

# Drought Contingency Plan for Interruptible Agricultural Customers

Lower Colorado River Authority

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*Board Approved*

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## 1. DECLARATION OF POLICY, PURPOSE, AND INTENT

The Board of Directors of the Lower Colorado River Authority (LCRA) deems it to be in the interest of LCRA to adopt a Drought Contingency Plan (DCP) governing the equitable and efficient allocation of limited water supplies including during times of shortage for interruptible agricultural users. This DCP constitutes LCRA's drought contingency plan required under Section 11.1272, Texas Water Code, and associated administrative rules of the Texas Commission on Environmental Quality (TCEQ) (Title 30, Texas Administrative Code, Chapter 288). This DCP incorporates and functions in accord with the relevant provisions of LCRA's Water Management Plan.<sup>1</sup> LCRA will provide a copy of this DCP to the Lower Colorado Regional Planning Group (Region K).

## 2. USER INVOLVEMENT

Agricultural users of interruptible water within LCRA's service area and other interests were provided with information related to the preparation of this DCP and an opportunity to provide input on its development through regularly scheduled public meetings of the LCRA Board in January 2022. LCRA also held customer meetings, posted the draft proposed DCP on its website, [LCRA.org](http://LCRA.org), and provided an opportunity for the public to submit written comments through [LCRA.org](http://LCRA.org).

## 3. USER EDUCATION

LCRA will periodically provide water users with information about this DCP, including information about the conditions under which water allocation is to be initiated or terminated and LCRA's policies and procedures for water allocation. This information will be provided by emails to customers, and by posting the DCP on LCRA's public website.

## 4. AUTHORIZATION

The LCRA General Manager (or his designee) is hereby authorized and directed to implement this DCP based upon the triggering conditions in this DCP and LCRA's WMP, and subject to Board action as specified in Section 14, to ensure the equitable and efficient allocation of limited water supplies.

## 5. APPLICATION

The provisions of this DCP shall apply to all persons using interruptible water provided by LCRA for agricultural purposes. The term "person" as used in this DCP includes individuals, corporations, partnerships, associations, and all other legal entities.

## 6. CUSTOMER NOTICE

Notice of the initiation of water allocation will be posted on LCRA's website and sent by U.S. mail or electronic mail, where available, to Pierce Ranch and to individual

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<sup>1</sup> The current LCRA Water Management Plan is available at [LCRA.org](http://LCRA.org).

interruptible customers in LCRA's agricultural divisions as follows: for First Agricultural Season to each rice and turf customer that had an active account with LCRA during the years that contribute to the determination of acreage history for that division and to each supplemental use customer that had a contract during the preceding year's First Agricultural Season; and for Second Agricultural Season to each rice, turf and supplemental use customer that had a contract during First Agricultural Season and to each supplemental use customer that had a contract during the preceding year's Second Agricultural Season. Such notice, including the amounts of water available during the upcoming crop season, will be made prior to the beginning of an agricultural season (first or second).

## 7. WATER ALLOCATION

This DCP sets forth the procedures by which LCRA will allocate *total* interruptible water supply, which is comprised of *both* interruptible stored water available from lakes Buchanan and Travis *and* run-of-river supplies LCRA determines are available under its downstream water rights. The volume of interruptible stored water available from lakes Buchanan and Travis during an agricultural season for downstream agricultural operations is governed by LCRA's WMP. Further, certain agreements between LCRA and Garwood Irrigation Company<sup>2</sup>, and LCRA and Pierce Ranch<sup>3</sup> control the supply to these operations. Interruptible stored water will be allocated for a First Agricultural Season and a Second Agricultural Season as further described in this DCP and the Interruptible Agricultural Water Service Contract Rules (hereinafter "Rules").

