

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, the undersigned officer of the Board of Directors of Lazy Nine Municipal Utility District No. 1B, hereby certify as follows:

1. The Board of Directors of Lazy Nine Municipal Utility District No. 1B convened in regular session on April 17, 2024, outside the boundaries of the District, and the roll was called of the members of the Board:

Sharon Carter	President
Shannon J. Markert	Vice President
Derrick Jones	Secretary
Abby L. Raines	Assistant Secretary
James C. Bohls	Assistant Vice President/ Assistant Secretary

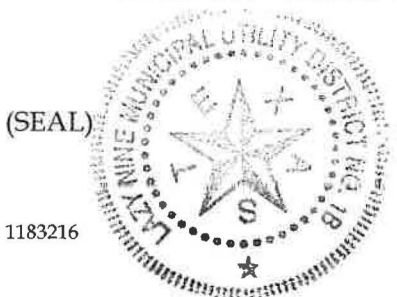
and all of said persons were present except Director(s) Markert & Raines, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN; PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT

was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on April 17, 2024.



Secretary, Board of Directors

ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN; PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT

WHEREAS, the Board of Directors (the "Board") of Lazy Nine Municipal Utility District 1B (the "District"), has carefully considered the current water conditions in the District and area-wide and has determined that the adoption of this Amended and Restated Drought Contingency Plan (the "Plan") by the District is necessary to ensure that an adequate supply of water is maintained; and

WHEREAS, the Board of the District also desires to provide in the Plan for the possibility of a natural disaster or equipment failure; and

WHEREAS, the Board of the District has previously adopted an Amended and Restated Drought Contingency Plan (the "Prior Plan"), and wishes to rescind the Prior Plan; and

WHEREAS, the Board of the District wishes to evidence its approval of this Plan and to adopt this Plan as the official policy of the District; NOW, THEREFORE,

BE IT ORDERED BY THE BOARD OF THE DISTRICT THAT:

Section I: Approval of the Plan

The Board of the District hereby approves and adopts this Plan as set forth in this Order, and the provisions of such Plan shall be implemented immediately and enforced as a rule of the District.

Water uses regulated or prohibited under the Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

The District has informed the public and wholesale water customers, if any, and affirmatively provided opportunity for input from the public and from wholesale water customers, if any, regarding the Plan. Such provision included notifying the public and wholesale water customers, if any, of the District's public meeting regarding the proposed Plan, notice of which was given pursuant to the Open Meetings Act.

The District will periodically provide its directors, officers, consultants, and the general public with information about this Plan, including the importance of the Plan,

information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use and impending or current drought conditions.

Section III: Public Education

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public meetings and inserts to be provided in monthly water utility billings.

Section IV: Coordination with Regional Water Planning Groups and the Lower Colorado River Authority

The service area of the District is located within the Region K Water Planning Group and the District has provided a copy of this Plan to the Region K Water Planning Group and the Lower Colorado River Authority ("LCRA") and the West Travis County Public Utility Agency ("PUA"). The District shall comply with the LCRA's Drought Contingency Plan and the PUA's Drought Contingency Plan. The District acknowledges that the Plan forms an integral part of its various agreements with the LCRA and the PUA.

Section V: Authorization

The District operator is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District operator shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application and Notice Requirements

The provisions of this Plan apply to all persons, customers, and property using potable water provided by the District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The District shall notify the executive director of the Texas Commission on Environmental Quality and the LCRA/PUA in writing within five (5) business days of the implementation of any mandatory provisions of the Plan.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Agriculture water use: water use for fruit and vegetable gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of water so that supply is conserved and made available for future use.

Customer: any person, company, or organization using water supplied by the District.

Domestic water use: use of water by an individual or a household to support its domestic activity. Such use may include consumption, washing, or cooking; irrigation of lawns, family garden or orchard; consumption by animals; and recreation including fishing, swimming, and boating. If the water is diverted, it must be diverted solely through the efforts of the user. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

"New landscape" means:

- a. Installed during construction of a new house, multi-family building, or commercial building;
- b. Installed as part of a governmental entity's capital improvement project; or
- c. Alters more than one-half of the area of an existing landscape.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

- (g) aesthetic water use except where necessary to support aquatic life, unless the make-up water is from a non-potable non-LCRA/PUA source; or
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Agricultural water use or use of water for livestock is not included in the definition of "non-essential water use."

Retail Water Customer: an individual or entity that purchases water from the District for its consumption.

Wholesale Treated Water Customer: an individual or entity that purchases raw water from LCRA to sell to the public for consumption.

Water user: All District residents and other users of water within the District, and all Retail Water Customers and Wholesale Treated Water Customers of the District, if any.

