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**Appendix F**

**Firm Customer Drought Contingency Plan**

**(Adopted May 20, 2015)**

# Drought Contingency Plan for Firm Water Customers

Lower Colorado River Authority

P.O. Box 220

Austin, Texas 78767-0220

Adopted May 20, 2015

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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) for the supply of firm water. This DCP constitutes the LCRA's drought contingency plan required under Section 11.1272, Texas Water Code, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288).

## 2. PUBLIC INPUT & COORDINATION

Firm water customers within LCRA's service area were provided with information related to the preparation of this DCP and provided an opportunity to provide input on its development through LCRA's regularly-scheduled public meetings of the LCRA Board and LCRA Board Water Operations Committee in May, 2015. In addition, LCRA posted its draft proposed DCP on its website [www.lcra.org](http://www.lcra.org), provided an opportunity to submit written comments through its website, and held customer meetings.

Further, LCRA has provided a copy of this Firm Customer DCP to the Region K Regional Water Planning Group to ensure consistency with the Region K water plan.

## 3. USER EDUCATION

LCRA will periodically provide water users with information about this DCP, including information about the conditions under which drought response measures are to be initiated or terminated. This information will be provided by means of email to customers, by providing copies of the DCP to each customer, or 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 the applicable provisions of this DCP consistent with the criteria specified herein. LCRA Board action is not required for actions under this DCP other than those actions set forth below:

- a. Establishing surcharges or excess use rates applicable to firm water customers (Section 10).
- b. Declaration of Drought Worse than Drought of Record (Section 7.3).
- c. Cancellation of Drought Worse than Drought of Record (Section 7.3) and lifting of pro rata curtailment.
- d. Establishing the percentage curtailment required under Stage 4 (Section 7.4).
- e. Updates to Drought Contingency Plan (Section 13).

LCRA will carry out an appropriate public information campaign related to any item requiring Board action under this DCP as required by 30 Tex. Admin. Code ch. 288.

## 5. APPLICATION

The provisions of this DCP shall apply to the use of water by all persons using firm water provided by LCRA. To the extent a person is also using groundwater or imported surface water, the provisions of this DCP do not limit the use of that source of water. The term "person" as used in this DCP includes individuals, corporations, partnerships, associations, and all other legal entities.

## 6. NOTICE

Notice of the initiation of drought response measures will be given by notice posted on the LCRA website and by U.S. Mail (and electronic mail, where available) to each individual firm water customer.

## 7. DROUGHT RESPONSE STAGES

This DCP sets forth the procedures by which LCRA will implement drought response stages for firm water. LCRA will encourage its firm water customers to implement long-term water conservation measures year-round to meet the goals included in their water conservation plans. LCRA will, as needed, implement a public awareness program on water use and conservation.

### 7.1 Drought Contingency Plan Stage 1

If the total combined storage in lakes Buchanan and Travis drops below 1.4 MAF and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being curtailed, LCRA will request its firm water customers to implement voluntary drought response measures in their individual drought contingency plans with a target demand reduction goal of 5 percent. If the combined storage in lakes Buchanan and Travis subsequently increases, the request will be withdrawn on a schedule determined by the LCRA Board.

### 7.2 Drought Contingency Plan Stage 2.

If the total combined storage in lakes Buchanan and Travis drops below 900,000 acre-feet and interruptible stored water supplies to the to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being curtailed, LCRA will request its firm customers to implement additional drought response measures in their individual drought contingency plans with a target demand reduction goal of 10 to 20 percent. In this stage, LCRA will request that firm customers implement mandatory water use reduction measures. At this stage LCRA will also implement an aggressive public information campaign to provide up-to-date information on water supply conditions and promote voluntary action to reduce water use. If the combined storage in lakes Buchanan and Travis subsequently increases, the request will be withdrawn or replaced by Stage 1 measures on a schedule determined by the LCRA Board.

### 7.3 Drought Contingency Plan Stage 3.

If the LCRA Board of Directors declares a Drought Worse than the Drought of Record consistent with the LCRA Water Management Plan, LCRA will curtail and distribute the available supply of firm water among its firm water supply customers and firm environmental flow commitments on a pro rata basis according to the amount of firm water to which they are legally entitled consistent with the Pro Rata Plan for Firm Water Demands approved by TCEQ. All uses of interruptible stored water will be cut off prior to and during any mandatory pro rata curtailment of firm water supplies. The initial curtailment of firm water supplies under pro rata will be 20 percent. Upon entering Stage 3, the LCRA Board shall also determine the conditions under which Stage 4 shall be triggered, consistent with Rule 11.8 of the LCRA's firm water contract rules, which rules include specific procedures and requirements related to a pro rata curtailment of firm water supplies. During Stage 3, LCRA will further encourage firm water customers to use alternative water supplies, if available.

