

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

May 28, 2014

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

WHEREAS, Block House Municipal Utility District (the “*District*”) is a political subdivision of the State of Texas, created and operating under Chapters 49 and 54 of the *Texas Water Code*;

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

WHEREAS, under the Water Supply Contract, dated March 10, 1995 (as amended, the “*Water Contract*”), with the City of Cedar Park (the “*City*”), the District is required to impose on its customers and enforce, at a minimum, all voluntary and mandatory conservation measures and use restrictions imposed by the City on its own customers pursuant to applicable City ordinances;

WHEREAS, as required by Section 11.1272, *Texas Water Code* and the Water Contract, and in an effort to ensure that water supplied to the District is used reasonably and to its maximum beneficial use, the Board adopted an Amended and Restated Water Conservation and Drought Contingency Plan by Order dated April 23, 2008 (the “*Original Plan*”);

WHEREAS, in accordance with 30 *Texas Administrative Code* Section 288.30, the Board subsequently amended the Original Plan pursuant to an Order Establishing Revised Drought Contingency Plan and Adopting Water Conservation Plan dated April 22, 2009, and subsequently amended on November 21, 2013 (the “*Amended Plan*”); and

WHEREAS, central Texas is experiencing a severe drought that has persisted since September 2007; and

WHEREAS, due to a continuation of hot and dry weather patterns, the Board now desires to revise the Amended Plan in order to, among other things, provide for a mechanism to reduce public confusion about water schedules and requirements, increase compliance with water conservation measures, and address inconsistencies between the District’s requirements and those of its water supplier(s);

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF BLOCK HOUSE MUNICIPAL UTILITY DISTRICT that:

Section 1: The Water Conservation and Drought Contingency Plan (the “*Plan*”) attached as **Exhibit “A”** 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 Plan replaces and supersedes the Amended Plan.

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

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

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

*(The remainder of this page has been intentionally left blank,
and the signature page or pages follow.)*

PASSED AND APPROVED this 28th day of May, 2014.

**BLOCK HOUSE MUNICIPAL UTILITY
DISTRICT**

By: 
Terence Davis, President
Board of Directors

[SEAL]

ATTEST:

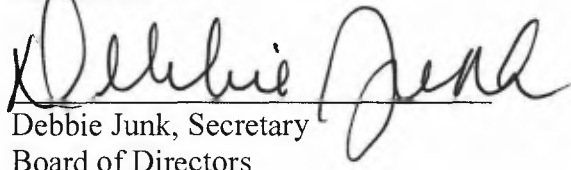

Debbie Junk, Secretary
Board of Directors

EXHIBIT “A”

***WATER CONSERVATION AND
DROUGHT CONTINGENCY PLAN***

Article I. Approval of the Plan

The Board of Directors (the “Board”) of Block House Municipal Utility District (the “District”) hereby establishes this 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.

Article II. Water Conservation Plan

2.01 Water and Wastewater Utility System Profile.

A. Service Area Population. As of the date of the adoption of this Plan, the estimated population of the District’s service area is 7532.

B. Water Utility Data.

1. Connections:

<i>Type</i>	<i>Existing Connections</i>
Occupied Single Family	2,152 Connections
Vacant Single Family	15 Connections
Irrigation	26 Connections
Commercial	2 Connections
Public/School	1 Connections
District	8 Connections
Industrial	0 Connections
Fire Hydrants	0 Connections

2. Current average daily water usage per household is estimated to be approximately 250 gallons per day.

3. The District receives its water supply from the City of Cedar Park (the “City”) on a wholesale basis. The City obtains its water supply from Lake Travis through a water supply agreement with the Lower Colorado River Authority. The District is responsible for reading the individual meters and the retail billing of each District customer.

C. Wastewater Utility Data.

1. Current average daily wastewater usage per household is estimated to be approximately 210 gallons per day.

2. Wastewater treatment for the District is provided by the City. The City's treatment plant currently has a capacity of 2.5 MGD. The plant discharges treated effluent into Brushy Creek. A portion of the City's wastewater service area also participates in the LCRA/Brazos River Authority Brushy Creek regional wastewater system and has allocated an additional treatment capacity of 2.5 MGD permitted for that system.

