

# **DROUGHT CONTINGENCY PLAN**

## **NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #3**

**501 E. MAIN ST.  
PO BOX 1147  
ROBSTOWN, TX 78380  
(361) 387-4549**

**(Adopted September 10, 1991, revised July 11, 2005, July 29, 2009, June 14, 2012,  
October 2, 2012, May 14, 2013, and March 24, 2015)**

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**President, Board of Directors  
Nueces County Water Control and Improvement District #3**

### **1.0 Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of supply facilities, with particular regard for domestic water use, sanitation, and protection, and to protect and preserve public health, welfare, and safety minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Nueces County Water Control and Improvement District #3 (District) hereby adopts the following regulations and restrictions for the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan(the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 13.0 of this Plan.

### **2.0 Public Involvement**

Opportunities for public input into the preparation of the Plan are provided at regular meetings of the Board of Directors, which are held two (2) times a month. Public notices of the meetings are posted at the District office in Robstown. The meetings are open to the public and any member of the public may speak to the Board Directors at that time.

### **3.0 Public Education**

The District will periodically provide the public with information about the including information about the conditions under which each stage of the Plan to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of:

- (a) Distribution of educational materials — Printed information on water conservation practices is available at the District office.
- (b) Regular articles will be published in the local newspaper as warranted by conditions that affect the District's water supply and delivery capabilities.
- (c) New customers will receive general conservation information when applying for service.

### **4.0 Coordination with Regional Water Planning Group**

The water service area of the District is located within the Region "N" Water Planning Area and the District has provided a copy of its amended Drought Contingency Plan to the Region "N" Planning Group.

### **5.0 Authorization**

The District Manager or his/her designee 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 District Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **6.0 Application**

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

## **7.0 Definitions**

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

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

Agricultural irrigation use: water used for the irrigation and maintenance of crop land, or associated farming, and grazing purposes.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

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

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

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0,2,4,6, or S and locations without addresses.

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

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

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this 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 sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Raw Water use: untreated water sold for industrial, commercial and/or agricultural use both inside and outside the District.

Wholesale Water use: water sold to retail water providers outside the District.

## **8.0 Criteria for Initiation and Termination of Drought Response Stages**

The District Manager or his/her designee will monitor water supply and/or demand conditions on a daily basis and will determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The following steps will be taken starting when the combined water supply in Lake Corpus Christi and Choke Canyon reservoirs reach a level where water storage is 50% or less of total storage capacity. The plan proposes to meet a water shortage situation through a series of water demand reduction measures. The same triggers may be used for initiation as termination in the appropriate order.

### **a) STAGE 1 - WATER SHORTAGE AWARENESS**

*Requirements for initiation:*

- 1) Combined water supply in the reservoirs is less than 50% but greater than 40% of total storage capacity.
- 2) The District Manager directs initiation of Stage 1 Drought Status

*Requirements for termination:* Stage 1 of the Drought Contingency plan may be rescinded when all of the triggering events have ceased for a period of two weeks.

### **a) STAGE 2 - WATER SHORTAGE POSSIBILITY**

*Requirements for initiation:*

- 1) Combined water supply in the reservoirs is less than 40% but greater than 30% of total storage capacity.
- 2) The District Manager directs initiation of Stage 2 Drought Status

*Requirements for termination:* Stage 2 of the Drought Contingency plan may be rescinded when all of the triggering events have ceased for a period of two weeks.

### **b) STAGE 3 - WATER SHORTAGE WATCH**

*Requirements for initiation:*

- 1) Combined water supply in the reservoirs is less than 30% but greater than 25% of total storage capacity.
- 2) The District Manager directs initiation of Stage 3 Drought Status

*Requirements for termination:* Stage 3 of the Drought Contingency plan may be rescinded when all of the triggering events have ceased for a period of two weeks.

c) STAGE 4 - WATER SHORTAGE WARNING

*Requirements for initiation:*

- 1) Combined water supply in the reservoirs is less than 25% but greater than 20% of total storage capacity.
- 2) The District Manager directs initiation of Stage 4 Drought Status

*Requirements for termination:* Stage 4 of the Drought Contingency plan may be rescinded when all of the triggering events have ceased for a period of two weeks.

d) STAGE 5 - WATER SHORTAGE EMERGENCY

*Requirements for initiation:*

- 1) Combined water supply in the reservoirs is less than 20% of total storage capacity.
- 2) The District Manager directs initiation of Stage 5 Drought Status

*Requirements for termination:* Stage 5 of the Drought Contingency plan may be rescinded when all of the triggering events have ceased for a period of two weeks.

