



Drought Contingency Plan



2025

City of Rockport Drought Contingency Plan

Table of Contents

1. Introduction	4
2. Declaration of Policy and Reason	5
3. Public Education	6
4. Coordination with Regional Water Planning Groups.....	6
5. Authorization	6
6. Application.....	6
7. Definitions.....	6
8. Criteria for Initiation and Termination of Reservoir Drought Stages	8
8.1 Water Shortage Watch	8
8.2 Stage 1 – Mild Water Shortage	8
8.3 Stage 2 – Moderate Water Shortage	9
8.4 Stage 3 – Critical Water Shortage	9
8.5 Water Emergency	9
9. Drought Stages Notification.....	10
10. Drought Stage, Best Management Practices Per Stage	10
10.1. Water Shortage Watch.....	11
10.2. Stage 1 – Mild Water Shortage	11
10.3. Stage 2 – Moderate Water Shortage	13
10.4. Stage 3 – Critical Water Shortage.....	14
10.5. Water Emergency	16
11. Surcharges for Drought Stages 2, 3, Water Emergency, and Service Measures.....	18
12. Enforcement.....	20
13. Severability	20
14. Wholesale Drought Contingency Plan	20
14.1 Declaration of Policy, Purpose, and Intent.....	20
14.2 Public and Wholesale Customer Involvement.....	21
14.3 Wholesale Water Customer Education	21
14.4 Coordination with Regional Planning Groups.....	21
14.5 Authorization.....	21
14.6 Application	21
14.7 Triggering Criteria for Initiation and Termination of Reservoir System Response Stages.....	22

14.8 Reservoir System Response Stages23

14.9 Pro Rata Water Allocation27

14.10 Pro Rata Surcharges and Enforcement... 28

14.11 Severability 28

14.12 Reservoir System Operating Plan28

Appendices

A. TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary

B. Reservoir Operating Plan

City of Rockport Drought Contingency Plan

1. Introduction

This document is the **Drought Contingency Plan (DCP)** for the City of Rockport (City) and its regional customers. The purpose of this DCP is to:

- Conserve the available water supply by reducing the City's water demand as much as possible during a drought to protect the integrity of water supply facilities (with particular regard for domestic water use, sanitation and fire protection).
- Minimize the adverse impacts of water supply shortages or other water supply emergency conditions.
- Serve as a framework to identify and manage a drought or a state of water emergency; and
- Preserve and protect public health, welfare, and safety.

This DCP was created so that the City can reduce demand when supplies are low, so residents have sufficient water during drought conditions. This DCP clearly explains the triggers initiated by a drought and the steps to be taken during each stage of a drought. *The City of Rockport has a treated water contract to purchase water from San Patricio Municipal Water District.*

Choke Canyon Reservoir and Lake Corpus Christi are the City of Corpus Christi's longest established & largest water supplies. These two water supplies are referred to as the Western Reservoir system. Both reservoirs are monitored daily and operated per the 2001 Texas Commission on Environmental Quality (TCEQ) Agreed Order. The 2001 Agreed Order mandates that the combined reservoir storage level be used to implement drought stages. For these reasons, the City of Corpus Christi uses the combined capacity of Choke Canyon Reservoir and Lake Corpus Christi as the triggering criteria for the drought stages outlined in this DPC.

Additionally, the City of Corpus Christi utilizes water from two eastern supplies that include Lake Texana and the Colorado River. The City of Corpus Christi purchases water from Lake Texana through a water supply contract and does not own the water rights. While the City of Corpus Christi owns water rights on the Colorado River, these rights are considered junior, which means curtailment may occur by water right holders with senior rights.

This DCP is different from the Water Conservation Plan (WCP) because this DCP is a responsive plan that addresses drought conditions or water emergencies and defines actions that will be taken when certain criteria are met. Typically, these criteria consist of three or more "stages" in response to water supply storage levels (e.g., when reservoir storage levels drop below 40%, Stage 1 is initiated), or a water emergency.

A WCP is a proactive plan for addressing overall goals and actions that will help a utility implement year-round sustainable and efficient water conservation programs. The DCP follows the TCEQ guidelines and has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the City serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers has also been included in Section 16 in accordance with Texas Administrative Code Title 30

Chapter 288 Subchapter B Rule §288.22.

This DCP also follows guidelines of the U.S. Bureau of Reclamation Water SMART Drought Response Program Framework and has been designed to include the six elements of a Drought Contingency Plan: (1) Drought monitoring; (2) Vulnerability assessment; (3) Mitigation actions; (4) Response actions; (5) Operational and administrative framework; and (6) Plan update process. The City is eligible for certain drought funding opportunities by following the guidelines set by the Bureau of Reclamation. The Water SMART Program works cooperatively with states, tribes, and local entities to pursue a sustainable water supply for the Nation, including water efficiency projects located in urban areas and watersheds, through administering grants, conducting scientific studies, and providing technical assistance and scientific expertise. In addition, the adoption of a DCP is a requirement for eligibility to receive financial assistance from the Texas Water Development Board State Water Implementation Fund for Texas (SWIFT) program.