D. Financial Data.

Rates and fees for the District's facilities and services are set forth in the District's Order Establishing Water and Wastewater Service Rates, Charges, Tap Fees and Park Fees, and Adopting General Policies With Respect to the District's Water, Wastewater and Drainage Systems and are comparable to surrounding adjacent developments and are cost-based.

2.02 Conservation Strategies.

A. Minimum Measures.

1. Water Conservation Goals. The District's goals with respect to water conservation are those adopted by the City from time to time, scaled down, as appropriate, to be proportionate to the District's average water supply and number of customers. Currently, the District's five-year target for water savings is to reduce daily water consumption in gallons per capita and water loss by 2.5%, and the District's 10-year target for water savings is to reduce daily water consumption in gallons per capita and water loss by an additional 2.5% over the five-year target. The District will attempt to achieve these goals with one or more of the following methods:

- a. Encouraging and supporting efficient water use and reduced waste.
- 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. Work with the City to limit unaccounted-for water from the District's system.
- d. Support the City's 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. Support and assist the City with its leak detection/repair program, record management system, water reuse program and reservoir systems operations program.
- k. Implementing all applicable water conservation measures required by the City.

2. Compliance with the City's Water Conservation Plan. The District will comply with the applicable requirements of the City's Water Conservation Plan.

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

- a. The supply of water from the City will be metered with water meters capable of accuracy within +/- 2%.
- b. Each connection will be metered with a water meter capable of accuracy within +/- 2%.
- c. Each connection on the system will be metered, including landscape irrigation and public facilities.
- d. A regularly scheduled maintenance program of meter repair and replacement will be established in accordance with the following time intervals:
 - i. Master Meters: Test once/year
 - ii. 1" + Meters: Test once/year
 - iii. Meters <1": Test once/10 years

4. Education and Public Information Programs. The District will coordinate with the City, as necessary, to 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.
- d. Information regarding the City's drought resistant landscape (xeriscape program) and retrofit/replacement program.

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 Brazos Regional Water Planning Area (Region G) of the State of Texas and the District has provided a copy of this water conservation plan to the regional planning group.

Article 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. The District's scheduling and providing public notice of a public meeting at which members of the public were provided with an opportunity to give 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 and his/her designee.

3.04 Coordination with Regional Water Planning Group and TCEQ Notification. The service area of the District is located within the Brazos Regional Water Planning Area (Region G) of the State of Texas and the District has provided 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 (5)

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 hereby authorized and directed to implement the applicable provisions of the drought contingency measures of this Plan upon determination that implementation is necessary to protect the public health, safety, and welfare. The District Manager or his/her designee will have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

3.06 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 purpose of this Section, the following definitions will apply:

Acre-foot: The amount of water required to cover an area of one acre to a depth of one foot. One acre-foot of water is equal to 325,851 gallons.

Auxiliary source: A source of water other than the City’s public water system which may include reuse effluent, raw, ground or well water.

City: The City of Cedar Park, Texas.

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

Drip irrigation: A method of irrigation which is typically installed below ground and consists of porous piping or emitters which allow the application of water at a slow and constant rate.

Efficient irrigation technology: Irrigation techniques that use the latest technology with variables such as but not limited to soil moisture sensors, rain shut-off devices, and evapotranspiration based watering system controller.

Even number address: Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Non-Essential Water Use: Water uses that are not essential nor required for the protection of the public health, safety, and welfare, including:

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

2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. use of water to wash-down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area;
4. use of water to wash-down any building or structure for any purpose other than immediate fire protection;
5. flushing any gutter or permitting water to run or accumulate in any gutter or street;
6. use of water to fill, refill, or add to any indoor swimming pool or jacuzzi-type pool;
7. use of water in a fountain or pond maintained for aesthetic or scenic purposes, except where necessary to support aquatic life;
8. failure to repair any controllable leak within 10 business days after being given notice directing that the leak be repaired; and
9. use of water from any hydrant for construction purposes or any other use other than fire-fighting.

Nonresidential customer: All other customers not classified as residential customer, including but not limited to businesses, schools, government entities, multifamily developments and property management associations (e.g. homeowners' associations).

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

Outdoor Water Use: includes, but is not limited to, watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; using landscape irrigation systems; filling, refilling or adding water to swimming pools, wading pools or ponds; operating any ornamental fountain or other similar structure; using water from fire hydrants for purposes other than fire-fighting or other activities necessary to maintain health and safety; watering of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and watering of ground foundations.

Residential customer: Any person, company, organization, or other legal type entity receiving water supplied by the city at a location where the principal use of the property is for single-family or duplex habitation.

Soaker hose. A perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

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

Xeriscape. A method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.

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 other means to be determined by the District Manager or his/her designee.

A. *Stage 1 – Mild Water Use Reduction Conditions.*

Requirements for initiation:

1. Customers will be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use at all times.
2. Customers will be required to comply with any Stage 1 mandatory requirements as otherwise required by any District water supply contract, the City's Drought Contingency and Water Emergency Plan, as amended, the Board, or the District Manager or his/her designee.

Requirements for termination: Any mandatory Stage 1 water restrictions may be rescinded by the Board or the District Manager or his/her designee when the conditions above cease to exist or as otherwise determined by the Board and/or the District Manager or his/her designee. The District will notify its Customers of the initiation and termination of mandatory Stage 1 water restrictions.

B. *Stage 2 – Moderate Water Shortage Conditions.*

Requirements for initiation: Customers will be required to comply with Stage 2 requirements and restrictions on non-essential water uses when:

1. daily water consumption for three consecutive days reaches 90% of the District's water supply/distribution capacity and/or the City's combined storage reaches 900,000 acre-feet;

2. compliance is required under any District water supply contract or the City's Drought Contingency and Water Emergency Plan, as amended; or
3. as otherwise required by the Board or the District Manager or his/her designee.

Requirements for termination: Stage 2 water restrictions may be rescinded by the Board or the District Manager or his/her designee when the conditions listed above cease to exist or as otherwise determined by the Board and/or the District Manager or his/her designee. Upon termination of Stage 2, Stage 1 becomes operative. The District will notify its Customers of the initiation and termination of Stage 2 water restrictions.

C. Stage 3 – Severe Water Shortage Conditions.

Requirements for initiation: Customers will be required to comply with the requirements and restrictions on non-essential water uses for Stage 3 when:

1. the City's combined storage reaches 600,000 acre-feet;
2. required under any District water supply contract or the City's Drought Contingency and Water Emergency Plan, as amended; or
3. as otherwise required by the Board or the District Manager or his/her designee.

Requirements for termination: Stage 3 water restrictions may be rescinded by the Board or the District Manager or his/her designee when the conditions listed above cease to exist or as otherwise determined by the Board and/or the District Manager or his/her designee. Upon termination of Stage 3, Stage 2 becomes operative. The District will notify its Customers of the initiation and termination of Stage 3 water restrictions.

D. Stage 4 – Emergency Water Shortage Conditions.

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

1. daily water consumption reaches 95% of the District's water supply/distribution capacity for three consecutive days and/or the Lower Colorado River Authority Board determines that the river system is experiencing a drought more severe than the drought of record;
2. required under any District water supply contract or the City's Drought Contingency and Water Emergency Plan, as amended; or
3. as otherwise required by the Board or the District Manager or his/her designee.

Requirements for termination: Stage 4 water restrictions may be rescinded by the Board or the District Manager or his/her designee when the conditions listed above cease to exist or as otherwise determined by the Board and/or the District Manager or his/her designee. Upon termination of Stage 4, Stage 3 becomes operative. The District will notify its Customers of the initiation and termination of Stage 4 water restrictions.

Requirements for water rationing termination: Water rationing may be rescinded by the District Manager or his/her designee when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days or as otherwise determined by the Board and/or the District Manager or his/her designee.

