

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

April 4, 2024

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, Travis County Municipal Utility District No. 11 (the “District”) is a political subdivision of the State of Texas, created and operating under Chapters 49 and 54 of the *Texas Water Code*;

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;

WHEREAS, under the Firm Water Contract between the Lower Colorado River Authority (“LCRA”) and Travis County Municipal Utility District No. 12 (“District No. 12”) dated September 25, 2008, as amended, under which the District receives its raw water supply; the Agreement for Intake Capacity for Municipal Supply between LCRA and the District, dated November 17, 2008, as amended; and the Wholesale Water Services Agreement between the LCRA and District No. 12 dated October 22, 2009, as transferred and assigned to the West Travis County Public Utility Agency (“PUA”), subject to the terms of the Agreement Regarding Transfer of Operations of the West Travis County Water System from the Lower Colorado River Authority to the West Travis County Public Utility Agency between District No. 12 and the PUA dated effective March 19, 2012, under which the District receives water treatment and delivery services for the portion of the District located within the area known as The Highlands (collectively, the “Supply Contracts”), the District is required to implement water conservation and drought contingency measures at least as stringent as the rules and regulations adopted by LCRA and/or the PUA from time to time, including the LCRA’s Water Conservation Plan and Water Utilities Drought Contingency Plan, as amended (the “LCRA Plan”);

WHEREAS, under the Agreement for Wholesale Water and Wastewater Service Between Lakeway Municipal Utility District (“Lakeway MUD”) and the District dated April 6, 2006, as amended (the “Lakeway MUD Contract”), under which the District receives water treatment and delivery services for the portion of the District known as “Rough Hollow”, the District is required to adopt voluntary and mandatory water conservation and water rationing measures and use restrictions at least as restrictive as those imposed by Lakeway MUD on its own retail customers;

WHEREAS, as required by Section 11.1272, *Texas Water Code*, the Supply Contracts, and the Lakeway MUD Contract, 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 Revised Water Conservation and Drought Contingency Plan on October 1, 2009; an Order Establishing Revised Water Conservation and Drought Contingency Plan on June 5, 2014; an Order Establishing Revised Water Conservation and Drought Contingency Plan on May 19, 2015; an Order Establishing Revised Water Conservation and Drought Contingency Plan on April 4, 2019; and an Order Establishing Revised Water Conservation and Drought Contingency Plan on June 1, 2023 (the “Previous Plan”);

WHEREAS, the Board now desires to revise the Previous Plan in order to, among other things, ensure it is consistent with the current LCRA Plan.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 that:

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

Section 2: If any part of this Order, or its application to any person or set of circumstances is for any reason held to be unconstitutional, invalid, or for any reason unenforceable, the validity of the remaining parts 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 part hereof will become inoperative or fail by reason of any unconstitutionality or invalidity of any other part.

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

Section 4: The District's attorney is directed to publish a substantive statement of the rules or regulations contained in the Plan, and the penalty for their violation, in accordance with Section 54.207, *Texas Water Code*.

PASSED AND APPROVED this 4th day of April, 2024.

**TRAVIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 11**

By: _____
J.J. Minahan, President
Board of Directors

ATTEST:



David Busch, Secretary
Board of Directors

EXHIBIT “A”

**AMENDED AND RESTATED
WATER CONSERVATION AND
DROUGHT CONTINGENCY PLAN**

April 4, 2024

1.0 Approval of the Plan

The Board of Directors (the “Board”) of Travis County Municipal Utility District No. 11 (the “District”) hereby establishes this revised Water Conservation and Drought Contingency Plan (the “Plan”), as set forth below. The Board commits to implement this Plan according to the procedures set forth below

Water Conservation Plan

2.1 Water and Wastewater Utility System Profile:

(1) **Service Area Population:** As of March of 2024 there were approximately 516 connections in the District. The District’s estimated population is 1,518. The projected population at full build out is estimated to be approximately 1,596 persons, or 26 additional connections. Full buildout is expected to grow at 21% per year with a projected completion year of 2027.

Appendix C provides a table on water use data for the past five years in acre feet. The 5 year average daily water use was 257,315 gallons. The five year average water loss was 18,755 gallons. The five year peak to average day water use was N/A. Current per capita water use is 166 gallons per person per day (GPCD) and 169 residential GPCD.

(2) **Water Utility Data:**

A.	<u>Type</u>	<u>Existing</u>	<u>At Full Development</u>
	Residential	506 LUEs	532 LUEs
	Industrial	0 LUEs	0 LUEs
	Commercial	29 LUEs	29 LUEs
	Public	0 LUEs	0 LUEs
B.	Percent of Connections Metered: 100%		
C.	No previous use data for the District is available.		
D.	At full build-out, average daily use is estimated to be approximately 573 gal/day/LUE.		
E.	At full build-out, peak day demand is estimated to be 1,000 gal/day/LUE.		
F.	Due to current construction materials, construction techniques, and metering, the District anticipates very little unaccounted for water (+/- 5%).		

