

**AN ORDER ESTABLISHING AN AMENDED DROUGHT CONTINGENCY  
AND WATER EMERGENCY PLAN; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN EFFECTIVE DATE; AND ORDERING OTHER  
PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS                   §

WHEREAS, pursuant to Section 11.1272, Texas Water Code, the Board of Directors (the “Board”) of Travis County Water Control and Improvement District No. 19 (the “District”) is required to establish and enforce a drought contingency plan for the District facilities or services.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 19 THAT:

SECTION 1: The Drought Contingency Plan, attached as Exhibit “A” hereto, is hereby established and replaces the Drought Contingency Plan previously adopted on December 21, 2023 and all prior Drought Contingency Plans. In addition, the Board President or, in his absence, the Board Vice President is hereby authorized to revise the attached Drought Contingency Plan to the extent needed to comply with any requirements of the Lower Colorado River Authority or Travis County Municipal Utility District No. 4 so the District remains in compliance with its contracts with those entities.

SECTION 2: If any provision, section, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Order or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the Board of Directors of the District in adopting this Order, that no portion hereof or provision contained herein shall 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 hereby directed to file a copy of this Order in the principal office of the District. This Order shall be and remain in full force and effect from and after the date of filing.

READ, CONSIDERED, PASSED AND APPROVED by the Board of Directors of Travis County Water Control and Improvement District No. 19 at a public meeting on the 25<sup>th</sup> of April, 2024, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq. of the Government Code.

PASSED AND APPROVED this 25<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Blake Mosher, Vice President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Kenneth A. Johnson, Secretary  
Board of Directors

[DISTRICT SEAL]

## EXHIBIT “A”

### ***DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN***

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

The Board of Directors hereby establishes Travis County Water Control and Improvement District No. 19’s Drought Contingency and Water Emergency Plan (the “Plan”) as set forth below, in place of the Drought Contingency and Water Emergency Plan previously adopted on May 26, 2005, confirmed on April 23, 2009, and amended on September 3, 2009, March 27, 2014, February 27, 2020, August 24, 2023, and December 21, 2023. The Board of Directors commits to implementing the program according to the procedures set forth in the following Plan.

#### ***II. Declaration of Policy, Purpose, and Intent***

It is hereby declared that, because of the water conditions prevailing in the Travis County Water Control and Improvement District No. 19 (hereinafter referred to as the “District”), the water resources available to the District shall be put to the maximum beneficial use and that the waste, unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water shall be extended with the goal that the reasonable and beneficial use thereof will serve the interests of the people of the District and for the public health and welfare.

Water uses regulated or prohibited under the Plan are considered to be non-essential, and the 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) as defined in Section XIV of this Plan.

#### ***III. Public Involvement***

The opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of scheduling and providing public notice of the District public meeting on April 25, 2024.

#### ***IV. Public Education***

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the 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 press releases, utility bill inserts, and other means as determined by the District.

#### ***V. Coordination with Regional Planning Groups***

The service area of the District is located within the Lower Colorado Regional Water Planning Area (Region K) of the State of Texas and the District has provided a copy of this Plan to the Lower Colorado Regional Water Planning Area.

## ***VI. Authorization***

The District Operator or its 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 Operator or its designee will have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## ***VII. Application***

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

## ***VIII. Definitions***

For the purpose of this Plan, the following definitions apply:

- A. Commercial and institutional water use: water use that 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.
- B. 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.
- C. Customer: any person, company, or organization using water supplied by the District.
- D. 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.
- E. Household: means the residential premises served by the customer’s meter.
- F. 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.
- G. Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- H. Lower Colorado River Authority or LCRA: the wholesale water provider for Travis County Municipal Utility District No. 4.

I. Non-Essential Water Use: water uses that are not essential nor required for the protection of 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 sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection;
5. flushing gutters or permitting water to run or accumulate in any gutter or street;
6. use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
7. use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
8. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
9. use of water from hydrants for construction purposes or any other purposes other than firefighting.

J. Once a Week Watering Schedule: the day that a customer may use water outdoors for purposes permitted by this Section. Customers are assigned to the following days in which customers may use water for Landscape Irrigation Use on a repeating cycle as determined by the District:

	Watering Day
Addresses Ending in Even Numbers	Thursdays
Addresses Ending in Odd Numbers	Wednesdays
Commercial and HOAs	Tuesdays

Authorized watering times will be from midnight to 10:00 a.m. and 7:00 p.m. to midnight on the specified Watering Day

K. Outdoor Water Use: includes but is not limited to watering lawns, shrubs, and other types of outdoor vegetation with hand-held hoses equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used, drip irrigation, or with a faucet-filled bucket holding no more than five gallons; washing

vehicles, boats, and trailers; the refilling or adding water to swimming pools or wading pools or ponds; the operation of any ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than firefighting or other activities necessary to maintain health and safety conditions; and the watering of ground foundations. This term does not include irrigation of lawns, shrubs, and other vegetation by in-ground spray irrigation or hose-end sprinklers.

L. Persons per household: includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period.

M. Twice a Week Water Schedule: includes watering days as follows:

Thursdays and Sundays for those customers whose last digit of their address is an even number, Wednesdays and Saturdays for those customers whose last digit of their address is an odd number, and Tuesdays and Fridays for commercial and homeowners association customers. Authorized watering times will be from midnight to 10:00 a.m. and 7:00 p.m. to midnight on the specified Watering Days.

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

### ***IX. Permanent Water Use Restrictions***

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

- 1) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- 2) Irrigate outdoors using an in-ground spray irrigation system or hose-end sprinkler more than twice per week or outside of the Twice a Week Watering Schedule.

### ***X. Triggering and Termination Criteria for Drought Response Stages***

The District Operator or its designee will initiate or terminate each stage of the Plan pursuant to notification from Travis County Municipal Utility District No. 4 ("MUD 4") as to when it is initiating or terminating any stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by a variety of ways, including but not limited to: website postings, First Class Mail, bill inserts, e-mail and automated telephone calls, signs posted at entry points to the service area. Notice may be given by one of the notification methods or a combination of these methods.

A. Stage 1 - Mild Water Shortage Conditions

Requirements for initiation - When the combined storage in Lakes Buchanan and Travis drops below 1.1 million acre-feet, customers will be required to conserve water and adhere to the water restrictions on Non-Essential Water use, defined in Section VIII of this Plan, with a target reduction of 10%.

Requirements for termination - Stage 1 of the Plan may be rescinded at any time by the District Operator or its designee if the combined storage in the Lakes Buchanan and Travis subsequently increases above 1.2 million acre-feet. The District will notify its water customers of the initiation and termination of Stage 1 of the Plan.

B. Stage 2 - Mandatory Initial Water Conservation Conditions

Requirements for initiation - Customers must comply with the requirements and restrictions on Non-Essential Water Use, defined in Section VIII of this Plan, with a target reduction of 20%, when the District Operator is notified by MUD 4 that MUD 4 is requiring Stage 2 requirements and constrictions which will be when:

1. The combined storage in the Lakes Buchanan and Travis drops below 900,000 acre-feet and interruptible stored water supplied to the Lakeside, Gulf Coast, and Pierce Ranch agricultural operations is curtailed; or
2. On March 1 or July 1, the combined storage in Lakes Buchanan and Travis 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 and interruptible stored water supplied to the Lakeside, Gulf Coast, and Pierce Ranch agricultural operations is curtailed; or
3. The MUD 4 Operator determines that peak hourly water consumption will not allow water storage levels to be maintained at adequate levels; or
4. LCRA requires mandatory irrigation restrictions.

Requirements for termination - Stage 2 of the Plan may be rescinded by the District Operator or its designee when it is notified by MUD 4 that it is terminating the Stage 2 requirements.

C. Stage 3 - Critical Water Shortage Conditions

Requirements for initiation - Customers must comply with the requirements and restrictions on Non-Essential Water uses, as defined in Section VIII of this Plan, with a target reduction of 25% when:

1. The District Operator is notified by MUD 4 that MUD 4 is requiring Stage 3 requirements and restrictions, which will be when:

- a. the average daily water consumption reaches 90% of MUD 4's production/distribution capacity for a period of three consecutive days; or
- b. If the combined storage of Lakes Buchanan and Travis drops below 750,000 acre-feet and interruptible stored water supplied to the Lakeside, Gulf Coast, and Pierce Ranch agricultural operations is curtailed.

Requirements for termination - Stage 3 of the Plan may be rescinded by the District Operator or its designee when it is notified by MUD 4 that MUD 4 is terminating the Stage 3 requirements and all of the conditions listed in (1) and (2) as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 shall become operative for a minimum of thirty (30) days before being terminated. The District will notify its water customers of the initiation and termination of Stage 3 of the Plan.

D. Stage 4 - Severe Water Shortage Conditions

Requirements for initiation - Customers must comply with the requirements and restrictions on Non-Essential Water uses, defined in Section VIII, for Stage 4 of this Plan, with a target reduction of 30%, when the District's Operator is notified by MUD 4 that MUD 4 is implementing the requirements and restrictions of Stage 4 of the MUD 4 Drought Contingency Plan which will be when:

1. Combined storage in the Lakes Buchanan and Travis falls below 600,000 acre-feet;
2. Daily water consumption reaches 95% of MUD 4's production/distribution capacity for a period of three consecutive days;
3. Daily water consumption will not enable storage levels to be maintained;
4. System demand exceeds available high service pump capacity;
5. Water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection;
6. Water system fails – from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection;
7. Any mechanical failure of pumping equipment which will require more than twelve hours to repair which causes unprecedented loss of capability to provide water service;
8. LCRA requires the MUD. 4 to prohibit all use of permanently installed irrigation system or hose-end irrigation; or



9. Any emergency water supply or demand condition not listed above exists that the LCRA General Manager or the LCRA Board of Directors determines either constitutes a water supply emergency or is associated with the LCRA Board of Directors' declaration of a drought worse than the drought of record.

Requirements for termination - Stage 4 of the Plan may be rescinded by the District Operator or its designee when it is notified by MUD 4 that MUD 4 is terminating its Stage 4 requirements and all of the conditions listed in (1) through (7) as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative as directed by the District Operator or its designee. The District will notify its water customers of the initiation and termination of Stage 4 of the Plan.

## ***XI. Drought Response Stages***

The District Operator or its designee will monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section X of the Plan, will determine that a mild, moderate, mandatory, or severe condition exists and will implement the following actions upon public notification.

### **A. Stage 1 –Mild Water Shortage Conditions**

The goal for Stage 1 of the Plan is to raise public and customer awareness of water demand conditions and reduce demand by 10%.

#### **1. Water Use Restrictions.**

- a. Customers using an in-ground spray irrigation system or hose-end sprinkler for Landscape Irrigation Use may only irrigate on designated watering days in accordance with the Twice a Week Watering Schedule between the hours of midnight to 10:00 a.m. and 7:00 p.m. to midnight on the specified Watering Days.
- b. Outdoor Water Use (Outdoor Water Use does not include irrigation by in-ground spray irrigation or hose-end sprinklers) is prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to: (1) the irrigation of commercial plant nurseries, (2) irrigation using treated wastewater effluent, (3) new landscape installation during installation and the first ten days, and (4) the testing of new irrigation systems or existing irrigation systems being tested or under repair.
- c. All operations of the District will adhere to Non-Essential Water Use restrictions in Section VIII of this Plan.

- d. Water customers are requested to practice water conservation and adhere to the restrictions on Non-Essential Water uses, defined in Section VIII.

**B. Stage 2 - Mandatory Initial Water Shortage Conditions**

The goal for Stage 2 of the Plan is to reduce demand by 20% and maintain peak hourly water demand at levels which will provide adequate water storage levels within the MUD 4 system.

1. Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions will apply to all persons:
  - a. Customers using an in-ground spray irrigation system or hose-end sprinkler for Landscape Irrigation Use may only irrigate on designated watering days in accordance with the Once a Week Watering Schedule between the hours of midnight to 10:00 a.m. and 7:00 p.m. to midnight.
  - b. Water customers must participate in a Once a Week Water Schedule for Outdoor Water Use (Outdoor Water Use does not include irrigation by in-ground spray irrigation or hose-end sprinklers) between the hours of midnight to 10:00 a.m. and 7:00 p.m. to midnight.
  - c. Outdoor Water Use is prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to: (1) the irrigation of commercial plant nurseries, (2) irrigation using treated wastewater effluent, (3) new landscape installation during installation and the first ten days, and (4) the testing of new irrigation systems or existing irrigation systems being tested or under repair.
  - d. Water customers are encouraged to practice water conservation and adhere to the restrictions on Non-Essential Water uses, defined in Section VIII of this Plan.

**C. Stage 3 - Critical Water Shortage Conditions**

The goal for Stage 3 of the Plan is to reduce demand by 25% and maintain maximum daily water demand at or below ninety percent (90%) of the MUD 4 system capacity.

1. Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions will apply to all persons:

- a. Customers using an in-ground spray irrigation system, hose-end sprinklers, or drip irrigation for Landscape Irrigation Use may only irrigate on designated watering days in accordance with the Once a Week Watering Schedule between the hours of 12:00 a.m. and 6:00 a.m.
- b. Water customers must participate in the Once a Week Watering Schedule for Outdoor Water Use (Outdoor Water Use does not include irrigation by in-ground spray irrigation or hose-end sprinklers). Outdoor Water Use may only occur on a designated outdoor watering day, which will be once per week.
- c. Outdoor Water Use is prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to: (1) the irrigation of commercial plant nurseries, (2) irrigation using treated wastewater effluent, (3) new landscape installation during installation and the first ten days, and (4) the testing of new irrigation systems or existing irrigation systems being tested or under repair.
- d. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days. This water use is prohibited between the hours of 10:00 a.m. and 7:00 p.m.
- e. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- f. Use of water from fire hydrants is 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 written permission from the District. (See Section XIII of this Plan.)
- g. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. Such irrigation may not take place between the hours of 10:00 a.m. and 7:00 p.m. These restrictions do not apply to the irrigation of any golf course that uses wastewater effluent, ground water, or raw water.
- h. All restaurants are prohibited from serving water to their patrons except when requested.

- i. The following uses constitute a waste of water and are prohibited:
  1. washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except to alleviate immediate health or safety hazards;
  2. use of water for dust control;
  3. allowing water to run off a property or allowing water to pond in the street or parking;
  4. operating a permanently installed irrigation system with broken heads, heads that are out of adjustment and spray more than 10% of the spray on street or parking lots, or heads that are misting;
  5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
  6. washing an automobile, truck, trailer, boat, airplane, or other mobile equipment with a hand-held hose not equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used.

D. Stage 4 - Severe Water Shortage Conditions

The goal for Stage 4 of the Plan is to reduce demand by a minimum of 30% and maintain maximum daily water demand at or below ninety five percent (95%) of the MUD 4 system capacity.

1. Supply Management Measures.

The District will cease the flushing of water mains except when necessary for reasons of health or safety. All District departments will discontinue irrigating public landscaped areas except when such areas are irrigated with wastewater effluent or ground water.

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

- a. Outdoor Water Use, Landscape Irrigation Use, and any Non-Essential Water Use is prohibited;
- b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District;

- c. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial car wash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited;
  - d. The washing of vehicles listed in (c) to protect public safety and health may only occur between 6:00 a.m. and 10:00 a.m.;
  - e. Commercial plant nurseries may use only hand-held buckets or hand-held hoses equipped with a nozzle or other device that automatically shuts off water flow when the hose is not being used;
  - f. The filling, refilling, or adding of potable water to swimming or wading pools is prohibited;
  - g. No new landscapes of any type may be installed; and
  - h. The use of water for construction purposes from designated fire hydrants under written permission from the District must be discontinued.
3. Pro Rata Curtailment. The District's Operator is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

In the event that severe water shortage conditions persist (Stage 4) for an extended period of time, the District Operator or its designee, at the direction of the Board of Directors, shall order water rationing and/or terminate service to selected categories of users of the system in accordance with the following sequence:

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

## ***XII. Variances***

### **A. Granting Variances**

The District Operator or its designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

1. 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, or
2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Notwithstanding any other prohibitions in this Plan, irrigation of new landscape installation is permitted as set forth below for homes or commercial buildings constructed and completed within the last twelve (12) months. For retail customers granted a temporary variance under this Section, irrigation may not occur during the hours of 10:00 a.m. to 7:00 p.m. and must occur in accordance with the following thirty (30) day irrigation schedule:

- (a) For the first 10 days after new landscape installation, not more than once a day;
- (b) For days 11 through 20 after new landscape installation, not more than once every other day; and
- (c) For days 21 through 30 after new landscape installation, not more than once every third day.

B. Application for Variance

Persons requesting an exemption from the provisions of this Plan must file a petition for variance with the District within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances will be reviewed by the District Operator or its designee and must include the following:

1. Name and address of the petitioner(s);
2. Purpose of water use;
3. Specific provision(s) of the Plan from which the petitioner is requesting a variance;
4. 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;
5. Description of the relief requested;
6. Period of time for which the variance is sought;

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

C. Conditions to Variances

Variances granted by the District Operator or its designee are subject to the following conditions unless expressly waived or modified:

1. Variances granted must include a timetable for compliance.
2. Variances granted expire when the District is no longer in Stage 1, Stage 2, Stage 3, or Stage 4 of the Plan, unless the petitioner has failed to meet specified requirements.
3. No variance will be retroactive or otherwise justify any violation of this Plan occurring before the variance is issued.

***XIII. Additional Restrictions***

The District Operator, with the concurrence of the District Engineer, may at any time implement mandatory water restrictions in addition to those restrictions named in this Plan to protect the public health and safety in the event of unusual operational events, catastrophic occurrences, or severe weather events. The District Operator, with the concurrence of the District Engineer, may implement mandatory restrictions by public announcement and the restrictions are effective immediately on the making of the public announcement.

***XIV. Enforcement***

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

- A. No person shall knowingly or intentionally allow the use of water from a District water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- B. Any person who violates this Plan shall be subject to the following surcharges and conditions of service:
  1. Following the first documented violation, the violator shall be given a notice specifying: i) the type of violation and the date and time it was observed, and ii) the surcharges and restrictions on service that may result from additional violations; however, in the case of significant violations, as determined by the District Board and including filling a swimming pool

during a drought stage when such use is prohibited, no such notice shall be given, and the violator will be sent the notice described in B(2) below and assessed the surcharges described below. In those cases, the first documented violation shall be treated as a second documented violation.

2. Following the second documented violation in a calendar year\*, the violator shall be sent a notice of violation and shall be assessed a surcharge of up to \$500. This amount increases to an amount up to \$2,000 if operating under Stages 3 or 4 of the Plan.
3. Following the third documented violation in a calendar year\*, the violator shall be sent a notice of violation and shall be assessed a surcharge of up to \$750. This amount increases to an amount up to \$10,000 if operating under Stages 3 or 4 of the Plan.

Following the fourth documented violation in a calendar year\*, the District shall, upon due notice to the customer as provided in the District's Rules, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established in the District's Rules, as amended from time to time, and any outstanding surcharges including late payment fees or penalties. In addition, suitable assurance of compliance by the customer must be given to the District so that the same action shall not be repeated while the Plan is in effect. The District may apply the customer's deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.

Compliance with this Plan also may be sought through injunctive relief in a court of competent jurisdiction.

- C. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the District, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that they did not commit the violation. *See Enforcement Process Diagram in Appendix A - Drought Response Retail Enforcement Process.* The Board reserves the right to waive and reduce any fines based upon the particular circumstances.

---

\* Any first documented violations received by a homeowner before January 1, 2024, will not be reset until January 1, 2025.



***XV. Severability***

It is hereby declared to be the intention of the District that the sections, paragraphs, sentences, clauses, and phrases of this Order are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the District without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Appendix A – Drought Response Retail Enforcement Process