3.09 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 3.08, will determine if a mild, moderate, severe, or emergency condition exists and implement the following actions.

A. Stage 1 – Mild Water Use Reduction Conditions.

The District’s goals for Stage 1 are those adopted by the City from time to time for Stage 1 under the City’s Drought Contingency and Water Emergency Plan, as amended, and scaled down, as appropriate, to be proportionate to the District’s average water supply and number of customers. Currently, the goal for Stage 1 is to raise public and customer awareness of water demand conditions.

1. Supply Management Measures. The District will, in coordination with the City where possible, attempt to minimize or discontinue Non-Essential Water Use in connection with its operations.

2. Voluntary Water Use Measures.

a. All Customers will be requested to voluntarily limit outdoor water use by participating in a two-day per week watering schedule for outdoor water use. Designated outdoor watering days will be those days designated by the City from time to time. Currently, the schedule is as follows: Sundays and Thursdays for Residential customers with street addresses ending in an even number (0, 2, 4, 6 or 8); Saturdays and Wednesdays for Residential customers with street addresses ending in an odd number (1, 3, 5, 7 or 9); and Tuesdays and Fridays for Nonresidential customers.

b. Outdoor water use will be discouraged between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow or hand-held buckets. These time restrictions do not apply to: (i) irrigation of commercial plant nurseries, (ii) irrigation using treated wastewater effluent, (iii) irrigation of new landscape installations during installation and for the first ten days thereafter,

and (iv) testing of new irrigation systems or existing irrigation systems being repaired.

- c. Customers will be requested to reduce water use and to minimize or discontinue Non-Essential Water Use. Customers will also be encouraged to insulate pipes and fittings to prevent freezing rather than leaving faucets running or dripping.
- d. The following uses constitute a waste of water and are prohibited:
 - i. Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except to alleviate immediate health or safety hazards.
 - ii. Allowing water to run off a property, or allowing water to pond in the street or parking lots.
 - iii. Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than 10% of the spray on street or parking lots, or that is misting.
 - iv. Failure to repair a controllable leak(s) within 10 business days after having been given notice directing the repair of such leak(s).
 - v. Washing an automobile, truck, trailer, boat, airplane, or other mobile equipment with a handheld hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.
- e. Any additional or alternative restrictions imposed by the City, a water supplier of the District or otherwise determined to be necessary by the District Manager or the Board may be imposed by the District.

B. Stage 2 – Moderate Water Shortage Conditions.

The District's goals for Stage 2 are those adopted by the City from time to time for Stage 2 under the City's Drought Contingency and Water Emergency Plan, as amended; scaled down, as appropriate, to be proportionate to the District's average water supply and number of customers. Currently, the goal for Stage 2 is to reduce and maintain maximum daily water demand below ninety percent (90%) of system capacity.

- 1. Supply Management Measures. During Stage 2, the District will reduce or discontinue flushing of water mains, where possible; reduce or discontinue irrigation of public landscaped areas, where possible; use an

alternative water supply source, whenever possible; and use reclaimed water for non-potable purposes, whenever possible. The District will also comply with the water use restrictions for Stage 2 when those restrictions are implemented.

2. Water Use Restrictions.

- a. All Customers will be required to limit outdoor water use by participating in a two-day per week watering schedule for outdoor water use. Designated outdoor watering days will be those days designated by the City from time to time. Currently, the schedule is as follows: Sundays and Thursdays for Residential customers with street addresses ending in an even number (0, 2, 4, 6 or 8); Saturdays and Wednesdays for Residential customers with street addresses ending in an odd number (1, 3, 5, 7 or 9); and Tuesdays and Fridays for Nonresidential customers.
- b. Outdoor water use will be prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow or hand-held buckets. These time restrictions do not apply to: (i) irrigation of commercial plant nurseries, (ii) irrigation using treated wastewater effluent, (iii) irrigation of new landscape installations during installation and for the first ten days thereafter, and (iv) testing of new irrigation systems or existing irrigation systems being repaired.
- c. The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes or other vehicles will be prohibited except on designated watering days described above between the hours of midnight and 10:00 a.m. and between the hours of 7:00 p.m. and midnight. Such washing, when permitted, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. This restriction does not apply to (i) individual vehicles washed on the immediate premises of a commercial car wash or commercial service station or (ii) the washing of vehicles or any other mobile equipment such as garbage trucks or vehicles used to transport perishables, which relates to the public health, safety or welfare. Charity car washes will be prohibited.
- d. The use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools will be prohibited except on designated watering days

described above between the hours of midnight and 10:00 a.m. and between the hours of 7:00 p.m. and midnight.

- e. Operation of any ornamental or decorative fountain or pond will be prohibited unless operation is necessary to support aquatic life or such fountains or ponds are equipped with a recirculation system.
- f. Use of water from hydrants will be limited to fire-fighting and other activities necessary to maintain public health, safety, and welfare, except that the use of water from designated fire hydrants may be allowed for construction purposes with prior written permission from the District as provided in Section 3.10.
- g. Use of water for the irrigation of golf course greens, tees, and fairways will be prohibited except on designated watering days described above between the hours of midnight and 10:00 a.m. and between the hours of 7:00 p.m. and midnight. These restrictions will not apply to golf courses which use an auxiliary source.
- h. Any additional or alternative restrictions imposed by the City, a water supplier of the District or otherwise determined to be necessary by the District Manager or the Board may be imposed by the District.

C. Stage 3 – Severe Water Shortage Conditions.

The District’s goals for Stage 3 are those adopted by the City from time to time for Stage 3 under the City’s Drought Contingency and Water Emergency Plan, as amended; scaled down, as appropriate, to be proportionate to the District’s average water supply and number of customers. Currently, the goal for Stage 3 is to reduce and maintain maximum daily water demand at or below eighty percent (80%) of system capacity.

1. Supply Management Measures. During Stage 3, the District will cease the flushing of water mains, where possible, except when necessary for reasons of health or safety. 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. Water customers shall be required to participate in the one day per week watering schedule for outdoor water use rather than the Stage 2 two-day per week watering schedule described in Section

3.09(A)(2)(a) above. Designated outdoor watering days will be those days designated by the City from time to time. Currently, the schedule is as follows:

i. Residential customer watering days:

1. Last digit of their street address ending in a 0 or 2: Thursday.
2. Last digit of their street address ending in a 4, 6 or 8: Sunday.
3. Last digit of their street address ending in a 1 or 3: Wednesday.
4. Last digit of their street address ending in a 5, 7, or 9: Saturday.

ii. Nonresidential customer watering days:

1. Last digit of their street address ending in 0, 2, 4, 6, 8: Tuesday.
2. Last digit of their street address ending in 1, 3, 5, 7, 9: Friday.

b. Extended variances will not be granted for newly installed landscape plant material.

c. The operation of decorative water features is prohibited except when aeration is necessary to preserve habitat for aquatic life.

d. Pressure washing is prohibited but variances may be granted on the designated watering day for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut off.

e. The automatic filling, refilling, or adding of potable water to single-family residential swimming or wading pools and hot tubs is prohibited. Single-family residential swimming or wading pools and hot tubs may be refilled manually on the designated watering day before 10:00 a.m. and after 7:00 p.m., or may be refilled using an auxiliary source with no restriction.

- f. The operation of residential aesthetic or recreational devices such as water slides is prohibited.
- g. All charity carwashes are prohibited.
- h. Water may only be served at restaurants upon request.
- i. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited unless occurring on the immediate premises of a commercial carwash or a commercial service station.
- j. Any additional or alternative restrictions imposed by the City, a water supplier of the District or otherwise determined to be necessary by the District Manager or the Board may be imposed by the District.

D. Stage 4 – Emergency Water Shortage Conditions.

The District's goals for Stage 4 are those adopted by the City from time to time for Stage 4 under the City's Drought Contingency and Water Emergency Plan, as amended; scaled down, as appropriate, to be proportionate to the District's average water supply and number of customers. The goal for Stage 4 of the Plan is to reduce and maintain maximum daily water demand at a pro rata curtailment amount determined at the time by the Lower Colorado River Authority Board.

- 1. Supply Management Measures. The District will cease the flushing of water mains, where possible, except when necessary for reasons of health or safety. The District will discontinue irrigating public landscaped areas except areas, where possible, irrigated with treated wastewater effluent, ground water, or raw water.
- 2. Water Use Restrictions. All requirements of Stage 3 will remain in effect during Stage 4 except:
 - a. Outdoor water use by use of hand-held buckets or hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow may occur only between 6:00 a.m. to 10:00 a.m. and 7:00 p.m. and 10:00 p.m. on designated outdoor water use days as designated by either the City or the District. The use of permanently installed irrigation systems, drip irrigation systems, and hose-end irrigation will be prohibited.
 - b. The watering of golf course tees will be prohibited unless the golf course utilizes an auxiliary water source.

- c. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial carwash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited. The washing of such vehicles under public safety and health situations may only occur between 6 a.m. and 10 a.m.
- d. Commercial plant nurseries may use only hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow or hand-held buckets.
- e. The filling, refilling, or adding of potable water to swimming or wading pools will be prohibited.
- f. No new landscapes of any type may be installed.
- g. The use of water for construction purposes from designated fire hydrants under written permission from the District will be discontinued.
- h. Any additional or alternative restrictions imposed by the City, a water supplier of the District or otherwise determined to be necessary by the District Manager or the Board may be imposed by the District.

If severe water shortage conditions (Stage 4) persist for an extended period of time, the District Manager, upon recommendation of the Board, may order water rationing and/or terminate service to selected users of the system in accordance with the following sequence:

Commercial yard meters
 Commercial users
 Residential users
 Hospitals, public health and safety facility.

3.10 Variances.

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

B. Application for Variance.

1. 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:

- a. adversely affects health, sanitation, or fire protection of the public or applicant;
- b. adversely affects pesticide or fertilizer application; or
- c. 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.

2. A Variance from the requirements of Stage I or Stage II of this Plan may be granted if the Review Board determines that:

- a. a property cannot be completely watered with an average of three-quarters of an inch of water in a single day and that the property should be divided into sections to be watered on different days; or
- b. a property is a newly installed landscape.

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

- a. Name and address of the petitioner(s);
- b. Purpose of water use;
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief;
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- e. Description of the relief requested;
- f. Period of time for which the Variance is sought;

g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and

h. Other pertinent information.

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

C. *Application of Variance.*

1. Until the Review Board has acted on an application, the applicant must comply with all provisions of this Plan. The Review Board may not approve a Variance if the terms and conditions do not meet or exceed the purpose and intent of this Plan.

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

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

1. Variances granted must include a timetable for compliance;

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

3. Such other conditions as the Review Board determines necessary to meet or exceed the purpose and intent of this Plan, such as water schedules for newly installed landscapes.

3.11 *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 this Article, or in an amount in excess of that permitted by any drought response stage in effect at the time pursuant to the provisions of this Article.

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, 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:

<u>Violation</u>	<u>Residential Customer</u>	<u>Commercial Customer</u>
First violation	Warning letter	Warning letter
Second violation within 12 months of immediately preceding violation	\$50 fine	\$200 fine
Third violation within 12 months of immediately preceding violation	\$100 fine	\$400 fine
Fourth and subsequent violations within 12 months of immediately preceding violation	\$200 fine	\$1,000 fine

If any person or entity violates this Plan two or more times within any 12-month period, the District Manager or his/her designee may, following written notice to the violator, discontinue water service to the premises where the violations occurred. Service discontinued under such circumstances may be restored only upon payment of all fines established under this Section, a re-connection charge of \$100, and any other costs incurred by the District in discontinuing or re-initiating service. In addition, the violator must provide assurance, acceptable to the District Manager or his/her designee that the violation will not be repeated.

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.