

EXHIBIT 7
DROUGHT CONTINGENCY PLAN

WELLBORN SUD DROUGHT CONTINGENCY PLAN

Revised & Adopted June 20, 2023

SEC. 1. PURPOSE.

The purpose of the Drought Contingency Plan ("Plan") is to conserve and protect the available water supply for domestic water use, sanitation, and fire protection, and to minimize the impact of water shortages during emergency conditions.

SEC. 2. PUBLIC EDUCATION.

The District will provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is initiated, the drought response measures to be implemented, and the conditions necessary for termination. The information will be provided through press release, direct mailings, utility bill inserts, water-use classes and the District's website.

SEC. 3. COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the District is located within the Brazos Region (G) and the Brazos Valley Groundwater Conservation District, and District has provided a copy of this Plan to the Brazos River Authority.

SEC. 4. AUTHORIZATION.

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

SEC. 5. APPLICATION.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District.

SEC. 6. DEFINITIONS.

- A. **General Manager**—General Manager of Wellborn Special Utility District, or the person otherwise authorized by the General Manager to have the duties and responsibilities under this Chapter.
- B. **Conservation**—Practices and techniques that reduce the consumption of water through increased efficiency, reduced losses, or reuse which results in conservation of the water supply for future use.
- C. **Customer**—Any person, company, organization or entity that uses water supplied by the District, except customers that obtain water under a wholesale agreement and that have a Drought Contingency Plan for their customers.

D. **Notice**—Notification by press release or utility bill insert for the implementation of specific phases of this Plan by the General Manager through the news media (local newspaper and radio station) and the District's official bulletin board and web site.

E. **Industrial water use**—Water used in a manufacturing process.

F. **Landscape irrigation use**—Potable water and all untreated water diverted from wells connected to the District's water treatment plants intended for potable water use, excluding reclaimed water from wastewater treatment plant effluent, used for the irrigation and maintenance of landscaped areas, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

G. **New landscape**—Vegetation installed at the time of new building construction, governmental capital improvement project, or which alters more than half the area of an existing landscape, which was installed no more than 120 days before the implementation of this plan.

H. **Non-essential water use**—Water uses that are not required for the protection of the public health, safety, and welfare, including, but not limited to:

- Use of water to wash any motor vehicle, motorbike, boat, trailer, or airplane, or other vehicle.
- Use of water to wash sidewalks, walkways, driveways, parking lots, or other hard-surfaced areas.
- Flushing of gutters or permitting potable water to run or accumulate in any gutter, street, or drainage culvert.
- The addition of water to a pool, spa, or splash pad except where necessary to maintain the water purification system in service or to maintain structural integrity of the pool.
- Use of water in a fountain, or pond, except where necessary to support aquatic life.

I. **Water waste**—Water use that serves no purpose including:

- Failure to repair a leak within a reasonable period after having been given Notice to repair such leak.
- Operating an irrigation system that results in water runoff or accumulation in a street or parking lot.

SEC. 7. STAGE I—VOLUNTARY WATER CONSERVATION.

A. **Conditions for Implementation:**

Automatically starting June 1 each year.

B. **Demand Reduction Target.** Peak demand of 1.8 times the annual average daily usage (10 % reduction).

C. **Customer and District Actions.**

1. District shall:

- Increase efforts to inform the public on water conservation strategies.
- Increase detection and repair of water leaks in the distribution system.

2. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Mondays, Wednesdays, and Fridays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Tuesdays, Thursdays, and Saturdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 6:00 p.m. and 4:00 a.m. designated watering days.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes
4. Irrigation by handheld hose, soaker hoses, or drip irrigation systems is permitted at any time.

SEC. 8. STAGE II—WATER CONSERVATION.

A. Conditions for Implementation:

The level at which the Wellborn elevated storage tank stabilizes after experiencing peak demand is below 75% of tank capacity for three consecutive days;

AND/OR

Back-pressure during peak demand on the Physician's Center Interconnect drops low enough to reduce flow by more than 20% but less than 30%;

AND/OR

The City of Bryan reduces the allowable withdrawal rate at the Jones Road Interconnect by less than 20% for a period that is likely to coincide with a period of peak demand;

AND/OR

The level of the Navasota River drops low enough to expose any portion of the intake of the Harlan Rd Surface Water Treatment Plant;

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, or designee.

B. Demand Reduction Target. Peak demand of 1.6 times the annual average daily usage (20 % reduction).

C. Customer and District Actions.

1. District shall:

- Increase efforts to inform the public on water conservation strategies.
- Increase detection and repair of water leaks in the distribution system.
- Suspend hydrant testing.

