

EXHIBIT 6
DROUGHT CONTINGENCY PLAN

DROUGHT CONTINGENCY PLAN

WICKSON CREEK SUD

BRAZOS, GRIMES AND ROBERTON COUNTIES

Name:	<u>Wickson Creek Special Utility District</u>
Address:	<u>P O Box 4756 Bryan Texas 77805</u>
Telephone Number:	<u>(979) 589-3030</u> Fax: <u>(936) 878-6255</u>
Water Right No. (s): Regional Water Planning Group:	<u>PWS#0210005, PWS#0930003, PWS#1980010</u> <u>Region G Water Planning Group</u>
Form Completed by:	<u>Karen Theiss, email: karen@wicksoncreek.com</u>
Title:	<u>Office Manager</u>
Water Conservation Coordinator responsible for implementation:	<u>Kyle Eppler</u> <u>General Manager</u> Phone: <u>(979-589-3030)</u> <u>kyle@wicksoncreek.com</u>
Signature:	<u><i>Kyle Eppler</i></u> Updated: <u>3/23/2023</u>

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety and minimize the adverse impacts of a water supply shortage or other water supply emergency conditions, the Wickson Creek SUD hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are 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 X of this Plan.

Section II: Public Involvement

The opportunity for the public to provide input into the preparation of the Plan was provided by the Wickson Creek SUD using the posted Agenda for the Board Meetings on the Third Thursday of each month.

Section III: Public Education

The Wickson Creek SUD will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by the following means:

- Posting of the Notice of the Drought Conditions
- General circulation to the newspaper
- Notifying local radio stations
- Posted on the Wickson Creek SUD Website

Section IV: Coordination with Regional Water Planning Groups

The service area of the Wickson Creek SUD is located within the Texas Water Development Region G Planning Group and Wickson Creek SUD has provided a copy of this Plan to the Texas Water Development Board Region G Planning Group.

Section V: Authorization

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

Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Wickson Creek SUD. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For this Plan, the following definitions shall apply:

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

Commercial and institutional water use: water use is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

Customer: any person, company, or organization using water supplied by Wickson Creek SUD.

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

Even number addresses: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Hand Irrigation: Is defined as using a “Handheld” watering device or a hose to apply water directly to a lawn, shrub, or tree. No open-ended hose or water sprinkler applying water directly to the lawn and left unattended.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped

areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan.
- use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicles.
- use of water to wash down any 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.
- 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 a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- use of water from hydrants for construction purposes or any other purposes other than firefighting.

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

Soaking: Is defined as using a tree watering bag, a water hose with a very slow water release, or a soaker hose to water a lawn, tree, shrubs, or house foundation. A water sprinkler turned down to a very low rate of flow can be used to soak trees, shrubs, and the house foundation.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

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

The triggering criteria described below are based on the three stages of rationing as imposed by the Board. The following trigger conditions indicate when drought contingency measures will be put into effect. Trigger conditions will be set for mild, moderate, severe, critical, and emergency conditions.

Stage 1 Triggers – Mild Water Shortage Conditions

Requirements for initiation

- 1) Average daily water use reaches 85% of system capacity for 5 consecutive days.
- 2) AND/OR An event occurs where water demand exceeds the supply and **mild** conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

Requirements for termination

- Stage 1 of the plan may be rescinded when water use is reduced to 70% of system capacity for 5 consecutive or as determined by the General Manager.

Stage 2 Triggers – Moderate Water Shortage Conditions

Requirements for initiation

- 1) Water demand exceeds 85% of system capacity for 5 consecutive days and Stage 1 is currently in effect.
- 2) AND/OR An event occurs where water demand exceeds the supply and **moderate** conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

Requirements for termination

- Stage 2 of the plan may be rescinded when water use is reduced to 70% of system capacity for 5 consecutive or as determined by the General Manager.

Stage 3 – Severe Water Shortage Conditions

Requirements for initiation

- 1) Water demand exceeds 85% of system capacity on for 5 consecutive days and Stage 2 is currently in effect.
- 2) AND/OR An event occurs where water demand exceeds the supply and **severe** conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

Requirements for termination

- Stage 3 of the plan may be rescinded when system capacity is reduced to 70% of system capacity for 5 consecutive days or as determined by the General Manager.

Stage 4 – Critical Water Shortage Conditions

Requirements for initiation

- 1) Water demand exceeds 90% of the system's capacity for 5 consecutive days.
- 2) AND/OR An event occurs where water demand exceeds the supply and **critical** conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

Requirements for termination

- Stage 4 of the plan may be rescinded when water use is reduced to 70% of system capacity for 5 consecutive or as determined by the General Manager.
Stage 3

Stage 5 – Emergency – System Failure Water Shortage Conditions

Requirements for initiation

- 1) Water demand exceeds 97% of system capacity for 5 consecutive days.
- 2) Major water line breaks or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
- 3) A natural or man-made disaster.

