



Guadalupe-Blanco River Authority

## Drought Contingency Plan for Wholesale Customers

GBRA approved this version of the  
Drought Contingency Plan for Wholesale Customers  
on (DRAFT 2024 UPDATE)

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## **SECTION 1: INTRODUCTION AND INTENT**

### **1.1 Introduction**

This Drought Contingency Plan for Wholesale Customers (DCP) constitutes the Guadalupe-Blanco River Authority (GBRA) drought contingency plan required under Section 11.1272, Texas Water Code, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288). The provisions of this DCP shall apply to all customers utilizing wholesale water provided by GBRA including water deliveries from Canyon Reservoir, GBRA's Luling Water Rights, and GBRA's Lower Basin Water Rights.

### **1.2 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 GBRA adopts the following revised version of the DCP.

## **SECTION 2: CUSTOMER AND PUBLIC ENGAGEMENT**

### **2.1 Initial Preparation of the DCP**

GBRA wholesale water supply customers were provided a draft copy of the DCP for their comment, review and input. Opportunity for the public to be informed about and provide input into the DCP was provided by means of posting a copy of the DCP on GBRA's website ([www.gbra.org](http://www.gbra.org)) and through discussion of the DCP during GBRA's regularly scheduled public meeting of the GBRA Board of Directors. The DCP was formally adopted by the GBRA Board of Directors on (DRAFT 2024 Update).

### **2.2 Coordination with Regional Water Planning Groups**

The water service area of GBRA is located within the South Central Texas Regional Water Planning Group, Region L. GBRA provided a copy of the DCP to the South Central Texas Regional Water Planning group for coordination to ensure consistency with the approved regional water plan.

### **2.3 Amendments to the DCP**

Any future amendments or updates to the DCP will be done in open meeting of the GBRA Board of Directors. If any changes are made to the DCP, a copy of those changes will be posted on GBRA's website, provided to all wholesale customers, and provided to the Texas Commission on Environmental Quality.

## **SECTION 3: AUTHORIZATION**

The GBRA General Manager/CEO, or his/her designee, is hereby authorized and directed to implement the provisions of this Plan consistent with the criteria specified in the Drought Response Stages herein. GBRA Board action is not required for actions under the DCP other than those actions set forth below:

- 1) Amendments to the DCP (Section 2.3)

- 2) Establishing pro-rata curtailment percentages to be in effect during any emergency drought response stage.

## **SECTION 4: APPLICATION**

GBRA has developed this DCP to provide measures in response to periods of prolonged drought including conditions that would be anticipated during a repeat of the drought of record. GBRA supplies wholesale water to customers in its' service area through existing Water Right Permits and Certificates of Adjudication (Water Rights) issued by the Texas Commission on Environmental Quality (TCEQ) authorizing the storage of firm water supply in Canyon Reservoir and run-of-river diversions at multiple locations in the Guadalupe River Basin. The measures identified in this Plan are applicable to all wholesale customers utilizing raw water received from GBRA under existing Water Rights that are issued to GBRA by TCEQ.

In times of shortage of supply caused by drought or emergency, including during conditions in a drought worse than the drought of record, the TCEQ South Texas Watermaster (Watermaster) will determine how and when all water right holders in the Guadalupe River Basin, including GBRA, must reduce or stop diversions of run-of-river water. These reductions by the Watermaster may be more restrictive than the provisions outlined in this Plan. Should the Watermaster require curtailments of GBRA's run-of-the-river water rights, GBRA will curtail and distribute the available supply or run-of-river water among its water supply customers on a pro rata basis, in accordance with Section 11.039 of the Texas Water Code.

## **SECTION 5: NOTICES**

At any time the drought response stages identified in Section 6, 7, and 8 of this DCP are in effect, GBRA will provide weekly communication to all affected Customers including information regarding current water supply and/or demand conditions and information on projected water supply and/or demand conditions if drought conditions persist. In accordance with the provisions of Section 10.1 of this DCP, GBRA will provide each affected Customer a written notice when projections indicate that any drought response stage triggering pro-rata curtailment is anticipated to occur within 90 days or less.

