

**Guadalupe-Blanco River Authority  
Calhoun County Rural Water System  
Drought Contingency Plan**

**1. Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Calhoun County Rural Water System hereby adopts the following regulations and restrictions on the delivery and consumption of water through the resolution dated April 20, 2016 approved by the GBRA Board of Directors (attached as Appendix A).

Water uses regulated or prohibited under this Drought Contingency Plan (the Drought Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 9 of this Drought Plan.

**2. Public Involvement**

Opportunity for the public to provide input into the preparation of the Drought Plan was provided by the Calhoun County Rural Water System by means of a notice to customers on the monthly service billing regarding availability of the Drought Plan, public notice in area newspapers, and posting on the GBRA website ([www.gbra.org](http://www.gbra.org)).

**3. Public Education**

The Calhoun County Rural Water System will periodically provide the public with information about the Drought Plan, including information about the conditions under which each stage of the Drought 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 service billing inserts, notices in local newspapers, and notice on the GBRA website ([www.gbra.org](http://www.gbra.org)).

**4. Coordination with Regional Water Planning Groups**

The service area of the Calhoun County Rural Water System is located within the South Central Texas Regional Planning Area and the Calhoun County Rural Water System will provide a copy of this Drought Plan to the South Central Texas Regional Water Planning Group in care of the San Antonio River Authority upon request.

## **5. Authorization**

GBRA's Division Manager-Calhoun County or his/her designee (hereinafter the Manager) is hereby authorized and directed to implement the applicable provisions of this Drought Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The 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 Drought Plan.

## **6. Application**

The provisions of this Drought Plan will apply to all persons, customers, and property utilizing water provided by the Calhoun County Rural Water System. The terms "person" and "customer" as used in the Drought Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **7. Definitions**

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

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

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

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

Customer: any person, company, or organizations using water supplied by the Calhoun County Rural Water System and paying a retail water bill.

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

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

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

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

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

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

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in an aesthetic feature including fountain or pond except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

## **8. Criteria for Initiation and Termination of Drought Response Stages**

The Manager shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Drought Plan, that is, when the specified “triggers” are reached. These triggers can either be reached by high system demand or lack of water supply.

The primary source of supply for the Calhoun County Rural Water System is from a raw water delivery system operated by GBRA that consists of waterworks located on the Guadalupe River at river mile #10 near Tivoli, Texas called the Lower Guadalupe Diversion Dam and Salt Water Barrier (or Barrier herein) and a river outtake structure (immediately upstream of the Barrier) and, further, an open channel diversion system that transports water by gravity flow from the river waterworks utilizing a constructed channel, the streambeds of Goff and Hog Bayous, and large diameter pipes to a pumping station located on the Dow Chemical Company plant property near Seadrift, Texas. After lifting the water by pumping, the water continues to flow through an open canal system, with one branch of the system ending at the GBRA Port Lavaca Water Treatment Plant.

Water for the Calhoun County Rural Water System is secured by the Lower Basin run-of-river water rights and backed up with contracts for stored water from Canyon Reservoir. If drought or demand conditions fully engage all of the available GBRA run-of-river water supply, and the water demand continues to increase, then the further water demand will be satisfied by Canyon stored water rights. The Water Supply Division of GBRA, in coordination with the South Texas Water Master, will determine when these trigger demand points occur, and will inform all GBRA customers affected.

### **Stage 1 Triggers – MILD Water Shortage Conditions**

#### Requirements for Initiation

Customers shall be required to comply with the Stage 1 requirements and restrictions on certain non-essential water uses provided in Section 9 of the Drought Plan when any of the following conditions exist:

- Stage 1 will be in effect annually, beginning on May 1st through September 30th.
- Distribution system pressures cannot be maintained at or above 35 psi.
- Stage 1 of the GBRA Wholesale Drought Contingency Plan is in effect for the Lower Basin Water Rights. This occurs when flow over the top of the Salt Water Barrier (river mile 10) is six inches or less for five consecutive days.

#### Requirements for Termination

Stage 1 of the Plan may be rescinded when the condition listed as a triggering event ceases for five consecutive days or at the Manager's discretion.

## **Stage 2 Triggers – MODERATE Water Shortage Conditions**

### Requirements for Initiation

Customers shall be required to comply with the Stage 2 requirements and restrictions on certain non-essential water uses provided in Section 9 of the Drought Plan when any of the following conditions exist:

- Distribution system pressures cannot be maintained at or above 35 psi while Stage 1 is in effect.
- Stage 2 of the GBRA Wholesale Drought Contingency Plan is in effect for the Lower Basin Water Rights. This occurs when sustained flow over the top of the Salt Water Barrier is not occurring.

### Requirements for Termination

Stage 2 of the Drought Plan may be rescinded when the condition listed as a triggering event ceases for five consecutive days or at the Manager's discretion. Upon termination of Stage 2, Stage 1 becomes operative.

## **Stage 3 Triggers – SEVERE Water Shortage Conditions**

### Requirements for Initiation

Customers shall be required to comply with the Stage 3 requirements and restrictions on certain non-essential water uses provided in Section 9 of the Drought Plan when any of the following conditions exist:

- Distribution system pressures cannot be maintained at or above 35 psi while Stage 2 is in effect.
- Stage 3 of the GBRA Wholesale Drought Contingency Plan is in effect for the Lower Basin Water Rights. This occurs when the release of stored water from Canyon Reservoir to meet customer demand in Calhoun County is being executed. Also, the General Manger may designate a Stage 3 trigger when voluntary actions by customers in Stage 2 are ineffective in reducing water usage.

### Requirements for Termination

Stage 3 of the Drought Plan may be rescinded when the condition listed as a triggering event ceases for five consecutive days or at the Manager's discretion. Upon termination of Stage 3, Stage 2 becomes operative.

## **Stage 4 Triggers – CRITICAL Water Shortage Conditions**

### Requirements for Initiation

Customers shall be required to comply with the Stage 4 requirements and restrictions on certain non-essential water uses provided in Section 9 of the Drought Plan when any of the following conditions exist:

- Distribution system pressures cannot be maintained at or above 35 psi while Stage 2 is in effect.
- Stage 3 of the GBRA Wholesale Drought Contingency Plan is in effect for the Lower Basin Water Rights. This occurs when all municipal demand of GBRA customers in Calhoun County is being met by the permitted release of stored water from Canyon Reservoir.

### Requirements for Termination

Stage 4 of the Drought Plan may be rescinded when the conditions listed as a triggering event ceases for five consecutive days or at the Manager’s discretion. Upon termination of Stage 4, Stage 3 becomes operative.

## **Stage 5 Triggers – EMERGENCY Water Shortage Conditions**

### Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Drought Plan when the Manager, or his/her designee, determines that a water supply emergency exists based on:

- Major water line breaks, or pump or other system failures occur, which cause unprecedented loss of capability to provide water service; or
- Natural or man-made contamination of water supply source(s).

This condition may occur at any time and is not dependent on being preceded by Stages 1 through 4.

### Requirements for Termination

Stage 5 of the Drought Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or at the Manager’s discretion.

## **Stage 6 Triggers – WATER ALLOCATION**

### Requirements for Initiation

At the Manager's discretion, allocation of water supplies may be adopted in the event that water shortage conditions threaten public health, safety, and welfare.

### Requirements for Termination

Water allocation will be terminated when the Manager had deemed that water supply conditions are such that water allocation is no longer needed.

## **9. Drought Response Stages**

The Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 8 of this Drought Plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage conditions exists and shall implement the following notification procedures:

### **Notification**

#### Notification of the Public:

The Manager or his/her designee shall notify the public by means of any or all of the following:

- GBRA website (www.gbra.org)
- Publication in a newspaper of general circulation
- Notice on the monthly billing
- Public service announcements
- Posted notices at mail-box delivery points

#### Additional Notification:

The Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Homeowner associations
- Fire Chief(s)
- Local Emergency Planning Commission (LEPC)
- TCEQ Corpus Christi Regional Office
- Major water customers

## **Stage 1 Response – MILD Water Shortage Conditions**

**Target: Reduce peak demand and achieve a voluntary 10% reduction in daily water demand relative to water demand without the water use restrictions below.**

### Best Management Practices for Supply Management:

The Calhoun County Rural Water System will monitor end main water pressures and reduce input pressure if end pressure is excessive.

### Water Use Restrictions for Reducing Demand

- (a) Customers are required to limit landscape watering to twice per week between the hours of 12:00 midnight to 10:00 am and 8:00 pm to 12:00 midnight according to the following schedule:
  - a. Even-numbered addresses are allowed lawn watering two days per week, on Tuesday and Friday.
  - b. Odd-numbered addresses are allowed lawn watering two days per week on Monday and Thursday.
  - c. The watering of non-established trees, shrubs and bushes will be accomplished on the same days.
  - d. If there is no street address associated with the property, such as a parkway or if there is more than one street address associated with a single contiguous property, the irrigation days are Wednesday and Saturday.
- (a) The watering of non-established trees, shrubs and bushes will be accomplished on the same days as above. Variances may be issued in newly planted lawns and landscaping.
- (b) All non-public swimming pools must have a minimum of 25% of the surface area covered with evaporation screens when not in use. Inflatable pool toys or floating decorations may be used.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

## **Stage 2 Response – MODERATE Water Shortage Conditions**

**Target: Achieve a 20% reduction in daily water demand relative to water demand without the water use restrictions below.**

### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the Calhoun County Rural Water System will also do the following:

- Reduce flushing of water mains to the minimum required;

- Use more repair crews if necessary to allow for a quicker response time for water line leak repair; and
- Begin monitoring customer's water use for compliance with water use restrictions by way of drive-bys.

Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Landscape watering is permitted once per week between the hours of 12:00 midnight to 10:00 am and 8:00 pm to 12:00 midnight according to the following schedule:<sup>1</sup>
  - a. If the last digit of the address ends in 0 or 9 the irrigation day is Monday.
  - b. If the last digit of the address ends in 1 or 8 the irrigation day is Tuesday.
  - c. If the last digit of the address ends in 2 or 7 the irrigation day is Wednesday.
  - d. If the last digit of the address ends in 3 or 6 the irrigation day is Thursday.
  - e. If the last digit of the address ends in 4 or 5 the irrigation day is Friday.
- (b) The watering of non-established trees, shrubs and bushes will be accomplished on the same days as above.
- (c) If there is no street address associated with the property, such as a parkway, or if there is more than one street address associated with a single contiguous property, the irrigation day is Wednesday.
- (d) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated landscape watering days between the hours of 12:00 midnight and 10:00 am and between 8:00 pm and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (e) 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 between the hours of 12:00 midnight and 10:00 am and between 8:00 pm and 12:00 midnight.
- (f) 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.

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<sup>1</sup> Customers who install new landscapes during drought periods may apply for a variance to request additional watering days. Newly planted grass can survive once-per-week watering after only three weeks. Variances to allow additional watering days are only given during the three-week time period immediately following installation of new turfgrass.

- (g) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Utility.
- (h) Golf course watering of greens and tee boxes in conjunction with reuse will be limited to the reductions planned in the water budget. Use of potable water for landscape irrigation in and around golf course clubhouses is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 am and between 8:00 pm and 12:00 midnight.
- (i) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (j) The following uses of water are defined as non-essential and are prohibited:
  - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - c. Use of water for dust control;
  - d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### **Stage 3 Response – SEVERE Water Shortage Conditions**

**Target: Reduce peak demand and achieve a 25% reduction in total daily water demand relative to water demand without the water use restrictions below.**

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the Calhoun County Rural Water System will also do the following:

- Eliminate the flushing of water mains unless required for decontamination; and
- Monitor customers for compliance and notify violators verbally or in writing as the situation dictates.

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 am and between 8:00 pm and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems only. The use of hose-end sprinklers is prohibited

at all times. Landscape watering is permitted once every other week between the hours of 12:00 midnight to 10:00 am and 8:00 pm to 12:00 midnight.

- b) Golf course watering of greens and tee boxes in conjunction with reuse will be limited to reductions planned in the water budget. The watering of landscape irrigation in and around the clubhouse shall adhere to the same restrictions as (a) above.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be granted only under consideration on a case by case basis.
- d) No variances will issued on newly planted landscapes.

#### **Stage 4 Response – CRITICAL Water Shortage Conditions**

**Target: Achieve a 30% or greater reduction in daily water demand relative to water demand without the water use restrictions below.**

#### **Best Management Practices for Supply Management:**

In addition to the best management practices for supply management listed under Stage 3, the Calhoun County Rural Water System will also do the following:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

#### **Water Use Restrictions for Demand Reduction:**

All requirements of Stage 3 (landscape watering is permitted once every other week) shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 am and 10:00 am and between 6:00 pm and 10:00 pm.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (d) 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.

- (e) Applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved on a case by case basis. Time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

### **Stage 5 Response – EMERGENCY Water Shortage Conditions**

**Target: Achieve a 50% or greater reduction in daily water demand relative to water demand without the below water use restrictions.**

#### **Best Management Practices for Supply Management:**

In addition to the best management practices for supply management listed under Stage 4, the Calhoun County Rural Water System will also do the following:

- Contact the County Judge and/or emergency management coordinator to initiate use of the Community Alert Network (CAN), an automated phone dial up;
- Call the 10 largest water customers, and if necessary, use runners in key areas to begin spreading the message of a major outage;
- Visit businesses that are local gathering places; and
- Inform the County Sheriff’s office.

#### **Water Use Restrictions for Demand Reduction:**

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) Business process water shall be reduced to a basic amount necessary only for the continuance of a business’s workday or product production or protection. Associated uses such as equipment washing shall be deferred.

### **Stage 6 Response – WATER ALLOCATION**

In accordance with each customer’s Service Agreement, the Calhoun County Rural Water System retains the right to allocate water supplies. At the Manager’s discretion, allocation of water supplies may be adopted in the event that water shortage conditions threaten public health, safety, and welfare. The following threshold amounts will be utilized, beyond which a surcharge shall be assessed under a Water Allocation Condition.

#### **Single-Family Residential Customers**

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

<b>Persons Per Household</b>	<b>Gallons per Month</b>
1 or 2	4,000
3 or 4	5,000
5 or 6	6,000
7 or 8	7,000
9 or 10	8,000
11 or more	10,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the Calhoun County Rural Water System of a greater number of persons per household on a form prescribed by the Manager. The Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the Calhoun County Rural Water System’s offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer must notify the Calhoun County Rural Water System on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Calhoun County Rural Water System in writing within ten (10) days. In prescribing the method for claiming more than two (2) person per household, the Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the Calhoun County Rural Water System of a reduction in the number of persons in a household shall be subject to a fine up to \$200.

Residential customers shall pay the following surcharge: An additional 50% will be calculated for the existing block rate (the amount typically paid per 1,000 gallons for all water used above the monthly minimum) per thousand gallon increment, over and above the threshold amounts stated above. Up to the threshold amounts, the monthly bill will be calculated in the normal manner.

### **Master-Metered Multi-Family Residential Customers**

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 4,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the Calhoun County Rural Water System of a greater number on a form prescribed by the Manager. The Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Calhoun County Rural Water System offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the Calhoun County Rural Water System in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the Calhoun County Rural Water System of a reduction in the numbers of dwelling units shall be subject to a fine up to \$500.

Master meter multi-family customers shall pay the following surcharge: An additional 50% will be calculated for the existing block rate (the amount typically paid per 1,000 gallons for all water used above the monthly minimum) per thousand gallon increment

over and above the threshold amount stated above. Up to the threshold amount of 4,000 gallons per dwelling unit, the monthly bill will be calculated in the normal manner.

### **Commercial Customers**

The allocation to a commercial customer, other than an industrial customer, who uses water for processing purposes shall be 75% of the customer's usage for the corresponding month's billing period for the previous 12 months, but in any case, not less than 4,000 gallons per month. The Manager shall give his/her best effort to see that notice of each commercial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Calhoun County Rural Water System to determine the allocation. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased if: (1) the designated period does not accurately reflect the customer's normal water usage; or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Operations Manager-Lower Basin.

An additional 50% will be calculated for the existing block rate (the amount typically paid per 1,000 gallons for all water used above the monthly minimum) per thousand gallon increment over and above the threshold amount calculated in accordance with the above procedure. Up to the threshold amounts, the monthly bill will be calculated in the normal manner.

### **Industrial Customers**

The allocation to an industrial customer who uses water for processing purposes shall be 85% of the customer's usage for the corresponding month's billing period for the previous 12 months, but in any case not less than 6,000 gallons per month. The Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be

the customer's responsibility to contact the Calhoun County Rural Water System to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased if: (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period; (2) the customer has added or is in the process of adding significant additional processing capacity; (3) the customer has shutdown or significantly reduced the production of a major processing unit; (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited; or (5) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Operations Manager-Lower Basin.

An additional 50% will be calculated for the existing block rate (the amount typically paid per 1,000 gallons for all water used above the monthly minimum) per thousand gallon increment over and above the threshold amount calculated in accordance with the above procedure. Up to the threshold amounts, the monthly bill will be calculated in the normal manner.

## **10. Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the Calhoun County Rural Water System's water distribution system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Drought 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 Manager, or his/her designee, in accordance with provisions of this Drought Plan.
- (b) Any person who violates this Drought Plan may be subject to a civil fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500). Each day that one or more of the provisions in this Drought Plan is violated shall constitute a separate offense. Upon commission of the third violation, with the two previous

violations having been brought to the attention of the customer with adequate time allowed for correction, the Manager shall be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of the Calhoun County Rural Water System's existing re-connection charge and the fine(s) attendant to the violations. In addition, suitable assurance must be given to the Manager that the same action shall not be repeated while the Drought Plan is in effect. Compliance with this Drought Plan may also be sought through injunctive relief in the district court or the county court-at-law.

- (c) Any person, including a person classified as a water customer of the Calhoun County Rural Water System, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be 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 shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use water as it was used in violation of this Drought Plan and that the parent could not have reasonably known of the violation.
- (d) The Manager, or at the Manager's discretion, an officer of the county sheriff's department may issue a citation to a customer the Manager believes to be in violation of this Drought Plan, in accordance with regulatory statute. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and a directive to appear in court on the date shown on the citation for which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall 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.

## **11. Variances**

The Manager may grant a temporary variance for existing water uses otherwise prohibited under this Drought 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:

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

Persons requesting an exemption from the provisions of this Drought Plan shall file a petition for variance with the Calhoun County Rural Water System within five (5) days after the Drought Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Manager, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Drought Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Drought Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this Drought Plan.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Drought Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the Calhoun County Rural Water System shall be subject to the following conditions, unless waived or modified by the Manager:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Drought Plan is no longer in effect, unless the petitioner failed to meet specified requirements.

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