

**ORDER ESTABLISHING REVISED WATER CONSERVATION
AND DROUGHT CONTINGENCY PLAN**

April 22, 2019

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

WHEREAS, The Colony Municipal Utility District No. 1D (the “*District*”) is a political subdivision of the State of Texas, created by division of The Colony Municipal Utility District No. 1 pursuant to Acts of the Texas Legislature, 78th Legislative Session, Chapter 778, Texas Session Law Service, 2003, and operating under Chapters 49 and 54, *Texas Water Code*; and

WHEREAS, under Section 11.1272, *Texas Water Code*, the Board of Directors of the District (the “*Board*”) is required to establish and enforce a drought contingency plan; and

WHEREAS, pursuant to Section 3.05(b) of the Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of The Colony Municipal Utility District No. 1 (the “*Consent Agreement*”), the District is required to adopt a water conservation and drought management plan that complies with the requirements of the Water Conservation Ordinance of the City of Bastrop (the “*City*”) or, if the City’s requirements are in conflict with requirements of Aqua Water Supply Corporation (“*Aqua WSC*”), then the requirements of Aqua WSC; and

WHEREAS, under the Amended and Restated Large Volume Service—to Area Outside Aqua’s CCN No. 10294 Water Supply Agreement (the “*Water Agreement*”) with Aqua WSC, the Board is required to include in the District’s water conservation and drought management plan restrictions at least as restrictive as those imposed by Aqua WSC on Aqua WSC’s customers; and

WHEREAS, as required by Section 11.1272, *Texas Water Code*, the Consent Agreement, and the Water Agreement, and in an effort to ensure that water supplied to the District is used reasonably and to its maximum beneficial use, the Board adopted an Order Establishing a Water Conservation and Drought Contingency Plan dated June 14, 2005, as subsequently revised in accordance with 30 *Texas Administrative Code* Section 288.30 pursuant to an Order Establishing Revised Drought Contingency Plan and Adopting Water Conservation Plan dated April 20, 2009, an Order Establishing Revised Drought Contingency Plan and Adopting Water Conservation Plan dated March 26, 2012, and an Order Establishing Revised Water Conservation and Drought Contingency Plan dated March 24, 2014 (as revised, the “*Plan*”); and

WHEREAS, 30 *Texas Administrative Code* Section 288.30 requires the District to prepare and adopt the next revision of the Plan by May 1, 2019; and

WHEREAS, the Board now desires to prepare and adopt the next revision of the Plan in accordance with 30 *Texas Administrative Code* Section 288.30 in order to ensure that the Plan remains accurate and suits the needs of the District.

IT IS, THEREFORE, ORDERED BY THE BOARD THAT:

Section 1. The revised Water Conservation and Drought Contingency Plan attached as **Exhibit “A”** (the “*Revised Plan*”) is hereby established and will be implemented during periods of water shortage and drought in an effort to reduce water loss, waste, or consumption and increase the efficiency of water use. The Revised Plan replaces and supersedes the Plan.

Section 2. If any provision, section, sentence, clause, or phrase of this Order, or its application to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this Order and its application to other persons or sets of circumstances will not be affected, it being the intent of the Board in adopting this Order that no portion hereof or provision contained herein will become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

Section 3. 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, with the Lower Colorado Regional Water Planning Group (Region K), with Aqua WSC, and with the City. This Order will remain in full force and effect from the date of its adoption until amended or replaced by the Board.

Section 4: 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, *Texas Water Code*.

ADOPTED this 22nd day of April, 2019.

(SEAL)



**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1D**

Dave Griesenbeck

Dave Griesenbeck, President
Board of Directors

ATTEST:

Bryan W. McDaniel

Bryan W. McDaniel, Secretary
Board of Directors

EXHIBIT “A”

**REVISED WATER CONSERVATION AND
DROUGHT CONTINGENCY PLAN**

April 22, 2019

I. Approval of the Plan

The Board of Directors (the “*Board*”) of The Colony Municipal Utility District No. 1D (the “*District*”) hereby establishes the revised Water Conservation and Drought Contingency Plan (the “*Plan*”), set forth below. The Board commits to implement this Plan according to the procedures set forth below.

