

**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           §  
  §  
COUNTIES OF TRAVIS       §  
AND WILLIAMSON           §

WHEREAS, pursuant to Section 11.1272, Texas Water Code, the Board of Directors (the “Board”) of Williamson-Travis Counties Municipal Utility District No. 1 (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 WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1 THAT:

SECTION 1: The Drought Contingency and Water Emergency Plan, attached as Exhibit “A” hereto, is hereby established and replaces the Drought Contingency and Water Emergency Plan previously adopted on October 21, 2015.

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 Williamson-Travis Counties Municipal Utility District No. 1 at a public meeting on the 15<sup>th</sup> of April, 2020, 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 15<sup>th</sup> day of April, 2020.



Catherine Franke, President  
Board of Directors

ATTEST:



Chris Rocco, 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 Williamson-Travis Counties Municipal Utility District No. 1's Drought Contingency and Water Emergency Plan as set forth below. The Board of Directors commits to implement the program according to the procedures set forth in the attached plan.

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

It is hereby declared that, because of the water conditions prevailing in the Williamson-Travis Counties Municipal Utility District No. 1 (hereinafter referred to as the "District"), the water resources available to the District 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 to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health and welfare.

Water uses regulated or prohibited under the Drought Contingency and Water Conservation Plan (the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to enforcement as defined in Section XIII 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 15, 2020.

#### ***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 the District website.

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

The water 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 will provide a copy of this plan to the Lower Colorado Regional Water Planning Group. Furthermore, this plan shall be altered by the District to reflect any regulations dictated by the Lower Colorado River Authority (LCRA) or

any other governmental entity authorized to promulgate water conservation regulations applicable to the District.

***VI. Authorization***

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

***VII. Application***

The provisions of this Plan shall 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 shall apply:

- A. Acre-feet. 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.
- B. Auxiliary source. A source of water other than the District's public water system which may include reuse effluent, raw, ground or well water.
- C. Combined Storage. The amount of water stored in acre-feet in Lake Travis and Lake Buchanan according to records kept by the Lower Colorado River Authority (LCRA).
- D. 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.
- E. Customer. Any person, company, or organization using water supplied by the District.
- F. District. Williamson-Travis Counties Municipal Utility District No. 1.
- G. District Manager. The district manager or any designated person acting on the district manager's behalf.
- H. 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.

- I. Drought Tolerant Landscaping. A method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.
- J. Efficient Irrigation Technology. Irrigation techniques that use the latest technology with variables such as, but not limited to, soil moisture sensors, rain shutoff devices, and evapotranspiration-based watering system controllers.
- K. 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.
- L. Non-Essential Water Use. Water uses that are not essential nor required for the protection of public health, safety, and welfare. These uses are considered non-essential depending on the current severity of the drought stage. Such non-essential uses include:
  - 1. irrigation of landscaped areas, including parks, athletic fields, and golf courses, except 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 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. A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four (4) inches other than for aeration necessary to preserve habitat for aquatic life or wildlife;
  - 8. failure to repair a controllable leak(s) within a reasonable period after

- having been given notice directing the repair of such leak(s);
  - 9. use of water from hydrants for construction purposes or any other purposes other than firefighting; and
  - 10. use of water for dust control, other than for purposes of public health and safety.
- M. Outdoor Water Use. Includes but is not limited to watering lawns, shrubs, vegetables, athletic fields, large properties, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to swimming pools or wading pools or ponds; the operation of any ornamental fountain or other similar structure; the operation of aesthetic or recreational devices such as water slides; the use of water from fire hydrants for uses other than firefighting or other activities necessary to maintain health and safety conditions; the watering of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas, and the watering of ground foundations.
- N. Residential Customer. Any person, company, organization, or other legal-type entity receiving water supplied by the District at a location where the principal use of the property is for single-family or duplex habitation.
- O. 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.

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

The District Manager, or his/her designee, shall monitor water supply and/or demand conditions as needed and shall determine when conditions warrant initiation or termination of each stage of the Plan. During the months of May through September water supply conditions may be monitored on a more frequent basis if deemed necessary. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, signs posted in public places, utility bill inserts, and other means to be determined by the District Manager or his/her designee.

The triggering criteria described below are based on the District's wholesale water contract with the City of Cedar Park.

A. **Stage 1- Voluntary Water Conservation Conditions**

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to a voluntary twice-per-week outdoor watering schedule and the water restrictions on non-essential water use, defined in Section VIII of this Plan, at all times. This stage is designed to promote water efficiency throughout the District.

Target Reduction Goal – During this Stage, the target reduction goal is 5%.

Requirements for termination - Stage 1 of the Plan may be rescinded at any time by the District Manager or the District Manager's designee. The District will notify its water customers of the initiation and termination of Stage 1 of the Plan.

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

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VIII of this Plan when one or a combination of the following triggering criteria occurs:

1. daily water consumption for three consecutive days reaches 90% of operating system capacity and/or the combined storage of Lakes Buchanan and Travis are less than 1,100,000 acre-feet but greater than 750,000 acre-feet, which typically corresponds to an elevation in Lake Travis of 637 feet;
2. weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis; and/or
3. required under the District's wholesale water contract with the City of Cedar Park.

Target Reduction Goal - During this Stage, the target reduction goal is 10% - 20%.

Requirements for termination - Stage 2 of the Plan may be rescinded by the District Manager or by the District Manager's designee when all of the conditions listed in (1) and (2) as triggering events have ceased to exist for a period of three consecutive days. The District Manager or the District Manager's designee may immediately rescind Stage 2 when the event listed in (3) ceases to exist. Upon termination of Stage 2, Stage 1 becomes operative. The District will notify its water customers of the initiation and termination of Stage 2 of the Plan.

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

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VIII, for Stage 3 of this Plan when:

1. daily water consumption exceeds 95% of operating system capacity for three consecutive days; and/or the combined storage of Lakes Buchanan and Travis are less than 750,000 acre-feet but greater than 600,000 acre-feet, which typically corresponds to an elevation in Lake Travis of 620 feet;

2. water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection; and/or
3. required under the District's wholesale water contract with the City of Cedar Park.

Target Reduction Goal - During this Stage, the target reduction goal is a minimum of 20%.

Requirements for termination - Stage 3 of the Plan may be rescinded by the District Manager or the District Manager's designee when all of the conditions listed in (1) through (3) as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 becomes operative as directed by the District Manager or the District Manager's designee. The District will notify its water customers of the initiation and termination of Stage 3 of the Plan.

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

Requirements for initiation - Customers shall be required to mandatorily comply with the requirements and restrictions on non-essential water uses, defined in Section VIII, for Stage 4 of this Plan when:

1. daily water consumption reaches 95% of production/distribution capacity for three consecutive days; and/or the combined storage reaches 200,000 acre-feet, which typically corresponds to an elevation in Lake Travis of 578 feet;
2. daily water consumption will not enable storage levels to be maintained;
3. system demands exceed available high-service pump capacity;
4. water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection;
5. water system fails from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection;
6. any mechanical failure of pumping equipment which will require more than 12 hours to repair which causes unprecedented loss of capability to provide water service; and/or
7. required under the District's wholesale water contract with the City of Cedar Park.

Target Reduction Goal - During this Stage, the target reduction goal is a minimum of 30% or as determined by the LCRA Board.



Requirements for termination - Stage 4 of the Plan may be rescinded by the District Manager or the District Manager's designee when all of the conditions listed in (1) through (6) as triggering events have ceased to exist for a period of three consecutive days. The District Manager or the District Manager's designee may immediately rescind Stage 4 when the event listed in (7) ceases to exist. Upon termination of Stage 4, Stage 3 becomes operative. The District will notify its water customers of the initiation and termination of Stage 4 of the Plan.

## ***X. Drought Response Stages***

The District Manager or the District Manager's designee, shall monitor water supply and/or demand conditions as needed and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a voluntary, moderate, or severe condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation within the District:

### **A. Stage 1- Voluntary Water Conservation Conditions**

The goal for Stage 1 of the Plan is to maintain baseline water conservation measures and raise public and customer awareness of water demand conditions.

#### **1. Voluntary Water Use Measures.**

- a. Water customers should voluntarily limit outdoor water use by participating in the two-days-per-week watering schedule for outdoor water use. Outdoor water use should only occur on a designated outdoor watering day, which shall be two days per week. The two-days-per-week watering schedule will be determined and distributed by the District.
  - i. Residential customer watering days:
    - (A) Even Numbers: Last digit of their street address ending in a 0, 2, 4, 6, or 8: Thursday and Sunday.
    - (B) Odd Numbers: Last digit of their street address ending in a 1, 3, 5, 7, 9: Wednesday and Saturday.
  - ii. Commercial customer watering days: Tuesday and Friday.
- b. Outdoor water use is 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 when the hose is not being used, or hand-held buckets. The time restrictions do not apply to:

- i. Irrigation of commercial plant nurseries and residential food-supplying vegetable gardens;
  - ii. Irrigation by an auxiliary source;
  - iii. Irrigation by soaker hose or drip irrigation;
  - iv. New landscape installation during installation and the first twenty-one (21) days; and
  - v. The testing of new irrigation systems or existing irrigation systems being tested or under repair.
- c. All operations of the District shall adhere to non-essential water use restrictions defined 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.

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.
- (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 are 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.

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

The goal for Stage 2 of the Plan is to reduce water use by 10 – 20%.

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

a. Water customers shall be required to limit outdoor water use by participating in the two-days-per-week watering schedule for outdoor water use. Outdoor water use shall only occur on a designated outdoor watering day, which shall be two days per week. The two-days-per-week watering schedule will be determined and distributed each year by the District. Drip irrigation and soaker hoses are permitted for use at all times and are exempt from the weekly watering schedule and daily watering time restrictions. Soaker hoses may be used at any time to water vegetable gardens or trees. Drip irrigation attached to an automatic sprinkler system must have spray head zones turned off.

i. Residential customer watering days:

(A) Even Numbers: Last digit of their street address ending in a 0, 2, 4, 6, or 8: Thursday and Sunday.

(B) Odd Numbers: Last digit of their street address ending in a 1, 3, 5, 7, 9: Wednesday and Saturday.

ii. Commercial customer watering days: Tuesday and Friday.

b. 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 positive pistol grip 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:

i. Irrigation of commercial plant nurseries and residential food-supplying vegetable gardens;

ii. Irrigation by an auxiliary source;

iii. Irrigation by soaker hose or drip system;

iv. New landscape installation during installation and the first twenty-one (21) days; and

- v. The testing of new irrigation systems or existing irrigation systems being tested or under repair.
  
- c. The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes or other vehicle is allowed on any day and can be done at any time of day. Such washing must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. The washing of individual vehicles may be done at any time on the immediate premises of a commercial car wash or commercial service station. Charity car washes are allowed on any day at any time with a handheld hose equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.
  
- 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 am. 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 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 XII 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 p.m. These restrictions do not apply to the irrigation of any golf course that uses an auxiliary source.
  
- 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 lots;
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; and
5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

C. **Stage 3 – Severe Water Shortage Conditions**

The goal for Stage 3 of the Plan is to reduce water use by 20%.

1. **Water Use Restrictions.** Under threat of penalty for violation, the following water use restrictions shall apply to all persons and all requirements of Stage 2 shall 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. Outdoor water use shall only occur on a designated outdoor watering day, which shall be one day every seven days. The one-day-per-week watering schedule will be determined and distributed by the District Manager.
    - i. Residential customer watering days:
      - (A) Last digit of their street address ending in a 0 or 2: Thursday.
      - (B) Last digit of their street address ending in a 4, 6 or 8: Sunday.
      - (C) Last digit of their street address ending in a 1 or 3: Wednesday.

- (D) Last digit of their street address ending in a 5, 7 or 9: Saturday.
- ii. Commercial customer watering days:
  - (A) Last digit of their street address ending in 0, 2, 4, 6 or 8: Tuesday.
  - (B) Last digit of their street address ending in 1, 3, 5, 7 or 9: Friday.
- b. Extended variances beyond 21 days will not be granted for newly installed landscape plant material.
- c. Events involving the use of water such as: festivals, parties, water slides, and other activities involving the use of water are permitted if the water being used drains to a recirculating device, or onto a pervious surface to prevent water waste.
- 2. Demand Management Measures. The demand management measure for Stage 2 will apply.

D. **Stage 4 – Emergency Water Shortage Conditions**

The goal for Stage 4 of the Plan is to significantly reduce water use during temporary emergency water shortage conditions. During Stage 4 all outdoor watering is prohibited.

- 1. Supply Management Measures. The District Manager will cease the flushing of water mains except when necessary for reasons of health or safety. The District will discontinue irrigating public landscaped areas except when such areas are irrigated with auxiliary water.
- 2. Water Use Restrictions. All requirements of Stage 3 shall remain in effect during Stage 4 except:
  - a. Commercial plant nurseries and owners of residential food supplying vegetable gardens may use only 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.
  - b. The use of water for construction purposes from designated fire hydrants under written permission from the District shall be discontinued.

- c. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare only.
  - d. All irrigation of landscaped areas is prohibited, including the use of drip and soaker hoses. Outdoor water use with hand-held hose is prohibited.
  - e. All cosmetic power/pressure washing is prohibited.
  - f. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited.
  - g. Water use at events such as: festivals, parties, water slides, and other activities is prohibited.
  - h. A person may not operate a splash pad or other similar aesthetic or recreational use of water.
  - i. A person may not use or allow the use of water to test or repair a permanently installed irrigation system or drip irrigation system.
  - j. the use of ornamental fountains is prohibited unless the water is necessary to support aquatic life.
  - k. Filling of all new and existing swimming pools, hot tubs, and wading pools is prohibited. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface.
3. In the event that severe water shortage conditions persist (Stage 4) for an extended period of time, the District Manager may order water rationing and/or terminate service to selected users of the system in accordance with the following sequence:
- a. Commercial yard meters.
  - b. Commercial users.
  - c. Residential users.
  - d. Hospitals, public health and safety facilities.
  - e. Additional measures. Through a contractual agreement with the

Lower Colorado River Authority (LCRA), the LCRA may interrupt or curtail the water supplied to the City in accordance with the LCRA's drought management plan and the City may curtail water supplied to the District.

#### ***XI. Pro Rata Water Allocation***

Every wholesale water contract entered into or renewed by the District after the effective date of this Plan, including contract extensions, shall provide that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code § 11.309 and the provisions of this Plan.

#### ***XII. Variances***

##### **A. Granting Variances.**

The District Manager, 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 reduction in water use.

##### **B. Application for Variance.**

Persons requesting an exemption from the provisions of this Order must file a petition for variance with the District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances will be reviewed by the District Manager, 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 the plan from which the petitioner is requesting relief;



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 Manager or the District Manager's designee are subject to the following conditions, unless waived or modified by the District Manager or the District Manager's designee:

1. Variances granted must include a timetable for compliance.
2. Variances granted expire when the 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.
4. Additionally, variances may be granted when a customer is using efficient irrigation technology for outdoor irrigation purposes. In order to receive this variance the requestor must have a master valve or flow sensor, the irrigation controller must have a cycle and soak capability, and will be subject to annual random irrigation checks by the District Manager.

***XIII. Enforcement***

No person 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 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 District Manager, or the District Manager's designee, in accordance with provisions of this Plan.

Any person who violates this Plan shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated constitutes a separate offense. If a person commits three or more distinct violations of this Plan, the District Manager or the District Manager's designee is, upon due notice to the customer, authorized to discontinue water service to the premises where the violations occur. Services discontinued under such circumstances may be restored only upon payment of a re-connection charge, hereby established at fifty dollars (\$50.00), payment of all fines and any other costs incurred by the District in discontinuing service. In addition, suitable assurance must be given to the District Manager, or the District Manager's designee, that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of the District, 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.

The District Manager, or other employee designated by the District Manager, may issue a notice to a person he/she reasonably believes to be in violation of this Order.

#### ***XIV. 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.