### 7.1 Initiation of Water Allocation

The LCRA General Manager shall monitor water supply conditions on a regular basis and shall inform the Board regarding the implementation of water allocation procedures, consistent with the terms and conditions of the WMP and this DCP. LCRA Board action is not required for actions under this DCP other than those itemized in Section 14. The determination of the amounts of water available will be made by the General Manager prior to the start of the agricultural season (first or second). Generally, allocation of interruptible water supply shall be implemented as follows:

Stage 1 – Normal Conditions

Stage 2 – Less Severe Drought Conditions

Stage 3 – Curtailment during Mid-Season

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<sup>2</sup> Purchase Agreement by and between Garwood Irrigation Company and LCRA, July 20, 1998 ("The Garwood Purchase Agreement").

<sup>3</sup> Interruptible Water Supply Agreement by and between LCRA and TESTAMENTARY TRUSTS created under the WILL AND CODICILS of LACY WITHERS ARMOUR, deceased, (the "ESTATE TRUSTS") and the AMENDED & RESTATED LAURANCE H. ARMOUR, JR. and MARGOT BOYD ARMOUR 1989 TRUST (the 1989 TRUST"), May 23, 2000 ("The Pierce Ranch Agreement").

## Stage 4 – Extraordinary Drought Conditions, Cutoff under Look-Ahead Test or Drought Worse than Drought of Record

Determination of supply to customers in the Garwood agricultural division is governed by the Garwood Purchase Agreement.

### 7.2 Termination of Water Allocation

The water allocation policies will remain in effect so long as allocation is necessary under the terms and conditions of the WMP, the Garwood Purchase Agreement, the Pierce Ranch Agreement, and/or this DCP.

### 7.3 Allocation of Interruptible Water *between* the Four Downstream Agricultural Operations (Normal and Less Severe Drought Conditions, Stages 1 and 2)

#### 7.3.1 *Garwood*

Interruptible stored water is allocated to the Garwood agricultural division based on the Garwood Purchase Agreement.

#### 7.3.2 *Pierce Ranch*

The Pierce Ranch Agreement provides for a maximum of 20,000 acre-feet of interruptible water on a five-year rolling average, with a one-year maximum of 30,000 acre-feet at no charge. The maximum values apply when LCRA is supplying the maximum amounts of interruptible stored water under Normal (Stage 1) conditions pursuant to the WMP. LCRA's commitment to supply Pierce Ranch will be proportionally reduced consistent with the overall reductions in interruptible stored water made available to customers within the Gulf Coast and Lakeside agricultural divisions when, pursuant to the WMP, LCRA is operating under Normal (Stage 1) conditions but is supplying less than the maximum amounts of stored water, or when LCRA is operating under Less Severe Drought (Stage 2) conditions. The actual amounts of interruptible water LCRA may supply to Pierce Ranch will vary each year due to the five-year averaging approach. The amount of interruptible stored water available for first season and second season will be determined as follows:

1. Determine the maximum annual amount available under the contracting limits regarding the five-year rolling average and one-year maximum.
2. Multiply the value determined in Step 1 by 69 percent to determine the First Agricultural Season maximum supply value. The accounting of water use as "First Agricultural Season" or "Second Agricultural Season" at Pierce Ranch will assume First Agricultural Season ends Aug. 15 and Second Agricultural Season begins Aug. 16. (The allocation of 69 percent of the annual demand as First Agricultural Season is based on the WMP demand distribution in which 69 percent of the average annual demand was in the period through the end of July and 31 percent of the average annual demand was in the period beginning in August.)
3. Multiply the value determined in Step 2 by the interruptible stored water available under the WMP for first season for all non-Garwood operations and divide by the

maximum first season non-Garwood availability under the WMP to determine the amount of interruptible stored water available for First Agricultural Season. (This step relies on the March 1 evaluation of interruptible stored water for first season under the WMP.) The resulting value is the amount of water that will be available at the Pierce Ranch diversion point during First Agricultural Season.

