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**WATER UTILITY TARIFF
FOR**

Sun Communities Texas Limited Partnership dba

Branch Creek Estates

(Utility Name)

12609 Dessau Road

(Business Address)

Austin, Texas 78753

(City, State, Zip Code)

(512) 251-2329

(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate(s) of Convenience and Necessity:

11905

This tariff is effective in the following county:

Travis

This tariff is effective in the following cities or unincorporated towns (if any):

N/A

This tariff is effective in the following subdivisions or systems:

Branch Creek Estates (PWS #2270219)

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REV. 5/99
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SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonge Charge</u>
All meter sizes	\$ <u>25.00</u> (INCLUDING <u>6,000</u> GALLONS)	\$ <u>4.00</u>
REGULATORY ASSESSMENT		_____ <u>1.0%</u>
A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.		

Section 1.02 - Miscellaneous Fees

TAP FEE \$ none
THE TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" or 3/4" METER.

RECONNECTION FEE
THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non payment of bill (Maximum \$25.00) \$ none
 - b) Customer's request \$ none
- OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF

TRANSFER FEE \$ none
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE \$ none
A ONE TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE \$ 10.00

CUSTOMER DEPOSIT (Maximum \$50) \$ none

METER TEST FEE (actual cost of testing the meter up to) . \$ 25.00
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

RATES LISTED ARE EFFECTIVE ONLY IF THIS PAGE HAS TNRCC APPROVAL STAMP

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
APPROVED
Date 12-1-95 Docket 30983-S
File 11905 By DC ah
TARIFF CLERK

SECTION 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 - Texas Natural Resource Conservation Commission Rules

The utility will have the most current Texas Natural Resource Conservation Commission Rules, Chapter 291, Water Rates, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.02 - Application for and Provision of Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff) and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Section 2.03 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the TNRCC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant a complaint may be filed with the Commission.

Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 of this tariff. The utility will keep records of the deposit and credit interest in accordance with TNRCC Rules.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.04 - Customer Deposits (cont.)

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

Section 2.05 - Meter Requirements, Readings, and Testing

All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial or industrial facility in accordance with the TNRCC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.06 - Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

A late penalty of either \$2.00 or 5.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide all information required by the TNRCC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a telephone number (or numbers) which may be reached by a local call by customers. At the utility's option, a toll-free telephone number or the equivalent may be provided.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.07 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the TNRCC Rules.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.07 - Service Disconnection (cont.)

Utility service may also be disconnected without notice for reasons as described in the TNRCC Rules.

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.08 - Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Section 2.09 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Prorated Bills - If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.10 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TNRCC Rules or in the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

Section 2.11 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.11 - Customer Complaints and Disputes (cont.)

of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the Texas Natural Resource Conservation Commission complaint process. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

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SECTION 3.0 - EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

COST UTILITIES SHALL BEAR. Within its certificate area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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D.A. APPROVED TARIFF BY DC ab

SECTION 3.20 - SPECIFIC UTILITY EXTENSION POLICY

This section contains the utility's specific extension policy which complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers will be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Natural Resource Conservation Commission minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or Texas Natural Resource Conservation Commission minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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D.A. APPROVED TARIFF BY DC ah

BRANCH CREEK ESTATES
PWSID # 2270219
DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN

I. Approval of the Plan

Branch Creek Estates hereby establishes a Drought Contingency and Water Emergency Plan as set forth below. Branch Creek Estates commits to implement the program according to the procedures set forth in the attached plan.

II. Declaration of Policy, Purpose, and Intent

It is hereby declared that, because of the water conditions prevailing in Branch Creek Estates (hereinafter referred to as the "Utility"), the water resources available to the Utility be put to the maximum beneficial use and that the waste, unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the Utility and for the public health and welfare.

Water uses regulated or prohibited under the Drought Contingency and Water Conservation 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 enforcement as defined in Section XII of this Plan.

III. Public Involvement

The opportunity for the public to provide input into the preparation of the plan was provided by distribution of a newsletter offering public input on August 18, 2000.

IV. Public Education

The Utility 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 and utility bill inserts.

V. Coordination with Regional Planning Groups

The service area of the Utility is located within the Lower Colorado Regional Water Planning Area (Region K) of the State of Texas and the Utility has provided a copy of this plan to the Lower Colorado Regional Water Planning Group.

VI. Authorization

The Utility 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 Utility 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.

VII. Application

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

VII. Definitions

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

- A. 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.
- B. Customer: any person, company, or organization using water supplied by the District.
- C. Landscape Irrigation Use: water used for the irrigation and maintenance of landscaped areas, whether privately or publicly owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
- D. Non-Essential Water Use: water uses that are not essential nor required for the protection of public health, safety, and welfare, including:
 - 1. irrigation of landscaped areas, including parks, athletic fields, and golf courses, except otherwise provided by this Plan;
 - 2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - 3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 4. use of water to wash down buildings or structures for purposes other than immediate fire protection;

5. flushing gutters or permitting water to run or accumulate in any gutter or street;
6. use of water to fill, refill, or add to any indoor swimming pools or Jacuzzi-type pools;
7. use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
8. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
9. use of water from hydrants for construction purposes or any other purposes other than fire fighting.

E. Outdoor Water Use: includes but is not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to swimming pools or wading pools or ponds; the operation of any ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than fire fighting or other activities necessary to maintain health and safety conditions; the watering of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the watering of building foundations.

F. Xeriscgpe: a method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.

IX. Triggering and Termination Criteria for Drought Response Stages

The Utility Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan. During the months of May through September water supply conditions may be monitored on a more frequent basis if deemed necessary. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, signs posted in public places, utility bill inserts, and other means to be determined by the Utility Manager or his/her designee.

The triggering criteria described below are based on the District's wholesale water contract with the City of Austin.

A. Stage 1 - Voluntary Water Conservation Conditions

Requirements for initiation - Customers shall be requested to voluntarily conserve water and

adhere to the water restrictions on non-essential water use, defined in Section VIII of this Plan- Definitions, each year from May 1 through September 30

Requirements for termination - Stage 1 of the Plan may be rescinded at any time by the Utility Manager or the Utility Manager's designee. The Utility will notify its water customers of the initiation and termination of the Stage I of the Plan.

B. Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VIII of this Plan when:

1. daily water consumption for three consecutive days reaches 90% of production/distribution capacity;
2. weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis; and/or
3. required under the District's wholesale water contract with the City of Austin.

Requirements for termination - Stage 2 of the Plan may be rescinded by the Utility Manager by the Utility Manager's designee when all of the conditions listed in (1) and (2) as triggering events have ceased to exist for a period of three (3) consecutive days. The Utility Manager or the Utility Manager's designee may immediately rescind Stage 2 when the event listed in (3) ceases to exist. Upon termination of Stage 2, Stage I becomes operative. The Utility will notify its water customers of the initiation and termination of Stage 2 of the Plan.

C. Stage 3 - Severe Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VIII, for Stage 3 of this Plan when:

1. daily water consumption reaches 95% of production/distribution capacity for three consecutive days;
2. daily water consumption will not enable storage levels to be maintained;
3. system demand exceeds available high service pump capacity;
4. water system is contaminated whether accidentally or intentionally. Severe condition is reached immediately upon detection;
5. water system fails - from acts of God (tornadoes, hurricanes) or man. Severe condition is reached immediately upon detection;

6. 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.
7. required under the District's wholesale water contract with the City of Austin.

Requirements for termination - Stage 3 of the Plan may be rescinded by the Utility Manager or the Utility Manager's designee when all of the conditions listed in (1) through (6) as triggering events have ceased to exist for a period of three (3) consecutive days. The Utility Manager or the Utility Manager's designee may immediately rescind Stage 2 when the event listed in (7) ceases to exist. Upon termination of Stage 3, Stage 2 becomes operative as directed by the Utility Manager or the Utility Manager's designee.

X. Drought Response Stages

The Utility Manager or the Utility Manager's 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 the Plan, shall determine that a voluntary, moderate, or severe condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

A. Stage 1 - Voluntary Water Conservation Conditions

The goal for Stage I of the Plan is to raise public and customer awareness of water demand conditions.

I. Voluntary Water Use Measures:

- a. Water customers should voluntarily limit outdoor water use by participating in the 5 Day Watering Schedule for outdoor water use. Outdoor water use should only occur on a designated outdoor watering day, which will be once every five days. The 5 Day Watering Schedule will be determined and distributed each year by the Utility.
- b. Outdoor water use is discouraged between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to: (1) the irrigation of commercial plant nurseries, (2) irrigation using treated wastewater effluent, (3) new landscape installation during installation and the first ten (10) days,

and (4) the testing of new irrigation systems or existing irrigation systems being tested or under repair.

- C. All operations of the Utility shall adhere to non-essential water use restrictions in Section VIII of this Plan.
- d. Water customers are requested to practice water conservation and adhere to the restrictions on non-essential water uses, defined in Section VIII.

B. Stage 2 - Moderate Water Shortage Conditions

The goal for Stage 2 of the Plan is to reduce and maintain maximum daily water demand at or below ninety percent (90%) of system capacity.

- I. Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Water customers must to participate in the 5 Day Watering Schedule for outdoor water use in the 5 Day Watering Schedule for outdoor water uses. Outdoor water use may only occur on a designated outdoor watering day, which will be once every five days. The 5 Day Watering Schedule will be determined and distributed each year by the Utility.
 - b. Outdoor water use is prohibited between the hours of 10:00 a.m. and 7:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. The time restrictions do not apply to: (1) the irrigation of commercial plant nurseries, (2) irrigation using treated wastewater effluent, (3) new landscape installation during installation and the first ten (10) days, and (4) the testing of new irrigation systems or existing irrigation systems being tested or under repair.
 - C. The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes or other vehicle is prohibited except on designated watering days. Washing is prohibited between the hours of 10:00 a.m. and 7:00 p.m. Such washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. 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 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.

- d. 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. This water use is prohibited between the hours of 10:00 a.m. and 7:00 p.m.
- e. 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.
- f. 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 allowed under written permission from the District. (See Section XI of this Plan.)
- 9. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. Such irrigation may not take place between the hours of 10:00 a.m. and 7 p.m. These restrictions do not apply to the irrigation of any golf course that uses wastewater effluent, ground water, or raw water.
- h. All restaurants are prohibited from serving water to their patrons except when requested.

The following uses constitute a waste of water and are prohibited:

- 1. washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except to alleviate immediate health or safety hazards;
- 2. use of water for dust control;
- 3. allowing water to run off a property or allowing water to pond in the street or parking lots;
- 4. operating a permanently installed irrigation system with broken heads, heads that are out of adjustment and spray

more than 10% of the spray on street or parking lots, or heads that are misting;

5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. washing an automobile, truck, trailer, boat, airplane, or other mobile equipment with a hand-held hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.

The Utility Manager, or the Utility Manager's designee, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measure and practices.

C. Stage 3 - Severe Water Shortage Conditions

The goal for Stage 3 of the Plan is to reduce and maintain maximum daily water demand at or below ninety five percent (95%) of system capacity.

I. Supply Management Measures:

The Utility will cease the flushing of water mains except when necessary for reasons of health or safety. All Utility departments will discontinue irrigating public landscaped areas except when such areas are irrigated with wastewater effluent, ground water, or raw water.

2. Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Outdoor water use by use of hand-held buckets or hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used may occur only between the hours of 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on designated outdoor water use days; the use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited;
 - b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District;

- c. The washing of automobiles, trucks, trailers', boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial car wash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited;
 - d. The washing of vehicles listed in (c) to protect public safety and health may only occur between 6 a.m. and 10 a.m.;
 - e. Commercial plant nurseries may use only hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used or hand-held buckets;
- The filling, refilling, or adding of potable water to swimming or wading pools is prohibited;
- f. No new landscapes of any type may be installed; and
 - g. The use of water for construction purposes from designated fire hydrants under written permission from the Utility must be discontinued.

The Utility Manager, or the Utility Manager's designee, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

In the event that severe water shortage conditions persist (Stage 3) for an extended period of time, the Utility Manager, may order water rationing and/or terminate service to selected users of the system in accordance with the following sequence;

- Recreational users
- Commercial users
- School users
- Residential users
- Hospitals, public health and safety facilities.

- 3. Additional Measures. Through a contractual agreement with the City of Austin, the City may interrupt or curtail the water supplied to Utility in accordance with its Drought Management Plan.

XI. Variances

A. Granting Variances

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 [Handwritten signature and initials]

The Utility Manager, or the Utility Manager's 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 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 which will achieve the same level of reduction in water use.

B. Application for Variance

Persons requesting an exemption from the provisions of this Order must file a petition for variance with the Utility within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances will be reviewed by the Utility Manager, or the Utility Manager's designee, and must 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 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. Conditions to Variances

Variations granted by the Utility Manager or the Utility Manager's designee are subject to the following conditions, unless waived or modified by the Utility Manager or the Utility Manager's designee:

1. Variations granted must include a timetable for compliance.
2. Variations granted expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
3. No variance will be retroactive or otherwise justify any violation of this Plan occurring before the variance is issued.

D. New Landscape Irrigation

Irrigation of new landscape installations is permitted if a variance is granted.

Guide lines:

1. Every day for the first 10 days.
2. Once every other day for Day 11 through Day 20.
3. Every third day for Day 21 through 30.
4. Every fifth day after day 30.

XII. Enforcement

A. Violation of Rationing Rules

1. First violation – the customer will be notified by written notice of their specific violation.
2. Second violation – after written notice the district may install a flow restricter in the line to limit the amount of water which will pass through the meter in a 24 hour period. The cost to be charged to the customer's account will be the actual installed cost to the district, not to exceed \$50.00.
3. Subsequent violations – the district may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is less. The normal reconnect fee of the district will apply for restoration of service.

Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's property constitutes a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person may show that he/she did not commit the violation. Parents are 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 constitutes a rebuttable presumption that the parent committed the violation, but any such parent may be excused if the parent proves that the parent 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.

XIII. Severability

It is hereby declared to be the intention of the Utility that the sections, paragraphs, sentences, clauses, and phrases of this Order are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Utility without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.