

**DROUGHT CONTINGENCY PLAN
FOR THE
WICHITA VALLEY WATER SUPPLY CORPORATION**

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 the 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 Wichita Valley Water Supply Corporation (Wichita Valley WSC) 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 considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this plan.

SECTION II: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by the Wichita Valley Water Supply Corporation (Wichita Valley WSC) by means of attending the regular Meeting of the Board of Directors on December 13, 1999.

SECTION III: PUBLIC EDUCATION

The Wichita Valley WSC will periodically provide the public with information about the Plan, including information about the conditions under which 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 mailed notification to customers.

SECTION IV: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the Wichita Valley WSC is located within the Region B Regional Water Planning Area and the Wichita Valley WSC has provided a copy of this plan to the Region B Regional Water 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 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 the Wichita Valley WSC. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION VII: DEFINITIONS

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

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

Commercial and institutional water use: water use which 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 the Wichita Valley WSC.

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 account numbers: Wichita Valley WSC account numbers ending in 0, 2, 4, 6, or 8.

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:

- (a) irrigation of landscaped areas, including parks, athletic fields, and golf courses;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting and flushing of lines to maintain a potable water supply.

Odd numbered account numbers: Wichita Valley WSC account numbers ending in 1, 3, 5, 7, or 9.

SECTION VIII: TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of direct mail to each local customer.

The triggering criteria described below are based on the need to be able to reduce water consumption in the event that Wichita Valley's daily demand increases to the extent that a reduction in consumption is needed to improve the reliability of the Wichita Valley storage and distribution system.

Stage 1 - Moderate Water Storage Conditions

Requirements for initiation – Treatment plant daily production exceeds 650,000 gpd for more than 3 days in any 7 day period or if level of storage tanks falls below 60% between 7 p.m. and 11p.m. for more than 2 consecutive days.

Requirements for termination – Treatment plant daily production remains below 600,000 gpd for all days in a 10 day period or if level of storage tanks remains above 60% for all days in a 10 day period.

Stage 2 – Severe Water Storage Conditions

Requirements for initiation - Treatment plant daily production exceeds 700,000 gpd for more than 3 days in any 7 day period or should water supply from another source be curtailed by 20% or more under terms of water purchase contract or if level of storage tanks falls below 50% between 7 p.m. and 11 p.m. for more than 2 consecutive days.

Requirements for termination - Treatment plant daily production remains below 650,000 gpd for all days in a 10 day period or if level of storage tanks remains above 50% for all days in a 10 day period or should curtailment of water under terms of water purchase contract end.

Stage 3 - Critical Water Storage Conditions

Requirements for initiation - Treatment plant daily production exceeds 750,000 gpd for more than 3 days in any 7 day period or should water supply from source be curtailed by 30% or more under terms of water purchase contract or if level of storage tanks falls below 40% between 7 p.m. and 11 p.m. for more than 3 consecutive days.

Requirements for termination - Treatment plant daily production remains below 700,000 gpd for all days in a 10 day period or if level of storage tanks remains above 50% for all days in a 10 day period or should curtailment of water under terms of water purchase contract end.

Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation - Treatment plant daily production exceeds 800,000 gpd for more than 3 days in any 7 day period or should water supply from source be curtailed by 35% or more under terms of water purchase contract or system outage due to equipment failure.

Requirements for termination - Treatment plant daily production remains below 750,000 gpd for all days in a 10 day period or should curtailment of water under terms of water purchase contract end or when repairs are made to equipment and normal levels of operation are resumed.

SECTION IX: DROUGHT RESPONSE STAGES

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon notification by direct mail to customers.

Stage 1 - Moderate Water Storage Conditions

Goal

Achieve a 5% reduction in daily water demand.

Voluntary Water Use Restrictions

Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with account numbers ending in an even number (0,2,4,6, or 8) and Saturdays and Wednesdays for water customers with account numbers ending in an odd number (1,3,5,7, or 9) and to irrigate landscapes only between the hours of 12 midnight to 8 a.m. and 8 p.m. to 12 midnight.

Stage 2 - Severe Water Shortage Conditions

Goal

Achieve a 20% reduction in daily water demand.

