

Drought Contingency Plan For Municipal Water Use

For

Deerhaven WCID

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SAMPLE DROUGHT CONTINGENCY PLAN FOR MUNICIPAL WATER USE

1.0 Declaration of Policy, Purpose and Intent

The Lower Colorado River Authority (LCRA) provides contracts to firm customers for water supply. In cases of drought, periods of abnormally high usage or system contamination, or extended reduction in ability to supply water due to equipment failure, LCRA may require water customers to institute temporary restrictions to limit nonessential water usage. This Drought Contingency Plan (Plan) is designed to protect the available water supply and protect the integrity of water supply facilities, with regard for domestic water use, sanitation and fire protection during these periods or other water supply emergencies.

Water uses regulated or prohibited under this Plan are considered nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water.

2.0 Authorization

The designated manager or official of Deerhaven WCID 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 designated manager or official of Deerhaven WCID shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This authorization was designated as part of the plan's approval by the Deerhaven WCID's governing board (*See Appendix D*).

3.0 Public Education

The designated manager or official of Deerhaven WCID will periodically provide its employees, members, and the public with information about this Plan, including the importance of the Plan, information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use, and impending or current drought conditions.

4.0 Coordination with Regional Planning Groups

Deerhaven WCID has provided a copy of this Plan to the Lower Colorado Regional Planning Group (Region K).

5.0 Notice Requirements

Deerhaven WCID shall notify the executive director of the Texas Commission on Environmental Quality and LCRA General Manager in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

6.0 Permanent Water Use Restrictions

The following restrictions apply to all Deerhaven WCID] water utility system(s) 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) Irrigate outdoors using an automatic or manual irrigation systems or hose-end sprinklers more than twice per week or outside scheduled days and times as indicated in Appendix A.
- 2) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- 3) Operate an irrigation system:
 - with a broken head;
 - with a head that is out of adjustment and the arc of the spray head is over a street or parking area;
 - with a head that is fogging or misting because of excessive water pressure; or
 - between the hours of 10 a.m. and 7 p.m.
- 4) During irrigation, allow water:
 - to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or
 - to pool in a street or parking lot to a depth greater than one-quarter of an inch.

7.0 Initiation and Termination of Response Stages

The Deerhaven WCID's designated manager or official shall monitor water supply and demand conditions on a regular basis and shall determine when conditions warrant initiation and termination of each stage of this Plan in accordance with LCRA's Water Management Plan. Water supply conditions will be determined by the source of supply, system capacity and weather conditions. Water demand will be measured by the peak daily demands on the system.

Public notification of the initiation or termination of drought response stages shall be by a variety of ways (e.g., bill inserts, email, automated telephone calls, signs posted at entry points to the service area, social media posts, website content or a combination of these methods).

The following triggering criteria shall apply to Deerhaven WCID's water utility system(s) and customer service area.

7.1 Triggering Criteria for Initiation and Termination of Drought Response

Stages

- **Drought Contingency Plan Stage 1 - Mild Water Shortage Conditions**
 - A. **Requirements for initiation** - Customers shall be requested to adhere to the Stage 1 Drought Response Measures when one or more these criteria occur:
 - 1. Treatment Capacity:
 - For surface water systems, when total daily water demand equals or exceeds 80% of the total operating system treatment capacity for three consecutive days, or 85% on a single day
 -
 - 2. Water Supply:
 - Combined storage of lakes Travis and Buchanan falls below 1.1 million acre-feet, in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP).
 - B. **Requirements for termination** - Stage 1 of the plan may be rescinded when:
 - 1. Treatment Capacity:
 - The water treatment plant capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five consecutive days;
 - 2. Water Supply:
 - Combined storage of lakes Travis and Buchanan reaches 1.2 million acre-feet.
- (2) **STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)**
 - A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 2 Drought Response Measures when one or more of these criteria occur:
 - 1. Treatment Capacity:
 - For surface water systems, when total daily water demand equals or exceeds 93% of the total operating system treatment capacity for three consecutive days, or 95% on a single day;
 - 2. Water Supply:
 - Combined storage of lakes Travis and Buchanan falls below 900,000 acre-feet, in accordance with the LCRA DCP; or
 - On March 1 or July 1, the combined storage of lakes Travis and Buchanan is below 1.1 million acre-feet and the prior three-months of inflows cumulative total is less than the 25th percentile of historical inflows for that three-month period, in accordance with the LCRA DCP;
 - B. **Requirements for termination** - Stage 2 of the Plan may be rescinded when:

1. Treatment Capacity:
 - The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days;
2. Water Supply:
 - Combined storage of lakes Travis and Buchanan reaches 1.1 million acre-feet.

Upon termination of Stage 2, Stage 1 becomes operative unless the criteria for terminating Stage 1 is also met.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

- A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 3 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:
 - For surface water systems, when total daily water demand equals or exceeds 95% of the total operating system treatment capacity for three consecutive days, or 97% on a single day;
2. Water Supply:
 - Combined storage of lakes Travis and Buchanan falls below 750,000 acre-feet, in accordance with the LCRA DCP.

- B. **Requirements for termination** - Stage 3 of the Plan may be rescinded when:

1. Treatment Capacity:

The water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 825,000 acre-feet.

Upon termination of Stage 3, Stage 2 becomes operative unless the criteria for terminating Stage 2 is also met.

(4) STAGE 4- Critical Water Conditions

- A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 4 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:
 - Major water line breaks, loss of distribution pressure or pump system failures that cause substantial loss in the ability to provide water service.

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 600,000 acre-feet; or
- The LCRA Board of Directors declares a Drought Worse than Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.

B. **Requirements for termination** - Stage 4 of the Plan may be rescinded when:

1. Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 4 has ceased to exist for five consecutive days; or

2. Water Supply:

- LCRA announces that mandatory Stage 4 water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

Upon termination of Stage 4, Stage 3 becomes operative unless the criteria for terminating Stage 3 is also met.

(5) STAGE 5- Emergency Water Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 5 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:

- Major water line breaks, loss of distribution pressure or pump system failures that cause substantial loss in the ability to provide water service.

2. Water Supply:

- Natural or man-made contamination of the water supply source; or
- Any other emergency water supply or demand conditions that the LCRA general manager or the LCRA Board determines either constitutes a water supply emergency or is associated with a Drought Worse than Drought of Record declaration requiring the mandatory curtailment of firm water supplies at a level more severe than in Stage 4.

B. **Requirements for termination** - Stage 5 of the Plan may be rescinded when:

1. Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 5 has ceased to exist for five consecutive days; or

2. Water Supply:

- LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

Upon termination of Stage 5, Stage 4 becomes operative.

8.0 Drought Response Measures

8.1 Targets for Water-Use Reductions

(1) STAGE 1 - Mild Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Water Supply Reduction Target: Achieve a 10% reduction in water use.

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Water Supply Reduction Target: Achieve a 20% reduction in water use.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Water Supply Reduction Target: Achieve a 25% reduction in water use.

(4) STAGE 4 - Critical Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Deerhaven WCID would follow instructions from it's wholesale supplier, the City of Horseshoe Bay, should there be a major disruption in water service to customers.

Water Supply Reduction Target: Achieve a 30% reduction in water use (minimum 20%).

(5) STAGE 5 - Emergency Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Deerhaven WCID would follow instructions from it's wholesale supplier, the City of Horseshoe Bay, should there be a major disruption in water service to customers.

Water Supply Reduction Target: As determined by the LCRA Board or the City of Horseshoe Bay.

8.2 Retail Customers Measures

(1) STAGE 1 - Mild Water Shortage Conditions

A. Supply Management Measures:

1. Deerhaven WCID will review system operations and identify ways to improve system efficiency and accountability.
2. Deerhaven WCID will review this document and associated enforcement mechanisms and prepare for an increased level of enforcement.

B. Demand Management Measures:

1. Irrigation of Landscaped Areas. Irrigation of landscaped areas shall be limited to a no more than TWICE weekly watering schedule. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (See Appendix A - Deerhaven WCID Water System - Recommended Watering Schedule.)
2. Deerhaven WCID will ask customers to comply with the remaining water-use restrictions outlined in Stage 1 of the Plan.
3. Deerhaven WCID will actively share drought-related information and the need to conserve.
4. If appropriate, Deerhaven WCID] will explore ways to implement permanent water efficiency ordinances relating to uses such as vehicle washing facilities, pressure washing equipment, drought-tolerant landscaping for all new landscapes and irrigation evaluations for large properties.

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

C. Supply Management Measures:

1. Apply all water-use restrictions prescribed for Stage 2 of the Plan for Deerhaven WCID's utility-owned facilities and properties.
2. Deerhaven WCID will explore ways to reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate.
3. Deerhaven WCID will actively share drought-related information, including current and projected water supply conditions, water supply restrictions and the need to conserve to its retail customers, including publicly posting notice of entering or exiting Stage 2 on Deerhaven WCID's website.
4. Deerhaven WCID will actively enforce the irrigation watering restrictions.

D. Demand Management Measures:

Under threat of penalty, the following water-use restrictions shall apply to all retail water customers:

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic or manual irrigation systems shall be limited to no more than ONCE weekly as determined by Deerhaven WCID. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (*See Appendix A)-Deerhaven WCID Water System - Recommended Watering Schedule.*)
- b. Outdoor watering hours will be limited to **15 hours** per day before 10 a.m. and after 7 p.m. on designated days as determined by *Deerhaven WCID* (see recommended schedule in Appendix A). This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. a hand-held hose with a positive shut-off device; or
 - ii. a faucet-filled bucket or watering can of 5 gallons or less.
 - iii. Drip/soaker hose
- c. New landscapes may be installed and revegetation seeding performed under these specific criteria:
 - i. A completed variance form for new landscapes has been submitted to the *Deerhaven WCID* and has been approved prior to the installation of the landscape, or re-vegetation seed application.
 - ii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
 - iii. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
 - iv. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the permanent water use restrictions under Section 9.2 of this plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).
 - v. New landscapes may only be installed if no more than 50% of the new irrigated landscaped area is water-conserving natural turf and only drought-tolerant or native plants are installed.

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering day before 10 a.m. or after 7 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle may be washed anytime at a commercial car wash facility or commercial service station. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

- a. Filling a pool or refilling a drained pool is prohibited during this stage. Water haulers will be required during this stage.

Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:

- i. Draining excess water from pool due to rain in order to lower water to maintenance level;
 - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
 - iii. Repair of a pool leak.
- b. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact and for maintenance as outlined above.

4. Outside Water Features:

- a. Operation of outside water features except for ornamental fountains with a 4-inch emission or fall of water¹ that are recirculating is prohibited except where such features are used for aeration necessary to sustain aquatic life or maintain water quality. (This provision includes recirculating fountains associated with aesthetic ponds and swimming pools unless required for filtration).
- b. Operation of outdoor misting systems at a commercial facility is allowed only between 4 p.m. and midnight.
- c. Splash pad type fountains must be recirculating and should have an automatic timer shut-off feature when not in use unless public health and safety is compromised by installing a shut-off feature.

5. Ponds:

Ponds used for aesthetic, amenity and/or storm water purposes may maintain water levels only as necessary to preserve the integrity of the liner and operating system. *Deerhaven WCID* may request specific design documentation regarding a pond and the intended purpose.

6. Events:

Events involving the use of water such as: car washes, festivals, parties, water slides and other activities involving the use of water are permitted, if the water being used drains to a recirculating device or onto a pervious surface to prevent water waste.

- a) A charity car wash may not be conducted unless it occurs at a commercial vehicle washing facility.

¹ Adopted from the City of Austin's 2012 Drought Contingency Plan update, which went through an extensive public input process. This measure was proposed by the fountain industry through that process.

7. Fire Hydrants:

Use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains and car washing. Water should be transported only for the purpose of firefighting or providing minimal water needed for indoor use where auxiliary sources are inadequate and activities necessary to maintain public health, safety and welfare, or for construction use. Transport of water other than for firefighting requires a variance and a meter.

8. Water Waste

The following nonessential uses of water are prohibited during periods in which restrictions are in effect:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts and other impervious surfaces is prohibited except for immediate health and safety.
- b. Use of water to wash buildings, houses or structures with a pressure washer is restricted to equipment that is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per minute and employing a working trigger shut-off with a protective weep mechanism. Use of water to wash buildings with a hand-held hose with a positive shut-off nozzle is allowed.
- c. Use of water to control dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

A. Supply Management Measures:

1. *Deerhaven WCID* will aggressively reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate for the utility system.
2. *Deerhaven WCID* will actively share drought-related information, including the current and projected water supply conditions, water supply restrictions and the need to conserve to its retail customers including publicly posting notice of entering or exiting Stage 3 on *Deerhaven WCID's* website.
3. In addition to measures implemented in the preceding stages of the plan, *Deerhaven WCID* will explore additional emergency water supply options.

B. Demand Management Measures: Under threat of penalty, all retail customers are required to further reduce nonessential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions.

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with automatic or manual irrigation systems or hose-end sprinklers are prohibited.
- b. Outdoor watering hours for hand-held watering will be limited to 6 hours a day, 7am to 10am and 7pm to 10pm on designated days as determined by Deerhaven WCID (*see recommended schedule in Appendix A*). The allowed methods of irrigation of landscaped areas are:
 - i. a hand-held hose with a positive shut-off device;
 - ii. a faucet-filled bucket or watering can of 5 gallons or less;
 - iii. a soaker hose; or
 - iv. tree gator watering bags.
- c. New landscapes may only be installed if:
 - i. a 30-day watering schedule variance has been applied for and accepted by the General Manager or approved in a regular Board meeting;
 - ii. no more than 25% of the new irrigated landscaped area is natural turf. Turf must be water-conserving;
 - iii. only drought-tolerant or native plants are installed; and
 - iv. sprinkler irrigation is prohibited in planting beds.
- d. Revegetation of disturbed areas due to construction is allowed, if required by local, state, or federal regulations. A temporary watering variance must be granted by the General Manager or approved in regular Board meeting.

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited.

3. Pools:

Installation of swimming pools is prohibited except when equipped with an automatic pool cover, but must be filled by a water hauler. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

4. Outside Water Features:

- a) Operation of ornamental fountains is prohibited.
- b) Operation of outside water features, is only allowed when such features are used for aeration necessary to sustain aquatic life or maintain water

quality. (This provision includes fountains associated with aesthetic ponds and swimming pools.)

- c) Operation of residential aesthetic or recreational devices such as water slides is prohibited.
- d) Operation of outdoor misting systems at a commercial facility is allowed only between 4 and 8 p.m.

5. Ponds:

Ponds used for aesthetic, amenity and/or stormwater purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system and meet the LCRA Highland Lakes Watershed Ordinance or other applicable non-point source pollution regulation. Deerhaven WCID may request specific design documentation regarding a pond and the intended purpose.

6. Golf Course:

Golf courses receiving any amount of treated water from a Deerhaven WCID utility must either develop a drought contingency plan in accordance with Deerhaven WCID Drought Contingency Plan and implement its Stage 3 mandatory restrictions in conjunction with the water provider or adopt the LCRA sample golf course drought contingency plan.

7. Events:

Events involving the use of water such as car washes, festivals, parties, water slides, and other activities involving the use of water are prohibited.

8. Recreational areas (includes municipal parks and common areas):

Irrigation of recreational areas with potable water must follow the six-hour weekly irrigation schedule outlined in section B1, and watering of recreational areas should be prioritized by frequency of use. Unnecessary foot traffic should be discouraged. Watering using an auxiliary source such as recycled water is exempt from these restrictions.

9. Water Waste:

The following additional nonessential uses of water are prohibited at all times during periods in which restrictions have gone into effect

- a) Pressure washing is prohibited but variances may be granted by the General Manager or approved in a regular Board meeting, on the designated watering day for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut-off.

(4) STAGE 4 – Critical Water Shortage Conditions

Under threat of penalty for violation, all retail customers are required to reduce non-essential water uses during an emergency. All requirements of stages 1 through 3 are also in effect during Stage 4, with the following modifications and additions:

- A. Irrigation of ornamental turfgrass is prohibited. The use of hose-end sprinklers and automatic irrigation systems, including drip irrigation, are prohibited except as provided under item B below.
- B. Irrigation of foundations, trees and vegetable gardens is allowed with a hand-held hose with a working on/off nozzle, bucket, drip irrigation or soaker hoses irrigation only for **six hours** between the hours of 7 a.m. and 10 a.m. or 7 p.m. and 10 p.m. one day per week on the designated outdoor water use day as determined by Deerhaven WCID.
- C. New landscapes irrigated with spray irrigation are prohibited. New irrigated turf grass is prohibited. Deerhaven WCID may issue new landscape variances for planting beds installed with drought-tolerant or native plants specified in the Grown Green Plant Guide as having low or very low water needs (<http://austintexas.gov/department/grow-green/plant-guide>) and irrigated with point source drip irrigation or hand-held hose.
- D. Use of water to operate outside water features, including fountains, outdoor misting systems and splash pads, is prohibited.
- E. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except as required for public health and safety purposes. Commercial car washing facilities, except facilities that recycle water, may operate for health and safety purposes only.
- F. Golf courses receiving any amount of treated water from a Deerhaven WCID utility must either develop a drought contingency plan in accordance with Deerhaven WCID Drought Contingency Plan and implement its Stage 4 mandatory restrictions in conjunction with the water provider or adopt the LCRA sample golf course drought contingency plan.
- G. The filling or replenishing of single-family residential swimming pools is only allowed if the pool is covered with a pool cover when not in use.
- H. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact.

Upon declaration of Stage 4, water use restrictions outlined in Stage 4 shall immediately apply.

(5) STAGE 5 – Emergency Water Shortage Conditions

Under threat of penalty for violation, all retail customers are required to reduce non-

essential water uses during an emergency. All requirements of Stages 1 through 4 are also in effect during Stage 5, with the following modifications and additions:

- A. All Irrigation of landscaped areas is prohibited including drip/soaker hose and hand-held watering.
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. This activity is only exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.
- C. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare.
- D. No applications for new, additional, expanded or larger water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

Upon declaration of Stage 5, water use restrictions outlined in Stage 5 shall immediately apply.

If Stage 5 is declared, Deerhaven WCID has identified and will initiate the following emergency interconnects and/or alternative water supply arrangements:

- *Additional measures may be added as needed.*

9.0 Enforcement

9.1 Enforcement Provisions

The following enforcement provisions shall apply to all Deerhaven WCID water customers:

- X *Appendix B – Enforcement Provisions for Water Districts*

9.2 Variances

- (1) Except as limited in other sections Deerhaven WCID's General Manager may grant variances for:
 - A. Temporary watering schedules for new landscapes that use drought-resistant landscaping or water-conserving natural turf. Temporary watering schedule variances also are allowed for revegetation of disturbed areas due to construction, or if required by local, state, or federal regulations. Temporary

watering schedule variances shall include the following limitations:

- A 30-day temporary watering schedule must be applied for and issued before the irrigation may begin;
- Days 1 thru 10: Automatic irrigation or hose-end sprinklers are allowed every day except between the hours of 10 a.m. and 7 p.m.;
- Days 11-20: Automatic irrigation or hose-end sprinklers are allowed every other day except between the hours of 10 a.m. and 7 p.m.;
- Days 21-30: Automatic irrigation or hose-end sprinklers are allowed every third day except between the hours of 10 a.m. and 7 p.m.; and
- Day 31: User return to the watering schedule as defined in Appendix A.
- Hand watering is allowed anytime with a hose equipped with a positive shut-off nozzle.

B. Exemption from specific applications of the outdoor water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering.

C. Allowing the use of alternative water sources (i.e., groundwater, reclaimed wastewater) that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted to staff and need not meet the requirements of subsection below.

(2) The general manager, or his designee, may grant in writing temporary variances for existing water uses otherwise prohibited under this plan if it is determined that failure to do so would cause an emergency adversely affecting public health, sanitation or fire protection, and if one or more of the following conditions are met:

A. Compliance with this plan cannot be accomplished during the duration of the time the plan is in effect; or

B. Alternative methods can be implemented that will achieve the same level of reduction in water use.

(3) Persons requesting a variance from the provisions of this plan shall file a petition for variance with Deerhaven WCID any time the plan or a particular drought response stage is in effect. The general manager or his designee will review petitions for variances. The petitions shall include the following:

- Name and address of the petitioner;
- Purpose of water use;
- Specific provision of the plan from which the petitioner is requesting relief;
- Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this plan;
- Description of the relief requested;
- Period of time for which the variance is sought;
- Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date; and
- Other pertinent information.

- (4) Variances granted by Deerhaven WCID shall be subject to the following conditions, unless waived or modified by the general manager, or his designee:
 - A. Variances granted shall include a timetable for compliance.
 - B. Variances granted shall expire when the plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (5) No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

9.3 Plan Updates

The plan will be reviewed and updated as needed to meet both TCEQ and LCRA drought contingency plan rules.

Appendix A – Mandatory Watering Schedules

Permanent mandatory watering schedule

Deerhaven WCID Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **TWICE per week** for up to **15 hours** and only during scheduled days and times as indicated below:

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Tuesdays and Fridays

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Stage 2 mandatory watering schedule

Deerhaven WCID Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** and only during scheduled days and times as indicated below.

Residential

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Commercial/HOAs (including large landscapes such as HOA common areas and public schools)

Tuesdays

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Stage 3 mandatory watering schedule

Deerhaven WCID

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per WEEK** for up to **six hours** during scheduled days and times as indicated below.

Residential

Odd number addresses: Wednesdays
Even number addresses: Thursdays

Commercial/HOAs (including large landscapes such as HOA common areas)
Tuesdays

Watering Hours

Automatic irrigation systems: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.
Hose-end irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.
Hand-held irrigation: Before 10 a.m. and after 7 p.m.

Stage 4 mandatory watering schedule

Deerhaven WCID

Irrigate outdoors using only a soaker hose, point-source drip irrigation, tree gator watering bags, hand-held watering or a bucket for areas not defined as ornamental landscaping no more than **ONCE per week** for up to **six hours** only during scheduled days and times as indicated below.

Residential

Odd number addresses: Wednesdays
Even number addresses: Thursdays

Commercial (including large landscapes such as HOA common areas)
Tuesdays

Watering Hours

Soaker hose, hand-held water or bucket irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Appendix B – Enforcement Provisions for Water Districts

Enforcement for Retail Customers

The following enforcement provisions shall apply to all Deerhaven WCID retail water customers:

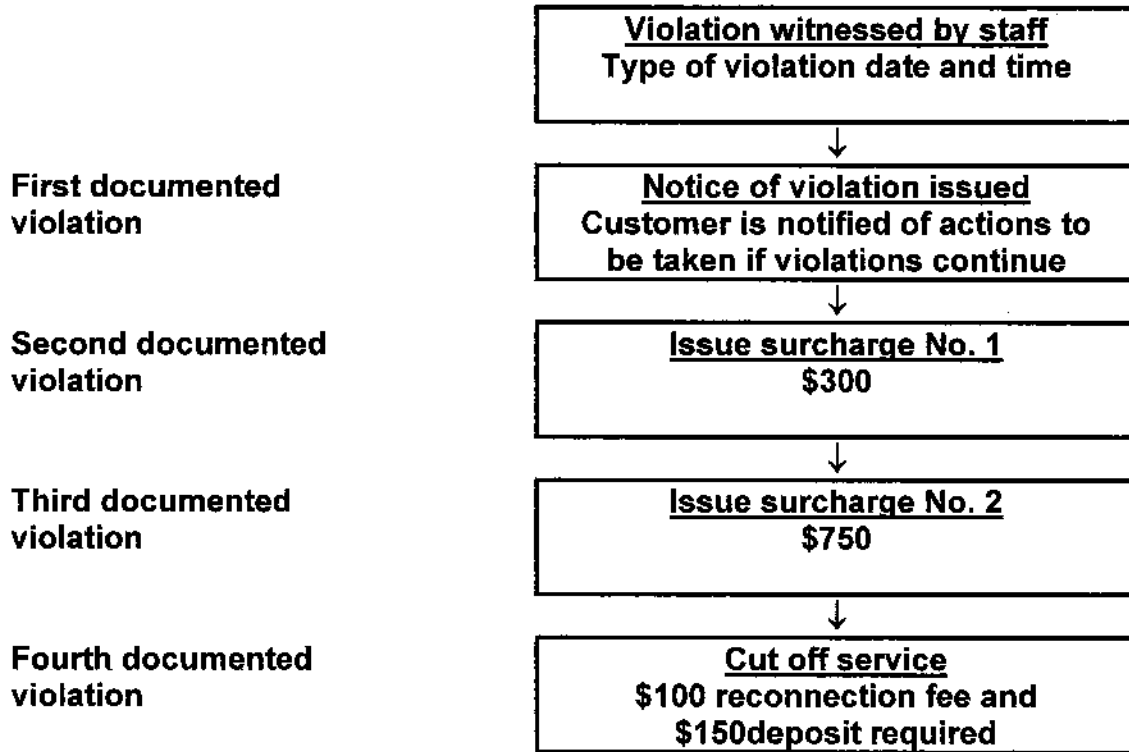
- (1) No person shall knowingly or intentionally allow the use of water from Deerhaven WCID for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- (2) 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, and surcharges and restrictions on service that may result from additional violations.
 - 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 \$300.
 - 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 \$750.
 - D. Following the fourth documented violation, Deerhaven WCID shall, upon due notice to the customer, 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 \$100, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$150 must be given to Deerhaven WCID so that the same action shall not be repeated while the plan is in effect. Deerhaven WCID may apply the deposit to any surcharges or penalties subsequently assessed under this plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.
 - E. Compliance with this Plan also may be sought through injunctive relief in district court.
- (3) 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 Deerhaven WCID, 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 they did not commit the violation. (*See enforcement process diagram in Appendix C - Drought Response Retail Enforcement Process.*)

Legal Authority applicable to Water Districts in Regard to Drought Contingency Plan Enforcement

Please note that the following list is not intended to be exhaustive, and statutes listed below may not apply to all water districts. Citations below may change following the publication date of this DCP template. Each water district is encouraged to consult with legal counsel in regard to enforcement of drought contingency plans and specific enforcement authority available to each water district.

- Texas Water Code sec. 49.004
- Texas Water Code sec. 49.212
- Texas Water Code Chapter 51, Subchapter D
- Texas Water Code Chapter 54, Subchapter D
- Texas Water Code Chapter 55, Subchapter E
- Texas Water Code sec. Chapter 65, Subchapter D

Appendix C – Drought Response Retail Enforcement Process for Water Districts and Investor-Owned Utilities



Appendix D – Authorization to Implement and Approve Drought Contingency Plans

General Manager – AWR Services, Inc.

The Board of Directors – Deerhaven WCID

Tim Dykes – President

David Wuest

Joe Becraft

Lois Girten

Larry Lawrence