Section VIII: Triggering Criteria for Initiation and Termination of Drought Response Stages

A. Permanent Water Use Restrictions

The following restrictions apply to all of the District's water utility systems as well as the District's Water users on a year-round basis, regardless of water supply or water treatment plant production conditions.

According to the restrictions, a Water user must not:

- (1) fail to repair a controllable leak, including:
 - a. a broken sprinkler head;
 - b. a leaking valve;
 - c. leaking or broken pipes; or
 - d. a leaking faucet.

- (2) operate an irrigation system with:
 - a. a broken sprinkler head;
 - b. a sprinkler head that is out of adjustment and the arc of the spray head is over a street or parking area; or
 - c. a sprinkler head that is fogging or misting because of excessive water pressure.

- (3) during irrigation, allow water:
 - a. to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or

- b. to pool in a street or parking lot to a depth greater than one-quarter of an inch.

A Water user must irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than twice per week or outside of scheduled days and times as indicated below:

Residential

Addresses ending in even numbers: Thursday and Sunday

Addresses ending in odd numbers: Wednesday and Saturday

Watering Hours: Midnight to 10 a.m. and 7 p.m. to midnight

Commercial (including large landscapes such as HOA common areas)

Tuesday and Friday

Watering Hours: Midnight to 10 a.m. and 7 p.m. to midnight

B. Drought Responses Stages

The District operator shall monitor water supply and demand conditions and shall determine when conditions warrant initiation and termination of each stage of the Plan. Water supply conditions will be determined by the availability of the source of supply for individual service areas, system capacity, and weather conditions. Demand will be measured by the peak daily demands on each system. Notification of the initiation or termination of drought response stages shall be by a variety of methods, possibly including local media, direct mail to each customer, the District's website, and signs posted at other public places.

Any or all of the measures described in the Plan may be implemented on an area basis that is appropriate to the triggering criteria.

All demand management measures under the four stages of the Plan are mandatory and subject to enforcement.

(1) Stage 1 - Mild Water Shortage Conditions

Requirements for initiation – Affected Water users, as determined by the District operator, shall be required to comply with the Stage 1 Demand Management Measures of the Plan when the following triggering criteria are met:

- a. Source water contamination results in compromised capacity of the treatment and delivery systems;

- b. Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity;
- c. The PUA initiates Stage 1 of its Drought Contingency Plan.

Requirements for termination – Stage 1 of the Plan may be rescinded when:

- a. The source water contamination event or mechanical or electrical failure of a system component is resolved; or
- b. The PUA announces that reductions in water usage by Wholesale Treated Water Customers, the District is a wholesale water customer of the PUA, are no longer required under the drought contingency measures of the PUA's Drought Contingency Plan.

Supply Management Measures:

The District will:

- a. Apply water-use restrictions prescribed for Stage 1 of the Plan to the District's facilities for which Stage 1 has been declared;
- b. Discontinue water main and line flushing unless necessary for public health reasons; and
- c. Keep Water users informed about issues regarding current and projected water supply and demand conditions.

Demand Management Measures:

Water Supply Reduction Target: Achieve a 10% reduction in water use.

Under threat of penalty as described below, the following water-use restrictions shall apply to all water users in the District:

Irrigation of Landscaped Areas:

- a. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days referenced in Section VIII.A. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. Hand-held hose; or
 - ii. Faucet-filled bucket or water can of five gallons or less.

- b. New landscapes may be installed, and re-vegetation seeding performed under these specific criteria:
- i. The mandatory twice weekly watering schedule is adhered to;
 - ii. If a deviation from the twice weekly schedule is required, that a completed variance form for new landscapes has been submitted to the District and has been approved prior to the installation of the landscape, or re-vegetation seed application; and
 - iii. Irrigation of the new landscape, or re-vegetation and seed application follows the schedule identified in the new landscape variance:
 1. once a day for the first 10 days after installation;
 2. once every other day before 10 a.m. and after 7 p.m. for days 11 through 20 after installation; and
 3. once every third day before 10 a.m. and after 7 p.m. for day 21 through 30 after installation.
 - iv. Alternatives to re-vegetation may be available in times of low water supply. Specific information regarding such alternatives is available in the LCRA's Highland Lakes Watershed Ordinance Technical Manual (sec. 3.2.8).
 - v. Variances for new landscapes and re-vegetation will be issued for the shortest period necessary to reasonably assure the landscapes survival. A variance is not an exemption from compliance with the permanent water use restrictions under the Permanent Water Restrictions of this Plan other than as schedule in b.iii. Variances will not be granted for seasonal "color bed" or temporary grass installation (over seeding).

Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering Section VIII.A days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and

welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

Events:

Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a re-circulating device, or are used for a beneficial purpose such as watering landscaping to prevent water waste.

Restaurants:

All restaurants are encouraged to serve water to their patrons only upon request.

Recreational Areas (Includes Parks and Athletic Fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow irrigation of landscaped areas schedule. A variance can be applied for if necessary.

Water Waste:

The following uses of water are prohibited at all times during periods in which restrictions have gone into effect unless a variance has been approved:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious outdoor surfaces; except for immediate health and safety;
- b. Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but permitted for surface preparation of maintenance work to be performed;
- c. Controlling dust, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of a construction plan approved by a governmental entity; and
- d. Flushing gutters or allowing a substantial amount of water to run off a property and accumulate in a gutter, street, or parking lot to a depth greater than one-fourth of an inch.

(2) Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation – Water users shall be required to comply with Stage 2 Demand Management Measures of the Plan when moderate water shortage conditions exist. The District will recognize that a moderate water shortage condition exists when any of the following criteria is met:

- a. Source water contamination results in compromised capacity of the treatment and delivery systems;
- b. Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity;
- c. Target reduction for the Stage 1 Demand Management Measures is not achieved;
- d. The PUA initiates Stage 2 of its Drought Contingency Plan.

Requirements for termination – Stage 2 of the Plan may be rescinded when:

- a. The source water contamination event or mechanical or electrical failure of a system component is resolved; or
- b. The PUA announces that reductions in water usage by Wholesale Treated Water Customers are no longer required under the PUA's drought contingency plan.

Supply Management Measures:

In addition to the measures implemented in the preceding stage of the Plan, affected District's water utility systems will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.

Demand Management Measures:

Water Supply Reduction Target: Achieve a minimum 20% reduction in water use.

Under threat of penalty as described herein, all Retail Water Customers are required to further reduce non-essential water uses as follows. All requirements of Stage 1 shall remain in effect during Stage 2, with the following modifications and additions:

Irrigation of Landscaped Areas:

- a. Outdoor watering will be restricted to the following once-weekly schedule:
Addresses ending:

Monday	1, 3
Tuesday	2, 4
Wednesday	5, 7
Thursday	6, 8
Friday	9, 0
Saturday	All commercial & HOAs

- b. No irrigation with in-ground irrigation systems is allowed from November through February.
- c. Outdoor watering hours will be limited to between 7 p.m. to 2 a.m. on designated days, as shown above. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. Hand-held hose; or
 - ii. Faucet-filled bucket or water can of five gallons or less.
- d. New landscapes may only be installed if they do not require a variance to the mandatory watering schedule noted above. No variances will be approved.

Vehicle Washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

Pools:

- a. Filling of all new and existing swimming pools, hot tubs, wading pools, is prohibited, unless application for variance is approved on a case-by-case basis. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
 - i. Draining excess water from pool due to rain in order to lower water to maintenance level; or
 - ii. Repairing, maintaining or replacing pool components that have become hazardous; or

iii. Repair of a pool leak.

- b. Refilling of public/community swimming pools permitted only if the pool has been drained for repairs, maintenance, or replacement as outlined in items above.

Outside Water Features:

Operation of outside water features, such as, but not limited to, fountains or outdoor misting systems, is prohibited, except where such features are designed and consistently maintained to sustain aquatic life or maintain water quality. The District may require proof of such design and consistent maintenance.

Ponds:

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. The District may require proof of specific design documentation regarding a pond and the intended purpose.

Events:

Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are prohibited.

Recreational Areas (Includes Parks and Athletic Fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.

(3) **Stage 3 – Severe Water Shortage Conditions (Emergency Measures)**

Requirements for initiation – Affected Water users, as determined by the District operator, shall be required to comply with Stage 3 Demand Management Measures of the Plan when severe water shortage conditions exist. The District will recognize that a severe water shortage condition exists when either of the following criteria is met:

- a. Source water contamination results in compromised capacity of the treatment and delivery systems;
- b. Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity;

- c. Target reduction for the Stage 2 demand management measures is not achieved;
- d. The PUA initiates Stage 3 of its Drought Contingency Plan.

Requirements for Termination – Stage 3 of the Plan may be rescinded when:

- a. The PUA announces that reductions in water usage by Wholesale Treated Water Customers are no longer required under the PUA’s drought contingency plan.

Supply Management Measures:

In addition to measures implemented in the preceding stages of the Plan, affected District’s water utility systems will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.

Demand Management Measures:

Water Supply Reduction Target: Achieve a minimum 30% reduction in water use.

Under threat of penalty for violation as described herein, water users are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

- a. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to four hours a day between 7 p.m. and 11 p.m. during the following once-weekly schedule:

Addresses ending:	
Monday	1, 3
Tuesday	2, 4
Wednesday	5, 7
Thursday	6, 8
Friday	9, 0
Saturday	All commercial & HOAs

- b. No irrigation with in-ground irrigation systems is allowed from November through February.
- c. Outdoor watering hours for hand watering will be limited to between 7 p.m. and 11 p.m., on the same designated days that apply to watering with

hose-end sprinklers or irrigation systems. The allowed methods of hand watering landscaped areas are:

- i. Hand-held hose with a positive shut-off device;
 - ii. Faucet-filled bucket or water can of five gallons or less;
 - iii. Soaker hose; or
 - iv. Tree gator watering bags.
- d. New landscapes may only be installed if they do not require a variance to the mandatory Stage 3 watering schedule as shown above. No variances will be approved.

Fire Hydrants:

Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special conditions and will require a meter; a variance application must be submitted and approved before a hydrant meter will be provided.

(4) Stage 4 - Emergency Water Conditions

The District's operator will notify affected retail customers and the media of the initiation and termination of Stage 4. Examples of a water emergency include, but are not limited to, the following:

- a. Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in its ability to provide water service;
- b. Contamination of the water supply source;
- c. The PUA initiates Stage 4 of its Drought Contingency Plan; or
- d. Any other emergency water supply or demand conditions that the District's General Manager or designee, determines to constitute a water supply emergency more severe than that contemplated in the triggers contained in the LCRA Water Management Plan.

Upon declaration of Stage 4—Emergency Water Conditions, water use restrictions outlined in Stage 4 Emergency Response Measures shall immediately apply and be in effect until lifted by the District.

Emergency Measures

Water Supply Reduction Target: As determined by the District's Board of Directors.

Under threat of penalty for violation as described in herein, Water users are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

- a. Irrigation of any landscaped areas is prohibited.
- b. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
- c. No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
- d. Additional measures may be added as needed.

Section X: Enforcement and Penalties

The following enforcement and penalty provisions shall apply to all Water users:

- (1) No person shall knowingly or intentionally allow the use of water from the water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the District, in accordance with provisions of the Plan.
- (2) Any person who violates this Plan shall be subject to the following penalties and conditions on service:
 - (a) following the first documented violation, the violator shall be given a notice of violation specifying the type of violation and the date and time the violation was observed, and the penalties and restrictions on service that may result from additional violations;
 - (b) following the second documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a penalty in the amount of \$200.00;

- (c) following the third documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a penalty in the amount of \$700.00;
 - (d) following the fourth, documented violation, the utility shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$500.00, and any other costs incurred by the utility in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500.00 must be given to the utility, that the same action shall not be repeated while the Plan is in effect. The utility may apply the deposit to any surcharges or penalties subsequently assessed against a customer under this Plan. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.
- (3) Compliance with this Plan may also be sought through injunctive relief in the district court.
- (4) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including a person classified as a water customer of the utility, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator. Any such person, however, shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of the minor child, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation. If any person or entity violates any provision of this Plan more than three times (which violation shall constitute an unauthorized use of District services and/or facilities), then, in addition to disconnection as provided in Subsection (2)(d) of this Section, the Board of the District, after providing required notice, may impose a penalty up to the maximum jurisdictional amount of Texas small claims court, currently \$10,000.00, for each violation of this Plan. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law.

Section XI: Variances

The District operator may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire

protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this order shall file a petition for variance with the District within five days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the District operator and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the General Manger or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XIII: Severability

It is hereby declared to be the intention of the District that the sections, paragraphs, sentences, clauses, and phrases of this Order are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the District without the

incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIV: Uniformity of Application

Notwithstanding anything to the contrary, if the LCRA/PUA causes the District to enforce the provisions of the Plan, the District shall only enforce such provisions to the extent LCRA/PUA's other similarly situated wholesale and retail water customers are required to initiate and implement substantially similar water conservation measures at the same time. In the event LCRA/PUA allows other customers to adopt less restrictive standards, the District may at its option implement those standards.

Section XV: Wholesale Customer Contracts

If the District enters into or renews any wholesale water contracts after adoption of the Plan, said contracts shall include a provision that in case of a shortage of water resulting from drought, the water to be distribute shall be divided in accordance with Texas Water Code, Section 11.039. Any such wholesale water contracts shall require the wholesale customer, or successive wholesale customer, to develop and implement a drought contingency plan meeting LCRA/PUA requirements.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 17th day of April, 2024.

Sharon Carter

President, Board of Directors

ATTEST:

[Signature]

Secretary, Board of Directors

(SEAL)