- 4) A natural or man-made contamination of the water supply.
- 5) A natural or man-made contamination of the water supply.
- 6) AND/OR An event occurs where water demand exceeds the supply and **emergency water** conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

Requirements for termination

- Stage 5 of the plan may be rescinded when system capacity is reduced to 90% of system capacity for 5 consecutive days or as determined by the General Manager.

Section IX: Drought Response Stages

The General Manager or his/her designee, shall monitor water supply and/or demand conditions daily and, by the triggering criteria outlined in Section VIII of this Plan, shall determine that mild, moderate, severe, critical, or emergency conditions exist and shall implement the following notification procedures:

Notification of the Public:

The General Manager or his/ her designee shall notify the public using:

- Posted on the Wickson Creek SUD website: www.wicksoncreek.com
- Publication in a newspaper of general circulation
- Posting the notice of the drought conditions
- Direct mail or email to each customer
- Notify local radio stations.

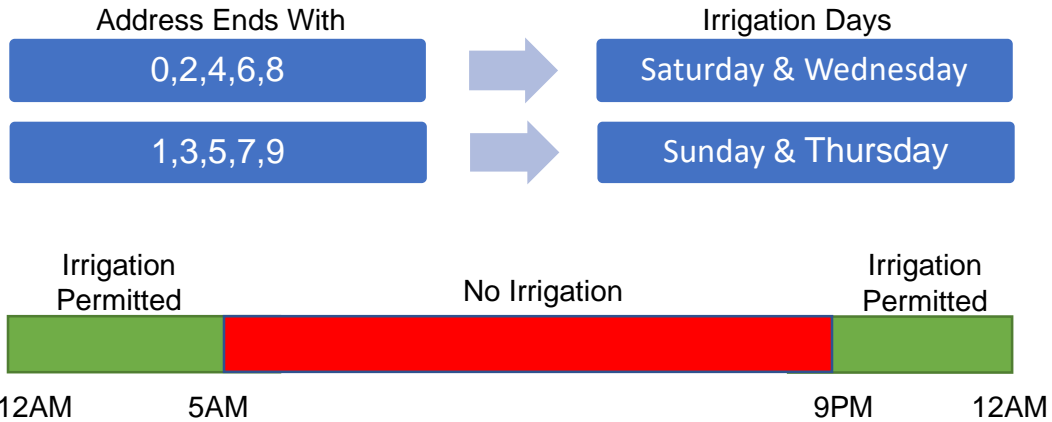
Additional Notification:

The General Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor / Chairman and members of the City Council / Utility Board
Fire Chief(s)
- City and/or County Emergency Management Coordinator(s)
County Judge & Commissioner(s)

Stage 1: Mild Water Shortage

Outdoor irrigation is restricted to **2 days per week.**



Prohibited

- Irrigation on days that are not designated for address.
- Irrigation between the hours of 5 AM –9 PM.

Allowed

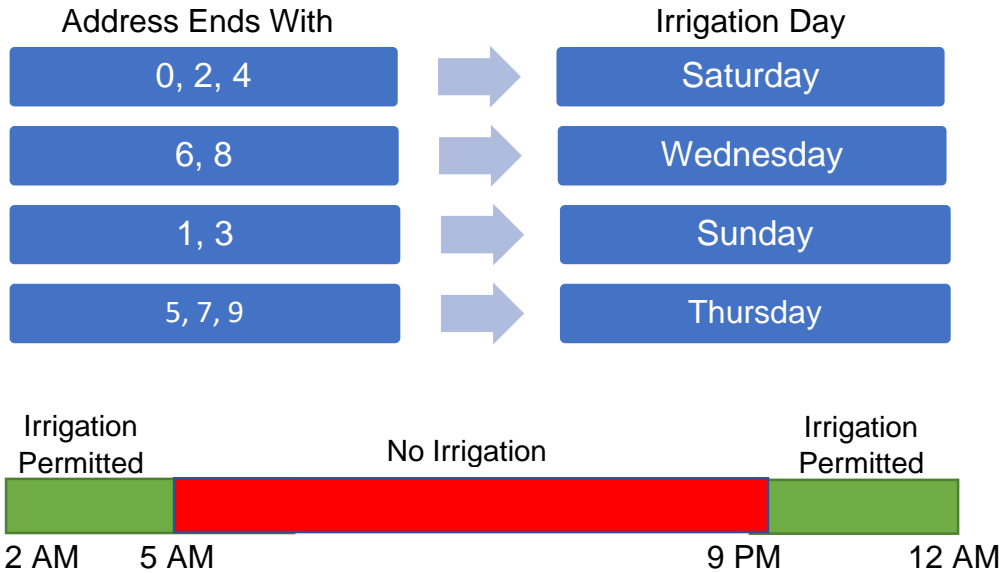
- Lawn irrigation is limited to 2 days per week based on the designated days and timeframes above.
- Use of automated irrigation systems or handheld irrigation systems with timers.
- Watering and caring for livestock, trees, and shrubs.
- ***Soaking** of the house foundation during designated days and timeframe.
- Implement water conservation practices in landscape irrigation, exterior cleaning, personal hygiene, and cooking around the home or business.

Objective

- Achieve a 15% reduction in water demand. This is achieved through load-leveling water usage across multiple days, which allows the system to replenish water reserves.

Stage 2: Moderate Water Shortage

Outdoor irrigation is restricted to **1 day per week.**



Prohibited

- Irrigation on days that are not designated for address.
- Irrigation between the hours of 5 AM – 9 PM.

Allowed

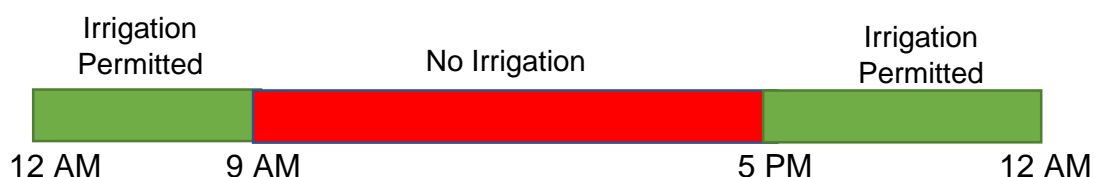
- Lawn irrigation is limited to 1 day per week based on the designated days and timeframes.
- Use of automated irrigation systems or handheld irrigation systems with timers.
- Watering and caring for livestock, trees, and shrubs.
- ***Soaking** of the house foundation during the designated day and timeframe.
- Implement water conservation practices in landscape irrigation, exterior cleaning, personal hygiene, and cooking around the home or business.

Objective

- Achieve a 30% reduction in water demand. This is achieved through load-leveling water usage across multiple days, which allows the system more time to replenish water reserves.

Stage 3: Severe Water Shortage

Outdoor irrigation is restricted to ***Hand Irrigation** Only.



Prohibited

- ***Hand irrigation** between the hours of 9 AM – 5 PM.
- Use of an automated sprinkler systems
- Open-ended hose
- Water sprinklers
- Use of any device for exterior house cleaning.

Allowed

- Hand irrigation is allowed all days of the week during the allowed time frame.
- ***Soaking** of the house foundation during the designated time frame.
- Watering and caring for livestock.
- Increase water conservation practices in landscape irrigation, exterior cleaning, personal hygiene, and cooking around the home or business.
- Implement conservation practices related to filling pools to reduce evaporation loss.

Objective

- Achieve a total reduction of water demand by 45% throughout the system.

Stage 4: Critical Water Shortage

Lawn irrigation is prohibited.



Prohibited

- Use of automated watering systems, open-end hoses, water sprinklers, or handheld irrigating.
- Any use of water to clean automobiles, farm equipment, or building exteriors.

Allowed

- ***Soaking** of house foundation for a maximum of 2 hours per week.
- Watering trees with a nozzle or tree bag for a maximum of 2 hours per week.
- Watering and caring for livestock.
- Watering trees with a nozzle or tree bag for a maximum of 2 hours per week.
- Limit filling of pools to **2” above** the skimmer line and implement measures to reduce pool evaporation.
- Increase water conservation practices in outdoor water use, personal hygiene, and cooking around the home or business.

Objective

- Achieve a total reduction of water demand by 55% throughout the system.

Stage 5: Water Emergency – System Failure

NO EXTERIOR WATER USE

No Irrigation



Prohibited

- Any use of water outside the home or business other than for the purpose of keeping livestock and animals alive.

Allowed

- Practice water conservation when using water for personal hygiene, clothes washing, and cooking in the home or business.

Objective

- Achieve a total reduction of water demand by 60% throughout the system.

Note:

- For safety purposes, a boil water notice may be in effect for interior drinking and cooking use due to water infrastructure failure or the system experiencing pressure below the State mandated requirement.

Section X: Enforcement

- No person shall knowingly or intentionally allow the use of water from the Wickson Creek SUD for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount more than that permitted by the drought response stage in effect at the time under action taken by the General Manager or his/her designee, by provisions of this Plan.
- Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred and fifty dollars (\$250) and not more than five hundred dollars (\$500), each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by the Wickson Creek SUD in discontinuing service. In addition, suitable assurance must be given to the General Manager or his or her designee that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- Any person, including a person classified as a water customer of the Wickson Creek SUD, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on the property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- Any employee of the Wickson Creek SUD, police officer, or other law enforcement employee designated by the General Manager or his or her designee may issue a citation to a person he/she reasonably believes to violate this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator if known, the offense charged, and shall direct him/her to appear in the Brazos County Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this

Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued instead of an arrest warrant.

These cases shall be expedited and given a preferential setting in municipal court before all other cases.

Section XI: Variances

The General Manager or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Wickson Creek SUD within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

- Name and address of the petitioner(s).
- Purpose of water use.
- Specific provision(s) of the Plan from which the petitioner is requesting relief.
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this Ordinance.
- Description of the relief requested.
- Period for which the variance is sought.
- Alternative water uses restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- Other pertinent information.