

# **Water Conservation Plan and Drought Contingency Plans**

**For**

**Bitter Creek WSC—PWS #1770004  
Bitter Creek WSC South—PWS #1770007**

October 2012

Prepared  
By:



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## **1.0 WATER CONSERVATION PLAN**

### **1.1 General**

This Conservation Plan has been developed to meet the requirements of 30 TAC §288.2 for Bitter Creek Water Supply Corporation (the Corporation) which is a retail public water supplier of treated water to residential, commercial and industrial customers located in Nolan County and Fisher County. It should be noted that Bitter Creek WSC utilizes two sources; therefore, TCEQ has assigned separate water system identification numbers for these systems. Bitter Creek WSC I.D. # 1770004 (BCWSC 1770004) purchases water from the City of Sweetwater and the Bitter Creek WSC SOUTH I.D. #1770007 (BCWSC SOUTH 1770007) is served by the Sims wells. It should be noted that BCWSC SOUTH 1770007 has an emergency interconnect with the City of Sweetwater at the South Hwy. 70 Pump Station.

One Water Conservation Plan has been developed to cover both systems since conservation efforts will be commonly applied in both systems. However, separate Drought Contingency Plans (DCP) have been developed since the City of Sweetwater's DCP governs the response stages of the purchased water system (I.D. #1770004) and the well production capacities govern the response stages of the ground water system (I.D. #1770007). It should also be noted that when the emergency interconnection is activated and BCWSC SOUTH 1770007 begins purchasing water from Sweetwater, BCWSC SOUTH 1770007 will at that time be governed by the Sweetwater DCP.

### **1.2 Utility Profile**

BCWSC 1770004 purchases treated water from the City of Sweetwater through five master meters. BCWSC 1770007 utilizes groundwater produced by two wells (Sims wells). Over the past five years the combined systems have used on average approximately 120 MG per year with a daily usage of approximately 0.329 MG per Day (MGD). BCWSC 1770004 has purchased an average of approximately 66.3 MG per year with a daily usage of approximately 0.182 MGD. BCWSC SOUTH 1770007 has used an average of approximately 53.8 MG per year with a daily usage of approximately 0.147 MGD. The combined systems currently provide water for a retail population of approximately 2,328. The combined systems facility only Certificate of Convenience and Necessity (CCN) consists of about 265 miles of pipeline. This facility only CCN (11149) is generally bound by Highway 180 on the north, FM 2035 on the south, Nolan County Road 222 on the east and FM 611 and FM 608 on the west. A map of the Corporation's service area is included in Appendix A. The municipal use public water supply utility profile for the combined Bitter Creek WSC systems is included in Appendix B.

The combined, existing BCWSC facilities consist of approximately 265 miles of water distribution lines ranging in size from 8" to 1", three pump stations, three ground storage tanks, five elevated ground storage tanks, one standpipe, six master meter supply points, two wells and approximately 940 service connections.

The BCWSC is physically divided into a north and south water distribution system. The location of the service meters are fairly equally divided in the north and south parts of the distribution system. The North Pump station, the Nunn Hill elevated ground storage tanks, and the James Cave Hill elevated ground storage tank are located in BCWSC 1770004 (northern portion). The South Highway Pump Station, the Sims Pump Station, the Sims Hill elevated ground storage tank and Gesen Hill elevated ground storage tank are located in BCWSC SOUTH 1770007 (southern portion).

Bitter Creek Water Supply Corporation's (BCWSC 1770004) existing water supply facilities are described as follows:

The 15<sup>th</sup> Street Master Meter serves approximately 13 connections by direct pressure from the City of Sweetwater.

The Hopkins Master Meter serves approximately 53 connections by direct pressure from the City of Sweetwater.

The I-20 Master Meter serves approximately 31 connections by direct pressure from the City of Sweetwater.

The Walnut Street Master Meter serves approximately 36 connections by direct pressure from the City of Sweetwater and delivers water to the North Pump Station.

The North Pump Station consists of one 36,000 gallon ground storage tank, along with two 225 GPM (each) high service pumps. From the North Pump Station water is pumped through a 6 inch water line to approximately 377 connections while filling the two Nunn Hill Elevated Ground Storage tanks (100,000 gallons each) and the 30,000 gallons James Cave Hill Elevated Pump Station.

Bitter Creek Water Supply Corporation's SOUTH (BCWSC SOUTH 1770007) existing water supply facilities are described as follows:

The two Sims wells pump through a master meter to the Sims Pump Station.

The Bradford Lane master meter serves approximately 75 connections by direct pressure from the City of Sweetwater and delivers water to the BCWSC South 1770007 system under emergency water shortage conditions.

The Sims Pump Station consists of one 45,000 gallon ground storage tank along with two 500 GPM (each) high service pumps. From the Sims Pump Station water is pumped through an 8 inch line to approximately 430 connections while filling the 75,000 gallon Sims Hill Elevated Ground Storage Tank and the 75,000 gallon Gesen Elevated Ground Storage Tank.

The South Highway 70 Pump Station consists of one 20,000 gallon ground storage tank along with two 225 GPM (each) high service pumps. If needed for emergency purposes, water from the City of Sweetwater can be directed into the 20,000 gallon ground storage tank and pumped to the distribution system. The South Highway 70 Pump Station is normally off line and has not been utilized in many years.

### **1.3 Water Conservation Goals**

Over the past five years the water users served by the combined BCWSC systems have historically used approximately 143 *gpcd*. The 5-year goal for water use reduction by BCWSC is to reduce per capita use by two gallons per day per user to 141 *gpcd* by the end of 2014. The 10-yr goal by BCWSC is to reduce per capita use by ten gallons per day per user to 133 *gpcd*. These 5- and 10-year goals are in line with the overall water conservation goals outlined by both the State of Texas and the Region G Planning Group.

In addition, the Corporation over the past three years has experienced on average approximately 53% water loss through the water system, which equates to a water loss of approximately 79 *gpcd*. The Corporation's 5-year goal is to reduce water loss to below 50% by the end of 2014. The 10-year goal is to reduce water loss to below 40%. The 5- and 10-year goals will be met through replacement of old supply and distribution lines and through more accurate recording of unaccounted for water.

### **1.4 Schedule for Implementing Plan to Achieve Targets and Goals**

BCWSC will adhere to the following schedule, to achieve the targets and goals for water conservation:

- Calibration of master meters will be conducted annually.
- The BCWSC meter replacement program is as follows:
  - Meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle, 500,000 gallons, or as needed.
- Water audits shall be conducted annually
  - Real water losses shall be identified and corrected.
  - Real water losses shall be minimized by replacement of deteriorating water mains and appurtenances, as is conducted by BCWSC staff on an on-going basis.
- BCWSC shall mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources semi-annually (once in the spring and once in the summer) to all customers and provide additional information for viewing at the BCWSC offices.
- A Leak Detection Program shall be implemented by BCWSC, which reduces real water losses.
- BCWSC plans to utilize a service agreement.
- Begin requiring all residential or commercial new construction or renovations to use water conserving fixtures.

## **1.5 Tracking Targets and Goals**

BCWSC staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
- Annual water audits shall be documented and kept in the files.
- Staff shall keep a record of the number of mail-outs distributed semi-annually.
- Rates shall be tracked by means of resolutions adopted.
- Logs shall be maintained for the utility's Leak Detection Program.

## **1.6 Metering Devices**

All metering devices used by the Corporation to meter water diverted from the City of Sweetwater or diverted from the Sims wells are accurate to within plus or minus 5% to measure and account for water diverted to the Corporation. The purchased water master meters are maintained by the City of Sweetwater and the Sims Wells master meter is maintained by BCWSC. The master meters are calibrated annually and replaced as needed. The Corporation inspects all residential, commercial and industrial meters on a regular basis. When the Corporation observes abnormally high or low usages for a customer those meters are replaced as needed.

## **1.7 Universal Metering**

All service connections in the BCWSC water distribution system are metered. The Corporation promotes an aggressive leak detection and repair program along with a computerized billing system, which together result in an accurate accounting of the delivery of water.

## **1.8 Unaccounted-For Water Use**

The Corporation utilizes a record management program which includes water purchased, water sold, water loss and daily average water usage. In addition, the Corporation separates water users and sales into categories of residential, commercial and industrial. The Corporation visually inspects distribution lines for leaks on a daily basis and repairs reported and visually detected leaks in a timely manner. With detailed record management and leak detection programs, the Corporation is able to minimize unaccounted-for water use.

## **1.9 Continuing Public Education & Information**

BCWSC has available at their main office posted information, pre-printed brochures, etc. pertaining to water conservation, which water customers can view and pickup at their convenience. The Corporation also holds monthly board meetings open to the public where questions and comments can be discussed pertaining to water conservation. In addition, the Corporation periodically sends mail outs to its customers. The mail outs include information and educational tips pertaining to water conservation.

## **1.10 Non-Promotional Water Rate Structure**

BCWSC has adopted a non-promotional water rate structure as outlined below. With a water rate structure which includes a per thousand gallon charge, the Corporation shifts the cost of supplying water to those customers who use water the most. The rates contained in this plan are subject to change from time to time as deemed appropriate and necessary by the Corporation Board of Directors.

### Water Rate Structure:

Minimum 1,000 Gallons	\$45.00
Per 1,000 Gallons (> 1,000 Gallons)	\$11.00

## **1.11 Enforcement Procedure & Plan Adoption**

This water conservation plan has been adopted by the BCWSC, and a copy of the resolution adopting the Plan is included in Appendix C. The adopted Plan will be enforced by the Corporation by providing water service only to customers complying with the Plan and discontinuing service to customers who do not pay their water bills or refuse to comply with the Plan.

## **1.12 Coordination with Region G Planning Group**

The service area of the BCWSC is located within the Region G water planning area and the Corporation has provided a copy of this water conservation plan to Region G Planning Group.

## **1.13 Plan Review and Update**

BCWSC will review and update this water conservation plan, as needed, based on new or updated information, such as adoption or revision of the regional water plan. As a minimum the water conservation plan will be updated again before May 1, 2014 and every five (5) years thereafter.



## **2.0 DROUGHT CONTINGENCY PLAN**

### **Bitter Creek WSC PWS I.D. # 1770004**

#### **Section 2.1 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, livestock, 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 Bitter Creek Water Supply Corporation PWS I.D. # 1770004 (BCWSC 1770004) hereby adopts the following regulations and restrictions on the delivery and consumption of water through a resolution. Please note that Bitter Creek WSC South PWS I.D. # 1770007 (BCWSC South 1770007) is not a wholesale customer of the City of Sweetwater; therefore, a separate Drought Contingency Plan (DCP) is included Section 3.0 of this document for this groundwater system.

Water uses regulated or prohibited under this DCP 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 2.10 of this Plan.

#### **Section 2.2 Public Involvement**

Opportunity for the public to provide input into the preparation of the DCP was provided by the Bitter Creek Water Supply Corporation by means of a public meeting held on October 15, 2012.

#### **Section 2.3 Public Education**

The Bitter 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 utility bill mailings and Bitter Creek Water Supply Corporation Website.

#### **Section 2.4 Coordination with Regional Water Planning Groups**

The service area of the Bitter Creek Water Supply Corporation is located within the Region G Regional Planning Area and the Corporation has provided a copy of this Plan to the Region G Planning Group.

#### **Section 2.5 Authorization**

The Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The 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 2.6 Application**

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the BCWSC 1770004. The terms person and customer as used in the DCP include individuals, corporations, partnerships, associations, and all other legal entities.

## **Section 2.7 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 Bitter Creek Water Supply.

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.

Livestock water use: the use of water for the care of domestic animals, such as cattle, horses, sheep, goats, chickens and hogs, raised for home use or for profit.

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise

provided under this Plan;

- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (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 firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

## **Section 2.8 Criteria for Initiation and Termination of Drought Response Stages**

The Manager, or his/her designee, will coordinate with the City of Sweetwater (the City) and shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified triggers are reached.

The triggering criteria described below are based on the DCP adopted by the City. The City supplies water to a mixture of residential, commercial, industrial, public, agriculture, institutional and wholesale users. BCWSC 1770004 is a wholesale customer of the City. As noted above BCWSC 1770007 is not a wholesale customer of the City and therefore a separate DCP is included in this document. The City will initiate a drought potential evaluation when the water surface elevation of Oak Creek Reservoir falls to 10 feet below the spillway. At this point, Oak Creek Reservoir contains 20,379 acre feet of water or 51.5% of capacity. Please note that the City uses five (5) levels or stages for determining the degree of urgency for initiation of their DCP; therefore, the BCWSC 1770004 DCP will also utilize this format.

### **Stage 1 Triggers -- MILD Water Shortage Conditions**

#### Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 2.7 Definitions, when the water surface elevation of Oak Creek Reservoir falls to 10 feet below the spillway. At this point, Oak Creek Reservoir contains 20,379 acre feet of water or 51.5% of capacity as determined by the City.

#### Requirements for termination

Stage 1 of the Plan may be rescinded when the City notifies BCWSC 1770004 that all of the conditions listed as triggering events have ceased to exist.

## **Stage 2 Triggers -- MODERATE Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 2.9 of this Plan when the following conditions occur:

- a. The water surface elevation of Oak Creek Reservoir falls to 15.5 feet below the spillway and the total daily pumpage from the well field cannot meet the system demand, or:
- b. Total daily pumpage from the water treatment plant exceeds 6.0 million gallons per day for five (5) consecutive days and total pumpage from the well field cannot meet the system demand, or:
- c. Total daily pumpage from the well field cannot meet the system demand.

### Requirements for termination

Stage 2 of the Plan may be rescinded when the City notifies BCWSC 177004 that all of the conditions listed as triggering events have ceased to exist.

## **Stage 3 Triggers -- SEVERE Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 2.9 of this Plan when the following conditions occur:

- a. The water surface elevation of Oak Creek Reservoir falls to 18 feet below the spillway and the total daily pumpage from the well field cannot meet the system demand, or:
- b. Total daily pumpage from the water treatment plant exceeds 5.0 million gallons per day for four (4) consecutive days following the 14<sup>th</sup> day after implementation of Stage 2 measures and total pumpage from the well field cannot meet the system demand, or:
- c. Total daily pumpage from the well field cannot meet the system demand.

### Requirements for termination

Stage 3 of the Plan may be rescinded when the City notifies BCWSC 177004 that all of the conditions listed as triggering events have ceased to exist.

#### **Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 2.9 of this Plan when the following conditions occur:

- a. The water surface elevation of Oak Creek Reservoir falls to 19.7 feet below the spillway and the total daily pumpage from the well field cannot meet the system demand, or:
- b. Total daily pumpage from the water treatment plant exceeds 4.5 million gallons per day for three (3) consecutive days following the 14<sup>th</sup> day after implementation of Stage 3 measures and total pumpage from the well field cannot meet the system demand, or:
- c. Total daily pumpage from the well field cannot meet the system demand.

##### Requirements for termination

Stage 4 of the Plan may be rescinded when the City notifies BCWSC 1770004 that all of the conditions listed as triggering events have ceased to exist.

#### **Stage 5 Triggers -- EMERGENCY Water Shortage Conditions**

##### Requirements for initiation

- a. The City and/or BCWSC 177004 encounters a rapidly developing emergency water demand situation as a result of a loss of a major component of the treatment or distribution system, a loss of a source of supply, a natural disaster, or any other similar emergency water demand as determined by the City Manager, the City's Director of Public Works or the Manager, or his/her designee.

##### Requirements for termination

Stage 5 of the Plan may be rescinded when the City notifies BCWSC 1770004 that all of the conditions listed as triggering events have ceased to exist for the City or when the Manager, or his/her designee has determined that all conditions that triggered the event concerning BCWSC 177004 facilities have ceased to exist.

## **Section 2.9 Drought Response Stages**

The Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and, in accordance with the triggering criteria set forth in Section 2.8 of this Plan, shall determine that a mild, moderate, severe, critical or emergency water shortage condition exists and shall implement the following notification procedures:

### **Notification**

#### Notification of the Public:

The Manager, or his/ her designee shall notify the public by means of at least two of the following:

- Publication in a newspaper of general circulation,
- Direct mail to each customer,
- Public service announcements,
- Signs posted in public places,
- Take-home fliers at schools,
- BCWSC Web-Site.

#### Additional Notification:

The Manager or his / her designee shall notify directly, or cause to be notified directly in the event of an emergency water shortage, the following individuals and entities:

- Manager of the Utility Board
- Fire Chief(s)
- City and/or County Emergency Management Coordinator(s)
- County Judge & Commissioner(s)
- State Disaster District / Department of Public Safety
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Critical water users, i.e. hospitals
- Parks / street superintendents and public facilities managers

## **Stage 1 Response -- MILD Water Shortage Conditions**

*Goal: achieve a voluntary 10 percent reduction in daily water demand.*

### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC 1770004 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide reports, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**B. Voluntary Water Use Restrictions:**

1. All customers are asked to curtail use of water for nonessential purposes on a voluntary basis.

**Stage 2 Response -- MODERATE Water Shortage Conditions**

*Goal: achieve a 25 percent reduction in daily water demand.*

**A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC 1770004 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Residential and commercial yard watering is restricted to the period from midnight to 10:00 a.m. any day of the week.
2. Residential washing of vehicles is limited to that done by the use of a garden hose equipped with an automatic shut-off device.
3. Watering of public properties is restricted to Monday, Wednesday, and Friday, from 6:00 a.m. to 12 noon.
4. Violations of any of these restrictions while under Stage 2 conditions, is subject to a fine of up to \$100.00 per violation.
5. Residential Water Rate Structure:

- a. No rate change. Use current rate structure.
- 6. Commercial Water Rate Structure
  - a. Pro rata system will not be activated.
- 7. Livestock water is exempt

**Stage 3 Response -- SEVERE Water Shortage Conditions**

*Goal: achieve a 37.5 percent reduction in daily water demand.*

**A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC 1770004 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- 1. Residential and commercial yard watering is restricted to the following:
  - a. Only between midnight and 10:00 a.m.
  - b. Only on Tuesdays and Saturdays for even numbered addresses.
  - c. Only on Thursdays and Sundays for odd numbered addresses
  - d. Residential washing of vehicles is limited to that done by the use of a garden hose equipped with an automatic shut-off device.
  - e. Watering of public properties is restricted to the period of 6:00 a.m. and 12:00 noon on Mondays.

NOTE: Water will not be allowed to run into the gutter/bar ditch or otherwise be wasted.

- 2. Violations of any of these restrictions while under Stage 2 conditions, is subject to a fine of up to \$100.00 per violation
- 3. Residential Water Rate Structure:
  - a. No rate change. Use current rate structure.
- 4. Commercial Water Rate Structure



a. Pro rata system will not be activated.

5. During this stage, we can request livestock not be watered.

#### **Stage 4 Response -- CRITICAL Water Shortage Conditions**

*Goal: achieve a 44 percent reduction in daily water demand.*

##### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC 1770004 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

##### **B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Residential and commercial yard watering is restricted to the following:
  - a. Only between 6:00 a.m. to 8:00 a.m.
  - b. Only on Tuesdays for even numbered addresses
  - c. Only on Thursdays for odd numbered addresses
  - d. Restaurants will serve water to customers only on request
  - e. Washing of residential, commercial, public or industrial driveways, sidewalks, parking areas, windows or structures is prohibited
  - f. Filling of private swimming pools is prohibited
  - g. Residential washing of vehicles is prohibited
  - h. Use of bulk loading stations is prohibited
  - i. Use of ornamental fountains is prohibited
2. Residential Water Rate Structure
  - a. 0-10,000 gallons: No rate change. Use current rate structure
  - b. 10,001- 20,000 gallons: 1.5 times standard rate
  - c. 20,001- 30,000 gallons: 2.5 times standard rate
  - d. 30,001 gallons and more: 3.5 times standard rate
3. Commercial Water Rate Structure—Notify commercial water customers of the initiation of pro rata curtailment of water deliveries according to the procedures specified in Section 2.11 of this Plan.

4. Violation of the pro rata restrictions or residential usage of 20,000 gallons or more per billing period for two consecutive billing periods, while under Stage 4 conditions, is subject to a fine of up to \$100.00 per violation.
5. During this state, we can request livestock not be watered.

### **Stage 5 Response -- EMERGENCY Water Shortage Conditions**

*Goal: achieve a 50 percent reduction in daily water demand.*

#### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC 1770004 to manage limited water supplies and/or reduce water demand: flush water mains only when absolutely necessary to maintain safe drinking water.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

#### **B. Response**

Whenever emergency water shortage conditions exist as defined in Section 2.8 of the Plan, the President shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. If appropriate, notify city, county, and/or state emergency response officials for assistance.
3. Undertake necessary actions, including repairs and/or clean-up as needed.
4. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
5. During this state, we can request livestock not be watered.

#### **C. Water Use Restrictions**

1. Residential Water Rate Structure
  - a. 0-10,000 gallons: No rate change. Use current rate structure
  - b. 10,001- 20,000 gallons: 2.5 times standard rate
  - c. 20,001- 30,000 gallons: 3.5 times standard rate

- d. 30,001 gallons and more: 4.5 times standard rate
2. Commercial Water Rate Structure—Notify commercial water customers of the initiation of pro rata curtailment of water deliveries according to the procedures specified in Section 2.11 of this Plan.
3. Violation of the pro rata restrictions or residential usage of 10,000 gallons or more per billing period for two consecutive billing periods, while under Stage 5 conditions, is subject to a fine of \$100.00 per violation.

### **Section 2.10 Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the Bitter Creek Water Supply Corporation for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in a way not permitted by the drought response stage in effect at the time pursuant to action taken by the Manager, or his/her designee, in accordance with provisions of this Plan
- (b) If any person violates this Plan, the Manager 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 re-connection charge, hereby established at \$100.00, and any other costs incurred by the Bitter Creek Water Supply Corporation in discontinuing service. In addition, suitable assurance must be given to the Manager 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 the Bitter 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 persons 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.

## **Section 2.11. Pro Rata Water Allocation**

### **A. Conditions**

In the event triggering criteria as specified in Section 2.8 of the Plan for Stage 4—Critical Water Shortage have been reached the 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 allocation policies and procedures:

1. A commercial customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by the Board based on the Manager's assessment of the severity of the water shortage condition and the need to curtail water deliveries and may be adjusted periodically by Board as conditions warrant. Once pro rata allocation is in effect, water deliveries to each commercial customer shall be limited to the allocation established for each month.
  2. A monthly water usage allocation shall be established by the Manger, or his/her designee, for each commercial customer (see Table 1). The commercial customer water usage baseline will be computed on the average water usage by month for the most recent five year period as shown in Table 1. If the commercial customer's billing history is less than 5 years, 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.
- B. The manager shall provide notice to each commercial customer informing them of their monthly water usage allocations.
- C. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the commercial customer's normal water-usage; (2) the customer agrees to transfer part of its allocation to another commercial 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 BCWSC Board.

TABLE 1—Example Calculation of Monthly Allocation for a Hypothetical Commercial Water Customer

	2007	2008	2009	2010	2011	SUM	AVE	Allocation Percentage	Monthly Allocation
Jan.	18,000	15,000	19,000	22,000	25,000	99,000	19,800	75%	14,850
Feb.	20,000	18,000	23,000	21,000	27,000	109,000	21,800	75%	16,350
March	20,000	22,000	19,000	20,000	29,000	110,000	22,000	75%	16,500
April	21,000	21,000	24,000	21,000	30,000	117,000	23,400	75%	17,550
May	22,000	24,000	23,000	25,000	34,000	128,000	25,600	75%	19,200
June	26,000	30,000	31,000	30,000	37,000	154,000	30,800	75%	23,100
July	30,000	27,000	29,000	32,000	38,000	156,000	31,200	75%	23,400
August	34,000	33,000	32,000	27,000	40,000	166,000	33,200	75%	24,900
Sept.	24,000	23,000	25,000	24,000	33,000	129,000	25,800	75%	19,350
Oct.	22,000	22,000	23,000	21,000	32,000	120,000	24,000	75%	18,000
Nov.	22,000	21,000	21,000	22,000	27,000	113,000	22,600	75%	16,950
Dec.	23,000	24,000	22,000	23,000	29,000	121,000	24,200	75%	18.150
TOTAL	282,000	280,000	291,000	288,000	381,000				

**D. Enforcement of Pro Rata Allocations**

During any period when pro rata allocation of available water supplies is in effect, commercial customers shall pay the following surcharges on excess water deliveries:

1. 1.5 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
2. 2.0 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 5 percent through 10 percent above the monthly allocation.
3. 2.5 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 10 percent through 15 percent above the monthly allocation.
4. 3.0 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation above 15 percent above the monthly allocation.
5. The above surcharges shall be cumulative

## **Section 2.12 Variances**

The Manager, 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:

- (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 Ordinance shall file a petition for variance with the Bitter Creek Water Supply Corporation within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Manager, or his/her designee, and 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 Ordinance.
- (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 Bitter Creek Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the Manager, or his/her 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 2.13 Modification, Deletion and Amendment**

Modification of this Plan in any form shall be presented for public discussion and approved by the BCWSC Board in accordance with all State and Local laws. BCWSC Board will review and update this DPC, as

appropriate. As a minimum the Plan will be updated again before May 1, 2014 and every five (5) years thereafter.

**Section 2.14 Severability**

It is hereby declared to be the intention of the BCWSC that sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, 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 BCWSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### **3.0 DROUGHT CONTINGENCY PLAN**

#### **Bitter Creek WSC SOUTH PWS I.D. # 1770007**

#### **Section 3.1 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, livestock, 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 Bitter Creek Water Supply Corporation SOUTH PWS I.D. # 1770007 (BCWSC SOUTH 1770007) hereby adopts the following regulations and restrictions on the delivery and consumption of water through a resolution. Please note that Bitter Creek WSC PWS I.D. # 1770004 (BCWSC 1770004) is a wholesale customer of the City of Sweetwater; therefore, a separate Drought Contingency Plan (DCP) is included in Section 2.0 this document for this purchased system.

Water uses regulated or prohibited under this DCP 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 3.10 of this Plan.

#### **Section 3.2 Public Involvement**

Opportunity for the public to provide input into the preparation of the DCP was provided by the Bitter Creek Water Supply Corporation by means of a public meeting held on October 15, 2012.

#### **Section 3.3 Public Education**

The Bitter 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 utility bill mailings and BCWSC web-site.

#### **Section 3.4 Coordination with Regional Water Planning Groups**

The service area of the Bitter Creek Water Supply Corporation is located within the Region G Regional Planning Area and the Corporation has provided a copy of this Plan to the Region G Planning Group.

#### **Section 3.5 Authorization**

The Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The 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 3.6 Application**

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the BCWSC SOUTH 1770007. The terms person and customer as used in the DCP include individuals, corporations, partnerships, associations, and all other legal entities.

### **Section 3.7 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 Bitter Creek Water Supply.

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.

Livestock water use: the use of water for the care of domestic animals, such as cattle, horses, sheep, goats, chickens and hogs, raised for home use or for profit.

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 landscape areas, including parks, athletic fields, and golf courses, except otherwise

- provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
  - (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.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

### **Section 3.8 Criteria for Initiation and Termination of Drought Response Stages**

The Manager, or his/her designee shall monitor the water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified triggers are reached.

The triggering criteria described below were adopted by the BCWSC Board of Directors. The BCWSC SOUTH 177007 supplies water to a mixture of residential, commercial, industrial, public, agriculture and institutional users. BCWSC SOUTH 1770007 utilizes groundwater from two wells. As noted above BCWSC 1770007 is not a wholesale customer of the City and therefore a separate DCP is included in this document. BCWSC will initiate a drought potential evaluation when the water production capacity of the Sims Wells drops to 300 GPM . Please note that BCWSC 1770004 and BCWSC SOUTH 1770007 use five (5) levels or stages for determining the degree of urgency for initiation of their DCPs.

#### **Stage 1 Triggers -- MILD Water Shortage Conditions**

##### Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 3.7 Definitions, when the water production capacity of the Sims Wells has dropped to 300 GPM.

##### Requirements for termination

Stage 1 of the Plan may be rescinded when the BCWSC Board of Directors has determined that all of the conditions listed as triggering events have ceased to exist.

## **Stage 2 Triggers -- MODERATE Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 3.9 of this Plan when the water production capacity of the Sims Wells has dropped to 225 GPM.

### Requirements for termination

Stage 2 of the Plan may be rescinded when the BCWSC Board of Directors has determined that all of the conditions listed as triggering events have ceased to exist.

## **Stage 3 Triggers -- SEVERE Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 3.9 of this Plan when the water production capacity of the Sims Wells has dropped to 187.5 GPM.

### Requirements for termination

Stage 3 of the Plan may be rescinded when the BCWSC Board of Directors has determined that all of the conditions listed as triggering events have ceased to exist.

## **Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 3.9 of this Plan when the water production capacity of the Sims Wells has dropped to 168 GPM.

### Requirements for termination

Stage 4 of the Plan may be rescinded when the BCWSC Board of Directors has determined that all of the conditions listed as triggering events have ceased to exist.

## **Stage 5 Triggers—EMERGENCY Water Shortage Conditions**

### Requirements for initiation

When BCWSC SOUTH 177005 encounters a rapidly developing emergency water demand situation as a result of a loss of a major component of the distribution system, a loss of a source of supply, a natural disaster, when the water production capacity of the Sims Wells has dropped below 150 GPM or any other similar emergency water demand as determined by the BCWSC Board of Directors.

### Requirements for termination

Stage 5 of the Plan may be rescinded when the BCWSC Board of Directors has determined that all of the conditions listed as triggering events have ceased to exist.

### **Section 3.9 Drought Response Stages**

The Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and, in accordance with the triggering criteria set forth in Section 3.8 of this Plan, shall determine that a mild, moderate, severe, critical or emergency water shortage condition exists and shall implement the following notification procedures:

#### **Notification**

##### Notification of the Public:

The Manager, or his/ her designee shall notify the public by means of at least two of the following:

- Publication in a newspaper of general circulation,
- Direct mail to each customer,
- Public service announcements,
- Signs posted in public places,
- Take-home fliers at schools,
- BCWSC Web-Site.

##### Additional Notification:

The Manager or his / her designee shall notify directly, or cause to be notified directly in the event of an emergency water shortage, the following individuals and entities:

- Manager of the Utility Board
- Fire Chief(s)
- City and/or County Emergency Management Coordinator(s)
- County Judge & Commissioner(s)
- State Disaster District / Department of Public Safety
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Critical water users, i.e. hospitals
- Parks / street superintendents and public facilities managers

## Stage 1 Response -- MILD Water Shortage Conditions

*Goal: achieve a voluntary 10 percent reduction in daily water demand.*

### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC SOUTH 1770007 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide reports, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **B. Voluntary Water Use Restrictions:**

1. All customers are asked to curtail use of water for nonessential purposes on a voluntary basis.

## Stage 2 Response -- MODERATE Water Shortage Conditions

*Goal: achieve a 25 percent reduction in daily water demand.*

### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC SOUTH 1770007 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Residential and commercial yard watering is restricted to the period from midnight to 10:00 a.m. any day of the week.

2. Residential washing of vehicles is limited to that done by the use of a garden hose equipped with an automatic shut-off device.
3. Watering of public properties is restricted to Monday, Wednesday, and Friday, from 6:00 a.m. to 12 noon.
4. Violations of any of these restrictions while under Stage 2 conditions, is subject to a fine of up to \$100.00 per violation.
5. Residential Water Rate Structure:
  - a. No rate change. Use current rate structure.
6. Commercial Water Rate Structure
  - a. Pro rata system will not be activated.
7. Livestock water is exempt.

### **Stage 3 Response -- SEVERE Water Shortage Conditions**

*Goal: achieve a 37.5 percent reduction in daily water demand.*

#### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC SOUTH 1770007 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

#### **B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Residential and commercial yard watering is restricted to the following:
  - a. Only between midnight and 10:00 a.m.
  - b. Only on Tuesdays and Saturdays for even numbered addresses.
  - c. Only on Thursdays and Sundays for odd numbered addresses

- d. Residential washing of vehicles is limited to that done by the use of a garden hose equipped with an automatic shut-off device.
- e. Watering of public properties is restricted to the period of 6:00 a.m. and 12:00 noon on Mondays.

NOTE: Water will not be allowed to run into the gutter/bar ditch or otherwise be wasted.

2. Violations of any of these restrictions while under Stage 2 conditions, is subject to a fine of up to \$100.00 per violation
3. Residential Water Rate Structure:
  - a. No rate change. Use current rate structure.
4. Commercial Water Rate Structure
  - a. Pro rata system will not be activated.
5. During this stage, we can request livestock not be watered.

#### **Stage 4 Response -- CRITICAL Water Shortage Conditions**

*Goal: achieve a 44 percent reduction in daily water demand.*

##### **A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC SOUTH 1770007 to manage limited water supplies and/or reduce water demand: reduce flushing of water mains and reduce irrigation of public landscaped areas.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

##### **B. Water Use Restrictions:**

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Residential and commercial yard watering is restricted to the following:
  - a. Only between 6:00 a.m. to 8:00 a.m.
  - b. Only on Tuesdays for even numbered addresses
  - c. Only on Thursdays for odd numbered addresses
  - d. Restaurants will serve water to customers only on request
  - e. Washing of residential, commercial, public or industrial driveways, sidewalks, parking areas, windows or structures is prohibited

- f. Filling of private swimming pools is prohibited
  - g. Residential washing of vehicles is prohibited
  - h. Use of bulk loading stations is prohibited
  - i. Use of ornamental fountains is prohibited
2. Residential Water Rate Structure
    - a. 0-10,000 gallons: No rate change. Use current rate structure
    - b. 10,001- 20,000 gallons: 1.5 times standard rate
    - c. 20,001- 30,000 gallons: 2.5 times standard rate
    - d. 30,001 gallons and more: 3.5 times standard rate
  3. Commercial Water Rate Structure—Notify commercial water customers of the initiation of pro rata curtailment of water deliveries according to the procedures specified in Section 3.11 of this Plan.
  4. Violation of the pro rata restrictions or residential usage of 20,000 gallons or more per billing period for two consecutive billing periods, while under Stage 4 conditions, is subject to a fine of up to \$100.00 per violation.
  5. During this stage, we can request livestock not be watered.

**Stage 5 Response -- EMERGENCY Water Shortage Conditions**

*Goal: achieve a 50 percent reduction in daily water demand.*

**A. Supply Management Measures:**

The following measures are to be implemented directly by BCWSC SOUTH 1770007 to manage limited water supplies and/or reduce water demand: flush water mains only when absolutely necessary to maintain safe drinking water.

The Board, or its designee(s), will provide a report, as needed, to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**B. Response**

Whenever emergency water shortage conditions exist as defined in Section 3.8 of the Plan, the President shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.



2. If appropriate, notify city, county, and/or state emergency response officials for assistance.
3. Undertake necessary actions, including repairs and/or clean-up as needed.
4. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
5. During this state, we can request that livestock not be watered.

### **C. Water Use Restrictions**

1. Residential Water Rate Structure
  - a. 0-10,000 gallons: No rate change. Use current rate structure
  - b. 10,001- 20,000 gallons: 2.5 times standard rate
  - c. 20,001- 30,000 gallons: 3.5 times standard rate
  - d. 30,001 gallons and more: 4.5 times standard rate
2. Commercial Water Rate Structure—Notify commercial water customers of the initiation of pro rata curtailment of water deliveries according to the procedures specified in Section 3.11 of this Plan.
3. Violation of the pro rata restrictions or residential usage of 10,000 gallons or more per billing period for two consecutive billing periods, while under Stage 5 conditions, is subject to a fine of \$100.00 per violation.

### **Section 3.10 Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the Bitter Creek Water Supply Corporation for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in a way not permitted by the drought response stage in effect at the time pursuant to action taken by the Manager, or his/her designee, in accordance with provisions of this Plan
- (b) If any person violates this Plan, the Manager 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 re-connection charge, hereby established at \$100.00, and any other costs incurred by the Bitter Creek Water Supply Corporation in discontinuing service. In addition, suitable assurance must be given to the Manager 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 the Bitter 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 persons 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.

### **Section 3.11. Pro Rata Water Allocation**

#### **A. Conditions**

In the event triggering criteria as specified in Section 3.8 of the Plan for Stage 4—Critical Water Shortage have been reached the 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 allocation policies and procedures:

1. A commercial customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by the Board based on the Manager's assessment of the severity of the water shortage condition and the need to curtail water deliveries and may be adjusted periodically by Board as conditions warrant. Once pro rata allocation is in effect, water deliveries to each commercial customer shall be limited to the allocation established for each month.
  2. A monthly water usage allocation shall be established by the Manger, or his/her designee, for each commercial customer (see Table 1). The commercial customer water usage baseline will be computed on the average water usage by month for the most recent five year period as shown in Table 1. If the commercial customer's billing history is less than 5 years, 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.
- B. The manager shall provide notice to each commercial customer informing them of their monthly water usage allocations.
- C. Upon request of the customer or at the initiative of the Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the commercial customer's normal water-usage; (2) the customer agrees to transfer part of its allocation to another commercial 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 BCWSC Board.

TABLE 1—Example Calculation of Monthly Allocation for a Hypothetical Commercial Water Customer

	2007	2008	2009	2010	2011	SUM	AVE	Allocation Percentage	Monthly Allocation
Jan.	18,000	15,000	19,000	22,000	25,000	99,000	19,800	75%	14,850
Feb.	20,000	18,000	23,000	21,000	27,000	109,000	21,800	75%	16,350
March	20,000	22,000	19,000	20,000	29,000	110,000	22,000	75%	16,500
April	21,000	21,000	24,000	21,000	30,000	117,000	23,400	75%	17,550
May	22,000	24,000	23,000	25,000	34,000	128,000	25,600	75%	19,200
June	26,000	30,000	31,000	30,000	37,000	154,000	30,800	75%	23,100
July	30,000	27,000	29,000	32,000	38,000	156,000	31,200	75%	23,400
August	34,000	33,000	32,000	27,000	40,000	166,000	33,200	75%	24,900
Sept.	24,000	23,000	25,000	24,000	33,000	129,000	25,800	75%	19,350
Oct.	22,000	22,000	23,000	21,000	32,000	120,000	24,000	75%	18,000
Nov.	22,000	21,000	21,000	22,000	27,000	113,000	22,600	75%	16,950
Dec.	23,000	24,000	22,000	23,000	29,000	121,000	24,200	75%	18,150
TOTAL	282,000	280,000	291,000	288,000	381,000				

**D. Enforcement of Pro Rata Allocations**

During any period when pro rata allocation of available water supplies is in effect, commercial customers shall pay the following surcharges on excess water deliveries:

1. 1.5 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
2. 2.0 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 5 percent through 10 percent above the monthly allocation.
3. 2.5 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation up through 10 percent through 15 percent above the monthly allocation.
4. 3.0 times the normal water charge per million gallons for water deliveries in excess of the monthly allocation above 15 percent above the monthly allocation.
5. The above surcharges shall be cumulative

### **Section 3.12 Variances**

The Manager, 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:

- (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 Ordinance shall file a petition for variance with the Bitter Creek Water Supply Corporation within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Manager, or his/her designee, and 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 Ordinance.
- (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 Bitter Creek Water Supply Corporation shall be subject to the following conditions, unless waived or modified by the Manager or his/her 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 3.13 Modification, Deletion and Amendment**

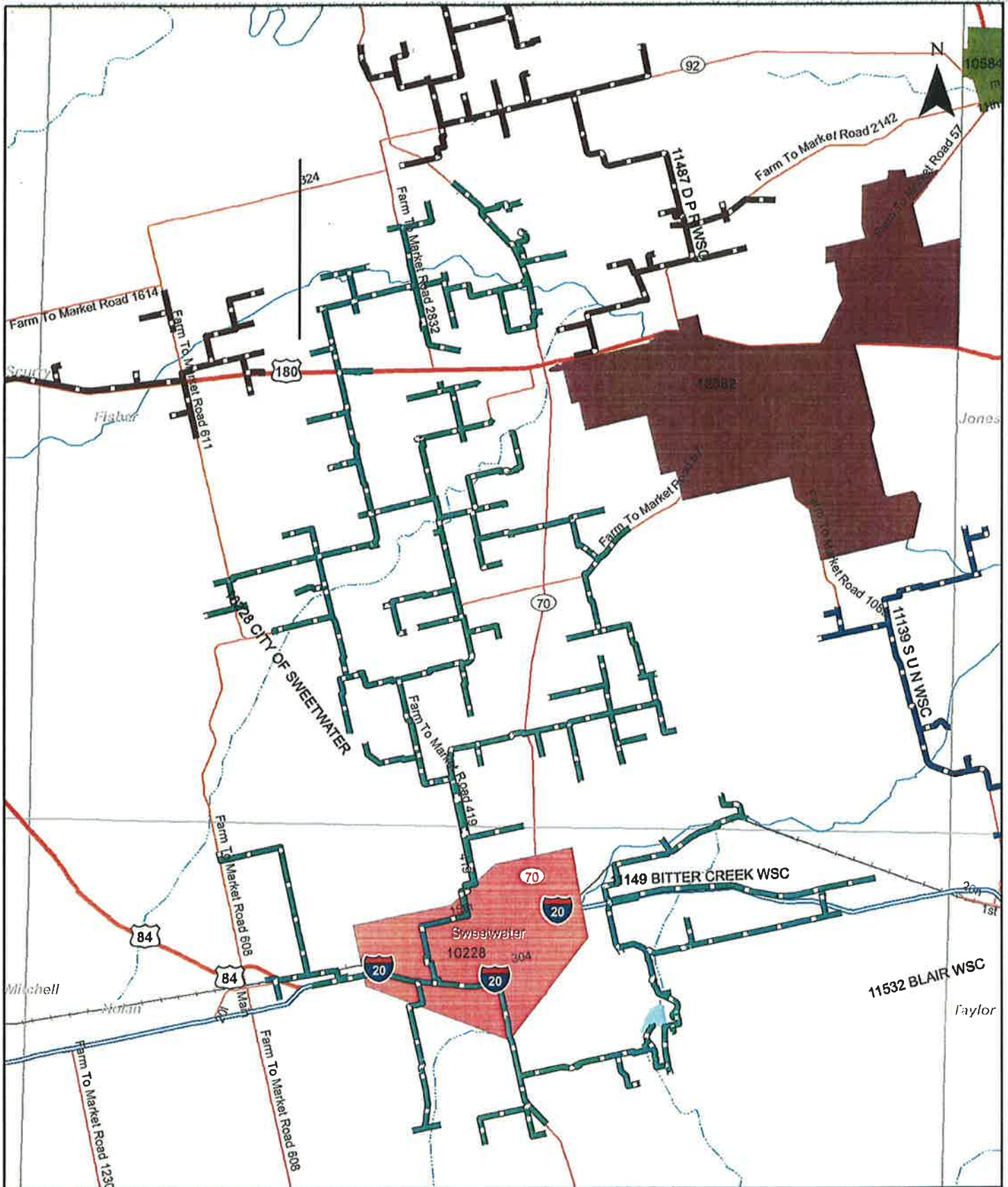
Modification of this Plan in any form shall be presented for public discussion and approved by the BCWSC Board in accordance with all State and Local laws. BCWSC Board will review and update this DPC, as appropriate. As a minimum the Plan will be updated again before May 1, 2014 and every five (5) years thereafter.

