBCONSULTANT agrees and acknowledges that the ENGINEER has made no representations or warranties concerning the services provided and that the SUBCONSULTANT has relied solely upon his own review and investigation prior to entering into this Agreement.

## **SECTION 7 - TERMINATION OF AGREEMENT**

- 7.1 The ENGINEER may terminate this Agreement at any time by giving the SUBCONSULTANT written notice thereof. Upon said termination, the SUBCONSULTANT will be reimbursed for that portion of the work completed prior to termination less expenses or costs incurred as a result of the SUBCONSULTANT's default.

## **SECTION 8 - ENTIRE AGREEMENT**

- 8.1 This Agreement including attachments incorporated herein by reference represents the entire Agreement and understanding between the parties

and any negotiations, proposals or oral agreements are intended to be superseded by this written Agreement. Any supplement or amendment to this Agreement to be effective shall be in writing and signed by the parties.

## **SECTION 9 - TIME OF COMPLETION**

- 9.1 SUBCONSULTANT shall complete all work authorized by the NETRWPG and funded by the TWDB in time to allow the NETRWPG to approve all submittals of the NETRWPG and submit it to the TWDB.

## **SECTION 10 - STATE AUDITOR CLAUSE**

- 10.1 By executing this Contract, the SUBCONSULTANT accepts the authority of the State Auditor's Office, under direction of the legislative audit committee, to conduct audits and investigations in connection with any and all state funds received pursuant to this contract. The SUBCONSULTANT shall comply with and cooperate in any SUBCONSULTANT investigation or audit. The ENGINEER agrees to provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit. The SUBCONSULTANT also agrees to include a provision in any subcontract related to this contract that requires the SUBCONSULTANT to submit to audits and investigation by the State Auditor's Office in connection with any and all state funds received pursuant to the subcontract.

## **SECTION 11 FINANCIAL RECORDS**

- 11.1 The SUBCONSULTANT and its contracted parties shall maintain satisfactory financial accounting documents and records, including copies of invoices and receipts, and

shall make them available for examination and audit by the EXECUTIVE ADMINISTRATOR of the TWDB. Accounting by the SUBCONSULTANT and its contracted parties shall be in a manner consistent with generally accepted accounting principles.

## **SECTION 12 OWNERSHIP**

- 12.1 It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this contract and developed by the SUBCONSULTANT pursuant to this contract shall become the joint property of the REGIONAL WATER PLANNING GROUP, RWRD, ENGINEER, SUBCONSULTANT, and the Texas Water Development Board. These materials shall not be copyrighted or patented by the SUBCONSULTANT. SUBCONSULTANT agrees that neither the Regional Water Planning Group nor the Texas Water Development Board are parties to this contract and agrees that that these entities have no liability under the terms of this contract. The Texas Water Development Board is solely a third-party beneficiary under this contract.

## **SECTION 13 NO DEBT AGAINST THE STATE**

- 13.1 This SUBCONTRACT and Agreement shall not be construed as creating any debt by or on behalf of the State of Texas and the TWDB, and all obligations of the State of Texas are subject to the availability of funds. To the extent the performance of this SUBCONTRACT transcends the biennium in which this SUBCONTRACT is entered into, this SUBCONTRACT is specifically contingent upon the continued

authority of the TWDB and appropriations therefore.

## **SECTION 14 LICENSES, PERMIT AND INSURANCE CLAUSE**

- 14.1 For the purpose of this CONTRACT, the SUBCONSULTANT will be considered an independent SUBCONTRACTOR and therefore solely responsible for liability resulting from negligent acts or omissions. The SUBCONSULTANT shall obtain all necessary insurance, in the judgment of the SUBCONSULTANT, to protect themselves, the ENGINEER, the RWRD, the TWDB, and employees and officials of the TWDB from liability arising out of this CONTRACT. The SUBCONSULTANT shall indemnify and hold the TWDB and the State of Texas harmless, to the extent the SUBCONSULTANT may do so in accordance with state law, from any and all losses, damages, liability, or claims therefore, on account of personal injury, death, or property damage of any nature whatsoever caused by the SUBCONSULTANT, arising out of the activities under this CONTRACT.

The SUBCONSULTANT shall be solely and entirely responsible for procuring all appropriate licenses and permits, which may be required by any competent authority for the SUBCONSULTANT to perform the subject work.

## **SECTION 15 COMPLIANCE WITH BOARD RULES AND STATE LAW**

- 15.1 SUBCONSULTANT shall comply with BOARD rules and adhere to all requirements in state law pertaining to the procurement of professional services.

**SECTION 16 - REQUIRED PROVISIONS**

- 16.1 The SUBCONSULTANT shall, in the performance of this Agreement, comply with all federal, state and local laws; and all regulations and orders issued under any applicable law.
- 16.2 The SUBCONSULTANT and its subconsultants shall abide by the requirements of 41 CFR 60-741.5 (a). This regulation prohibits discrimination against qualified individuals on the basis of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities.
- 16.3 The SUBCONSULTANT and its subconsultants shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination

against qualified protected veterans, and requires affirmative action to employ and advance in employment qualified protected veterans.

- 16.4 The Prime Agreement between ENGINEER and OWNER is attached as Exhibit A and hereby incorporated into this Agreement by reference. In the event of a conflict between the Prime Agreement and this Agreement, the Prime Agreement shall prevail.

**SECTION 17 - GOVERNING LAW**

- 17.1 This Agreement is to be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, duly authorized representatives of the parties have signed in confirmation of this Agreement, with effective date the day and year first above written.

CAROLLO ENGINEERS, INC.

SUBCONSULTANT

By: \_\_\_\_\_  
 David K. Harkins, Ph.D., P.E.  
 Vice-President

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

\_\_\_\_\_ 2126 Alpine St.  
 Address

\_\_\_\_\_ Longview, TX 75601-3401  
 City State Zip

Date \_\_\_\_\_

Phone (903) 758-2010

Fax ( ) \_\_\_\_\_

E-mail stan@hayesengineering.net

Fed Tax ID # 75-2534567

Certified \_\_\_\_\_ Yes, if so which?  
 MBE, WBE \_\_\_\_\_ No  
 or SBE? \_\_\_\_\_



## **Exhibit A**

### **Contract between Carollo Engineers, Inc. and the RWRD**

**Exhibit B**

**Task and Expense Budgets**

**TASK BUDGET**

		<b>TASK</b>	
<b>Accounting Item No.</b>	<b>Regional Water Planning Task No.</b>	<b>Description</b>	<b>AMOUNT</b>
1	1	Planning Area Description	\$1,435.00
2	2A	Non-Municipal Water Demand Projections	\$4,262.00
3	2B	Population and Municipal Water Demand Projections	\$4,748.00
5	10	Public Participation and Plan Adoption	\$39,000.00
		<b>Total</b>	<b>\$49,445.00</b>

**EXPENSE BUDGET**

<b>CATEGORY</b>	<b>TOTAL AMOUNT</b>
<i>Salaries &amp; Wages</i> <sup>1</sup>	\$ 23,239.00
<i>Fringe</i> <sup>2</sup>	\$ 3,956.00
<i>Travel</i>	\$
<i>Other Expenses</i> <sup>3</sup>	\$
<i>Subcontract Services #1</i>	\$
<i>Overhead</i> <sup>4</sup>	\$ 16,811.00
<i>Profit</i>	\$5,439.00
<b>TOTAL COSTS</b> <sup>5</sup>	<b>\$49,445.00</b>

<sup>1</sup> **Salaries and Wages** is defined as the cost of salaries of engineers, draftsmen, stenographers, surveyors, clerks, laborers, etc., for time directly chargeable to this contract.

<sup>2</sup> **Fringe** is defined as the cost of social security contributions, unemployment, excise, and payroll taxes, employment compensation insurance, retirement benefits, medical and insurance benefits, sick leave, vacation, and holiday pay applicable thereto.

<sup>3</sup> **Other Expenses** is defined to include expendable supplies, communications, reproduction, and postage.

<sup>4</sup> **Overhead** is defined as the costs incurred in maintaining a place of business and performing professional services similar to those specified in this contract. These costs shall include the following:

- Indirect salaries, including that portion of the salary of principals and executives that is allocable to general supervision;
- Indirect salary fringe benefits;
- Accounting and legal services related to normal management and business operations;
- Travel costs incurred in the normal course of overall administration of the business;
- Equipment rental;
- Depreciation of furniture, fixtures, equipment, and vehicles;
- Dues, subscriptions, and fees associated with trade, business; technical, and professional organizations;
- Other insurance;
- Rent and utilities; and
- Repairs and maintenance of furniture, fixtures, and equipment.

<sup>5</sup> **Ineligible expenses** include, but are not limited to:

- Food and Lodging for Regional Water Planning Group members;
- Tips;
- Costs associated with social events and tours;
- Costs of generating or distributing newsletters;
- Direct costs greater than \$250.00 per year for domain fees, website hosting, and/or website maintenance costs;
- Direct or indirect labor costs associated with obtaining, developing, and/or maintaining websites including costs to track website use or post materials on websites.