GBRA will provide all required notices to the Executive Director of the Texas Commission on Environmental Quality as required by applicable requirements, including but not limited to notifying the Executive Director within five business days of the implementation of any pro-rata curtailment provisions of this Drought Contingency Plan.

## **SECTION 6: DROUGHT RESPONSE STAGES FOR CANYON RESERVOIR**

Canyon Dam and Reservoir is a cooperative project that is jointly managed by GBRA and the United States Army Corps of Engineers. GBRA holds a Certificate of Adjudication from TCEQ that provides GBRA the rights to utilize approximately 386,000 acre-feet of conservation storage, representing the available storage in the reservoir between the low elevation of 800-ft mean sea level (msl) up to a maximum elevation of 909-ft msl. The drought stages and responses outlined in this section relate to Customers with contracts for stored water out of Canyon Reservoir.

### **6.1 Stage 1 – Mild Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 1 conditions exists when water in storage in

Canyon Reservoir is equal to or less than elevation 895 feet msl (274,880 acre-feet or approximately 72.6% full).

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 1 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 5 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 1 of the Plan may be rescinded when Canyon Reservoir returns to elevation 895 feet msl or greater for a period of 30 consecutive days.

## **6.2 Stage 2 – Moderate Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 2 conditions exists when water in storage in Canyon Reservoir is equal to or less than elevation 890 feet msl (242,872 acre-feet or approximately 64% full).

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 2 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 10 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 2 of the Plan may be rescinded when Canyon Reservoir returns to elevation 890 feet msl or greater for a period of 30 consecutive days.

## **6.3 Stage 3 – Severe Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 3 conditions exists when water in storage in Canyon Reservoir is equal to or less than elevation 885 feet msl (213,386 acre-feet or approximately 56% full).

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 3 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 15 percent reduction in comparison to the average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 1 of the Plan may be rescinded when Canyon Reservoir returns to elevation 885 feet msl or greater for a period of 30 consecutive days.

## **6.4 Stage 4 – Critical Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 4 conditions exists when water in storage in Canyon Reservoir is equal to or less than elevation 880 feet msl (186,313 acre-feet or approximately 49% full).

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 4 condition, GBRA will initiate allocation of water supplies on a pro-rata basis in

accordance with Texas Water Code Section 11.039 and Section 10 of this DCP. The curtailment percentage in effect for Stage 4 will be 15 percent.

Requirements for termination. Stage 4 of the Plan may be rescinded when Canyon Reservoir returns to elevation 880 feet msl or greater for a period of 30 consecutive days.

## **6.5 Stage 5 – Extreme Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 5 conditions exists when water in storage in Canyon Reservoir is equal to or less than elevation 865 feet msl (118,817 acre-feet or approximately 31% full).

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 5 condition, GBRA will initiate allocation of water supplies on a pro-rata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this DCP. The curtailment percentage in effect for Stage 5 will be 30 percent.

Requirements for termination. Stage 4 of the Plan may be rescinded when Canyon Reservoir returns to elevation 865 feet msl or greater for a period of 30 consecutive days.

## **6.6 Stage 6 – Emergency Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 6 Emergency conditions exists when any of the following conditions exist. Stage 6 Emergency conditions may occur at any time and are not dependent on being preceded by any other drought stage.

- 1) Mechanical or system failures occur, which cause unprecedented loss of capability to provide water service.
- 2) Natural or man-made contamination of the water supply source(s) occurs.
- 3) GBRA determines water levels are reduced to a condition that could lead to a loss of service within 180 days or less.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 6 Emergency condition, GBRA will implement the following measures:

- 1) Initiate allocation of water supplies on a pro-rata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this Plan. The General Manager will make a recommendation on pro-rata curtailment levels necessary to address the situation, and the GBRA Board of Directors will establish the curtailment percentage in effect for Stage 6 Emergency Conditions.
- 2) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- 3) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate to alleviate problems.
- 4) If appropriate, notify city, county, and/or state emergency response officials for assistance.

5) Undertake necessary actions, including repairs and/or clean-up as needed.

Requirements for termination. Stage 6 of the Plan may be rescinded when the triggering conditions in Section 6.6 have ceased to exist.