- Prohibit all water waste.
2. Customers shall restrict landscape irrigation by automatic irrigation systems or hose-end sprinklers to the evening (6:00 p.m. to midnight) and morning hours (midnight to 4:00 a.m.) in accordance with an irrigation schedule that provides for no landscape irrigation on Monday with landscape irrigation permitted no more than two days per week with the day of week and irrigation start time specified based upon customer address. The irrigation schedule shall be determined by the General Manager and shall be based on operating conditions.
 3. Landscape irrigation use is permitted at any time on designated days, if it is used:
 - By means of a hand-held hose, soaker hoses, or drip irrigation systems.
 - At a commercial plant nursery.
 - During the testing of new irrigation system installation or existing irrigation system repair.

SEC. 9. STAGE III—WATER RESTRICTIONS.

A. Conditions for Implementation.

The level at which the Wellborn elevated storage tank stabilizes after experiencing peak demand is below 50% of tank capacity for three consecutive days;

AND/OR

Back-pressure during peak demand on the Physician's Center Interconnect drops low enough to reduce flow by more than 30%;

AND/OR

The City of Bryan reduces the allowable withdrawal rate at the Jones Road Interconnect by more than 20% for a period that is likely to coincide with a period of peak demand;

AND/OR

The level of the Navasota River drops low enough to cause any reduction in production at the Harlan Rd Surface Water Treatment Plant;

AND/OR

An event occurs where water demand exceeds the supply and aggressive conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

B. Demand Reduction Target. Peak demand of 1.3 times the annual average daily usage (35 % reduction).

C. Customer and District Actions.

1. District shall:

- Increase efforts to inform the public on water conservation strategies.
- Increase detection and repair of water leaks in the distribution system.
- Suspend hydrant testing.
- Prohibit all water waste.

- Suspend the use of potable water for the following District operations:
 - Vehicle washing.
 - Flushing of new construction.
 - Landscape irrigation at District Facilities except by handheld hose or drip irrigation.
2. All non-essential water use prohibited except:
- The addition of water to a pool or splash pad where necessary to maintain the water purification system in service or to maintain structural integrity of the pool.
 - The washing of vehicles or boats at a commercial car wash or service station.
3. Landscape irrigation use shall be restricted to the evening (6:00 p.m. to midnight) and morning hours (midnight to 4:00 a.m.) in accordance with an irrigation schedule that provides for no landscape irrigation on Monday with landscape irrigation permitted no more than one day per week with the day of week and irrigation start time specified based upon customer address. The irrigation schedule shall be determined by the General Manager and shall be based on operating conditions. The times and days in the Stage 3 schedule may differ from those of the Stage 2 schedule if needed to accomplish the target reduction.
4. Irrigation by handheld hose, soaker hoses, or drip irrigation systems is permitted at any time on designated days.

SEC. 10. STAGE IV—WATER EMERGENCY.

A. Conditions for Implementation.

The level at which the Wellborn elevated storage tank stabilizes after experiencing peak demand is below 30% of tank capacity for three consecutive days;

AND/OR

The City of Bryan reduces the allowable withdrawal rate at the Jones Road Interconnect by more than 50% for a period that is likely to coincide with a period of peak demand;

AND/OR

An event occurs where water demand exceeds the supply and severe conservation measures are required to maintain the ability to provide the proper level of service as determined by the General Manager, or designee.

B. Demand Reduction Target. Peak demand equal to the annual average daily usage (50 % reduction).

C. Customer and District Actions.

1. District shall:

- Increase efforts to inform the public on water conservation strategies.
- Increase detection and repair of water leaks in the distribution system.
- Suspend hydrant testing.

2. All water waste prohibited.
3. All non-essential water use prohibited.
4. Landscape irrigation by automatic or hose-end sprinklers prohibited.
5. Irrigation by handheld hose, soaker hoses, or drip irrigation systems is permitted during the evening (6:00 p.m. to midnight) and morning hours (midnight to 4:00 a.m.).
6. Industrial water use shall be evaluated by the General Manager and restricted according to the impact that such restrictions will have on the local conditions.
7. The District shall arrange for the emergency purchase of water from utilities for which there exists proper agreements for such purchase.

SEC. 11. STAGE V—WATER SYSTEM FAILURE.

A. Conditions for Implementation. An event in which one of the following situations occurs:

Water demand approaches a reduced delivery capacity for all or part of the system, creating a situation in which water system demand exceeds water system capacity for an extended length of time, as determined by the General Manager;

AND/OR

A major water line break, or a pump or other system failure occurs, which causes a loss in the capability to provide treated water service;

AND/ OR

A natural or man-made contamination of the water supply.

B. Demand Reduction Target. Peak demand equal to or surpasses the annual average daily usage (50 percent reduction).

C. Customer and District Actions.

1. District shall:

- assess the severity of the problem and identify the actions needed and time required to resolve the problem;
- Implement immediate measures to notify the public as to water system or water source failure;
- Severely restrict or prohibit, as appropriate, all water system use in the affected service area;
- Arrange for the emergency purchase of water from alternate sources for which there exists the proper agreements for such purchases;

2. Customers shall discontinue or severely restrict all use of potable water from the water system until notified by the District that safe and adequate water for public use is restored.

SEC. 12. PRO RATA CURTAILMENT.

In the event that the triggering criteria specified in Phase IV have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with V.T.C.A., Water Code, § 11.039.

SEC. 13. VIOLATIONS.

It shall be a violation of this Plan for any person to intentionally, knowingly, recklessly or with criminal negligence disregard any provisions, specifications or requirements of this Chapter.

SEC. 14. ENFORCEMENT.

A If the District has reason to believe that water is being used in a manner that is not in accordance with this plan, staff will be directed to retrieve time-stamped usage history from the meter in question. If the retrieved data indicate significant water usage outside of the posted schedule, the responsible party will be considered in violation of the District's rules and the General Manager is authorized to initiate the enforcement process as described in Section 14.B.

B. Enforcement Process

1) Upon receipt of sufficient evidence of a violation of this plan, the General Manager shall issue to the account holder a written notice of violation detailing the purposes of watering restrictions, information about the watering schedule, and the schedule of penalties which will be issued for continued violations. One week after the issuance of the written notice, staff will be directed to retrieve additional usage data and/or time-stamped photographic or video evidence to verify compliance with the terms of the notice of violation. If water usage patterns indicate continued non-compliance, a second violation will be issued and a \$250 civil penalty will be applied to the next water bill.

2) Beginning the day after the second violation, water usage will be monitored periodically. Upon receipt of evidence of a third violation in a calendar year, the General Manager shall apply a \$500 civil penalty to the next bill and install a flow restrictor at the account holder's expense. The flow restrictor shall provide sufficient flow for basic drinking and hygiene purposes and shall be removed after 7 days.

3) Beginning the day after the flow restrictor is removed, water usage will be monitored periodically. Upon receipt of evidence of a fourth violation in a calendar year, or any subsequent violation, the General Manager shall apply a \$2,000 civil penalty to the next bill and install a flow restrictor for 7 days for each violation.

4) For meter sizes larger than 5/8"x3/4" the civil penalty at each violation shall be modified according to the volume of water that can pass through the meter. 1" meters shall be assessed 2 times the base penalty, 1.5" meters shall be assessed five times the base penalty, and 2" meters shall be assessed eight times the base penalty.

C. Any customer assessed a penalty under this Plan, who believes the penalty has been wrongly or erroneously assessed, shall have the opportunity to present evidence and arguments as to the validity of the assessed penalty, and if the matter is not resolved following a meeting with the General Manager, the customer shall have the right to appear and present such evidence and arguments to the Board of Directors.

D. Any complaints concerning violations of this Plan should be addressed by contacting the District office. The complaint shall contain the name and address of the alleged violator, if known, as well as the details of the alleged violation, and shall be submitted to District staff.

SEC. 15. VARIANCES.

A. A customer may file an application with the General Manager to request a variance from this Plan for a property receiving water service. The General Manager may request additional supporting information to evaluate the request. The customer will be notified in a timely manner whether the request is granted or denied.

B. A customer may file an application for a variance from this Plan due to vacation absence and the variance, if granted, shall remain in effect for the period of the vacation absence if the customer complies with the requirements of Phase I Water Conservation and a telephone contact number has been provided.

C. The General Manager may issue written orders varying one or more actions required under a Phase of the Plan if necessary to target particular customers, water systems, or areas.

D. The General Manager may grant a variance from the Plan upon their determination that special circumstances exist for which strict enforcement of the Plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.

E. Variances granted under this Section will expire upon escalation of the Plan to the next higher phase unless granted under Subsection B of this Section or termination of the Plan.

SEC. 16. CONTRACT PROVISIONS.

The District will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with V.T.C.A., Water Code § 11.039.

SEC. 17. TERMINATION.

The General Manager, or their designee, is hereby authorized and directed to terminate the applicable provisions of the Plan upon their determination that the applicable provisions are no longer necessary to protect the public health, safety, and welfare.