

DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND MANAGEMENT PLAN

- 1. Declaration of Policy, Purpose, and Intent** - To conserve the available water supply and/or to 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, Elm Creek Water Supply Corporation adopts the following Drought Contingency Plan.
- 2. Public Involvement** - Opportunity for the public to provide input into the preparation of the Plan was provided by the Elm Creek Water Supply Corporation by means of public notices.
- 3. Public Education** - The Elm Creek 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 public service announcement.
- 4. Coordination with Regional Water Planning Groups** - The service area of the Elm Creek Water Supply Corporation is located within the Brazos River Authority and Elm Creek Water Supply Corporation has provided a copy of this Plan to the Brazos River Authority.
- 5. Authorization** - The president of the board of directors, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determinations that such implementation is necessary to protect public health, safety, and welfare. The president of the board of directors, 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.
- 6. Application** - The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the Elm Creek Water Supply Corporation. The terms "person" and "customer" as used in the plan includes individuals, corporations, partnerships, associations, and all other legal entities.
- 7. Definitions** - For the purpose of this Plan, the following definitions shall apply:
 - a. **Aesthetic Water Use** - Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
 - b. **Commercial and Institutional Water Use** - Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such a retail establishments, hotels, and motels, restaurants, and office buildings.
 - c. **Conservation** - Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
 - d. **Customer** - Any person, company, or organization using water supplied by Elm Creek Water Supply Corporation.
 - e. **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.

- f. Even Number Address - Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
- g. Industrial Water Use - The use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- h. Landscaping Irrigation Use - Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf course, parks and rights-of-way and medians.
- i. 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 landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - 2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - 3) use of any 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 or outdoor 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.
- j. Odd Numbered Address - Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

8. Criteria for Initiation and Termination of Drought Response Stages - The president of the board of directors or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. The triggering criteria described below are based on known system capacity limits.

- a. Stage 1 Trigger - Mild Water Shortage Conditions
 - 1) Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in #7-Definitions, when the total daily water demand equals or exceeds 80% Capacity limits for seven consecutive days.
 - 2) Requirements for termination - Stage 1 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of three consecutive days.
- b. Stage 2 Triggers - Moderate Water Shortage Conditions
 - 1) 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 the total daily water demand equals or exceeds 85% of capacity limits for seven consecutive days.
 - 2) Requirements for termination - Stage 2 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.
- c. Stage 3 Triggers - Severe Water Shortage Conditions
 - 1) 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 the total daily water demand equals or exceeds 90% of capacity limits for seven consecutive days.

- 2) Requirements for termination - Stage 3 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.
- d. Stage 4 Triggers - Critical Water Shortage Conditions
 - 1) 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 the total daily water demand equals or exceeds 95% of capacity limits for seven consecutive days.
 - 2) Requirements for termination - Stage 4 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon terminations of Stage 4, Stage 3 becomes operative.
- e. Stage 5 Triggers - Emergency Water Shortage Conditions
 - 1) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the president of the board of directors, his/her designee, determines that a water supply emergency exists based on:
 - a) water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
 - b) Natural or man-made contamination of the water supply source(s).
 - 2) Requirements for termination - Stage 5 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.
- f. Stage 6 Triggers - Water Allocation
 - 1) Requirements for initiation - Customers shall be required to comply with the water allocation plan prescribed in #9 of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when Bluebonnet Water Supply Corporation limits Elm Creek Water Supply Corporation's consumption due to implementation of their water allocation plan. This Plan will be implemented to comply with the allocation from the supplier.
 - 2) Requirements for termination - Water allocation may be rescinded when all conditions listed as triggering events have ceased to exist for a period of three consecutive days.

9. Drought Response Stages - The president of the board of directors, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in #8 of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification of the Public - The president of the board of directors or his/her designee shall notify the public by means of public service announcements.

Additional Notification - The president of the board of directors or his/her designee shall notify directly, or cause to be notified directly, the Texas Commission on Environmental Quality (required when mandatory restrictions are imposed).

- a. Stage 1 Response - Mild Water Shortage Conditions
 - 1) Goal - Achieve a voluntary 5 percent reduction in daily water demand.
 - 2) Supply Management Measures - Elm Creek Water Supply will reduce or discontinue flushing of water mains until water shortage conditions improve.
 - 3) 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 12:00 a.m. and 10:00 a.m. and 8:00 p.m. to 12:00 a.m. on designated watering days.
 - b) All operations of the Elm Creek Water Supply Corporation shall adhere to water 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.
- b. Stage 2 Response - Moderate Water Shortage Conditions
 - 1) Goal - Achieve a ten percent reduction in daily water demand.
 - 2) Supply Management Measures - Elm Creek Water Supply will reduce or discontinue flushing of water mains until water shortage conditions improve.
 - 3) 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 addresses 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 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. on designated watering days. However, irrigations 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 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 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m.. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off 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 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m..
 - 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 Elm Creek 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 of 12:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m.. However, if the golf course utilizes a water source other than that provided by the Elm Creek Water Supply Corporation, the facility shall not be subjected to these regulations.
 - g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - h) The following uses of water are defined as non-essential and are prohibited:
 - (1) washing 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).

- c. Stage 3 Response - Severe Water Shortage Conditions
 - 1) Goal - Achieve 15 percent reduction in daily water demand.
 - 2) Supply Management Measures - Elm Creek Water Supply will reduce or discontinue flushing of water mains until water shortage conditions improve.
 - 3) 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 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. 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 Elm Creek Water Supply Corporation.
 - c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- d. Stage 4 Response - Critical Water Shortage Conditions
 - 1) Goal - Achieve a 20 percent reduction in daily water demand.
 - 2) Supply Management Measures - Elm Creek Water Supply will reduce or discontinue flushing of water mains until water shortage conditions improve.
 - 3) 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 a.m. 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 10:00 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 application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
- e. Stage 5 Response - Emergency Water Shortage Conditions
 - 1) Goal - Achieve an acceptable reduction until repairs are complete on the system or contamination has been removed from the water source.
 - 2) Supply Management Measures - Elm Creek Water Supply will reduce or discontinue flushing of water mains until water shortage conditions improve.
 - 3) 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.
- f. Stage 6 Response – Water Allocation

If water shortage threatens conditions, threatens public health, safety, and welfare, the president of the board of directors is hereby authorized to allocate water according to the following water allocation plan:

1) Single-Family Residential Customers

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

- (1) 1 or 2 persons per household = 6,000 gallons per month
- (2) 3 or 4 persons per household = 7,000 gallons per month
- (3) 5 or 6 persons per household = 8,000 gallons per month
- (4) 7 or 8 persons per household = 9,000 gallons per month
- (5) 9 or 10 persons per household = 10,000 gallons per month

(6) 11 or more persons per household = 12,000 gallons per month "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 persons unless the customer notifies Elm Creek Water Supply Corporation of a greater number of persons per household on a form prescribed by the president of the board of directors. The president of the board of directors shall give his /her 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 Elm Creek Water Supply Corporation offices to complete and sign the form claiming more than two 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 president of the board of directors. When the number of persons per household increases to place the customer in a different allocation category, the customer may notify Elm Creek 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 Elm Creek Water Supply Corporation within two (2) days. In prescribing the method of claiming more than two persons per household, the president of the board of directors shall adopt methods to ensure 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 Elm Creek Water Supply Corporation of a reduction in the number of persons in a household shall be fined not less than \$500.00.

b) Residential water customers shall pay the following surcharges. Surcharges shall cumulative.

- (1) \$5.00 for the first 1,000 gallons over allocation
- (2) \$10.00 for the second 1,000 gallons over allocation
- (3) \$15.00 for the third thousand gallons over allocation
- (4) \$20.00 for each additional 1,000 gallons over allocation

2) Master-Metered Multi-Family Residential Customers

a) The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies Elm Creek Water Supply Corporation of a greater number on a form prescribed by the president of the board of directors. The president of the board of directors shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customers responsibility to go to the offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not.

New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the president of the board of directors. If the number of dwellings units served by a master meter is reduced, the customer shall notify Elm Creek Water Supply Corporation in writing within two days. In prescribing this method for claiming more than two dwelling units, the president of the board of directors shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify Elm Creek Water Supply Corporation of a reduction in the number of persons in a household shall be fined not less than \$750.00.

- b) Customers billed from a master meter under this provision shall pay the following monthly surcharges. Surcharges shall be cumulative.
 - (1) \$5.00 for the first 1,000 gallons over allocation
 - (2) \$10.00 for the second 1,000 gallons over allocation
 - (3) \$15.00 for the third thousand gallons over allocation
 - (4) \$20.00 for each additional 1,000 gallons over allocation
- 3) Commercial Customers
- a) A monthly water allocation shall be established by the president of the board of directors, or his or her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 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. Provided, however a customer, 75 percent of whose monthly usage is less than 10,000 gallons shall be allocated 7,500. The president of the board of directors shall give his/her best effort to ensure 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 Elm Creek Water Supply Corporation to determine the allocation. Upon request of the customer or at the initiative of the president of the board of directors, the allocations 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 non-residential 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 president of the board of directors.
 - b) Nonresidential commercial customers shall pay the following surcharges. The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.
 - (1) Customers whose allocation is 0 gallons through 10,000 gallons per month:
 - (a) \$5.00 per thousand gallons for the first 1,000 gallons over allocation
 - (b) \$10.00 per thousand gallons for the second 1,000 gallons over allocation
 - (c) \$15.00 per thousand gallons for the third, 1,000 gallons over allocation
 - (d) \$20.00 per thousand gallons for each additional 1,000 gallons over allocation
 - (2) Customers whose allocation is 10,001 gallons per month or more:
 - (a) 1.5 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation
 - (b) 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

- (c) 1.5 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation
- (d) 1.5 times the block rate for each 1,000 gallons more than 15 percent above allocation.

4) Industrial Customers

- a) A monthly water allocation shall be established by the president of the board of directors, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the twelve-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than twelve months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The president of the board of directors shall give his/her best effort to see that notice of each industrial 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 Elm Creek Water Supply Corporation to determine the allocation, and the allocations shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the president of the board of directors, the allocation may be reduced or increased,
 - (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period,
 - (2) the customer has added or is in the process of adding significant additional processing capacity,
 - (3) the customer has shut down or significantly reduced the production of a major processing unit,
 - (4) the customer had previously implemented significant permanent water conservations measures such that the ability to further reduce water use is limited,
 - (5) the customer agrees to transfer part of its allocation to another industrial customer, or
 - (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the president of the board of directors.

- b) Industrial customers shall pay the following surcharges. The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.
 - (1) Customers whose allocation is 0 gallons through 10,000 gallons per month:
 - (a) \$5.00 per thousand gallons for the first 1,000 gallons over allocation.
 - (b) \$10.00 per thousand gallons for the second 1,000 gallons over allocation.
 - (c) \$15.00 per thousand gallons for third 1,000 gallons over allocation.
 - (d) \$20.00 per thousand gallons for each additional 1,000 gallons over allocation.
 - (2) Customers whose allocation is 10,001 gallons per month or more:
 - (a) 1.5 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
 - (b) 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
 - (c) 1.5 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

- (d) 1.5 times the block rate for each 1,000 gallons more than 15 percent above allocation.

10. Enforcement

- a. No person shall knowingly or intentionally allow the use of water from Elm Creek Water Supply Corporation for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the 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 president of the board of directors, his/her designee, in accordance with provisions of the Plan.
- b. Any person who violates the Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$500.00 and not more than \$1,000.00. 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 president of the board of directors 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 reconnection charge, hereby established at \$100.00 and any other costs incurred by Elm Creek Water Supply Corporation in discontinuing service. In addition, suitable assurance must be given to the president of the board of directors 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 Elm Creek 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.

11. Variances

- a. The president of the board of directors, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
 - 1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 - 2) Alternate methods can be implemented which will achieve the same level of reduction in water use.
- b. Persons requesting an exemption from the provisions of the ordinance shall file a petition for variance with the Elm Creek Water Supply Corporation within five days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by president of the board of directors, or his/her designee, and shall include the following:
 - 1) Name and address of the petitioner(s).
 - 2) Purpose of water use
 - 3) Specific provisions of the Plan from which petitioner is requesting relief.
 - 4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

- 5) Description of the relief requested
 - 6) Period of time for which the variance is sought.
 - 7) Alternate water use restrictions or other measures the petitioner is taking or proposes to meet the intent of this Plan and the compliance date
 - 8) Other pertinent information.
- c. Variances granted by Elm Creek Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the president of the board of directors or his/her designee:
- 1) Variances granted shall include a timetable for compliance.
 - 2) Variances granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.
- d. No variance shall be retroactive or otherwise justify any violation of the Plan occurring prior to the issuance of the variance.