## **SECTION 7: DROUGHT RESPONSE STAGES FOR LULING WATER RIGHTS**

GBRA holds multiple Certificate of Adjudications from TCEQ that provide GBRA the rights to divert and use water from the San Marcos River in Caldwell County for municipal purposes (the Luling Water Rights). The drought stages and responses outlined in this section relate to Customers with wholesale contracts for water diverted under the Luling Water Rights.

### **7.1 Stage 1 – Mild Water Shortage Conditions**

Requirements for Initiation. GBRA will recognize that Stage 1 conditions exist when the average daily flow drops below 130 cfs at USGS Luling Gauging Station #081720000.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 1 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 5 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 1 of the Plan may be rescinded when the average daily flow returns to a rate of 130 cfs or greater for a period of 30 consecutive days at USGS Luling Gauging Station #081720000.

### **7.2 Stage 2 – Moderate Water Shortage Conditions**

Requirements for Initiation. GBRA will recognize that Stage 2 conditions exist when the average daily flow drops below 80 cfs at USGS Luling Gauging Station #081720000.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 2 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 10 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 2 of the Plan may be rescinded when the average daily flow returns to a rate of 80 cfs or greater for a period of 30 consecutive days at USGS Luling Gauging Station #081720000.

### **7.3 Stage 3 – Severe Water Shortage Conditions**

Requirements for Initiation. GBRA will recognize that Stage 3 conditions exist when the average daily flow drops below 40 cfs at USGS Luling Gauging Station #081720000.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 3 condition, GBRA will initiate allocation of water supplies on a pro-rata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this DCP. The curtailment



percentage in effect for Stage 3 will be 15 percent.

Requirements for termination. Stage 3 of the Plan may be rescinded when the average daily flow returns to a rate of 40 cfs or greater for a period of 30 consecutive days at USGS Luling Gauging Station #081720000.

#### **7.4 Stage 4 – Emergency Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 4 Emergency conditions exists when any of the following conditions exist. Stage 4 Emergency conditions may occur at any time and are not dependent on being preceded by any other drought stage.

- 4) Mechanical or system failures occur, which cause unprecedented loss of capability to provide water service.
- 5) Natural or man-made contamination of the water supply source(s) occurs.
- 6) GBRA determines water levels are reduced to a condition that could lead to a loss of service within 180 days or less.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 6 Emergency condition, GBRA will implement the following measures:

- 6) Initiate allocation of water supplies on a pro-rata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this Plan. The General Manager will make a recommendation on pro-rata curtailment levels necessary to address the situation, and the GBRA Board of Directors will establish the curtailment percentage in effect for Stage 4 Emergency Conditions.
- 7) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- 8) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate to alleviate problems.
- 9) If appropriate, notify city, county, and/or state emergency response officials for assistance.
- 10) Undertake necessary actions, including repairs and/or clean-up as needed.

Requirements for termination. Stage 4 of the Plan may be rescinded when the triggering conditions in Section 7.4 have ceased to exist.

### **SECTION 8: DROUGHT RESPONSE STAGES FOR LOWER BASIN WATER RIGHTS**

GBRA holds multiple Certificate of Adjudications from TCEQ that provide GBRA the rights to divert and use water from the Guadalupe River in multiple location in Calhoun and Refugio Counties for municipal, industrial, and agricultural purposes (the Lower Basin Water Rights). The drought stages and responses outlined in this section relate to Customers with wholesale contracts for water receiving water supplies diverted under the Lower Basin Water Rights.

## 8.1 Stage 1 – Mild Water Shortage Conditions

Requirements for Initiation. GBRA will recognize that a Stage 1 condition exists when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 drops below 400 cfs.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 1 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 5 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 1 of the Plan may be rescinded when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 returns to a rate of 400 cfs or greater for a period of 30 consecutive days.

## 8.2 Stage 2 – Moderate Water Shortage Conditions

Requirements for Initiation. GBRA will recognize that a Stage 2 condition exists when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 drops below 250 cfs.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 2 condition, GBRA will contact wholesale water customers to discuss water supply and/or demand conditions and request that all customers initiate voluntary measures to reduce non-essential water use and achieve a voluntary 10 percent reduction in comparison to their average monthly usage of contracted water for that time period of the calendar year.

Requirements for termination. Stage 2 of the Plan may be rescinded when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 returns to a rate of 250 cfs or greater for a period of 30 consecutive days.

## 8.3 Stage 3 – Severe Water Shortage Conditions

Requirements for Initiation. GBRA will recognize that a Stage 3 condition exists when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 drops below 150 cfs.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 3 condition, GBRA will implement the following measures:

- 1) Initiate allocation of water supplies on a prorata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this DCP. The curtailment percentage in effect for Stage 3 will be 15 percent.
- 2) Suspend water deliveries to agricultural users with contracts for interruptible water.

Requirements for termination. Stage 3 of the Plan may be rescinded when the combined average daily flow at the USGS Guadalupe River at Victoria Gauging Station #08176500 and the USGS San Antonio River at Goliad Gauging #08188500 returns to a rate of 150 cfs or greater for a period of 30 consecutive days.

#### **8.4 Stage 4 – Emergency Water Shortage Conditions**

Requirements for initiation. GBRA will recognize that Stage 4 Emergency conditions exists when any of the following conditions exist. Stage 4 Emergency conditions may occur at any time and are not dependent on being preceded by any other drought stage.

- 1) Mechanical or system failures occur, which cause unprecedented loss of capability to provide water service.
- 2) Natural or man-made contamination of the water supply source(s) occurs.
- 3) GBRA determines water levels are reduced to a condition that could lead to a loss of service within 180 days or less.

Drought Stage Response. In order to manage limited water supplies and/or reduce water demand during a Stage 4 Emergency condition, GBRA will implement the following measures:

- 1) Initiate pro-rata allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and Section 10 of this Plan. The General Manager will make a recommendation on pro-rata curtailment levels necessary to address the situation, and the GBRA Board of Directors will establish the curtailment percentage in effect for Stage 4 Emergency Conditions.
- 2) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- 3) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate to alleviate problems.
- 4) If appropriate, notify city, county, and/or state emergency response officials for assistance.
- 5) Undertake necessary actions, including repairs and/or clean-up as needed.

Requirements for termination. Stage 4 of the Plan may be rescinded when the triggering conditions in Section 8.4 have ceased to exist.

### **SECTION 9: ADDITIONAL SUPPLY AND DEMAND MANAGEMENT MEASURES**

In order to reduce water demand during drought conditions, GBRA will implement the following demand management measure any time pro-rata curtailments of water are in effect:

- 1) Any Customer utilizing wholesale water supplies from GBRA for municipal purposes shall limit landscape watering with an irrigation system or sprinkler to once a week or less frequently. This will be a requirement of the Curtailment Plan outlined in Section 10.2.

In order to manage limited water supplies during drought conditions, GBRA may implement one or more of the following supply management measures during any Drought Response Stage identified in Sections 6, 7, and 8.

- 1) Encourage wholesale water customers to utilize alternative water sources including, but not limited to, other surface water or groundwater sources available to Customer, interconnections with another water system, and/or use of reclaimed water for non-potable purposes.
- 2) Contact the United States Geological Survey (USGS) to calibrate and review the operation of all critical stream gauges.
- 3) Coordinate review of water use in the Guadalupe-San Antonio River Basin with the Watermaster. In times of shortage of supply caused by drought or emergency, the Watermaster will determine when water rights holders must reduce or stop diversions.
- 4) Implement any available water delivery procedures to improve efficiency of the delivery of water.

## **SECTION 10: PRO-RATA CURTAILMENT**

The purpose of this section is to define the process and requirements under which GBRA will make water available to wholesale water customers during pro-rata curtailment in accordance with Texas Water Code §11.039.

### **10.1 General Procedures**

The following steps outline the process for preparing for and implementing pro-rata curtailment of wholesale customers:

- 1) When projections indicate that any drought response stage triggering pro-rata curtailment is anticipated to occur within 90 days or less, GBRA will provide each affected Customer a written notice requesting the Customer develop a Curtailment Plan that meets the requirements of Section 10.2 of this DCP.
- 2) Customer develops a Curtailment Plan, including monthly patterns of use and the measures to achieve the necessary reduction, and provides it to GBRA for review and approval within 30 days of GBRA's notice requesting the Curtailment Plan.
- 3) When the triggering criteria for any drought response stage including pro-rata curtailment is met, GBRA will provide each affected Customer a notice directing Customers to implement their Curtailment Plan.
- 4) GBRA Staff will follow the Monitoring and Reporting procedures outlined in Section 10.2 to evaluate how each affected Customer's actual water use compares to the Customer's Curtailment Plan and determine if any of the enforcement provisions outlined in Section 11.0 are warranted.

### **10.2 Curtailment Plan**

The Curtailment Plan is a plan developed by the Customer that outlines the measures a Customer will employ to achieve a reduction in actual water use that is less than or equal to their Annual Allotment. The Annual Allotment will be provided to the Customer by GBRA and will be based upon the Customer's

Contracted Annual Commitment of water from GBRA less the curtailment percentage in effect. The Curtailment Plan must include the following items, at a minimum:

- a) Identify the Customer's Drought Coordinator and the coordinator's contact information (phone, email, and mailing address), as well as the contact information for any other person to whom GBRA shall provide materials and information during the period in which a pro-rata curtailment is in effect.
- b) Include a Monthly Distribution of the Annual Allotment identifying the monthly water use targets the customer expects to achieve for the Allotment Year beginning on the first full month the relevant drought stage is anticipated to be triggered.
- c) Identify the specific measures which will be implemented by the Customer to achieve the curtailment percentage in effect.

GBRA will not accept a Curtailment Plan that does not include a reasonable Monthly Distribution of the Customer's Annual Allotment, with such reasonableness to be solely determined by GBRA. In determining reasonableness, GBRA will consider the Customer's monthly water use from previous years, a typical distribution based on the Customer's purpose of use, other sources of supply available to the Customer, and any other relevant information.

A Curtailment Plan for a Customer utilizing wholesale water supplies from GBRA for municipal purposes shall include, at a minimum, provisions for landscape watering with an irrigation system or sprinkler to be limited to once per week or less frequent.

In the event that Customer has not submitted a plan or GBRA has not accepted a Curtailment Plan for Customer prior to initiation of a curtailment, Customer's Monthly Distribution shall be 1/12 of the Annual Allotment per month.

### **10.3 Review and Acceptance of Curtailment Plan**

Within 15 days of receipt of Customer's Curtailment Plan, GBRA will review the plan and notify Customer of acceptance or of any deficiencies in the plan.

If Customer's Curtailment Plan is not accepted, Customer shall have 15 days from receipt of GBRA's notice of deficiency to remedy the elements of the Customer's Curtailment Plan that are not acceptable.

### **10.4 Curtailment Year**

If pro-rata curtailment commences after the beginning of a calendar year, the curtailment shall apply over a 12 month "Curtailment Year" beginning on the first full month the curtailment is in effect. If the pro-rata curtailment is rescinded prior to the end of the Curtailment Year, customer shall be responsible for meeting the Annual Allotment as pro-rated for the applicable portion of the Curtailment Year. In the event the curtailment percentage changes during the Curtailment Year, Customer's Annual Allotment will be determined based upon the months in which each curtailment percentage was in effect.

### **10.5 Monitoring and Reporting During Pro-Rata Curtailment**

GBRA Staff will monitor Customer's use of water on a monthly basis and will send information to the Drought Coordinator each month including:

- 1) The Customer's actual use;
- 2) The Monthly Distribution amounts (based on the curtailment percentage in effect at the time) that will be used for purposes of tracking applicable water use exceedances and/or credits;
- 3) The accrued total of exceedances or credits for purposes of tracking how customer's actual water use compares to its Curtailment Plan. The accrued total of exceedances or credits shall be tracked as follows:
  - a) Exceedances and credits will be tracked by comparing a Customer's actual monthly water use against the Monthly Distribution over the course of the Curtailment Year.
  - b) In the event the Customer's actual water use within a month is less than the Monthly Distribution, a credit will be recorded for that month in units of acre-feet. The credit can be carried forward into subsequent months within the same Curtailment Year, but cannot be used in a subsequent Curtailment Year.
  - c) Within a Curtailment Year, if there is a month in which the amount diverted exceeds the Monthly Distribution, an available credit from a prior month can be applied to reduce the exceedance for that month.
  - d) In the event the amount used in a month is greater than the Monthly Distribution in a Customer's Curtailment Plan and no credits are available from a prior month, an exceedance will be accrued.
  - e) Accrued exceedances can be offset by credits in subsequent months within the Curtailment Year.
  - f) Credits and exceedances will be pro-rated for a month in which pro rata curtailment is ceased.

