

**DROUGHT CONTINGENCY PLAN**

**FOR**

**WINDTHORST WATER SUPPLY CORPORATION**

## **DROUGHT CONTINGENCY PLAN**

**RESOLUTION NO. \_\_\_\_\_**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WINDTHORST WATER SUPPLY CORPORATION ADOPTING A DROUGHT CONTINGENCY PLAN.**

WHEREAS, the Board recognizes that the amount of water available to the Windthorst Water Supply Corporation and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the Board recognizes that, as a result of natural limitations due to drought conditions and other acts of God, an uninterrupted water supply cannot be guaranteed for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the Windthorst Water Supply Corporation, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WINDTHORST WATER SUPPLY CORPORATION:

#### **SECTION 1.**

That the Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Windthorst Water Supply Corporation.

#### **SECTION 2.**

That the General Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

#### **SECTION 3.**

That this resolution shall take effect immediately upon its passage

DULY PASSED BY THE BOARD OF DIRECTORS OF THE WINDTHORST WATER SUPPLY CORPORATION, on this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

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PRESIDENT, BOARD OF DIRECTORS

ATTESTED TO:

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SECRETARY, BOARD OF DIRECTORS

**EXHIBIT A**  
**DROUGHT CONTINGENCY PLAN**  
**FOR THE**  
**WINDTHORST WATER SUPPLY CORPORATION**

**SECTION I. DECLARATION OF POLICY, PURPOSE, AND INTENT**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Windthorst Water Supply Corporation (Windthorst WSC) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

**SECTION II. PUBLIC INVOLVEMENT**

Opportunity for the public to provide input into the preparation of the Plan was provided by the Windthorst Water Supply Corporation (Windthorst WSC) by means of monthly meetings held every second Tuesday of the month at the Windthorst WSC office.

**SECTION III. PUBLIC EDUCATION**

The Windthorst WSC 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 mailed notification to customers.

**SECTION IV. COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the Windthorst WSC is located within the Region B Regional Water Planning Area, and the Windthorst WSC has provided a copy of this Plan to the Region B Regional Water Planning Group.

**SECTION V. AUTHORIZATION**

The 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 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.

## **SECTION VI. APPLICATION**

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

## **SECTION VII. DEFINITIONS**

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

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

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

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

Customer: any person, company, or organization using water supplied by the Windthorst WSC.

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.

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 landscaped areas, including parks, athletic fields, and golf courses;

- (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 and flushing of lines to maintain a potable water supply.

## **SECTION VIII. TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES**

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. Public notification of the initiation or termination of drought response stages shall be by means of announcements on local television stations, on the town billboard, and in local church bulletins.

The triggering criteria described below are based on the need to be able to reduce water consumption in the event that Windthorst's daily demand increases to the extent that a reduction in consumption is needed to improve the reliability of the Windthorst storage and distribution system.

### **Stage 1 - Mild Water Shortage Conditions**

This stage will be in effect annually, from June 1<sup>st</sup> to September 30<sup>th</sup>.

### **Stage 2 - Moderate Water Shortage Conditions**

Requirements for initiation: Total treated water sold reaches 700,000 gpd for 5 days in any 10 day period, or as dictated by the City of Wichita Falls.

Requirements for termination: The conditions of moderate water storage, as previously described, no longer exist.

### **Stage 3 - Severe Water Shortage Conditions**

Requirements for initiation: Total treated water sold reaches 820,000 gpd for 5 days in any 10 day period, or as dictated by the City of Wichita Falls.

Requirements for termination: The conditions of severe water storage, as previously described, no longer exist.

### **Stage 4 - Emergency Water Shortage Conditions**

Requirements for initiation: When total treated water sold reaches 900,000 gpd for 2 consecutive days or as directed by the City of Wichita Falls.

Requirements for termination: The conditions of emergency water storage, as previously described, no longer exist.

## **SECTION IX. DROUGHT RESPONSE STAGES**

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following actions upon notification by direct mail to customers.

### **Stage 1 - Mild Water Shortage Conditions**

#### Goal

Raise public awareness.

### **Stage 2 - Moderate Water Shortage Conditions**

#### Goal

Achieve a 15% reduction in total water use.

### Water Use Restrictions

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

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to 2 days per week only if necessary and only between the hours of 8:00 p.m. and 10:00 a.m. (Days will be designated by location by General Manager)
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 10:00 a.m. Such washing, when allowed, shall be done with a hand-held from these regulations if the health, safety, and welfare of the public is at risk.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming, wading, or jacuzzi-type pools is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 10:00 a.m.
- (d) The use of water from fire hydrants shall be limited to fire fighting-related activities or other activities necessary to maintain health, safety, and welfare. Routine flushing of fire hydrants for other than health and safety reasons is prohibited. This restriction does not apply to businesses that require the use of water for land development and building construction processes.
- (e) Commercial users are asked to be more cautious when filling watering troughs and washing dairy equipment.

### **Stage 3 - Severe Water Shortage Conditions**

#### Goal

Achieve a 35% reduction in total water use.

#### Water Use Restrictions

All requirements of Stage 2 shall remain in effect during Stage 3. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Irrigation of landscaped areas shall be limited to 1 day per week divided by location between the hours of 6 a.m. and 10 a.m. and shall be by means of hand-held hoses, hand-held buckets or drip irrigation. The use of hose-end sprinklers is prohibited at all times.



- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash or commercial service station and not in the immediate interest of public health, safety, and welfare is prohibited.
- (c) The use of water for washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards is prohibited. Washing of dairy equipment and barn are allowed as necessary to meet health standards.
- (d) The filling, refilling, or adding of water to swimming, wading, and jacuzzi-type pools is prohibited.
- (e) The use of water for construction purposes from WWSC will be discontinued when the City of Wichita Falls enforces a 35% reduction, at this time no more memberships will be allowed.

#### **Stage 4 - Emergency Water Shortage Conditions**

##### Goal

Achieve a 50% reduction in total water use; **or**

In the event of failure of a component of the water system, or that portion of the water system, or that portion of the system affected.

##### Water Use Restrictions

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) No new landscapes of any type may be established.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (d) The filling, refilling, or adding of potable water to public swimming or wading pools is prohibited.

#### **SECTION X: EXEMPTIONS**

No exemption will be allowed.

## **SECTION XI: ENFORCEMENT**

- (a) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.
- (b) Proof of culpable mental state is not required for a conviction of an offense under this chapter.
- (c) An offense under this chapter is a class C misdemeanor, punishable by a fine not to exceed \$100 for second offense, and \$500 for third offense. Prosecution of an offense under Subsection (a) of this section does not preclude other enforcement remedies under this chapter. The enforcement of other remedies under this chapter does not prevent prosecution for a violation of this chapter under Subsection (a) of this section.
- (d) For fourth violation of this chapter, water service may be disconnected or restricted.
- (e) If a customer is irrigating during a time period or on a day when irrigation is not permitted for the account number of that customer and a WSC worker cannot find any person at that location to turn off the irrigation system, the WSC worker may enter the property and turn off the irrigation system.
- (f) The WSC's authority to seek injunctive or other civil relief available under the law is not limited by this section.

## **SECTION XII: VARIANCES**

- (a) The General 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:
  - (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.
  - (2) Alternative methods can be implemented that 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 Windthorst Water Supply Corp. within 5 days after the Plan for a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General 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) Variances granted by the Windthorst Water Supply Corp. 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 expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

### **SECTION XIII: SEVERABILITY**

It is hereby declared to be the intention of the Windthorst WSC that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan.