
DROUGHT CONTINGENCY PLAN

for the

SPRINGS HILL WATER SUPPLY CORPORATION

June 2023

Prepared for:

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Section I: 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 Springs Hill Water Supply Corporation (SHWSC) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency 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 penalties as defined in this Plan.

Section II: Public Involvement

All customers in the service area of the utilities were provided an opportunity for input through the SHWSC adoption process. If any changes are made to the Plan, a copy of those changes will be made available to all customers.

Section III: Public Education

SHWSC 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 utility bill inserts, press releases, public notice, newsletters, and on the website at www.springshill.org.

Section IV: Coordination with Regional Water Planning Groups

The service area of SHWSC is located within the South Central Texas Region L water planning area, and SHWSC has provided a copy of this Plan to the South Central Texas Region L water planning group. SHWSC will also coordinate with all our water wholesalers using the Triggers found in the GBRA Plan.

Section V: Authorization

The Field Service Manager of SHWSC or staff 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 General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

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

Section VII: Definitions

For the purposes of this 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 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.

Customer: any person, company, or organization using water supplied by SHWSC.

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

Guadalupe-Blanco River Authority (GBRA): agency that manages the availability of surface water resources from which SHWSC obtains the majority of its water supply. (Lake Placid Water Treatment Plant and CRWA Lake Dunlap Plant)

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

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 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 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 a fountain or pond for aesthetic or scenic purposes 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.

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

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Production Manager, Utilities Superintendent, or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

Because of Springs Hill dependence on raw water from the Guadalupe Blanco River Authority (GBRA), we will use their Triggers and follow their guidelines on going into drought response stages. Canyon Reservoir impounds 378,852 acre-feet and is 8,200 surface acres. The Conservation Pool is between 800’ mean sea level (msl) and 909’ msl. Springs Hill has contract rights through Canyon Regional of 1,925 acre feet and 2,850 acre feet directly from GBRA at Springs Hill Lake Placid Treatment Plant.

Permanent Water Use Restrictions

The following restrictions apply to all SHWSC customers on a year-round basis, regardless of water supply or water treatment plant production conditions.

According to the restrictions, a water user must not:

1. Fail to repair a controllable leak, including:
 - a. a broken sprinkler head,
 - b. a leaking valve,
 - c. leading or broken pipes, or
 - d. a leaking faucet.
2. Operate an irrigation system with:
 - a. a broken head,
 - b. a head that is out of adjustment and the arc of the spray head is over a street or parking area, or
 - c. a head that is fogging or misting because of excessive water pressure.
3. During irrigation, allow water:
 - a. to run off a property and form a stream of water in a street for a distance of 50 feet or greater, or
 - b. to pool in a street or parking lot to a depth greater than one-quarter of an inch.
4. Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler outside of the hours of 8:00 pm and 10:00 am. Irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose or faucet filled bucket of five gallons or less.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the requirements and restrictions on certain non-essential water uses for Stage 1 of this Plan when any of the following triggering criteria is met:

- (a) The GBRA initiates Stage 1 of its Drought Contingency Plan.
- (b) The water supply or supplies available to SHWSC in any particular service area are equal to or less than 75% of capacity.
- (c) Total daily water demand in a service area or sub-area equals or exceeds:
 - a. 80 percent of the total supply delivery capacity for three consecutive days, or
 - b. 90 percent of the total supply delivery capacity for a single day.

- (d) Source water contamination results in compromised capacity of the treatment and delivery systems.
- (e) Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and the General Manager feels it is appropriate.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided for Stage 2 of this Plan when any of the following triggering criteria is met:

- (a) The GBRA initiates Stage 2 of its Drought Contingency Plan.
- (b) The water supply or supplies available to SHWSC in any particular service area are equal to or less than 80% of capacity.
- (c) Total daily water demand equals or exceeds:
 - a. 85 percent of the total supply delivery capacity for three consecutive days, or
 - b. 95 percent of the total supply delivery capacity for a single day.
- (d) Source water contamination results in compromised capacity of the treatment and delivery systems.
- (e) Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and the General Manager feels it is appropriate. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when any of the following triggering criteria is met:

- (a) The GBRA initiates Stage 3 of its Drought Contingency Plan.
- (b) The water supply or supplies available to SHWSC in any particular service area are equal to or less than 90% of capacity.
- (c) Total daily water demand equals or exceeds:
 - a. 90 percent of the total supply delivery capacity for three consecutive days, or
 - b. 100 percent of the total supply delivery capacity for a single day.
- (d) Source water contamination results in compromised capacity of the treatment and delivery systems.
- (e) Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and the General Manager feels it is appropriate. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when any of the following triggering criteria is met:

- (a) The GBRA initiates Stage 4 of its Drought Contingency Plan.
- (b) Major line breaks, pump, or system failure, which causes loss of capability to provide water service.
- (c) Source water contamination results in compromised capacity of the treatment and delivery systems.
- (d) Mechanical or electrical failure of a system component results in compromised treatment and/or delivery capacity.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and the General Manager feels it is appropriate.

Section IX: Drought Response Stages

The Production Manager, Utilities Superintendent, 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 VIII of this Plan, shall determine that a mild, moderate, severe, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The General Manager, or his/her designee, shall notify the public by means of the following methods as appropriate to each condition:

- Direct mail to each customer, notes placed in billing envelopes.
- Public service announcements on television or radio, or through signs posted in public places throughout the SHWSC service area.
- Notification through the use of telephone networks to neighborhood associations and other public entities.
- Posting on the SHWSC website www.springshill.org.

Additional Notification:

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

- Members of the Board of Directors.
- Fire Chiefs and/or County Emergency Management Coordinator(s).
- State Disaster District and/or Department of Public Safety.

- Texas Commission on Environmental Quality (required when mandatory restrictions are imposed).
- Major water users.
- Critical water users, (i.e., hospitals).

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 5 percent reduction in daily water demand.

Best Management Practices for Supply Management:

SHWSC shall:

- Reduce or discontinue flushing of water mains.
- Notify customers by mail with suggestions for ways to reduce usage.
- Review meter readings for high usage.
- Initiate voluntary water use restrictions.
- Issue warnings as necessary.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to twice a week and to irrigate landscapes only between the hours of 8:00 pm and 10:00 am. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) No washing of parking lots, driveways, sidewalks, or streets unless for health or safety reasons.
- (c) Swimming pools must be at least 25 percent covered by evaporation shields when not in active use.
- (d) No person may wash a vehicle anywhere other than a commercial vehicle wash facility except on Monday and Friday between the hours of 8:00 pm and 10:00 am. Such washing must be done on a lawn or other pervious surface using a bucket or hand-held hose with an automatic shutoff nozzle.
- (e) 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 10 percent reduction in daily water demand.

Best Management Practices for Supply Management:

SHWSC shall:

- Reduce or discontinue flushing of water mains.
- Notify customers by mail with suggestions for ways to reduce usage.
- Field personnel to monitor and report excessive usage.
- Initiate mandatory water use restrictions.
- Issue warnings and fines as necessary as provided in the tariff rules.
- Ensure all production equipment is operating at maximum capacity.

Water Use Restrictions for Demand Reduction:

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

- (a) All the prohibitions applicable in Stage 1 apply in Stage 2, except to the extent replaced by more restrictive conditions imposed by this stage.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Tuesdays and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Mondays and Fridays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 8:00 pm and 10:00 am on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days between the hours of 8:00 pm and 10:00 am. Such washing, when allowed, shall be done on a lawn or other pervious surface using with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. 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.
- (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 between the hours of 8:00 pm and 10:00 am.
- (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 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 SHWSC.

- (g) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 8 pm and 10:00 am. However, if the golf course utilizes a water source other than that provided by the SHWSC, or uses reclaimed water, the facility shall not be subject to these regulations.
- (h) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (i) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. use of water for dust control;
 - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; 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).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 15 percent reduction in daily water demand.

Best Management Practices for Supply Management:

SHWSC shall:

- Reduce or discontinue flushing of water mains.
- Notify customers by mail with suggestions for ways to reduce usage.
- Field personnel to monitor and report excessive usage.
- Initiate severe mandatory water use restrictions.
- Issue warnings and fines as necessary.
- Prohibit nearly all outside watering unless using recycled water.
- Prohibit non-essential uses.
- Ensure all production equipment is operating at maximum capacity.
- Activate interconnects and purchase water from neighboring utilities if available.

Water Use Restrictions for Demand Reduction:

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

- (a) All the prohibitions applicable in Stages 1 and 2 apply in Stage 3, except to the extent replaced by more restrictive conditions imposed by this stage.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Tuesdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Mondays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to

the hours of 8:00 pm and 10:00 am on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (c) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the SHWSC. However, if the golf course utilizes a water source other than that provided by the SHWSC, or uses reclaimed water, the facility shall not be subject to these regulations.
- (d) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (e) The 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 8:00 pm and 10:00 pm.
- (f) The filling, refilling, or adding of water to swimming pools, wading pools, or spas are prohibited.
- (g) No application 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, and time limits for approval of such applications will be suspended for such time as this drought response stage or more severe restrictions shall be in effect.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 25 percent reduction in daily water demand.

Best Management Practices for Supply Management:

SHWSC shall:

- Discontinue flushing water mains.
- Activate inter-connections and purchase water from neighboring utilities if available.

Water Use Restrictions for Reducing Demand:

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

- (a) All the prohibitions applicable in Stages 1, 2, and 3 apply in Stage 4, except to the extent replaced by more restrictive conditions imposed by this stage.
- (b) Irrigation of landscaped areas is absolutely prohibited unless using recycled water or by means of a hand-held hose or faucet filled water can of five (5) gallons or less.

- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited, unless with recycled water.

WATER ALLOCATION (Stage 4)

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

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

Persons per Household	Gallons per Month
1 or 2	5,000
3 or 4	6,000
5 or 6	7,000
7 or 8	8,000
9 or 10	9,000
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 SHWSC of a greater number of persons per household on a form prescribed by the General Manager. The General 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 SHWSC office 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 SHWSC. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify SHWSC 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 SHWSC in writing within two (2) weeks. In prescribing the method for claiming more than two (2) persons per household, the SHWSC shall adopt methods to insure the accuracy of the claim.

Residential water customers shall pay the following surcharges:

- 5% of base for the first 1,000 gallons over allocation.
- 8% of base for the second 1,000 gallons over allocation.
- 10% of base for the third 1,000 gallons over allocation.
- 25% of base for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

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 5,000 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 SHWSC of a greater number on a form prescribed by the General Manager. The General 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 SHWSC office 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 General Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the SHWSC in writing within two (2) weeks. In prescribing the method for claiming more than two (2) dwelling units, the General Manager shall adopt methods to insure the accuracy of the claim. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- 5% of base for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- 8% of base, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- 10% of base, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- 25% of base, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The General Manager shall give his/her best effort to see that notice of each non-residential 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 SHWSC office to determine the allocation. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the General Manager or alternatively, a special water allocation review committee. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 1,000 gallons through 10,000 gallons per month:

- 5% of base per thousand gallons for the first 1,000 gallons over allocation.
- 10% of base per thousand gallons for the second 1,000 gallons over allocation.
- 20% of base per thousand gallons for the third 1,000 gallons over allocation.
- 25% of base per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is greater than 10,000 gallons per month or more:

- 1.2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.8 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2.0 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The General 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 SHWSC 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 General Manager, the allocation may be reduced or increased, (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, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the General Manager or alternatively, a special water

allocation review committee. Industrial customers shall pay the following surcharges:

Customers whose allocation is 1,000 gallons through 10,000 gallons per month:

- 5% of base per thousand gallons for the first 1,000 gallons over allocation.
- 10% of base per thousand gallons for the second 1,000 gallons over allocation.
- 20% of base per thousand gallons for the third 1,000 gallons over allocation.
- 25% of base per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 10,000 gallons per month or more:

- 1.2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.8 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2.0 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the SHWSC 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 General Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Except as otherwise provided in this Section X, any person who violates this Plan shall be subject to the following surcharges and conditions of service:
 - a. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed.
 - b. Following the second documented violation, the violator shall be sent, by certified mail, a notice of violation and shall be assessed a surcharge of \$200.
 - c. Following the third documented violation, the violator shall be sent, by certified mail, a notice of violation and shall be assessed a surcharge of \$700.
 - d. Following the fourth documented violation, the Board of Directors or its designee shall, upon due notice to the customer, 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 a reconnection charge, hereby established at \$500, and any other costs incurred by a SHWSC water utility system in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500 must be given to the Board of Directors or its designee, that the same action shall not be repeated while the

Plan is in effect. The Board of Directors or it’s designee may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. Any remaining amount of such deposit, if any, shall be returned to the customer at the time of the customer’s voluntary disconnection from the utility system.

- (c) Compliance with this Plan also may be sought through injunctive relief in district court. Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the SHWSC, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he or she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, but any such parent may be excused if he or she proves that he or she had previously directed the child not to use the water in violation of this Plan and that there is no reasonable expectation that parent could have known about the violation. Table 1 shows the progressive steps of the drought response enforcement process for retail customers.

Table 1: Drought Response Enforcement Process

Documented Violation	Response
First	Notice of violation issued. Customer is notified of actions to be taken if violations continue.
Second	Penalty - \$200
Third	Penalty - \$700
Fourth and on	Service Disconnection. \$500 reconnection fee and \$500 deposit required.

Section XI: Variances

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

- (a) 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.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (c) The person or entity requesting the variance can demonstrate that severe financial hardship or property damage will result if the variance is not granted.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the General Manager within 5 days after the Plan or a particular drought response stage has been invoked. The SHWSC staff will make every effort to work with customers to establish a satisfactory solution to water use problems. All petitions for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

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

Variations granted by the SHWSC shall be subject to the following conditions, unless waived or modified by the General Manager or his/her designee:

- (a) Variations granted shall include a timetable for compliance.
- (b) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (c) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to the intention of the Board of Directors of SHWSC that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of the Plan shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such as unconstitutionality this Plan, since the same would not have been enacted by the Board of Directors of SHWSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.