

THE DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-A
ORDER AMENDING A DROUGHT CONTINGENCY PLAN PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE FOR DENTON COUNTY FRESH WATER SUPPLY DISTRICTS
1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, AND 1-H (the "Districts")

THE STATE OF TEXAS
COUNTY OF DENTON

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WHEREAS, Pursuant to Section 11.1272, Texas Water Code, the Board of Directors (the "Board") of Denton County Fresh Water Supply District No. 1-A (the "District" or "District 1-A") is required to establish and enforce a drought contingency plan for the District facilities or services and for the other Districts for which it acts as General Manager with responsibility to operate, maintain, and manage the water supply facilities serving the Castle Hills community;

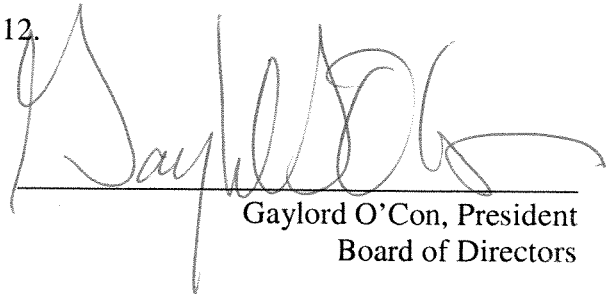
IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF Denton County Fresh Water Supply District No. 1-A that;

SECTION 1: The Drought Contingency Plan, attached as EXHIBIT "A" is established.

SECTION 2: If any provision, section, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Order or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Directors of the District in adopting this Order, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 3: The Secretary of the Board is hereby directed to file a copy of this Order in the principle office of the District. This Order shall be and remain in full force and affect from and after the date of filing.

PASSED AND APPROVED THIS 21st day of February 2012.


Gaylord O'Con, President
Board of Directors

Attest:



Scott Beard, Secretary
Board of Directors



EXHIBIT "A"
DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-A
DROUGHT CONTINGENCY PLAN FOR DENTON COUNTY FRESH WATER SUPPLY DISTRICTS 1-A,
1-B, 1-C, 1-D, 1-E, 1-F, 1-G, AND 1-H (the "Districts")

I. Approval of the Plan

- A. The Board of Directors hereby amends the Drought Contingency Plan (the "Plan") for Denton County Fresh Water Supply District No. 1-A (the "District" or "District 1-A") as the General Manager and Operator of the facilities for the Districts as set forth below. The Board of Directors commits to implement the program according to the procedures set forth in this Plan.

II. Declaration of Policy, Purpose, and Intent

- A. In order to conserve the available water supply and protect the integrity of the 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 a water supply shortage or other water supply emergency conditions, the District hereby adopts the following regulations and restrictions in the Amended Drought Contingency Plan delivery and consumption of water (the "Plan" or the "Order").
- B. The strategies offered in the Plan are based on current projected water availability. It should be noted that the effectiveness of the Plan is impacted by the availability and allocation of the water supply during drought conditions and the level of customer compliance with the strategies offered in the Plan. The water supply availability is dependent upon the draw by current and future users of the water. These factors are dynamic and, if circumstances warrant, modifications to the strategies offered in the Plan may be necessary. Therefore, this Plan gives the Denton County Fresh Water Supply District 1-A General Manager, or his/her designee, the authority to modify the strategies in the Plan as conditions warrant.
- C. Water uses regulated or prohibited under this 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 this Plan.

III. Public Involvement

- A. The opportunity for the public to provide input into the preparation of the Plan was provided by District 1-A by means of:
 - 1. Providing written public notice that a Drought Contingency Plan is being prepared;
 - 2. Providing a copy of the draft version of this plan to any person(s) who requested it; and
 - 3. Convening a public meeting to accept input on the Plan on August 18th 2009.

IV. Public Education

- A. 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, but not limited to, an appropriate combination of the following items:
 - 1. District utility bill inserts;
 - 2. Public meetings and hearings;

3. Mass mailings of fact sheets, newsletters, brochures, and/or pamphlets;
4. Website information on Water Conservation/Drought Contingency;
5. Public events;
6. Press releases and media alerts;
7. Newspaper and magazine articles and announcements; or
8. Radio and/or television public service announcements.

V. Coordination with Providers

- A. The District receives water from the Upper Trinity Regional Water District and the City of Lewisville (collectively the “Providers”), which requires compliance with the Providers drought planning and conservation levels. The District has provided a copy of this Plan to the Providers and will notify the Providers as to any change(s) in District 1-A’s water conservation levels as identified in this Plan.

VI. Authorization

- A. The District 1-A General Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District 1-A General Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The General Manager, or his/her designee, is hereby authorized to update this Drought Contingency Plan, as necessary, to stay in compliance with Local, State, and Federal guidelines including, but not limited to, the Texas Water Development Board (the “TWDB”) regarding the same.

VII. Application

- A. 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.

VIII. Definitions

For the purpose of this Plan, the following definitions shall apply:

- A. Allowed Watering Hours: the hours between 12:00 a.m. (midnight) and 10:00 a.m. and between 6:00 p.m. and 11:59 p.m. No Landscape Irrigation Use or Non-Essential Water Use is allowed between the hours of 10:00 a.m. and 6:00 p.m. in accordance with the current Stage.
- B. Commercial and Institutional Water Use: water use which is integral to the operations of governmental and non-profit establishments and commercial entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- C. 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.
- D. Customer: any person, company, entity, or organization using water supplied by the District.

- E. Delivery Capacity: refers to the maximum amount of water that can be delivered to customers when considering the limitation of the system components such as sources, storage, transmission, or distribution, individually and in combination with each other when operating at their designed capacity.
- F. Designated Watering Days: refers to the two (2) specific days of the week in which a Customer is allowed Outdoor Water Use based on the Odd-Numbered Address or Even-Numbered Address of such customer, based on the current Stage.
- G. 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.
- H. Drought Contingency Plan: a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies. This document is the Drought Contingency Plan.
- I. Even-Numbered Address: street address or box number ending in 0, 2, 4, 6, or 8 and locations without an address. Apartments, office building complexes, or other property containing multiple addresses may be identified by the lowest address number.
- J. General Manager: the Denton County Fresh Water Supply District 1-A General Manager, or his/her designee, authorized as the Manager and Operator of the facilities for the Districts.
- K. Industrial Water Use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- L. 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, rights-of-way, and medians.
- M. Modified Designated Watering Days: refers to the one (1) specific day of the week in which a Customer is allowed Outdoor Water Use based on the Odd-Numbered Address or Even-Numbered Address of such customer, based on the current Stage.
- N. Non-Essential Water Use: water uses that are not essential nor required for the protection of public health, safety, and welfare, including:
 - 1. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
 - 2. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 3. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - 5. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, Jacuzzi-type pools, or water toy attached to or filled with a hose using Potable Water;
 - 6. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- O. Non-Potable Water: water that is not intended or suitable for drinking and has not been approved for human consumption.

- P. Non-Potable Water Customer: any person, company, or organization buying non-potable water from the District.
- Q. Odd-Numbered Address: street address or box number ending in 1, 3, 5, 7, or 9, Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- R. Outdoor Water Use: includes, Landscape Irrigation Uses and Non-Essential Water Use, and other uses not immediately useful for the maintenance of health and safety conditions.
- S. Potable Water: water that is suitable for drinking by the public.
- T. Reduced Delivery Capacity: refers to the maximum amount of water that can be delivered to customers when considering reductions of delivery capacity based on scheduled shutdowns of infrastructure and/or unforeseen shutdowns of infrastructure, such as line breaks, equipment failure, etc.
- U. Retail Customers: non-wholesale customers.
- V. Stage: shall mean Stage 1, Stage 2, Stage 3, or Stage 4 as defined in this Plan.
- W. Standard: the minimum maintenance requirements for preventing Waste Water and promoting the water conservation methods in this Plan including, but not limited to:
 1. Landscape irrigation systems maintained in such a manner as to prevent sprinkler heads from spraying water onto driveways, streets, alleys, sidewalks, and patios;
 2. Repair of controllable leak(s) of Potable Water, within a reasonable period of time;
 3. The use of hand-held hoses equipped with an automatic shut-off nozzle.
- X. Waste Water: shall mean any uncontrolled use of water through an allowable or non-allowable use that constitutes a waste of Potable water as defined by the General Manager.
 1. Failure to repair a controllable leak(s) of Potable Water, within a reasonable period of time, whether having been given notice directing the repair of such leak(s) or not;
 2. The use of hand-held hoses NOT equipped with an automatic shut-off nozzle.

IX. Initiation and Termination Triggering Criteria

The General Manager, or his/her designee, reserves the authority to recommend that a Stage be initiated based on time of year, weather conditions, total water supply availability, anticipation of replenished water supplies, or anticipation that facilities will soon come on-line to increase water supply and/or distribution capacity.

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

X. Stage 1 - Water Wise

MILD Water Shortage Conditions - **Voluntary Participation**

- A. Requirements For Initiation: Customers shall be requested to voluntarily conserve water and comply with the requirements and restrictions of certain Outdoor Water Use provided in Section VIII of this Plan when:

1. The average daily water consumption/demand reaches ninety percent (90%) of rated production/delivery capacity for three (3) consecutive days; or
 2. Weather conditions persist. Weather conditions are to be considered in determining severity of drought classification. Predicted water unavailability, long cold, hot, or dry periods need to be considered in impact analysis.
- B. Goal: Achieve a voluntary three percent (3%) reduction in daily water demand.
- C. Supply Management Measures: The following describes measures, if any, to be implemented by the District to manage limited water supplies and/or reduce water demand. Those measures include, but are not limited to reduced or discontinued flushing of water mains; activation and use of an alternative supply source(s); and/or use of reclaimed water for non-potable purposes.
- D. Voluntary Water Use Restrictions:
1. Limit Outdoor Water Use between the hours of 10:00 a.m. and 6:00 p.m. except for hand-held hoses equipped with an automatic shut-off nozzle, when flow is not needed.
 2. Participate in an address based, water use schedule:
 - i. Addresses ending with an Odd-Numbered Address are encouraged to limit Non-Essential Water Use, Landscape Irrigation Use, and Outdoor Water Use to Tuesday and Saturday.
 - ii. Addresses ending with an Even-Numbered Address are encouraged to limit Non-Essential Water Use, Landscape Irrigation Use, and Outdoor Water Use to Thursday and Sunday.
 - iii. No Outdoor Water Use on Mondays, Wednesdays, and Fridays.
 3. Adjust sprinkler heads to avoid water loss on streets, alleys, sidewalks, and patios; and
 4. Reduce frequency of washing or rinsing vehicles. Use of faucet-filled buckets and hand-held hoses equipped with an automatic shut-off nozzle is recommended.
- E. Requirements For Termination: Stage 1 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination. However, the District requests continued voluntary water conservation efforts upon termination of Stage 1.

XI. Stage 2 - Water Watch

MODERATE Water Shortage Conditions - **Mandatory Participation**

- A. Requirements For Initiation: Customers shall be required to comply with the requirements and restrictions in Stage 1 as well as additional requirements for Stage 2 of this Plan when:
1. The average daily water consumption/demand reaches one-hundred (100%) of rated production/delivery capacity for a period of three (3) consecutive days; or
 2. Daily water storage capacity (water level in District or Provider tanks) is not being maintained.
- B. Goal: Achieve a ten percent (10%) reduction in daily water demand.

C. Supply Management Measures: The following describe measures, to be implemented by the District, to manage limited water supplies and/or reduce water demand. Those measures include, but are not limited to, reduced or discontinued flushing of water mains; reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); and use of reclaimed water for non-potable purposes. All operations of the District shall adhere to water use restrictions prescribed for Stage 2 of the Plan. All requirements of Stage 1 shall remain in effect during Stage 2.

D. Mandatory Water Use Restrictions: Customers are required to continue all measures of Stage 1, plus adhere to the mandatory measures to conserve water and to comply with restrictions on certain water uses provided below:

1. Landscape Irrigation Use with hose-end sprinklers, automatic irrigation systems, and hand-held hoses equipped with an automatic shut-off nozzle is limited to the following Designated Watering Day schedule:
 - i. Addresses ending with an Odd-Numbered Address shall be limited to Tuesday and Saturday, during the Allowed Watering Hours.
 - ii. Addresses ending with an Even-Numbered Address shall be limited to Thursday and Sunday, during the Allowed Watering Hours.
 - iii. No Landscape Irrigation Use on Mondays, Wednesdays, and Fridays.
2. Non-Essential Water Use shall be limited to the following Designated Watering Day schedule, during the Allowed Watering Hours:
 - i. Addresses ending with an Odd-Numbered Address shall be limited to Tuesday and Saturday, during the Allowed Watering Hours.
 - ii. Addresses ending with an Even-Numbered Address shall be limited to Thursday and Sunday, during the Allowed Watering Hours.
 - iii. No Non-Essential Water Use on Mondays, Wednesdays, and Fridays.
3. The washing of individual vehicles may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, this restriction does not apply to the washing of vehicles or any other type of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing. Charity car washes are prohibited.
4. Use of water for the irrigation of golf course greens, tees, and fairways with Potable Water is prohibited except on Designated Watering Days between the hours 6:00 p.m. and 12:00 midnight. These restrictions do not apply to the irrigation of any golf course that uses wastewater effluent, ground water, or raw water.

E. Exemptions:

1. Foundations may be watered on any day of the week, during the Allowed Watering Hours only, with a soaker hose or a drip irrigation system.
2. Use of water from hydrants is 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 granted permission through a variance from the General Manager, or his/her designee. See Section XVI of this Plan for further variance requirements and/or restrictions.

- F. Requirements For Termination: Stage 2 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination. Upon termination of Stage 2, Stage 1 becomes operative.

XII. Stage 3 - Water Warning

SEVERE Water Shortage Conditions - Mandatory Participation

- A. Requirements For Initiation: Customers shall be required to comply with the requirements and restrictions in Stage 1 and Stage 2, as well as additional requirement for Stage 3 of this Plan when:
1. The average daily water consumption/demand reaches one-hundred-five percent (105%) of rated production/delivery capacity for three (3) consecutive days; or
 2. System demand exceeds available pump capacity; or
 3. Any mechanical failure of pumping equipment which will require more than 12 hours to repair, which causes unprecedented loss of capability to provide water service.
 3. Water system is contaminated, whether accidentally or intentionally. Severe condition (Stage 4) is reached immediately upon detection; or
 4. Water system fails - from acts of God (tornadoes, hurricanes) or man. Severe condition (Stage 4) is reached immediately upon detection; or
- B. Goal: Achieve a fifteen percent (15%) reduction in daily water demand.
- C. Supply Management Measures: The following describe measures, to be implemented by the District, to manage limited water supplies and/or reduce water demand. Those measures include, but are not limited to, discontinued flushing of water mains except when necessary for reasons of health or safety; and discontinued irrigation of public landscaped areas except when such areas are irrigated with wastewater effluent, ground water, or raw water. All operations of the District shall adhere to the water use restrictions prescribed for Stage 3 of the Plan. All requirements of Stage 1 and Stage 2 shall remain in effect during Stage 3.
- D. Mandatory Water Use Restrictions: Under threat of penalty for violation, the following additional water use restrictions shall apply to all persons:
1. Landscape Irrigation Use with an automatic irrigation system or hand-held hoses equipped with an automatic shut-off nozzle is limited to the Modified Designated Watering Day schedule.
 - i. Addresses ending with an Odd-Numbered Address shall be limited to Tuesday.
 - ii. Addresses ending with an Even-Numbered Address shall be limited to Thursday.
 - iii. No Outdoor Water Use on Mondays, Wednesdays, Fridays, Saturdays, or Sundays.
 2. The use of hose-end sprinklers is prohibited;
 3. The use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other types of mobile equipment, not occurring on the immediate premises of a commercial car wash or a commercial service station, are prohibited;
 4. The watering of a golf course is prohibited unless the golf course utilizes a water source other than

Potable Water;

5. The filling, refilling, or adding of potable water to swimming pools, wading pools, or Jacuzzi-type pools is limited to the Modified Designated Watering Day schedule:
 - i. Addresses ending with an Odd-Numbered Address shall be limited to Tuesday.
 - ii. Addresses ending with an Even-Numbered Address shall be limited to Thursday.
 - iii. No water use on Mondays, Wednesdays, Fridays, Saturdays, or Sundays.
6. No new landscapes of any type may be installed; and

E. Exemptions:

1. 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; or

F. Requirements For Termination: Stage 3 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination. Upon termination of Stage 3, Stage 2 becomes operative.

XIII. Stage 4 Triggers - Emergency

EMERGENCY Water Shortage Conditions - **Mandatory Participation**

A. Requirements For Initiation: Customers shall be required to comply with the requirements and restrictions in Stage 1, Stage 2, and Stage 3, as well as additional requirements for Stage 4 of this Plan when:

1. Major water line breaks; or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. The average daily water consumption/demand reaches one-hundred-ten percent (110%) of rated production/delivery capacity for three (3) consecutive days; or
3. Water system is contaminated, whether accidentally or intentionally. Severe condition is reached immediately upon detection; or
4. Water system fails - from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection.

B. Goal: Achieve a twenty percent (20%) reduction in daily water demand.

C. Supply Management Measures: The following describe measures, to be implemented by the District, to manage limited water supplies and/or reduce water demand. Those measures include, but are not limited to, discontinued flushing of water mains except when necessary for reasons of health or safety; discontinued irrigation of public landscaped areas except when such areas are irrigated with wastewater effluent, ground water, or raw water. All requirements of Stage 1, Stage 2, and Stage 3 shall remain in effect during Stage 4.

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

1. Non-Essential Water Use shall **NOT** be allowed except the washing of vehicles listed in Stage 2, to protect public safety and health, may only occur between 6:00 a.m. and 10:00 a.m.;
 2. Landscape Irrigation Use shall **NOT** be allowed;
 3. Existing pools may add water to replace losses during normal use and to replace evaporation in order to maintain proper water quality and property operation of the pool equipment only, on the Modified Designated Watering Day schedule as listed in Stage 3.
 4. Filling or refilling new or existing swimming pools, wading pools, and Jacuzzi type pools is prohibited;
 5. Permitting of new construction for swimming pools, Jacuzzi type pools, ornamental ponds, and fountains is prohibited;
 6. Use of water from hydrants is limited to fire fighting related activities or other activities necessary to maintain public health, safety, and welfare only.
- E. Requirements For Termination: Stage 4 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination. Upon termination of Stage 4, Stage 3 becomes operative.

XIV. Notification of Drought Stages

- A. The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section IX of this Plan, shall determine that a Stage 1, Stage 2, Stage 3, or Stage 4 water shortage condition exists and shall implement the following notification procedures upon initiation or termination of drought stages:
1. Notification of the Public - The General Manager, or his/her designee, shall notify the public, by means of actions upon publication of notice, as appropriate, and/or by direct notification to respective drought stages by means of:
 - i. Publication in a newspaper of general circulation; or
 - ii. Hand delivered and/or direct mailing of notices to each customer; or
 - iii. Signs posted in public places; or
 - iv. Take-home fliers at schools; and/or
 - v. Other means to be determined by the General Manager, or his/her designee.
- B. Additional Notification - The General Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals and entities, as appropriate, to respective drought stages:
1. Members of the Board of Directors of District 1-A;
 2. Fire Chief(s);
 3. City and/or County Emergency Management Coordinator(s);
 4. State Disaster District/Department of Public Safety;

5. TCEQ (required when mandatory restrictions are imposed);
6. Critical water users, i.e. hospitals; and
7. Director of Operations.

XV. 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 the General Manager, or his/her designee, in accordance with the provisions of this Plan and the following sequence:
1. On the first violation, Customer(s) will be notified by a sign, door-hanger, or letter that they have violated the mandatory water use restriction;
 2. On the second violation, the District may request the Customer(s) to disconnect its irrigation system or other source of the violation; if the Customer(s) does not comply with the request of the District, a Violation Fee (the "Violation Fee") of one-hundred dollars (\$100.00) may be charged. The Violation Fee, after written notice, will be applied to the Customers water billing account and shall be due in accordance with the monthly billing and payment requirements. Failure to pay the Violation Fee will result in discontinued water service to the premises where the violation occurred.
 3. On the third violation, the District may, after 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 re-connection charge, hereby established at fifty dollars (\$50.00) and any other costs incurred by the District in discontinuing service. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in a municipal court;
 4. Any person(s), 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; and
 5. The General Manager, or his/her designee, may issue a Violation Fee to a person(s) he/she reasonably believes to be in violation of this Plan. The violation shall be prepared in duplicate and shall contain the name and address(es) of the alleged violator, if known, and a description of the violation. The alleged violator shall be delivered a copy of the violation. Service of the violation shall be complete upon delivery of the violation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. If the alleged violator does not dispute the violation within 10 business days from the date of the violation(s), the violation(s) will be deemed valid and any Violation Fee shall be due.

- B. In the event that severe water shortage conditions persist (Stage 3) for an extended period of time, the District Manager, or his/her designee, upon recommendation of the Board of Directors, may order water rationing and/or terminate service to select Customers of the system in accordance with the following sequence:
1. Recreational users;
 2. Commercial users;
 3. School users;
 4. Residential users; and
 5. Hospitals, public health and safety facilities.

XVI. Variances

- A. Granting Variances - The General Manager, or his/her designee may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the investment, health, sanitation, or fire protection for the public or the person requesting such variance, including an investment made by a home builder whose use would enhance the tax base of the District, and if one or more of the following conditions are met:
1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
 2. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- B. Application for Variance - Persons requesting an exemption from the provisions of this Plan must file a petition for variance with the District within five (5) days after the implementation of the Plan or a particular drought response stage has been invoked. All petitions for variance shall be reviewed by the General Manager, or his/her designee, and must include the following:
1. Name, address(es), and contact information of the petitioner(s);
 2. Purpose of water use;
 3. Specific provision(s) of the plan from which the petitioner is requesting relief;
 4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
 5. Description of the relief requested;
 6. Period of time for which the variance is sought;
 7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and
 8. Other pertinent information.
- C. Variances granted by the District shall be subject to the following conditions, unless waived or modified by the General Manager, or his/her designee:

1. Variances granted shall include a timetable for compliance;
2. Variances granted shall be posted at the construction site;
3. Variances granted shall expire when the Stage is no longer in effect for which it was granted, unless the petitioner has failed to meet specified requirements;
4. Any variances granted will be terminated immediately upon the implementation of a higher Stage than that for which the variance was granted; and
5. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.