### **Section 3.14 Severability**

It is hereby declared to be the intention of the BCWSC that sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, 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 BCWSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**APPENDIX A**

**BITTER CREEK WSC CCN - SERVICE AREA MAP**



**Legend**

**CCNFAC\_WATER**

**CCN**

-  11149-BITTER CREEK WSC
-  11139-SUN WSC
-  11012-IRA WSC
-  11487-DP&R WSC



**BITTERCREEK WATER SUPPLY CORPORATION**  
**CCN - FACILITIES PLUS**  
**AUGUST, 2012**

**APPENDIX B**

**PUBLIC WATER SUPPLY UTILITY PROFILE**





**TEXAS WATER DEVELOPMENT BOARD**  
**UTILITY PROFILE (TWDB - 1965)**  
(Formerly WRD 264)

The purpose of the Utility Profile is to assist with water conservation plan development and to ensure that important information and data be considered when preparing your water conservation plan and its target and goals. Please complete all questions as completely and objectively as possible. See *Water Conservation Plan Guidance Checklist* (TWDB-1968) for information on other water conservation plan provisions. You may contact the Municipal Water Conservation Unit of the TWDB at 512.463.7955 or [wcpteam@twdb.state.tx.us](mailto:wcpteam@twdb.state.tx.us) for assistance.

**APPLICANT DATA**

Name of Utility: Bitter Creek WSC (PWS ID): (1770004 & 1770007)

Public Water Supply Identification Number (PWS ID): \_\_\_\_\_

Address: 2803 East Broadway City: Sweetwater

State: TX Zip Code: 79556 Email: bcws1177@yahoo.com

Telephone Number: (325) 235-4919 Fax: (325) 235-5582

Regional Water Planning Group: G

Groundwater Conservation District: WT Groundwater Conservation Dist. & Clear Fork GWD

Form Completed By: Blake Howard Title: E.I.T.

Signature: Blake Howard Date: 09/21/2012

Digitally signed by Blake Howard  
DN: cn=Blake Howard, o=Jacob and Martin, ou,  
email=bhoward@jacobmartin.com, c=US  
Date: 2012.09.21 14:30:29 -0500

Contact information for the person or department responsible for implementing the water conservation program:

Name: Todd Henderson-Bitter Creek WSC Phone: (325) 235-4919

Email: bcws1177@yahoo.com

**UTILITY DATA**

**A. Population and Service Area Data**

1. Current population of service area: 2,328

2. Current population served by utility: Water: 2,328

Wastewater: \_\_\_\_\_

3. Population served by water utility for the previous five years starting with the most recent year:

Year	Population
2011	2,328
2010	2,313
2009	2,300
2008	2,290
2007	2,278

4. Projected population for service area in the following decades:

Year	Population
2010	2,313
2020	2,416
2030	2,467
2040	2,486
2050	2,449

5. List source(s)/method(s) for the calculation of current and projected population:

The current and historical populations were determined by multiplying the total number of connections by an estimated 2.5 persons per connection. The projected populations were obtained from the TWDB Region G Water Plan.

#### B. Active Connections

1. Current number of active connections by user type. If not a separate classification, check whether multi-family service is counted as **Residential**  or **Commercial**

Water User Type*	Metered	Un-metered	Total
Residential Single Family	844		844
Residential Multi-family			0
Commercial/Institutional			0
Industrial	2		2
Other (please describe): Stock Tanks/ Agricultural Use	85		85

\* See Appendix A #1.

2. List the net number of new connections per year for most recent three years:

Water User Type*	2011	2010	2009
Residential Single Family	5	2	5
Residential Multi-family			
Commercial/Institutional			-1
Industrial		1	1
Other (please describe): Stock Tanks/Agricultural Use	1	2	-1

\* See Appendix A #1.

**C. High Volume Customers**

List annual water use for the five highest volume retail and wholesale customers.  
Please indicate if treated or raw water delivery.

Customer	Water User Type*	Annual Water Use (in gallons)	Treated	Raw
Newman Ranch	Residential	952,000	<input checked="" type="radio"/>	<input type="radio"/>
Walter Exploration	Industrial	747,000	<input checked="" type="radio"/>	<input type="radio"/>
James Davis	Residential	742,000	<input checked="" type="radio"/>	<input type="radio"/>
Michael Wedin	Residential	736,000	<input checked="" type="radio"/>	<input type="radio"/>
Jay Helm	Residential	597,000	<input checked="" type="radio"/>	<input type="radio"/>

\* See Appendix A #1

**D. Water Supply System**

- Design daily capacity of system: 1,348,000 gallons per day
- Storage Capacity: Elevated 150,000 gallons per day  
Ground 331,000 gallons per day
- If surface water, do you recycle filter backwash to the head of the plant?  
Yes  No . If yes, approximately \_\_\_\_\_ gallons per day.

**E. Water Accounting Data**

- Amount of water use in gallons for previous five years.  
Please indicate whether: Treated Water  or Raw Water

YEAR	2011	2010	2009	2008	2007
January	9,330,000	11,664,000	9,814,000	9,458,000	9,969,000
February	9,559,000	8,858,000	9,435,000	8,340,000	9,169,000
March	8,717,000	10,444,000	9,871,000	8,829,000	7,759,000
April	9,394,000	10,479,000	9,190,000	10,352,000	8,633,000
May	10,845,000	11,615,000	9,781,000	10,487,000	8,508,000
June	12,425,000	12,394,000	9,484,000	9,955,000	10,010,000
July	13,422,000	11,193,000	10,212,000	10,802,000	10,338,000
August	12,427,000	12,301,000	10,293,000	10,327,000	11,231,000
September	11,174,000	9,750,000	9,364,000	9,433,000	9,977,000
October	9,078,000	10,000,000	9,417,000	8,812,000	9,481,000
November	7,867,000	10,672,000	9,453,000	9,428,000	9,781,000
December	9,255,000	9,011,000	11,323,000	10,984,000	9,077,000
<b>TOTAL</b>	123,493,000	128,381,000	117,637,000	117,207,000	113,933,000

Please indicate how the above figures were determined (e.g., from a master meter located at the point of a diversion from a stream or located at a point where raw water enters the treatment plant).

The above figures were determined from readings at master meters located where the "Sweetwater" and "Sims" water sources enter the Bitter Creek WSC distribution system.

2. Amount of water sold in **gallons** as recorded by Water User Type for the previous five years (See Appendix A #1)

Year	Residential Single Family	Residential Multi Family	Commercial/ Institutional	Industrial	Other	Wholesale	Total Sold
2011	58,563,000			1,016,000	2,100,000		61,679,000
2010	47,361,000			903,000	1,900,000		50,164,000
2009	53,560,000			136,000	2,000,000		55,696,000
2008	47,770,000		3,000,000		1,800,000		52,570,000
2007	43,160,000		3,000,000		1,500,000		47,660,000

3. GPCD and Seasonal Water Use for the previous five years

Year	Population	Total Water Use	Total gallons per capita per day (GPCD)*	Residential GPCD**	SEASONAL WATER USE***	
					Winter per capita per day	Summer per capita per day
2011	2,328	123,493,000	145	69	134	183
2010	2,313	128,381,000	152	56	142	172
2009	2,300	117,637,000	140	64	148	145
2008	2,290	117,207,000	140	57	140	151
2007	2,278	113,933,000	137	52	138	154
<b>Five Year Average</b>	2,302	120,130,200	143	60	140	161

\* Total GPCD (See Appendix A #2):

\*\* Residential GPCD (See Appendix A #3):

\*\*\* Seasonal Water Use (See Appendix A #4)

4. Water Loss Data for the previous five years (See Appendix A #5)

Year	Water Loss expressed in gallons	Water Loss expressed in GPCD	Water Loss expressed as a percentage
2011	61,814,000	73	50.05%
2010	78,217,000	93	60.93%
2009	61,941,000	74	52.65%
2008	64,637,000	77	55.15%
2007	66,273,000	80	58.17%
<b>Five Year Average</b>	66,576,400	79	55.39%

5. Peak Day Use (in gallons) to Average Daily Use (in gallons) Ratio for the previous five years  
(See Appendix A #6)

Year	Average Daily Use	Peak Day Use	Ratio
2011	338,337	420,000	1.24
2010	351,729	422,000	1.20
2009	322,293	380,000	1.18
2008	321,115	360,000	1.12
2007	312,145	330,000	1.06

**F. Projected Demands**

Estimate water supply requirements for at least the next ten years using population trends, historical water use, and economic growth, etc.

Year	Population	Water Demand (in gallons)
2012	2,328	121,509,960
2013	2,340	122,136,300
2014	2,350	122,658,250
2015	2,363	123,336,785
2016	2,375	123,963,125
2017	2,388	124,641,660
2018	2,398	125,163,610
2019	2,410	125,789,950
2020	2,423	126,468,485
2021	2,435	127,094,825

Indicate sources of data and how projected water demands were determined. Attach additional sheets if necessary.

The projected populations were determined using an annual growth of 0.5% for the WSC's connections and multiplying that by 2.5 people per connection. The annual growth of 0.5% was determined based on historical growth data obtained from Bitter Creek WSC. The water demand was estimated by multiplying the average gpcd (143 gpcd) by the projected population.

**G. Wastewater System Data**

1. Design capacity of wastewater treatment plant(s): \_\_\_\_\_ gallons per day
2. Is treated effluent used for:

Use	Total Annual Volume (in gallons)
On-site irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (parks, golf courses)	
Agricultural	
Other (please describe):	

Could treated effluent be substituted for certain potable water now being used? Yes  No

**H. Wastewater Data for Service Area**

1. Percent of water service area served by wastewater system: \_\_\_\_\_ %
2. Monthly wastewater volume in **gallons**, treated for previous five years.

YEAR	2011	2010	2009	2008	2007
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	0	0	0	0	0

**Submit Form by Email**

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## Appendix A

### Definitions of Utility Profile Terms

1. **Residential – Single Family** should include water sold to single family and duplexes.  
**Residential – Multi-Family** should include water sold to this class of customers only.  
**Commercial/Institutional** sales should include water sold to retail businesses, offices, hospitals, etc.  
**Industrial** sales should include water sold to manufacturing and other heavy industry.  
**Wholesale** sales should include water sold to another utility for resale to the public.  
**Other** water sales should be noted as necessary.
2. **Total use in gallons per capita per day** is defined as total average daily amount of water treated or raw water provided for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculation gallons per capita per day for targets and goals developed for the water conservation plan. Total water use is calculated by subtracting the wholesale sales from the total treated or raw water.
3. **Residential use in gallons per capita per day** is calculated by dividing the total single family plus multi-family residential water sales by the population served and then dividing by 365.
4. **Seasonal water use** is the difference between winter daily per capita use and summer daily per capita use. To calculate **the winter daily per capita use**, add the monthly diversions for December, January, and February, and divide by 90. Then divide this figure by the population. To calculate the **summer daily per capita use**, use the months of June, July, and August.
5. **Water Loss** is the difference between water a utility purchases or produces and the amount of water that it can account for in sales and other use, metered and unmetered, such as firefighting, line flushing, and water for public buildings and water treatment plants. Water loss can result from:
  1. Inaccurate or incomplete record keeping;
  2. Meter error;
  3. Leaks; and
  4. Water theft and unauthorized use.
6. The **peak-day to average-day ratio** is calculated by dividing the maximum daily pumpage by the average daily pumpage. Average daily pumpage is the total pumpage for the year divided by 365.

**APPENDIX C**

**RESOLUTION TO ADOPT WATER CONSERVATION AND  
DROUGHT CONTINGENCY PLAN**



**RESOLUTION FOR ADOPTION OF A  
WATER CONSERVATION AND  
DROUGHT CONTINGENCY PLAN**

**RESOLUTION NO. 002**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
BITTER CREEK WATER SUPPLY CORPORATION ADOPTING A WATER  
CONSERVATION AND DROUGHT CONTINGENCY PLAN.**

WHEREAS, the Board recognizes that the amount of water available to the Corporation and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, THE Board recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a water conservation and drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the Corporation, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

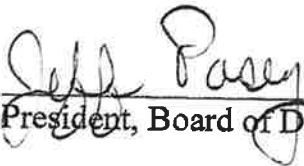
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION:

SECTION 1. That the Water Conservation and Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Corporation.


SECTION 2. That the Manager is hereby directed to implement, administer, and enforce the Water Conservation and Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF BITTER CREEK WATER  
SUPPLY CORPORATION, ON THIS the 15th day of October, 2012.

  
\_\_\_\_\_  
President, Board of Directors

ATTESTED TO:

  
\_\_\_\_\_  
Secretary, Board of Directors

**APPENDIX D**

**LETTER TO REGIONAL WATER PLANNING GROUP**

December 20, 2012

Mr. Wayne Wilson  
Chair Region G Water Planning Group  
Brazos River Authority  
PO Box 7555  
Waco, TX 76714

Dear Mr. Wilson:

This letter is to notify you that the Bitter Creek WSC recently adopted a water conservation and drought contingency plan. This notice is in accordance with Texas Water Development Board and Texas Commission on Environmental Quality rules.

The plan is available upon request.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Henderson", written over a horizontal line.

Todd Henderson  
Bitter Creek WSC Manager