



Porter Special Utility District

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Porter, Texas 77365

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DROUGHT CONTINGENCY PLAN

(UPDATED APRIL 2024)

I. OVERVIEW OF SERVICE AREA

A. Introduction

Porter Special Utility District (the “District”) is located in Montgomery County, Texas, just north of Houston, and serves an area that is similar in configuration to that occupied by the unincorporated community of Porter, Texas.

The current boundaries of the District include several subdivisions, such as Cumberland Crossing, Auburn Trails, Forest Colony, Freeway Oaks Estates, CH Rouse Estates, Timber Lake Acres, Porter Heights, Brooklyn Trails, Maple Heights, and others. The District is traversed by Interstate 69 (aka US Highway 59), Loop 494, and FM 1314. The estimated population of the District’s water service area is approximately 26,000 people.

The District is authorized pursuant to Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 65 of the Texas Water Code. The District is governed by a seven-member Board of Directors. The General Manager is employed by the Board to administer the day-to-day operations of the District on their behalf.

This *Drought Contingency Plan* replaces all previous versions approved by the District.

B. Water Supply

The District currently obtains one hundred percent (100%) of its water supply from five wells that draw water from the Evangeline and Jasper Aquifers within the Gulf Coast Aquifer system. These wells are capable of producing 12,096,000 gallons per day and are the only source of water currently available to the District. The District is planning to augment its current groundwater supply from the Evangeline Aquifer with groundwater from the Jasper Aquifer and has future plans for including a surface water supply.

C. Water Demands

Montgomery County is experiencing a tremendous amount of growth, and this expanded growth rate is expected to continue in the future. The total annual water demands for the District (2019-2023) are outlined in the following table:

Year	Water Produced	Daily Average	Peak Demand	Ratio
	(gallons)	(gallons)	(gallons)	
2019	802,984,000	2,210,000	3,894,000	1.76
2020	850,769,500	2,327,000	3,852,000	1.66
2021	873,294,700	2,395,000	4,191,000	1.75
2022	1,009,275,000	2,760,000	4,688,000	1.70
2023	1,049,227,000	2,868,599	5,122,000	1.79

D. Water Supply and Water Demand Planning and Management

Due to the growth of the Porter area and associated increase in water demand, the District is currently engaged in water supply planning to ensure ample water for the customers of the District. This planning process is being conducted in conjunction with the requirements of the Lone Star Groundwater Conservation District (the “LSGCD”).

In addition to the District's strides toward ensuring future water supply availability the District is working in many other ways to properly manage local water resources.

- Leak detection and leak repair program
- Requirements concerning customer repair of leaks on customer’s side of the water meter
- Metering of all customer connections
- Recent replacement and upgrades of old water mains and water meters.
- Annual testing of production meters (meters on all wells), and
- Monthly review of water loss

II. DECLARATION OF POLICY, PURPOSE, AND INTENT

In order to conserve the available water supply and to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare and safety, and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, this Drought Contingency Plan (the “Plan”) shall be adopted and implemented in accordance with the regulations and requirements of the Texas Commission on Environmental Quality (the “TCEQ”) and the Texas Water Development Board (the “TWDB”).

III. DEFINITIONS

A. For the purposes of this *Drought Contingency Plan*, the following definitions shall apply:

1. Aesthetic Water Use: Water used for ornamental or decorative purposes such as fountains, reflecting pools, water gardens, and amenity ponds.
2. Commercial and Institutional Water Use: Water use which is integral to the operations of commercial, non-profit establishments, governmental agencies, and retail establishments (such as hotels, motels, restaurants, office buildings, and other similar entities).
3. Conservation: Those practices, techniques, and technologies that reduce the consumption of water, decrease the loss of water, improve the efficiency in the use of water or increase the recycling of water, so that a supply is conserved and made available for future or alternative uses.
4. Customer: This term includes both retail customers and wholesale customers, and is any person, company, or organization using water supplied by the District.
5. Domestic Water Use: Water use for personal need or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
6. Even Number Address: Street addresses, box numbers, or rural postal route number ending in 0, 2, 4, 6, 8, and locations without addresses.
7. Industrial Water Use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.
8. 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 course, parks, rights-of-ways, and medians.
9. Non-Essential Water Use: Water uses that are not essential nor required for the production of public health, safety, and welfare, including:
 - Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
 - Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas, unless such water use is for public health or safety purposes (e.g. washing of an oily substance that might cause falls from a sidewalk or walkway);
 - Use of water to wash down buildings or structures for the purpose other than immediate fire protection and/or public health purposes.
 - Flushing gutters or permitting water to run or accumulate in any gutter or street;

- Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - Failure to repair a controllable leak(s) within a reasonable time period (72 hours) after having been given notice directing the repair of such leak(s); and,
 - Use of water from hydrants for construction purposes or any other purposes other than firefighting and flushing associated with maintenance or improvement of water quality unless written permission is specifically granted by the General Manager of the District for a specific type of water usage.
10. Odd Number Address: Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, 9.
11. Wholesale Customer: An individual, agency, or other party that purchases water from the District for resale to the public for human consumption; this term does not apply to an individual, agency, or other entity that provides water to employees or tenants incidental to the service or business of the individual, agency, or entity.

IV. LONE STAR GROUNDWATER CONSERVATION DISTRICT

The District is subject to the regulations of the LSGCD.

V. PUBLIC INVOLVEMENT

The District holds regular board meetings, which are normally scheduled on the last Monday of each month at 7:00pm at the District Office, located at 22162 Water Well Road, Porter, Texas 77365. The public is always welcome to attend and participate. Questions and comments from the public may also be addressed to the District's General Manager during regular working hours.

VI. EDUCATION--RETAIL AND WHOLESALE CUSTOMERS

A. Retail Customers

On at least an annual basis, the District shall provide online water quality reports (Consumer Confidence Reports, aka CCR) with a web address provided to customers on water bill. In addition, water conservation brochures and information shall be made available to the public at the District Office.

B. Wholesale Customers

Wholesale customers shall be partners with the District in managing the area's water resources. The District shall notify the wholesale customers of the current Water Conservation Stage. Furthermore, the District shall provide other water conservation information to wholesale customers, in conjunction with the water conservation regulations and water conservation measures that will be beneficial for the wholesale customers.

VII. RESPONSIBILITY OF WHOLESALE WATER CUSTOMERS

In accordance with Title 30, Texas Administrative Code, Chapter 288, as amended, all wholesale water customers of the District shall develop a *Drought Contingency Plan*, and such Plan shall have similar provisions and restrictions as the District's Drought Contingency Plan, with correlative target goals of water usage reduction, and the wholesale water customer shall submit its Plan to the District's General Manager.

1. Supply or water demand management measures to be implemented during each stage of the plan including but not limited to, the following:
 - a. As it may become necessary, the General Manager is authorized to take actions to implement Stages 1 - 4 of the Plan.
 - b. In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 or Stage 4 (Severe or Emergency Water Shortage Condition) have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code §11.039. utilization of alternative water sources.
2. The District will include a provision in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with the Texas Water Code §11.039.

VIII. COORDINATION WITH REGIONAL WATER PLANNING GROUP

The service area of District is wholly located within the Region H Water Planning Area. The District has provided a copy of its updated Plan to this Region at the address listed below:

Region H

San Jacinto River Authority
P.O. Box 329
Conroe, Texas 77305-0329

IX. AUTHORIZATION

A. Authority Provided

The Board of Directors or the General Manager shall have the authority to implement the Plan's provisions, upon the determination that such implementation is necessary to protect public health, safety, and welfare, in conjunction with the requirements of the

Plan. The Board of Directors or the General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures, as necessary.

B. Notification

1. If a non-emergency drought condition should exist, then notification shall be provided to the District's customers via written communication. This includes such forms of communication as a notice on the District's website, Facebook page, alert notification through the District's website, direct email, text message, or posting at the District Office.
2. Under a water conservation situation (Stage 2, Stage 3, or Stage 4) with a higher demand for immediate water conservation actions, written notification shall be sent to the District's customers via direct email or text messaging. It is recommended that other forms of communication be implemented as well, such as alert notification through the District's website, notice on the District's website, Facebook page, or posting at the District Office.
3. If an Emergency Drought Condition should arise that jeopardizes the public water system of the District, and that may negatively impact health, welfare, or safety of District's customers, and if no time is available for prior notification, then notification shall be provided as soon as practical after the start of the Drought Contingency Stage.
4. All Notifications to the retail customers and wholesale customers shall contain the anticipated commencement date of the Water Conservation Stage, the level of the Stage (Stage 1, 2, 3, 4), the water conservation requirements of that particular Stage, the estimated date that the Stage will cease (if known), and other related Drought Contingency Plan information.

C. Status of Drought Contingency Plan Stage

On a periodic basis, and no less than once per month during such time that the provisions of the Drought Contingency Plan have been implemented, the General Manager shall provide information to the Board of Directors as to the status of the Drought Conditions and Drought Contingency Plan.

X. APPLICATION

The provisions of the Plan shall apply to all persons, entities, and customers (both retail customers and wholesale customers) using water supplied by District, both inside and outside the boundaries of the District.

XI. WHOLESALE WATER SUPPLY ALLOCATIONS

The Wholesale Water Supply Allocations are outlined under the Four Stages (Stages 1, 2, 3, and 4) of the Drought Contingency Plan, and are listed as percentages of water consumption prior to the implementation of the reduction.

Stage 1 – Voluntary Conservation (Up to 10% Reduction)

Stage 2 – 10% to 20% Reduction

Stage 3 – 20% to 35% Reduction

Stage 4 – 35% and Greater Reduction

Wholesale customers shall reduce water consumption until such consumption is no more than the consumption listed under Stage 2, Stage 3, and Stage 4 of the Drought Contingency Plan, with adjustments to be made by District for:

- Any active water conservation measures and associated (and documented) reductions in water usage during the previous drought period, and
- Growth in the number of connections within the service area of the wholesale customer since the previous drought period.

The wholesale customer shall furnish past records of water usage to the District’s General Manager upon request, along with other information necessary to make determinations regarding any potential adjustments that may be considered.

If the wholesale customer has no valid or existing past records of water usage in a drought period, then the water demand records of District will be utilized to set allocations for the wholesale customers.

Watering Activity	STAGE 1 Water Restrictions Voluntary Conservation	STAGE 2 Water Restrictions Mandatory	STAGE 3 Water Restrictions Mandatory	STAGE 4 Water Restrictions Mandatory
Watering with an irrigation system and/or hose-end sprinkler	Twice Per Week No watering between the hours of 8:00am to 8:00pm Even Number Addresses: Monday and Thursday Odd Number Addresses: Tuesday and Friday	Twice Per Week No watering between the hours of 8:00am to 8:00pm Even Number Addresses: Monday and Thursday Odd Number Addresses: Tuesday and Friday	Once Per Week No watering between the hours of 8:00am to 8:00pm Even Number Addresses: Monday Odd Number Addresses: Thursday	This watering activity is strictly prohibited
Handheld hose with nozzle, drip irrigation and soaker hose, including washing motor vehicles	Allowed any time of day and any day of the week	Allowed any time of day and any day of the week	Allowed only between 8:00pm and 8:00am	This watering activity is strictly prohibited
Water used to fill, refill, or add to any indoor or outdoor swimming pools, wading pools or Jacuzzi-type pools	Allowed any time of day and any day of the week	Allowed any time of day and any day of the week	Allowed only between 8:00pm and 8:00am	This watering activity is strictly prohibited
Water used for any ornamental fountain or pond for aesthetics	Allowed any time of day and any day of the week	Allowed any time of day and any day of the week	This watering activity is strictly prohibited except to support aquatic life	This watering activity is strictly prohibited except to support aquatic life
First violation observed in any calendar year will result in a written warning. Only one written warning will be given per calendar year. Additional violations will be subject to a surcharge on the water bill		2nd Violation \$100 3rd Violation \$200 4th Violation \$300	2nd Violation \$200 3rd Violation \$300 4th Violation \$400	2nd Violation \$300 3rd Violation \$400 4th Violation \$500

XII. WATER CONSERVATION STAGES

1. Water Conservation Stages, with increasing target goals of water demand reduction to meet the severity of water shortage conditions, are hereby established. The wholesale customers of the District shall promulgate Water Conservation Stages that are at least as restrictive as those implemented by District.
2. No water customer of District shall make, cause, use or permit the use of water from the District for residential, commercial, governmental, or other related purpose in a manner contrary to any provision of the Drought Contingency Plan, or in any amount in excess of that use permitted by the Water Conservation Stage in effect pursuant to action taken by the Board of Directors or the General Manager, in accordance with the provisions of the Drought Contingency Plan.

STAGE 1. VOLUNTARY WATER CONSERVATION (Mild Water Conditions)

A. Target Water Demand Reduction Goal: Up to 10%

B. Triggering Mechanisms

1. Dry year with mild to moderate drought conditions.
2. Pumping demand reaches 75% of pumping capacity.
3. Loss or failure of water production or water distribution appurtenances or facility that would decrease water system supply capacities.
4. Any short-term or long-term situation requiring up to 10% reduction in water consumption.

C. District Actions:

1. Explain drought conditions and/or water shortage conditions and disseminate water conservation information to retail customers and wholesale customers.
2. Minimize water system flushing and system water-waste, in conjunction with the overall public health requirements of the community.
3. Request customer cooperation and voluntary customer actions toward efficient utilization of water resources.
4. Intensify efforts to detect and repair water system leaks in a timely manner, in accordance with all State requirements for line locate notification.

D. Water Customer (Water User) Actions and Restrictions:

1. Action (Retail and Wholesale Customers): Efficient use of water via VOLUNTARY water conservation practices. Those addresses ending in even numbers (0, 2, 4, 6, 8) shall only water on Monday and Thursday. Those addresses ending in odd numbers (1, 3, 5, 7, and 9) shall only water on Tuesday and Friday.
2. Action (Retail and Wholesale Customers): Voluntary cooperation with the District in an effort to reduce water demand by up to 10%.
3. Restriction (Retail and Wholesale Customers): Customers shall be provided with a "Leak Notice" for leaks (or possible leaks) discovered on private property and customers should initiate leak repairs activities within seventy-two hours of receipt of such Notice.
4. Restriction (Retail and Wholesale Customers): Due to higher evaporation losses, it is recommended that customers not water their lawns and landscape between the hours of 8:00am and 8:00pm.

STAGE 2. MANDATORY WATER RESTRICTION (Moderate Water Conditions)

A. Target Water Demand Reduction Goal: 10% to 20%

B. Triggering Mechanisms:

1. Dry year with moderate drought conditions.
2. Pumping demand reaches 80% of pumping capacity.
3. Loss or damage to District water production or water distribution appurtenances or facility that would decrease water system capacity.
4. Any short-term or long-term water supply situation requiring a 10% - 20% reduction in water consumption.

C. District Actions:

In addition to Actions of Water Conservation Stage 1:

1. Establish mandatory water consumption restrictions and actions to be taken by District retail and wholesale customers.
2. The Board of Directors may adopt and authorize the implementation of a Surcharge for water consumption in excess of a specified amount, in conjunction with the approved District rates.
3. All water taken from fire hydrants, other than that for fire-fighting purposes, shall be metered, and the District shall charge for this water in accordance with the current rate schedule of District.

D. Water Customer (Water User) Actions and Restrictions

In addition to the Actions/Restrictions listed under Water Conservation Stage 1:

1. Restriction (Retail and Wholesale Customers): *Watering with an irrigation system and/or hose-end sprinkler.* Due to higher evaporation losses, customers shall not water their lawns and landscapes between the hours of 8:00am and 8:00pm. Watering is allowed twice per week and shall be accomplished on an even-odd schedule. Those addresses ending in even numbers (0, 2, 4, 6, 8) shall water only on Monday and Thursday. Those addresses ending in odd numbers (1, 3, 5, 7, and 9) shall water only on Tuesday and Friday. No watering is allowed on Wednesday, Saturday, or Sunday.
2. Restriction (Retail and Wholesale Customers): *Watering with a handheld hose with nozzle, drip irrigation and soaker hose.* Watering may occur any time of day and any day of the week.
3. Restriction (Retail Customers): All lawn and landscape irrigation should be done in an efficient manner and the wasting of water from lawn and landscape irrigation shall be prohibited, and wasted irrigation water shall not flow in the street or gutter past the property from which this water originated, nor shall it pond in the street or gutter.
4. Restriction (Retail Customers): Water usage through an ornamental fountain shall not be allowed unless such water is recycled, except for the make-up water that is associated with water lost to evaporation.
5. Restriction (Retail Customers): Washing of sidewalks and driveways is not allowed.
6. Restriction (Wholesale Customers): Wholesale customers shall reduce water consumption until such consumption is no more than eighty-five percent (85%) of the then-current daily water allocation permitted by the *Wholesale Water Supply Agreement*.

E. Penalties:

1. First Violation within a twelve-month period: Written Warning distributed to customer via phone call and/or written communication (email and/or text message). A copy of the Written Warning will be maintained in the customer's file for a twelve-month period.
2. Second Violation within a twelve-month period: A \$100 penalty shall be imposed on the current water bill of the violating customer.
3. Third Violation within a twelve-month period: A \$200 penalty shall be imposed on the current water bill of the violating customer.
4. Fourth Violation within a twelve-month period: A \$300 penalty shall be imposed on the current water bill of the violating customer.
5. Termination of Water Service: Water service (retail or wholesale customers) may be terminated upon failure of the customer to make payment of penalties, with the water

service termination to follow the same policies and procedures of service disconnection for nonpayment that are currently contained in the District's *Rules and Regulations* and *Schedule of Rates, Fees, and Charges*. Water service may also be terminated for repeated and continued violation and disregard of the District's water restrictions.

STAGE 3. MANDATORY WATER RESTRICTION (Severe Water Conditions)

A. Target Water Demand Reduction Goal: 20% to 35%

B. Triggering Mechanism:

1. Dry year, with severe drought conditions.
2. Pumping demand reaches 85% of pumping capacity.
3. Loss or damage to District water production or water distribution appurtenance or facility that would decrease water supply system capacities.
4. Any short-term or long-term water supply situation requiring a 20% - 35% reduction in water consumption.

C. District Actions

All those actions as listed under Water Conservation Stage 1 and Stage 2.

D. Water Customer (Water User) Actions and Restrictions

In addition to the Actions/Restrictions of Water Conservation Stage 1 and Stage 2:

1. Restriction (Retail Customers): *Watering with an irrigation system and/or hose-end sprinkler.* Due to higher evaporation losses, customers shall not water their lawns and landscapes between the hours of 8:00am and 8:00pm. Watering is allowed only one day per week and shall be accomplished on an even-odd schedule. Those addresses ending in even numbers (0, 2, 4, 6, 8) shall water only on Monday. Those addresses ending in odd numbers (1, 3, 5, 7, and 9) shall water only on Thursday. No watering is allowed on Tuesday, Wednesday, Friday, Saturday, or Sunday.
2. Restriction (Retail Customers): *Watering with a handheld hose with nozzle, drip irrigation and soaker hose.* Watering is not allowed between the hours of 8:00am and 8:00pm.
3. Restriction (Retail Customers): Except when empty all swimming pools shall be covered when not in use.
4. Restriction (Retail Customers): Washing of vehicles and boats is prohibited unless the customer utilizes a hose with a positive shutoff nozzle. (Note: this Section and Restriction shall not apply to commercial car washes.)

5. Action (Retail Customers): Watering with bath water, dish water, and/or laundry water is encouraged to the extent that this practice is allowed under local health and safety regulations.
6. Restriction (Wholesale Customers): Wholesale customers shall reduce water consumption until such consumption is no more than seventy percent (70%) of the then-current daily water allocation permitted by the *Wholesale Water Supply Agreement*.

E. Penalties

1. First Violation within a twelve-month period: Written Warning distributed to customer via phone call and/or written communication (email and/or text message). A copy of the Written Warning will be maintained in the customer's file for a twelve-month period.
2. Second Violation within a twelve-month period: A \$200 penalty shall be imposed on the current water bill of the violating customer.
3. Third Violation within a twelve-month period: A \$300 penalty shall be imposed on the current water bill of the violating customer.
4. Fourth Violation within a twelve-month period: A \$400 penalty shall be imposed on the current water bill of the violating customer.
5. Termination of Water Service: Water service (retail or wholesale customers) may be terminated upon failure of the customer to make payment of penalties, with the water service termination to follow the same policies and procedures of service disconnection for nonpayment that are currently contained in the District's *Rules and Regulations* and *Schedule of Rates, Fees, and Charges*. Water service may also be terminated for repeated and continued violation and disregard of the District's water restrictions.

STAGE 4. MANDATORY WATER RESTRICTION (Emergency Water Conditions)

A. Target Water Demand Reduction Goal: 35% and greater

B. Triggering Mechanisms:

1. Dry year, with severe drought conditions.
2. Pumping demand reaches 90% of pumping capacity.
3. Loss or damage to District water production or water distribution appurtenance or facility that would decrease water supply system capacities.
4. Any short-term or long-term water supply situation that requires a 35% or greater reduction in water consumption.

C. District Actions

All those actions taken under Water Conservation Stage 1, Stage 2, and Stage 3.

D. Water Customer (Water User) Actions and Restrictions

1. Restriction (Retail Customers): Prohibition of all non-essential water use, unless necessary for the preservation of health, safety, and welfare. Water usage for livestock is exempt.
2. Restriction (Wholesale Customers): Wholesale customers shall reduce water consumption until such consumption is no more than sixty percent (60%) of the then-current daily water allocation permitted by the *Wholesale Water Supply Agreement*.

E. Penalties

1. First Violation within a twelve-month period: Written Warning distributed to customer via phone call and/or written communication (email and/or text message). A copy of the Written Warning will be maintained in the customer's file for a twelve-month period.
2. Second Violation within a twelve-month period: A \$300 penalty shall be imposed on the current water bill of the violating customer.
3. Third Violation within a twelve-month period: A \$400 penalty shall be imposed on the current water bill of the violating customer.
4. Fourth Violation within a twelve-month period: A \$500 penalty shall be imposed on the current water bill of the violating customer.
5. Termination of Water Service: Water service (retail or wholesale customers) may be terminated upon failure of the customer to make payment of penalties, with the water service termination to follow the same policies and procedures of service disconnection for nonpayment that are currently contained in the District's *Rules and Regulations* and *Schedule of Rates, Fees, and Charges*. Water service may also be terminated for repeated and continued violation and disregard of the District's water restrictions.

XIII. IMPLEMENTATION AND TERMINATION OF CONSERVATION STAGES

1. Based on water supply and water demand information, the Board of Directors or General Manager may order that the appropriate Stage of Water Conservation/Restriction be implemented or terminated in accordance with the applicable provisions of the Drought Contingency Plan. Termination of a particular Stage shall be accomplished by the same communication means that was utilized to implement the Stage.
2. The Notification Procedures as outlined in Section IX.B of this Plan shall be utilized as a process of Notice to the water customers (retail or wholesale) of the District.

XIV. ADVANCEMENT AND WITHDRAWAL OF STAGES

Water Conservation Stages may be advanced or withdrawn in the following manner:

A. Advancement to Subsequent Stage

1. Emergency conditions, such as failure of pumping equipment, etc., that requires a percentage water consumption reduction greater than that of the current Stage.
2. Regulatory action(s) that requires more than the current Stage's percentage reduction in water consumption.
3. Failure to maintain target water conservation reduction goal of that particular Stage.
4. Advancement via triggering mechanism.

B. Withdrawal to Previous Stage

1. Emergency conditions have been decreased in severity or resolved, so that previous target goal may be utilized.
2. Regulatory action(s) has been dissolved or reduced.
3. Water consumption reductions have been above that necessary to meet target goal of current Stage.
4. Current triggering mechanism is no longer valid or applicable.

XV. ORDER OF STAGES

Advancement or withdrawal to any Water Conservation Stage shall not be limited to any particular order of Stages, but shall be based on the current water supply shortage and drought conditions and the target water conservation goal applicable to that situation.

XVI. ENFORCEMENT

1. The General Manager and other employees of the District are hereby authorized by the Board of Directors to enforce the provisions of the Drought Contingency Plan at such time the Plan is implemented by order of the Board of Directors or the General Manager, and neither the Porter Special Utility District nor the District's representatives engaged in enforcement activities under this Plan, when acting in good faith and without malice, shall ever be held liable for any loss or damage, whether real or asserted or caused or alleged to be caused, as a result of the enforcement activities related to this Drought Contingency Plan.
2. Wholesale Customers shall be bound by their Agreement (Contract) with the Porter Special Utility District, and their failure to develop a Drought Contingency Plan, or

failure to implement such Plan if it is in effect, shall be considered a breach of that Agreement (Contract) between District and the Wholesale Customer.

XVII. VARIANCES

1. The General Manager may, in writing, grant a variance for existing water uses otherwise prohibited under this Plan, if it is determined that failure to grant such variance would cause a condition adversely affecting the health or sanitation of 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 reduction in water use.
2. Persons or entities requesting an exemption from the provisions of this Drought Contingency Plan shall file a petition with the District's General Manager within five days after the Plan or a particular Water Conservation Stage has been invoked or after a condition justifying the variance first occurs. All petitions for variances shall be reviewed by the General Manager and shall include the following:
 - Name and address of the petitioner(s)
 - Purpose of water use
 - Specific provision(s) of the Plan from which the petitioner is requesting relief
 - 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 the petitioner complies with this Plan
 - Description of the relief requested
 - Period of time for which the variance is sought
 - 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
 - Other pertinent information, as requested by the General Manager
3. Variances granted by the General Manager shall be subject to the following conditions, unless specifically waived or modified by the General Manager
 - Variances granted shall include a timetable for compliance
 - Variances granted shall expire when the water allocation or Water Conservation Stage is no longer in effect, unless the petitioner has failed to meet specific requirements
 - No variance allowed for a condition requiring water allocation will continue beyond the termination of Water Conservation Stage(s)
 - Any variance for a subsequent water allocation variance must be petitioned again
 - The fact that a variance has been granted in response to a petition will have no relevance to the General Manager's decision on any subsequent petition

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


XVIII. APPEALS

1. A person or entity suffering a violation(s) of the Drought Contingency Plan may appeal this Drought Contingency Plan violation(s) to the General Manager of the District. Any appeal to a violation(s) must include detailed information as to the reason the violation(s) should be dismissed.
2. The decision of the General Manager, as regarding Plan violation(s) or variance denial, may be appealed to the Board of Directors and such appeal will be heard in conjunction with a Special or Regular Board Meeting. The decision of the Board of Directors shall be final.

XIX. SEVERABILITY

In any provisions of this Drought Contingency Plan or the application of the provisions of this Plan thereof to any person or circumstances is held to be invalid, such invalidity shall not affect the other provisions or applications of this Drought Contingency Plan, and to this end the provisions of this Plan are declared to be severable.


This Drought Contingency Plan of the Porter Special Utility District was approved and adopted by the District's Board of Directors at the regular board meeting that was held on April 29, 2024, and replaces all previous versions.



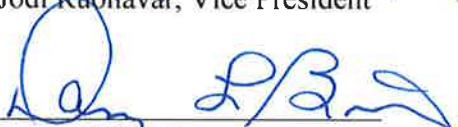
Doug Pillow, President



Jodi Ruonavar, Vice President



Caroline Denham, Secretary



Danny Bridges, Treasurer



Jason Ashy, Director



Donald Bell, Director



Charlie Lyons, Director

End of DROUGHT CONTINGENCY PLAN (April 29, 2024)