



DROUGHT CONTINGENCY PLAN

*Board Adopted November 14, 2005 TCEQ
Approved January 10, 2007
TCEQ Reviewed & Approved April 08, 2010*

UPPER LEON RIVER MUNICIPAL WATER DISTRICT

DROUGHT CONTINGENCY PLAN

Contents

Section I. Declaration of Policy, Purpose, and Intent.....	2
Section II. Summary	2
Section III. Public Involvement, Education and Customer Coordination.....	3
Section IV. Coordination with Regional Water Planning Groups	4
Section V. Triggering Criteria for Initiation and Termination of Drought Response Stages	4
A. Lake Proctor is a local-use reservoir which for the purposes of this Plan is initially defined as a reservoir which:	4
B. Three levels of potential drought severity have been identified as follows:	5
1. Stage 1: Drought Watch Conditions	5
2. Stage 2: Drought Warning Conditions	5
3. Stage 3: Drought Emergency Conditions.....	6
Section VI. Drought Response Measures.....	6
Section VII. Pro Rata Water Allocation.....	7
Section VIII. Enforcement	7
Section IX. Variances	7
Section X. Contract Provisions.....	8
Section XI. Plan Update	8
Section XII. Severability.....	8

Section I. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortages or other water supply emergency conditions, the Upper Leon River Municipal Water District (the District) adopts the following Drought Contingency Plan (the Plan).

Section II. Summary

The water supply for Upper Leon River Municipal Water District is purchased in the form of long-term contracts with Brazos River Authority (BRA, or Authority) for water stored in Lake Proctor, Comanche County, Texas. In recognition of this and the facts that the District has no control over management of Proctor Lake (the Lake), its watersheds, or drainage areas, the permitting processes of rights above, within, or below the Lake or in any way can manage the diversions from any portion of the Lake system, other than the water the District obtains on behalf

of their customers through contractual commitments with Brazos River Authority, the District adopts a Drought Contingency Plan that identifies trigger levels based upon reservoir trigger levels as implemented by the committed provider, Brazos River Authority. In addition the District's plan will address water supply shortage conditions for other reasons than depletion of the water source. These reasons may include but not be limited to damage to facilities, equipment failure, contamination of the supply, or any other reason(s) that would inhibit the District's ability to provide for its customers equivalent needs. Therefore the District may have trigger levels or conditions that are in force or in effect prior to any implemented by Brazos River Authority for the mutual protection and benefit of the customers and citizens the District is committed to serve. Lake Proctor has been defined as a local use reservoir by the Authority. A local-use reservoir is defined by the Authority as a reservoir which:

- A. Is substantially committed to use in the immediate area; or
- B. Is less than 30% full; or
- C. Has less than two years use in storage.

For a Local-Use reservoir, three drought levels are identified by Brazos River Authority. The trigger levels summarized below are detailed in Section V. It is noted that not only reservoir levels but also a determination by BRA of additional conditions that would indicate a need to proceed with implementation of the various stages of the Drought Plan must occur.

DROUGHT ACTION	LOCAL-USE RESERVOIR	OTHER
A WATCH is declared if:	Reservoir is at or below 50% of water supply capacity and the storage is expected to be reduced to 40% within the next 12-month period	The BRA General Manager, or his/her designee, shall monitor water supply and demand conditions on a monthly basis and shall determine when conditions warrant development of a specific Drought Contingency Plan for Lake Proctor and will notify the District when they feel trigger levels are applicable.
WARNING is declared if:	Reservoir is at or below 40% of water supply capacity and the storage is expected to be reduced to 30% within the next 12-month period	
An EMERGENCY is declared if:	Reservoir is at or below 30% of water supply capacity	

Personnel at Brazos River Authority in the Water Resources Division continuously monitor river and reservoir levels and coordinate with the Texas Commission on Environmental Quality (TCEQ) and the U.S. Geological Survey to ensure that water is available for their customers not only in Lake Proctor but throughout the basin. They monitor and forecast reservoir storage on a monthly basis during drought periods and this information is provided and/or is available to the District in order for the District to make their own assessments of conditions that may affect their customers.

Section III. Public Involvement, Education and Customer Coordination

Opportunity for the public to provide input into preparation of the Plan is provided at the monthly District Board of Directors meeting. The Upper Leon River Municipal Water District will periodically provide water customers with

information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and potential drought response measures which could be implemented. This information will be provided to wholesale customers by means of personal meetings and to retail customers by mail, telephone, and the news media, or as appropriate for either wholesale or retail customers.

Section IV. Coordination with Regional Water Planning Groups

The water service area of the Upper Leon River Municipal Water District is located within the Brazos River basin, and the District will provide a copy of the Plan and any future amendments, updates or revisions to the Brazos G Regional Water Planning Group.

Section V. Triggering Criteria for Initiation and Termination of Drought Response Stages

All Upper Leon River Municipal Water District water rights are purchased/contracted on a long-term basis from Brazos River Authority. The Authority limits the total volume of contracted water from Lake Proctor to the ultimate firm yield of the reservoir in the year 2050. Therefore, the Authority should be able to meet all contract obligations to the District through a repeat of the drought of record. It is therefore anticipated that the District will be able to meet all contract obligations to the District's Member Cities, retail customers, and/or other contracted wholesale customers.

The Brazos River Authority General Manager, or his/her designee, shall monitor the specific criteria for the implementation of measures in response to water supply and demand conditions (up to and including a repeat of the drought-of-record) and shall determine when conditions warrant notification of the initiation or termination of drought response stages to the District. The District will then in turn notify its customers of the initiation or termination of Drought response stages. These notifications will be made by personal meeting, telephone, mail or any appropriate method to the respective wholesale and retail customers. The news media may also be informed. The General Manager of the District will notify TCEQ within five (5) working days of mandatory water use curtailment.

The triggering criteria described below are based on regular hydrologic analysis and extensive reservoir operations experience by the Brazos River Authority.

- A. Lake Proctor is a local-use reservoir which for the purposes of this Plan is initially defined as a reservoir which:**
1. Has more than 90% of the yield of the currently activated water supply storage capacity committed to contract holders whose needs cannot be met from any other reservoir in the Authority's system, or
 2. Has in water supply storage an amount of water equal to less than 30% of its total water supply capacity while any other reservoir in the Authority's system has in water supply storage an amount of water greater than 30% of its total water supply storage capacity, or
 3. Has in water supply storage an amount of water equal to or less than twice the estimated local annual demand, or
 4. It is determined by the General Manager of the Brazos River Authority that for some other reason, such as ongoing maintenance and repair or recent heavy draw-downs, downstream releases are to cease or be subjected to special limitations.

B. Three levels of potential drought severity have been identified as follows:

1. Stage 1: Drought Watch Conditions

a. Requirements for Initiation:

(1) The District will be notified by Brazos River Authority which will recognize that a drought watch condition exists when:

(a) The defined local-use reservoir is at or below 50% of its total active water supply capacity and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12-month period to 40% or less of its total active water supply capacity.

b. Target Water Use:

(1) The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 5.5 MGD.

c. Requirements for Termination:

(1) Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The Brazos River Authority will notify the District and the District will notify its customers, TCEQ, and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

2. Stage 2: Drought Warning Conditions

a. Requirements for Initiation:

(1) The District will recognize that a Drought Warning Condition exists when:

(a) The District is notified by Brazos River Authority that the defined local-use reservoir is at or below 40% of its total active water supply capacity and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12-month period to 30% or less of its total active water supply capacity.

b. Target Water Use:

(1) The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 4.75 MGD.

c. Alternate Water Sources:

(1) With the prior approval of TCEQ as appropriate, the District may pursue utilization of alternate water sources during Stage 2 curtailment when deemed necessary.

d. Requirements for Termination:

- (1) Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative if any of its triggering criteria are met. The Brazos River Authority will notify the District and the District will notify its customers, TCEQ and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 2 of the Plan.

3. **Stage 3: Drought Emergency Conditions**

a. Requirements for Initiation

- (1) The District will recognize that a Drought Emergency Condition exists when:

- (a) District water production or distribution limitations exist that significantly limit or hamper production and delivery of water.
- (b) System outage exists due to the failure or damage of major water system components.
- (c) The supply source becomes contaminated.
- (d) The District is notified by Brazos River Authority that a Drought Emergency Condition exists when the defined local-use reservoir is at or below 30% of its active water supply capacity, or if the remaining capacity is less than one year's estimated demand.

b. Target Water Use:

- (1) The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 4.0 MGD.

c. Alternate Water Sources:

- (1) With the prior approval of TCEQ as appropriate, the District may pursue utilization of alternate water sources during Stage 3 curtailment when deemed necessary.

d. Requirements for Termination:

- (1) Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 1 or 2 may become operative depending on conditions at the time. The Brazos River Authority will notify the District and the District will notify its customers, TCEQ, and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 3 of the Plan.

Section VI. Drought Response Measures

The BRA General Manager, or his/her designee, shall monitor water supply and demand conditions and, in accordance with the triggering criteria set forth in Section V, shall develop, a specific drought contingency plan for Lake Proctor depending on the situation. If mandatory provisions of any such plan are enacted, the Brazos River Authority will notify the Upper Leon River Municipal Water District. Also the BRA will notify the Executive Director of the TCEQ within five (5) days of the implementation of any mandatory provisions of the Authority's plan. Upon

notification, the District will notify its customers of any enacted provisions thereof and within five (5) days of implementation of any mandatory provision also notify the Executive Director of the TCEQ.

After the District has been notified of the implementation of the provisions of the BRA Drought Plan, the District will initiate options contained herein. These options may contain any appropriate action determined necessary by the District after assessing the prevailing or predicted conditions of either the water supply, the District's facilities, or any other event or occurrence that would reasonably require implementation of any of the provisions of this Plan.

- A. Notifying wholesale and retail water customers of the declaration and actions being taken and urge activation by each of appropriate water conservation measures.
- B. Contacting the Brazos River Authority, the TCEQ, the Corps of Engineers, and water contract holders, informing them of the situation and requesting appropriate actions from each, such as closer monitoring to protect supplies and or facilities, making a greater effort to meet exact release requests, or activating water user conservation plans.
- C. Other actions as deemed appropriate for the given situation.

Section VII. Pro Rata Water Allocation

In the event that a) the triggering criteria specified in Section V of the Plan for Stage 3 Emergency Drought conditions have been met and b) the BRA General Manager deems it necessary, the Authority will allocate water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039. Upon implementation of pro rata curtailment by the BRA, the General Manager of the District will begin allocations on a pro rata basis to all District system users.

Section VIII. Enforcement

This Drought Contingency Policy and all plans developed hereunder will be incorporated by reference into all water supply contracts or agreements. Violation of the Policy is a violation of the contract provision and will be treated as such.

To enforce any mandatory restrictions the District may initiate surcharges, liquidated damages, or discontinuation of services, or take any other necessary available legal action to insure that the provisions of this plan, or the remedies enacted resulting from actions taken under this plan, are observed.

Section IX. Variances

The District, through their designee, may grant a temporary variance to the pro rata water allocation policies provided by this Policy if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met.

- A. Compliance with this Policy 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.

Section X. Contract Provisions

Wholesale water contracts entered into or renewed after adoption of the Plan, including contract extensions, will contain the provision that in case of a shortage of water from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039. Additionally, the District will include in all wholesale contracts the following clauses addressing water conservation and availability of water during water shortages:

"CONSERVATION OF WATER. It is the intent of the parties to this Agreement to provide to the maximum extent practicable for the conservation of water, and Purchaser agrees that it is a condition of this Agreement that it shall maintain and operate its facilities in a manner that will prevent unnecessary waste of water. Upper Leon River Municipal Water District, in accordance with applicable law or regulation, may from time to time adopt reasonable rules and regulations relating to water conservation. Purchaser agrees to abide by the "Upper Leon River Municipal Water District Drought Contingency Plan" adopted by the District's Board on November 14, 2005, or any subsequent Drought Contingency Plans. If required by applicable law or regulation or by Upper Leon River Municipal Water District, Purchaser agrees to implement a water conservation and drought management program in accordance with a water conservation plan and that the water provided to Purchaser pursuant to this Agreement will be used in accordance with such conservation plan.

"AVAILABILITY OF WATER AND SHORTAGES. Upper Leon River Municipal Water District makes no guarantee that water will be available at any particular time or place or that Lake Proctor will be maintained at any specific level at any particular time. The purchaser bears all losses for water beyond the metering point. It is fully understood by the parties hereto that the level of Lake Proctor will vary as a result of weather conditions beyond the control of the Upper Leon River Municipal Water District, the use of water from the Lake by other water customers of the Authority and, for Federal Reservoirs, as a result of releases made by the U.S. Army Corps of Engineers and that this instrument is merely an agreement to require the District to make available water when and if water is present in Lake Proctor, and to allow Purchaser to purchase water subject to the general law on distribution and allocation of water during shortages of supply and in conformity with District's water contracts with Brazos River Authority.

Section XI. Plan Update

The General Manager, or his/her designee, shall review, update, and seek Board authorization for this Drought Contingency Policy, as appropriate, at least every five (5) years, or if conditions, such as adoption or revision of a regional water plan or any new or updated information, warrants. As a minimum the Plan will be updated again before May 1, 2009 and every five (5) years thereafter.

Section XII. Severability

It is hereby declared to be the intention of the Board of Directors of the Upper Leon River Municipal Water District that the sections, paragraphs, sentences, clauses, and phrases of this Drought Contingency Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Drought Contingency 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 Drought Contingency Plan, since the same would not have been enacted by the Board of Directors of the Upper Leon River Municipal Water District without the incorporation into this Drought Contingency Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.