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# DROUGHT CONTINGENCY PLAN

for

## Reunion Ranch WCID Firm Water Contract

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April 16, 2024

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## 1 Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Reunion Ranch WCID (the “District”) adopts the following Drought Contingency Plan (the “Plan”).

## 2 Authorization

The designated manager or official of the District is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The designated manager or official of the District shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This authorization was designated as part of the plan’s approval by the District’s Board of Directors.

## 3 Public Education

The District will provide its contractors, members, and the general public with information about this Plan, including the importance of the Plan, information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use, and impending or current drought conditions.

## 4 Coordination with Regional Planning Groups and Wholesale Water Supplier

The water service area of the District is located within Region K – Lower Colorado River Authority (“LCRA”) and the District has provided a copy of the Plan to Region K – LCRA. The District will comply with the LCRA Drought Contingency Plan and the requirements of the West Travis County PUA (“WTCPUA”), the provider of wholesale water to the District, by adopting and enforcing the District’s Drought Contingency Plan.

## 5 Definitions

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

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

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

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

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

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

**“New landscape”** means:

Installed during construction of a new house, multi-family building, or commercial building.

Installed as part of a governmental entity’s capital improvement project; or

Alters more than one-half of the area of an existing landscape.

**Non-essential water use:** water uses that are not essential or are not required for the protection of public health, safety, and welfare, such as:

Irrigating landscape areas, including parks and athletic fields, except for as otherwise provided under this Plan;

Washing any motor vehicle, motorbike, boat trailer, airplane, or other vehicle;

Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

Washing buildings or structures for purposes other than immediate fire protection;

Flushing gutters or permitting water to run or accumulate in any gutter or street;

Filling, refilling, or adding to any indoor or outdoor swimming pools or Jacuzzi-type pools;

Filling a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;

Failure to repair a controllable leak within a reasonable period; and

Drawing from hydrants for construction purposes or any other purposes other than firefighting or protecting public drinking water supplies.

**Permitted Project:** A project or improvement that has been approved by the District or its designee.

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

## 6 Notice Requirements

The District shall notify the executive director of the Texas Commission on Environmental Quality and the LCRA General Manager in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

## 7 Permanent Water Use Restrictions

- (1) The following restrictions apply to all of the District’s water utility system on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a water user must not:

- A. Fail to repair a controllable leak, including:
    1. a broken sprinkler head,
    2. a leaking valve,
    3. leaking or broken pipes, or
    4. a leaking faucet;
  - B. Operate an irrigation system with:
    1. a broken head;
    2. a head that is out of adjustment and the arc of the spray head is over a street or parking area; or
    3. a head that is fogging or misting because of excessive water pressure.
  - C. During irrigation, allow water:
    1. to run off a property and form a stream of water in a street for a distance of 150 feet or greater; or
    2. to pool in a street or parking lot to a depth greater than one-quarter of an inch.
- (2) Irrigation must be in conformance with the watering schedule contained in Appendix A

## **8 Initiation and Termination of Response Stages**

The Board of the District or its designee, shall monitor water supply and demand conditions on a regular basis and shall determine when conditions warrant initiation and termination of each stage of this Plan in accordance with LCRA's Water Management Plan and the West Travis County PUA's 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 shall be by a variety of ways, examples include: website postings, bill inserts, e-mail and automated telephone calls, signs posted at entry points to the service area or a combination of these methods.

The following triggering criteria shall apply to Reunion Ranch WCID's water utility system(s) and customer service area:

## **9 Triggering Criteria for Initiation and Termination of Drought Response Stages**

- (1) STAGE 1 - Mild Water Shortage Conditions (Mandatory Measures)
  - A. Requirements for initiation - Customers shall be required to adhere to the Permanent Water Restrictions set forth above on a year-round basis unless Stage 2 Drought Measures are initiated.
- (2) STAGE 2 - Moderate Water Shortage Conditions (Additional Mandatory

## Measures)

- A. Requirements for initiation - Customers shall be required to adhere to the Stage 2 Drought Response Measures when the WTCPUA declares a Stage 2 Drought.
  - B. Requirements for termination - Stage 2 of the Plan may be rescinded when the WTCPUA rescinds the Stage 2 Drought Declaration or the LCRA announces that curtailment of water supplies to firm water customers is no longer required under the drought contingency measures of the LCRA DCP
  - C. Upon termination of Stage 2, Stage 1 becomes operative.
- (3) STAGE 3 - Severe Water Shortage Conditions (Additional Mandatory Measures)
- A. Requirements for initiation - Customers shall be required to adhere to the Stage 3 Drought Response Measures when the WTCPUA declares a Stage 3 Drought or The LCRA Board declares a drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.
  - B. Requirements for termination - Stage 3 of the Plan may be rescinded when the WTCPUA rescinds the Stage 3 Drought declaration or LCRA announces that curtailment of water supplies to firm water customers is no longer required under drought contingency measures of the LCRA DCP.
  - C. Upon termination of Stage 3, Stage 2 becomes operative, as applicable at that time.
- (4) STAGE 4 - Severe Water Shortage (Additional Mandatory Measures)
- A. Requirements for initiation - Customers shall be required to adhere to the Stage 4 Drought Response Measures when the WTCPUA declares a Stage 4 Drought.
  - B. Requirements for termination - Stage 4 of the Plan may be rescinded when the WTCPUA rescinds the Stage 4 Drought declaration or LCRA announces that curtailment of water supplies to firm water customers is no longer required under drought contingency measures of the LCRA DCP.
  - C. Upon termination of Stage 4, Stage 3 becomes operative, as applicable at that time.
- (5) STAGE 5- Emergency Water Conditions (Additional Mandatory Measures)
- A. Requirements for initiation - Customers shall be required to adhere to the Stage 5 Drought Response Measures when one or a combination of such triggering criteria occurs:
  - B. Treatment Capacity:  
Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in the District's ability to provide water service, as determined by the District manager or designee.

1. Water Supply:
  - a. Contamination of the water supply source that creates a water supply emergency as determined by the District manager, or designee; or
  - b. Any other emergency water supply or demand conditions that the District manager, or designee, determines to constitute a water supply emergency more severe than that contemplated in the other triggers contained in this Plan.
2. Declaration by WTCPUA of Stage 5 – Emergency Water Conditions:
3. Notwithstanding the foregoing Requirements for initiation, the District shall not be required to declare Stage 5 – Emergency Water Conditions unless the WTCPUA has also declared Stage 5 – Emergency Water Conditions for its system.
- C. **Requirements for termination** - Upon declaration of Stage 5—Emergency Water Conditions, water use restrictions outlined in Stage 5 Emergency Response Measures shall immediately apply and be in effect until lifted by the District.
- D. Upon termination of Stage 5, the prior Stage in effect becomes operative.

## 10 Drought Response Measures

The District shall monitor reports of water supply and demand conditions and, in accordance with the triggering criteria set forth in Section 8.1 of this Plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following measures.

### Targets for Water-Use Reductions

- (1) STAGE 1 - Mild Water Shortage Conditions (Mandatory Measures)  
Water Supply Reduction Target: Achieve a **10%** reduction in water use.
- (2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)  
Water Supply Reduction Target: Achieve a **20%** reduction in water use.
- (3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)  
Water Supply Reduction Target: Achieve a minimum 25% reduction in water use.
- (4) STAGE 4 - Severe Water Shortage (Additional Mandatory Measures)  
Water Supply Reduction Target: Achieve a minimum 30% reduction in water use.
- (5) STAGE 5 – Emergency Conditions (Additional Mandatory Measures)  
Water Supply Reduction Target: As determined by the WTCPUA Board or the District Board.

### Retail Customers Measures

- (1) STAGE 1 - Mild Water Shortage Conditions (Mandatory Measures)

- 
- A. Supply Management Measures: Reunion Ranch WCID will review system operations and identify ways to improve system efficiency and accountability.
- B. Demand Management Measures:
1. Water Supply Reduction Target: Achieve a **10%** reduction in water use.
  2. Provide consumer information and materials on water conservation measures and practices to retail customers.
  3. Notify that customers must comply with the Permanent Water Use Restrictions in this plan.
- (2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)
- A. Water Supply Reduction Target: Achieve a **20%** reduction in water use.
- B. Supply Management Measures:
1. Apply all water-use restrictions prescribed for Stage 2 of the plan for the District's 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.
- C. Demand Management Measures: Under threat of penalty, the following water-use restrictions shall apply to all retail water customers:
1. Irrigation of Landscaped Areas:
    - a. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than **once** weekly watering schedule as determined by the District and based on the nature of the current drought or water emergency. *See Appendix A - Reunion Ranch WCID Water System - Watering Schedules.*
    - b. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
      - i. a hand-held hose; or
      - ii. a faucet-filled bucket or watering can of five gallons or less.
    - c. New landscapes may be installed and re-vegetation seeding performed under these specific criteria:
      - i. 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
      - ii. Irrigation of the new landscape or application follows the schedule identified in the new landscape variance:
        1. once a day before 10 a.m. and after 7 p.m. for the 10 days



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- after installation;
  - 2. once every other day before 10 a.m. and after 7 p.m. for days 11 through 20 after installation;
  - 3. once every third day before 10 a.m. and after 7 p.m. for day 21 through 30 after installation.
- iii. Areas being re-vegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Options for re-vegetation may be available in times of low water supply. Specific information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual (sec 3.2.8).
  - iv. Variances for new landscapes and re-vegetation may be issued for the shortest period necessary to reasonably assure the landscape's survival. A variance is not an exemption from compliance with the permanent water use restrictions. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).
2. Vehicle Washing: Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated 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.
3. Pools
- a. Filling of all new and existing swimming pools, hot tubs, wading pools, shall be discouraged and shall require a variance. 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:
  - b. Draining excess water from pool due to rain in order to lower water to maintenance level;
    - i. Repairing, maintaining or replacing pool components that have become hazardous; or
    - ii. Repair of a pool leak.
    - iii. Refilling of HOA or public/community swimming pools permitted only if pool has been drained for repairs, maintenance, or replacement as outlined in items above.

4. Outside Water Features: Operation of outside water features, such as, but not limited to, fountains, splash pad type fountains or outdoor misting systems, is prohibited, except where such features are used to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools).
5. Ponds: Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. Reunion Ranch WCID may request specific design documentation regarding a pond and the intended purpose.
6. Events: Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a recirculating device, or are used for a beneficial purpose such as watering landscaping to prevent water waste.
7. Fire Hydrants: Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants may be allowed under special conditions and requires a meter; a variance application must be submitted with an explanation of the special conditions, before a hydrant meter will be provided.
8. Recreational areas (includes parks and athletic fields): The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow irrigation of landscaped areas schedule. A variance can be requested if watering cannot be completed on the designated schedule.
9. Water Waste: The following non-essential uses of water are prohibited at all times during periods in which restrictions have gone into effect:
  - a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces is prohibited 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 allowable for surface preparation of maintenance work to be performed;
  - c. 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 is prohibited except for immediate health and safety; and
  - d. Controlling dust is prohibited, 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.

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- A. **STAGE 3 - Severe Water Shortage Conditions (Additional Mandatory Measures)**  
Supply Management Measures: In addition to measures implemented in the preceding stages of the plan, affected District water utility systems will explore additional emergency water supply options.
- B. **Water Supply Reduction Target: Achieve a 25% reduction in water use.**
1. Demand Management Measures: Under threat of penalty, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions.
  2. **Irrigation of Landscaped Areas:**
    - a. Outdoor watering hours will be limited to between midnight and 6 a.m. on designated days as determined by the board but for no longer than 6 hrs per week.
    - b. This prohibition does not apply to irrigation of landscaped areas with hand-held hoses or faucet-filled hand-held buckets or watering cans of five gallons or less.
    - c. This prohibition does not apply to irrigation of landscaped areas using reclaimed water.
    - d. No new landscapes may be installed unless it is a previously Permitted Project or a variance was received.
  3. **Vehicle Washing:** Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited.
  4. **Pools:** Installation of swimming pools is prohibited unless it is a previously Permitted Project or a variance was received. The filling or replenishing of water to swimming pools, hot tubs, wading pools, and other types of pools is prohibited unless a variance was granted or exists. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.
  5. **Events:** Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water are prohibited.
  6. **Recreational areas (includes parks and athletic fields):**The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.
- (3) **STAGE 4 – Severe Water Shortage – (Additional Mandatory Measures)**

- A. **Water Supply Reduction Target: Achieve a minimum 30% reduction in water use.**
- B. **Demand Management Measures:** In addition to measures implemented in the preceding stages of the Plan, the District will implement additional water control options to limit water to only critical use for protection of health and safety and maintenance of treatment quality.
- C. Under threat of penalty for violation, all retail customers are required to comply with the Stage 4 restrictions. All requirements of Stages 1 through 3 are also in effect during stage 4, with the following modifications and additions:
  1. Irrigation of Landscaped Areas
    - a. Outdoor watering of ornamental landscaping with in-ground automatic irrigation systems is prohibited.
    - b. This prohibition does not apply to irrigation of landscaped areas with hand-held hoses or faucet-filled hand-held buckets or watering cans of five gallons or less.
    - c. This prohibition does not apply to irrigation of landscaped areas using reclaimed water.
  2. No additional water for new landscapes may be used unless a variance was received.
  3. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
  4. 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.
  5. Upon declaration of Stage 4 – Severe Water Shortage water use restrictions outlined in Stage 4 Severe Water Shortage shall immediately apply.

**STAGE 5– Emergency Measures – (Additional Mandatory Measures)**

- A. Under threat of penalty for violation, all retail customers are required to eliminate nonessential water uses during an emergency. This includes, but is not limited to the following measures:
  1. Irrigation of landscaped areas is prohibited. This prohibition does not apply to irrigation of landscaped areas using reclaimed water.
  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.
4. No Non-essential use of potable water.
5. Upon declaration of Stage 5 - Emergency Water Conditions, water use restrictions outlined in Stage 5 Emergency Response Measures shall immediately apply.

## **11 Enforcement**

### Enforcement Provisions

Appendices B and C contain the enforcement provisions applicable to all Reunion Ranch WCID potable water (drinking water) customers.

## **12 Variances**

The Board of the District may grant variances:

- (1) 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
- (2) Allowing the use of alternative water sources (i.e., ground water, reclaimed wastewater, or delivered water not from the District system) that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted to the Board or its designee and need not meet the requirements of subsection (2) below.

The Board of the District or its designee, may grant in writing temporary variances for existing water uses otherwise prohibited under this Plan for previously Permitted Projects, or 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:

- (1) Compliance with this Plan cannot be accomplished during the duration of the time the Plan is in effect; or
- (2) Alternative methods can be implemented that will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this Plan shall file a petition for variance with the Board of the District or its designee any time the Plan or a particular drought response stage is in effect. Board of the District or its designee will review petitions for variances. The petitions shall include the following:

- (1) Name and address of the petitioner
- (2) Purpose of water use
- (3) Specific provision 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 the petitioner or others will sustain 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
- (8) Other pertinent information
- (9) If the District has provided a form for variance requests, the petitioner must complete the form.

Variations granted by the District shall be subject to the following conditions, unless waived or modified by the Board of the District:

- (1) Variations granted shall include a timetable for compliance.
  - A. Variations granted shall expire when the Plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (2) No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

### **13 Plan Updates**

This Plan will be reviewed and updated as needed to meet TCEQ, WTCPUA, and LCRA drought contingency plan rules.

### **Appendix A – Watering Schedules**

### **Appendix B – Enforcement Provisions**

### **Appendix C - Drought Response Retail Enforcement**

## Appendix A – Watering Schedules

### Permanent Watering Restrictions, Stage 1

Mandatory Target Reduction of 10%

Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than Once per week and only during scheduled days and times as indicated below:

(1) Residential

Saturday – Odd Addresses

Sunday – Even Addresses

Watering Hours:

12am to 10 a.m. and 7 p.m. to 12am

(2) Commercial (including large landscapes such as HOA common areas) Friday

Watering Hours:

12am to 10 a.m. and 7 p.m. to 12am

### Watering Restrictions Stage 2

Mandatory Target Reduction of 20%

Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than Once per week and only during scheduled days and times as indicated below:

(1) Residential

Saturday – Odd Addresses

Sunday – Even Addresses

Watering Hours

Midnight and 10 a.m. and between 7 p.m. and midnight

(2) Commercial (including large landscapes such as HOA common areas)

Friday

Watering Hours:

12am to 10 a.m. and 7 p.m. to 12am

### Watering Restrictions Stage 3

Mandatory Target Reduction of 25%

Maximum of no more than 6 hours per week for operating automatic irrigation systems.

Watering Hours limited to

(1) Residential

Saturday – Odd Addresses

Sunday – Even Addresses

Watering Hours

Midnight and 6 a.m.

- (2) Commercial (including large landscapes such as HOA common areas)

Friday

Watering Hours

Midnight and 6 a.m.

#### **Watering Restrictions Stage 4**

Mandatory Target Goal of 30%

In-ground automatic irrigation systems are prohibited.

#### **Watering Restrictions Stage 5**

All Non-essential water use is prohibited including irrigation.



## Appendix B – Enforcement Provisions

### Enforcement for Retail Potable Water Customers

The following enforcement provisions shall apply to all District potable water (drinking water) customers:

No person shall knowingly or intentionally allow the use of potable water (drinking water) from a District water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.

Any person who violates this plan shall be subject to the following surcharges and conditions of service:

Following the first documented violation in a calendar year, the violator shall be given a notice specifying the type of violation and the date and time it was observed; and surcharges and restrictions on service that may result from additional violations; however, in the case of significant violations, as determined by the District Board or its designee and including filling a swimming pool during a drought stage when such use is prohibited, no such notice shall be given, and the violator will be sent the notice described in 2B below and assessed the surcharges described below. In those cases, the first documented violation shall be treated as a second documented violation.

Following the second documented violation in a calendar year, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$500.00. This amount increases to an amount up to \$2,000 if operating under Stages 3, 4 or 5 of the Plan.

Following the third documented violation in a calendar year, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$750.00. This amount increases to an amount up to \$10,000 if operating under Stages 3, 4 or 5 of the Plan.

Following the fourth documented violation in a calendar year, the District shall, upon due notice to the customer, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established in the District's Rate Order, as amended from time to time, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance 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.

Compliance with this Plan also may be sought through injunctive relief in district court.

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 water customer of the District in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation. *See enforcement process diagram in Appendix C - Drought Response Retail Enforcement Process.*

Legal Authority applicable to Water Districts in Regard to Drought Contingency Plan

## Enforcement

*Please note that the following list is not intended to be exhaustive and statutes listed below may not apply to all Water Districts. Citations below may change following the publication date of this Drought Contingency Plan Model. Each Water District is encouraged to consult with legal counsel in regard to enforcement of drought contingency plans and specific enforcement authority available to each Water District.*

Texas Water Code sec. 49.004 Texas Water Code sec. 49.212 Texas Water Code sec. 51.122 Texas Water Code sec. 54.205 Texas Water Code sec. 65.205

## Appendix C – Drought Response Retail Enforcement

### Drought Response Retail Enforcement

	<p><b><u>Violation witnessed by Designated District Representative</u></b>                  type of violation date and time</p>
	?
First documented violation	<p><b><u>Notice of violation issued</u></b> Customer is notified of actions to be taken if violations continue</p>
	?
Second documented violation	<p><b><u>Issue surcharge No. 1</u></b>                  \$500.00                  Up to \$2,000 if in Stages 3, 4 or 5</p>
	?
Third documented violation	<p><b><u>Issue surcharge No. 2</u></b>                  \$750.00                  Up to \$10,000 if in Stages 3, 4 or 5</p>
	?
Fourth documented violation	<p><b><u>Cut-off service</u></b>                  reconnection fee (per Rate Order)</p>