G. At full build-out, peak day water production and distribution capacity is estimated to be 532,000 gal/day.

H. The District receives its raw water supply from the Lower Colorado River Authority (“LCRA”) and currently receives all of its water treatment and distribution services from Lakeway Municipal Utility District (“Lakeway MUD”) and the West Travis Public Utility Agency (“WTCPUA”) through a contract between the WTCPUA and Travis County Municipal Utility District No. 12 (“District No. 12”), on behalf of the District and Travis County Municipal Utility District No. 13 (“District No. 13”), for the portion of the District located within the Highlands development.

(3) Wastewater Utility Data:

A. Wastewater flow is 200 gal/day/LUE. Upon ultimate buildout the District estimates the wastewater flow to be 400 gal/day/living unit equivalent average flow.

B. Future build out will account for approximately 450 gal/day/LUE peak flow.

C. All development will be connected to a centralized sewer treatment system and no septic tanks are anticipated.

D. By contract, Lakeway MUD will provide 532 LUEs of wastewater treatment and disposal service to the District. The District will receive wastewater treatment and disposal services from Lakeway MUD.

E. The District is currently engaged in a trial treated effluent irrigation program with Lakeway Municipal Utility District. Our wastewater flows to Lakeway Municipal Utility District and from Lakeway Municipal Utility District are not metered, so information on the current volume of treated wastewater effluent produced and how much is currently reused for parks, common areas, etc. is not available to the District.

(4) Financial Data.

The District’s water and wastewater rates and connection/impact fees are set forth in the District’s Order Establishing Rates, Charges and Fees. The rates and fees are comparable to surrounding adjacent developments and are cost-based.

2.2 Conservation Strategies.

(1) Minimum Measures.

A. Water Conservation Goals. Water conservation five and ten year goals are required for overall water use, residential water use and water loss. The goals proposed by the District are as follows:

	<u>5 year goals</u>	<u>10 year goals</u>
Gallons per person per day (GPCD)	132	125
Residential gallons per person per day (rGPCD)	132	125

Water Loss

5,000,000 gallons

5,000,000 gallons

B. The District intends for its goals with respect to water conservation to be at least as stringent as those of LCRA, WTCPUA, and Lakeway MUD. Currently, the District's goal is to reduce the average daily water use and water loss by 5% within five years of the date this Plan is established and by 10% within 10 years of the date this Plan is established. A 5% reduction in the per capita water usage would reduce the daily per capital water usage by 7 gallons to 132 gallons per capital per day. The 10% reduction in the daily water usage would reduce the daily per capita water usage by 14 gallons to 125 gallons per capital per day. The District will attempt to achieve these goals with one or more of the following methods: Encouraging and supporting efficient water use and reduced waste, which may be done by including water conservation information in new homeowner packets, if applicable.

1. 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.

2. 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.

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

4. Encouraging decreasing waste in landscape irrigation.

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

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

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

8. Encouraging the use of water efficient plumbing fixtures.

9. Implementing all applicable water conservation measures required under any District water supply contract.

C. Metering and meter repair/replacement:

1. The supply of water from Lakeway MUD and WTCPUA will be metered with water meters capable of accuracy within +/-5%.

2. Each user will be metered with a water meter capable of accuracy within +/- 5%.

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

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

- a. Master Meters: Test once/year
- b. 1" + Meters: Test once/year
- c. Meters <1": Test once/ 10 years

D. Unaccounted-for water loss: The District will submit water loss audits to LCRA and the Texas Water Development Board in the form and at the times required by those entities.

E. Education and Public Information Programs: The District will undertake a coordinated water conservation public education and information program with its Customers that may include:

- 1. Providing a conservation message that may be included with water bills.
- 2. Encouraging local media coverage of water conservation issues and the importance of water conservation.
- 3. Making water conservation information and materials available.

F. Beneficial Water Reuse and Recycling: The Joint Facility will be evaluated for opportunities for the beneficial reuse and recycling of reclaimed water. Reuse of wastewater effluent generated by the Joint Facility for landscape irrigation is a possibility.

(2) **Landscape Conservation Measures.** To promote water conservation and pollution prevention with respect to outdoor water usage, this Plan incorporates a modified version of the LCRA's Conservation Landscape Best Management Practices attached as **Exhibit "A-1"** as suggested guidelines for landscaping and irrigation system installations within the District. The District will comply with all applicable LCRA rules related to landscape conservation measures and irrigation systems.

(3) **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.

2.3 Water Rates.

(1) **Increasing Block Rates.** The District currently utilizes an increase block rate structure. The District will periodically evaluate its rate structure to promote conservation to the maximum extent possible. The District's current rate structure is attached to this plan as Appendix D. The water rates are not promotional or uniform.

2.4 Coordination with Regional Water Planning Group. The service area of the District is located within the LCRA Planning Area (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.

2.5 Permanent Landscape Watering Schedule. In accordance with the LCRA’s Water Conservation Plan Rules for Water Sale Contracts, water use for spray irrigation shall be limited to no more than twice per week and only between the hours of midnight to 10 a.m., and 7 p.m. to midnight, as more particularly described in Section 3.7(4).

Drought Contingency Plan

3.1 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 unreasonable and beneficial use of water in the interests of the residents of the District and for the public health and welfare.

Water uses regulated or prohibited under this Plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water.

3.2 Authorization

The District Manager or another consultant or employee specifically designated by the Board (for the purposes of this Plan, the appointed party is designated 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 will have the authority to initiate or terminate drought or other water supply emergency response measures described in this Plan.

3.3 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.

3.4 Public Education

The District Manager will periodically provide the District’s employees and customers, 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 or terminated, processes used to reduce water use, and impending or current drought conditions. 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 determined necessary by the District Manager.

3.5 Coordination with Regional Water Planning Group, LCRA, WTCPUA, Lakeway MUD, and Notification to TCEQ.

The service area of the District is located within the Lower Colorado Regional Water Planning Area (Region K) of the State of Texas. The District has provided or will provide a copy of this Plan to the regional planning group, WTCPUA, Lakeway MUD, and the LCRA. The District will comply with, and this Plan is consistent with, the terms of the LCRA's Drought Contingency Plan and Water Management Plan. The District will notify the executive director of the Texas Commission on Environmental Quality ("TCEQ") and the LCRA General Manager in writing within five business days of the implementation or termination of any mandatory provision of this Plan.

3.6 Definitions.

For the purposes of this Drought Contingency Plan the following definitions will apply:

- (1) Customer: Any person or entity using water supplied by the District.
- (2) Designated Outdoor Watering Days: As provided herein. Provided, however:
 - A. if two or more Water Suppliers have designated different days for outdoor water use for a particular water use restriction stage, then the District will coordinate with the Water Suppliers to determine the appropriate days for the District to designate for outdoor water use and will promptly notify Customers of those days; and
 - B. if Water Supplier(s) have not designated days for outdoor water use, then see *Appendix A*.
- (3) Non-Essential Water Use: Water uses that are not essential nor required for the protection of the public health, safety, and welfare, including:
 - A. irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by 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 sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area;
 - D. use of water to wash-down any building or structure for any purpose other than immediate fire protection;
 - E. flushing any gutter or permitting water to run or accumulate in any gutter or street;
 - F. use of water to fill, refill, or add to any indoor swimming pool or Jacuzzi-type pool;
 - G. use of water in a fountain or pond maintained for aesthetic or scenic purposes, except where necessary to support aquatic life;

H. failure to repair any controllable leak within a reasonable period after being given notice that the leak must be repaired; and

I. use of water from any hydrant for construction purposes or any other use other than fire-fighting.

(4) Water Supplier: A wholesale water provider that supplies wholesale water to the District, including WTCPUA and Lakeway MUD.

3.7 Permanent Water Use Restrictions

The following restrictions apply to all of the District water utility system(s) 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 broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

(2) Operate an irrigation system with:

- a broken head;
- a head that is out of adjustment and the arc of the spray head is over a street or parking area;
- a head that is fogging or misting because of excessive water pressure; or

(3) During irrigation, allow water:

- to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or
- to pool in a street or parking lot to a depth greater than one-quarter of an inch.

(4) Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler more than twice per week or outside of scheduled days and times as indicated below, as provided in the Water Conservation & Drought Contingency Plan for the West Travis County Public Utility Agency (the "WTCPUA Plan"):

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas)

Tuesday and Friday

Watering Hours

Midnight to 10 a.m. & 7 p.m. to midnight

3.8 Initiation and Termination of Response Stages

The District Manager shall monitor water supply and demand conditions on a daily basis and shall determine when conditions warrant initiation and termination of each stage of this Drought Contingency Plan. Water supply conditions will be determined by the source of supply, system capacity, and weather conditions. Water demand will be measured by the peak daily demands on the system.

Public notification of the initiation or termination of drought response stages will be by publication in a newspaper of general circulation, signs posted in public places, utility bill inserts, e-mail and automated telephone calls, signs posted at entry points to the service area, or other means to be determined by the District Manager.

The following triggering criteria shall apply to the District's water utility system(s) and customer service area:

(1) **STAGE 1: Mild Water Shortage Conditions (Mandatory Measures):**

A. Requirements for Initiation: Customers will be required to adhere to the Stage 1 Demand Management Measures when:

1. total daily water demand equals or exceeds 80% of the District's water supply/distribution capacity for three consecutive days, or 85% on a single day;
2. the combined storage of Lakes Travis and Buchanan falls below 1.1 million acre-feet, in accordance with the LCRA Drought Contingency Plan for Firm Water Customers ("DCP");
3. required under any District water supply contract or the WTCPUA Plan; or
4. otherwise required by the Board or the District Manager.

B. Requirements for Termination: Stage 1 of the Plan may be rescinded by the Board or the District Manager when:

1. the supply/distribution capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five consecutive days;
2. the combined storage of Lakes Travis and Buchanan reaches 1.2 million acre-feet;
3. restrictions from a District water supply contract or the WTCPUA Plan are no longer required; or
4. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

C. Demand Management Measures:

1. Irrigation of landscaped areas during Stage 1 may continue as defined in Sections 2.5 and 3.7. Additionally, such prohibitions do not apply to irrigation of landscaped areas undertaken by a hand-held hose or faucet-filled bucket or water can of five gallons or less.

2. New landscapes may be installed, and re-vegetation seeding performed under these specific criteria:

a. The mandatory twice-weekly watering schedule is adhered to.

b. 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

c. Irrigation of the new landscape, or application follows the schedule identified in the new landscape variance:

i. once a day for the first 10 days after installation;

ii. once every other day before 10 a.m. and after 7 p.m. for days 11 through 20 after installation;

iii. once every third day before 10 a.m. and after 7 p.m. for day 21 through 30 after installation.

d. Alternatives to re-vegetation may be available in times of low water supply. Specific information regarding such alternatives is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual (sec. 3.2.8).

e. 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 of this plan other than schedule. Variances will not be granted for seasonal “color bed” or temporary grass installation (over seeding).

3. Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on Designated Outdoor Watering 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.

4. 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 is used for a beneficial purpose such as watering landscaping to prevent water waste.

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

6. Watering of recreational areas, including parks and athletic fields, must follow the irrigation of landscaped areas schedule. A variance can be applied for if necessary.

7. 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;

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 (Mandatory Measures):**

A. Requirements for Initiation: Customers will be required to adhere to the Stage 2 Demand Management Measures when:

1. total daily water consumption equals or exceeds 93% of the District's water supply/distribution capacity for three consecutive days, or 95% on a single day;

2. (i) the combined storage of Lakes Travis and Buchanan falls below 900,000 acre-feet, in accordance with the LCRA DCP; or (ii) on March 1 or July 1, the combined storage in Lakes Travis and Buchanan is below 1.1 million acre-feet and the cumulative prior three months of inflows total to those lakes is less than the 25th percentile of historic inflows for the three-month periods;

3. a component of the District's or its wholesale supplier's water facilities is out of service;

4. required under any District water supply contract, or the WTCPUA Plan; or

5. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

B. Requirements for Termination: Stage 2 of the Plan may be rescinded by the Board or District Manager when:

1. the supply/distribution capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days;
2. the combined storage of Lakes Travis and Buchanan reaches 1.1 million acre-feet;
3. restrictions from a District water supply contract or the WTCPUA Plan are no longer required; or
4. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

C. Demand Management Measures:

1. Irrigation of landscaped areas will be restricted to once- weekly water in accordance with the following schedule:

Addresses ending:

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

Hours will be limited to midnight to 10 a.m. & 7 p.m. to midnight on the Designated Outdoor Watering Day. Such prohibitions do not apply to irrigation of landscaped areas undertaken by a hand-held hose or faucet-filled bucket or water can of five gallons or less.

2. New landscapes may only be installed if they do not require a variance to the mandatory watering schedule. No variances will be approved.
3. 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.
4. 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:
 - a. Draining excess water from pool due to rain in order to lower water to maintenance level;
 - b. Repairing, maintaining or replacing pool components that have become hazardous; or

c. Repair of a pool leak.

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

5. 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.

6. 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.

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

8. Watering is prohibited for recreational areas, including parks and athletic fields, except with a hand-held hose.

Upon termination of Stage 2, Stage 1 becomes operative. The District will notify its customers of the initiation and termination of Stage 2 water restrictions.

(3) **STAGE 3: Severe Water Shortage Conditions (Mandatory Measures)**

A. Requirements for Initiation: Customers shall be required to adhere to the Stage 3 Demand Management Measures when:

1. total daily water consumption equals or exceeds 95% of the District's water supply/distribution capacity for three consecutive days, or 97% on a single day;

2. the combined storage of Lakes Travis and Buchanan falls below 750,000 acre-feet, in accordance with the LCRA DCP;

3. system demand exceeds available high service pump capacity;

4. the water system is contaminated, whether accidentally or intentionally (severe condition is reached immediately upon detection of contamination);

5. the water system fails due to an act of God (tornadoes, hurricanes) or human (severe condition is reached immediately upon detection of failure);

6. 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;

7. as required by the WTCPUA Plan or under any District water supply contract; or

8. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

B. Requirements for Termination: Stage 3 of the Plan may be rescinded by the Board or the District Manager when:

1. the supply/distribution capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days;
2. the combined storage of Lakes Travis and Buchanan reaches 825,000 acre-feet;
3. restrictions from a District water supply contract or the WTCPUA Plan are no longer required; or
4. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

C. Demand Management Measures:

1. Customers are required to follow the Stage 2 once-weekly watering schedule. Watering hours will be limited to midnight to 6 a.m. on the Designated Outdoor Watering Day.
2. 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.

Upon termination of Stage 3, Stage 2 becomes operative, as applicable at that time. The District will notify its Customers of the initiation and termination of Stage 3 water restrictions.

(4) **STAGE 4: Emergency Water Shortage Conditions (Mandatory Measures)**

A. Requirements for Initiation: Customers shall be required to adhere to the Stage 4 Demand Management Measures when:

1. there is a failure of water treating facilities;
2. there is a major water line break, loss of distribution pressure, or pump system failure that causes substantial loss in the District's ability to provide water service;
3. (i) the combined storage of Lakes Travis and Buchanan falls below 600,000 acre-feet; and (ii) the LCRA Board of Directors declares a drought worse than the drought of record or other water supply emergency and orders the mandatory curtailment of firm water supplies;
4. required by the WTCPUA Plan or under any District water supply contract; or
5. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

B. Requirements for Termination: Stage 4 of the Plan may be rescinded by the Board or the District Manager when:

1. the supply/distribution conditions listed above as triggering events for Stage 4 have ceased to exist for five consecutive days;
2. the LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP;
3. restrictions from a District water supply contract or the WTCPUA Plan are no longer required; or
4. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

C. Demand Management Measures: Customers are required to eliminate non-essential water uses during an emergency. This includes, but is not limited to the following measures:

1. Irrigation of any landscaped areas is prohibited.
2. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
3. 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

Upon termination of Stage 4, Stage 3 becomes operative. The District will notify its Customers of the initiation and termination of Stage 4 water restrictions.

3.9 Targets for Water Use Reductions

(1) **STAGE 1: Mild Water Shortage Conditions (Mandatory Measures)**

A. Water Supply Reduction Target: Limit daily water consumption to no more than 80% of the District's water supply/distribution capacity for three consecutive days, or 85% of the District's water supply/distribution capacity for a single day, and achieve a 10% reduction in water use.

(2) **STAGE 2: Moderate Water Shortage Conditions (Mandatory Measures)**

A. Water Supply Reduction Target: Limit daily water consumption to no more than 80% of the District's water supply/distribution capacity for three consecutive days, or 85% of the District's water supply/distribution capacity for a single day, and achieve a 20% reduction in water use.

(3) **STAGE 3: Severe Water Shortage Conditions (Mandatory Measures)**

A. Water Supply Reduction Target: Limit daily water consumption to no more than 80% of the District's water supply/distribution capacity for three consecutive days, or 85%

of the District's water supply/distribution capacity for a single day, and achieve a minimum 25% reduction in water use.

(4) **STAGE 4:** Emergency Water Shortage Conditions (Mandatory Measures)

A. Water Supply Reduction Target: as determined by the Board of Directors or as otherwise directed by the LCRA or WTCPUA. .

3.10 Supply Management Measures and Water Use Restrictions

(1) **STAGE 1:** Mild Water Shortage Conditions (Mandatory)

A. Supply Management Measures: The District will review system operations and identify ways to improve system efficiency and accountability. The District will attempt to adhere to the Stage 1 water use restrictions set forth below.

B. Water Use Restrictions:

1. Customers shall comply with the water use restrictions outlined in Stage 1 of this Plan.

2. Any additional or alternative restrictions imposed by a water supplier, or otherwise deemed to be necessary by the District Manager or the Board, may be imposed by the District.

(2) **STAGE 2:** Moderate Water Shortage Conditions (Mandatory Measures)

A. Supply Management Measures: The District will:

1. Apply all water use restrictions prescribed for Stage 2 of the Plan for the District's utility owned facilities and properties;

2. Discontinue water main and line flushing unless necessary for public health reasons; and

3. Keep Customers informed about issues regarding current and projected water supply and demand conditions.

B. Water Use Restrictions: In addition to water use restrictions otherwise provided for Stage 2 in this Plan, other restrictions imposed by a Water Supplier or otherwise determined to be necessary by the District Manager or the Board, may be imposed by the District.

(3) **STAGE 3:** Severe Water Shortage Conditions (Mandatory Measures)

A. Supply Management Measures: In addition to measures implemented in the preceding stages of the Plan, the District will explore additional emergency water supply options.

B. Water Use Restrictions: All Customers are required to further reduce non-essential water uses. All requirements of Stages 1 and 2 shall remain in effect during Stage 3.

C. Water Rationing: 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 the following sequence:

1. Recreational users
2. Commercial users
3. School users
4. Residential users
5. Hospitals and public health and safety facilities.

(4) **STAGE 4: Emergency Water Shortage Conditions (Mandatory Measures):**

A. Water Use Restrictions: In addition to water use restrictions otherwise provided for the preceding stages of this Plan, other restrictions imposed by a Water Supplier or otherwise determined to be necessary by the District Manager or the Board, may be imposed by the District. All Customers are required to eliminate non-essential water uses during an emergency. All requirements of Stages 1 through 3 are also in effect during Stage 4.

B. Water Rationing: If emergency water shortage conditions (Stage 4) 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 the sequence set forth in Stage 3, Section C above.

3.10 Enforcement

The following enforcement provisions shall apply to all District water Customers:

Appendix B – Enforcement Provisions

3.11 Variances

(1) **Granting Variances**: A Review Board consisting of the District Manager, the District Utility Operator, 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. The Review Board may grant variances:

A. From specific applications of the outdoor water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering; and

B. Allowing the use of alternative water sources (i.e., ground water, reclaimed wastewater) that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted to staff and need not meet the requirements of subsection below.

(2) **Criteria**: The District Manager may grant in writing temporary variances for existing water uses otherwise prohibited under this Plan if it is determined that failure to do so would cause an emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:

A. Compliance with this Plan cannot be accomplished during the duration of the time the Plan is in effect; or

B. Alternative methods can be implemented that will achieve the same level of reduction in water use.

(3) **Petition:** Persons requesting a variance from the provisions of this Plan shall file a petition for variance with the District water utility system any time the Plan or a particular drought response stage is in effect. The District Manager will review petitions for variances. The petitions shall include the following:

- Name and address of the petitioner
- Purpose of water use
- Specific provision of the Plan from which the petitioner is requesting relief
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this Plan
- Description of the relief requested
- Period of time for which the variance is sought
- 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
- Other pertinent information

The Review Board will make its determination no later than the 15th working day after receipt of an application for variance.

(4) **Applicability:** 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. No variance may be retroactive or otherwise justify any violation of this Plan occurring prior to issuance of the variance.

(5) **Conditions:** Variances granted by the District are subject to the following conditions, unless waived or modified by the Review Board:

A. Variances granted must include a timetable for compliance.

B. Variances granted will expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

C. The Review Board may impose other conditions that it determines are necessary to meet or exceed the purpose and intent of this Plan.

3.11 Plan Updates

The Plan will be reviewed and updated as needed to meet TCEQ, WTCPUA, Lakeway MUD, and the LCRA DCP rules.

APPENDIX A – WATERING SCHEDULE

Permanent Schedule, STAGE 1

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas)

Tuesday and Friday

Watering Hours

Midnight to 10 a.m. & 7 p.m. to midnight

STAGE 2

Outdoor watering will be restricted to addresses ending:

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

Hours will be limited to between midnight and 6 a.m. & 7 p.m. to midnight on the Designated Outdoor Watering Day.

STAGE 3

Outdoor watering will be restricted to addresses ending:

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

Hours will be limited to between midnight and 6 a.m. on the Designated Outdoor Watering Day.

STAGE 4

Irrigation of landscaped areas is prohibited.

APPENDIX B – ENFORCEMENT PROVISIONS

(1) No person shall knowingly or intentionally use or allow the use of water from the District water utility system for residential, commercial, industrial, agricultural, governmental, including Non-Essential Water Use, 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.

(2) 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 this Plan will be subject to the payment of a fine in an amount per violation that does not exceed the jurisdiction of a justice court, as provided by Section 27.031, *Texas Government Code*, as authorized 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. Fines shall not be levied in accordance with this Plan without the approval of the Board of Directors.

(3) In accordance with the authority set out in section (2) above, the following fines, penalties and/or conditions of service are established, except as provided in section (4) below:

A. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed. Fines and restrictions on service may result from additional violations.

B. Following the second documented violation, the violator shall be criminally responsible for the violation of this Plan, punishable by a fine of \$200 to \$2,000.

C. Following the third documented violation, the violator shall be criminally responsible for the violation of this Plan, punishable by a fine of \$700 to \$10,000.

(4) Following the fourth documented violation, the District Manager may, after written notice to the violator, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of all fines established under this Drought Contingency Plan, a reconnection charge of \$100, and any other costs incurred by the District in discontinuing or reinitiating service. In addition, suitable assurance in the amount of a deposit of \$200 must be given to the District so that the same action shall not be repeated while the Plan is in effect. The District may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a Customer. The deposit, if any, shall be returned to the Customer at the time of the Customer's voluntary disconnection from the utility system.

(5) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a Customer of the District, who is in apparent control of the property where a violation occurs or originates, shall be 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.

Exhibit “A-1”

Irrigation System Specifications:

1. Landscape irrigation systems shall not be mandatory.
2. Irrigation systems shall be designed with:
 - a. a master valve with shut-off;
 - b. valves separated based on water use (hydro-zoned);
 - c. sprinkler heads spaced for at least head-to-head coverage, or heads spaced according to manufacturer’s recommendations;
 - d. pop-up spray heads and rotors set back at least 6 inches from impervious surfaces;
 - e. an approved rain shut-off device set to shut off after no more than 1/2” of rainfall;
 - f. pressure regulation components installed where dynamic pressure exceeds manufacturer’s recommended operating range (30-60 psi); and
 - g. a controller capable of dual or multiple programming, with at least several start times for each irrigation program, a water budgeting feature and programmable to irrigate with a frequency of every one to ten days, or by day of week.
3. Installers must present the owner with system conceptual design plans and scheduling recommendations shall be posted in or near the irrigation controller box.
4. Spray irrigation for each home/business shall be limited to 75% of the property. The footprint may include both the house and the garage, but not the driveway or patio.
5. Irrigation systems for entryways and common areas shall incorporate design and conservation features applicable to lots within the subdivision.

Irrigation System Maintenance Specifications:

1. Irrigation systems in common areas shall be monitored once per month, and any repairs will be made in a timely manner.
2. Watering of common areas and residential landscapes shall be limited to the District’s watering schedules provided herein .

Soil Specifications:

1. All irrigated and newly planted turf areas will have a minimum settled soil depth of 4 to 6 inches:
 - a. builders and owners will import soil if needed to achieve sufficient soil depth;
 - b. soil in these areas may be either native soil from the site or imported, improved soil;

- c. undisturbed, non-irrigated natural areas are exempt from these requirements.
2. In new development, native soil shall be stockpiled and reused on site.

Planting Specifications:

1. Builders shall offer homeowner a conservation landscape option such as the LCRA Hill Country Landscape Option, City of Austin Green Grower's Guide, or other professional guides for the Texas Hill Country that includes only plants selected from native and adapted plant list approved by qualified organizations, including the LCRA, or landscape professionals. Turf should be low water and low maintenance varieties suitable for site, soil and climate conditions.
2. Invasive plants listed in this document shall not be used.
3. In new homes, no more than seventy-five percent of the landscape may be planted in turf.

Landscape Chemical Use Specifications:

1. Where technically and economically feasible, landscape companies providing maintenance on all common areas and individual landscapes should attempt to use integrated pest management (IPM) to minimize exposure of storm water runoff to chemicals (fertilizers, herbicides and pesticides). IPM techniques shall include the following steps:
 - a. accurately identify pest or disease problem before considering treatment;
 - b. explore cultural or mechanical controls (i.e. modification of irrigation, pruning, etc.);
 - c. look for biological control options (i.e. predatory insects for pest control, Bt for caterpillar control, etc.);
 - d. consider chemical control only if other options fail;
 - e. utilize least-toxic and targeted chemical controls;
 - f. baits are preferable to broad-spectrum chemical application;
 - g. follow instructions on chemical labels exactly; and
 - h. perform periodic monitoring for early detection of potential problems.
2. Landscape companies providing maintenance on all common areas and individual landscapes shall use the following fertilizer practices:
 - a. fertilization of turf areas shall not be required; and
 - b. in turf areas that are to be fertilized, natural or certified organic, organic based, balanced, complete, compost based fertilizers that are formulated for site, soil, climatic, plant species, turf varieties, and/or soil test results shall be used.

List of Invasive Plants Not Acceptable for Use

The following list comes from the August 2004 edition of the Grow Green Guide to Native and Adapted Landscape Plants.

Trees to Avoid

Chinaberry	<i>Melia azedarach</i>
Chinese Parasol Tree	<i>Firmiana simplex</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinese Tallow	<i>Sapium sebiferum</i>
Mimosa (non-native)	<i>Albizzia julibrissin</i>
Paper Mulberry	<i>Broussonetia papyrifera</i>
Salt Cedar	<i>Tamarisk spp.</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Vitex	<i>agnus-castus</i>
White Mulberry	<i>Morus alba</i>

Shrubs to Avoid

Chinese Photinia	<i>spp.</i>
Common Privet	<i>Ligustrum sinense, L. vulgare</i>
Japanese Ligustrum	<i>Ligustrum lucidum</i>
Nandina (berrying varieties)	<i>Nandina domestica</i>
Pyracantha	<i>spp.</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Wax Leaf Ligustrum	<i>Ligustrum japonicum</i>

Vines to Avoid

Cat's Claw Vine	<i>Macfadyena unguis-cati</i>
English Ivy	<i>Hedera helix</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Kudzu	<i>Pueraria lobata</i>

Vinca

Vinca major, V. Minor

Wisteria (non-native)

Wisteria sinensis, W. floribunda

Other Plants to Avoid

Elephant Ear

Alocasia spp., Colocasia spp.

Giant Cane

Arundo donax

Holly Fern

Cyrtomium falcatum

Running Bamboo

Phyllostachys aurea

Appendix C – Historical Water Use Data (acre feet)

TC 11	2019	2020	2021	2022	2023	Average
January	15.05	15.62	20.83	20.83	21.35	18.736
February	10.96	13.16	18.08	17.33	18.79	15.664
March	11.89	15.21	16.3	17.83	24	17.046
April	21.43	17.79	25.1	29.02	30.56	24.78
May	20.3	28.75	26.24	31.04	30.86	27.438
June	24.16	31.36	23.6	39.86	35.6	30.916
July	28.3	38.05	30.71	43.77	47.67	37.7
August	42.44	46.9	38.37	45	53.65	45.272
September	42.3	39.4	38.29	34.17	45.1	39.852
October	38.95	32.17	32.05	39.36	36.63	35.832
November	24.47	31.47	27.23	29.61	26.88	27.932
December	15.95	22.46	21.96	20.26	23.75	20.876
Total	296.2	332.3	318.8	368.1	394.8	342.042

Appendix D – District’s Current Rate Structure

Water and Wastewater Rates.

Monthly Water and Wastewater Rates for Rough Hollow:

Monthly Service Availability Charge:	\$32.00 per FUE
<u>Water Commodity Charge (applicable except during Curtailment Periods)</u>	
Basic Charge:	
Up to 25,000 gallons	\$5.10 per 1,000 gallons
25,001 to 50,000 gallons	\$6.00 per 1,000 gallons
50,001 gallons and up	\$8.10 per 1, 000 gallons
Pass-through of Lakeway MUD contract rate adjustment:	\$1.29 per 1,000 gallons
Total Water Commodity Charge:	
1. Up to 25,000 gallons	\$6.39 per 1,000 gallons
2. 25,001 to 50,000 gallons	\$7.29 per 1,000 gallons
3. 50,001 gallons and up	\$9.39 per 1, 000 gallons
<u>Wastewater Commodity Charge:</u>	\$4.53 per 1,000 gallons

Monthly Water and Wastewater Rates for Highlands:

Monthly Service Availability Charge:

Basic Service Availability Charge:	\$22.57 per FUE
PUA Water Service Monthly Charge:	\$9.43 per FUE
Total Service Availability Charge:	\$32.00 per FUE

Water Commodity Charge (applicable except during Curtailment Periods):

Up to 25,000 gallons	\$6.39 per 1,000 gallons
25,001 to 50,000 gallons	\$7.29 per 1,000 gallons
50,001 gallons and up	\$9.39 per 1,000 gallons
Wastewater Commodity Charge:	\$4.53 per 1,000 gallons

Fire Hydrant Meter Charges.

<u>Monthly Basic Charge:</u>	\$35.00
<u>Water Commodity Charge (applicable except during Curtailment Periods):</u>	
Up to 25,000 gallons	\$6.39 per 1,000 gallons
25,001 to 50,000 gallons	\$7.29 per 1,000 gallons
50,001 gallons and up	\$9.39 per 1,000 gallons

If a contractor requires a fire hydrant meter at a time when no such meter is available through the District, the District's operator and District's manager may, in their discretion, authorize the contractor to purchase a fire hydrant meter for use in the District at the contractor's cost. If a contractor purchases a fire hydrant meter for use with approval of District's operator and District's manager, the deposit amount will be adjusted or waived provided that the contractor agrees to pay all applicable usage charges and to donate the fire hydrant to the District at the end of its construction project in the District.

Raw Water Irrigation Charge: With the prior approval of the District's operator, an incorporated, non-profit homeowners' association will be provided with raw water for irrigation purposes for a charge of \$1.50 per 1,000 gallons. All raw irrigation water must be separately metered, through dedicated, irrigation-only water metering equipment approved by the District, and installed at the expense of the association. No initial security deposit will be charged to the association for metered raw irrigation water; however, in the event of any delinquency by the association in payment of any water bill from the District, service will be terminated and a security deposit equal to the association's peak 30-day usage will be required. The foregoing notwithstanding, no raw water irrigation purposes will be provided during any Curtailment Period.

Curtailment Rates. During any Curtailment Period, **NO OUTSIDE WATERING WILL BE PERMITTED** and the following Water Commodity Charge will apply:

Up to 15,000 gallons	\$6.39 per 1,000 gallons
15,001 to 25,000gallons	\$8.99 per 1,000 gallons
25,001 to 35,000 gallons	\$10.99 per 1,000 gallons
35,001 to 45,000 gallons	\$12.99 per 1,000 gallons
45,001 and up	\$14.99 per 1,000 gallons

Flushing Water Charge: With the prior approval of the District's operator, flushing water will be sold for the District's cost, currently \$151 per acre foot (\$0.4634 per 1,000 gallons). All flushing water that is sold must be separately metered, through metering equipment that is installed at the expense of the customer and approved by the District's operator. All connections will be appropriately secured and/or locked to assure the flushing water is not used for purposes other than those approved by the Board. No initial security deposit will be charged for metered flushing water; however, in the event of any delinquency by the customer in payment of any water bill from the District, service will be terminated and a security deposit equal to the customer's peak 30-day usage will be required before any additional flushing water will be provided to the customer.

Calculation of Wastewater Charges.

Bills for wastewater service to residential connections will be computed: (i) on the basis of the average amount of water used by the customer during the winter season, as determined by the average of the monthly readings of the customer's water meter during the preceding winter-averaging period; or (ii) on the basis of the customer's current monthly water bill, whichever is less; however, any customer who did not have an approved wastewater connection during the prior winter-averaging period will not be entitled to use the winter averaging method and will be billed on the basis of: (i) the customer's current monthly water usage; or (ii) on the basis of 10,000 gallons of water usage per FUE per month (based on the conversion table contained in Article I), whichever is less.

Bills for wastewater service to commercial connections, including apartment complexes, will be computed: (i) based on the average of the monthly readings of the customer's water meter during the winter-averaging period; or (ii) on the basis of the customer's current monthly water bill, whichever is less; however, if a commercial customer did not have an approved wastewater connection during the prior winter averaging period, the customer's monthly wastewater charges will, at the District's option: (i) be calculated based upon the customer's current monthly water usage; or (ii) be calculated by measuring actual sewage volume, on a basis acceptable to the District, at the expense of the customer.

No wastewater charges will be assessed for water utilized through a dedicated irrigation meter approved by the District.

Regulatory Assessments. A regulatory assessment of 1/2% of retail water and sewer charges will be added to each customer's monthly billing. These assessments are remitted by the District to the Commission and used by the Commission in performing its regulatory duties and in providing technical assistance and training to utilities.