

Section 4. The Secretary of the Board is directed to file a copy of this Order in the principal office of the District, with the Executive Director of the Texas Commission on Environmental Quality, and with the Lower Colorado Regional Water Planning Group (Region G and K), as applicable. This Order will remain in full force and effect from the date of its adoption until amended or replaced by the Board.

Section 5. If necessary, the District's attorney is directed to publish a substantive statement of the rules or regulations contained in the Revised Plan, and the penalty for their violation, in accordance with Section 54.207 of the Water Code.

SIGNED AND SEALED this 10th day of April, 2019.

(SEAL)



ATTEST:

Lee Buckley, Assistant Secretary
Board of Directors

Rance Richter, President
Board of Directors

EXHIBIT "A"

REVISED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

April 10, 2019

Section 1. Approval of the Plan

The Board of Directors (the "Board") of Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 (the "District") hereby establishes the Water Conservation Plan (the "Plan"), as set forth below. The Board commits to implement this Plan according to the procedures set forth below.

Section 2. Water Conservation Plan

2.01 Water and Wastewater Utility System Profile.

A. Service Area Population. As of January 1, 2019, the District had 1282 occupied single family residences, 221 occupied four-plex residences, approximately 677 occupied apartment units, 62 duplex residences, 23 commercial connections, and 64 residences either unoccupied, owned by builders, or under construction. The estimated population of the District's service area is 6,726, based on 2,242 living unit equivalents ("LUEs") multiplied by 3.0 persons/connection. The average gallons of water usage per capita per day in 2018 was 69.7 gallons.

B. Water Utility Data.

1. Type	Existing
Residential	1184 LUEs
Builder	36 LUEs
Irrigation	36 LUEs
Commercial	63 LUEs
Multifamily	502 LUEs
Duplex	60 LUEs
Fourplex	223 LUEs

2. The average monthly use per occupied residential connection from January 1, 2018 through December 31, 2018 was approximately 8,986 gallons.

C. Wholesale Water and Wastewater Service. The District receives wholesale water service from Manville Water Supply Corporation ("Manville") under a Wholesale Water Agreement dated July 13, 2000, as amended (the "Wholesale Water Contract"). Under the Wholesale Water Contract, the District has been allocated wholesale water capacity sufficient to serve a total of 2,600 living unit equivalents ("LUEs"). The District receives wholesale wastewater service from SWWC Utilities, Inc. d/b/a Windermere Utility under an Second Amended and Restated Agreement for Providing Wholesale Wastewater Service dated October 29, 2010, as amended.

D. Financial Data. The District's water and wastewater rates and connection/impact fees are set forth in the District's Amended Order Establishing Water, Wastewater, and Solid Waste Service Rates, Charges, and Tap Fees, and Adopting General Policies with Respect to the District's Water, Wastewater and Drainage Systems. The rates and fees are comparable to surrounding adjacent developments and are cost-based.

2.02 Conservation Strategies.

A. Minimum Measures.

1. Water Conservation Goals. The District's five-year target for water savings is to reduce daily water consumption in gallons per capita by 3%, and the District's 10-year target for water savings is to reduce daily water consumption in gallons per capita by an additional 3% over the five-year target. The District will attempt to achieve these targets and goals with one or more of the following methods:

a. Encouraging and supporting efficient water use and reduced waste by including water conservation information on the District's website;

b. Taking measures to maintain per capita water usage below the median of the previous five years' gallons per capita per day consumption for similarly situated water providers;

c. Striving to limit unaccounted-for water from the District's system to no more than 10% of the volume of water delivered based on a moving five year average;

d. Implementing and maintaining a program of universal metering and meter replacement and repair;

e. Encouraging decreasing waste in landscape irrigation;

f. Raising public awareness of water conservation and encouraging responsible public behavior;

g. Developing a system-specific strategy to conserve water during peak demands, thereby reducing peak use;

h. If applicable, encouraging the development of reuse/recycling of wastewater/greywater and utilization of non-potable/raw water; and

i. Encouraging and supporting efficient water use and reduced waste.

2. Meters. The District will strive to implement the following with respect to metering and meter repair/replacement:

a. The supply of water from the District's water supplier(s) will be metered with water meters capable of accuracy within $\pm 5\%$;

b. Each connection will be metered with a water meter capable of accuracy within $\pm 5\%$;

c. Each connection on the system will be metered, including landscape irrigation and public facilities; and

d. A regularly scheduled maintenance program of meter repair and replacement will be established in accordance with the following time intervals:

i. Master Meters: Test once/year;

ii. 1" + Meters: Test once/year; and

iii. Meters <1": Test once/10 years.

3. Education and Public Information Programs. The District will attempt to undertake a coordinated water conservation public education and information program with its customers that will include:

a. Providing a conservation message that may be included with water bills or posted on a website;

b. Encouraging local media coverage of water conservation issues and the importance of water conservation; and

c. Making water conservation information and materials available.

B. Other Measures. Other measures may include system operation requirements and rules that promote water conservation such as use of new water conserving technology in construction, landscape watering management, and appropriate use of updated plumbing fixtures that conserve water. In addition, the District will regularly review this Plan in accordance with applicable rules to ensure that it is effective and efficient.

2.03 Coordination with Regional Water Planning Group. The service area of the District is located within the Lower Colorado Regional Water Planning Group (Regions G and K) of the State of Texas, and the District has provided a copy of this water conservation plan to the regional planning group.

Section 3. Drought Contingency Plan

3.01 Declaration of Policy, Purpose, and Intent. In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the District hereby adopts the following regulations and restrictions on the delivery and consumption of water. Water uses regulated or prohibited under this Section 3 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 3.12 of this Plan.

3.02 Public Involvement. Opportunity for the public to provide input into the preparation of this Plan was provided by the District by means of scheduling and providing public notice of a public meeting to provide input on this Plan.

3.03 Public Education. The District will periodically provide the public with information about this Plan, including information about the conditions under which each stage of the drought contingency measures of this 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 publication of notice in a newspaper of general circulation, posting notification signs in public places, mailing utility bill inserts or postcards, press releases, web page notices, or other means as determined necessary by the District's general manager (the "District Manager") or his/her designee.

3.04 Coordination with Regional Water Planning Groups.

The service area of the District is located within the Lower Colorado Regional Water Planning Group (Regions G and K), and the District has or will provide a copy of this drought contingency plan to the regional water planning group.

3.05 Notification.

A. TCEQ. The District will notify the executive director of the Texas Commission on Environmental Quality within five business days of the implementation or termination of any mandatory provisions of this Plan.

B. Customers. The District will provide written notice to each of its Customers, including builders, as promptly as practicable in connection with the implementation or termination of each stage of this Plan. The notice may be provided by means of publication of notice in a newspaper of general circulation, posting notification signs in public places, mailing utility bill inserts or postcards, press releases, web page notices, or other means as determined necessary by the District Manager or his/her designee and will include: (i) the date the applicable restrictions will begin/end; (ii) the triggering circumstances; (iii) a summary of the applicable restrictions; and (iv) an explanation of the consequences for a violation. The District will not enforce the provisions of a particular stage until at least 72 hours after the applicable notice has been provided.

3.06 Authorization. The District Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the drought contingency measures of this

Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

3.07 Application. The provisions of this Section 3 shall apply to all persons, customers, and property utilizing water provided by the District. The terms “person” and “customer” as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

3.08 Definitions.

For the purposes of this Section 3, the following definitions shall apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water 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 the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: Any person, company, or organization using water directly or indirectly supplied by the District.

Domestic water use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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.

Manville: Manville Water Supply Corporation.

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 Section;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, 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) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire-fighting.

Outdoor water use day: The day on which a Customer may use water outdoors for purposes permitted by this Section 3. The District shall follow the watering restriction schedule as established by Manville from time to time. The District will keep a copy of the watering schedule for outdoor water use at the office of the District Manager.

3.09 Triggering and Termination Criteria for Drought Response Stages. The District Manager will monitor water supply and/or demand conditions on an ongoing basis. The District Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Section 3.

The triggering criteria described below are based on the experience of the District.

(A) Stage 1 - Mild Water Shortage Conditions

Requirements for initiation: Customers must comply with the restrictions on certain water uses and prohibitions against waste contained in Section 3.10(A) of this Plan, when one or more of the following conditions exist:

- (1) from May 1 to September 30 of each year;
- (2) average daily water consumption for three consecutive days reaches 75% of the District's water supply/distribution capacity; or
- (3) total production of Manville's water wells drops by 20%.

Requirements for termination: Stage 1 may be rescinded when all of the conditions listed as triggering events have ceased to exist and an emergency no longer exists.

(B) Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation: Customers must comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 3.10(B) of this Plan when ;

- (1) average daily water consumption for three consecutive days reaches 90% of the District's water supply/distribution capacity;
- (2) net storage in Manville's water tanks decreases for three consecutive days;
- (3) total production of Manville's water wells drops by an additional 15%; or
- (4) otherwise required under the District's agreements with Manville.

Requirements for termination: Stage 2 may be rescinded when all of the conditions listed as triggering events have ceased to exist and an emergency no longer exists. Upon termination of Stage 2, Stage 1 becomes operative, if applicable.

(C) Stage 3 - Severe Water Shortage Conditions

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 3.10(C) of this Plan when one or more of the following conditions exist:

- (1) failure of a major component of the system or an event that would cause an immediate health or safety hazard;
- (2) water consumption exceeds the District's water supply/distribution capacity for more than 24 hours;
- (3) production of Manville's water wells is at 100% and storage tank levels are decreasing at a rate exceeding 5% per day;
- (4) total production of Manville's water wells drops by an additional 15%; or
- (5) otherwise required under the District's agreements with Manville.

Requirements for termination: Stage 3 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(D) Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions provided in Section 3.10(D) of this Plan when the District Manager, or his/her designee, determines that a water supply emergency exists based on:

- (1) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- (2) Natural or man-made contamination of the water supply source(s).
- (3) When required under the District's agreements with Manville.

Requirements for termination: Stage 4 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of time to correct the situation.

3.10 Drought Response Stages. The District Manager, or his/her designee, will monitor water supply and/or demand conditions on a daily basis and determine the extent of the conservation required through the implementation or termination of particular conservation stages (i.e., a mild, moderate, severe, or emergency condition exists) in order for the District to prudently plan for and supply water to its customers. The District Manager may order the appropriate stage of water conservation implemented or terminated in accordance with the applicable provisions of this Section 3. Such conservation stage will take effect immediately upon the District Manager's announcement:

(A) Stage 1 - Mild Water Shortage Conditions

- (1) Goal: Achieve a 5 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.).
- (2) Demand Management Measures: The District will impose voluntary water use restrictions below from May 1 to September 30 of each year.
- (3) Voluntary Water Use Restrictions:
 - (i) District customers are requested to voluntarily comply with the restrictions in Section 3.10(B);
 - (ii) Outdoor water use is discouraged between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to new landscape installation during installation and the first ten (10) days, and the testing of new irrigation systems or existing irrigation systems being tested or under repair. All operations of the District shall voluntarily adhere to non-essential water use restrictions in Section 3.08 of this Plan; and
 - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (4) Prohibited Waste of Water: The following uses constitute a waste of water and are prohibited:

- (i) failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, or a leaking faucet;
- (ii) operating a permanently installed irrigation system with a broken head, with a head that is out of adjustment and spraying more than 10 percent of the spray on a street or parking lot, or that is misting; and
- (iii) during irrigation:
 - (a) allowing a substantial amount of water to run off a property; or
 - (b) allowing water to pond in the street or parking lot to a depth greater than 1/4 of an inch.

(B) Stage 2 - Moderate Water Shortage Conditions

- (1) Goal: Achieve a 10 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.).
- (2) Demand Management Measures: The District must reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The District must comply with the water use restrictions for Stage 2 when the restrictions are implemented.
- (3) Water Use Restrictions: Under threat of penalty for violation, the water use and waste restrictions in Section 3.10(A) and the following water use restrictions apply to all persons and properties that obtain water directly or indirectly from the District:
 - (i) Outdoor irrigation is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five gallons or less.
 - (ii) Outdoor irrigation is permitted by a hose end sprinkler, a soaker hose, or drip irrigation, from 12:00 midnight to 10:00 a.m. and 7:00 p.m. to 12:00 midnight on an outdoor water use day as designated by the District Manager.
 - (iii) Outdoor irrigation is permitted by a permanently installed automatic irrigation system from 12:00 midnight to 10:00 a.m. and 7:00 p.m. to 12:00 midnight on an outdoor water use day as designated by the District Manager.
 - (iv) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m.

and between 7:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables, if necessary. Charity car washes are prohibited.

- (v) Watering the ground around a foundation to prevent foundation cracking is prohibited except on a designated outdoor water use day from 12:00 midnight to 10:00 a.m.
- (vi) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited. This prohibition does not apply to a public swimming or wading pool if the water is taken from the District's water distribution system and the pool is equipped with a re-circulating system.
- (vii) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (viii) Use of water from hydrants is limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.
- (ix) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 7 p.m. and 12:00 midnight.
- (x) All restaurants are prohibited from serving water to its customers except when requested by the customer.
- (xi) The following uses of water are non-essential and prohibited except to alleviate an immediate health or safety hazard:
 - (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas;
 - (b) use of water to wash down buildings or structures for purposes other than immediate fire protection.

- (c) use of water for dust control;
 - (d) flushing gutters or permitting water to run or accumulate in any gutter or street
 - (e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (xii) Any additional or alternative restriction imposed by Manville or otherwise determined to be necessary by the District Manager in order to meet its contractual obligations to Manville may be imposed by the District.
- (4) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted if the District Manager determines that the installation cannot be postponed. In that event, irrigation may only occur during the hours permitted under Subsections 3.10(B)(3)(ii) and (iii) (Stage 2 – Mandatory Water Use Management) and in accordance with the following 30 day irrigation schedule:
- (i) for the first ten days after installation, once a day;
 - (ii) for day 11 through 20 after installation, once every other day; and
 - (iii) for day 21 through 30 after installation, once every third day.
- (5) The Stage 2 restrictions do not apply to the following:
- (i) the necessary use of water other than for landscape irrigation, by a governmental entity in pursuit of a governmental function for the benefit of the public, including for a capital improvement construction project;
 - (ii) the necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing utility lines, dust control, concrete or asphalt work and building construction;
 - (iii) the necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system; and
 - (iv) the use of water under a variance granted by the Review Board in accordance with Section 3.11.

(C) Stage 3 - Severe Water Shortage Conditions

- (1) Goal: Achieve a 15 percent reduction in average daily water usage (e.g., total water use, daily water demand, etc.).

- (2) Demand Management Measures: The District must reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The District must comply with the water use restrictions for Stage 3 when the restrictions are implemented.
- (3) Water Use Restrictions. All requirements of Stage 2 remain in effect during Stage 3 except:
 - (i) Irrigation of landscaped areas is limited to designated watering days and hours specified in Subsection 3.10(B)(3)(ii) and must be by means of hand-held hoses, or hand-held buckets or five gallons or less only. The use of hose-end sprinklers, drip irrigation systems, or permanently installed automatic sprinkler system is prohibited at all times.
 - (ii) The washing of automobiles, trucks, trailers, boats, , and other types of mobile equipment not occurring on the immediate premises of a commercial carwash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited.
 - (iii) The washing of automobiles, trucks, trailers, boats, , or other types of mobile equipment on the immediate premises of a commercial carwash or a commercial service station in the immediate interest of the public health, safety, and welfare, may not occur between 10:00 am and 7:00 p.m.
 - (iv) Commercial plant nurseries, may use only hand-held hoses, hand-held watering cans, or drip irrigation.
 - (v) The filling, refilling, or adding of potable water to public swimming or wading pools is prohibited.
 - (vi) No new landscapes or any type may be established.
 - (vii) Irrigation of new landscape installation under Subsection 10(B)(4) is prohibited.
 - (viii) Any additional or alternative restriction imposed by Manville or otherwise determined to be necessary by the District Manager in order to meet its contractual obligations to Manville may be imposed by the District.

(D) Stage 4- Emergency Water Shortage Conditions

- (1) Goal: Achieve a 75 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.).

- (2) Demand Management Measures: The District must reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The District must comply with the water use restrictions for Stage 4 when the restrictions are implemented.
- (3) Water Use Restrictions. All requirements of Stage 2, and 3 remain in effect during Stage 4 except:
 - (i) All outdoor water use is absolutely prohibited;
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited and
 - (iii.) Upon consultation with Manville, the District may impose additional mandatory restrictions and/or pro-rata curtailment of water use as defined by Manville’s drought contingency plan from time to time

3.11 Variiances.

- (A) A Review Board consisting of the District Manager, the District Secretary, and the Board President will review hardship and special cases that cannot strictly comply with this Section 3 to determine whether the cases warrant a variance, permit, or compliance agreement (collectively, “*Variance*”).
- (B) The Review Board will make its determination no later than the 15th working day after receipt of a properly completed “Application for Variance/Permit/Compliance Agreement” form. A variance may be granted only for reasons of economic hardship. In this section, “economic hardship” means a threat to a person or entity’s primary source of income. Inconvenience or the potential for damage to landscaping does not constitute an economic hardship under this section. All applications for a variance shall be reviewed by the Review Board and will include the following:
 - (1) Name and address of the petitioner(s);
 - (2) Purpose of water use;
 - (3) Specific provision(s) of this Plan from which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
 - (5) Description of the relief requested;

- (6) Period of time for which the variance is sought;
 - (7) 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; and
 - (8) Other pertinent information.
- (C) Until the Review Board has acted on an application, the applicant must comply with all provisions of this Plan. The Review Board may not approve a variance if the terms and conditions do not meet or exceed the purpose and intent of this Plan.
- (D) If the Review Board determines there is an economic hardship, it may authorize the implementation of alternative water use restrictions that further the purposes of this Plan. The alternative water use restrictions must be set forth on the face of the variance and the customer must keep a copy of the variance in a location that is accessible by and visible to the public.
- (E) The Review Board 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:
- (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which this Plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (F) A fee of \$250.00 will be collected for each application for a landscape establishment permit to defray administrative costs under this section.
- (G) Variances granted by the District are subject to the following conditions, unless waived or modified by the Review Board:
- (1) Variances granted include a timetable for compliance, and
 - (2) Variances granted expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (H) No variance may be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

3.12 Enforcement

- (A) No person may knowingly or intentionally allow the use of water from the District 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 Manager, or his/her designee, in accordance with provisions of this Plan.

- (B) Proof of a culpable mental state is not required for a conviction of an offense under this Plan. Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's property constitutes a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person may show that he/she did not commit the violation. Parents are presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control constitutes a rebuttable presumption that the parent committed the violation, 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.
- (C) Any person who violates this Plan is punishable by a fine not to exceed \$200.00. Prosecution of an offense under Subsection (A) of this section does not preclude other remedies. The enforcement of other remedies does not prevent prosecution for a violation of this Plan under Subsection (A) of this section. The District may notify a customer of a first violation under certain restrictions, offer the customer a period to cure the offense, and levy no fine to the customer.
- (D) Each day that one or more of the provisions in this Plan is violated constitutes a separate offense. If a person is convicted of three or more distinct violations of this Plan, the District may, upon due notice to the customer, discontinue or restrict water service to the premises where such violations occur.

Section 5. Severability

The sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan.