

**LOWER NECHES VALLEY AUTHORITY**

**DROUGHT CONTINGENCY PLAN**



**2019**

***this plan supersedes all previous revisions***

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# **DROUGHT CONTINGENCY PLAN**

## **1.0 Declaration of Policy, Purpose, and Intent**

The Lower Neches Valley Authority (“LNVA” or the “Authority”), has long recognized the importance of being prepared to address any water shortage conditions in the Neches and Trinity river basins as it may affect many industrial, municipal, and agricultural customers. This Drought Contingency Plan is reviewed and updated regularly, on intervals of not more than five (5) years, to ensure it contains current and pertinent information along with maintaining compliance with the Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B.

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, safety, and welfare and minimize the adverse impacts of water supply shortages and other water supply emergency conditions, the Lower Neches Valley Authority adopts the following Drought Contingency Plan (the “Plan”). The Plan will identify drought response measures for the Neches and Trinity river basins, based on pool elevations at Sam Rayburn Reservoir and Lake Livingston, respectively.

Furthermore, the rate adjustments specified herein are not penalties, but shall be for the purposes of encouraging conservation of existing water supplies and the development of new water supplies.

## **2.0 Public Involvement**

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by means of publishing written notice of a public meeting to discuss the draft Plan and subsequently holding discussion regarding the draft Plan during a regularly scheduled open meeting of the LNVA Board of Directors.

## **3.0 Wholesale Water Customer Notification**

The LNVA will periodically provide wholesale 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 the drought response measure to be implemented in each stage. This

information will be provided by means of distributing copies of the approved Plan to the LNVA customers by mail as well as posting it on the LNVA's website.

#### **4.0 Coordination with Regional Water Planning Group**

The water service area of the LNVA is located within the Senate Bill One water planning areas Region I and Region H. Upon LNVA Board approval of this Plan, a copy of the Plan will be provided to those Regional Water Planning Groups to ensure consistency with the approved regional water plan(s).

#### **5.0 Authorization**

The General Manager of the LNVA, 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 General Manager, or his/her designee, shall have the authority to initiate or terminate water shortage or other water supply emergency response measures as described in this Plan.

The Drought Contingency Plan adopted by the LNVA will have a significant impact on the availability of water to the LNVA customers during periods of protracted low flows. The various "trigger" conditions, demand measures, contingency management, and operation measures are outlined in this Plan.

#### **6.0 Application**

The provisions of the Plan shall apply to all customers utilizing water provided by the LNVA as identified in the three regions outlined in Section 7. Every wholesale water contract, including contract extensions, entered into or renewed by LNVA after the adoption of this plan is subject to the terms of the Authority's current Drought Contingency Plan, and in the case of water shortage resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039 (See Section 9 of this Plan).

#### **7.0 Definition of Service Area**

Three (3) service areas; LNVA, Devers North, and Devers South are identified in maps enclosed as Appendices A thru D. The LNVA service area (Appendix B) is comprised of canals

supplied with water solely from the Neches river basin. The Devers North service area (Appendix C) is comprised of canals supplied with water solely from the Trinity river basin. The Devers South service area (Appendix D) is comprised of canals that may be supplied with water from both the Neches or Trinity river basins.

## **8.0 Trigger Conditions, Demand Management Measures, Operational Procedures, and Goals**

The triggering criteria described below are based on water contracts, demands placed on the various components of the water supply system, drought of record determinations for the reservoir(s), and any requirements placed on LNVA by the owners of the reservoir(s) in which LNVA holds water rights.

The General Manager, or his/her designee, shall monitor water supply conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail and/or telephone. The news media will also be informed.

### **8.1 LNVA Service Area**

Under the operating guidelines established by the U.S. Army Corps of Engineers for Sam Rayburn Reservoir, the conservation storage space is divided into four (4) zones which vary throughout the year on a seasonal basis. The Corps of Engineers regulate releases from the reservoir for flood control, hydropower generation, and water supply. Releases greater than that required for water supply are considered to be available as long as the water surface remains within the flood pool or upper zones of the conservation pool. When the water surface elevation in the reservoir drops into the lower zones of the conservation pool, the Corps of Engineers restricts releases to the greater of water supply requirements or minimum contractual hydropower generation releases, potentially impacting customers within the LNVA and Devers South portions of the canal system.

The LNVA has established trigger conditions for these areas based on the water surface elevation in Sam Rayburn Reservoir. The trigger conditions are described along with the actions taken and goals of the response measures for each water shortage stage as follows:

## Stage I – Mild Water Shortage Condition

Requirements for Initiation: The LNVA will recognize a mild water shortage condition is in progress when the water surface elevation in Sam Rayburn Reservoir falls below 153.0 MSL for a continuous period of five (5) days. With Sam Rayburn water surface at elevation 153.0 MSL, the remaining water in the conservation pool is sufficient to sustain LNVA's water use demands for approximately one year without significant rainfall in the basin.

Goal: Achieve a 90 percent reduction from non-essential water use and a 10 percent reduction in total water use.

### Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a severe water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) As the situation dictates, the LNVA may reduce water delivery. Any curtailment of wholesale water contracts for the purpose of human consumption will be made on a pro-rata basis in accordance with state regulation (See Section 9).
- (c) The LNVA will request its municipal customers evaluate the need for mandatory water use restrictions. These restrictions may include prohibited outdoor water use and implementation of applicable conservation measures to minimize indoor uses until the water shortage condition is terminated.
- (d) The LNVA will request its industrial customers minimize process water use to the extent feasible and encourage basic water conservation practices among employees.
- (e) LNVA personnel will monitor irrigation field levees, laterals, drains and other water delivery facilities to prevent wasting of water. Gates furnishing water to a field where water is being wasted may be closed and locked if no attempt has been made to stop the loss within 12 hours of notification, or if the loss has not been stopped within 24 hours.

Requirements for Termination: The LNVA will recognize that a mild water shortage condition has ended when the water surface elevation in Sam Rayburn Reservoir is above 153.0 MSL for fifteen (15) consecutive days. The LNVA will notify its customers and the media of the termination of Stage I in the same manner as the notification of initiation of Stage I.

## **Stage II – Moderate Water Shortage**

Requirements for Initiation: The LNVA will recognize that a moderate water shortage condition is in progress when the water surface elevation in Sam Rayburn Reservoir falls below 151.5 MSL for a continuous period of five (5) days. With Sam Rayburn water surface at elevation 151.5 MSL, sufficient water remains in the Sam Rayburn Reservoir water conservation pool to sustain LNVA's water use demands for approximately six months without significant rainfall in the basin.

Goal: Eliminate all non-essential water use to the maximum extent possible and achieve a 20 percent reduction in total water use.

### Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a moderate water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) As the situation dictates, the LNVA may reduce water delivery. Any curtailment of wholesale water contracts for the purpose of human consumption will be made on a pro-rata basis in accordance with state regulation (See Section 9).
- (c) The LNVA will request its municipal customers initiate mandatory water use restrictions. These restrictions may include prohibited outdoor water use and implementation of applicable conservation measures to minimize indoor uses until the water shortage

condition improves to mild or better condition. The LNVA will notify the TCEQ executive director within five (5) business days of the implementation of any mandatory provisions under the Plan.

- (d) The LNVA will request its industrial customers minimize process water use to the extent feasible and encourage basic water conservation practices among employees.
- (e) LNVA personnel will monitor any irrigation field levees, laterals, drains and other water delivery facilities to prevent wasting of water. As an interruptible supply, the availability of irrigation water may be curtailed. Gates furnishing water to a field where water is being wasted will be closed and locked and the irrigation customer will be notified that no additional water will be supplied until losses are stopped and any other wasteful practice have been corrected.
- (f) The LNVA will no longer allow keep up streams to be supplied for irrigation customers, and field top-offs will be utilized.
- (g) The LNVA will not approve new water sales contracts for low priority customers, such as small water sales, or issue new permits for irrigation and temporary construction permits.

Requirements for Termination: The LNVA will recognize that a moderate water shortage condition has ended when the water surface elevation in Sam Rayburn Reservoir is above 151.5 MSL for fifteen (15) consecutive days. The LNVA will notify its customers and the media of the termination of Stage II in the same manner as the notification of initiation of Stage II.

### **Stage III – Severe Water Shortage Condition**

Requirements for Initiation: The LNVA will recognize that a severe water shortage condition is in progress when the water surface elevation in Sam Rayburn Reservoir falls below 149.00 MSL for a continuous period of five (5) days. Once the water surface elevation in Sam Rayburn Reservoir falls to 149.00 MSL, the water remaining in the conservation pool at Lake BA Steinhagen will only be sufficient to sustain LNVA's water use demands for approximately three months without significant rainfall in the basin. The LNVA will determine availability of irrigation and any other uncontracted water supplies by March 1st each year. An emergency



water supply may be made available from the inactive pool of Sam Rayburn Reservoir upon approval of the US Army Corps of Engineers.

Goal: Eliminate all non-essential water use to the maximum extent possible and achieve a 30 percent reduction in total water use.

Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a severe water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) As the situation dictates, the LNVA may reduce water delivery. Any curtailment of wholesale water contracts for municipal and industrial use will be made on a pro-rata basis in accordance with state regulation (See Section 9).
- (c) The LNVA will direct its municipal customers to institute mandatory water use restrictions. These restrictions may include prohibited outdoor water use and implementation of applicable conservation measures to minimize indoor uses until the water shortage condition improves to moderate or better condition. The LNVA will notify the TCEQ executive director within five (5) business days of the implementation of any mandatory provisions under the Plan.
- (d) The LNVA will direct its industrial customers minimize process water use to the extent feasible and encourage basic water conservation practices among employees.
- (e) **All interconnects delivering water from the Neches basin to the Devers South (described in Appendix D) will be closed.**
- (f) **ALL INTERRUPTIBLE WATER SUPPLIES, INCLUDING IRRIGATION AND UNCONTRACTED SUPPLIES, WILL BE EVALUATED TO DETERMINE AVAILABILITY BY MARCH 1<sup>ST</sup> EVERY YEAR. NO WATER WILL BE**

**RELEASED FROM THE SAM RAYBURN RESERVOIR OR LAKE BA  
STEINHAGEN TO PROVIDE WATER FOR INTERRUPTIBLE SERVICES.**

Requirements for Termination: The LNVA will recognize that a severe water shortage condition has ended when the water surface elevation in Sam Rayburn Reservoir is above 149.00 MSL for fifteen (15) consecutive days. The LNVA will notify its customers and the media of the termination of Stage III in the same manner as the notification of initiation of Stage III. When flood inflows raise reservoir levels above more than one trigger level, multiple stages can be terminated concurrently.

**Stage IV - Emergency Water Shortage Condition**

Requirements for Initiation: The LNVA will recognize that an Emergency Water Shortage Condition is in progress upon the failure of a major component of the water supply including the pumps or canals in the LNVA's distribution system, or the contamination of the canals or source water supply which substantially curtails LNVA's ability to supply water to its customers.

Goal: Achieve maximum water use reductions to sustain essential supply for public health, safety, and welfare for the maximum period during the period of the emergency conditions.

Measures:

- (a) LNVA will inform its customers by mail and/or telephone. Depending on the extent of the service area affected, the news media may also be informed of the seriousness of the water supply situation.
- (b) Emergency contingency measures similar to those for various water shortage conditions as previously described may be implemented, as appropriate.
- (c) LNVA will notify its affected customers of the situation and make operational changes as needed until the emergency is resolved.
- (d) The General Manager shall act as quickly as possible to:
  - (1) Assess the severity of the problem and identify the actions needed and time required to solve the problem.

- (2) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to mitigate impacts and alleviate problems.
- (3) If appropriate, notify city, county, and/or state emergency response officials for assistance.
- (4) Undertake necessary actions, including repairs and/or clean-up as needed.
- (e) Once the initiating events for the Emergency Water Shortage Condition have been mitigated, the General Manager shall prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Requirements for Termination: The LNVA will recognize that an emergency water shortage condition has ended when all the conditions identified as triggering events and the impacts thereof have ceased. The LNVA will notify its customers and the media of the termination of the Emergency Water Storage Condition in the same manner as the notification of initiation of the Emergency Water Storage Condition.

## **8.2 Devers North Service Area**

Under the operating guidelines established by the Trinity River Authority (TRA), the conservation storage space in Lake Livingston is divided into three zones which vary through the year on a seasonal basis. TRA currently owns 30% of the water rights for Lake Livingston and the Wallisville Projects described in Certificate of Adjudication No. 08-4248. The TRA regulates releases from the reservoir for wholesale raw water supply which includes municipal, irrigation, and industrial customers.

The LNVA has rights to 30,000 acre-feet of water per year from the Trinity River. The water pumped from the river is delivered throughout the Devers North and Devers South systems for agricultural use.

The LNVA has established trigger conditions based on the water surface elevation in Lake Livingston as described in the TRA Water Conservation Plan. The trigger conditions are described, along with the actions taken and goals of the response measures for each water shortage stage, as follows:

## **Stage I – Mild Water Shortage Condition**

Requirements for Initiation: The LNVA will recognize that a mild water shortage condition is in progress in the Trinity River basin when the water surface elevation in Lake Livingston falls below 126.50 MSL as measured by the USGS gage at the spillway of the dam. At a water surface elevation of 126.50 MSL, 80% of the normal conservation storage remains.

Goal: Achieve a 90 percent reduction from non-essential water use.

### Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a mild water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) The LNVA will request its customers evaluate the need for mandatory water use restrictions.
- (c) LNVA personnel will monitor irrigation field levees, laterals, drains and other water delivery facilities to prevent wasting of water. Gates furnishing water to a field where water is being wasted may be closed and locked if no attempt has been made to stop the loss within 12 hours of notification, or if the loss has not been stopped within 24 hours.

Requirements for Termination: The LNVA will recognize that a severe water shortage condition has ended when the water surface elevation in Lake Livingston is above 126.50 MSL for 15 consecutive days. The LNVA will notify its customers and the media of the termination of Stage I in the same manner as the notification of initiation of Stage I.

## **Stage II – Moderate Water Shortage**

Requirements for Initiation: The LNVA will recognize that a moderate water shortage condition is in progress when the water surface elevation in Lake Livingston falls below 124.00 MSL as measured by the USGS gage at the spillway of the dam. At a water surface elevation of 124.00 MSL, 70% of the normal conservation storage remains.

Goal: Eliminate all non-essential water use to the maximum extent possible and achieve a 15 percent reduction in total water use.

Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a moderate water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) As the situation dictates, the LNVA may reduce water delivery. Any curtailment of wholesale water contracts will be made on a pro-rata basis in accordance with state regulation (See Section 9).
- (c) The LNVA will request its customers initiate mandatory water use restrictions. The LNVA will notify the TCEQ executive director within five (5) business days of the implementation of any mandatory provisions under the Plan.
- (d) LNVA personnel will monitor any irrigation field levees, laterals, drains and other water delivery facilities to prevent wasting of water. As an interruptible supply, the availability of irrigation water may be curtailed. Gates furnishing water to a field where water is being wasted will be closed and locked and the irrigation customer will be notified that no additional water will be supplied until losses are stopped and any other wasteful practice have been corrected.
- (e) The LNVA will no longer allow keep up streams to be supplied for irrigation customers, and field top-offs will be utilized.
- (f) The LNVA will not approve new water sales contracts for low priority customers such as small water sales, or issue new permits for irrigation, and temporary construction permits.

Requirements for Termination: The LNVA will recognize that a moderate water shortage condition has ended when the water surface elevation in Lake Livingston is above 124.00 MSL for 15 consecutive days. The LNVA will notify its customers and the media of the termination of Stage II in the same manner as the notification of initiation of Stage II.

### **Stage III – Severe Water Shortage Condition**

Requirements for Initiation: The LNVA will recognize that a severe water shortage condition is in progress when the water surface elevation in Lake Livingston falls below 121.40 MSL as measured by the USGS gage at the spillway of the dam. At a water surface elevation of 121.40, 60% of the normal conservation storage remains. The LNVA will determine availability of irrigation and any other uncontracted water supplies by March 1st each year.

Goal: Eliminate all non-essential water use to the maximum extent possible and achieve a 25 percent reduction in total water use.

#### Measures:

- (a) LNVA will inform its customers by mail and/or telephone. The news media will also be informed of the seriousness of the water supply situation. Drought and water supply status reports will be issued to customers and the news media on a regular basis. If necessary during the progress of a severe water shortage condition, the Authority management may call emergency meetings with its customers to discuss major operational changes and conservation strategies.
- (b) As the situation dictates, the LNVA may reduce water delivery. Any curtailment of water contracts will be made on a pro-rata basis in accordance with state regulation (See Section 9).
- (c) **LNVA WILL TERMINATE THE WATER SUPPLY TO LOW PRIORITY CUSTOMERS SUCH AS SMALL WATER SALES, AND DENY ISSUANCE OF TEMPORARY CONSTRUCTION PERMITS. ALL INTERRUPTIBLE WATER**

**SUPPLIES, INCLUDING IRRIGATION AND UNCONTRACTED SUPPLIES  
WILL BE EVALUATED TO DETERMINE AVAILABILITY BY MARCH 1<sup>ST</sup>  
EVERY YEAR.**

Requirements for Termination: The LNVA will recognize that a severe water shortage condition has ended when the water surface elevation in Lake Livingston is above 121.40 MSL for 15 consecutive days. The LNVA will notify its customers and the media of the termination of Stage III in the same manner as the notification of initiation of Stage III. When flood inflows raise reservoir levels above more than one trigger level, multiple stages can be terminated concurrently.

**Stage IV - Emergency Water Shortage Condition**

Requirements for Initiation: The LNVA will recognize that an Emergency Water Shortage Condition is in progress upon the failure of a major component of the water supply including the pumps or canals in the LNVA's distribution system, or the contamination of the canals or source water supply which substantially curtails LNVA's ability to supply water to its customers.

Goal: Achieve maximum water use reductions to sustain essential supply for public health, safety, and welfare for the maximum period during the period of the emergency conditions.

Measures:

- (a) LNVA will inform its customers by mail and/or telephone. Depending on the extent of the service area affected, the news media may also be informed of the seriousness of the water supply situation.
- (b) Emergency contingency measures similar to those for various water shortage conditions as previously described may be implemented, as appropriate.
- (c) LNVA will notify its affected customers of the situation and make operational changes as needed until the emergency is resolved.
- (d) The General Manager shall act as quickly as possible to:

- a Assess the severity of the problem and identify the actions needed and time required to solve the problem.
  - b Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to mitigate impacts and alleviate problems.
  - c If appropriate, notify city, county, and/or state emergency response officials for assistance.
  - d Undertake necessary actions, including repairs and/or clean-up as needed.
- (e) Once the initiating events for the Emergency Water Shortage Condition have been mitigated, the General Manager shall prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Requirements for Termination: The LNVA will recognize that an emergency water shortage condition has ended when all the conditions identified as triggering events and the impacts thereof have ceased. The LNVA will notify its customers and the media of the termination of Emergency Water Storage Condition in the same manner as the notification of initiation of Emergency Water Storage Condition.

