

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10  
ORDER ADOPTING AMENDED AND RESTATED  
DROUGHT CONTINGENCY PLAN**

**ORDER NO. 2022-01-12-02**

STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS       §

WHEREAS, Travis County Water Control & Improvement District No. 10 (the "District") is a political subdivision of the State of Texas, established pursuant to Article XVI, Section 59 of the State of Texas Constitution, and Chapters 49 and 51 of the Texas Water Code; and

WHEREAS, 30 TAC Chapter 288, Subchapter B, requires the District to adopt a Drought Contingency Plan; and

WHEREAS, the Board of Directors of the District desires to adopt an amended and restated Drought Contingency Plan, as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10 THAT:

Section 1.       The Board of Directors confirms that on this date it has reviewed and desires to adopt the District's Amended and Restated Drought Contingency Plan (attached hereto as "Exhibit A").

Section 2.       A copy of this Order shall be filed in the official records of the District.

ADOPTED this 12<sup>th</sup> day of January 2022.


(SEAL)

TRAVIS COUNTY WATER CONTROL &  
IMPROVEMENT DISTRICT NO. 10



\_\_\_\_\_  
Paul Barker, President  
Board of Directors

ATTEST:

  
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Jon Luce, Secretary  
Board of Directors

**EXHIBIT "A"**

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10'S  
AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN**

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10'S**  
**AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN**

**Section 1: SCOPE**

The Board of Directors hereby amends and updates the Travis County Water Control & Improvement District No. 10 Drought Contingency Plan (the "Plan") as set forth below. The Board of Directors commits to implement the program according to the procedures set forth in the Plan. Copies of the Plan will be available for inspection or reproduction in the office of the District's Manager.

**Section 2: 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 Travis County Water Control & Improvement District No. 10 (the "District") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under the Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 12 of this Plan.

**Section 3: PUBLIC INVOLVEMENT**

Opportunity for the public to provide input into the preparation of the amended and updated Plan was provided by the District by means of scheduling and providing public notice of a public meeting on January 12, 2022 to accept input on the Plan.

**Section 4: 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 utility bill inserts, press releases, and/or special mailed notices.

**Section 5: COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the District is located within the Lower Colorado River Authority Planning Area (Region K) and, upon adoption, the District will provide a copy of this Plan to the regional water planning group.

**Section 6: AUTHORIZATION**

The District Manager, or the District Manager's 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 the designee



shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

#### **Section 7: APPLICATION**

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

#### **Section 8: 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.

City Manager: means and refers to the individual appointed to be the City Manager for the City of Austin.

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 the District.

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.

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

Outdoor Water Use Schedule: the schedule for any outdoor water use shall occur only on a day designated for the applicable water use activity, property/facility type, and street number address classification indicated in the following tables:

<b>CONSERVATION STAGE AND DROUGHT RESPONSE STAGE 1 WATERING SCHEDULE</b>	
<b>PROPERTY TYPE</b>	<b>WATERING DAY</b>
Residential Property – Hose-end EVEN Number Address	Sunday and Thursday
Public Schools	Monday
Commercial / Multi Family – Automatic & Manual EVEN Number Address	Tuesday
Residential – Automatic & Manual ODD Number Address	Wednesday
Residential – Automatic & Manual EVEN Number Address	Thursday
Commercial / Multi Family – Automatic & Manual ODD Number	Friday

Address	
Residential Property – Hose-end ODD Number Address	Wednesday and Saturday

<b>CONSERVATION STAGE AND DROUGHT RESPONSE STAGE 2 and STAGE 3 WATERING SCHEDULE</b>	
<b>PROPERTY TYPE</b>	<b>WATERING DAY</b>
Residential Property – Hose-end EVEN Number Address	Sunday
Public Schools	Monday
Commercial / Multi Family – Automatic & Manual EVEN Number Address	Tuesday
Residential – Automatic & Manual ODD Number Address	Wednesday
Residential – Automatic & Manual EVEN Number Address	Thursday
Commercial / Multi Family – Automatic & Manual ODD Number Address	Friday
Residential Property – Hose-end ODD Number Address	Saturday

**Section 9: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES**

The District Manager or the designee shall monitor water supply and/or demand conditions on a daily basis. The District Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Plan by public notification. The District is a wholesale customer of the City of Austin and, accordingly, the District Manager will take into consideration the criteria promulgated by the City Manager of the City of Austin for determining whether conservation stages (other than Stage 1 – Mild Water Shortage Conditions) should be implemented. The triggering criteria for the various conservation stages are based on the experience of the District and its wholesale water provider, the City of Austin. Public notification of the initiation or termination of drought response stages shall be by means of signs posted in public places, utility bill inserts, publication in the newspaper used by the District for public notices, special mail-outs, and/or other means to be determined by the District Manager and his/or her designee.



The triggering criteria described below are based on:

the triggering criteria established by the City of Austin which provides the District's water supply and requires consistency with the City's requirements.

**Utilization of alternative water sources and/or alternative delivery mechanisms:**

The District's only water source is the City of Austin. The District has no alternative water source.

**Stage 1 Triggers -- MILD Water Shortage Conditions**

Requirements for initiation

Customers will be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 8 Definitions, as follows:

- annually, beginning on May 1 through September 30; and
- when the City Manager orders that water use restrictions for mild water shortage conditions or Stage 1 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager support such action for any lawful purpose. The order is effective immediately following official public notice.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Before rescinding the District's Stage 1 restrictions, the District Manager will take into consideration the City Manager's determination regarding termination of its Stage 1 restrictions.

**Stage 2 Triggers -- MODERATE Water Shortage Conditions**

Requirements for initiation

The District Manager will implement Stage 2 restrictions:

- based on projected supply and demand for water by the District's customers;
- when the City Manager orders that water use restrictions for moderate water shortage conditions or Stage 2 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City



Manager support such action for any lawful purpose. The order is effective immediately following official public notice.

#### Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative, if applicable. Before rescinding the District's Stage 2 restrictions, the District Manager will take into consideration the City Manager's determination regarding termination of its Stage 2 restrictions.

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

##### Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 3 restrictions. The District Manager will implement Stage 3 restrictions:

- based on projected supply and demand for water by the District's customer's; and
- when the City Manager orders that water use restrictions for severe water shortage conditions or Stage 3 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager support such action for any lawful purpose. The order is effective immediately following official public notice.

##### Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative. The District Manager will take into consideration the City Manager's determination regarding termination of its Stage 3 restrictions.

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

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions provided in Section 10 of this Plan when the District Manager, or his/her designee, determines that critical water shortage conditions exists based on:

1. major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service;

2. natural or man-made contamination of the water supply source(s);
3. when the City Manager orders that water use restrictions for critical water shortage conditions or Stage 4 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager support such action for any lawful purpose. The order is effective immediately following official public notice.

#### Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events set forth above have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative. The District Manager will take into consideration the City Manager's determination regarding termination of its Stage 4 restrictions.

### **Stage 5 Triggers – WATER ALLOCATION**

#### Requirements for initiation

The District Manager may implement additional, mandatory water restrictions to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating additional restrictions. The City of Austin may require the District's customers to curtail water use on a pro rata basis, in accordance with Section 11.039 of the Texas Water Code and as determined by rules or plans adopted by the City of Austin.

#### Requirements for termination

Water rationing may be rescinded when all of the conditions listed as triggering events set forth above have ceased to exist.

### **Section 10: DROUGHT RESPONSE STAGES**

The District Manager, or the designee, will monitor water supply and/or demand conditions on a daily basis and determine the extent of conservation required through the implementation or termination of particular conservation stages (i.e., a mild, moderate, severe, critical, emergency or water shortage condition exists) in order for the District to prudently plan for and supply water to its customers. The District Manager may order the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Plan. Such conservation stage will take effect immediately upon the District Manager's announcement.



## **Notification**

### Notification of the Public:

The District Manager or the designee shall notify the public by means of official public notice or public service announcement.

### Additional Notification:

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

- Board of Directors of the District;
- Local Fire Chief(s);
- Director for Austin Water Utility Department; and
- TCEQ, when mandatory restrictions are imposed.

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

This section describes Stage 1 regulations and applies during any Stage 1 period ordered by the District Manager or the City Manager:

- A. The District's Customers must comply with the water use restrictions below from May 1 to September 30 of each year.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility except as set out in the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- E. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- F. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.



- G. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

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

This section describes Stage 2 regulations and applies during any Stage 2 period ordered by the District Manager or the City Manager:

- A. A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated day per the Outdoor Water Use Schedule.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated day per the Outdoor Water Use Schedule.
- E. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- F. A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated day per the Outdoor Water Use Schedule.
- G. A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches other than for aeration necessary to preserve habitat for aquatic life.
- H. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. until midnight
- I. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis

court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

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

This section describes Stage 3 regulations and applies during any Stage 3 period ordered by the District Manager or the City Manager:

- A. A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated day per the Outdoor Water Use Schedule.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated day per the Outdoor Water Use Schedule.
- E. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- F. A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated day per the Outdoor Water Use Schedule.
- G. The filling of spas is prohibited.
- H. A person may not operate a splash pad except.
- I. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
- J. A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.



- K. A person may not use or allow the use of water to wash, rinse or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

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

This section describes Stage 4 regulations and applies during any Stage 4 period ordered by the District Manager or the City Manager:

- A. A person may not use or allow the use of water to irrigate vegetation outdoors.
- B. A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.
- C. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other mobile equipment.
- D. A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.
- E. A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- F. A person may not operate a splash pad or other similar aesthetic or recreational use of water.
- G. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.
- H. A person may not use or allow the use of water to operate a patio mister.
- I. A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized in accordance with Section 11 of this Plan.
- J. A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking except as specifically authorized in accordance with Section 11 of this Plan.

#### **Section 11: WATER VARIANCES**

- A. The District Manager may grant a variance from a requirement of this chapter if the District Manager determines that special circumstances exist and that:



1. strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
  2. strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste.
- B. The District Manager may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the District Manager to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.
- C. The District Manager may grant a variance from a requirement of the Drought Response Regulations only if the applicant establishes at least one of the following:
1. an Authorized Irrigation Inspector has determined that, due to its site- specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; or
  2. the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
  3. watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
- D. The District Manager may grant a variance from a requirement of the Drought Response Regulations for a newly installed landscape if:
1. the new landscaping is classified as Xeriscape in accordance with this chapter; and
  2. irrigation for the establishment of the Xeriscaping complies with the following:
    - (a) for the first 10 days following installation, irrigation is permitted daily before 10:00 a.m. and after 7:00 p.m.; and
    - (b) for the 11th through the 40th day following installation, irrigation is permitted twice per week before 10:00 a.m. and after 7:00 p.m.; and
    - (c) if the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single family home, the applicant shall

provide a completed notice of irrigation variance to the director on the form provided by Austin Water at least one full business day before the landscape is installed.

3. a one-time extension of the approved variance may be granted by the director only upon the submittal by the applicant of a written request which demonstrates a clear need for the extension to establish the new landscaping.
- E. The District Manager may grant a variance to Emergency Stage Four Regulations when:
1. Watering is required to prevent or address foundation cracking. A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.
  2. Watering is necessary for the prescribed treatment of tree diseases or for pest control.
  3. Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.
- F. The District Manager may grant a variance from General Regulations if site conditions are such that compliance would present a significant financial hardship or health risk to the applicant or the public.
- G. A person may seek a variance by filing an application with the director and paying the associated fees. The District Manager may require the applicant to provide information the District Manager determines is necessary to evaluate the variance request. If the District Manager approves a variance, the applicant shall keep a copy of the approval provided in a location on the subject property that is accessible and visible to the public.
- H. A variance following its approval by the District Manager may be immediately suspended or revoked by the City of Austin's Austin Water Utility if the District Manager or her or his designee determines any of the following:
1. a violation of the terms of the variance occurs at the location during the effective period of the variance;
  2. the application submitted to the director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or
  3. the director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.



## **Section 12: WATER ALLOCATION**

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

- A. Single-Family Residential Customers.** The allocation to residential water Customers residing in a single-family dwelling will be 6,000 gallons per month per household, plus an additional 1,000 gallons per month per person per household greater than two.

“Household” means the residential premises served by the customer’s meter. “Persons per household” include 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 District of a greater number of persons per household on a form prescribed by the District Manager. The District 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 District 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 District Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the District 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 District in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the District Manager will 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 District of a reduction in the number of person in a household shall be fined not less than \$200.00.

Residential water customers shall pay the following surcharges:

- \$25.00 for the first 1,000 gallons over allocation.
- \$50.00 for the second 1,000 gallons over allocation.
- \$75.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

- B. 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) will be allocated 6,000 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 District of a greater number on a form prescribed by the District Manager. The



District Manager will 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 District 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 District Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the District in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the District Manager will 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 District of a reduction in the number of person in a household shall be fined not less than \$200.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$25.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$50.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$75.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$100.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges will be cumulative.

- C. Commercial Customers.** A monthly water allocation shall be established by the District 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 percent 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 District Manager shall give his/her commercially reasonable 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 District to determine the allocation. Upon request of the customer or at the initiative of the District 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 Board of Directors of the District. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 10,000 gallons per month:

\$25.00 per thousand gallons for the first 1,000 gallons over allocation.

\$50.00 per thousand gallons for the second 1,000 gallons over allocation.

\$75.00 per thousand gallons for the third 1,000 gallons over allocation.

\$100.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 10,001 gallons per month or more:

\$50.00 per 1,000 gallons in excess of the allocation up through 5 percent above allocation.

\$100.00 per 1,000 gallons from 5 percent through 10 percent above allocation.

\$150.00 per 1,000 gallons from 10 percent through 15 percent above allocation.

\$200.00 per 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative.

- D. Industrial Customers.** A monthly water allocation shall be established by the District 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 District 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 District 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 District 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 Board of Directors of the District. Industrial customers must pay the following surcharges:

Customers whose allocation is 0 gallons through 20,000 gallons per month:

\$25.00 per thousand gallons for the first 1,000 gallons over allocation.

\$50.00 per thousand gallons for the second 1,000 gallons over allocation.

\$75.00 per thousand gallons for the third 1,000 gallons over allocation.

\$100.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 20,001 gallons per month or more:

\$50.00 per 1,000 gallons in excess of the allocation up through 5 percent above allocation.

\$100.00 per 1,000 gallons from 5 percent through 10 percent above allocation.

\$150.00 per 1,000 gallons from 10 percent through 15 percent above allocation.

\$200.00 per 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative.

### **Section 13: ENFORCEMENT**

- A.** No person shall 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 his/her designee, in accordance with provisions of this Plan.
- B.** Proof of a culpable mental state is not required for a conviction of an offense under this Plan. 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 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 the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

**Section 14: VARIANCES**

- A.** The District Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
- (i) 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.
  - (ii) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- B.** Persons requesting an exemption from the provisions of this Ordinance shall 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 shall be reviewed by the District Manager, or his/her designee, and shall 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 Ordinance.
  - 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.
  - 8. Other pertinent information.



- C. Until the Review Board has acted on an application, the applicant must comply with all provisions of this Plan. The Review Board may not approve a variance if the terms and conditions do not meet or exceed the purpose and intent of this Plan.
- D. If the Review Board determines there is an economic hardship, it may authorize the implementation of alternative water use restrictions that further the purposes of the Plan. The alternative water use restrictions must be set forth on the face of the variance and the Customer must keep a copy of the variance in a location that is accessible and visible to the public.
- E. The Review Board 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 of the person requesting such variance and if one or more of the following conditions are met:
  - (i) 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.
  - (ii) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- F. A fee of \$250.00 will be collected for each application for a landscape establishment permit to defray administrative costs under this section.
- G. Variances granted by the District are subject to the following conditions, unless waived or modified by the Review Board:
  - (i) Variances granted include a timetable for compliance, and
  - (ii) Variances granted expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- H. No variance may be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

**Section 15: SEVERABILITY**

It is hereby declared to be the intention of the Board of Directors 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 of this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## CERTIFICATE FOR RESOLUTION

STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS       §

The undersigned officer of the Board of Directors ("Board") of Travis County Water Control & Improvement District No. 10 hereby certifies as follows:

1. The Board of Travis County Water Control & Improvement District No. 10 ("District") convened in regular session on the 12<sup>th</sup> day of January 2022, at the District's Board Room at 5324 Bee Cave Road, Austin, Texas 78746, and the following officers and members of the Board:

Paul Barker	-	President
Jon Luce	-	Secretary/Treasurer
E.P. "Buster" McCall	-	Director
Greg Reynolds	-	Director

were present, except Director(s) \_\_\_\_\_, thus constituting a quorum. Among other business, an:

### **ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN**

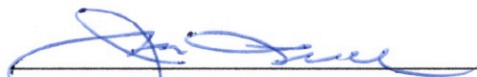
was introduced for the consideration of the Board. It was then moved and seconded that the Resolution be adopted, and, after discussion, the motion prevailed and carried by majority vote.

2. A true, full and correct copy of the Resolution adopted at the meeting described above is attached to this certificate. The Resolution has been recorded in the District's minutes of the meeting. The persons named in the paragraph above are the duly chosen, qualified and acting officers and members of the Board as indicated in paragraph 1. Each of the officers and members of the Board was notified officially and personally, in advance, of the time, place and purpose of the Board meeting and that the Resolution would be introduced and considered for adoption at the meeting. Each of the officers and members consented, in advance, to holding the meeting for such purpose. The meeting was open to the public as required by law, and public notice of the time, place and subject of the meeting was given as required by Chapter 551 of the Government Code.



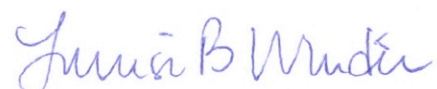
SIGNED AND SEALED the 12<sup>th</sup> day of January 2022.

(SEAL)

  
\_\_\_\_\_  
Jon Luce, Secretary  
Board of Commissioners

STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on January 12<sup>th</sup>, 2022, by Jon Luce, Secretary of the Board of Directors of Travis County Water Control & Improvement District No. 10, on behalf of the District.

  
\_\_\_\_\_  
Notary Public Signature

(seal)