While exceedances are determined and tracked on a monthly basis, any applicable surcharges defined in Section 11.0 would only be assessed based on exceedances remaining at the end of the Curtailment Year, or at such time that pro-rata curtailment is rescinded.

## **SECTION 11: ENFORCEMENT**

GBRA will monitor Customer's compliance with its Curtailment Plan and may take enforcement action as necessary in the event the Customer is noncompliant. GBRA's enforcement actions may include:

- 1) Water Rate Surcharges. For water used in amounts exceeding Customer's Annual Allotment or portion thereof, the following rates apply:
  - a) For actual water use in an amount up to 5 percent greater than the Annual Allotment or portion thereof, the rate assessed shall be equal to 2 times the then-current raw water rate(s) for the applicable GBRA system.
  - b) For actual water use in an amount from 5.01 to 10 percent greater than the Annual Allotment or portion thereof, the rate assessed shall be equal to 4 times the then-current raw water rate(s) for the applicable GBRA system.

- c) For actual water use in an amount more than 10 percent greater than the Annual Allotment or portion thereof, the rate assessed shall be equal to 6 times the then-current raw water rate(s) for the applicable GBRA system; however, if a Customer has exceeded its Annual Allotment by greater than 10 percent in a prior Curtailment Year, the rate shall be ten times the then-current raw water rate(s) for the applicable GBRA system.
- 2) Reductions in Water Deliveries. GBRA may make operational changes in water delivery systems to physically restrict the rate or quantity of water delivered to Customer in an amount that is consistent with the Monthly Distribution. These operational changes may include, but are not limited to, reductions in releases from reservoirs, reductions in production at water treatment plants, manipulation of control valves to restrict water deliveries, reduction in pumping rates, installation of pressure reducing valves or other regulating devices, and any other feasible measures.
- 3) Discontinuation of Delivery. Notwithstanding any surcharges applicable to water use in amounts greater than the Annual Allotment, and or reductions in water deliveries, GBRA reserves the right to cut off delivery of water in amounts that would exceed Customer's Annual Allotment.

Monitoring and enforcement of water-use restrictions at the end-user level will be the customers' responsibility. GBRA wholesale water contracts entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

## **SECTION 12: VARIANCES**

The General Manager/CEO may grant a temporary variance to the pro rata water allocation policies of this DCP if it is determined that one or more of the following conditions are met:

- 1) Failure to grant a variance would cause an emergency condition adversely affecting the public health, welfare, or safety.
- 2) It is not technically feasible for the Customer to continue any operations at the reduced rate required by their Annual Allotment.
- 3) 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 10 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors of GBRA, and shall include the following:

- 1) Name and address of the Customer seeking the variance.
- 2) 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 Customer or what damage or harm will occur to the Customer by complying with the provisions of this Plan.
- 3) Demonstration of the why the threat to public health, safety and welfare addressed by the variance cannot be eliminated through any action of the Customer.

- 4) Description of the relief requested.
- 5) Period of time for which the variance is sought.
- 6) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- 7) Other pertinent information.

Variations granted by GBRA shall be subject to the following conditions:

- 1) Variations granted shall include a timetable for compliance unless the customer has demonstrated the threat to public health, safety, and welfare addressed by the Variance cannot be eliminated through any action of the customer.
- 2) Variations granted shall expire when pro-rata curtailments are no longer in effect, unless the Customer has failed to meet specified requirements.
- 3) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to receipt of the request for Variance.

Variations from the Annual Allotment will be provided, without the need for prior written request, for water used solely for purposes of power generation.

### **SECTION 13: SEVERABILITY**

It is hereby declared to be the intention of GBRA's Board of Directors that the sections, paragraphs, sentences, clauses, and phrases of the DCP are severable and, if any phrase, clause, sentence, paragraph, or section of the DCP 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 the DCP, since the same would not have been enacted by GBRA's Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.