### **8.3 Devers South Service Area**

In the event the entire Devers Canal System, North and South, has less than 10,000 acres of water delivery contracts executed in a given year, only the trigger conditions and corresponding water shortage stages from the TRA Water Conservation Plan apply as described in Section 9 (Devers North Service Area). If more than 10,000 acres of water supply contracts are executed in a given year, both TRA and LNVA trigger conditions and corresponding water shortage stages may apply as described in Section 9 (Devers North Service Area) and Section 8 (LNVA Service Area).

## **9.0 Pro-Rata Water Allocation**

In the event that the trigger criteria specified in Section 8 of the Plan for Stage I or higher have been met, the General Manager is hereby authorized to initiate allocation of water supplies. This allocation shall be performed in accordance with the State regulation in effect and in force



at the time of the shortage. The regulation currently in effect is the Texas Water Code Section 11.039 shown below, which distributes water among all customers on a pro-rata basis.

**§ 11.039. DISTRIBUTION OF WATER DURING SHORTAGE.**

- (a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.*
- (b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:*
  - (1) the amount of water to which each customer may be entitled; or*
  - (2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.*
- (c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.*

*Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, § 1, eff. Sept. 1, 1977; Acts 2001, 77th Leg., ch. 1126, § 1, eff. June 15, 2001.*

## **10.0 Enforcement**

During periods of water shortage as defined above, the following rate adjustments shall apply:

- (a) For all water taken during a Stage 1 – Mild Water Shortage Condition the applicable water rate shall be increased by 25%
- (b) For all water taken during a Stage II – Moderate Water Shortage Condition the applicable water rate shall be increased by 50%
- (c) For all water taken during a Stage III – Severe Water Shortage Condition or Stage IV – Emergency Water Shortage Condition the applicable rate shall be increased by 100%
- (d) During times of pro-rata allocation, as prescribed by the General Manager, contracted water volumes shall be reduced to the pro-rata allotment and all water diverted in excess of the adjusted contract volume shall be charged at the uncontracted rate with the

corresponding rate adjustment. For contracted municipal and industrial customers without a specified contract volume, pro-rata allocations shall be determined based on monthly average diversion for the previous calendar year.

- (e) All interruptible water supplies, including irrigation and uncontracted supplies will be restricted to any excess flows available in the Neches River and rate adjustments as defined above shall apply.
- (f) Failure to comply with these mandatory provisions may result in temporary suspension of service.

## **11.0 Variances**

The General Manager, or his/her designee, may, in writing, grant a temporary variance to the pro-rata allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions is 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 exception from the provisions of this Plan shall file a petition for variance with the General Manager. All petitions for variances shall include the following:

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

Variances granted by the General Manager shall be subject to the following conditions, unless waived or modified by the General Manager or his designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the water shortage condition under which the petitioner made a request for variance has terminated.
- (c) Variances granted may be terminated with a 14 day notice by the Authority if, upon notification, grantee fails to take immediate measures to meet specified requirements of the variance.

No variance shall be granted with regards to the rate adjustment schedule as defined in Section 10 - Enforcement.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

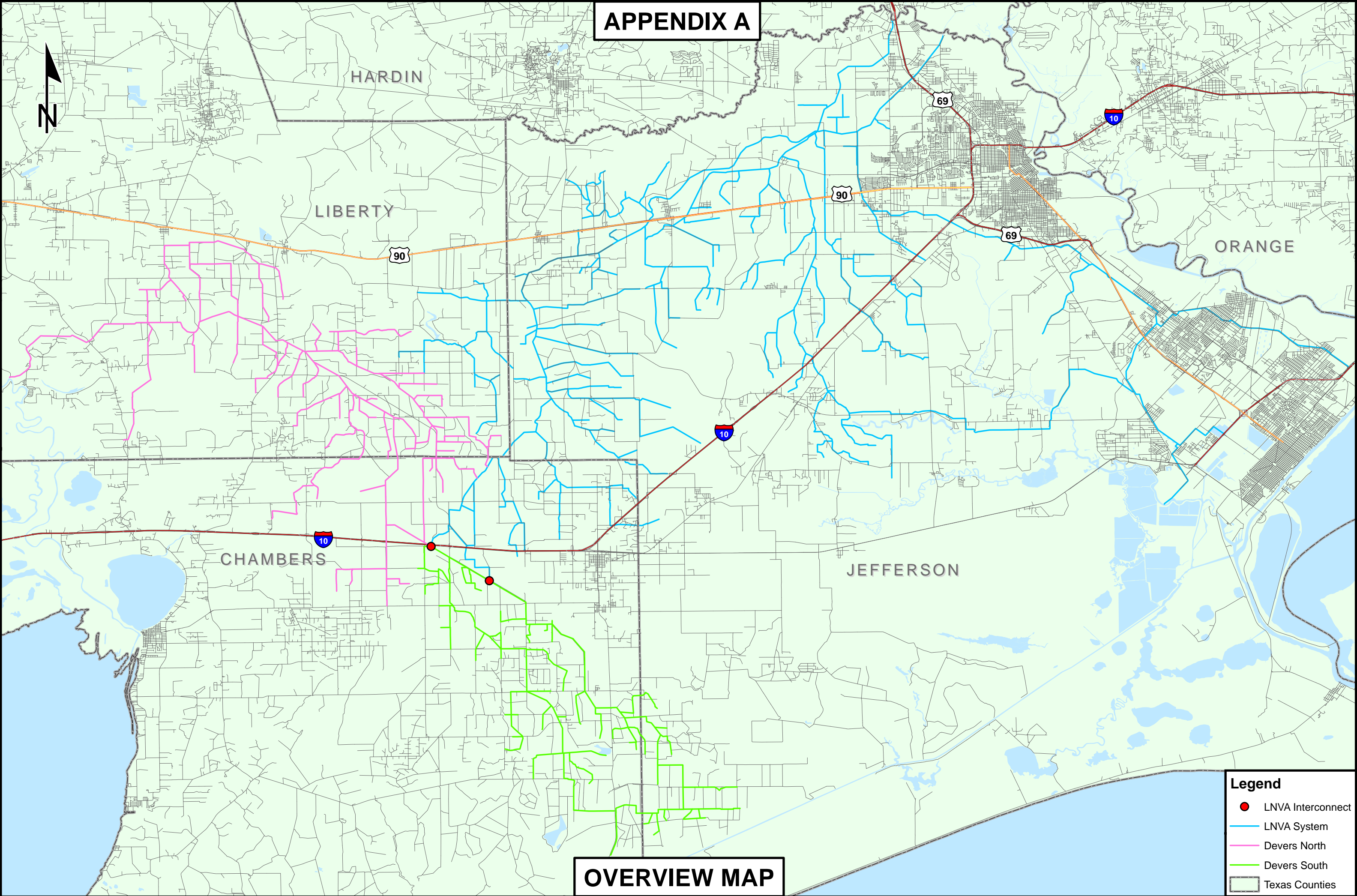
## **12.0 Severability**

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

# **APPENDIX A**

## **OVERALL REGION SERVICE AREA MAP**

APPENDIX A



**Legend**

- LNVA Interconnect
- LNVA System
- Devers North
- Devers South
- Texas Counties

OVERVIEW MAP

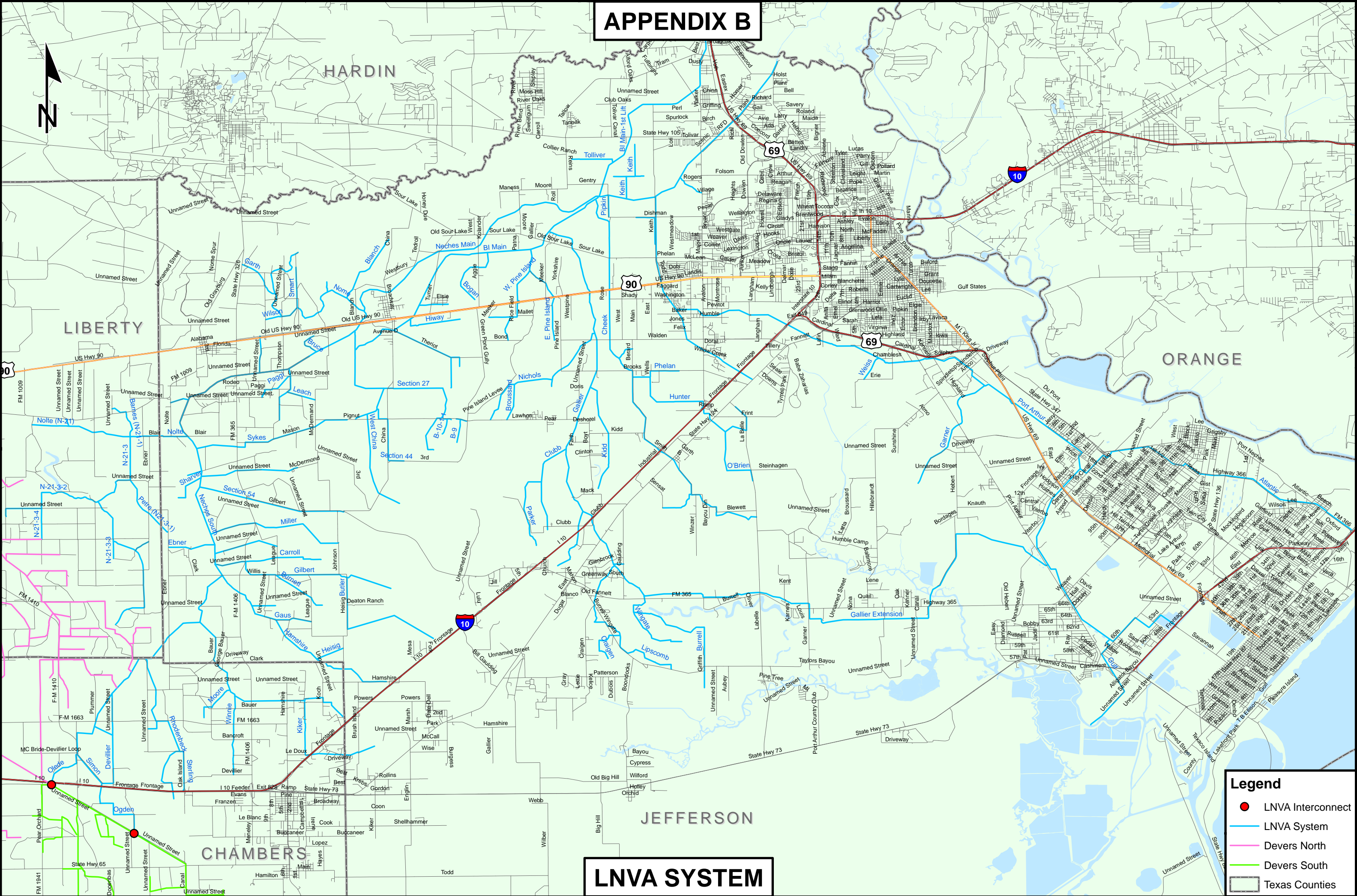
**APPENDIX B**

**LNVA**

**SERVICE AREA MAP**



# APPENDIX B



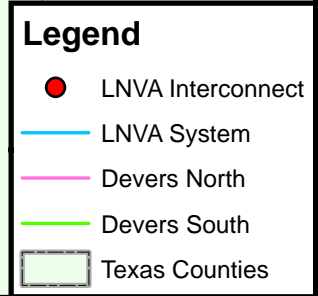
# LNVA SYSTEM

# **APPENDIX C**

## **DEVERS NORTH SERVICE AREA MAP**



## DEVERS NORTH



**APPENDIX D**

**DEVERS SOUTH**

**SERVICE AREA MAP**

