

# **DROUGHT CONTINGENCY PLAN**

FOR

## **JACOBIA WATER SUPPLY CORPORATION**

HUNT COUNTY, TEXAS

**AUGUST 2014**



**DANIEL & BROWN INC.**

**ENGINEERS/CONSULTANTS/PLANNERS**

P.O. Box 606, Farmersville, Texas 75442

972-784-7777

FIRM REGISTRATION #: F-002225

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## **DROUGHT CONTINGENCY PLAN FOR THE JACOBIA 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 Jacobia Water Supply Corporation 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 Jacobia Water Supply Corporation by means of attendance at monthly Board of Director meetings.

### **Section III: Public Education**

The Jacobia Water Supply Corporation 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 press releases, newsletters, or billing inserts.

### **Section IV: Coordination with Regional Water Planning Groups**

The service area of the Jacobia Water Supply Corporation is located within the Region D and Jacobia Water Supply Corporation has provided a copy of this Plan to the Region D Planning Group.

### **Section V: Authorization**

The Operator or his 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 Operator, or his 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 Jacobia Water Supply Corporation. 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 Jacobia Water Supply Corporation.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

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

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

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

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

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

The Operator, or his designee, shall monitor water supply and/or demand conditions on a daily basis 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, publication in a newspaper of general circulation or direct mail to each customer.

The triggering criteria described below are based on distribution capabilities and customer peak usage.

#### **(a)    Stage 1 - Mild Water Shortage Conditions**

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when continually falling treated water reservoir levels which do not refill above 100 percent overnight or on such occasion as a water well may be temporarily out of service or when water well pumping levels continue to decline.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days.

#### **(b)    Stage 2 - Moderate Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when continually falling treated water reservoir levels which do not refill above 90 percent overnight or on such occasion as a water well may be temporarily out of service or when water well pumping levels continue to decline.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

#### **(c)    Stage 3 - Severe Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when continually falling treated water reservoir levels which do not refill above 85 percent overnight or on such occasion as a water well may be temporarily out of service or when water well pumping levels continue to decline.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

**(d) Stage 4 - Critical Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when continually falling treated water reservoir levels which do not refill above 75 percent overnight or on such occasion as a water well may be temporarily out of service or when water well pumping levels continue to decline.

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

**(e) Stage 5 - Emergency Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Operator, or his designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s); or
3. One or more water wells are out of service; or
4. One or more water wells are experiencing dangerously declining pumping levels.

Requirements for termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days.

**(f) Water Rationing**

Requirements for initiation - Customers shall be required to comply with the water allocation plan prescribed in Section X of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when continually falling treated water reservoir levels which do not refill above 50 percent overnight or on such occasion as a water well may be temporarily out of service or when water well pumping levels continue to decline.

Requirements for termination - Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days.

**Section IX: Drought Response Stages**

The Operator, or his designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation and/or direct mailing to each customer.

**Stage 1 - Mild Water Shortage Condition**

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the Jacobia Water Supply Corporation shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

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

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

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) 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.

- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Jacobia Water Supply Corporation.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Jacobia Water Supply Corporation, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to its patrons except when requested.
- (h) The following uses of water are defined as non-essential and are prohibited:
  - 1.) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2.) use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - 3.) use of water for dust control;
  - 4.) flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5.) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

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

Goal: Achieve a 20 percent reduction in daily water demand.

Supply Management Measures:

Reduced or discontinued flushing of water mains.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Jacobia Water Supply Corporation.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.



**Stage 4 - Critical Water Shortage Conditions**

Goal: Achieve a 30 percent reduction in daily water demand.

Supply Management Measures:

Reduced or discontinued flushing of water mains.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are 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 and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) 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.
- (e) No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

**Stage 5 - Emergency Water Shortage Conditions**

Goal: Achieve a 50 percent reduction in daily water demand.

Supply Management Measures:

Reduced or discontinued flushing of water mains.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

**Section X: Water Rationing**

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

**Single-Family Residential Customers**

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

<b>Persons per Household</b>	<b>Gallons per Month</b>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the Jacobia Water Supply Corporation of a greater number of persons per household on a form prescribed by the Operator. The Operator shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the Jacobia Water Supply Corporation offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Operator. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Jacobia Water Supply Corporation on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Jacobia Water Supply Corporation in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Operator shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the Jacobia Water Supply Corporation of a reduction in the number of person in a household shall be fined not less than \$ 100.00. Residential water customers shall pay the following surcharges:

- \$ 5.00 for the first 1,000 gallons over allocation.
- \$ 6.00 for the second 1,000 gallons over allocation.
- \$ 7.00 for the third 1,000 gallons over allocation.
- \$10.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

**Commercial Customers**

A monthly water usage allocation shall be established by the Operator, or his designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer’s allocation shall be approximately 50 percent of the customer’s usage for corresponding month’s billing period for the previous

12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The Operator shall give his best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Jacobia Water Supply Corporation to determine the allocation. Upon request of the customer or at the initiative of the Operator, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors. Nonresidential commercial customers shall pay the following surcharges:

- \$ 5.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 6.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 7.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$10.00 per thousand gallons for each additional 1,000 gallons over allocation.

The surcharges shall be cumulative.

#### **Section XI: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the Jacobia Water Supply Corporation 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 Operator, or his designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$ 100.00) and not more than five hundred dollars (\$ 500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Operator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$ 50.00, and any other costs incurred by the Jacobia Water Supply Corporation in discontinuing service. In addition, suitable assurance must be given to the Operator 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 the district court.
- (c) Any person, including a person classified as a water customer of the Jacobia Water Supply Corporation, 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.

- (d) Any employee of the Jacobia Water Supply Corporation, police officer, or other employee designated by the Operator, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the justice court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation 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. The alleged violator shall appear in justice court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in justice court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in justice court before all other cases.

## **Section XII: Variances**

The Operator, or his 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:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Jacobia Water Supply Corporation within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Operator, or his designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.

- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variations granted by the Jacobia Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the Operator or his designee:

- (a) Variations granted shall include a timetable for compliance.
- (b) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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 Board of Directors that the sections, paragraphs, sentences, clauses, and phrases of this Resolution 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, since the same would not have been enacted by the Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **Appendix A. Example Letter to Region D Water Planning Group**

# Jacobia Water Supply Corporation

August 1, 2014

Mr. Walt Sears  
Region D Water Planning Group  
P.O. Box 955  
Hughes Springs, Texas 75656

Subject: Jacobia Water Supply Corporation Drought Contingency Plan

Dear Mr. Sears:

Enclosed please find a copy of the recently updated Drought for the Jacobia Water Supply Corporation a ground water source public water supply. I am submitting a copy of this plan to the Region D Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules.

Sincerely,

Toni Walker, Manager  
Jacobia WSC  
PO Box 411  
Greenville, TX 75403  
903-454-3046

## **Appendix B. Water Supply Corporation Resolution Adopting a Drought Contingency Plan**

### **Jacobia Water Supply Corporation Resolution Adopting Drought Contingency Plan**

#### **Resolution No. 2014-**

**A RESOLUTION ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE JACOBIA WATER SUPPLY CORPORATION TO PROMOTE THE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN.**

**WHEREAS**, the Jacobia Water Supply Corporation (the “WSC”), recognizes that the amount of water available to its water customers is limited; and

**WHEREAS**, the WSC recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the WSC cannot guarantee an uninterrupted water supply for all purposes at all times; and

**WHEREAS**, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the WSC adopt a Drought Contingency Plan; and

**WHEREAS**, the WSC has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan; and

**WHEREAS**, pursuant to Chapter 67 of the Water Code, the WSC is authorized to adopt such policies necessary to preserve and conserve its water resources.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JACOBIA WATER SUPPLY CORPORATION THAT:**

**Section 1.** The Board of Directors hereby approves and adopts the Drought Contingency Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The WSC commits to implement the requirements and procedures set forth in the adopted Plan.

**Section 2.** Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a monetary fine as allowed by law, and/or discontinuance of water service by the WSC. Proof of a culpable mental state is

not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The WSC's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section 3.** The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Resolution was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

**Section 4.** The Board of Directors hereby authorizes the General Manager or his designee to file an amendment to the WSC's tariff to incorporate the Plan therein.

**Section 5.** Should any paragraph, sentence, clause, phrase or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this Resolution shall not be affected.

**Section 6.** {If Applicable} Resolution No. \_\_\_\_\_, adopted on \_\_\_\_\_, is hereby repealed.

Approved and adopted by the \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President, Board of Directors

Attest:

\_\_\_\_\_  
Secretary