Drought Contingency Plan

2025

SAN PATRICIO MUNICIPAL WATER DISTRICT

Adopted April 2025

San Patricio Municipal Water District
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Table of Contents

Appendices

Amended Drought Contingency Plan

San Patricio Municipal Water District

Adopted April 8, 2025

1. Introduction

This document is the Amended Drought Contingency Plan (DCP) for the San Patricio Municipal Water District (District) and its customers. The purpose of this DCP is to:

(1) Conserve the available water supply by reducing the District's water demand as much as possible during a drought in order to protect the integrity of water supply facilities (with particular regard for domestic water use, sanitation and fire protection);
(2) Minimize the adverse impacts of water supply shortages or other water supply emergency conditions;
(3) Serve as a framework to identify and manage a drought or a state of water emergency; and
(4) Preserve and protect public health, welfare, and safety.

This DCP was created so that the District can reduce demand when supplies are low so customers have sufficient water during drought conditions. This DCP explains the triggers initiated by a drought and the steps to take during each stage of a drought. The District has a raw water contract and a treated water contract to purchase water from the City of Corpus Christi (City).

Choke Canyon Reservoir and Lake Corpus Christi are the region's longest established and largest water supplies. These two water supplies are referred to as the Western Reservoir system. Both reservoirs are monitored daily and operated per the 2001 Texas Commission on Environmental Quality (TCEQ) Agreed Order. The 2001 Agreed Order mandates that the combined reservoir storage level be used to implement drought stages. For these reasons, the region uses the combined capacity of Choke Canyon Reservoir and Lake Corpus Christi as the triggering criteria for the drought stages outlined in this DCP.

Additionally, the region utilizes water from two eastern supplies that include Lake Texana and the Colorado River. The City purchases water from Lake Texana through a water supply contract and does not own the water rights. While the City owns water rights on the Colorado River, these rights are considered junior, which means curtailment may occur by water right holders with senior rights.

The DCP is different from the Water Conservation Plan (WCP) because a DCP is a responsive plan that addresses drought conditions or water emergencies and defines actions that will be taken when certain criteria are met. Typically, these criteria consist of three or more "stages" in response to water supply storage levels (e.g., when reservoir storage levels drop below 40%, Stage 1 is initiated), or a water emergency.

A WCP is a proactive plan for addressing overall goals and actions that will help a utility implement year-round sustainable and efficient water conservation programs. The DCP follows the TCEQ

guidelines and has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the District serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers has also been included in Section 16 in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.22.

This DCP also follows guidelines of the U.S. Bureau of Reclamation Water SMART Drought Response Program Framework and has been designed to include the six elements of a Drought Contingency Plan: (1) Drought monitoring; (2) Vulnerability assessment; (3) Mitigation actions; (4) Response actions; (5) Operational and administrative framework; and (6) Plan update process. The District is eligible for certain drought funding opportunities by following the guidelines set by the Bureau of Reclamation. The Water SMART Program works cooperatively with states, tribes, and local entities to pursue a sustainable water supply for the nation, including water efficiency projects located in urban areas and watersheds, through administering grants, conducting scientific studies, and providing technical assistance and scientific expertise. In addition, the adoption of a DCP is a requirement for eligibility to receive financial assistance from the Texas Water Development Board State Water Implementation Fund for Texas (SWIFT) program.

2. Declaration of Policy and Reason

The District hereby adopts the following regulations and restrictions on the delivery and consumptions of water in order to

- conserve the available water supply
- protect the integrity of water supply facilities with particular regard for domestic water use
- sanitation
- fire protection
- to protect and preserve public health, welfare, and safety
- minimize the adverse impacts of water-supply shortages or other water-supply emergency conditions

The District hereby adopts the following regulations and restrictions on the delivery and consumptions of water.

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Section 13 of this DCP.

Since the District first started supplying its customers with water in the 1950's, the region has experienced several periods of drought. Over the years, new water supplies have been added and conservation measures have been strengthened to ensure water security for residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the District plans for future drought conditions.

Currently, the region's water supply system is comprised of three reservoirs and one run-of-the-river right: Lake Corpus Christi, Choke Canyon Reservoir, Lake Texana and the Colorado River. However, the criteria to trigger drought stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir.

Due to the frequency of drought in South Texas, this DCP was developed and it adopts measures that will dramatically cut water consumption in order to conserve water supplies.

3. Public Education

A public hearing to receive comments on the DCP was held at the District offices on April 8, 2025 prior to adoption of this DCP.

The District will work with its customers to inform them about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought measures to be implemented in each stage. This information will be provided by utility bill inserts, email notices to customers, and notice on the District's website (www.sanpatwater.com)

Notification to the public about when drought stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

4. Coordination with Regional Water Planning Groups

The service area of the District is located within the Coastal Bend Regional Water Planning Area (Region N) and the District has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The District shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

5. Authorization

The General Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency stages or restriction(s) as described in this DCP. The General Manager, or designee, shall notify the members of the Board of Directors before implementing any measures.

6. Application

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

7. Definitions

For the purposes of this DCP, the following definitions shall apply:

Aerobic irrigation system: an irrigation system that utilizes a home or business's treated wastewater from its aerobic septic system.

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial account : water used in the operations of commercial, non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Contract (end-user) water customers: a private entity that has a contract with the District to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

Customer: any person, company, or organization using water supplied by the District and paying a retail water bill.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drip irrigation: a method of watering plants using a network of tubes, pipes, valves, and emitters that slowly drips water to the roots of plants to minimize evaporation. Soaker hoses are not a substitute for a proper drip irrigation system.

Large volume account/Industrial user: utility accounts of entities who use more than 10,000,000 gallons of water a month for processes designed to convert materials of lower value into forms having greater usability and use.

Irrigation account/meter: a meter connected solely to an irrigation system. This type of meter does not incur wastewater fees on water used through this meter.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, athletic fields, and medians.

Non-essential water use: water uses that are not essential or not required for the protection of public, health, safety, and welfare, including:

- Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle
- Use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas
- Use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons
- Flushing gutters or permitting water to run or accumulate in any gutter or street
- Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- Use of water in an aesthetic feature, including fountain or pond except where necessary to support aquatic life
- Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak
- Use of water from hydrants for construction purposes or any other purposes other than firefighting or flushing needed to maintain chlorination levels and protect public health

Non-exempt large volume accounts: a large volume account that is not paying the non-mandatory Drought Surcharge Exemption Fee pursuant to Article XII of chapter 55-159.1 of the City of Corpus Christi Code of Ordinances.

Pool cover: a material designated to cover the surface area of a swimming pool when it is not in use. Pool covers can come in different types including manual, semi-automatic, automatic, and can be made from different materials such as mesh, solid vinyl, solar blankets, or pool floaties. Pool covers do not include tree canopies, pergolas, gazebos, or similar structures.

Reservoir capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Surcharge: temporary rate to manage demand in times of drought.

Water well: any facility, device, or method used to withdraw groundwater from a groundwater reservoir.

Wholesale customer: A public or private utility that purchases water from the District through a written contract that authorizes the resale of water to third parties or classifies the utility as a wholesale customer.

8. Criteria for Initiation and Termination of Drought Stages

The General Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified "triggers" are reached. However, the General Manager, or designee, in the exercise of the General Manager's discretion, may initiate or terminate any stage

when the General Manager deems necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each drought stage are described in Section 10.

The combined reservoir storage level of Choke Canyon Reservoir and Lake Corpus Christi is the triggering criterion that is monitored for determining drought stages, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is in the Appendix.

8.1. Water Shortage Watch

Trigger for initiation – Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below 50%.

Trigger for termination – The watch may be terminated when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi increase above 50% for 15 consecutive calendar days.

8.2. Stage 1 – Mild Water Shortage

Trigger for initiation – Stage 1 begins when the combined reservoir storage level declines below 40%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10.

Trigger for termination – Stage 1 may be terminated when the combined storage levels increase above 50% .

8.3. Stage 2 – Moderate Water Shortage

Trigger for initiation – Stage 2 begins when the combined storage level declines below 30%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10.

Trigger for termination – Stage 2 may be terminated when the combined storage levels increase above 40%. Upon termination of Stage 2, Stage 1 becomes operative.

8.4. Stage 3 – Critical Water Shortage

Trigger for initiation – Stage 3 begins when the combined storage level declines below 20%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10.

Trigger for termination – Stage 3 may be terminated when the combined storage levels increase above 30%. Upon termination of Stage 3, Stage 2 becomes operative.

8.5. Water Emergency

Level 1 Water Emergency

Trigger for initiation – A Level 1 Water Emergency begins when the General Manager, or designee, determines that the District is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The General Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies such as the Inner Harbor Seawater Desalination Treatment Facility.

Trigger for termination - The Level 1 Water Emergency may be terminated when the General Manager, or designee, determines that the District's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation – A Level 2 Water Emergency begins when the General Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to;

a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the District's water treatment facilities; or
b) Water production or distribution system limitations; or
c) Natural or man-made contamination of the water supply source.

Trigger for termination – The Water Emergency may be terminated when the General Manager, or designee, deems appropriate.

9. Drought Stage Notification

The General Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Chapter, shall determine that a mild, moderate, critical, or a water emergency exists and shall implement the following notification procedures.

Notification to the Public:

The General Manager, or designee, shall notify the public for every change in drought stage status by any or all of the following:

- District's website (www.sanpatwater.com)
- Notice on the monthly utility billing
- Public Service Announcements
- Signs posted in public places

Additional Notification:

The General Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Board of Directors
- County Judge and Commissioner(s)
- Major water users (such as municipalities and industries)
- Texas Commission on Environmental Quality (TCEQ) – note: TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed

10. Drought Stages, Best Management Practices per Stage

A summary of water use reduction targets for each drought stage is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of drought is included below. During Stages 1, 2, and 3, requests for exemptions may be presented to the General Manager or designee.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%
Stage 1 - Mild Water Shortage	<40%	5%
Stage 2 - Moderate Water Shortage	<30%	10%
Stage 3 - Critical Water Shortage	<20%	15%
Water Emergency Level 1 Level 2	Not Applicable	 25% 50%

10.1. Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water with the water use conditions below.

Best Management Practices for Supply Management:

The District will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible. The District will prioritize sources of supply not impacted by drought conditions, when available, including interruptible supplies from Lake Texana during times when Lake Texana water level is at or above 43 feet mean sea level in accordance with Lavaca-Navidad River Authority (LNRA) contract. The District will actively promote educational messages in the media about how to reduce water use through conservation practices, and rules of the drought stages.

Water Use Conditions for Reducing Demand

a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to **once per week**.
b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
c) All operations of the District shall adhere to water use restrictions prescribed for Stage 1.
d) Water smart techniques will be promoted by District departments.

10.2. Stage 1 Response – Mild Water Shortage

Target: During Stage 1, achieve a 5% reduction in daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

Under Stage 1, the District will:

- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- District crews begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.
- In addition to the restrictions outlined below, District departments will make every effort to conserve water, including no new landscaping installation and no filling of ponds.
- Increase targeted outreach to high-consumption industrial and commercial customers to urge water use reductions.

- Increase public education and outreach regarding water use reduction by using the following practices:

- Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
- When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
- When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
- Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
- Take shorter showers.
- You can reduce water usage by 40% to 50% by installing low-flush toilets.
- When hand-washing dishes, never run water continuously.
- If you have a dishwasher appliance, use it only to wash full loads, and use the shortest cycle possible.
- Wash only full loads in your washing machine and use the shortest cycle possible.
- Repair leaks quickly.
- Clean outdoor surfaces with a broom, not a hose.Water during the cool part of the day, in the morning or evening.
- Do not over water in anticipation of a shortage. Soil cannot store extra water.

Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the General Manager or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
   1) Exceptions for this restriction may be permitted, upon review and approval by the General Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for an exemption from the District to be prominently posted on the premises within two (2) feet of the street number located on the premises.

b) No watering or irrigating of landscaped areas by hose-end sprinkler or automatic irrigation systems will be allowed between the hours of 10:00 a.m. and 6:00 p.m. to prevent evaporative loss.

c) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from the District.

d) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes non-potable or a water source other than that provided through the District infrastructure, the facility shall not be subject to these regulations.

e) The use of water to maintain the integrity of building foundations is limited to designated watering days.

10.3. Stage 2 Response – Moderate Water Shortage

Target: During Stage 2, achieve a 10% reduction in total daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the District will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.
- Increase public education and outreach regarding water use reduction by using the following practices:
    - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
    - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water to clean your brush.
    - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
    - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
    - You can reduce water usage by 40% to 50% by installing low-flush toilets.
    - When hand-washing dishes, never run water continuously.
    - If you have a dishwasher appliance, use it only to wash full loads.
    - Wash only full loads in your washing machine and use the shortest cycle possible.
    - Fix leaks quickly.
    - Clean outdoor surfaces with a broom, not a hose
    - Do not overwater in anticipation of a shortage. Soil cannot store extra water

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

a) Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems shall be limited to **once every other week**. The watering schedule will

be determined by the General Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.

a. Exceptions for this restriction may be permitted, upon review and approval by the General Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from the District to be prominently posted on the premises within two (2) feet of the street number located on the premises.

b) The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes non-potable or a water source other than that provided through the District infrastructure or done by means of hand-held hoses, or hand-held buckets.

c) A person or entity who owns, leases or manages an outdoor swimming pool (including publicly-owned pools) shall begin preparation for Stage 3 requirement to have approximately 100 percent of the pool surface area covered when not in use.

d) Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.

e) Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash, is allowed on the designated Stage 2 watering day.

Optional Measures:

During Stage 2, the following measures are optional water use restrictions that may be implemented by the General Manager, or designee, with Board approval, as conditions warrant:

a) The following surcharge will be added to a customer's water bill:

i. For all irrigation accounts, a surcharge of $1.00 per 1,000 gallons will be added to the customers' bill.

ii. For residential accounts, a surcharge of $1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.

iii. For commercial accounts, a surcharge of $1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.

iv. For non-exempt large volume accounts a surcharge of $3.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill.

v. For wholesale customers, a surcharge of $1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.4. Stage 3 Response – Critical Water Shortage

Target: During Stage 3, achieve a 15% or greater reduction in daily water with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the District will also do the following during Stage 3:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
- Increase public education and outreach regarding water use reduction by using the following practices:
    - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
    - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
    - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
    - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
    - You can reduce water usage by 40% to 50% by installing low-flush toilets.
    - When hand-washing dishes, never run water continuously.
    - If you have a dishwasher appliance, use it only to wash full loads.
    - Wash only full loads in your washing machine and use the shortest cycle possible.
    - Repair leaks quickly.
    - Clean outdoor surfaces with a broom, not a hose.
      Do not overwater in anticipation of a shortage. Soil cannot store extra water.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- Irrigation of turf grass by any means shall be **prohibited at all times.**
- Drip irrigation for foundations and landscaped beds is allowed **every other week** on the designated watering schedule. The watering schedule will be determined by the General Manager or designee. Customers will be made aware of their designated watering day.

- Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose (with a positive shutoff nozzle), a faucet-filled bucket, or a watering can of five (5) gallons or less.
- Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the General Manager or designee, for new plantings. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for an exemption from the District. An exception certificate should be prominently posted on the premises within two (2) feet of the street number located on the premises.
- Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash station, is allowed by hand, with a five (5) gallon bucket or less on the designated watering day.
- The filling, draining and refilling of an existing swimming pool, Jacuzzi and hot tubs is prohibited except to maintain structural integrity.
- A person or entity who owns, leases, or manages an outdoor swimming pool (including publicly-owned pools) shall have approximately 100% of the pool surface area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted.
- Operators of water parks must seek approval from the District prior to the filling, refilling, or adding water to water parks.
- All fountains shall only operate to circulate water in order to maintain equipment.
- Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.

<u>Optional Measures:</u>

During Stage 3, the following measures are optional water use restrictions that may be implemented by the General Manager, or designee, with Board approval, as conditions warrant:

b) The following surcharge will be added to a customer's water bill:
    i. For all irrigation accounts, a surcharge of $2.00 per 1,000 gallons will be added to the customers' bill.
    ii. For residential accounts, a surcharge of $2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
    iii. For commercial accounts, a surcharge of $2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
    iv. For non-exempt large volume accounts a surcharge of $12.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill.
    v. For wholesale customers, a surcharge of $2.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing

prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.5. Water Emergency

Level 1 Water Emergency

In the event that the triggering criteria specified in Section 8.2 – Level 1 Water Emergency of the DCP is met, the General Manager, or designee is hereby authorized to implement pro-rata curtailment of water supplies to all customers in accordance with Texas Water Code §11.039. The initiation of pro-rata curtailment preparations shall begin during Stage 3.

Target: During a Level 1 Water Emergency, pro-rata curtailment will be required and may start at 5% or greater reduction of total water demand, depending on the forecasted water supply conditions. Surcharges and allocations are enforceable during a Water Emergency, as described in Section 11.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the District will also do the following:

- Implement a planned public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a Level 1 Water Emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

a) Irrigation of all landscaped areas is absolutely prohibited.
b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
c) Associated uses of water not related to business processes which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Level 2 Water Emergency

Target: During a Level 2 Water Emergency, achieve the necessary reduction in daily water demand to meet minimum system pressure requirements with the below water use restrictions. In addition, during a Level 2 Water Emergency all requirements from a Level 1 Water Emergency may be authorized under this section. Surcharges and curtailments are enforceable during a Water Emergency, as described in Section 11.

During a water emergency such as a catastrophic failure of infrastructure or cross-connection contamination, the District shall implement all necessary measures to protect public health and safety.

For a water emergency associated with contamination of Nueces Basin stored supplies, the District, under the General Manager or designee's direction, will cease pumping from the Nueces River and will contact the City of Corpus Christi to identify additional, temporary water that may be available from Lake Texana on a short-term basis to meet essential water needs. For a water emergency associated with contamination of Lake Texana supplies, the District, under the General Manager's, or designee's direction, will cease pumping from the Mary Rhodes Pipeline.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the District will also do the following:

- Implement a public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a water emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

a) Irrigation of all landscaped areas is absolutely prohibited.
b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
c) Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Optional Measures:

During a Level 1 or Level 2 Water Emergency, the following measure is an optional water use restriction that may be implemented by the General Manager, or designee, with Board approval, as conditions warrant:

a) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought stage shall be in effect.

b) The following surcharge will be added to a customer's water bill:
   i. For all irrigation accounts, a surcharge of $4.00 per 1,000 gallons will be added to the customers' bill.
   ii. For residential accounts, a surcharge of $4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
   iii. For commercial accounts, a surcharge of $4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
   iv. For non-exempt large volume accounts a surcharge of $12.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill.
   v. For wholesale customers, a surcharge of $4.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

11. Surcharges for Drought Stages 2, 3, Water Emergency and Service Measures

(a) General

1. The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The Board of Directors expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.
2. This section, and the surcharges and measures adopted herein, are an exercise of the District's powers under Chapters 49 and 51 of the Texas Water Code, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
3. With Board approval, the General Manager, or designee, is authorized to determine trigger points or allocations and surcharges during Stages 2, 3, and a Water Emergency.

4. A customer may appeal a drought surcharge established under this Section to the General Manager or designee on grounds of unnecessary hardship, through the process outlined in Section 12.

Drought surcharge funds will first be reported to the Board and used as directed by the Board.

12. Requests for Exemptions and Variances

(a) The General Manager, or designee may, in writing, grant a temporary variance to any of the provisions for water users found in this DCP upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.

(b) A person requesting an exemption or variance from the provisions of this DCP shall file a request on the District-provided application for an exemption/variance with the District within 5 days after a particular drought response stage has been invoked. All request forms shall be reviewed by the General Manager, or designee, and shall include the following:

1. Name and address of the water user(s).
2. Purpose of water use.
3. Specific provision(s) of the DCP from which the water user is requesting relief.
4. Detailed statement as to how the specific provision of the DCP adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this DCP.
5. Description of the exemption requested.
6. Period of time for which the exemption is sought.
7. Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this DCP and the compliance date.
8. Other pertinent information; or as required on exemption application.

(c) No exemption nor variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the exemption/variance.

(d) The General Manager or designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this DCP if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal

enforcement of the provisions of this DCP will result in unnecessary hardship, and so that the spirit of this DCP shall be observed and substantial justice done.

(e) Should an exemption for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the General Manager or designee for noncompliance; provided, that the exemption is prominently posted on the premises within two (2) feet of the street number located on the premises.

(f) A person denied request for permit or exception from these rules may appeal the decision to the General Manager by submitting a written request for appeal to the General Manager within five business days from issuance of denial. The decision of the General Manager shall be final.

(g) Violations of any permit conditions may be enforced under Section 13.

12.1. Non-mandatory Drought Surcharge Exemption Fee.

San Patricio Municipal Water District as a wholesale customer of the City of Corpus Christi provides the following section for administrative purposes. District responsibilities may be substituted for City requirements where appropriate. The District will act as a conduit to collect exemption fees and transmit to the City of Corpus Christi. *Article XII of Chapter 55 of the Corpus Christi Code of Ordinances Section 55-159.1 reads as follows:*

"(a) Establishment of non-mandatory "Drought Surcharge Exemption Fee" effective October 1, 2018.

Large-volume industrial customers[1] may voluntarily pay a non-mandatory and non-refundable "Drought Surcharge Exemption fee" or "Fee" of $0.31 per 1,000 gallons of water per month to be exempt from the applicable allocation surcharges of City Code Section 55-154 during the month of billing. The City (District) will begin to charge the Fee as of October 1, 2018 to all large-volume industrial customers. The Fee will be charged with the large-volume industrial customer's regular monthly water bill which is due as stated on the bill. By payment of the Fee, the large-volume industrial customer has determined that the Fee is fair, just, and reasonable.

(b) Notice of Opt-out.

A large-volume industrial customer may opt out of the Drought Surcharge Exemption fee (or "Fee") by providing written notice to the City Manager (General Manager). A

[1] For purposes of this Section 55-159.1 the term "large-volume industrial customer" shall mean a utility customer who uses water in minimum quantity of 100,000 gallons a day (*See definitions*) in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric, but does not include agricultural use.

large-volume industrial customer is deemed to have opted out of the Fee as of the date payment of the Fee remains delinquent after notice and opportunity to cure. A large-volume industrial customer who has opted out of said Fee is subject to aforementioned allocation surcharges of City Code Section 55-154 in addition to compliance with all applicable City ordinances.

(c) Request to opt back into the Drought Surcharge Exemption fee or "Fee".

There is no right nor entitlement to opt back into the Fee. The City Manager (General Manager) or designee retains sole discretion to determine whether granting large-volume industrial customer's request to opt back into the Fee is in the best interest of the city (District). At a minimum, the large-volume industrial customer will be required to comply with the following mandatory conditions.

1. *The large-volume industrial customer must submit a written request to the City Manager (General Manager) to request to opt back into the Drought Surcharge Exemption fee subject to City Manager (General Manager) review.*
2. *Upon receipt of invoice, the large-volume industrial customer must timely pay the Drought Surcharge Exemption fees calculated on said customer's actual water usage from date of City's (District's) receipt of written request back to said customer's date of opt out, up to a maximum of 10 years.*
3. *The large-volume industrial customer remains subject to compliance with the aforementioned allocation surcharge provisions of the City Code as may be amended and all other applicable ordinances, rules and regulations of the City for the mandatory reinstatement period of 24 months.*
   The mandatory reinstatement period begins upon date of notice from the City to said customer and continues for 24 consecutive calendar months. During the reinstatement period, the large-volume industrial customer will timely pay a non-refundable reinstatement fee of $0.31 per 1,000 gallons of water upon receipt of invoice. By payment of said reinstatement fee, the large-volume industrial customer has determined that the fee is fair, just, and reasonable.
4. *Despite compliance with these conditions, the large-volume industrial customer will not be allowed to opt back into the Fee when the combined storage level of the Choke Canyon Reservoir and Lake Corpus Christi declines below 40%.*

(d) Dedicated use of the Drought Surcharge Exemption fees.

1. *The Fee shall be dedicated by the City for development of a drought-resistant water supply and shall not be used for operation and maintenance costs of any water supply, treatment facility or distribution system.*
2. *The Fee paid to the City will be reserved in a separate account ("Account") and used only for capital costs to develop and/or acquire an additional drought-resistant water supply including but not limited to, payment of debt for an allowable capital project.*
3. *The City Manager may execute documents necessary for the establishment of a dedicated fund.*

(e) Review and adjustment of the Drought surcharge exemption fee.

The Fee shall be reviewed and adjusted by City Council action no more frequently than every 5 years. Any subsequent Fee increase is limited to increases based upon changes to the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers.

(f) Participation by wholesale water suppliers.

A wholesale water supplier with a water supply contract with the City may choose to establish an identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers with said Fee and agreement to be equivalent to the ordinance and standard agreement adopted by the City of Corpus Christi. Upon adoption of said identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers, the wholesale water supplier shall assess and collect the Fees from its large-volume industrial customers and then remit said Fees to the City. In addition, the wholesale water supplier shall notify the City Manager or designee of the volume of water used by its large-volume industrial customers each month.

(g) The City Manager may execute letters of commitment and standard agreements regarding payment and use of Drought Surcharge Exemption Fee with terms consistent with this Section 55-159.1 (each, an "Agreement"). The Agreement may be terminated by the City upon five years' notice to terminate the Agreement.
A copy of the standard agreement is attached as an Exhibit to the Ordinance which is enacted in this Section 55-159.1. The City Manager is authorized to adjust the terms of the standard agreement as long as said adjustments are consistent with the terms of this Section 55-159.1 and said adjustment is made available to all large-volume industrial customers participating in the Drought Surcharge Exemption Fee.

(h) The Drought Surcharge Exemption Fee established by this Section 55-159.1 continues to be billed and paid except during periods when the balance in the Account exceeds $150,000,000, to be adjusted annually for inflation by the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers. While balance exceeds $150,000,000 the City will cease billing and collection of the Fee, and the large-volume industrial customer remains exempt from the allocation surcharges.

(i) The City may repeal this Section 55-159.1 upon at least five years' notice to the then participating large-volume industrial customers and participating wholesale water suppliers.

(j) Upon City's repeal of this Section 55-159.1 or City's termination of the Agreement, any unencumbered balance remaining in the Account will be returned to the then-participating large-volume industrial customers and then-participating wholesale water suppliers on a pro-rata basis.

(k) The large-volume industrial customer paying the Drought Surcharge Exemption Fee established by this Section 159.1 is exempt from City curtailment of water during

Reservoir System Stages 1, 2, and 3, except when such curtailment is required by Texas Water Code Section 11.039 or required by other applicable state laws and state regulations."

13. Enforcement

Any person who violates this DCP shall be subject to the following additional surcharges and conditions of service:

Following the first documented violation in a calendar year, the violator shall be given a notice specifying the type of violation and the date and time it was observed; and surcharges and restrictions on service that may result from additional violations; however, in the case of significant violations, as determined by the General Manager or designee, no such notice shall be given, and the violator will be sent the notice described below and assessed the surcharges described below. In those cases, the first documented violation shall be treated as a second documented violation.

Following the second documented violation in a calendar year, the violator shall be sent by certified mail or documented door tag hanger a notice of violation and shall be assessed a surcharge of $500.00. This amount increases to an amount up to $2,000 if operating under Stage 3 or the Water Emergency Stage of the DCP.

Following the third documented violation in a calendar year, the violator shall be sent by certified mail or documented door tag hanger a notice of violation and shall be assessed a surcharge of $750.00. This amount increases to an amount up to $10,000 if operating under Stage 3 or the Water Emergency Stage of the DCP.

Following the fourth documented violation in a calendar year, the District shall, upon due notice to the customer, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established in the District's Rate Order, as amended from time to time, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance must be given to the District so that the same action shall not be repeated while the DCP is in effect.

Compliance with this DCP may also be sought through injunctive relief in district court.

Each day that one or more of the provisions in this DCP is violated shall constitute a separate violation. Any person, including one classified as a water customer of the District in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation.

14. Variances

A temporary variance for existing water uses otherwise prohibited under this DCP may be obtained through the process outlined in Section 12.

15. Severability

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

16. Wholesale Drought Contingency Plan

16.1 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 shortage or other water supply emergency conditions, the San Patricio Municipal water District (District) adopts the following Wholesale Drought Contingency Plan (Plan).

16.2 Public and Wholesale Customer Involvement

A public hearing to receive comments on the Plan was held at the District offices on April 8, 2025 prior to adoption of this Plan.

16.3 Wholesale Water Customer Education

The District will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought measures to be implemented in each stage.

This information will be distributed by providing a copy of the Plan to each wholesale water customer.

16.4 Coordination with Regional Water Planning Groups

The water service area of the District and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the District has provided a copy of the Plan to Region N. The District shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

16.5 Authorization

The General Manager of the District, or 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. Wholesale customers are subject to the Plan under their contracts with the District. The General Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency measures as described in this Plan. The General Manager, or designee, shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

16.6 Application

The provisions of this Plan shall apply to all customers utilizing water provided by the District on a wholesale basis. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan shall include language relating to the San Patricio Municipal Water District Water Conservation Plan and Drought Contingency Plan, that Plan (similarly adopted under the City of Corpus Christi Ordinance Number 55-151) shall impose similar restrictions, surcharges or rationing measures on their customers.

To the extent of its legal authority, the District shall require its wholesale customers to implement outdoor watering restrictions similar to those of the District for each drought stage. The District requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

16.7 Triggering Criteria for Initiation and Termination of Drought Stages

The General Manager, or designee, shall monitor water supply and/or demand conditions on a weekly 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 stages will be made by email, mail, or telephone. The news media will also be informed by the District.

The triggering criterion to be monitored for determining drought stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix. The triggering criterions in this section are minimum standards for initiation and maximum standards for termination, and the General Manager, or designee, can initiate or terminate each stage when conditions warrant.

(a) Water Shortage Watch

Trigger for initiation – The District will recognize that a mild water shortage condition exists when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Cristi have fallen below 50%.

Trigger for termination – The Water Shortage Watch may be terminated when the combined storage level of Choke Canyon Reservoir and Lake Corpus Christi increases above 50% for 15 consecutive calendar days.

(b) Stage 1 – Mild Water Shortage

Trigger for initiation – The District will recognize that a mild water shortage watch exists when the combined storage levels of Choke Canyon and Lake Corpus Christi decline below 40%.

Trigger for termination – Stage 1 of the Plan may be rescinded when the combined storage level increases above 50%. The District will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1.

(c) Stage 2 – Moderate Water Shortage

Trigger for initiation – The District will recognize that a moderate water shortage condition exists when the combined storage levels decline below 30%.

Trigger for termination – Stage 2 of the Plan may be rescinded when the combined storage level increases above 40%. Upon termination of Stage 2, Stage 1 becomes operative. The District will notify its wholesale customers and the media of the termination of Stage 2.

(d) Stage 3 – Critical Water Shortage

Trigger for initiation – The District will recognize that a critical water shortage condition exists when the combined storage levels decline below 20%.

Trigger for termination – Stage 3 of the Plan may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative. The District will notify its wholesale customers and the media of the termination of Stage 3.

(e) Water Emergency

Level 1 Water Emergency

Trigger for initiation – A Level 1 Water Emergency begins when the General Manager, or designee, determines that the District is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The General Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies such as the Inner Harbor Seawater Desalination Treatment Facility.

Trigger for termination - The Level 1 Water Emergency may be terminated when the General Manager, or designee, determines that the District's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation – A Level 2 Water Emergency begins when the General Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to;

a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the District's water treatment facilities or other critical re-pump stations; or
b) Water production or distribution system limitations; or
c) Natural or man-made contamination of the water supply source.

Trigger for termination – The Water Emergency may be terminated when the General Manager, or designee, deems appropriate.

16.8 Drought Stages. The General Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that a mild, moderate, critical, or a water emergency exists and shall implement best management practices accordingly.

For water contracts between the District and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each drought stage presented in the following table. Further discussion on best management practices and implementation practices associated with each stage is described below.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%
Stage 1- Mild Water Shortage	<40%	5%
Stage 2- Moderate Water Shortage	<30%	10%
Stage 3- Critical Water Shortage	<20%	15%
Water Emergency Level 1 Level 2	Not Applicable	 25% 50%

Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water demand for each wholesale customer utilizing District's water supply system.

Best Management Practices for Supply Management:

- The District will encourage each wholesale water customer to utilize alternative water sources *voluntarily* such as interconnections with another water system, temporary use of a water supply other than from the District's system, or use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The General Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate voluntary measures to reduce water use.
- The General manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 1 – Mild Water Shortage

Target: Achieve a 5%reduction in daily water demand for each wholesale customer utilizing the District's water supply system.

Best Management Practices for Supply Management:

- The District will encourage each wholesale water customer to use reclaimed water for non-potable purposes.

Water Use Measures for Reducing Demand:

- The General Manager, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The General Manager, or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer's drought contingency plan).
- The General Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The District will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40 % of its conservation pool volume, and that Stage 1 has been declared. The District will recommend that operators post information to the public regarding Stage 1 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Stage 2 – Moderate Water Shortage

Target: Achieve a 10% reduction in daily water demand for each wholesale customer utilizing the District's water supply system.

Best Management Practices for Supply Management:

- The District will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the District's system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:

- The General Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer's drought contingency plan).
- The General Manager, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in 16.9 of the Plan.
- The General Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The District will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30 % of its conservation pool volume, and that Stage 2 has been declared. The District will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing reservoir levels.

Stage 3 – Critical Water Shortage

Target: Achieve a 15%reduction in daily water demand for each wholesale customer utilizing the District's water supply system.

Best Management Practices for Supply Management:

- The District will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the District's system, use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The General Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer's drought contingency plan).
- The General Manager or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.
- The General Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The District will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20 % of its conservation pool volume and that Stage 3 has been declared. The District will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Water Emergency

Whenever a Level 1 or Level 2 Water Emergency exists as defined in Section 16.7 of the Plan, the General Manager, or designee, shall:

- Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
- Contact the utility director or other responsible official of each wholesale water customer by telephone, email, or in person to provide information on severity of water supply and/or demand conditions and request that the wholesale water customer initiate

mandatory measures to reduce water consumption as appropriate (e.g., notification of the public to reduce water use until service is restored).

- If appropriate, notify city, county, and/or state emergency response officials for assistance.
- Undertake necessary actions, including repairs and/or clean-up as needed.
- Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

16.9 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 16.7 of the Plan, the General Manager, or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included 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 Texas Water Code §11.039.

1) A wholesale water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the Board of Directors based on the City of Corpus Christi's allocation to the District and the General Manager's assessment of the severity of the water shortage and the need to curtail water diversions and deliveries may be adjusted periodically by resolution of the Board of Directors as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale water customer shall be limited to the allocation established for each month.
2) A monthly water usage allocation shall be established by the General Manager, or designee, for each wholesale water customer. The wholesale water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the wholesale water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
3) The General Manager shall provide notice, by certified mail, to each wholesale water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
4) Upon request of the wholesale water customer or at the initiative of the General Manager, the allocation may be reduced or increased if:

    a. The designated period does not accurately reflect the wholesale water customer's normal water usage;

    b. The customer agrees to transfer part of its allocation to another wholesale water customer; or

c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the Board of Directors.

16.10 Pro Rata Surcharges and Enforcement

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

- 2.0 times the normal water rate per unit in excess of the monthly allocation up through 5 % above the monthly allocation.
- 2.5 times the normal water rate in excess of the monthly allocation from 5 % through 10 % above the monthly allocation.
- 3.0 times the normal water rate in excess of the monthly allocation from 10 % through 15 % above the monthly allocation.

3.5 times the normal water rate more than 15 % above the monthly allocation.

16.11 Request for Exemptions and Variances

The General Manager, or designee, may, in writing, grant a temporary variance to the pro rata water 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 are met:

(1) Compliance with this Plan cannot be technically accomplished during the duration of this water supply shortage or other condition for which the Plan is in effect.
(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within 5 days after a pro rata allocation has been invoked. All petitions for variances shall be reviewed by the General Manager, or designee, and shall include the following:

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

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the District.

(1) Variances granted shall include a timetable for compliance with allocation requirements.
(2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Wholesale Water Supply customers that have industrial customer(s) that use in excess of 100,000 gallons per day may offer a non-mandatory Drought Surcharge Exemption Fee in accordance with Article XII of Chapter 55 of the Corpus Christi Code of Ordinances Section 55-159.1. Such Wholesale Water Supply customers will be required to collect and transmit the Exemption Fee to the District and accordingly pass those funds along to the City of Corpus Christi. Participating Wholesale Water Supply customers' industries will be afforded the same drought exemptions as those afforded by the District and the city of Corpus Christi large volume industrial users.

16.12 Severability

It is hereby declared to be the intention of the District 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 declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the District without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16.13 Reservoir System Operating Plan

Because all the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included in the Appendix to this DCP.

APPENDIX TO SAN PATRICIO MUNICIPAL WATER DISTRICT AMENDED DROUGHT CONTINGENCY PLAN

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

AN AGREED ORDER — Amending the operational procedures and continuing an Advisory Council pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214; Docket No. 2001-0230-WR

On April 4, 2001, came to be considered before the Texas Natural Resource Conservation Commission ("Commission") the Motion by the City of Corpus Christi and Nueces River Authority for the adoption of an amendment to the Agreed Order issued April 28, 1995, establishing operating procedures pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214, held by the City of Corpus Christi, the Nueces River Authority, and the City of Three Rivers" (the two cities and river authority shall be referred to herein as "Certificate Holders"). The Certificate Holders and the Executive Director of the Texas Natural Resource Conservation Commission have agreed to the provisions of this Agreed Order.

The City of Corpus Christi (managing entity) requests that Section 2 of this Agreed Order be amended to add further detail to the provisions regarding the use of water for bays and estuaries and to make changes in the required passage of inflows for the bays and estuaries automatic at 40 percent and 30 percent of total reservoir system capacity upon institution of mandatory outdoor watering restrictions. Additionally, Certificate Holders request the most recent bathymetric surveys be used for determining reservoir system storage capacity. The Certificate Holders request details be added regarding provisions for two projects to enhance/augment the amount of freshwater going into the receiving estuary and timelines for those projects.

After considering the proposals and the presentations of the parties, the Commission finds that it has authority to establish operational procedures under Special Condition 5.B. of Certificate of Adjudication No. 21-3214, and that operational procedures previously established should be amended. The Commission finds that, because of the need to continue to monitor the ecological environment and health of related living marine resources of the estuaries to assess the effectiveness of freshwater inflows provided by requirements contained in this Agreed Order relating to releases and spills from Choke Canyon Reservoir and Lake Corpus Christi (collectively referred to as the Reservoir System), as well as return flows, and to evaluate potential impacts which may occur to the reservoirs as well as to the availability of water to meet the needs of the Certificate Holders and their customers which may result from those operational procedures, the existing advisory council should be maintained to consider such additional information and related issues and to formulate recommendations for the Commission's review.

The Commission additionally finds that based on the preliminary application of the Texas Water Development Board's Mathematical Programming Optimization Model, (GRG-2), 138,000 acre-feet of fresh water is necessary to achieve maximum harvest in the Nueces Estuary; and, therefore, when water is impounded in the Lake Corpus Christi-Choke Canyon Reservoir System to the extent greater than 70 percent of the system's storage capacity, the delivery of 138,000

acre-feet of water to Nueces Bay and/or the Nueces Delta, by a combination of releases and spills, together with diversions and return flows noted below, should be accomplished; and that during periods when the reservoir system contains less than 70 percent storage capacity, reductions in releases and spills, along with diversions and return flows, are appropriate in that a satisfactory level of marine harvest will be sustained and the ecological health of the receiving estuaries will be maintained.

The Commission finds that return flows, other than to Nueces Bay and/or the Nueces Delta, that are delivered to Corpus Christi Bay and other receiving estuaries are currently in the assumed amount of 54,000 acre-feet per annum (per calendar year), and that they shall be credited at this amount until such time as it is shown that actual return flows to Corpus Christi Bay and other receiving estuaries exceed 54,000 acre-feet per annum.

The Commission finds that by contractual relationships, the City of Corpus Christi is the managing entity for operating the Reservoir System.

The Commission finds that the Motion by the City of Corpus Christi and Nueces River Authority to Amend this Agreed Order is reasonable and should be granted. Benefits of the proposed diversion project and operating changes will include increased water supply, increased reservoir storage levels, increased positive flow events for Rincon Bayou and the upper Nueces Delta, increased sources of nitrogen for the upper delta, and lower salinity levels in the upper delta.

When the Commission uses the word "release" in this Order, release means spills, inflow passage, intentional releases, and return flows; provided, however, under this Order no release from storage is required to meet conditions of this Order.

By consenting to the issuance of this Agreed Order, no party admits or denies any claim, nor waives with respect to any subsequent proceeding any interpretation or argument which may be contrary to the provisions of this Agreed Order.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION THAT:

1. a. The City of Corpus Christi, as operator of the Choke Canyon/Lake Corpus Christi reservoirs (the "Reservoir System"), shall provide not less than 151,000 acre-feet of water per annum (per calendar year) for the estuaries by a combination of releases and spills from the Reservoir System at Lake Corpus Christi Dam and return flows to Nueces and Corpus Christi Bays and other receiving estuaries (including such credits as may be appropriate for diversion of river flows and/or return flows to the Nueces Delta and/or Nueces Bay), as computed and to the extent provided for herein.

   b. When water impounded in the Reservoir System is greater than or equal to 70 percent of storage capacity, a target amount of 138,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from

the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreed Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follow:

January	2,500	July	6,500
February	2,500	August	6,500
March	3,500	September	28,500
April	3,500	October	20,000
May	25,500	November	9,000
June	25,500	December	4,500

It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts, as calculated in Subparagraph d.

c. When water impounded in the Reservoir System is less than 70 percent but greater than or equal to 40 percent of storage capacity, a targeted amount of 97,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreed Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follows:

January	2,500	July	4,500
February	2,500	August	5,000
March	3,500	September	11,500
April	3,500	October	9,000
May	23,500	November	4,000
June	23,000	December	4,500

It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts as calculated in Subparagraph d.

d. The amounts of water required in subparagraphs 1.b. and 1.c. will consist of return flows, and intentional diversions, as well as spills and releases from the Reservoir System as defined in this subparagraph. For purposes of compliance with monthly targeted amounts prescribed above, the spills and releases described in this paragraph shall be measured at the U.S. Geological Survey stream monitoring station on the Nueces River at Calallen, Texas (USGS Station No. 08211500). Any inflows, including measured wastewater effluent and rainfall runoff meeting lawful discharge standards which are intentionally diverted to the upper Nueces Delta region, shall be credited toward the total inflow amount delivered to Nueces Bay and/or the Nueces

Delta. Inflow passage from the Reservoir System for the purpose of compliance with the monthly targeted amounts prescribed in subparagraphs 1.b. and 1.c. shall in no case exceed the estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir. The estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir shall be computed as the sum of the flows measured at the U.S. Geological Survey (USGS) STREAMFLOW GAGING STATIONS ON THE Nueces River near Three Rivers (USGS No. 08210000), Frio River at Tilden, Texas (USGS No. 08206600), and San Miguel Creek near Tilden, Texas (USGS No. 08206700) less computed releases and spills from Choke Canyon Reservoir.

e. The passage of inflow necessary to meet the monthly targeted allocations may be distributed over the calendar month in a manner to be determined by the City. Relief from the above requirements shall be available under subparagraphs (1) or (2) below and Section 2.(b) and 3.(c) at the option of the City of Corpus Christi. However, passage of inflow may only be reduced under one of those subparagraphs below, for any given month.

(1) Inflows to Nueces Bay and/or the Nueces Delta in excess of the required monthly targeted amount may be credited for up to fifty (50) percent of the targeted requirement for the following month, based on the amount received.

(2) When the mean salinity in Upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") for a 10-day period, ending at any time during the calendar month for which the reduction of the passage of inflow is sought, is below the SUB*, pass through of inflow from the reservoir system for that same calendar month may be reduced as follows:

(a) For any month other than May, June, September and October, if 5 parts per thousand (ppt) below the SUB for the month, a reduction of 25% of the current month's targeted Nueces Bay inflow;

(b) If 10 ppt below the SUB for the month, a reduction of 50 % of the current month's targeted Nueces Bay inflow except that credit under this provision is limited to 25 % during the months of May, June, September and October;

* "SUB" means "salinity upper bounds" as set forth more specifically in Section 3.b.

(c) If 15 ppt below the SUB for that month, a reduction of 75% of the current month's targeted Nueces Bay inflow.

f. The City of Corpus Christi shall submit monthly reports to the Commission containing daily inflow amounts provided to the Nueces Estuary in accordance with this Agreed Order through releases, spills, return flows and other freshwater inflows.

2. a. Certificate holders are to provide in any future contracts or any amendments, modifications or changes to existing contracts the condition that all wholesale customers and any subsequent wholesale customers shall develop and have in effect a water conservation and drought management plan consistent with Commission rule. The City of Corpus Christi shall solicit from its customers and report to the Commission annually the result of conservation under the City's plan, the customers' plans, and the feasibility of implementing conservation plans and programs for all users of water from the reservoir system. This report shall be submitted with the Certificate Holder's annual water use report as provided by 31 T.A.C. §295.202.

b. The Certificate Holders may reduce targeted Nueces Bay inflows during times of prolonged drought in accordance with this subparagraph 2.

(1) When the combined storage in the Choke Canyon/Lake Corpus Christi reservoir system (Reservoir System Storage) falls below 50% of the total system storage capacity, the City of Corpus Christi shall issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity. To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity.

(2) In any month when Reservoir System Storage is less than 40%, but equal to or greater than 30% of total system storage capacity, the City of Corpus Christi shall implement time of day outdoor watering restrictions and shall reduce targeted inflows to Nueces Bay to 1,200 acre-feet per month (1,200 acre-feet per month represents the quantity of water that is the median inflow into Lake Corpus Christi during the drought of record). Time of day outdoor watering restrictions prohibit lawn watering between the hours of 10:00 o'clock a.m. and 6:00 o'clock p.m. and are subject to additional conditions as described in the City of Corpus Christi's approved "Water Conservation and Drought Contingency Plan ("Plan")." To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to implement time of day outdoor watering restrictions similar to those of the City.

(3) In any month when Reservoir System Storage is less than 30% of total system storage capacity, the City of Corpus Christi shall implement a lawn watering schedule in addition to time of day outdoor watering restrictions (see subparagraph 2.b.(2)) and shall suspend the passage of inflow from the Reservoir System for targeted inflows to Nueces Bay. However, return flows directed into Nueces Bay and/or the Nueces Delta shall continue. The lawn watering schedule shall allow customers to water lawns no oftener than every five days, subject to the time of day restrictions described in subparagraph 2.b.(2) and any additional conditions as described in the City's Plan.

(4) Certificate Holders' may implement whole or partial suspension of the passage of inflow through the reservoir as described above when the City implements, and requires its customers to implement, water conservation and drought management measures at diminished Reservoir System levels, as set forth in subparagraphs b.(2) and b.(3).

c. For purposes of this Agreed Order, Reservoir System storage capacity shall be determined by the most recently completed bathymetric survey of each reservoir. As of 2001, completed bathymetric surveys of each reservoir reports conservation storage capacities of 695,271 acre-feet (below 220.5 feet mean sea level) for Choke Canyon Reservoir (Volumetric Survey of Choke Canyon Reservoir, TWDB September 23, 1993) and 241,241 acre-feet (below 94 feet mean sea level) for Lake Corpus Christi (Regional Water Supply Planning Study-Phase I Nueces River Basin, HDR, December, 1990).

d. Percentage of the Reservoir System capacity shall be determined on a daily basis and shall govern, in part, the inflow to be passed through the reservoir during the remaining days of the month.

e. Within the first ten days of each month, the City of Corpus Christi shall submit to the Commission a monthly report containing the daily capacity of the Reservoir System in percentages and mean sea levels as recorded for the previous month as well as reservoir surface areas and estimated inflows to Lake Corpus Christi assuming no impoundment of inflows at Choke Canyon Reservoir. The report shall indicate which gages or measuring devices were used to determine Reservoir System capacity and estimate inflows to Lake Corpus Christi.

f. Concurrent with implementing subparagraphs 2.b.(1) through 2.b.(3), the City shall proceed to:

1. Acquire land rights to properties necessary to re-open the Nueces River Overflow Channel and make the Nueces River Overflow Channel and Rincon Bayou Overflow Channel permanent features of the Rincon Bayou Diversion;

2. Construct and operate a conveyance facility to deliver up to 3,000 acre-feet per month of required Reservoir System "pass-throughs" directly from the Calallen Pool into the Upper Rincon Bayou by use of one or two of the five authorized points of diversion under Certificate of Adjudication No. 2464, being the existing San Patricio Municipal Water District point of diversion and/or a point on the North bank of the Calallen Pool located at Latitude 27.8823°N, Longitude 97.6254°W, also bearing S 27° 24' W, 4,739 feet from the southwest corner of the J.H.W. Ottman Survey, Abstract No. 212, San Patricio County, Texas, where the water will be pumped at the maximum rate of 45,000 gpm; and

3. Implement an on-going monitoring and assessment program designed to facilitate an "adaptive management" program for freshwater inflows into the Nueces Estuary.

4. Construction necessary to implement subparagraph 2.f.1. shall be accomplished by December 31, 2001 and work necessary to accomplish subparagraph 2.f.2. shall be accomplished by December 31, 2002.

5. In the event the City fails to timely complete the work set forth in subparagraphs 2.f.1. and 2.f.2., this amendment shall automatically terminate and the provisions of the Agreed Order of April 28, 1995 shall be reinstated and become operative despite this amendment, unless the Executive Director grants a modification after considering the recommendations of the Nueces Estuary Advisory Council.

g. The Executive Director is delegated authority to make modifications to subparagraph 2.f., after considering the recommendations of the Nueces Estuary Advisory Council. However, changes may be made through this process only with the City's consent if the changes result in increased costs to the City.

If the Executive Director makes modifications to subparagraph 2.f. as authorized in this paragraph, any affected person may file with the chief clerk a motion for reconsideration of the Executive Director's action no later than 23 days after the date the Executive Director mails notice of the modification to the City. This motion shall be considered under the provisions of 30 Texas Administrative Code § 50.39(d) and (e).

h. The City shall obtain all necessary permits from the Commission before beginning these projects. The deadlines set out above include time necessary to apply for, process and, if necessary, complete hearings on these permits.

3. a. The City of Corpus Christi, with the assistance and/or participation of federal, state and local entities, shall maintain a monitoring program to assess the effect of this

operating plan on Nueces Bay. The cornerstone of this program is the development of a salinity monitoring program. The program shall include at least two monitoring stations, one in upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") and one in mid Nueces Bay (Lat. 27°51'25", Long. 97°25'28") with the capability of providing continuous salinity and/or conductivity data, temperature, pH, and dissolved oxygen levels. Additional stations may be established at the recommendation of the Advisory Council (continued by paragraph 4 of this Agreed Order) to assess inflow effects throughout the estuarine system, but the City shall not be obligated to establish such additional stations except to the extent authorized by its City Council.

b. The City of Corpus Christi or its designated representatives shall monitor salinity levels in Upper and Mid-Nueces Bay. The lower (SLB) and upper (SUB) salinity bounds (in parts per thousand-ppt) developed for application of the Texas Estuarine Mathematical Programming Model and considered appropriate for use herein, are as follows:

	SLB	SUB		SLB	SUB
January	5	30	July	2	25
February	5	30	August	2	25
March	5	30	September	5	20
April	5	30	October	5	30
May	1	20	November	5	30
June	1	20	December	5	30

c. When the average salinity for the third week (the third week includes the seven days from the 15th through 21st) of any month is at or below the subsequent month's established SLB for upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52"), no releases from the Reservoir System to satisfy targeted Nueces Bay inflow mounts shall be required for that subsequent month.

d. All data collected as a result of the monitoring program required by paragraph 3 of this Agreed Order shall be submitted monthly to the Commission within the first ten days of the immediately following month. The Nueces Estuary Advisory Council shall study the feasibility of developing a method of granting credits for inflows which exceed the required amounts to replace the credits that are set out in subparagraph 1.e.(1) and make recommendations to the Commission for possible implementation. That method shall have as its goal the maintenance of the proper ecological environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements.

4. a. To assist the Commission in monitoring implementation of this Order and making recommendations to the Commission relating to any changes to this Agreed Order and the establishment of future operating procedures, the Nueces Estuary Advisory

Council shall be continued. Its members shall include, but are not limited to a qualified representative chosen by each of the following entities or groups: the Executive Director of the Texas Natural Resource Conservation Commission, whose representative shall serve as chair; the Texas Water Development Board; the Texas Parks and Wildlife Department; the Texas Department of Health; the General Land Office; the holders of Certificate of Adjudication No. 21-3214 (the Cities of Corpus Christi and Three Rivers and the Nueces River Authority; the University of Texas Marine Science Institute; Texas A&M University - Corpus Christi; Save Lake Corpus Christi; Corpus Christi Chamber of Commerce; the City of Mathis; Coastal Bend Bays and Estuaries Program, Inc.; a commercial bay fishing group; a conservation group (e.g. the Sierra Club and the Coastal Bend Bays Foundation); wholesale water suppliers who are customers of the Certificate Holders (e.g., the South Texas Water Authority and the San Patricio Municipal Water District); the Port of Corpus Christi Authority; and a representative of industry. The representatives should have experience and knowledge relating to current or future water use and management or environmental and economic needs of the Coastal Bend area.

b. No modification shall be made to this Order without the unanimous consent of the Certificate Holders, except to the extent provided by law.

c. Matters to be studied by the Nueces Estuary Advisory Council and upon which the Executive Director shall certify recommendations to the Commission shall include, but are not limited to:

(1) the effectiveness of the inflow requirements contained in this Agreed Order on Nueces Estuary and any recommended changes;

(2) the effect of the releases from the Reservoir System upon the aquatic and wildlife habitat and other beneficial and recreational uses of Choke Canyon Reservoir and Lake Corpus Christi;

(3) the development and implementation of a short and long-term regional water management plan for the Coastal Bend Area;

(4) the salinity level to be applied in Paragraphs 1.e. and 3.c., at which targeted inflows in the subsequent month may be suspended;

(5) the feasibility of discharges at locations where the increased biological productivity justifies an inflow credit computed by multiplying the amount of discharge by a number greater than one; and development of a methodology for granting credits for inflows which exceed the required amount to replace the credits that are set out in subparagraph 1.e. That methodology shall have as its goal the maintenance of the proper ecological

environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements; and,

(6) any other matter pertinent to the conditions contained in this Agreed Order.

5. This Agreed Order shall remain in effect until amended or superseded by the Commission.

Issued date: APR 05 2001

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

Robert J. Huston, Chairman

OPERATIONS PLAN FOR THE

LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR SYSTEM

The following operations plan for the Lake Corpus Christi –Choke Canyon Reservoir water system provides for the two reservoirs to be operated as a regional water supply with primary purpose to be furnishings a dependable supply to the people in the Coastal Bend area. The plan also recognizes the need for the recreational facilities for public use and the Texas Water Commission adjudicated water permit which requires a minimum flow of 151,000 acre-feet of water annually to bays and estuaries from return flows, spills, or fresh water releases from Lake Corpus Christi once Choke Canyon Reservoir fills.

The Plan consists of four phases of operation depending on the water levels in the two reservoirs.

PHASE I - This phase applies only to the initial filling period of Choke Canyon Reservoir. It is necessary that this reservoir be filled at the earliest opportunity so that all structures and mechanical equipment can be tested. Initial filling of the reservoir also triggers the requirement that minimal flows be made available for bays and estuaries.

1. During the initial period, only the releases requires required by agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department, varying between 15 and 33 cubic feet per second depending on the reservoir level, will be made unless Lake Corpus Christi elevation falls below elevation 86 feet.

2. If water user demand is less than 200,000 acre-feet annually and Lake Corpus Christi is at elevation 86 feet, water will be released from Choke Canyon to maintain this elevation until Choke Canyon Reservoir falls to elevation 184 feet.

3. When Lake Corpus Christi has fallen to elevation 86 feet and Choke Canyon has fallen to elevation 184 feet, Lake Corpus Christi will be allowed to drop to elevation 76 feet, at which time water will be released from Choke Canyon to allow user's intake structures at Lake Corpus Christi to be used.

4. Should water user demand excess 200,000 acre-feet annually, the water level of Lake Corpus Christi will be allowed to drop to elevation 76 feet prior to releases from Choke Canyon Reservoir.

PHASE II - This phase applies after Choke Canyon Reservoir is filled and water user demand is less than 150,000 acre-feet annually.

1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between City of Corpus Christi and the Texas Parks and Wildlife Department.

2. Whenever Lake Corpus Christ water surface falls to elevation 88 feet and Choke Canyon Reservoir surface elevation is above 204 feet, releases will be made from Choke Canyon Reservoir to maintain Lake Corpus Christi surface at elevation 88 feet.

3. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet and Choke Canyon Reservoir surface elevation is below 204 feet, the Choke Canyon release for the current month is made equal to the Lake Corpus Christi release from the preceding month. This minimizes drawdown at Lake Corpus Christi for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

PHASE III - This phase applies after Choke Canyon Reservoir is filled and water user demand is between 150,000 and 200,000 acre-feet annually. During this period, water release plan prepared by the Bureau of Reclamation will be followed to produce a dependable yield of 252,000 acre-feet.

1. A minimum of 200,000 acre-feet per month will be releases from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.

2. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet, and the ratio of Choke Canyon Reservoir content to Lake Corpus Christi content (both at the end of the preceding month) exceeds the corresponding ratio with 6-foot drawdown at both reservoirs, the Choke Canyon Reservoir release for the current month is made equal to the Lake Corpus Christi release during the preceding month. This equalizes drawdown at the two reservoirs for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

PHASE IV - This phase applies after Choke Canyon Reservoir is filled, water user demand exceeds 200,000 acre-feet annually, and developed long-term supply is less than 300,000 acre-feet annually.

1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.

2. In order to provide maximum dependable yield from the two reservoirs, the water level in Lake Corpus Christi will be allowed to drop top elevation 74.0 feet (Ordinance Changed #022661) before water is released from Choke Canyon Reservoir in excess of the 2,000 acre-feet per month requirement. When the elevation of Choke Canyon Reservoir drops to 155 feet, Lake Corpus Christi will be lowered to its minimum elevation.

LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR STATISTICAL DATA

	Capacity, Acre-Feet*	Water Elevation When Full, Feet	Minimum Functional Elevation, Feet
Lake Corpus Christi	272,000	94.0	76.0
Choke Canyon Reservoir	692,000	220.5	147.5

Intake Structure Elevations of Customers Withdrawing Water Directly from Lake Corpus Christi:

	Elevation, Feet
City of Mathis	73.0
Beeville Water Authority	74.0
Alice Water Authority	67.0
City of Corpus Christi	55.0

Annual Lake Corpus Christi Withdrawals:

Fiscal Year	Total Withdrawn From Lake, Acre-Feet
1975-76	86,416
1976-77	86,408
1977-78	101,596
1978-79	96,029
1979-80	106,851
1980-81	104,657
1981-82	107,002
1982-83	107,348
1983-84	119,701
1984-85	90,226
1985-86	105,469

* 1 acre-foot = 325,850 gallons