

DROUGHT CONTINGENCY PLAN FOR THE Canadian River Municipal Water Authority

Revised: January 14, 2009

Section I: Declaration of Policy, Purpose, and Intent

In order 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, the Canadian River Municipal Water Authority (CRMWA) adopts the following Drought Contingency Plan (the Plan). All previous versions of this Drought Contingency Plan are rescinded.

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the CRMWA by posting a draft of the plan & notice of public meeting on the internet, direct mailings to each CRMWA Member City, and a press release for a public meeting held at CRMWA Headquarters.

Section III: Wholesale Water Customer Education

The CRMWA will periodically provide Member Cities 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 mailed directly to each Member City initially and periodically for all draft & final revisions.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the CRMWA is located within the Region A & O Planning areas and the CRMWA has provided a copy of the draft Plan to the Region A & O Planning Groups and will provide a copy of the approved plan.

Section V: Authorization

The General Manager, or Assistant General Manager, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by CRMWA. The terms “person” and “customer” as used in the Plan include municipalities, individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Available Sources of Supply:

CRMWA supplies water to its member cities from two sources. Lake Meredith is the surface source, which has an estimated firm yield of up to 69,000 acre-feet annually. (This yield availability is under review because of recent severe drought conditions and may be reduced after completion of that review.) A groundwater source is also available, from which CRMWA can currently supply up to 45,000 acre-feet annually, and which will soon be expanded. A combination of these two sources will be used to meet the water supply needs of the member cities, up to the delivery capability of CRMWA’s aqueduct system. Most of the member cities have other sources of water supply available to them, in addition to the supply received from CRMWA. These alternative sources are used when the supply from CRMWA has been curtailed due to drought or other causes, or when needed to meet peak demand requirements, or as determined desirable or advantageous to the city in question. Because of the diversity of sources of supply available to the member cities, supply management procedures described in this Drought Management Plan for CRMWA will not be imposed upon the member cities as a means of reducing their total water usage, but only as a recommended means of avoiding excessive water use and decreasing unnecessary water usage to make the best use of their overall supplies.

Section VIII: Triggering Criteria: Water Shortage Conditions

Requirements for initiation-- The CRMWA will recognize that a water shortage condition exists when the total supply expected to be available to the member cities from CRMWA in the coming year has been determined to be less than the amounts given in the following table, at the time of any review of the supply by the CRMWA Board of Directors.

Stage 1 (Mild Shortage): 65,000 AF – 74,499 AF

Stage 2 (Moderate Shortage): 55,000 AF – 64,999 AF

Stage 3 (Severe Shortage): 0 AF – 54,999 AF

Requirements for termination-- Each respective Stage of the Plan may be rescinded when CRMWA determines that sufficient water supply is available to supply enough water from all sources to meet the next higher level of demand given in the above listing. Upon termination of each Stage the next lower Stage becomes operative if appropriate. CRMWA will notify its wholesale customers and the news media of the termination of each Stage in the same manner as the notification of initiation of stages of the Plan.

Section IX: Drought Response Stages.

The General Manager, or Assistant General Manager, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII, and shall implement the following actions:

The goals for achieving reductions in water consumption from CRMWA for each respective water shortage condition shall be as follows:

Stage 1 - Mild Water Shortage Conditions: Ten Percent (10%) or as necessary

Stage 2 - Moderate Water Shortage Conditions: Fifteen Percent (15%) or as necessary

Stage 3 - Severe Water Shortage Conditions: Twenty Percent (20%) or as necessary

Supply Management Measures:

CRMWA will utilize the various sources of supply available to it to meet the water supply needs of the member cities. To the maximum extent possible, the surface source of supply will be utilized so as to conserve the Authority's non-renewable groundwater resources. When sufficient surface water and ground water supply is not available to meet the expected needs of the member cities, the total annual supply available will be reduced. When the supply available to the member cities from CMRWA has been reduced, the General Manager or his designee will contact the Member Cities regularly to discuss water supply and/or demand conditions, and will review delivery schedules to determine how the needs of each member city can best be addressed.

Demand Management Measures:

When shortage conditions exist, CRMWA member cities will be encouraged to carefully review the supply available from CRMWA and from their other sources of supply, and to attempt to reduce demand so as to avoid any critical shortfall of water supply. Their own Drought Contingency Plans may be used for this purpose, or any other method of regulating demand which the city may find appropriate or necessary.

Section X: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VIII of the Plan has been declared in effect, the General Manager, or Assistant General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

(a) The Member City's annual allocation percentages will be based on contract allocations. The percentage of total contract allocations will be set by resolution of the CRMWA Board of Directors based on the General Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the Board of Directors as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each Member City shall be limited to the allocation established for the year.

(b) The General Manager, or Assistant General Manager shall provide notice to each Member City informing them of their annual water usage allocations and shall notify the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.

(c) The following provision will be included in every wholesale water supply contract entered into or renewed after official adoption of this plan, including any contract extension:

In case of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water code 11.039.

Section XI: Enforcement

During any period when pro rata allocation of available water supplies is in effect, Member Cities will be strictly limited to allocated amounts. Service will be discontinued when annual allocations have been reached.

Section XII: Variances

The General Manager, or Assistant General Manager, with the approval of the Operating Committee of the Board of Directors, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

(a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e). Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Board of Directors shall be subject to the following conditions, unless waived or modified by the Board of Directors or its designee:

- (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.

Section XIII: Severability

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