## **9.0 Drought Response Stages**

The District Manager, or his/her designee, will monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 8.0 of this Plan, will determine that a water shortage condition exists and will implement the following notification procedures:

### A. STAGE 1 — Water Shortage Awareness

#### Target:

Achieve a 5% percent reduction in daily water demand, preferably during times of peak water use.

#### District Implemented Conservation Measures:

- (a) The District will minimize routine flushing of water mains.
- (b) Use of water from hydrants should be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.
- (c) Agricultural irrigation shall be limited to once per week.
- (c) Stage 1 Drought Condition Water Rates may be initiated by the District Manager and Board of Directors.

#### Voluntary Stage 1 Consumer Water Use Restrictions:

***The following provides a guide for voluntarily reducing water usage to maintain water usage during Stage 1 Drought conditions:***

- (a) Stage 1 watering days should be limited to once per week.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems, should be limited to watering days for customers, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped

areas may be performed at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle should be eliminated except on designated watering days, between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when performed, should be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(e) Operation or filling of any ornamental fountain or pond for aesthetic or scenic purposes should be eliminated except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(f) Use of water for the irrigation of golf course greens, tees, and fairways should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.

(g) All restaurants should stop serving water to patrons except upon request of the patron.

(h) The following uses of water should be eliminated:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

#### A. STAGE 2 — Water Shortage Possibility

##### Target:

Achieve a 10% percent reduction in daily water demand, preferably during times of peak water use.

##### District Implemented Conservation Measures:

- (a) The District will minimize routine flushing of water mains.
- (b) Use of water from hydrants should be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and

welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.

(c) Agricultural irrigation shall be limited to once per week.

(c) Stage 2 Drought Condition Water Rates may be initiated by the District Manager and Board of Directors.

Mandated Stage 2 Consumer Water Use Restrictions:

***The following provides a guide for reducing water usage to maintain water usage during Stage 2 Drought conditions:***

(a) Stage 2 watering days should be limited to once per week.

(b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems, should be limited to watering days for customers, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas may be performed at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle should be eliminated except on designated watering days, between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when performed, should be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(e) Operation or filling of any ornamental fountain or pond for aesthetic or scenic purposes should be eliminated except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(f) Use of water for the irrigation of golf course greens, tees, and fairways should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.

(g) All restaurants should stop serving water to patrons except upon request of the patron.

(h) The following uses of water should be eliminated:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

**B. STAGE 3 — Water Shortage Watch**

The District Manager, in the exercise of his discretion based upon guidelines established by the Board of Directors, may implement any or all of those elements of Stage 3 as are deemed necessary at any particular time. All elements of Stage 1 and Stage 2 shall remain in effect in Stage 3.

**Target:**

Achieve a 15% percent reduction in daily water demand, preferably during times of peak water use.

**District Implemented Conservation Measures:**

- (a) The District will minimize and/or discontinue flushing of water mains.
- (b) Agricultural irrigation shall be limited to twice per month.
- (c) Stage 3 Drought Condition Water Rates may be initiated by the District Manager and Board of Directors.

**Mandated Stage 3 Consumer Water Use Restrictions:**

***The following provides a guide for reducing water usage to maintain water usage during Stage 3 Drought conditions:***

- (a) Stage 3 watering days should be limited to twice per month.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems, should be limited to watering days for customers, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas may be performed at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle should be eliminated except on designated watering days, between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when performed, should be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.



- (e) Operation or filling of any ornamental fountain or pond for aesthetic or scenic purposes should be eliminated except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways should be eliminated except on designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.
- (g) All restaurants should stop serving water to patrons except upon request of the patron.
- (h) The following uses of water should be eliminated:
  1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  3. Use of water for dust control;
  4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

#### C. STAGE 4 — Water Shortage Warning

Upon implementation by the District Manager and publication of notice, the following restriction will apply to all persons. The District Manager, in the exercise of his discretion based upon guidelines established by the Board of Directors, may implement any or all of those elements of Stage 4 as are deemed necessary at any particular time. All elements of Stage 1, Stage 2 and Stage 3 will remain in effect in Stage 4.

#### Target:

Achieve a 30% percent reduction in daily water demand, preferably during times of peak water use.

#### District Implemented Conservation Measures:

- (a) The District will discontinue flushing of water mains.
- (b) New service connections to the District's water system may be prohibited where some other source independent of the District's water system is existing and in use at the time this element of Stage 3 is implemented.
- (c) The use of potable water (water obtained from the District's water system) for all non essential water features may be discontinued.
- (d) The use of water for construction purposes from designated fire hydrants under special permit may be discontinued.
- (e) Agricultural irrigation shall be limited to once per month.
- (f) Stage 3 Drought Condition Water Rates may be initiated by the District Manager and Board of Directors.