Water Use Restrictions

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

- (a) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with an account number ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with an account number ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to between the hours of 12 midnight to 8 a.m. and 8 p.m. to 12 midnight. However, irrigation of landscaped areas is permitted at any time if it is by means of a faucet-filled bucket, faucet-filled watering can, or drip irrigation system.
- (b) Use of water to fill, refill, or add to any indoor or outdoor swimming, wading, or jacuzzi-type pools is prohibited except on designated irrigation days between the hours of 12 midnight to 8 a.m. and 8 p.m. to 12 midnight.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes as defined in Section VII.

Stage 3 - Critical Water Shortage Conditions

Goal

Achieve a 30% reduction in daily water demand.

Water Use Restrictions

All requirements of Stage 2 shall remain in effect during Stage 3. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) All outdoor irrigation of vegetation by hand-held hoses or hand-held watering cans may occur only between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated irrigation days. Irrigation using permanently installed irrigation systems, hose-end irrigation, or drip irrigation is prohibited.
- (b) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated irrigation days between the hours 6 a.m. to 10 a.m. and 8 p.m. to 10 p.m. Such washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is at risk.
- (d) The use of water for washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards, is prohibited. The filling, refilling, or adding of water to all to swimming, wading, or jacuzzi-type pools is prohibited.
- (e) The following uses of water are defined as non-essential and are prohibited:
 - (1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) use of water for dust control;
 - (4) flushing gutters or permitting water to run or accumulate in any gutter or street; and

- (5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Stage 4 - Emergency Conditions

Goal

Achieve a 35% reduction in daily water demand; **or**

Reduce water use to the extent necessary to maintain water of sufficient quantity and quality to meet health and safety requirements of the public; **or**

In the event of failure of a component of the water system, discontinue operation of the water system, or that portion of the system affected.

Supply Management Measures

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to ration water according to the following water allocation plan:

Single-Family Residential Customers:

The allocation to residential water customers residing in a single-family dwelling shall be 7,000 gallons per month.

Residential water customers shall pay the following surcharges:

\$10 for the first 1,000 gallons over allocation.

\$10 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Non-Residential Commercial Customers

A monthly water usage allocation shall be established by the General Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The General Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Wichita Valley WSC to determine the allocation.

Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the General Manager.

Nonresidential commercial customers shall pay the following surcharges:

\$10 for the first 1,000 gallons over allocation.

\$10 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Water Use Restrictions:

All requirements of Stages 2 and 3 shall remain in effect during Stage 4. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

SECTION X: EXEMPTIONS

No exemption will be allowed.

SECTION XI: ENFORCEMENT

No person shall knowingly or intentionally allow the use of water from the Wichita Valley WSC for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the General Manager, or his/her designee, in accordance with provisions of this Plan. Upon observing a violation of the drought contingency plan, or upon receiving reasonable information relating to such violations from an employee of Wichita Valley WSC, the General manager shall take the following actions:

- (a) **First Violation:** A verbal warning will be issued to the violator. The nature of the violation, date and time of the warning will be recorded and maintained on record by the Wichita Valley WSC.

- (b) **Second Violation:** A written notice of violation will be issued to the violator, and the violator will immediately be assessed a \$50.00 surcharge. The violator will have five days from receipt of the written notice to pay the surcharge. Documentation of this action will be maintained on record by the Wichita Valley WSC.
- (c) **Third and Subsequent Violations:** A written notice of violation will be issued to the violator, and the violator will immediately be assessed an additional \$50.00 surcharge for each violation. The violator will have five days from receipt of the written notice to pay the surcharge(s). The General Manager also has the option to terminate service to the violator until all surcharges are paid. Documentation of this action will be maintained on record by the Wichita Valley WSC.

SECTION XII: VARIANCES

- (a) The General manager, or his/her designee, may, in writing, grant 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.
- (b) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Wichita Valley WSC after a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager and shall include the following:
 - (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the Plan from which the petitioner is requesting relief.
 - (4) 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 petitioner complies with this Ordinance.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
 - (8) Other pertinent information.
- (c) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

SECTION XIII: SEVERABILITY

It is hereby declared to be the intention of the Wichita Valley WSC that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance 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 unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan.