

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

April 8, 2019

THE STATE OF TEXAS                   §  
  §  
COUNTY OF WILLIAMSON           §

**WHEREAS**, Vista Oaks 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; and

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

**WHEREAS**, pursuant to Section 2.04 of the Amended and Restated Wholesale Water and Wastewater Agreement dated as of August 29, 2011 (the “*Wholesale Contract*”) between the District and the City of Round Rock, Texas (the “*City*”), the District is required to adopt a water conservation and drought management plan that is at least as stringent as the City’s; and

**WHEREAS**, as required by Texas Water Code § 11.1272 and the Wholesale Contract, and in an effort to ensure that water supplied to the District is used reasonably and to its maximum beneficial use, the Board previously adopted an Order Adopting Revised Water Conservation and Drought Contingency Plan dated January 9, 2012, as subsequently revised in accordance with 30 Texas Administrative Code § 288.30 pursuant to an Order Adopting Revised Water Conservation and Drought Contingency Plan dated September 10, 2012, an Order Adopting Revised Water Conservation and Drought Contingency Plan dated March 17, 2014, and an Order Adopting Revised Water Conservation and Drought Contingency Plan dated March 21, 2016 (as revised, the “*Plan*”); and

**WHEREAS**, under 30 Texas Administrative Code § 288.30, the District is required to prepare and adopt the next revision of the Plan by May 1, 2019; and

**WHEREAS**, the Board now desires to prepare and adopt the next revision of the Plan in accordance with 30 Texas Administrative Code § 288.30 in order to ensure that the Plan remains accurate and suits the needs of the District.

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

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

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

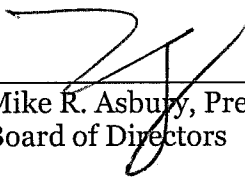
Section 3: The Secretary of the Board is directed to file a copy of this Order in the principal office of the District and, if required, with the Executive Director of the Texas Commission on Environmental Quality, with the Brazos Regional Water Planning Group (Region G), and with the City of Round Rock.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

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

**PASSED AND APPROVED** this 8<sup>th</sup> day of April, 2019.



**VISTA OAKS MUNICIPAL  
UTILITY DISTRICT**

  
\_\_\_\_\_  
Mike R. Asbury, President  
Board of Directors

**ATTEST:**

  
\_\_\_\_\_  
Carl R. Black, Secretary  
Board of Directors

**EXHIBIT “A”**

**REVISED WATER CONSERVATION AND  
DROUGHT CONTINGENCY PLAN**

**April 8, 2019**

**I. Approval of the Plan**

The Board of Directors (the “*Board*”) of Vista Oaks Municipal Utility District (the “*District*”) hereby establishes the revised Water Conservation and Drought Contingency Plan (the “*Plan*”), as set forth below. The Board commits to implement this Plan according to the procedures set forth below.

**II. Water Conservation Plan**

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

**A. Service Area Population.** As of January 31, 2019, the District had 899 occupied residences and two residences either unoccupied, owned by builders, or under construction, five commercial connections, and three irrigation connections. The estimated population of the District’s service area is 2,700, based on 900 living unit equivalents (“*LUEs*”) multiplied by 3 persons/unit. The average gallons of water usage per capita per day in 2018 was 125 gallons.

**B. Water Utility Data.**

1.	Type	Existing
	Residential	906 LUEs
	Irrigation	8.5 LUEs
	Commercial	10 LUEs
	Public/School	8 LUEs
	Industrial	0 LUEs

2. The average monthly use per occupied residential connection from January 1, 2018 through December 31, 2018 was approximately 10,000 gallons.

**C. Wholesale Water and Wastewater Service.** The District receives wholesale water and wastewater service from the City of Round Rock, Texas (the “*City*”) under an Amended and Restated Wholesale Water and Wastewater Agreement dated as of August 29, 2011 (the “*Wholesale Contract*”). Under the Wholesale Contract, the District has been allocated wholesale water and wastewater capacity sufficient to serve a total of 1,400 living unit equivalents (“*LUEs*”).

**D. Financial Data.** The District’s water and wastewater rates and connection/impact fees are set forth in the District’s Amended Order Establishing Rates and Charges, and Adopting Rules with Respect to District Water, Wastewater and Drainage, Including Water Quality, Systems. The rates and fees are comparable to surrounding adjacent developments and are cost-based.

**2.02 Conservation Strategies.**

**A. Minimum Measures.**

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

a. Encouraging and supporting efficient water use and reduced waste by including water conservation information on the District's website;

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

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

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

e. Encouraging decreasing waste in landscape irrigation;

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

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

h. If applicable, encouraging the development of a program for the reuse/recycling of wastewater/greywater; and

i. Encouraging and supporting efficient water use and reduced waste.

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

a. The supply of water from the District's water supplier(s) will be metered with water meters capable of accuracy within  $\pm 5\%$ ;

b. Each connection will be metered with a water meter capable of accuracy within  $\pm 5\%$ ;

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

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; and
- iii. Meters <1": Test once/10 years.

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

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

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

**2.03 Coordination with Regional Water Planning Group.** The service area of the District is located within the 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.

### 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.

The water uses which are regulated or prohibited under this Article III are considered to be non-essential and the continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water, which will subject the offender to a penalty in accordance with Article VI of this Plan.

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

**3.03 Public Education.** The District will periodically provide the public with information about this Plan, including information about the conditions under which each stage of the drought contingency measures of this Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of publication of notice in a newspaper of general circulation, posting notification signs in public places, mailing utility bill inserts or postcards, press releases, web page notices,

or other means as determined necessary by the District Manager (defined below) or his/her designee.

**3.04 Coordination with Regional 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 drought contingency plan to the regional planning group.

**3.05 Notification.**

**A. TCEQ.** The District will notify the executive director of the Texas Commission on Environmental Quality within five business days of the implementation or termination of any mandatory provisions of this Plan.

**B. Customers.** The District will provide written notice to each of its Customers as promptly as practicable in connection with the implementation or termination of each stage of this Plan. The notice may 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 or his/her designee and will include: (i) the date the applicable restrictions will begin/end; (ii) the triggering circumstances; (iii) a summary of the applicable restrictions; and (iv) an explanation of the consequences for a violation. The District will not enforce the provisions of a particular stage until at least 72 hours after the applicable notice has been provided.

**3.06 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"), in consultation with the Board President or Vice President, 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 health, safety, and welfare of the District's customers. The District Manager, or his/her designee, in consultation with the Board President or Vice President, will have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

**3.07 Application.** The provisions of this Article III will apply to all persons, entities, customers, and owners of property who use or allow the use of water provided by the District.

**3.08 Definitions.** For the purpose of this plan, the following definitions shall apply:

**A. 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.

**B. Customer:** any person, corporation, partnership, company, association or other legal entity using water supplied by the District.

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

**D. Outdoor Water Use:** includes but is not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing automobiles, trucks, trailers, boats, or

other type of mobile equipment; use of landscape irrigation systems; the refilling or adding of water to non-government owned swimming pools, wading pools, or ponds; the operation of any ornamental fountain or other similar structure; use of water from fire hydrants except for firefighting-related activities or other activities necessary to maintain the health, safety and welfare of the customers of the District; routine flushing of fire hydrants for other than health and safety reasons; power washing; watering of the ground around foundations; and street washing.

**3.09 Triggering and Termination Criteria for Drought Response Stages.**

The District Manager, or his/her designee, will consult with the City regarding wholesale water supply, will monitor water supply and/or demand conditions on an ongoing basis, and will determine when conditions warrant initiation or termination of each stage of the Plan. During the months of May through October, water demand 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. Generally, the District expects that the drought response stages outlined in this Plan will be triggered and terminated sequentially; however, unusual conditions (such as a sudden drop/increase in aquifer levels, a reduction/increase in water availability or production or system capacity, or to comply with the requirements of a court order or regulatory authority) may justify the implementation or termination of a stage out of sequence. Additionally, the District may modify the water use restrictions specified under this Plan in order to match the restrictions of its wholesaler, in which event the District will notify its customers of the modifications in accordance with Section 3.05.

**A. Voluntary Water Conservation.** The District has determined that the peak water use period begins on May 1 of each year and ends on October 31 of each year. Customers will be encouraged to voluntarily conserve water and adhere to the Stage 1 water restrictions, defined in 3.10.A. of this Plan, each year from May 1 through October 31. The goal for voluntary water conservation is to raise public and customer awareness of water demand conditions and encourage water conservation.

**B. Stage 1 Drought Conditions**

1. Requirements for initiation – Customers will be required to comply with Stage 1 water restrictions, defined in 3.10.A. of this Plan, when (i) notification is received from the City requesting implementation of Stage 1 restrictions pursuant to the requirements of the Wholesale Contract, or (ii) when the District Manager or his/her designee determines it to be necessary to address production or distribution limitations, including, but not limited to, system outage or equipment failure, or to protect the health, safety, and welfare of the District’s customers.

2. Requirements for termination – The District Manager, Board-appointed subcommittee, or the District Manager’s designee may immediately rescind Stage 1 when the events listed in 3.09.B.1. of this Plan cease to exist. Upon termination of Stage 1, voluntary water conservation becomes operative in accordance with 3.09.A. of this Plan.

**C. Stage 2 Drought Conditions**

1. Requirements for initiation – Customers will be required to comply with Stage 2 water restrictions, defined in 3.10.B. of this Plan, when (i) notification is received from the City requesting implementation of Stage 2

restrictions pursuant to the requirements of the Wholesale Contract, or (ii) when the District Manager or his/her designee determines it to be necessary to (a) address production or distribution system limitations, including, but not limited to, system outage or equipment failure, (b) because the availability of the District's water supply is reduced up to a repeat of a drought of record, or (c) to protect the health, safety, and welfare of the District's customers.

2. Requirements for termination – The District Manager, Board-appointed subcommittee, or the District Manager's designee may immediately rescind Stage 2 when the events listed in 3.09.C.1. of this Plan cease to exist. Upon termination of Stage 2, Stage 1 becomes operative.

**D. Stage 3 Drought Conditions**

3. Customers will be required to comply with Stage 3 water restrictions, defined in 3.10.C. of this Plan, when:

a. The water system is contaminated, whether accidentally or intentionally. A severe water shortage condition (Stage 3) is reached immediately upon detection.

b. The water system fails due to an act of God (tornadoes, hurricanes) or man. A severe water shortage condition (Stage 3) is reached immediately upon detection.

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

d. Notification is received from the City requesting implementation of Stage 3 restrictions pursuant to the requirements of the Wholesale Contract.

e. When the District Manager or his/her designee determines it to be necessary to address production or distribution system limitations, including, but not limited to, system outage or equipment failure, or to protect the health, safety, and welfare of the District's customers.

4. Requirements for termination – The District Manager, Board-appointed subcommittee, or the District Manager's designee may rescind Stage 3 when all of the conditions listed in 3.09.D.1.a through 3.09.D.1.c. as triggering events have ceased to exist for a period of three (3) consecutive days. The District Manager, Board-appointed subcommittee, or the District Manager's designee may immediately rescind Stage 3 when the events listed in 3.09.D.1.d and 3.09.D.1.e. cease to exist. Upon termination of Stage 3, Stage 2 becomes operative as directed by the District Manager, Board-appointed subcommittee, or the District Manager's designee.

**3.10 Drought Response Stages.** The District Manager or the District Manager's designee will consult with the City regarding wholesale water supply, will monitor water supply and/or demand conditions on an ongoing basis, and, in accordance with the triggering criteria set forth in 3.09 of this Plan, will determine that a drought condition exists and will implement the following actions upon publication of notice:



**A. Stage 1 Drought Conditions.** The goal for Stage 1 of this Plan is to achieve a 15% reduction in daily water consumption.

1. Stage 1 Water Use Measures:

a. Watering Restriction Schedule. Water customers must adhere to the Watering Restriction Schedule for outdoor water use as defined from time to time by the City. Outdoor water use must only occur on a designated outdoor watering day. The District Manager will maintain an up-to-date copy of the Watering Restriction Schedule. As of the date of adoption of this Plan, the Stage 1 twice-per-week watering schedule is as follows:

<i>Type of Property</i>	<i>Watering Days</i>	<i>Watering Times</i>
Commercial	Tuesday & Friday	Midnight to 10:00 a.m.  and  7:00 p.m. to midnight
Industrial/Multifamily	Tuesday & Friday	
Residential (Addresses ending in odd numbers)	Wednesday & Saturday	
Residential (Addresses ending in even numbers)	Thursday & Sunday	

b. Outdoor irrigation. All outdoor irrigation by automatic irrigation systems, hose end sprinklers, soaker hoses, or drip irrigation is prohibited unless it occurs in compliance with the applicable Stage 1 Watering Restriction Schedule. Irrigation by hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets is permitted anytime.

c. Vehicle washing. The washing, including charity car washes, of automobiles, trucks, trailers, boats, or other type of mobile equipment is prohibited except in compliance with the applicable Stage 1 Watering Restriction Schedule. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used. The vehicle washing prohibition does not apply to the following:

i. the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or

ii. the washing of automobiles, trucks, trailers, boats, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public.

d. Power washing. The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing.

e. Foundation watering. The watering of the ground around foundations is prohibited except in compliance with the applicable Stage 1 Watering Restriction Schedule.

f. Pools. The initial filling and refilling or adding of water to non-government owned swimming pools, hot tubs, wading pools, or ponds in accordance with the Stage 1 Watering Restriction Schedule is permitted as necessary to prevent damage to the swimming pool, hot tub, wading pool, pond or equipment.

g. Fountains. The operation of ornamental fountains or other similar structures that do not recirculate the water is prohibited. The operation of ornamental fountains or other similar structures that recirculate water is permitted.

h. Fire hydrants. The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety and welfare of the customers of the District. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.

i. Street washing. Street washing is prohibited.

j. New landscaping. Because of the watering restrictions imposed by 3.10.A. of this Plan, landowners are encouraged to postpone the installation of new landscaping until after all mandatory restrictions are lifted.

2. Non-Applicability of Stage 1 Water Use Measures. The Stage 1 water use measures do not apply to the following:

a. The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.

b. The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

c. The necessary use of water for repair of water distribution facilities and residential and commercial plumbing and landscape irrigation systems.

d. The necessary use of water for athletic fields for organized youth or amateur sports such as football, soccer, or baseball where the field is in use or will be in use within 60 days of the institution of Stage 1 restrictions.

**B. *Stage 2 Drought Conditions.*** The goal of Stage 2 of this Plan is to achieve a 25% reduction in daily water consumption.

1. Stage 2 Water Use Measures:

a. Watering Restriction Schedule. Water customers must adhere to the Watering Restriction Schedule for outdoor water use as defined from time to time by the City. Outdoor water use must only occur on a designated outdoor watering day, and all watering is prohibited on a Monday. The District Manager will maintain an up-to-date copy of the Watering Restriction Schedule. As of the date of adoption of this Plan, the Stage 2 once-per-week watering schedule is as follows:

<i>Type of Property</i>	<i>Watering Days</i>	<i>Watering Times</i>
Commercial/Industrial	Friday	Midnight to 10:00 a.m. and 7:00 p.m. to midnight
HOA/Multifamily	Tuesday	
Residential with auto irrigation (Addresses ending in odd numbers)	Wednesday	
Residential without auto irrigation (Addresses ending in odd numbers)	Saturday	
Residential with auto irrigation (Addresses ending in even numbers)	Thursday	
Residential without auto irrigation (Addresses ending in even numbers)	Sunday	

b. Outdoor irrigation. All outdoor irrigation by automatic irrigation systems, hose end sprinklers, soaker hoses, or drip irrigation is prohibited unless it occurs in compliance with the applicable Stage 2 Watering Restriction Schedule. Irrigation by hand-held hoses or hand-held buckets is permitted anytime except on a Monday.

c. Vehicle washing. The washing, including charity car washes, of automobiles, trucks, trailers, boats, or other type of mobile equipment is prohibited except in compliance with the applicable Stage 2 Watering Restriction Schedule. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used. The vehicle washing prohibition does not apply to the following:

- i. the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or
- ii. the washing of automobiles, trucks, trailers, boats, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety, and welfare of the public.

d. Power washing. The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing.

e. Foundation watering. The watering of the ground around foundations is prohibited except in compliance with the applicable Stage 2 Watering Restriction Schedule.

f. Pools. The initial filling and the refilling or adding of water to non-government owned swimming pools, hot tubs, wading pools, or ponds in accordance with the Stage 2 Watering Restriction Schedule is permitted as necessary to prevent damage to the swimming pool, hot tub, wading pool, pond or equipment.

g. Fountains. The operation of ornamental fountains or other similar structures is prohibited.

h. Fire hydrants. The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety and welfare of the customers of the District. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.

i. Street washing. Street washing is prohibited.

j. New landscaping. Because of the watering restrictions imposed by 3.10.B. of this Plan, landowners are encouraged to postpone the installation of new landscaping until after all mandatory restrictions are lifted.

2. Non-Applicability of Stage 2 Water Use Measures. The Stage 2 water use measures do not apply to the following:

a. The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.

b. The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

c. The necessary use of water for repair of water distribution facilities and residential and commercial plumbing and landscape irrigation systems.

d. The necessary use of water for athletic fields for organized youth or amateur sports such as football, soccer, or baseball where the field is in use or will be in use within 60 days of the institution of Stage 2 restrictions.

The District Manager, Board-appointed subcommittee or the District Manager's designee, will provide a report to news media upon request with information regarding current water supply and/or demand conditions, projected water demand conditions if drought conditions persist, and a consumer information on water conservation measure and practices.

**C. Stage 3 Drought Conditions.** The goal for Stage 3 of this Plan is to achieve a 50% reduction in daily water consumption.

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, ground water, or raw water. During Stage 3, the District will endeavor to use alternative water supply sources and/or alternative delivery mechanisms where possible and with the prior approval of the Texas Commission on Environmental Quality where appropriate.

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

a. Outdoor irrigation. Except as provided below, all outdoor irrigation of vegetation is prohibited. Irrigation by hand held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand held water cans is permitted in compliance with the Stage 2 once-per-week Watering Restriction Schedule.

b. Vehicle washing. The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment is prohibited, unless occurring on the immediate premises of a commercial carwash or a commercial service station. If the commercial carwash or commercial service station has a water recycling system it may operate only between the hours of 8:00 a.m. and 5:00 p.m. If the commercial carwash or commercial service station does not have a water recycling system, it may operate only between the hours of 12:00 noon and 5:00 p.m.

c. Power washing. Power washing is prohibited.

d. Foundation watering. The watering of the ground around foundations is prohibited except by hand held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or soaker hoses and in compliance with the Stage 2 once-per-week Watering Restriction Schedule.

e. New landscaping. All new planting of plants or grass of any type is prohibited.

3. Non-Applicability of Stage 3 Water Use Measures. The Stage 3 water use measures do not apply to the following:

a. The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.

b. The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation,

flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

c. The necessary use of water for repair of water distribution facilities and residential and commercial plumbing and permanently installed landscape irrigation systems.

During Stage 3, the District Manager, or the District Manager's designee, will provide a report to news media upon request with information regarding current water supply and/or demand conditions, projected water demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

In the event that severe water shortage conditions persist (Stage 3) 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:

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

4. Additional Measures. Under the Wholesale Contract, the supply of water to the District may be reasonably limited by the City on the same basis and to the same extent as the supply of water to any other customers within the City.

#### **IV. Prohibiting Water Waste.**

**4.01** The following uses constitute a waste of water and are prohibited:

**A.** operating or allowing to be operated an irrigation system with a broken head or a head that is out of adjustment where the arc of the spray head is over a street or parking lot;

**B.** during irrigation, allowing water to run off a property such that there is a trail of water that is running in the street for a distance of 50 feet or greater, or allowing water to pond in the street or parking lot to a depth greater than one-fourth of an inch; and

**C.** failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, a leaking faucet, or a head that is misting.

#### **V. Variances**

**A. Granting Variances.** The District Manager, Board-appointed subcommittee, or the District Manager's designee, may, in writing, grant a 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.

2. Alternative methods can be implemented which will achieve the same level of reductions in water use.

**B. *Application for Variance.*** Persons requesting an exemption from the provisions of this Plan must file a petition for variance with the District within 5 days after this Plan or a particular drought response stage has been invoked. All petitions for variances will be reviewed by the District Manager, Board-appointed subcommittee, or the District Manager's designee, and must include the following:

1. Name and address of the petitioner(s);
2. Purpose of water use;
3. Specific provision(s) of this Plan from which the petitioner is requesting relief;
4. Detailed statement as to how the specific provision of this 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 Manager or the District Manager's designee are subject to the following conditions, unless waived or modified by the District Manager, Board-appointed subcommittee, or the District Manager's designee:

1. Variances granted must include a timetable for compliance.
2. Variances granted expire when this Plan is no longer in effect, 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.

## **VI. *Enforcement***

**A.** No person may knowingly or intentionally make, cause, use, or permit 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 Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by

the District Manager, Board-appointed subcommittee, or the District Manager's designee, in accordance with provisions of this Plan.

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

1. First violation -- written warning;
2. Subsequent violation(s) -- \$500 fine;

3. If any person or entity violates any three provisions of this Plan or violates one provision three or more times, the District Manager, Board-appointed subcommittee, or the District Manager's 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, Board-appointed subcommittee, or the District Manager's 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 the violation occurred on the person's property constitutes a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person may show that he/she did not commit the violation. Parents are presumed to be 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, but any such parent may be excused if the parent proves that the parent had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

**D.** The District Manager, any Williamson County sheriff's deputy or other employee designated by the District Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Plan. The citation will be prepared in duplicate and will contain the name and address of the alleged violator, if known, the offense charged, and will direct him/her to appear in court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator will be served a copy of the citation. Service of the citation will be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator must appear in court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in court, a warrant for that person's arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the court before all other cases.