## Exhibit C

# General Guidelines for Development of the 2026 Regional Water Plans

**NOTE:**  
**THIS DOCUMENT CURRENTLY INCLUDES ON THE GUIDANCE ASSOCIATED WITH THE  
INITIAL SCOPE OF WORK TASKS. SECTIONS 3 – 9, 11, AND 12 WILL BE  
INCORPORATED INTO GUIDANCE UPON AMENDMENT OF THE FULL SCOPE OF  
WORK.**

*June 2021*

*This document is subject to future revision based upon any future Legislative actions.*

TWDB Contract No. 2148302556  
Exhibit C, Page 1 of 34

General Guidelines for Development of the 2026 Regional Water Plans

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## General Guidelines for Development of the 2026 Regional Water Plans

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## SECTION 1 – Introduction

### 1.1 Background

The sixth cycle of regional and state water planning as defined by Senate Bill 1 of the 75th Texas Legislature commenced in 2021 and will extend through 2026. Regional water planning groups must prepare the 2026 Regional Water Plans that, once approved, will become the basis for the 2027 State Water Plan.

While the regional water plan development is directed by the regional water planning groups, in order to ensure that the regional water plans follow a consistent and credible approach, the TWDB's Executive Administrator prepared the following guidelines to assist with the planning process. These guidelines augment the Texas Water Code (TWC) and the administrative rules related to regional water planning and are part of the regional water planning grant contracts.

### 1.2 Purpose

These guidelines build upon and provide additional information and greater detail about how to implement the administrative rules, including regarding the required methods, content, and format of information to be contained and presented in each RWP to meet rule and contractual requirements including the scope of work. For convenience, the sections of this document include direct links to the relevant regional water planning rules and the Exhibit A: Scope of Work tasks, followed by 'Guidance' content provided by the Executive Administrator.

While each regional water plan is unique to its region, this guidance is intended to ensure that the 16 regional water plans are developed in a generally consistent and similar manner to produce information that may be combined and aggregated, at the state level, to support the development of a meaningful and credible state water plan. The intent is to ensure that the 16 regions generally produce and provide 'apples to apples' data across the entire state including key information that will support the Texas Water Development Board's (TWDB) development of the state water plan.

Depending upon the nature of particular water planning rules or contract tasks, this guidance intentionally varies in its degree of specificity and flexibility. These guidelines include specific requirements that must be complied with by regional water planning groups as they prepare the regional water plan as well as guidance that the regional water planning groups may "consider", and that leaves certain considerations to the discretion of the planning groups.

The Initially Prepared Plans (IPP) and the final adopted regional water plans will be reviewed by TWDB based on statute, regional water planning rules, as well as requirements that are included in this and all other contract documents including the scope of work.

This document augments existing statute and rules that govern regional water planning. Provisions of [TWC §16.053](#) and 31 Texas Administrative Code (TAC) Chapters [355](#), [357](#),

## General Guidelines for Development of the 2026 Regional Water Plans

and [358](#) serve as the foundation for information in this document and are not superseded or abridged by anything contained within or excluded from this document.

### 1.3 General format and content of this document

This guidance consists of the following sections:

1. **Section 1 – Introduction** includes background material and a general document cross-reference that illustrates how the administrative rules, contract scope of work, and guidance documents all relate and align with one another.
2. **Section 2 – Scope of Work Task-Specific Guidelines** includes guidance organized by Scope of Work tasks and related rules sections. The section identifies various summary tables that are required to be included in the IPP and final RWP.
3. **Section 3 – Appendices** includes appendices that accompany sections 1 and 2.

### 1.4 General guidance

1. Development of the regional water plans will be guided by the [State Water Plan Guidance Principles](#).
2. The regional water plans must include an Executive Summary including key findings and recommendations, not to exceed 30 pages.
3. This guidance document includes the minimum reporting requirements where information and data are available. A regional water planning group may present more information and findings in their plan than is required by this guidance.
4. Regional water planning groups must submit all data identified in Exhibit D: Guidelines for 2026 Regional Water Planning Data Deliverables to the TWDB. The regional water plans are intended to include data reflective of a planning level analysis.

### 1.5 Documents and files that accompany and are integral to implementing this guidance

1. **Exhibit C Tables:** An excel template file called “2026 RWP Exhibit C Tables” will be developed to accompany this guidance document and will include the summary tables that are required to be included in the IPP and final regional water plan. The excel spreadsheet must be filled in and submitted with the in the IPP and final regional water plan with associated information.
2. **Exhibit D: Guidelines for 2026 Regional Water Plan Data Deliverables** – this is a separate document that will be developed to support this guidance. Exhibit D will be incorporated into contracts via a future contract amendment that incorporates the remaining Scope of Work tasks. Guidelines for the development of the previous regional water plans may be found [here](#).

## General Guidelines for Development of the 2026 Regional Water Plans

**1.6 General document cross-reference for regional water plans**

For convenience the table below illustrates how contract tasks, guidance, administrative rules, and regional water plan chapters generally relate.<sup>1</sup> The chapter breakdown for each plan is specifically required under 31 TAC §357.22(b). Plans that are not organized in this manner will be considered administratively incomplete and will not be reviewed. **Please note that this table includes anticipated scope of work tasks for the 2026 Regional Water Plan development. This table (including any items marked TBD) is subject to revision upon incorporation of the full SOW. Items marked with an asterisk are anticipated to be removed following the TWDB's implementation of [House Bill 1905](#), 87<sup>th</sup> Legislative Session.**

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<sup>1</sup> Some rules (e.g., TAC §358; §357.22) apply more broadly to all regional water planning activities.

## General Guidelines for Development of the 2026 Regional Water Plans

Regional Water Planning Contract Document References			2026 Regional Water Plan Chapter, Associated TAC Sections, and Content		
TWDB Contract Reimbursement Accounting Number ('CAS')	Exhibit A - Contract Scope of Work Task	Exhibit C - General Guidelines for Development of the 2026 Regional Water Plans	Regional Water Plan Chapter Number	Primary TAC Section	General Content
1	1	1	1	§357.30	Description of the Regional Water Planning Area
2	2A	2	2	§357.31	Projected Non-Municipal Water Demands
3	2B			§357.31	Projected Population and Municipal Water Demands
TBD	TBD	3	3	§357.32	Water Supply Analysis
TBD	TBD	4	4	§357.33	Identification of Water Needs
TBD	TBD	NA	<b>TBD</b>	§357.12	Identification of Infeasible Water Management Strategies
TBD	TBD	NA	<b>NA</b>	contract	Technical Memorandum Deliverable
TBD	TBD	5	5	§357.34	Identification of Potentially Feasible Water Management Strategies
TBD	TBD			§357.34; §357.35	Evaluations of Potentially Feasible Water Management Strategies, Recommended Water Management Strategies and Projects, and Alternative Water Management Strategies and Projects
TBD	TBD			§357.34	Conservation Recommendations <i>[as an individual subchapter]</i>
TBD	TBD	6	6	§357.40	Impacts of Regional Water Plan
				§357.41	Consistency with Protection of Water Resources, Agricultural Resources, and Natural Resources
TBD	TBD	7	7	§357.42	Drought Response Information, Activities, and Recommendations
4	8	8	8	§357.43	Policy Recommendations & Unique Sites
TBD	TBD	9	9	§357.44	Infrastructure Financing Analysis*
5	10	10	10	§357.21; §357.50	Public Participation and Plan Adoption
TBD	TBD	11	11	§357.45	Implementation and Comparison to the Previous Regional Water Plan
TBD	TBD	12	<b>N/A</b>	§357.46	RWPG Prioritization of Recommended Water Management Strategy Projects *

## 1.7 Definitions of Terms

### 1.7.1 Regional Water Planning rule definitions

Many of the regional water planning specific terms and acronyms used in this guidance document are defined in 31 TAC §357.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&dir=&p\\_rloc=&ptloc=&p\\_ploc=&pg=1&tac=&ti=31&pt=10&ch=357&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&dir=&p_rloc=&ptloc=&p_ploc=&pg=1&tac=&ti=31&pt=10&ch=357&rl=10)

### 1.7.2 Groundwater Management rule definitions

Many of the groundwater related terms and acronyms used in this guidance document are defined in 31 TAC §356.10. These may be viewed online at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&dir=&p\\_rloc=&ptloc=&p\\_ploc=&pg=1&tac=&ti=31&pt=10&ch=356&rl=10](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&dir=&p_rloc=&ptloc=&p_ploc=&pg=1&tac=&ti=31&pt=10&ch=356&rl=10)

### 1.7.3 Non-rule definitions pertinent to regional water planning

**Aquifer** – Geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs. The formation could be sand, gravel, limestone, sandstone, or fractured igneous rocks.

**Aquifer recharge** – Water that infiltrates to the water table of an aquifer.

**Aquifer storage and recovery** – The practice of injecting water, when available, into an aquifer where it is stored for later use.

**Brackish water** – Water containing total dissolved solids between 1,000 and 10,000 milligrams per liter.

**Capital cost** – Portion of the estimated cost of a water management strategy that includes both the direct costs of constructing facilities, such as materials, labor, and equipment, and the indirect costs associated with construction activities, such as engineering studies, legal counsel, land acquisition, contingencies, environmental mitigation, interest during construction, and permitting.

**Desalination** – Process of removing salt and other dissolved solids from seawater or brackish water.

**Drought** – Generally applied to periods of less than average precipitation over a certain period of time. Associated definitions include meteorological drought (abnormally dry weather), agricultural drought (adverse impact on crop or range production), and hydrologic drought (below-average water content in aquifers and/or reservoirs).

**Environmental flows** – An environmental flow is an amount of water that should remain in a stream or river for the benefit of the environment of the river, bay, and estuary, while balancing human needs.

**Estuary** – A bay or inlet, often at the mouth of a river and may be bounded by barrier islands, where freshwater and seawater mix together providing for economically and ecologically important habitats and species and which also yield essential ecosystem services.

## General Guidelines for Development of the 2026 Regional Water Plans

**Firm diversion (run of river availability)** – Evaluated for municipal sole-source water use (i.e. not firmed up with other sources) is defined as the minimum monthly diversion amount that is available 100 percent of the time during a repeat of the drought of record. Evaluated for all other water users, the ‘firm diversion’ is defined as the minimum annual diversion, which is the lowest annual summation of the monthly diversions reported by the Water Availability Model over the simulation period (lowest annual summation being the calendar year within the simulation that represents the lowest diversion available).

**Group quarter** – A place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

**Infrastructure** – Physical means for meeting water and wastewater needs, such as dams, wells, conveyance systems, and water treatment plants.

**Instream Flow** – Water flow and water quality regime adequate to maintain an ecologically sound environment in streams and rivers.

**Local groundwater supplies** – Supplies found in local groundwater areas usually not associated with a major, minor, or other aquifer (e.g., a small local alluvial aquifer) that may still be used as a non-municipal water supply source (e.g., for livestock use), but that the groundwater management area determined to be small enough to not go through the desired future condition process.

**Local surface water supplies** – Limited, unnamed individual surface water supplies that, separately, are available only to particular non-municipal water user groups, such as livestock.

**Non-relevant aquifer** – An aquifer/region/county/basin geographic unit or a sub-portion of such a geographic aquifer unit where the groundwater management area did not assign a desired future condition. This results in this geographic unit (or sub-portion) not having an associated modeled available groundwater volume. In addition, this means that the associated aquifer/region/county/basin geographic unit may or may not have a non-modeled available groundwater volume (as determined by the planning group) associated with it.

**Other aquifer** – An aquifer that has not been designated as major or minor.

**Rainwater harvesting** – An ancient practice involving the capture, diversion, and storage of rainwater for landscape irrigation, drinking and domestic use, aquifer recharge, and in modern times, stormwater abatement.

**Seawater** – Water typically containing total dissolved solids of 35,000 milligrams per liter or greater. The volume of total dissolved solids may be lower than 35,000 milligrams per liter.

**Sedimentation** – Action or process of depositing sediment in a reservoir, usually silts, sands, or gravel.

**Storage** – Natural or artificial impoundment and accumulation of water in surface or underground reservoirs, usually for later withdrawal or release.

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**System gain** – The amount of permitted water a system creates that would otherwise be unavailable if the reservoirs were operated independently and this volume must be reported separately. For multi-reservoir systems, the minimum system gain during drought of record conditions may be considered additional water available, if permitted.

**Water availability model** – Numerical computer program used to determine the availability of surface water within each river basin for permitting in the state.



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## 2 SECTION 2 – Scope of work task specific guidelines

Included in this section is guidance specifically addressing the following scope of work tasks<sup>2</sup>. Items marked with an asterisk are anticipated to be removed following TWDB’s implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Corresponding agency rules are also shown below for convenience and reference:

- Task 1 – Description of the Regional Water Planning Area (§357.30)
- Task 2A and 2B – Projected Population and Water Demands (§357.31)
- Water Supply Analysis (§357.32)
- Needs Analysis: Comparison of Water Supplies and Demands (§357.33)
- Identification of Infeasible Water Management Strategies (§357.12)
- Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects (31 TAC §357.34); Recommended Water Management Strategies and Alternative Water Management Strategy Projects (§357.35)
- Impacts of Regional Water Plan (§357.40); Consistency with Long-term Protection of Water Resources, Agricultural Resources, and Natural Resources (§357.41)
- Drought Response Information, Activities, and Recommendations (§357.42)
- Task 8 – Regulatory, Administrative, or Legislative Recommendations (§357.43)
- Infrastructure Financing Analysis (§357.44)\*
- Task 10 – Adoption, Submittal, and Approval of Regional Water Plans (§357.50 and §357.21)
- Implementation and Comparison to the Previous Regional Water Plan (§357.45)
- Prioritization of Projects by RWPGs (TAC §357.46)\*

### 2.1 Planning area description (Task 1)

#### Rule and scope of work requirements:

- [§357.30: Description of the Regional Water Planning Area](#)
- [Scope of work Task 1: Planning Area Description](#)

#### Guidance:

Each regional water plan must include a description of the regional water planning area including the following items:

1. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
2. current water use and major water demand centers;
3. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
4. major water providers;
5. agricultural and natural resources;
6. identified water quality problems;

<sup>2</sup> The initial regional water planning contracts include only SOW tasks 1, 2A-2B, 8, and 10. The remaining SOW task numbers and related sections of this guidance document will be incorporated via a future contract amendment.

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7. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
8. summary of existing local and regional water plans;
9. the identified historic drought(s) of record within the planning area;
10. current preparations for drought within the planning area;
11. information provided by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to water loss audits); and,
12. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.

*Major water providers*

Major water providers for the planning area are a subset of water user groups and/or wholesale water providers identified by the regional water planning groups to be of particular significance to the region's water supply. Each region must decide which entities are designated as major water providers. If the region decides not to designate any entities as major water providers, the plan needs to include discussion in chapter one of the plan as to why the planning group determined it does not have any water user groups or wholesale water providers of significance to the region's water supply.

*Wholesale water providers*

Entities designated as a wholesale water provider for planning purposes must sell or deliver (or plan to sell or deliver) wholesale water at some point in the 50-year planning horizon. Regional water planning groups will determine which wholesale water providers they want to utilize in their plan development. Data analysis and evaluations described throughout this document are relevant to the water user groups and wholesale water providers of the planning area. Data analyses of identified wholesale water providers will occur in the evaluation of contractual obligations to supply water, the demands associated with water user groups served by the wholesale water provider, the evaluation of the wholesale water provider's existing water supplies, and the evaluation of water management strategies and projects, for example.

Water user group and wholesale water provider data will support compiling results to describe the major water providers of the planning area. Even though the regional water planning group is not required to specifically report basic information on wholesale water provider demands and supplies in the regional water plan, it will need to do so in at least two specific instances:

1. if that same entity is also designated by the planning group as a major water provider, or
2. if that wholesale water provider is designated as the "sponsor" of any recommended water management strategy project in the plan, through TWDB-generated data reports. The wholesale water provider information will provide the basis for the wholesale water provider strategy or project.

These are minimum reporting requirements, however a regional water planning group may present more wholesale water provider information utilized in the development of

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their plan. The extent to which planning groups report on additional wholesale water providers that have not been designated as major water providers is left largely to the discretion of the planning groups.

### *Drought(s) of record*

When presenting information on historic drought(s) of record, the regional water planning group may identify other relevant (e.g., basin-level) droughts of record that impact water supplies in the planning area in addition to identifying the overall historic drought of record in the planning area.

### *Water loss audits*

Information provided by the TWDB from water loss audits may be presented, for example, as a summary in tabular form along with a description of the information and how the regional water planning group considered the information in developing the regional water plan. Examples of water loss audit data presented include the number of entities submitting water loss audits, the total quantity of water produced, the total reported quantity of water lost, and the percent of water loss.

## **2.2 Population and water demand projections (Tasks 2A and 2B)**

### **Rule and scope of work requirements:**

- [§357.31: Projected Population and Water Demands](#)
- [Scope of work Task 2A: Non-Municipal Water Demand Projections](#)
- [Scope of work Task 2B: Population and Municipal Water Demand Projections](#)

### **Guidance:**

The TWDB will provide an updated water user group list for use in the 2026 Regional Water Plans and 2027 State Water Plan. The definition of water user groups can be found in [31 TAC §357.10\(43\)](#).

The TWDB will prepare draft population and municipal water demand projections for 2030-2080 for all municipal water user groups using data based on the new decennial census, new county-level population projections from the Texas Demographic Center, and the most recent utility boundary information.

Non-municipal draft water demand projections consisting of manufacturing, irrigation, livestock, and steam-electric power generation will be developed based on more recent historical water use data (2015-2019) and the same methodologies that were updated for use in developing the 2021 Regional Water Plans and 2022 State Water Plan. For the mining water use category, new projections will be developed based on a contracted mining study by the Bureau of Economic Geology.

### **Criteria and required data for requested changes to draft projections and revisions of approved projections**

The initial list of water user groups will be prepared and provided to each regional water planning group along with historical water use and population data for their review. The

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regional water planning groups will review the water user group list and historical data from the TWDB and provide corrections and feedback to the TWDB.

Once the final list of water user groups is established, the TWDB will prepare draft population and water demand projections for each region. The regional water planning groups will then review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from the TWDB. All requests to adjust draft projections must be submitted along with associated quantified data in an electronic format determined by the TWDB (e.g., Excel spreadsheets). If adequate justification is provided by the regional water planning groups to the TWDB, population and/or water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. The TWDB will then incorporate approved adjustments to the projections prior to the Board's consideration of adoption of the population and water demand projections. Acceptable criteria and required data are specified for each water user group category in Sections 2.2.1 and 2.2.2.

The regional water planning groups must use the Board-adopted projections when preparing their regional water plans. The TWDB will directly populate the state water planning database (DB27) with all Board-adopted water user group-level projections and the TWDB will make any related changes to DB27 if subsequent revisions are approved by the Board.

Regional water planning groups may request revisions to Board-adopted projections if the request demonstrates the projections no longer represent a reasonable estimate of anticipated conditions based on changed conditions or new information in accordance with 31 TAC §357.31(e)(2)<sup>3</sup>. However, planning groups will need to manage the timelines required for agency review and Board action with the subsequent revisions to their regional plans in order to meet all contractual deliverable deadlines.

### **2.2.1 Population projections**

The draft population projections will include permanent residential population including 'group quarter' population residing in institutional facilities (military, prisons, schools, or nursing homes) who are served by municipal water user groups or rely on their own water sources. Seasonal population, including tourist or seasonal workers, are not included in the draft projections although the associated seasonal water use is necessarily reflected in the per capita water use rates.

Prior to the release of the draft projections, the TWDB will analyze the most recent population projections from the Texas Demographic Center in comparison to the 2022 State Water Plan projections to determine the maximum region-wide, net population changes that may be considered by the regional water planning groups.

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<sup>3</sup> Work performed associated with revisions to Board-adopted projections is not eligible for regional water planning grant funding in accordance with 31 TAC §355.92(a)(E).

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**2.2.1.1 Municipal water user group list**

The initial list of water user groups, also referred to as *entities*, will be developed by the TWDB per [31 TAC §357.10\(43\)](#) and with the input of each regional water planning group. Municipal water user groups will be based on utility boundaries and annual water use volumes reported by associated public water systems via TWDB's annual Water Use Survey. Utilities' municipal net use will be evaluated based on whether they are public or private utilities. If the public water system or utility meets the annual municipal net use of 100 acre-feet threshold in any single year within the most recent five years (2015-2019), they will be established as stand-alone water user groups. Collective reporting units will be carried over from the 2022 State Water Plan, but also will be updated per newly established public water systems, changes in utility boundaries or input from the planning groups. Public water systems or utilities that do not meet the definition of a stand-alone water user group or collective reporting unit will be planned for as part of a county-other water user group per 31 TAC §357.10(43)(E). Additionally, group quarters can be water user groups if they meet the definition in 31 TAC §357.10(43)(B) or may be included as part of another water user group.

**Criteria for adjustment:**

A proposed water user group must meet the definition in [31 TAC §357.10\(43\)](#) and the following criteria to be included as a new, discrete entity in the 2026 Regional Water Plan. One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator:

1. Evidence of errors identified in the historical water use for a public water system or utility, which would determine whether the system or utility meets the water user group definition.
2. Evidence of errors in the ownership type of a public water system or utility provided in the Texas Drinking Water Watch.
3. Evidence of recent changes of the ownership of a public water system or utility through merge or annexation.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria to be included in the 2026 Regional Water Plan:

1. Annual water intake, sales, or metered use volumes for recent years for the public water system.
2. Documentation supporting changes of the name or ownership of a public water system or utility.
3. Documentation supporting collective reporting units with the geographic designation along with a list of the utilities or public water systems that have a common association for the purposes of water planning.
4. Documentation supporting that a system or utility within a collective reporting unit boundary should be planned for as a stand-alone water user group.

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**2.2.1.2 Regional-level population projections**

Adjustment to net regional-total population projections may be considered based on the criteria below. Associated adjustments to net county-total population projections within the regional total must also be justified (see Section 2.2.1.3). The net cumulative sub-regional requested changes may not exceed the maximum region-wide population that is provided by the TWDB.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the regional-level population projections:

1. A possible Census undercount took place in a county located within the region and action is currently being pursued to request a U.S. Census Bureau correction.
2. The most recent population growth rate (2015-2020) for the whole region is significantly different than the draft regional projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the regional-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county located in the region.
2. Historical regional-total population estimates from the Texas Demographic Center or the U.S. Census Bureau.
3. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total regional-level population projection.

**2.2.1.3 County-level population projections**

Any net adjustments to a county-total population projection due to adjustments to sub-county water user group-level projections within that county must be justified in a similar manner and will require an accompanying, justifiable redistribution of the projected county population within the same region so that the net, summed regional total remains unchanged unless an accompanying net total adjustment to the regional total is also requested, justified and approved (see Section 2.2.1.2).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising a net total county-level population projection:

1. A possible Census undercount took place in the county and action is currently being pursued to request a U.S. Census Bureau correction.
2. If there is evidence that the most recent years (2015-2020) net migration rate was significantly different than the net migration rate used for the draft projections.



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3. If there is evidence that the 2020-2030 net migration rate will be significantly different than the net migration rate used for the draft projections.
4. There are statistically significant birth and survival rate differences (by appropriate cohorts) between the county and the State.
5. The most recent county population growth rate (2015-2020) is significantly different than draft county's projections.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the county-level population projections:

1. Documentation of an action requesting the U.S. Census Bureau correct an undercount of population within a county.
2. Most recent in-migration and out-migration of a county, indicating that the net migration of a county over the most recent years (2015-2020) is significantly different than the net migration rates used for the draft projections.
3. Birth and/or survival rates for a county population between 2010-2020 by gender, race/ethnicity and single-year age cohorts.
4. County population estimates from the Texas Demographic Center or the U.S. Census Bureau.
5. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to the net total county-level population projection.

**2.2.1.4 Water user group (entity) population projections**

The projected population growth throughout the planning period for the utilities and rural area (county-other) within a county is a function of a number of factors, including the water user group's estimated share of the county's population or growth between 2010 and 2020, as well as local information provided by regional water planning groups. The total county population will serve as a control total for the WUG populations within each county. Any adjustments to a sub-county water user group population projection must involve a justifiable redistribution of projected populations within the relevant county so that the county net total remains unchanged unless an adjustment to the county total is also requested, justified and approved (see Section 2.2.1.3).

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration in adjusting individual water user group population projections:

1. An adjustment to the population estimates for utilities or rural areas due to official adjustment to the 2020 Census population.
2. The 2010 or 2020 permanent population-served estimate by a municipal water user group is significantly different than the 2010 or 2020 baseline population estimate used in the draft projections.



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3. The population growth rate for a municipal water user group over the most recent years (2015–2020) is substantially different than the growth rate between 2010 and 2020 in the draft projections.
4. Identification of growth limitations or potential build-out conditions for a water user group that would result in an expected maximum population that is different than the draft projections.
5. Updated information regarding the utility or public water system service area or anticipated near-term changes in service area.
6. Plans for new residential development in the near future that has not been counted in the draft projections.
7. Evidence of errors identified in historical connections.
8. Plans for a new or expansion of an existing institutional facility that was not included in the draft projections.
9. Evidence of errors in group quarter population.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustment to the water user group-level population projections:

1. The verified number of residential connections or permanent population of utilities or public water systems that are associated with a water user group and result in correcting the TWDB's Water Use Survey or historical estimates.
2. Updates or corrections to a water user group's group quarter population or the location of institutional facilities.
3. Population estimates for cities developed and published by the Texas Demographic Center or by a regional Council of Governments will be considered for utilities serving these respective cities.
4. Documentation from an official of a city or utility that describes the conditions expected to limit population growth and estimates the maximum expected population for a utility and the potential timeframe for buildout.
5. Documentation or maps that verify and display changes in the utility service area.
6. Documentation demonstrating near-term growth, expansion, or new construction such as platting of new subdivisions, annexation agreements, building permits or impact fee reports.
7. Documentation of potential future growth, such as utility master plans, capital improvement plans, land use and zoning plans, maps of vacant lands with number of dwelling units per acre or number of households and average household size.
8. Other data and evidence that the regional water planning group believes provides a reasonable basis for justifying changes to an individual water user group-level population projection.

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**2.2.2 Water demand projections****2.2.2.1 Municipal water demand projections**

Municipal water use includes both residential and non-residential water use. Residential use includes single and multi-family residential household water use. Non-residential use includes water used by commercial establishments, public offices, institutions, and light industrial facilities, but does not include significant industrial water users, such as large manufacturing, mining, or power generation facilities. Residential and non-residential water uses are categorized together because they are similar types of use, both use water primarily for drinking, cleaning, sanitation, cooling, and landscape watering.

Per capita water use is developed as gallons per capita daily (GPCD) using historical population estimates and net use for the utility. The reported data included in the municipal draft projections includes surface water, groundwater, and direct and indirect potable reuse, but does not include non-potable reuse sources.

The TWDB-generated draft municipal water demand projections shall incorporate limited, anticipated future water savings **due only to the transition to more water-efficient plumbing fixtures and appliances, as detailed in relevant legislation and provided to the regional water planning groups by the TWDB**. Any additional anticipated future water savings due to conservation programs undertaken by utilities or county-other water user groups shall be quantified and considered as a potential, recommended water management strategy by the regional water planning group.

*Dry-year and baseline GPCD*

Municipal water demand projections will be based upon dry-year demand conditions. The baseline GPCDs used in the 2026 Regional Water Plans will be carried over from the 2021 Regional Water Plans and used as default baseline GPCDs **with water efficiency savings due to more efficient plumbing fixtures and appliances through 2020 subtracted** to develop the draft water demand projections for municipal water user groups in the 2026 Regional Water Plans.

Regions may make a request to use a water user group's GPCD value from a different base dry-year within the most recent five years (2015-2019) as the basis for the demand projections of that water user group. The TWDB will consider an alternative base dry-year GPCD if the regional water planning group provides sufficient evidence that the alternative base dry-year GPCD is more representative of demands expected under dry-year conditions or that the draft default GPCD fails to adequately reflect water efficiency and conservation savings that have been already been implemented.

**Note that any adjustment to the population projections for a WUG will require an associated adjustment to the municipal water demand projections.**

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the municipal water demand projections:

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1. Evidence that per capita water use from a more recent year (2015-2019) would be more appropriate as the baseline because that year was more representative of dry-year conditions.
2. Evidence of errors identified in the historical water use or GPCD for a utility or public water system, including evidence that volumes of reuse (potable reuse) water used for municipal purposes should be or should not be included in the draft projections.
3. Evidence that the base dry-year water use was abnormal due to temporary infrastructure constraints or water restriction triggered by utility's drought management plan.
4. Trends indicating that per capita water use for a utility or rural area of a county have increased substantially in recent years, and evidence that these trends will continue to rise in the short-term future due to commercial development.
5. Evidence that the most recent water efficiency and conservation savings that have already been implemented are not reflected in the default baseline GPCD.
6. Evidence that the number of installations of water-efficient fixtures and appliances between 2010 and 2020 is substantially different than the TWDB estimate or evidence that the projected replacement rate of water-efficient fixtures and appliances is substantially different than the TWDB projections.
7. Evidence that future water efficiency savings are projected much higher than the draft projections due to a utility's conservation plans that accelerate the replacement of the existing outdated plumbing fixtures and appliances.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the municipal water demand projections:

1. Annual municipal water intake (total surface water diversions and/or groundwater pumpage and water purchased from other entities) for a utility measured in acre-feet.
2. The volume of water sales by a utility to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
3. Net annual municipal water use, defined as total water production less sales to other water users (utilities, industries, public water systems, etc.) measured in acre-feet.
4. Documentation of temporary infrastructure, drought restrictions, or other water supply constraints that were in place.
5. Drought index or seasonal rainfall data to document a year different than the designated dry-year as a more appropriate base year for projections.
6. Conservation plans or other documentation that show the number or rate of water-efficient fixtures replaced or planned to be replaced for the future.
7. Estimated water efficiency or conservation savings implemented.
8. To verify increasing or decreasing per capita water use trends for a utility or rural area of a county and therefore revising projections of per capita water use to reflect the trend, the following data should be provided with the request from the RWPG:

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- a. Historical per capita water use estimates based on net annual municipal water use for a utility or rural area of a county, beginning in 2015.
  - b. A trend analysis which takes into account the variation in annual rainfall.
  - c. Revised projections of per capita water use for a utility or rural area of a county, that demonstrate an increasing or decreasing trend of per capita water use.
  - d. Growth data in the residential, commercial and/or public sectors that would justify an increase or decrease in per capita water use.
  - e. Convincing documentation of planned future growth that would result in higher per capita water use.
9. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the municipal water demand projections.

### **2.2.2.2 Manufacturing water demand projections**

Manufacturing water use is defined as water used to produce manufactured goods. Manufacturing facilities report their water use to the TWDB annually through the Water Use Survey. Different manufacturing sectors are denoted by North American Industrial Classification System (NAICS) codes. The baseline for draft manufacturing water demand projections is based on the highest county-aggregated manufacturing water use in the most recent five years (2015-2019). The most recent 10-year projections for employment growth from the Texas Workforce Commission or other relevant economic measures available are used as proxy for growth between 2030 and 2040. After 2040, the draft manufacturing water demand are held constant through 2080 reflecting future efficiencies.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the manufacturing water demand projections:

1. Evidence of a new or existing facility that has not been included in the TWDB's Water Use Survey.
2. Evidence of an industrial facility that has recently closed its operation in a county.
3. Plans for new construction, or expansion or closure of an existing industrial facility in a county at some future date.
4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the manufacturing water demand projections.

1. Historical water use data and the 6-digit NAICS code of a manufacturing facility.

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2. Documentation and analysis that justify that a new manufacturing facility not included in the Water Use Survey database will increase future manufacturing water demand for the county above the draft projections.
3. The 6-digit NAICS code of the industrial facility that has recently located in a county and annual water use volume.
4. Documentation of plans for a manufacturing facility to locate in a county at some future date, including the following data:
  - a. The quantity of water required by the planned facility on an annual basis,
  - b. The proposed construction schedule for the facility including the date the facility will become operational, and
  - c. The 6-digit NAICS code for the planned facility.
5. Reports or research documents describing alternative trends or anticipated water use for manufacturing.
6. Specific information regarding incorrect location for a facility.
7. Other data and evidence that the RWPG considers reasonable and adequate to justify an adjustment to the manufacturing water demand projections.

### ***2.2.2.3 Steam-electric power generation water demand projections***

Water use for steam-electric power generation is consumptive use reported to the TWDB through the annual Water Use Survey. Steam-electric power water demand projections do not include water used in cogeneration facilities (included in manufacturing projections) or facilities which do not require water for production (wind, solar, dry-cooled generation), or hydro-electric generation facilities.

The baseline for draft water demand projections are based on the highest county-aggregated historical steam-electric power water use in the most recent five years (2015-2019). Subsequent demand projections after 2030 are held constant throughout the planning period. The anticipated water use of future facilities listed in state and federal reports is added to the demand projections from the anticipated operation date through 2080. The reported water use of power generation facilities scheduled for retirement in the state and federal reports is subtracted from the baseline or the decade in which they are projected to retire.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the power generation water demand projections:

1. Documentation that the draft projections have not included a facility that warrants inclusion.
2. Any local information related to new facilities or facility closures that may not have been included in U.S. Energy Information Administration report.
3. Evidence of a long-term projected water demand of a facility or a county that is substantially different than the draft projections.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.

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5. Evidence that a currently operating power generation facility has experienced a higher dry-year water use beyond the most recent five years, within the most recent 10 years.

**Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the steam-electric water demand projections.

1. Historical water use data and description of a surveyed or future facility, including the fuel type, cooling process, capacity, average percent of time operating, and any other information necessary to estimate water use.
2. Reports or research documents describing alternative trends or anticipated water use for steam-electric power generation.
3. Documentation of an anticipated new facility not listed in state or federal reports necessary to estimate the volume of water reasonably expected to be consumed. Such information should include power generation method, cooling method, generation capacity and any additional information necessary to reasonably estimate the future water use.
4. Documentation regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the steam-electric power water demand projections.

**2.2.2.4 Mining water demand projections**

Mining water demand includes water used for oil and gas development, as well as extraction of coal and lignite, sand aggregate, and other resources. Projections do not include water use required for the transportation or refining of materials. The TWDB's annual mining water use estimates are comprised of data from both surveyed and non-surveyed entities and are based on the mining study conducted in partnership with the U.S. Geological Survey and the University of Texas Bureau of Economic Geology.

**Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the mining water demand projections:

1. Evidence that mining water use in a county is substantially different than the draft projections. This could include trends in water use data from the FracFocus national online registry, the Texas Railroad Commission, or other sources.
2. Evidence of new facilities coming online or reported closures in surveyed facilities that may impact county projections.
3. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) water or brackish groundwater that were not included in the draft projections.



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4. Evidence of a long-term projected water demand of a facility or industry within a county that is substantially different than the draft projections.

#### **Data requirements:**

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the mining water demand projections.

1. Historical water use data and description of a surveyed or future facility, and any other information necessary to estimate water use.
2. Reports describing alternative trends or anticipated water use for mining.
3. Documentation of an anticipated new mining facility or new mining activities.
4. Specific information regarding facility closures that may impact county projections.
5. Specific information regarding incorrect location for a facility.
6. Reports or research documents describing alternative trends or anticipated water use for mining.
7. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the mining water demand projections.

#### **2.2.2.5 Irrigation water demand projections**

Irrigation water demand projections include the water necessary for irrigation activities, primarily field crops, but also include orchards, pasture, turf grass, vineyards, and self-supplied golf courses. Note that for the purposes of regional water planning, irrigation demands account for the amount of water pumped for irrigation, not the water needed or used by the crop or associated with dry-land farming.