II. Water Conservation Plan

2.01 Water and Wastewater Utility System Profile.

A. Service Area Population. As of the date of adoption of this Plan, the District had 5 occupied residences, and 2 residences either owned by builders or under construction. The current population of the District’s service area is 15, based on 5 living unit equivalents (“*LUEs*”) multiplied by 3 persons/unit. It is currently estimated that, at full build-out, the District’s service area will consist of 561 LUEs.

B. Water and Wastewater Utility Data.

1. Type	Existing
Residential	5 LUEs
Irrigation	2 LUEs
Commercial	0 LUEs
Public/School	0 LUEs
Industrial	0 LUEs

2. The District receives its raw water supply from Aqua Water Supply Corporation (“*Water Supplier*”) pursuant to an Amended and Restated Large Volume Service—to Area Outside Aqua’s CCN No. 10294 Water Supply Agreement dated effective as of July 1, 2009, as amended (the “*Water Contract*”). Wastewater treatment for the District is provided by The Colony Municipal Utility District No. 1A in its capacity as the “Managing District” under the Agreement Regarding Shared Water and Wastewater Capacity and Facilities for the Colony Districts dated effective April 14, 2008 (as amended, the “*Shared Facilities Contract*”), and as assignee of the Lower Colorado River Authority under the Wastewater Treatment Facility Construction and Services Agreement Between Lower Colorado River Authority and Sabine Investment Company dated effective as of September 21, 2004, as amended (the “*Wastewater Contract*”).

C. Financial Data. The District’s water and wastewater rates and connection/impact fees are set forth in the District’s Order Establishing Rates and Charges and Adopting Rules and Policies Regarding the District’s Utility Systems. The

rates and fees are comparable to surrounding adjacent development. The District will be required to collect from each customer a contractual capacity fee under the Water Contract and the Wastewater Contract. Currently, the contractual capacity fee under the Water Contract is \$3,500 per LUE, and the contractual capacity fee under the Wastewater Contract is \$1,700 per LUE.

2.02 Conservation Strategies.

A. Minimum Measures.

1. Water Conservation Goals. The District's goals with respect to water conservation are:

- a. to reduce the water consumption from the levels that would prevail without conservation efforts;
- b. to reduce the loss and waste of water; and
- c. to improve the efficiency in the use of water.

2. Five-Year Targets for Water Savings. The District's five-year targets for water savings are to reduce daily per capita water consumption by 3% and to reduce apparent losses (unaccounted for water losses) by 3%.

3. Ten-Year Target for Water Savings. The District's ten-year target for water savings is to reduce daily per capita water consumption by an additional 3% over the five-year target.

4. The District will attempt to achieve the above goals and targets by:

a. 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.

b. 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.

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

d. Encouraging decreasing waste in landscape irrigation.

e. Raising public awareness of water conservation and encouraging responsible public behavior.

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

g. Encouraging the development of a program for the reuse/recycling of wastewater/greywater.

h. Encouraging the use of water-efficient plumbing fixtures.

- 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 Water Supplier will be metered with water meters capable of accuracy within +/-5%.
 - b. Each user will be metered with a water meter capable of accuracy within +/- 5%.
 - c. Each connection on the system will be metered, including landscape irrigation and public facilities.
 - 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
 - iii. Meters <1": Test once/10 years
3. Education and Public Information Program. 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.
 - b. Encouraging local media coverage of water conservation issues and the importance of water conservation.
 - c. Making water conservation information and materials available.

B. Other Measures. Other measures may include system operation requirements (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 (Region K) of the State of Texas, and the District has provided or will provide a copy of this water conservation plan to the regional water planning group.

III. Drought Contingency Plan

3.01 Declaration of Policy, Purpose, and Intent. Because of the water conditions prevailing within the District, the water resources available to the District must be

put to the maximum beneficial use and the waste, unreasonable use, or unreasonable method of use of water must be prevented, with a view to the reasonable and beneficial use thereof in the interests of the residents of the District and for the public health and welfare.

Non-essential water uses, as defined below, which are regulated or prohibited under this Article III are considered to be non-essential and the continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water, which will subject the offender to a penalty in accordance with Section 3.12 of this Plan.

3.02 Public Involvement. An opportunity for the public to provide input into the preparation of this Plan was provided through the District's scheduling and providing public notice of a public meeting at which members of the public were provided with an opportunity to provide input to the Board 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 Manager (as defined below) or his/her designee.

3.04 Coordination with Regional Water Planning Group. The service area of the District is located within the Lower Colorado Regional Water Planning Area (Region K), and the District has provided 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's Manager or another consultant or employee specifically designated by the Board (for purposes of this Plan, the appointed party is designated 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 is hereby authorized and directed to implement the applicable provisions of the drought contingency measures of this Plan upon determination that implementation is necessary to protect the public health, safety, and welfare. The District Manager, or his/her designee, will 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 Article III will apply to all persons, entities, customers, and property utilizing water provided by the District.

3.08 Definitions. For the purpose of this Section, the following definitions will apply:

A. **Commercial Customer:** a Customer that uses water as an integral part of the operations of commercial and non-profit establishments and associations, such as retail establishments, hotels and motels, restaurants, office buildings, and home owner associations.

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

C. **Designated Outdoor Watering Days:** the days designated for outdoor water use by the Water Supplier, or, if the Water Supplier has not designated days for outdoor water use, then:

1. For residential Customers with street addresses, box numbers, or rural postal route numbers ending in an even number (0, 2, 4, 6 or 8) and locations without addresses - Sundays and Thursdays;

2. For residential Customers with street addresses, box numbers, or rural postal route numbers ending in an odd number (1, 3, 5, 7 or 9) - Saturdays and Wednesdays;

3. For Commercial Customers - Tuesdays and Fridays.

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

E. **Non-Essential Water Uses:** water uses that are not essential nor required for the protection of the public health, safety, and welfare, including:

1. irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this Plan;

2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

3. use of water to wash-down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area;

4. use of water to wash-down any building or structure for any purpose other than immediate fire protection;

5. flushing any gutter or permitting water to run or accumulate in any gutter or street;

6. use of water to fill, refill, or add to any indoor swimming pool or jacuzzi-type pool;
7. use of water in a fountain or pond maintained for aesthetic or scenic purposes, except where necessary to support aquatic life;
8. failure to repair any controllable leak within a reasonable period after being given notice directing that the leak be repaired; and
9. use of water from any hydrant for construction purposes or any use other than fire-fighting.

F. *Water Use Reduction Measures:* practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that water supply is conserved and made available for future or alternative uses.

3.09 *Triggering and Termination Criteria for Drought Response Stages.*

The District Manager, or his/her designee, will consult with the Water Supplier regarding wholesale water supply, monitor water supply and/or demand conditions on an ongoing basis, and determine when conditions warrant the initiation or termination of any stage of this Plan. During the months of May through September, water supply conditions may be monitored on a more frequent basis if deemed necessary. Weather conditions will be considered in determining a drought classification. If long cold or dry periods are predicted, such conditions will be considered in making an impact analysis. Generally, the District expects that the drought response stages outlined in this Plan will be triggered and terminated sequentially; however, unusual conditions (such as a sudden drop/increase in aquifer levels, a reduction/increase in water availability or production or system capacity, water contamination, or to comply with the requirements of a court order or regulatory authority) may justify the implementation or termination of a stage out of sequence. Additionally, the District may modify the water use restrictions specified under this Plan in order to match the restrictions of its wholesaler, in which event the District will notify its Customers of the modifications in accordance with Section o.

A. Stage 1 – Mild Water Shortage Conditions.

1. Requirements for initiation. Customers will be requested to voluntarily conserve water and/or required to comply with Stage 1 requirements when:
 - a. daily water consumption for three consecutive days reaches 85% of the District’s water supply/distribution capacity, and the District Manager and/or his/her designee considers it necessary; or
 - b. required under any District water supply contract.
2. Requirements for termination: Stage 1 may be rescinded by the District Manager or his/her designee if Stage 1 is no longer required under any District water supply contract or, if Stage 1 is not required under any District water supply contract, at the Manager’s discretion, or when none of the conditions listed in Section 3.09.A.1 has existed for a period of seven consecutive days. The District will notify its Customers of the initiation and termination of Stage 1 water restrictions.