4. Multiply the value determined in Step 1 by 31 percent to determine the Second Agricultural Season maximum supply value.
5. Multiply the value determined in Step 4 by the interruptible stored water available under the WMP for second season for all non-Garwood operations and divide by the maximum second season non-Garwood availability under the WMP to determine the amount of interruptible stored water available for Second Agricultural Season. (This step relies on the July 1 evaluation of interruptible stored water for Second Agricultural Season under the WMP.) The resulting value is the amount of water that will be available at the Pierce Ranch diversion point during Second Agricultural Season.

Pierce Ranch will be subject to cutoff in the middle of the agricultural season if: a) combined storage falls to the levels for mid-season cutoff specified in the WMP; b) Pierce Ranch has used the full amount of available water determined in Step 3 for First Agricultural Season or Step 5 for Second Agricultural Season; or c) if LCRA is operating under a WMP with specific limits on releases of interruptible stored water for non-Garwood operations as measured at Mansfield Dam, if the total amount of such releases reaches or exceeds the limit under the WMP.

If Pierce Ranch is subject to cutoff in First Agricultural Season based on provisions b or c above, and water is available for Pierce Ranch for Second Agricultural Season based on the July 1 evaluation in Step 5, water from the Second Agricultural Season allocation may be used to finish First Agricultural Season. Any Second Agricultural Season water used to finish First Agricultural Season will not be available during Second Agricultural Season.

LCRA retains the right to meet its commitment to Pierce Ranch from any source available to LCRA and is not obligated to use only interruptible stored water. LCRA may rely on run-of-river supplies authorized for diversion at the Pierce Ranch diversion point in lieu of releasing interruptible stored water when LCRA determines water is not otherwise needed to meet other demands.

### *7.3.3 Gulf Coast and Lakeside Divisions*

The available interruptible stored water supply remaining after accounting for obligations to Garwood and Pierce Ranch will be split between Gulf Coast and Lakeside during Normal (Stage 1) and Less Severe Drought (Stage 2) conditions in equal amounts, which is generally consistent with the historic acreage associated with the two divisions. For First Agricultural Season, for either the Gulf Coast or Lakeside division, in the event that as of March 10 or later, greater than 2,500 acre-feet of the interruptible stored water available for allocation is not contracted or subject to a pending contract consistent with the Rules, any amount greater than 2,500 acre-feet will be made available for contracting

with customers in the other division. For Second Agricultural Season in either division, in the event greater than 2,500 acre-feet of interruptible stored water for allocation remains after allocating to rice and turf acreage being serviced on June 30, any amount greater than 2,500 acre-feet will be made available for contracting with rice and turf customers being serviced in the other division. Further, in the event that as of September 1 or later, greater than 2,500 acre-feet of the interruptible stored water available for allocation is not contracted or subject to a pending contract consistent with the Rules, any amount greater than 2,500 acre-feet is available for contracting with customers in the other division.

The available supply will be reflective of the reductions in supply under the WMP. For Second Agricultural Season, the supply may also be reduced based upon the use of all or a part of the Second Agricultural Season allocation to finish the First Agricultural Season (as discussed in Section 7.4.4 and 7.5). Further, if applicable under the WMP, the supply may be reduced if the First Agricultural Season maximum release amount from Mansfield Dam is reached and all or part of the Second Season maximum release amount is used to finish the First Agricultural Season (as discussed in Section 7.5).

Since a portion of the water diverted from the river is lost in delivery through the canal system, system delivery losses will be deducted from the amounts available at the river pump stations when determining the total amount of interruptible water available for on-farm use. System delivery losses will be estimated by the General Manager using the average of system delivery losses in the past three years for each individual agricultural division, excluding years in which interruptible stored water was completely curtailed. For the 2021 agricultural season, the calculation indicates an average loss of 28.4 percent in Gulf Coast and 18.4 percent in Lakeside. The loss value will be updated before contracting each year to reflect the rolling three-year average.

#### 7.4 Allocation of Water to Individual Customers *within* LCRA Agricultural Divisions

Through its annual contracting process in the Garwood, Gulf Coast and Lakeside agricultural divisions, LCRA will, at the beginning of each agricultural season, contract to provide interruptible water up to a maximum volume of water consistent with the limits of the available allocated water supplies. Because Pierce Ranch has entered into a long-term interruptible water contract with LCRA and operates its own facilities, Pierce Ranch will determine how water will be allocated between users within its operation.

Water allocation among individual users in individual divisions is not a property right. All water available will be allocated on a pro rata basis as described below, which is consistent with state law governing pro rata curtailment. To obtain an allocation, the prospective customer must provide LCRA with an intention consistent with the Rules.

##### 7.4.1 *Acreage History*

For the Garwood, Gulf Coast and Lakeside divisions, an acreage history will be determined for each farmer/landowner. The acreage history will be shared 50/50 between the farmer and the landowner; however, the farmer and landowner may agree

to have the entire history applied to one party or another. (The history may not be transferred to another user.)

The acreage history will be based on the most recent years in which interruptible stored water was not completely curtailed at the respective division (Historic Acreage Years). For Garwood, Historic Acreage Years will consist of five years. For Gulf Coast and Lakeside, Historic Acreage Years will consist of four years. The acreage history will be based on the average amount of acres of supplied water during the Historic Acreage Years. The determination is based on the number of acres that have been served with water from LCRA. (Acres contracted but not supplied with LCRA water do not count toward a customer's acreage history.)

#### *7.4.2 Allocation within the Gulf Coast and Lakeside Divisions*

##### **7.4.2.1. Allocation of Interruptible Stored Water between Customers in the Gulf Coast and Lakeside Divisions**

In the event the maximum allowable interruptible stored water allocations under the Rules can be made available to all intended acres for the First Agricultural Season, LCRA will allocate based upon intentions. Otherwise, LCRA will allocate based on Customer Acreage History as described in this section.

For the allocation of interruptible stored water in the First Agricultural Season for the Gulf Coast and Lakeside divisions, LCRA will determine for each rice or turf customer that has submitted an intention for the upcoming First Agricultural Season a "Customer Acreage History" that is equal to the average number of acres serviced by water from LCRA in the First Agricultural Season during the Historic Acreage Years for that division. LCRA will also determine a "Division Acreage History" for each division, which is the sum of the individual Customer Acreage Histories. Each Customer Acreage History will also be converted into a "Customer Percentage" which shall be the Customer Acreage History divided by the Division Acreage History. For example, if Customer A in Lakeside had an average of 1,250 acres serviced by LCRA water during the Historic Acreage Years, Customer A's Customer Acreage History is 1,250 acres. If the Division Acreage History is 25,000 acres, then Customer A has a Customer Percentage of 5.0 percent. The Customer Percentage will be used for the First Agricultural Season allocation. LCRA will determine the total volume of interruptible stored water available to each customer by multiplying the amount of interruptible stored water available to the respective division, less canal system losses, by the Customer Percentage. Each customer's allocation will be limited to not exceed the maximum allocation per acre specified in the Rules. If after the allocation of interruptible stored water based on Customer Acreage History, as described above, additional allocations of interruptible stored water are available, LCRA will make those allocations following the same methodology above, but using the *maximum* acreage serviced by water from LCRA during the Historic Acreage Years.

For the allocation of interruptible stored water in the Second Agricultural Season for the Gulf Coast and Lakeside divisions, LCRA will allocate water for rice and turf customers proportionally based upon the acreage being serviced on June 30. For rice customers



with water use from LCRA of less than 1.5 acre-feet per acre by June 30, the acreage being serviced will be adjusted for purposes of determining the Second Agricultural Season allocation as follows:

Use of no LCRA water: no allocation;

Use of less than 1.0 acre-feet per acre: 0.50 equivalent acres;

Use of between 1.0 and 1.49 acre-feet per acre: 0.75 equivalent acres;

Use of 1.5 acre-feet per acre or more: full acreage towards allocation.

For turf acreage, for both first and second season allocations, the acreage will be converted into rice-equivalent acres such that each acre of turf is equivalent to 0.50 acres of rice. Additional detail regarding the timing and limitations on allocations are specified in the Rules. In the event the available interruptible stored water has not been fully allocated based on Customer Acreage Histories (for the First Agricultural Season) or based on acreage being serviced on June 30 (for the Second Agricultural Season), remaining available interruptible stored water will be allocated to other customers as described in the Rules.

#### 7.4.2.2 Allocation of Run-of-River Water between customers in the Gulf Coast and Lakeside Divisions

Run-of-river water may be available to customers in the Gulf Coast and Lakeside divisions from time to time. In the event run-of-river water has been diverted at the Gulf Coast and/or Lakeside pump stations in a given time period, such water will be shared among all customers with interruptible stored water allocations in those divisions on an equivalent basis. Specifically, all customers in the Gulf Coast and Lakeside divisions will be assumed to have the same percentage of their deliveries met using run-of-river water as the run-of-river percentage of total diversions at all Gulf Coast and Lakeside pump stations. However, if within a division, one or more customers has used their entire interruptible stored water allocation (including during First Agricultural Season, if the customer has also used any Second Agricultural Season allocation), and if sufficient run-of-river water is available for those customers' demands, those customers will be deemed to have used only run-of-river water and the use by remaining customers in the division will be from interruptible stored water and any remaining run-of-river water for that division.

Over the historic period used in the Water Management Plan, when LCRA was supplying interruptible stored water for first crop, the availability of foreseeable run-of-river water at the Gulf Coast and Lakeside divisions totaled at least 50,000 acre-feet about 80 percent of the time. When under "Normal" conditions, LCRA understands that customers may consider this, in addition to the available interruptible stored water supply, to decide how much acreage to plant in the Lakeside and Gulf Coast divisions. LCRA does not, however, guarantee that 50,000 acre-feet of run-of-river water will be available in each and every year in which "Normal" conditions exist.

Under Less Severe Drought conditions, the availability of foreseeable run-of-river water is much more difficult to assess and may be substantially reduced compared to "Normal conditions." For example, in 2011, although the lakes began the year with over 1.5 million acre-feet in storage, the amount of run-of-river water diverted at the Gulf Coast and

Lakeside divisions during the period corresponding to First Agricultural Season was approximately 10,000 acre-feet. Although that water is not guaranteed, in Less Severe Drought conditions, LCRA understands customers may assume that no foreseeable run-of-river water will be available when deciding how much acreage to plant.

#### 7.4.2.3 Limitations on Planted Acreage

In the event the total of customers' stated acreage intentions within a division exceed the acreage that can be reasonably supplied in that division based upon limitations in the water rights and/or infrastructure constraints, the amount of acreage to which LCRA will supply water will be limited. In such event, the Customer Percentage determined in section 7.4.2.1 will be multiplied by the total acreage that can reasonably be supplied in order to establish a Customer Acreage Limit. Although LCRA would specify a maximum acreage a customer would be allowed to plant, LCRA would not be guaranteeing it would supply an amount of water sufficient to grow crops on such acreage.

#### 7.4.3 Allocation in the Garwood Division

For the Garwood division, LCRA will determine "Customer Acreage History" for each rice customer equal to the average number of acres planted in the First Agricultural Season during the Historic Acreage Years for the division. In the event the total of customers' stated acreage intentions exceeds 19,000 acres, LCRA will evaluate the ability to supply such acreage based on constraints related to the canal system and river pump station. In the event that the total of customers' intentions exceeds the acreage that can be supplied by the canal system, individual customer acreages for the upcoming season will be limited proportionally based on the Customer Acreage Histories. Although LCRA would specify a maximum acreage a customer would be allowed to plant, LCRA would not be guaranteeing that it would supply an amount of water sufficient to grow crops on such acreage.

#### 7.4.4 Tracking Water Use

During the agricultural season, LCRA will track each customer's water use and provide the information to the customer on a recurring basis. If the customer's interruptible stored water use has reached the customer's allocation, the total amount of interruptible stored water for diversion by the division(s) has been reached, or, if applicable, the total amount of releases of interruptible stored water measured at Mansfield Dam has reached the limit specified in the WMP, the customer will not receive any further deliveries of interruptible stored water. However, if water is available for customer for Second Agricultural Season based on the July 1 evaluation, upon customer's request, water from the Second Agricultural Season allocation may be used to finish First Agricultural Season consistent with the WMP. Any Second Agricultural Season water used to finish First Agricultural Season will not be available during Second Agricultural Season. In the event that interruptible stored water is no longer available during a season, the customer will only receive run-of-river water if there is sufficient run-of-river water to meet all or part of customer's demand. Furthermore, customers will remain subject to surcharges and/or cutoff of deliveries in the event of high water use on an acre-foot per acre basis.

#### *7.4.5 Availability of Run-of-River Water*

In the event LCRA determines run-of-river water is available in the Gulf Coast and/or Lakeside agricultural divisions and is not needed to meet the requests of customers who have allocations of interruptible stored water as described in section 7.4.2, such water will be made available to other customers for agricultural uses. In the event that LCRA determines that water is available in the Garwood irrigation division that is not needed to meet the requests of customers who have allocations of acreage as described in section 7.4.3, such water will be made available for other agricultural uses. Water will be made available to such other customers in the order in which the customers' requests for water were received.

#### 7.5 Curtailment during Mid-Season (Stage 3)

Interruptible water within the Gulf Coast and Lakeside divisions and Pierce Ranch is subject to cutoff any time during the agricultural season, consistent with the WMP and interruptible agricultural contracts, including any special contract terms and conditions that control supply to Pierce Ranch. LCRA may suspend releases of interruptible water in accordance with the WMP, even if such a suspension occurs mid-season. This may occur because: a) the total amount of interruptible stored water allocated to the customer has been supplied; b) the total amount of interruptible stored water available for diversion by the operation or operations (Gulf Coast, Lakeside, or Pierce Ranch) has been diverted; c) if applicable, the total amount of releases of interruptible stored water as measured at Mansfield Dam has reached the limit specified in the WMP; or d) the combined storage of lakes Buchanan and Travis has dropped to levels requiring cutoff, as specified in the WMP. In the event interruptible stored water is suspended mid-season because of items a, b, or c, run-of-river water may still be available. Furthermore, if based on the July 1 evaluation, interruptible stored water is available for Second Agricultural Season, the customer may request all or part of the Second Agricultural Season allocation be used to finish First Agricultural Season as noted in sections 7.3.2 and 7.4.4. Additionally, if applicable, if the total releases of interruptible stored water in First Agricultural Season as measured at Mansfield Dam reach the limit on such releases specified in the WMP, and customers are using a portion of their Second Agricultural Season interruptible stored water allocation to finish First Agricultural Season, the releases of interruptible stored water associated with such use will count against the limit on releases for Second Agricultural Season. In the event interruptible stored water is suspended mid-season because combined storage of lakes Buchanan and Travis has dropped to certain levels, run-of-river water originating above Lake Travis also will be suspended, while run-of-river water originating below Lake Travis may still be available.

LCRA's supply of interruptible water to customers within the Garwood agricultural division will continue to be governed by the Garwood Purchase Agreement.

## 7.6 Extraordinary Drought, Cutoff under Look-Ahead Test or Drought Worse Than Drought of Record (Stage 4)

When LCRA is operating under Extraordinary Drought Conditions or a cutoff under the Look-Ahead Test or a Drought Worse than Drought of Record declaration under the WMP, LCRA will not supply interruptible stored water to the Gulf Coast or Lakeside divisions, or Pierce Ranch. LCRA's supply of interruptible water to customers within the Garwood agricultural division will continue to be governed by the Garwood Purchase Agreement and annual contracts with customers in the Garwood division.

LCRA also may suspend releases of interruptible stored water for customers in the Garwood agricultural division consistent with the Purchase Agreement between LCRA and Garwood Irrigation Company, including upon a Drought Worse than Drought of Record declaration.

## 7.7 Calculation of Water Use

The amount of water charged against a user's water allocation will be based on actual measured use.

## 8. VARIANCES

Within each LCRA agricultural division, the LCRA General Manager may adjust the period for determining Historic Acreage Years within the division to account for established field rotations, changes in management practices, and other relevant factors.

## 9. ENFORCEMENT

All LCRA interruptible water contracts include a provision requiring that, in cases of a shortage of water resulting from drought, the water will be distributed in accordance with the WMP and Texas Water Code section 11.039. Interruptible water customers within the agricultural operations failing to comply with the allocation requirements (curtailment plan) are subject to surcharges or excess use rates as set by the LCRA Board for water use in excess of the customer's per-acre duty. LCRA may exercise any rights it may have at law or in equity to prevent unauthorized withdrawals by the customer or any other person. Customers failing to comply with contractual requirements to prevent the waste of water also are subject to denial of water until such time as the failure is corrected.

Any person who willfully opens, closes, changes or interferes with any headgate or uses water in violation of this DCP, shall be considered in violation of Section 11.083, Texas Water Code, which provides for punishment by fine of not less than \$10.00 nor more than \$200.00, or by confinement in the county jail for not more than thirty (30) days, or both, for each violation. These penalties are provided by the laws of the State and may be enforced by complaints filed in the appropriate court jurisdiction in Travis County, all in accordance with Section 11.083. In addition, LCRA may pursue a civil remedy in the way of damages and/or injunction against the violator of any of the foregoing.

## 10. SEVERABILITY

It is hereby declared to be the intention of the Board of Directors of the Lower Colorado River Authority that in the event any sections, paragraphs, sentences, clauses and phrases of this DCP should be declared invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this DCP, since the same would have been enacted by the Board without the incorporation into this DCP of any such invalid or unenforceable phrase, clause, sentence, paragraph or section.

## 11. AUTHORITY

The foregoing rules and regulations are adopted pursuant to and in accordance with Sections 11.039, 11.083, 11.1272; and Section 49.004 of the Texas Water Code.

## 12. EFFECTIVE DATE OF PLAN

The effective date of this DCP shall be March 1, 2022. Ignorance of the DCP is not a defense for a prosecution for enforcement of the violation of the DCP.

## 13. DROUGHT CONTINGENCY PLAN UPDATES

Consistent with 30 Tex. Admin. Code Ch. 288, LCRA will review and update, as appropriate, in accordance with the schedule required by such rules, this DCP to the extent such updates do not change the triggers, amount of curtailment of interruptible stored water supply, or the triggers related to instream flows and bay and estuary inflows as set forth in and governed by the WMP. As recognized by prior TCEQ orders, such changes do not constitute an amendment to the Water Management Plan requiring notice and an opportunity for contested case hearing, but must otherwise comply with the public notice requirements of Chapter 288 of the Commission's rules. LCRA will make any necessary conforming changes to this DCP within 90 days of TCEQ's approval of changes to the Water Management Plan affecting the availability of interruptible water.

## 14. BOARD ACTION

LCRA Board action is required for the following actions under this DCP:

- Determination of interruptible supply curtailment in the Garwood agricultural division (Section 7.3.1).
- Establishing surcharges or excess use rates applicable to interruptible agricultural customers (Section 9).
- Determination of a Cutoff under the Look-Ahead Test specified in the WMP.
- Declaration of Drought Worse than Drought of Record under the WMP.
- Updates to Drought Contingency Plan under TCEQ Chapter 288 rules (Section 13).

## 15. NOTIFICATION OF EXECUTIVE DIRECTOR

The LCRA General Manager will notify the TCEQ Executive Director within 30 days of the following:

- Board declaration or cancellation of Drought Worse than Drought of Record.
- Updates to its Drought Contingency Plan under TCEQ Chapter 288 rules.
- Implementation of any curtailment and allocation of supply related to interruptible water in which the amount available is less than the maximum available for the crop season under the WMP.