In the event that the LCRA Board cancels a declaration of a Drought Worse than Drought of Record, mandatory pro rata curtailment under Stage 3 would be lifted. Upon such cancellation, the LCRA Board may also set additional criteria for ending or easing pro rata curtailment, such as combined storage increasing to a given level.

### 7.4 Drought Contingency Plan Stage 4

If the combined storage in lakes Buchanan and Travis continues to decrease after the declaration of a Drought Worse than Drought of Record, the LCRA Board may increase the mandatory pro rata curtailment percentage. During Stage 4, LCRA will continue to encourage firm water customers to use alternative water supplies, if available.

In the event that the LCRA Board cancels a declaration of a Drought Worse than Drought of Record, a mandatory pro rata curtailment under Stage 4 would be lifted. Upon such cancellation, the LCRA Board may also set additional criteria for ending or easing pro rata curtailment, such as combined storage increasing to a given level.

## 8. FIRM CUSTOMER DROUGHT CONTINGENCY PLANS

As part of its contracts, LCRA will continue to require its firm water customers to prepare and adopt a drought contingency plan that is legally enforceable by the firm water customer and specifies the actions to be taken to comply with this Drought Contingency Plan regarding the implementation of drought response measures, including a plan to reduce demand during curtailment of firm supplies, consistent with LCRA's approved Pro Rata Plan and water contract rules. Customers' DCPs should be developed pursuant to LCRA guidelines and submitted for LCRA review and acceptance within a reasonable time. For temporary contracts, domestic use contracts and landscape irrigation contracts for less than 20 acre-feet per year, customers may alternatively agree to follow a LCRA-developed DCP that is specific to such uses.

## 9. VARIANCES

The General Manager may, in writing, grant to a firm water customer a temporary variance from the pro rata curtailment required under this DCP and LCRA's Pro Rata Plan, consistent with Rule 11.14 in LCRA's water contract rules.

In addition, the General Manager may, in writing, grant a temporary variance to the pro rata curtailment of water supplied to meet environmental flow criteria under sections the Water Management Plan if the Texas Parks and Wildlife Department submits a written variance request, and the General Manager determines that a variance is justified to avoid severe adverse biological conditions and/or that a variance would not result in an increase in the amount of water made available for environmental flows during the curtailment.

## 10. ENFORCEMENT

LCRA will monitor firm customers' compliance with LCRA's Drought Contingency Plan requirements. Monitoring and enforcement of water-use restrictions at the end-user level generally will be the customers' responsibility. All LCRA firm 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 LCRA's WMP and Texas Water Code section 11.039. Customers who exceed their allotted supply during a pro rata curtailment will be subject to excess use rates or surcharges, to be specified by the LCRA Board, in addition to LCRA's firm water rate. They may also be subject to civil action to enjoin them for breach of contract.

## 11. SEVERABILITY

It is hereby declared to be the intention of the Board of Directors of the Lower Colorado River Authority that, if the sections, paragraphs, sentences, clauses, and phrases of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan.

## 12. EFFECTIVE DATE OF PLAN

The effective date of this DCP shall be the date on which the TCEQ approves amendments to the LCRA Water Management Plan and shall supersede all other Firm Water DCPs and amendments thereto, previously adopted by LCRA through resolution or otherwise. Ignorance of the DCP is not a defense for a prosecution for enforcement of the violation of the DCP.

## 13. DROUGHT CONTINGENCY PLAN UPDATES

LCRA will make any necessary conforming changes to this DCP within 90 days of TCEQ's approval of changes to the Water Management Plan that affect the firm customer drought response measures contained in this DCP. Further, LCRA may make other updates or amendments to the DCP in accordance with other applicable law.

#### 14. NOTIFICATION OF EXECUTIVE DIRECTOR

The LCRA General Manager will provide all required notices to the TCEQ Executive Director as required by applicable law, including but not limited to notifying the Executive Director within five business days of the implementation of any mandatory provisions under this DCP.