

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

May 15, 2024

THE STATE OF TEXAS           §  
  §  
COUNTIES OF TRAVIS       §  
AND WILLIAMSON           §

**WHEREAS**, North Austin Municipal Utility District No. 1 (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 13.146, *Texas Water Code*, the Board of Directors of the District (the “*Board*”) is required to develop and submit to the Texas Water Development Board a water conservation plan based on specific targets and goals using appropriate best management practices or other water conservation strategies;

**WHEREAS**, under Section 11.1272, *Texas Water Code*, the Board is required to establish and enforce a drought contingency plan;

**WHEREAS**, under the Agreement Concerning Creation and Operation of North Austin Municipal Utility District No. 1 (the “*Agreement*”) with the City of Austin, Texas (the “*City*”) the District is required to promote compliance with the City’s water conservation ordinance, as it may be amended from time to time (the “*City Plan*”);

**WHEREAS**, as required by Sections 13.146 and 11.1272, *Texas Water Code*, and in an effort to ensure that water supplied to the District is used reasonably and to its maximum beneficial use, the Board previously adopted a Revised Water Conservation and Drought Contingency Plan by Order dated April 20, 2011, as subsequently revised in accordance with 30 *Texas Administrative Code* Section 288.30, pursuant to an Order Adopting Revised Water Conservation and Drought Contingency Plan dated August 19, 2015, and an Order Adopting Revised Water Conservation and Drought Contingency Plan dated May 20, 2020 (the “*Plan*”);

**WHEREAS**, the Board now desires to revise the Plan in accordance with 30 *Texas Administrative Code* Section 288.30, in order to ensure that it is consistent with the current City Plan.

**IT IS, THEREFORE, ORDERED BY THE BOARD THAT:**

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

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

herein will become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

Section 3. The District's attorney is directed to file a copy of this Order in the principal office of the District, with the Executive Administrator of the Texas Water Development Board, with the Executive Director of the Texas Commission on Environmental Quality, with the Lower Colorado Regional Water Planning Group (Region K), and with the Brazos Regional Water Planning Group (Region G), as applicable. This Order will remain in full force and effect from the date of its adoption until amended or replaced by the Board.

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

**ADOPTED** this 15<sup>th</sup> day of May, 2024.



**NORTH AUSTIN MUNICIPAL UTILITY  
DISTRICT NO. 1**

By: Don Conklin  
Don Conklin, President  
Board of Directors

ATTEST:

**Diana Christiano**

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Diana Christiano, Secretary  
Board of Directors

**EXHIBIT “A”**

**REVISED WATER CONSERVATION AND  
DROUGHT CONTINGENCY PLAN**

**I. *Approval of the Plan***

The Board of Directors (the “*Board*”) of North Austin Municipal Utility District No. 1 (the “*District*”) establishes the 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.

**II. *Water Conservation Plan***

**2.01. *Water and Wastewater Utility System Profile:***

**A. *Service Area Population:*** As of the date of adoption of this Plan, the District had 2,665 occupied single family residences, 12 vacant single family residences, 5 multi-family living units, 19 commercial meters, 10 irrigation meters, and 9 institutional meters. The estimated population of the District’s service area is 11,277, calculated on 2,665 single family units multiplied by 3.0 persons/unit and 2,188 multi-family units multiplied by 1.5 persons per unit, rounded to the nearest whole number.

**B. *Water Utility Data:***

1. <i>Connection Type</i>	<i>Number of Existing Connections</i>
Occupied Single Family	2,665
Vacant Single Family	12
Multi Family	5 (totaling 2,188 units)
Commercial	19
Non-Profits	1
Fire Hydrants	1
Vacant Fire Hydrants	0
Irrigation	10
District	9

2. The District receives its water supply from the City of Austin (the “*City*”).

**C. *Wastewater Service:*** Wastewater treatment for the District is provided by the City, except for a small area of the District that is served directly by the City pursuant to an agreement between the City and the District.

**D. *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, as it may be amended from time to time. The rates and fees are comparable to surrounding adjacent developments and are cost-based.

## **2.02. Conservation Strategies:**

### **A. Minimum Measures:**

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

a. Encouraging and supporting efficient water use and reducing the waste of water.

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

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

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

e. Encouraging decreasing waste in landscape irrigation.

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

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

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

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

j. Implementing all applicable water conservation measures required by any water supplier of the District.

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

a. The supply of water to the District will be metered with water meters capable of accuracy within +/-5%.

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

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

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

- i. Master Meters: test once per year
- ii. 1”+ Meters: test once per year
- iii. Meters <1”: replace after 1,000,000 gallons of water usage

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

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

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

**2.03. Coordination with Regional Water Planning Group:** The service area of the District is located within the Lower Colorado Regional Water Planning Area (Region K) and the District has provided or will provide a copy of this water conservation plan to the regional water planning group.

### III. **Drought Contingency Plan:**

**3.01. Declaration of Policy, Purpose, and Intent:** Because of the water conditions prevailing within the District, the water resources available to the District must be put to the maximum beneficial use and the waste, unreasonable use, or unreasonable method of use of water must be prevented, with a view to the reasonable and beneficial use thereof in the interests of the residents of the District and for the public health and welfare.

**3.02. Public Involvement:** An opportunity for the public to provide input into the preparation of this Plan was provided through the District’s scheduling and providing public notice of a public meeting at which members of the public were provided with an opportunity to provide input to the Board on this Plan.

**3.03. Public Education:** The District will periodically provide the public with information about this Plan, including information about the conditions under which

each stage of the drought contingency measures of this Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of publication of notice in a newspaper of general circulation, posting notification signs in public places, mailing utility bill inserts or postcards, press releases, web page notices, or other means as determined necessary by the District Manager (defined below) or his/her designee.

**3.04. Coordination with Regional Water Planning Group and TCEQ Notification:** The service area of the District is located within the Lower Colorado Regional Water Planning Area (Region K) and the District has provided or will provide a copy of this drought contingency plan to the regional water planning group. The District will notify the executive director of the Texas Commission on Environmental Quality within five business days of the implementation or termination of any mandatory provisions of this Plan.

**3.05. Authorization:** The District's Manager or another consultant or employee specifically designated by the Board (for purposes of this Plan, the appointed party is designated the "District Manager") is authorized and directed to implement the applicable provisions of the drought contingency measures of this Plan upon determination that implementation is necessary to protect the public health, safety, and welfare. The District Manager, or his/her designee, will have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

**3.06. Application:** The provisions of this Plan will apply to all persons, entities, customers, and property utilizing water provided by the District.

**3.07. Definitions:** For the purposes of this Section III and Section IV, below, the following definitions will apply:

**A. Commercial Customer:** a Customer (defined below) that uses water as an integral part of the operations of a civic, industrial, commercial, and non-profit establishments, including retail establishments, hotels and motels, restaurants, office buildings, home owner association property, and sites with five or more dwelling units.

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

**C. Designated Outdoor Water Use Days:** the days designated for outdoor water use by a Water Supplier (defined below), or, if a Water Supplier has not designated days for outdoor water use, then:

1. for residential Customers with street addresses, box numbers, or rural postal route numbers ending in an even number (0, 2, 4, 6 or 8) and locations without addresses - Sundays and Thursdays;
2. for residential Customers with street addresses, box numbers, or rural postal route numbers ending in an odd number (1, 3, 5, 7 or 9) - Saturdays and Wednesdays;

3. for commercial Customers with street addresses, box numbers, or rural postal route numbers ending in an even number (0, 2, 4, 6 or 8) and locations without addresses - Tuesday; and

4. for commercial Customers with street addresses, box numbers, or rural postal route numbers ending in an odd number (1, 3, 5, 7 or 9) – Friday.

**D. *New Landscape:*** vegetation that:

1. is installed at the time of the construction of a residential or commercial facility;

2. is installed as part of a governmental entity’s capital improvement project;

3. is installed to stabilize an area disturbed by construction; or

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

**E. *Residential Customer:*** a Customer that uses water as an integral part of the operations of a site with four or less dwelling units.

**F. *Water Supplier:*** collectively, the City and any other entity that supplies wholesale water to the District in the future and requires that the District implement drought contingency and water conservation measures consistent with its own.

**3.08. *Triggering and Termination Criteria for Drought Response Stages:***

The District Manager, or his/her designee, will monitor water supply and/or demand conditions on a monthly basis and determine when conditions warrant the initiation or termination of any stage of this Plan. During the months of May through September, water supply conditions may be monitored on a more frequent basis if deemed necessary. Weather conditions will be considered in determining a drought classification. If long cold or dry periods are predicted, such conditions will be considered in making an impact analysis. Public notification of the initiation or termination of drought response stages will be given by means of publication in a newspaper of general circulation, signs posted in public places, utility bill inserts or postcards, press releases, web page notices **or** other means as determined necessary by the District Manager or his/her designee.

**A. *Stage 1 - Mild Water Shortage Conditions:***

1. Requirements for initiation. Customers will be required to adhere to the Stage 1 Water Use Restrictions set forth in Section 3.09(B)(2) (i) from May 1 through September 30 of each year; and (ii) when:

a. the combined storage of Lakes Travis and Buchanan falls below 1.4 million acre-feet;

b. required by a Water Supplier under any District water supply contract; or

c. otherwise required by the Board or the District Manager.

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

- a. the combined storage of Lakes Travis and Buchanan reaches 1.4 million acre-feet and is expected to remain above 1.4 million acre-feet for four months;
- b. restrictions from a Water Supplier under any District water supply contract are no longer required; or
- c. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

**B. *Stage 2 - Moderate Water Shortage Conditions:***

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

- a. (i) the combined storage of Lakes Travis and Buchanan falls below 900,000 acre-feet; 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 25<sup>th</sup> percentile of historic inflows for the three-month periods;
- b. water demand reaches 300 MGD for three consecutive days;
- c. water demand reaches 320 MGD for one day;
- d. required by a Water Supplier under any District water supply contract; or
- e. otherwise required by the Board or the District Manager.

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

- a. the combined storage of Lakes Travis and Buchanan reaches 1.1 million acre-feet and is expected to remain above 900,000 million acre-feet for four months; or
- b. restrictions from a Water Supplier under any District water supply contract are no longer required; or
- c. otherwise determined by the Board or the District Manager, but in no case in conditions less stringent than provided above.

Upon termination of Stage 2, Stage 1 becomes operative.

**C. *Stage 3 - Severe Water Shortage Conditions:***



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

a. the combined storage of Lakes Travis and Buchanan falls below 750,000 acre-feet;

b. system demand exceeds available high service pump capacity;

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

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

e. any mechanical failure of pumping equipment which will require more than 12 hours to repair and which causes unprecedented loss of capability to provide water service;

f. required by a Water Supplier under any District water supply contract; or

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

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

a. the combined storage of Lakes Travis and Buchanan reaches 900,000 acre-feet and is projected to stay above 750,000 acre-feet for four months;

b. restrictions from a Water Supplier under any District water supply contract are no longer required; or

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

Upon termination of Stage 3, Stage 2 becomes operative.

**D. *Stage 4 - Emergency Water Shortage Conditions:***

1. Requirements for initiation. Customers will be required to comply with the Stage 4 requirements when:

a. there is a failure of water treating facilities;

b. 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;

c. (i) the combined storage of Lakes Travis and Buchanan falls below 600,000 acre-feet; and (ii) the City declares a drought worse than the drought of record or other water supply emergency and orders mandatory curtailment of water for wholesale water customers;

d. required by a Water Supplier under any District water supply contract; or

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

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

a. the combined storage of Lakes Travis and Buchanan is projected to stay above 600,000 acre-feet for four months;

b. the City announces that mandatory curtailment for wholesale water customers is no longer required;

c. restrictions from a Water Supplier under any District water supply contract are no longer required; or

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

Upon termination of Stage 4, Stage 3 becomes operative.

**E. *Additional Restrictions:*** The District may impose additional water restrictions to protect the public health and safety in the event of an unusual water system operational event, catastrophic occurrence or severe weather event, or as otherwise required by the Board or a Water Supplier under any District water supply contract.

**3.09. *Drought Response Stages:*** The District Manager will monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 3.08, will determine if a mild, moderate, or severe condition exists and implement the following actions.

**A. *Permanent Water Use Restrictions:*** Customers must comply with the following restrictions on a year-round basis, regardless of water supply or water treatment plant production conditions:

1. Residential Customers and Commercial Customers may irrigate outdoors only before 10:00 a.m. and after 7:00 p.m., and only on a Designated Outdoor Water Use Day in accordance with the following:

a. Customers may irrigate outdoors with a permanently installed irrigation system on one Designated Outdoor Water Use Day per week, allowing up to 15 hours of irrigation; and

b. Customers may irrigate outdoors with a hose-end sprinkler system on up to two Designated Outdoor Water Use Days per week, allowing for a total of 30 hours of irrigation.

2. Customers must not:

a. fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

b. operate a permanently installed irrigation system with:

i. a broken head;

ii. a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or

iii. a head that is misting because of high water pressure; or

c. during irrigation, allow water:

i. to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or

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

3. Subsections 1 and 2 above do not apply to irrigation:

a. during repair or testing of a new or existing irrigation system if the person performing the testing is present;

b. used to establish New Landscapes;

c. of nursery stock at a commercial plant nursery; or

d. of an athletic field used for organized sports if:

i. the irrigation is for dust abatement purposes; and

ii. the Customer submits to the District a dust abatement exemption application on a form provided by the City of Austin.

4. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.

5. A Customer may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of the terms and conditions of this Subsection.

6. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 12:00 a.m.

7. Any additional or alternative 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.

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

1. Supply Management Measures. All District operations will adhere to the Stage 1 water use restrictions prescribed below, where possible.

2. Water Use Restrictions.

a. Customers may irrigate outdoors with a permanently installed irrigation system only before 8:00 a.m. and after 7:00 p.m. once per week on a Designated Outdoor Water Use Day, allowing up to 13 hours of irrigation;

b. Customers may irrigate outdoors with a hose-end sprinkler, a soaker hose, or use drip irrigation only before 10:00 a.m. and after 7:00 p.m. twice per week on the Designated Outdoor Water Use Days, allowing up to 30 hours of irrigation;

3. Stage 1 requirements do not apply to irrigation:

a. using a hand-held hose or hand-held bucket;

b. used to establish New Landscapes;

c. during repair or testing of a new or existing irrigation system if the person performing the testing is present;

d. of water nursery stock at a commercial plant nursery; or

e. of an athletic field used for organized sports if:

i. the irrigation is for dust abatement purposes; and

ii. the Customer submits to the District a dust abatement exemption application on a form provided by the City; and

4. Charity car washes shall be held at commercial car wash facilities.

5. Any additional or alternative 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.

**C. Stage 2 - Moderate Water Shortage Conditions:** The goal for Stage 2 is to achieve a 20% reduction in average daily water use.

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

2. Water Use Restrictions. All requirements of Stage 1 will remain in effect during Stage 2 except:

a. Customers may not irrigate outdoors, except:

i. with a permanently installed automatic irrigation system before 5:00 a.m. and after 7:00 p.m. once per week on a Designated Outdoor Water Use Day, allowing up to 10 hours of irrigation; or

ii. with a hose-end sprinkler, a soaker hose, or drip irrigation, before 10:00 a.m. and after 7:00 p.m. once per week on a Designated Outdoor Water Use Day, allowing up to 15 hours of irrigation;

b. a person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint;

c. notwithstanding the above, a Customer may not conduct or participate in a charity car wash;

d. a Customer may not operate an outdoor ornamental fountain or structure making similar use of water, with an aerial emission of water or aerial fall of water greater than four inches, other than the aeration necessary to preserve habitat for aquatic species, and in no case shall a Customer operate an ornamental fountain of any kind, unless it uses recirculated water;

e. a Customer may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard; and

f. a restaurant may not serve water to a customer except when requested by the customer.

3. Stage 2 requirements do not apply to:

a. irrigation used to establish a New Landscape;

b. irrigation used for repair or testing of a new or existing irrigation system if the person performing the testing is present;

c. necessary use of water, other than for landscape irrigation, by a governmental entity performing a governmental function, including for a capital improvement construction project;

d. necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing a utility line, dust control, concrete or asphalt work, and building construction, provided that if reclaimed water is available within one mile of the construction site, reclaimed water must be used for roadway base preparation and dust control;

e. necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system;

f. irrigation of an athletic field used for organized sports if:

i. the irrigation is for dust abatement purposes; and

ii. the Customer submits to the District a dust abatement exemption application on a form provided by the City;

g. watering commercially applied herbicide or pesticide; and

h. watering nursery stock at a commercial plant nursery.

4. Any additional or alternative 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.

**D. Stage 3 - Severe Water Shortage Conditions:** The goal for Stage 3 is to achieve a 25% reduction in average daily water use.

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

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

a. a Customer may not irrigate vegetation outdoors, except the irrigation of functional turf areas and beds only:

i. with a permanently installed automatic irrigation system before 5:00 a.m. and after 7:00 p.m. once per week on a Designated Outdoor Water Use Day, allowing up to 10 hours of irrigation; or

ii. with a hose-end sprinkler, a soaker hose, or drip irrigation, before 10:00 a.m. and after 7:00 p.m. once per week on a Designated Outdoor Water Use Day, allowing up to 15 hours of irrigation;

b. a Customer may not water the ground around a foundation to prevent foundation cracking except on a Designated Outdoor Water Use Day before 7:00 a.m. or after 7:00 p.m.. The Review Board (defined below) may grant a Variance (defined in Section IV below) to the restriction in the immediately preceding sentence if the Review Board determines that additional water is necessary to prevent foundation cracking. If the Review Board grants a variance, a Customer may water a foundation (i) on a Designated Outdoor Water Use Day from 12:00 a.m. to 10:00 a.m. and (ii) on the second day after the Designated Outdoor Water Use Day from 12:00 a.m. to 10:00 a.m. using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground;

c. a Customer may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species;

d. a Customer may not add potable water to a swimming pool, wading pool, fountain, or pond, except to preserve habitat for aquatic life;

e. a Customer may not begin the installation of a New Landscape; and

f. a person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.

3. Stage 3 requirements do not apply to a Customer who uses only treated wastewater effluent or raw water.

4. Any additional or alternative 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.

**E. *Stage 4 - Emergency Water Shortage Conditions:*** The goal for Stage 4 is to achieve a 30% reduction in average daily water use.

1. Supply Management Measures. During Stage 4, the District will discontinue irrigating public landscaped areas.

2. Water Use Restrictions. All requirements of Stage 3 will remain in effect during Stage 4 except:

a. a Customer may not irrigate vegetation outdoors, or allow use of water to test or repair a permanently installed irrigation system;

b. a Customer may not wash an automobile, truck, trailer, boat, airplane, or other mobile equipment;

c. a Customer may not water the ground around a foundation to prevent foundation cracking unless a variance is granted by the Review Board as provided in Section IV below;

d. a Customer may not wash a sidewalk, driveway, parking area, street, tennis court, patio; and

e. a person may not operate a patio mister.

3. Any additional or alternative 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.

**F. *Additional Restrictions:*** 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 any applicable policies and procedures of a Water Supplier or, if no such policies and procedures exist, the following sequence:

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

#### **IV. *Variances:***

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

#### **4.02. *Application for Variance:***

**A.** A Variance from a requirement of this Plan may be granted if the Review Board determines that special circumstances exist and that compliance with the Plan:

1. adversely affects health, sanitation, or fire protection of the public or applicant;

2. adversely affects pesticide or fertilizer application; or



3. constitutes an economic hardship. “*Economic hardship*” means a threat to a person or entity’s primary source of income. Inconvenience or the potential for damage to landscaping does not constitute an economic hardship. If the Review Board determines there is an economic hardship, it may authorize the implementation of alternative water use restrictions that further the purposes of the Plan.

The alternative water use restrictions must be set forth on the face of the Variance and the Customer must keep a copy of the Variance in a location that is accessible by and visible to the public.

**B.** A Variance from the requirements of the Permanent Water Use Restrictions, Stage 1, Stage 2, or Stage 3 of this Plan may be granted if the Review Board determines that:

1. a property cannot be completely watered with an average of one-half of an inch of water in a single day and that the property should be divided into sections to be watered on different days;

2. a property is used as an athletic field that cannot feasibly be watered on the designated day; or

**C.** All applications for a Variance will be reviewed by the Review Board and must include the following:

1. Name and address of the petitioning Customer;

2. Purpose of water use;

3. Specific provision(s) of the Plan from which the petitioning Customer is requesting relief;

4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioning Customer or what damage or harm will occur to the petitioning Customer or others if the petitioning Customer 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 petitioning Customer is taking or proposes to take to meet the intent of this Plan and the compliance date; and

8. Other pertinent information.

**D.** The Review Board will make its determination no later than the 15<sup>th</sup> working day after receipt of an application for variance.

**E.** 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.

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

**4.03. Conditions to Variance:** 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.** A Variance from a Stage 1 requirement expires when Stage 2 regulations take effect;

**C.** A Variance from a Stage 2 requirement expires when Stage 3 regulations take effect;

**D.** A Variance expires when additional restrictions are adopted under Section 3.08E.;

**E.** A Variance from a requirement of this Plan expires if the Customer violates this Plan;

**F.** Variances granted will expire when the Plan is no longer in effect, unless the Customer has failed to meet specified requirements; and

**G.** Such other conditions as the Review Board determines necessary to meet or exceed the purpose and intent of this Plan.

**4.04. Enforcement:**

**A.** No person or entity may knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by any drought response stage in effect at the time pursuant to the provisions of the Plan.

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

1. First violation -- written notice of an initial violation via postcard;

2. Second violation -- written notice of an additional violation via postcard;
3. Third violation: -- a fine of up to \$100, as determined by the Board.
4. Fourth violation: -- a fine of up to \$250, as determined by the Board.

**C.** Any person, including a person classified as a Customer of the District, who is in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that a violation occurred on a person's property constitutes a rebuttable presumption that the person committed the violation. Parents are responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control constitutes a rebuttable presumption that the parent committed the violation.