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**WATER UTILITY TARIFF
FOR**

Horseshoe Bend Estates Homeowners Association of Wichita Falls, Inc.
(Utility Name)

3308 Kemp
(Business Address)

Wichita Falls, Texas 76308
(City, State, Zip Code)

(817) 691-6001
(Area Code/Telephone)

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

11672

This tariff is effective in the following county:

Wichita

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

None

This tariff is effective in the following subdivisions or systems:

Horseshoe Bend Estates

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The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

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APPENDIX A SERVICE AGREEMENTS
ATTACHMENT DROUGHT CONTINGENCY PLAN

(817) 31572 FEB 06 '02
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SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonage Charge</u>
5/8" or 3/4"	\$ <u>17.00</u> (INCLUDING 2,000 GALLONS)	\$ <u>2.60</u> per 1000 gallons same for all meter sizes

REGULATORY ASSESSMENT 1.0%
 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 \$ 75.00
 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) \$ 20.00
- b) Customer's request \$ N/A
 OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF

TRANSFER FEE \$ 20.00
 THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE \$ 2.00 OR 5%
 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 \$ 5.00

CUSTOMER DEPOSIT (Maximum \$50) \$ N/A

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

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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 TNRC 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 TNRC Rules.

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 TWC 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."

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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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Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Lisa Mejia Date: 7/10/01
Utilities & Districts Section
Water Permits & Resource Management Division

From: Scott Swanson, Water Conservation Specialist
Water Conservation and Drought Management Team
Water Rights Permitting & Availability Section
Water Permits and Resource Management Division

Subject: Review of IOU Drought Contingency Plan for Administrative Completeness

System: Morgeshoe Bend Est. HOA

CCN# 11672

Plan Date: 6/29/01

- The Drought Contingency Plan has been reviewed and has been found to be administratively complete per 30 TAC §288.20. No further review is necessary from the Conservation and Drought Management Team.
- The Drought Contingency Plan has been reviewed and has not been found to be administratively complete per 30 TAC §288.20. See attached checklist for deficiencies.

This plan has not been reviewed for compliance with 30 TAC §291 Subchapter B.

Comments:

via TRWA

cc: Bill Billingsley, Water Conservation and Drought Management Team

Margot Taunton

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EXHIBIT A

DROUGHT CONTINGENCY PLAN FOR THE HORSESHOE BEND HOMEOWNERS ASSOCIATION

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 Horseshoe Bend Homeowners Association 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 Horseshoe Bend Homeowners Association by means of bill insert inviting comment.

SECTION III. PUBLIC EDUCATION

The Horseshoe Bend Homeowners Association 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 Horseshoe Bend Homeowners Association is located within the Region B Regional Water Planning Area, and the Horseshoe Bend Homeowners Association has provided a copy of this Plan to the Region B Regional Water Planning Group.

SECTION V. AUTHORIZATION

The Water Manager, and/or their respective designees are 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 Water Manager, and/or their respective designees shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

APPROVED: _____
DATE: 11/22/02
Lm/dcl

SECTION VI. APPLICATION

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the Horseshoe Bend Homeowners Association. 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 Horseshoe Bend Homeowners Association.

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 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;

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- (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.

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 Water Manager, and/or their respective designees 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 publication in the local paper, announcement on local television and radio stations, or direct mailed notifications.

The triggering criteria described below are based on the ability of the Homeowners Association to deliver treated water to the customers. Other than in cases of catastrophic failure or contamination of part or all of the system, the limiting factor is the capacity of the distribution system and water supply.

Stage 1 - Mild Water Shortage Conditions

Requirements for initiation: This stage will be in effect annually from June 1 to September 30th or when so directed by the City of Iowa Park

Requirements for termination: Stage 1 of the Plan may be rescinded when the conditions of mild water shortage, as previously described, no longer exist.

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Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation: When one or more of the following conditions exists:

- (a) Water consumption has reached 80% of daily maximum supply for three (3) consecutive days.
- (b) There is an extended period (at least eight (8) weeks) of low rainfall and daily use has risen 20% above the use of the same period during the previous year.
- (c) City of Iowa Park imposes water use restrictions.

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

Stage 3 - Severe Water Shortage Conditions

Requirements for initiation: When one or more of the following conditions exists:

- (a) Water consumption has reached 90% of the amount available for three (3) consecutive days.
- (b) There is an extended period (at least eight (8) weeks) of low rainfall and daily use has risen 30% above the use of the same period during the previous year.
- (c) City of Iowa Park imposes water use restrictions.

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

Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation: When one or more of the following conditions exists:

- (a) Failure of a major component of the system or an event which reduces the minimum residual system pressure below 20 PSI for a period of 24 hours or longer.
- (b) Water consumption of 95% or more of the maximum available for three (3) consecutive days.
- (c) There is an extended period (at least eight (8) weeks) of low rainfall and daily use has risen 50% above the use of the same period during the previous year.
- (d) City of Iowa Park imposes water use restrictions.

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- (e) Any other unforeseen event which could cause an imminent health or safety risk to the public.

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

SECTION IX. DROUGHT RESPONSE STAGES

The Water Manager, and/or their respective designees 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 when a mild, moderate, severe, or emergency condition exists and shall implement the following actions upon notification to customers.

Stage 1 - Mild Water Shortage Conditions

Goal

Achieve a 5% reduction in daily water demand.

Raise Public awareness and request water customers 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% reduction in daily water demand.

Water Use Restrictions

All requirements of Stage 1 will remain in effect during Stage 2.

Water customers are requested to voluntarily limit water use as follows:

- (a) The Horseshoe Bend Homeowners Association will curtail flushing of the system distribution lines.
- (b) Limit all outside watering to and do not water between the hours of 11:00 A.M. and 6:00 P.M.

Stage 3 - Severe Water Shortage Conditions

Goal

Achieve a 30% reduction in daily water demand.

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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) Limit all outside watering to Tuesdays and Saturdays with no watering allowed between 10:00 A.M. and 8:00 P.M.
- (b) Ban the use of water for filling or refilling swimming pools, wading pools or jacuzzi-type pools.
- (c) All sidewalk, driveway and/or parking lot washing, except to alleviate immediate health or fire hazards, is prohibited.
- (d) All vehicle washing, (not including commercial car washes or service stations) may occur only between the hours of 7:00 A.M. to 10:00 A.M. and 7:00 P.M. to 9:00 P.M. only on days when outside watering is allowed. Such washing, when allowed, must be done with a hand-held bucket or a hand-held hose with a positive shut-off nozzle for quick rinses.

Stage 4 - Emergency Water Shortage Conditions

Goal

Achieve a 40% reduction in daily water demand; **or**

Reduce water use to the extent necessary to maintain water of sufficient quantity and quality to meet health and safety requirements of the public; **or**

In the event of failure or contamination of a major component of the water system, discontinue operation of the water system, or that portion of the system affected.

Water Use Restrictions

All requirements of Stages 2 and 3 shall remain in effect during Stage 4. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Ban all outside washing and watering except for livestock.
- (b) Restrict water use to all customers based on a selected percent (%) of previous month usage.

SECTION X: EXEMPTIONS

The restrictions set forth in Section IX shall not apply to the following uses of water:

- (a) To alleviate conditions threatening health, safety, or welfare of the public.

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- (b) For municipal operations of flushing water lines for public health purposes.
- (c) For the suppression of fires.

SECTION XI: ENFORCEMENT

No person shall knowingly or intentionally allow the use of water from the Horseshoe Bend Homeowners Association for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Water Manager, in accordance with provisions of this Plan.

- (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 a culpable mental state is not required for a conviction of an offense under this chapter.
- (c) Violations:
 - 1. First violation – The customer will be notified by written notice of their specific violation.
 - 2. Subsequent violations – After written notice, the utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24 hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00).
- (d) If a customer is using outside water during a time period or on a day when watering is not permitted and a Homeowners Association worker cannot find any person at that location to turn off the water, the Homeowners Association worker may enter the property and turn off the water.
- (e) The Horseshoe Bend Homeowners Association's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION XII: VARIANCES

The Water Manager, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if one of the following conditions is met:

- (a) It is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or welfare of the public.

Handwritten signature: *Lm/le*

- (b) 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.
- (c) 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 Plan shall file a petition for variance with the Horseshoe Bend Homeowners Association within 5 days after the plan for a particular drought response stage has been invoked. All petitions for variance will be reviewed by the Homeowners Association, and, therefore, 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 Plan.
- (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.

Variances granted by the Horseshoe Bend Homeowners Association shall be subject to the following conditions, unless waived or modified by the Homeowners Association:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances 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.

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