B. Stage 2 – Moderate Water Shortage Conditions.

1. Requirements for initiation. Customers will be required to comply with Stage 2 requirements when:

- a. daily water consumption for three consecutive days reaches 90% of the District's water supply/distribution capacity;
- b. the availability of the District's water supply is reduced up to a repeat of a drought of record for the area;
- c. a component of the District's or its wholesale supplier's water facilities is out of service;
- d. compliance is required under any District water supply contract; and/or
- e. otherwise approved by the Board.

2. Requirements for termination. Stage 2 water restrictions may be rescinded by the District Manager or his/her designee when none of the conditions listed in Section 3.09.B.1 has existed for a period of seven consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

C. Stage 3 – Severe Water Shortage Conditions.

1. Requirements for initiation. Customers will be required to comply with Stage 3 requirements when:

- a. daily water consumption reaches 95% of the District's water supply/distribution capacity for three consecutive days;
- b. system demand exceeds available high service pump capacity;
- c. water system is contaminated, whether accidentally or intentionally (Stage 3 condition is reached immediately upon detection of contamination);
- d. water system fails due to an act of God (tornadoes, hurricanes) or man (Stage 3 condition is reached immediately upon detection of the failure);
- e. any mechanical failure of pumping equipment which will require more than 12 hours to repair and which causes unprecedented loss of capability to provide water service;
- f. required under any District water supply contract; or
- g. otherwise approved by the Board.

2. Requirements for termination. Stage 3 may be rescinded by the District Manager or his/her designee when none of the conditions listed in Section 3.09.C.1 has existed for a period of seven consecutive days. Upon

termination of Stage 3, Stage 2 will become operative as directed by the District Manager or his/her designee.

D. Stage 4 – Emergency Water Shortage Conditions.

1. Requirements for initiation. Customers will be required to comply with the restrictions set forth in Section 3.09.D when:

- a. there is a failure of water supply or distribution;
- b. there is a contamination of water source;
- c. required under any District water supply contract or the Water Rationing Plan in Aqua Water Supply Corporation’s tariff; or
- d. otherwise approved by the Board.

2. Requirements for termination. Stage 4 may be rescinded by the District Manager or his/her designee when none of the conditions listed in Section 3.09.D.1 has existed for a period of seven consecutive days. Upon termination of Stage 4, Stage 3 will become operative as directed by the District Manager or his/her designee.

3.10 Drought Response Stages. The District Manager or his/her designee will monitor water supply and/or demand conditions on an ongoing basis, consult with the Water Supplier regarding wholesale water supply, and, in accordance with the triggering criteria set forth in Section 3.09, determine if a Stage 1, Stage 2, Stage 3, or Stage 4 condition exists and implement the following actions, which will be publicized by publication of notice in a newspaper of general circulation, posting notification signs in public places, mailing utility bill inserts, or other means determined by the District Manager or his/her designee.

A. Stage 1 – Mild Water Shortage Conditions. The goal for Stage 1 is to achieve a 10% reduction in average daily water use (e.g., total water use, daily water demand, etc.).

1. Required Water Use Restrictions.

a. Landscape Irrigation Use by a permanently installed automatic irrigation system is prohibited between the hours of 10:00 a.m. and 7:00 p.m. This prohibition does not apply to irrigation: (i) at a single family, duplex, triplex, or fourplex residence; (ii) using treated wastewater effluent or raw water; (iii) during landscape installation and within the first seven days after installation is complete; (iv) during repair or testing of a new or existing irrigation system; and (v) at a commercial plant nursery.

b. The following uses will constitute a waste of water and will be prohibited:

i. washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas, except to alleviate immediate health or safety hazards;

ii. using water for dust control;

iii. allowing water to run off a property or to pond in the street or on a parking lot;

iv. operating a permanently installed irrigation system that includes broken heads, heads that are missing, or heads that are out of adjustment and spray more than 10% of the spray on the street or a parking lot;

v. failing to repair a controllable leak within a reasonable period after having been given notice to repair the leak;

vi. flushing gutters or permitting water to run into or accumulate in any gutter or street; and

vii. use of water to wash down buildings or structures for purposes other than immediate fire protection.

c. All District operations will adhere to the Stage 1 water use restrictions prescribed above.

d. Any additional or alternative restrictions imposed by the Water Supplier or otherwise determined to be necessary by the District Manager will adhere to the Stage 1 water use restrictions prescribed above.

2. Voluntary Water Use Measures.

a. All Customers will be requested to voluntarily limit Landscape Irrigation Use to Designated Outdoor Watering Days between the hours of 7:00 p.m. and 10:00 a.m.

b. Customers will be requested to reduce water use and to minimize or discontinue Non-Essential Water Uses. Customers will also be encouraged to insulate pipes and fittings to prevent freezing rather than leaving faucets running or dripping.

c. Commercial Customers will be requested to reduce water use where possible.

B. Stage 2 – Moderate Water Shortage Conditions. The goal for Stage 2 is to achieve a 15% reduction in average daily water use.

1. Supply Management Measures. During Stage 2, the District will endeavor to reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; where possible, use alternative water supply sources and/or alternative delivery mechanisms with the prior approval of Texas Commission on Environmental Quality, if appropriate; and use reclaimed water for non-potable purposes, where possible. The District will also comply with the water use restrictions for Stage 2 when those restrictions are implemented.

2. Water Use Restrictions. During Stage 2, the following water use restrictions will apply to all persons and entities, and violators will be subject to the penalty specified in Section 3.12:

a. Landscape Irrigation Use will be prohibited except on Designated Outdoor Watering Days between the hours of 8:00 p.m. and 10:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems only. The use of hose-end sprinklers is prohibited at all times. Outdoor watering on official federal holidays is prohibited.

b. The washing of automobiles, trucks, motorbikes, boats, trailers, or other vehicles will be prohibited except on Designated Outdoor Watering Days between the hours of 8:00 p.m. and 10:00 a.m. Such washing, when permitted, must 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 cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. The use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools will be prohibited except on Designated Outdoor Watering Days between the hours of 8:00 p.m. and 10:00 a.m.

d. Operation of any ornamental or decorative fountain or pond will be prohibited unless operation is necessary to support aquatic life or such fountains or ponds are equipped with a recirculation system.

e. Use of water from hydrants will be limited to fire-fighting and other activities necessary to maintain public health, safety, and welfare, except that the use of water from designated fire hydrants may be allowed for construction purposes with prior written permission from the District as provided in Section 3.11.

f. The uses constituting a waste of water under Section 3.10.A.1.b will be prohibited.

g. All restaurants are prohibited from serving water to their patrons except when requested.

h. Any additional or alternative restrictions imposed by the Water Supplier or otherwise determined to be necessary by the District Manager or the Board may be imposed by the District.

During Stage 2, the District Manager, or his/her designee, in consultation with the Board President or Vice President, will make available information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on Water Use Reduction Measures. This information 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.

C. Stage 3 – Severe Water Shortage Conditions. The goal for Stage 3 is to achieve a 20% reduction in average daily water use.

1. Supply Management Measures. During Stage 3, the District will cease the flushing of water mains except when necessary for reasons of health or safety. The District will discontinue irrigating public landscaped areas except areas irrigated with treated wastewater effluent, ground water, or raw water.

2. Water Use Restrictions. All requirements of Stage 2 will remain in effect during Stage 3 except:

- a. Landscape Irrigation Use will be prohibited;
- b. The washing of automobiles, motorbikes, trucks, trailers, boats, and other types of mobile equipment will be prohibited;
- c. The filling, refilling, or adding of potable water to swimming pools, wading pools, or Jacuzzi-type pools will be prohibited;
- d. No new landscapes of any type may be installed;
- e. The use of water for construction purposes from designated fire hydrants under written permission from the District will be discontinued;
- f. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved;
- g. Any additional or alternative restrictions imposed by the Water Supplier or otherwise determined to be necessary by the Board or the District Manager, in consultation with the Board President or Vice President, may be imposed by the District.

During Stage 3, the District Manager, or his/her designee, in consultation with the Board President or Vice President, will make available information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on Water Use Reduction Measures. This information 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.

If severe water shortage conditions (Stage 3) persist for an extended period of time, the District Manager, upon recommendation of the Board, may order water rationing and/or terminate service to selected users of the system in accordance with any applicable policies and procedures of the Water Supplier or, if no such policies and procedures exist, the following sequence:

Recreational users
Commercial users
School users
Residential users
Hospitals, public health and safety facilities

D. Stage 4 – Emergency Water Shortage Conditions. The goal for Stage 4 of this Plan is to achieve a minimum of 25% reduction in daily water demand sufficient to meet basic water needs for public health and safety.

1. Supply Management Measures. The District will continue the implementation of the Supply Management Measures set forth in Section 3.10.C.1.

2. Water Use Restrictions. All requirements of Stages 2 and 3 will remain in effect during Stage 4 except all outdoor water usage will be prohibited, except usage for livestock. However, if emergency water conditions persist for an extended period of time or if required by the Water Rationing Plan in Aqua Water Supply Corporation’s tariff, the District Manager, upon prior approval by the Board, may limit the water supply to Customers to:

a. a fixed percentage of each Customer’s average water use in the prior month, the percentage to be uniformly applied on a system wide basis, with each Customer being notified of its percentage amount; or

b. a maximum weekly number of gallons per Customer, with each Customer being notified of the number.

The District will read each meter as often as necessary to ensure compliance with this Plan for the benefit of all Customers.

3.11 Variances.

A. Granting Variances. A Review Board consisting of the District Manager, the Board Secretary, and the Board President is hereby established. The Review Board will review hardship and special cases that cannot strictly comply with this Plan to determine whether the cases warrant a variance, permit, or compliance agreement (collectively, “Variance”).

B. Application for Variance. The Review Board will make its determination no later than the 15th working day after receipt of an application for a Variance. 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 the Plan from which the petitioner is requesting relief;
4. 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 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. Application of Variance.

1. 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.

2. No Variance may be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the Variance.

D. Conditions to Variance. Variances granted by the District are subject to the following conditions, unless waived or modified by the Review Board:

1. Variances granted must include a timetable for compliance, and
2. Variances granted will expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

E. Temporary Variances. 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 the Plan is in effect.
2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

3.12 Enforcement. No person or entity 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 any drought response stage in effect at the time pursuant to the provisions of this Plan.

The provisions of this Plan constitute rules adopted under the authority set forth in Section 54.205 of the *Texas Water Code*. Any person who violates any provision of this Plan will be subject to the payment of a fine in an amount per violation that does not exceed the jurisdiction of justice court, as provided by Section 27.031, Government Code, as permitted under Section 49.004 of the *Texas Water Code*. Each day of violation will constitute a separate offense. In addition, the offending party will be liable to the District for any costs incurred by the District in connection with any violation.

Compliance with this Plan may also be sought through injunctive relief in the district court. In accordance with the foregoing authority, the following penalties are established:

1. First violation - written warning;
2. Second violation - \$500 fine.

If any person or entity violates any three provisions of this Plan or violates one provision three or more times, the District Manager or his/her designee may, following written notice to the violator, discontinue water service to the premises where the violations occurred. Service discontinued under such circumstances may be restored only upon payment of all fines established under this Section, a re-connection charge of \$100, and any other costs incurred by the District in discontinuing or re-initiating service. In addition, the violator must provide assurance, acceptable to the District Manager, or his/her designee, that the violation will not be repeated.

Any person, including a person classified as a Customer of the District, who is in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that a violation occurred on a person's property constitutes a rebuttable presumption that the person committed the violation. Parents are 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.