The baseline methodology for draft irrigation water demand projections is the average of the most recent five-years (2015-2019) of water use estimates held constant between 2030 and 2080. In counties where the total groundwater availability over the planning period is projected to be less than the groundwater-portion of the baseline water demand projections, the draft irrigation water demand projections will begin to decline starting in 2040, or a later decade, commensurate with the decline in the associated groundwater availability.

#### **Criteria for adjustment:**

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the irrigation water demand projections:

1. Evidence that irrigation water use estimates for a county from another information source or more recent modeled available groundwater volumes are more accurate than those used in the draft projections.
2. Evidence that recent (10 years or less) irrigation trends are more indicative of future trends than the draft water demand projections.
3. Evidence that the baseline irrigation demand projection is more likely to reflect the future irrigation demand than the groundwater resource-constrained water



## General Guidelines for Development of the 2026 Regional Water Plans

demand projection (especially where economically feasible water supply strategies have been identified).

4. Region or county-specific studies that have developed water demand projections or trends for the planning period, or part of the planning period, and are deemed to be more reasonable estimates than the TWDB-generated draft projections.
5. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the irrigation water demand projections:

1. Historical water use, diversion, or pumpage volumes for irrigation by county.
2. Acreage and water use data for irrigated crops grown in a region as published by the Texas Agricultural Statistics Service, the Texas Agricultural Extension Service, the Farm Service Agency or other sources.
3. Available economic, technical, and/or water supply-related evidence that may provide a basis for adjustments in the default baseline projection and/or the future rate of change in irrigation water demand.
4. Alternative projected water availability volumes that may constrain water demand projections.
5. Updated modeled available groundwater volumes.
6. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the irrigation water demand projections.

#### 2.2.2.6 *Livestock water demand projections*

Livestock water use is defined as water used in the production of livestock, both for consumption and for cleaning and cooling purposes and aquaculture operations. The TWDB produces annual water use estimates for livestock, based on daily water demand per head assumptions for cattle (beef and dairy), hogs, poultry, horses, sheep, and goats. Additional facilities, such as aquaculture operations, report water use estimates through the TWDB Water Use Survey.

Draft water demand projections for each county are based on the average of the most recent five-years (2015-2019) of water use estimates. The rate of change for 2020-2070 from the 2022 State Water Plan will be applied to the new baseline.

### Criteria for adjustment:

One or more of the following criteria must be verified by the regional water planning group and the Executive Administrator for consideration of revising the livestock water demand projections:

1. Evidence that livestock water use estimates for a county from another source are more accurate than those used in the draft projections.

## General Guidelines for Development of the 2026 Regional Water Plans

2. Plans for the construction, expansion, or closure of a confined livestock feeding operation in a county at some future date.
3. Other evidence of change in livestock inventory or water requirements that would justify an adjustment in the projected future rate of change in livestock water demand.
4. Evidence of errors identified in historical water use, including volumes of reuse (treated effluent) or brackish groundwater that were not included in the draft projections.

### Data requirements:

The regional water planning group must provide the following data to the Executive Administrator associated with the identified criteria for justifying any adjustments to the livestock water demand projections:

1. Documentation of plans for the construction of a confined livestock feeding facility in a county at some future date and includes the following:
  - a. Confirmation of land purchase or lease arrangements for the facility.
  - b. The construction schedule including the date the livestock feeding facility will become operational.
  - c. The daily water requirements of the planned livestock feeding facility.
2. Other evidence that would document an expected increase or decrease in the livestock inventory in the county, such as facility closures.
3. Documentation of an existing confined livestock feeding operation not captured in the draft projections.
4. Other data and evidence that the regional water planning group considers reasonable and adequate to justify an adjustment to the livestock water demand projections.

### 2.2.3 Major water provider demands

Planning groups will review aggregated water demand projections for major water providers provided by the TWDB. Regional water planning groups must summarize and present the projected demands for major water providers by category of use and planning decade. The TWDB will provide retail water demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.

### 2.2.4 Representation of county-other sub-water user groups in regional water plans

Subject to their own time and financial resource constraints and at the discretion of each regional water planning group, county-other water user groups may be sub-divided into sub-county-other water users and presented in the regional water plans as such. However, for the development of the 2026 regional water plans, **this discrete level of information will not be eligible to be entered into DB27 but may be presented in the plan in a manner of the RWPG choice.** Any such entity identified by the planning group will inherently be represented in DB27 under the associated umbrella, county-other water user group. Therefore, any presentation of these entities in the regional water plans will solely

## General Guidelines for Development of the 2026 Regional Water Plans

be based on information analyzed and presented in narrative or tabular form by the regional water planning group. The TWDB will provide historical water use estimates and connection data for individual public water systems that may fall within the county-other water user group and that may be of interest to the planning groups to present as sub-county-other-water user groups in the narrative of their plan. However, planning groups would need to conduct their own analyses with this information to distribute such water demands across their sub-county-other water user groups of interest in a manner that maintains the integrity of the projected net total demand for that county-other water user group.

### **2.3 Water availability and existing water supplies**

*Guidelines for this section (Water Availability and Existing Water Supplies) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous (2021) regional water plans may be found [here](#).*

### **2.4 Identification of water needs**

*Guidelines for this section (Identification of Water Needs) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.5 Water management strategies and water management strategy projects**

*Guidelines for this section (Water Management Strategies and Water Management Strategy Projects) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.6 Impacts of the regional water plan**

*Guidelines for this section (Impacts of the Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

### **2.7 Drought response information, activities, and recommendations**

*Note: Guidelines for this section (Drought Response Information, Activities, and Recommendations) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 2.8 Unique stream segments and reservoir sites and other recommendations (Task 8)

### Links to rule and scope of work requirements:

- [§357.43: Regulatory, Administrative, or Legislative Recommendations](#)
- [Scope of work Task 8: Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues](#)

### Guidance:

Regional water planning groups may make recommendations for designating river and stream segments of unique ecological value and unique sites for reservoir construction; however, the Texas Legislature is responsible for making the official designations of these sites.

#### 2.8.1 Unique stream segments

Regional water planning groups may recommend all or parts of river and stream segments in their respective regions as having “unique ecological values.” To recommend this designation, planning groups must justify the recommendation based on the following criteria:

1. biological function measured as stream segments displaying significant habitat value including both quantity and quality considering degrees of biodiversity, age, and uniqueness including terrestrial, wetland, aquatic, or estuarine habitats;
2. hydrologic function measured as stream segments fringed by habitats that perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization, or groundwater recharge and discharge;
3. riparian conservation areas measured as stream segments fringed by significant areas in public ownership including state and federal refuges, wildlife management areas, preserves, parks, mitigation areas, or other areas held by governmental organizations for conservation purposes, or stream segments fringed by other areas managed for conservation purposes under governmentally approved conservation plans;
4. high water quality, exceptional aquatic life, high aesthetic value and spring resources that are significant due to unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality; or
5. threatened or endangered species and unique communities defined as sites along streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species, and sites along streams significant due to the presence of unique, exemplary, or unusually extensive natural communities.

Regional water planning groups seeking a designation shall forward a recommendation package to the Texas Parks and Wildlife Department, who will in turn provide a written evaluation of the proposal within 30 days. If the planning group is recommending stream segments that were recommended in a previous plan but not designated by the legislature, the recommendation package must be resubmitted to Texas Parks and Wildlife Department

## General Guidelines for Development of the 2026 Regional Water Plans

for an updated written evaluation. Final adopted regional water plans must include the Texas Parks and Wildlife Department's written evaluation.

Recommendation packages must include a physical description giving the location of the stream segment, along with maps, photographs, and documentation with supporting literature and data that characterizes a site's unique ecological value addressing criteria in 31 TAC §357.43(b) and §358.2(6).

If a river or stream segment has been recommended in a previous plan, the planning group may incorporate references of supporting materials developed for the previous plan into the current plan. References must be precise and include a summary of the information presented in the previous plan.

Recommendations regarding unique river or stream segments presented in the regional water plans must be specific as to a) which unique river or stream segments have been previously designated by the legislature and b) which are being recommended for designation by the planning group.

If the Texas Legislature designates a stream or river segment as unique; or if a planning group recommends that a stream or river segment be classified as unique, the regional water planning group must quantitatively assess how recommended water management strategies in the regional water plan would affect flows deemed important (by the planning group) to the stream or river segment in question. Furthermore, assessments shall describe how a regional water plan would affect the unique features and criteria cited by a planning group as the impetus for a legislative designation.

## 2.8.2 Unique reservoir sites

Regional water planning groups may recommend sites for reservoir construction that have "unique value" based on the following criteria:

1. site specific reservoir development is recommended as a specific water management strategy or as a unique reservoir site in a final adopted RWP; or
2. factors such as location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics make a site uniquely suited for either reservoir development to provide water supply for the current planning period, or where it might reasonably be needed to meet water needs beyond the 50-year planning period.

For recommendations regarding unique reservoir sites, the regional water plan must be specific as to a) which unique reservoir sites have been previously designated by the legislature; b) which are being recommended for designation by the RWPG; and c) whether the RWPG is recommending that the legislature re-designate a previously designated unique reservoir site. The adopted regional water plans must also include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site.

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**2.8.3 Other recommendations**

Regional water plans may include any additional regulatory, administrative, or legislative recommendations developed by the planning group including but not limited to the following topics:

- facilitate the orderly development, management, and conservation of water resources in Texas and to prepare for and respond to drought conditions,
- achieve the goals of state and regional water planning including ways the planning group believes the state and regional planning process would be improved,
- facilitate more voluntary water transfers in the region,
- information regarding the potential impacts of recommendations enacted into law once proposed changes are in effect.

In the development of other recommendations, the regional water planning groups should consider TWDB feedback on the implementation of the planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous regional water plan.

The regional water planning groups should also consider recommendations from the Interregional Planning Council as directed to the planning groups.

**2.9 Reporting of Financing Mechanisms for Water Management Strategies**

*Note: This section (Reporting of Financing Mechanisms for Water Management Strategies) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

**2.10 Adoption of Plan and Public Participation (Task 10)**

**Links to rule and scope of work requirements:**

- [§357.50: Adoption, Submittal, and Approval of Regional Water Plans](#)
- [Scope of work Task 10: Public Participation and Plan Adoption](#)

**Guidance:**

As required by 31 TAC §357.21, regional water planning groups must conduct all business in meetings posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551, with a copy of all materials presented or discussed available for public inspection prior to and following public meetings. Additional notice requirements referenced in 31 TAC §357.21 shall also be followed when applicable.

The regional water planning groups must adopt regional water plans and accommodate public participation in the regional water development process in accordance with administrative rules, the contract, statute, and the planning group's bylaws. The TWDB has published several documents on its [website](#) that contain helpful public notice guidance.



## General Guidelines for Development of the 2026 Regional Water Plans

This task includes all work required to prepare for and hold meetings and include public input and participation in development of the regional water plan, including but not limited to:

1. holding regional water planning group meetings;
2. holding committee meetings;
3. holding special meetings;
4. posting public notices;
5. holding public input meetings and hearing on the draft plan as required by statute and rules;
6. soliciting and considering public input;
7. technical work required to prepare for and participate in regional water planning group meetings, workshops, and any other committee or other meetings during the development of the regional water plan;
8. conducting surveys of water suppliers or water user groups;
9. coordinating with and collecting information from entities involved with water planning in the region;
10. assembling, producing, and submitting the Technical Memorandum, IPP, and final regional water plan and responding to comments and resubmitting as necessary to ensure the plan can be approved by the TWDB; and,
11. interregional cooperation and interregional conflict resolution efforts.

In addition to regular regional water planning group meetings and committee meetings, there are certain special meetings that each regional water planning group must hold each cycle. These include:

- Holding a preplanning public meeting to receive suggestions and recommendations from the public regarding issues that should be addressed in the next regional or SWP. This meeting must occur near the beginning of each cycle and prior to technical work commencing. During this meeting the regional water planning group will also be required to discuss how the planning group will conduct interregional coordination and collaboration regarding water management strategies. The TWDB will provide an initial list of regional water management strategies to all planning groups to assist in this effort.
- Present to the public the process for identifying potentially feasible WMS and the presentation of the analysis of infeasible water management strategies. The process will be documented and address any public input on the process.
- Holding a public hearing and receiving written comments on the IPP.

### **2.11 Implementation and comparison to the previous regional water plan**

*Note: Guidelines for this section (Implementation and Comparison to the Previous Regional Water Plan) will be incorporated into this document via a future contract amendment that incorporates the related scope of work task. Guidelines for the development of the previous regional water plans may be found [here](#).*



General Guidelines for Development of the 2026 Regional Water Plans

## **2.12 Prioritization of recommended water management strategy projects by regional water planning groups**

*Note: This section (Prioritization of Recommended Water Management Strategy Projects by Regional Water Planning Groups) is anticipated to be removed following TWDB's implementation of House Bill 1905, 87<sup>th</sup> Legislative Session. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.13 Deliverables**

Regional water planning groups must prepare and submit a Technical Memorandum, an IPP, and a final adopted regional water plan.

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## **2.14 Regional Water Planning Data Provisions and Data Reporting**

*Guidelines for this section will be incorporated into this document via a future contract amendment. Guidelines for the development of the previous regional water plans may be found [here](#).*

## 3 Appendices

### 3.1 TWDB data sources for regional water plan development

1. **Planning Data Dashboards**  
<http://www.twdb.texas.gov/waterplanning/data/dashboard/index.asp>
2. **Historical Water Use Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/index.asp>
  - a. Water use summaries (by region, county, basin, cities, utilities)
  - b. Annual reports by industry type (NAICS Code)
  - c. Water reuse reports by reuse type and planning region
  - d. Municipal and industrial water intake reports by planning region
3. **Historical Groundwater Pumpage Estimates**  
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/historical-pumpage.asp>
4. **Mining Water Use Study**  
<https://www.twdb.texas.gov/waterplanning/data/projections/MiningStudy/index.asp>
5. **Water Data for Texas** – Historic and current reservoir data, drought status and resources, groundwater well level, and coastal hydrology data.  
<http://www.waterdatafortexas.org/reservoirs/statewide>
6. **TWDB Groundwater Availability Models**  
<http://www.twdb.texas.gov/groundwater/models/gam/index.asp>
7. **TWDB Research Projects in Support of Groundwater Models**  
<http://www.twdb.texas.gov/groundwater/models/research/index.asp>
8. **Groundwater Joint Planning** – Desired future conditions and modeled available groundwater.  
<http://www.twdb.texas.gov/groundwater/dfc/index.asp>
9. **TWDB Groundwater Database Reports** – The purpose of the TWDB's data collection efforts over the years has been to gain representative information about aquifers in the state in order to support water planning from the local to a more regional perspective.  
<http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>
10. **TWDB Groundwater Data Viewer** – GIS datasets relating to groundwater resources, including brackish groundwater data.  
<http://www2.twdb.texas.gov/apps/waterdatainteractive/groundwaterdataviewer>

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11. **Statewide Survey of Aquifer Suitability for Aquifer Storage and Recovery Projects or Aquifer Recharge Projects**  
<http://www.twdb.texas.gov/innovativewater/asr/projects/Statewide/index.asp>
12. **Brackish Resources Aquifer Characterization (BRACS)**  
<http://www.twdb.texas.gov/groundwater/bracs/studies.asp>
  - a. Brackish Groundwater Production Zones  
<http://www.twdb.texas.gov/groundwater/bracs/HB30.asp>
13. **Texas Instream Flows Program (SB2) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/instream/index.asp>
14. **Texas Environmental Flows (SB3) and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/environmental/index.asp>
15. **Freshwater Inflow Needs and Related Documents**  
<http://www.twdb.texas.gov/surfacewater/flows/freshwater/index.asp>
16. **Innovative Water Technologies**  
<http://www.twdb.texas.gov/innovativewater/index.asp>
  - a. Aquifer Storage and Recovery
  - b. Desalination
  - c. Rainwater Harvesting
  - d. Water Reuse
17. **Water Conservation**  
<http://www.twdb.texas.gov/conservation/index.asp>
  - e. Water Conservation Advisory Council and BMPs
  - f. Water loss audit information
  - g. Water conservation plans
18. **Other water planning data resources**  
<http://www.twdb.texas.gov/waterplanning/data/resources/index.asp>
  - h. Population data links
  - i. Socio-economic data links
  - j. TCEQ water utility database link
19. **TWDB-funded research relevant to regional water planning**  
<http://www.twdb.texas.gov/waterplanning/rwp/research/index.asp>

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## Exhibit D

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# Guidelines for 2026 Regional Water Plan Data Deliverables

***NOTE:***

***THIS DOCUMENT IS BEING DEVELOPED AND WILL BE INCORPORATED INTO THE CONTRACT UPON AMENDMENT OF THE FULL SCOPE OF WORK DATA GUIDELINES FOR THE DEVELOPMENT OF THE PREVIOUS REGIONAL WATER PLANS MAY BE FOUND [HERE](#).***

**EXHIBIT E**  
**TASK ORDER NO. 1**

CAROLLO ENGINEERS, INC.

AND

HAYES ENGINEERING, INC.  
SUBCONSULTANT

This Task Order is issued by the ENGINEER and accepted by the SUBCONSULTANT pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the 4<sup>TH</sup> day of August, 2021, in connection with:

Preparing a Regional Water Plan for the NETRWPG (Region D) as defined by 31 TAC Chapters 355, 357 & 358. (Project)

PURPOSE

The purpose of this Task Order is to identify the Basic Services that the SUBCONSULTANT shall render professional services necessary to complete the following Scope of Work, which is Exhibit A to the ENGINEER'S contract with the RIVERBEND WATER RESOURCES DISTRICT, and which is incorporated herein and made a permanent part of the Contract.

SUBCONSULTANT'S SERVICES

Tasks detailed below are to be performed by SUBCONSULTANT for the assigned geographic area for the North East Texas Region.

**TASK 1 - Planning Area Description**

The objective of this task is to prepare a standalone chapter (in accordance with 31 Texas Administrative Code (TAC) §357.22(b)) to be included in the 2026 Regional Water Plan that describes the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.30.

**This Task includes, but is not limited to, performing all work in accordance with Texas Water Development Board (TWDB) rules and guidance required to:**

- 1) Designate major water providers in the regional water planning area for planning purposes.
- 2) Identify wholesale water providers in the regional water planning area for planning purposes.
- 3) Review and summarize relevant existing planning documents in the region including those that have been developed since adoption of the previous regional water plan. Documents to be summarized include those referenced under 31 TAC §357.22.

- 4) Prepare a chapter that describes the regional water planning area including the following:
  - a. social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;
  - b. current water use and major water demand centers;
  - c. current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;
  - d. major water providers;
  - e. agricultural and natural resources;
  - f. identified water quality problems;
  - g. identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;
  - h. summary of existing local and regional water plans;
  - i. the identified historic drought(s) of record within the planning area;
  - j. current preparations for drought within the regional water planning area;
  - k. information compiled by the TWDB from water loss audits performed by Retail Public Utilities pursuant to 31 TAC §358.6 (relating to Water Loss Audits); and
  - l. an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategy evaluated in the plan.
- 5) Disseminate the chapter document and related information to regional water planning group members for review.
- 6) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 7) Submit the chapter document to the TWDB for review and approval; and
- 8) Make all efforts required to obtain final approval of the RWP chapter by the TWDB.

**Deliverables:** A completed Chapter 1 describing the regional water planning area must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 2A - Non-Municipal Water Demand Projections**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2B and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will develop draft non-municipal water demand projections for 2030-2080 for all water demand categories unrelated to population (e.g. mining, manufacturing, irrigation, steam-electric power, and livestock) based on the most recent TWDB historical water use estimates. The same methodologies used for the 2022 State Water Plan will be applied to the 2027 State Water Plan projections, except for mining demands. The draft mining demand projections will be prepared based on an updated methodology to be developed by the Bureau of Economic Geology through a contracted mining water use study funded by the United States Geological Survey.

TWDB staff will provide draft water demand projections for all associated non-municipal water user groups to the regional water planning groups for their review and input.

Each regional water planning group will review the draft projections and may provide input to the TWDB or request specific changes to the draft projections from TWDB along with justifications and supporting data as specified in the guidance document General Guidelines for Development of the 2026 Regional Water Plans. The emphasis of this effort will be on identifying appropriate revisions based on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.

If adequate justification is provided by the regional water planning group to the TWDB, draft water demand projections may be adjusted by the TWDB in consultation with the Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once regional water planning group input and requested changes are considered, final water demand projections will be adopted by the TWDB's governing Board (Board). The adopted projections will then be provided to each regional water planning group. Planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate the state water planning database (DB27) with all water user group-level projections and make related changes to DB27 based on Board-adopted projections.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and make publicly available the draft non-municipal water demand projections provided by the TWDB.
- 2) Evaluate draft non-municipal water demand projections provided by the TWDB.
- 3) Review comments received from local entities and the public for compliance with TWDB requirements.
- 4) Prepare detailed feedback on draft non-municipal water demand projections, as necessary, including justification and documentation supporting requested changes from the regional water planning group and/or local entities with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 5) Submit numerical requests for revisions of draft non-municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document General Guidelines for Development of the 2026 Regional Water Plans.
- 6) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 7) Assist the TWDB, as necessary, in resolving final allocations of water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.
- 8) Prepare non-municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables should match the appropriate final data as reported by DB27.



- 9) Modify any associated non-municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group water demand projections.
- 10) Review the TWDB Water Demand report(s) from DB27 and incorporate this planning database report(s), unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.
- 11) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands, including within DB27 and within any planning memorandums or reports, as appropriate.
- 12) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the planning group into DB27 if the major water provider is a wholesale water provider.
- 13) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
- 14) Disseminate the chapter document and related information to regional water planning group members for review.
- 15) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 16) Submit the chapter document to the TWDB for review and approval; and
- 17) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 2B - Population and Municipal Water Demand Projections**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to be combined with Task 2A and included in the 2026 Regional Water Plan that describes the projected population and water demands in the regional water planning area.

In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work must include all work necessary to meet all the requirements of 31 TAC §357.31.

TWDB staff will prepare a new municipal water user group entity list including collective reporting units for each regional water planning group based on the water user group criteria under 31 TAC §357.10(43) with associated historical population and water use estimates and Gallons Per Capita Daily (GPCD) and provide them to regional water planning groups for their review and input.

Regional water planning groups will then review the draft municipal water user group list and historical population and water use and provide input to the TWDB or request specific changes to the water user group list including water systems included in collective reporting unit list and changes/corrections to historical population, water use estimates, or GPCDs.

Once the municipal water user group list is finalized TWDB staff will develop draft population and associated municipal water demand projections for 2030-2080 for all municipal water user

groups using data based on the 2020 decennial Census, updated county-level population projections from the Texas Demographic Center, and historical population and water use estimates and growth.

TWDB staff will provide draft population projections and associated water demand projections for all municipal water user groups based on utility service boundaries to regional water planning groups for their review and input. If adequate justification is provided by the regional water planning groups to the TWDB, draft population and/or municipal water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Once planning group input and requested changes are considered, final population and associated municipal water demand projections will be adopted by the Board. The adopted projections, based on utility service areas, will be provided to regional water planning groups. Regional water planning groups must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate DB27 with all water user group-level projections and make related changes to DB27 if revisions are made.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

- 1) Receive and review a draft municipal water user group entity list and detailed public water system list within each collective reporting unit provided by the TWDB and submit identified corrections to water user group-water systems relations or water user group names to the TWDB. Once finalized, the municipal water user group entity list will be populated into DB27.
- 2) Receive and review historical population and water use estimates and GPCDs provided by the TWDB and submit identified corrections to the TWDB.
- 3) Receive and make publicly available the draft population and associated municipal water demand projections provided by the TWDB that are based on utility service areas.
- 4) Evaluate draft population, GPCDs, Plumbing Code Savings (PC Savings) and associated municipal water demand projections provided by the TWDB.
- 5) Review and summarize comments received from local entities and the public for compliance with TWDB requirements.
- 6) Provide detailed revision requests to the TWDB for population, GPCDs, PC Savings and associated municipal water demand projections, as necessary, including justification and documentation supporting suggested changes with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2022 State Water Plan.
- 7) Submit numerical requests for revisions of draft population, GPCDs, PC Savings and municipal water demand projections in an electronic tabular template provided by the TWDB along with required documentation and justification of requested revisions from the regional water planning group, based on, for example, requests received from local entities, in accordance with the contract guidance document General Guidelines for Development of the 2026 Regional Water Plans.
- 8) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 9) Assist the TWDB, as necessary, in resolving final allocations of population and municipal water demands to water user groups to conform with any control totals defined by the TWDB, for example, by county and/or region.

- 10) Prepare population and municipal water demand projection summaries for water user groups using final, Board-adopted projections to be provided by the TWDB, as necessary. Any regional water planning group-created data tables must match the appropriate final data as reported by DB27.
- 11) Modify any associated population and municipal water demand projections for major water providers, as necessary based on final, Board-adopted water user group population and water demand projections.
- 12) Review the *TWDB Population and Water Demand* reports from DB27 and incorporate these planning database reports, unmodified, into any technical memorandum, initially prepared plan, and final regional water plan.
- 13) Update wholesale water provider contractual obligations to supply water to other entities and report this information along with projected demands including within DB27 and within any planning memorandums or reports, as appropriate.
- 14) Review aggregated water demand projections for major water providers provided by the TWDB. This will include retail demand data if the major water provider is a water user group, and contract demand data based on data entered by the regional water planning group, into DB27 if the major water provider is a wholesale water provider.
- 15) Summarize and present projected water demands for major water providers by category of use for each planning decade and incorporate this table into any technical memorandum, initially prepared plan, and final regional water plan.
- 16) Disseminate the chapter document and related information to regional water planning group members for review.
- 17) Modify the chapter document based on regional water planning group, public, and/or agency comments.
- 18) Submit the chapter document to the TWDB for review and approval; and
- 19) Make all efforts required to obtain final approval of the regional water plan chapter by the TWDB.

**Deliverables:** A completed Chapter 2 (including work from both Tasks 2A and 2B) presenting the projected population and water demands must be included in the Initially Prepared Plan and final 2026 Regional Water Plan.

### **TASK 10 - Public Participation and Plan Adoption**

The objective of this task is to prepare a chapter (in accordance with 31 TAC §357.22(b)) to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement, complete and submit a technical memorandum, initially prepared plan, and final regional water plan, and obtain TWDB approval of the regional water plan.

In addition to generally meeting all applicable statute requirements governing regional and state water planning this portion of work must, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 355, 357, and 358 that are not already addressed under the scope of work associated with other contract tasks but that are necessary and or required to complete and deliver a technical memorandum, initially prepared plan, and final adopted regional water plan to TWDB and obtain approval of the adopted regional water plan by the TWDB.





































































