Mandated Stage 4 Consumer Water Use Restrictions:

***The following provides a guide for reducing water usage to maintain water usage during Stage 4 Drought conditions:***

- (a) Stage 4 watering day should be limited to once per month.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems, should be limited to the watering day for customers, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas may be performed at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle should be eliminated except on the designated watering day, between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when performed, should be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools should be eliminated except on the designated watering day between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (e) Operation or filling of any ornamental fountain or pond for aesthetic or scenic purposes should be eliminated except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways should be eliminated except on the designated watering day between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.
- (g) All restaurants should stop serving water to patrons except upon request of the patron.
- (h) The following uses of water should be eliminated:
  - 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - 3. Use of water for dust control;
  - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

D. STAGE 5 — Water Shortage Emergency

Upon implementation by the District Manager and publication of notice, the following restriction will apply to all persons. The District Manager, in the exercise of his discretion based upon guidelines established by the Board of Directors, may implement any or all of those elements of Stage 3 as are deemed necessary at any particular time. All elements of Stage 1, Stage 2, Stage 3 and Stage 4 will remain in effect in Stage 5.

Target:

Achieve a 50% percent reduction in daily water demand, preferably during times of peak water use.

District Implemented Conservation Measures:

- (a) The District will discontinue flushing of water mains.
- (b) All non essential watering shall be eliminated.
- (c) No applications for new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind will be allowed, approved, or installed except as approved by the District.
- (d) Residential customers and commercial customer will be allowed a maximum of 6,000 gallons per month per connection unless different arrangements have been made showing an absolute necessity for additional water.
- (e) Agricultural irrigation water will be eliminated.
- (f) Any variation of the rules for a different watering plan must be presented to the District Manager and have approval by the Board of Directors.
- (g) Suspension of service may be enforced for willful violators after a written notice of violation is delivered.
- (h) Stage 4 Drought Condition Water Rates may be initiated by the District Manager and Board of Directors.

Mandated Stage 5 Consumer Water Use Restrictions:

***The following provides a guide for reducing water usage to maintain water usage during Stage 5 Drought conditions:***

- (a) All non essential use of water should be eliminated.

## **10.0 Public Notification**

The District will notify all of its customers when conditions warrant initiation or termination of drought or emergency response stages. Customer notification of the initiation or termination of drought or emergency response stages will be made by mail or telephone. All of these activities will be coordinated with other water rights holders and the regional water supplier, as applicable; to assure that all water customers in the regional area receive the same drought or emergency situation message at the same time.

The following individuals and entities will also be notified:

- Mayor of Robstown
- Wholesale customer Managers
- Nueces County Emergency Management Coordinator(s) & County Judge
- Texas Commission on Environmental Quality

## **11.0 Wholesale and Raw Water Customers**

In the event that the triggering criteria for mandatory water restrictions have been met, the District Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code and according to the following procedures.

The District Manager, or his/her designee, will maintain a monthly water usage baseline for each wholesale and raw water customer. The wholesale and raw water customer's water usage baseline will be computed on the average water usage by month for the previous five calendar year period.

A wholesale and raw water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the District's Board based on the District Manager's assessment of the severity of the water shortage condition and the need to curtail water deliveries and may be adjusted periodically by resolution of the District's Board as conditions warrant. Once pro rata allocation is in effect, water deliveries to each wholesale and raw water customer shall be limited to the allocation established for each month.

The District Manager shall provide notice, by certified mail, to each wholesale and raw water customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

Upon request of the customer or at the initiative of the District Manager, the allocation may be reduced or increased if objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the District's Board.

For all wholesale and raw water contracts entered into or renewed after the adoption of this drought contingency plan, including contract extensions, in the event of shortage of

water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, 11.039.

### **12.0 Variances to the Plan**

The District Manager, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by the Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

District customers requesting an exemption from the provisions of this Plan shall file a petition for variance with the District Manager within 10 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the District Board, and shall include the following:

- (a) Name and address of petitioner(s)
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage and harm will occur to the petitioner or others if petitioner complies with this Plan.
- (c) Description of the relief requested
- (d) Period of time for which the variance is sought
- (e) Alternative measures the petitioner is taking or proposing to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

### **13.0 Violations, Penalty and Enforcement**

- (a) Stage 1 - Stage 5 water rates have been established with built in penalties for excessive water usage during drought conditions. As a drought becomes more severe, water costs for usage over the monthly minimum becomes more expensive. Rates are outlined in the District Rates and Fees Schedule.
- (b) Multiple violations of excessive monthly consumption may result in the discontinuation of service. Termination of water service shall be at the sole discretion of the District Manager.

### **14.0 Resolution of Board of Directors**

See Attached