2. Declaration of Policy and Reason

The City of Rockport hereby adopts the following regulations and restrictions on the delivery and consumptions of water in order to

- conserve the available water supply
- protect the integrity of water supply facilities with particular regard for domestic water use
- sanitation
- fire protection
- to protect and preserve public health, welfare, and safety
- minimize the adverse impacts of water-supply shortages or other water-supply emergency conditions.

The City hereby adopts the following regulations and restrictions on the delivery and consumption of water. The Water Resource Management Ordinance which gives the City the authority to regulate and enforce this DCP is included as a supporting document.

By contract with the San Patricio Municipal Water District, the City is obligated to impose similar drought contingency and water conservation measures as those instituted by Corpus Christi and subsequently, the City's contractual partners are required to do the same. Consequently, the City has adopted a Water Conservation and a Drought Contingency Plan that is substantively identical to Corpus Christi.

Water uses regulated or prohibited under this DCP are considered to be 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 may subject the offender(s) to penalties as defined in Section 13 of this DCP.

Since the City first started purchasing water from San Patricio Municipal Water District to supply its customers with water in the 1950's, the region has experienced several periods of drought. Over the years, new water supplies have been added, and conservation measures have been strengthened to ensure water security for residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the City plans for future drought conditions.

Currently, the City's water supply system is comprised of three reservoirs and one river water right: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana and the Lower Colorado River. However, the criteria to trigger drought stages are based on the combined capacity of

Lake Corpus Christi and Choke Canyon Reservoir.

Due to the frequency of drought in South Texas, this DCP was developed, and it adopts measures that will dramatically cut water consumption in order to conserve water supplies.

3. Public Education

The DCP was adopted by [Ordinance] at the City Council regular meeting on [Date].

The City will work with its customers to inform them about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in the City's official newspaper of record, and notices on the City's website (www.rockporttx.gov).

Notification to the public about when drought stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

4. Coordination with Regional Water Planning Groups

The service area of the City of Rockport is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The City of Corpus Christi shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. *Subsequently, the City of Rockport will review and update, as appropriate, the DCP.*

5. Authorization

The City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency stages or restriction(s) as described in this DCP. The City Manager, or designee, shall notify the members of the City Council before implementing any measures. Any non-emergency changes to the drought stages and restrictions outside this DCP must have City Council approval.

6. Application

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the City of Rockport. The terms "person" and "customer" as used in the DCP include individuals, corporations, partnerships, associations, and all other legal entities.

7. Definitions

For the purposes of this Chapter in this DCP, the following definitions shall apply:

Aerobic irrigation system: an irrigation system that utilizes a home or business's treated wastewater from its aerobic septic system.

Aesthetic water use: water use for ornamental or decorative purposes such as fountains,

reflecting pools, and water gardens.

Commercial account: water used in operations of commercial, 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 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.

Contract (end-user) water customers: a private entity that has a contract with the City to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

Customer: any person, company, or organization using water supplied by the City of Rockport and paying a retail water bill.

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.

Drip irrigation: a method of watering plants using a network of tubes, pipes, valves, and emitters that slowly drips water to the roots of plants to minimize evaporation. Soaker hoses are not a substitute for a proper drip irrigation system.

Large volume account/Industrial user: utility accounts of entities who use more than 10,000,000 gallons of water a month for processes designed to convert materials of lower value into forms having greater usability and use.

Irrigation account/meter: a meter connected solely to an irrigation system. This type of meter does not incur wastewater fees on water used through this meter. All irrigation meters are subject to backflow prevention rules through the City's code of ordinances.

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, rights-of-way, athletic fields, and medians.

Non-essential water use: water uses that are not essential or not required for the protection of public health, safety, and welfare, including:

- Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle
- Use of water to wash down any impervious cover including 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 or health reasons
- 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 an aesthetic feature, including fountain or pond 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
- Use of water from hydrants for construction purposes or any other purposes other than firefighting or flushing needed to maintain chlorination levels and protect public health

Pool cover: a material designated to cover the surface area of a swimming pool when it is not in use. Pool covers can come in different types including manual, semi-automatic, automatic, and can be made from different materials such as mesh, solid vinyl, solar blankets, or pool floaties. Pool covers do not include tree canopies, pergolas, gazebos, or similar structures.

Reservoir Capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Surcharge: temporary rate to manage demand in times of drought.

Water well: any facility, device, or method used to withdraw groundwater from a groundwater reservoir. Properties using such systems must display a prominent, legible sign stating, "*Water Well.*"

Wholesale customers: A public or private utility that purchases water from the City through a written contract that authorizes the resale of water to third parties or classifies the utility as a wholesale customer.

8. Criteria for Initiation and Termination of Reservoir Drought Stages

The City Manager, or designee, shall monitor the City of Corpus Christi's actions, water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified "triggers" are reached. However, the City Manager, or designee, in the exercise of the City Manager's discretion, may initiate or terminate any stage when the City Manager deems necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each drought stage are described in Section 10.

The combined reservoir storage level of Choke Canyon Reservoir and Lake Corpus Christi is the triggering criterion that is monitored for determining drought stages, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is in the Appendix.

8.1. Water Shortage Watch

Trigger for initiation: Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below 50%.

Trigger for termination: The watch may be terminated when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi increase above 50% for 15 consecutive calendar days.

8.2. Stage 1 – Mild Water Shortage

Trigger for initiation: Stage 1 begins when the combined reservoir storage level declines below

40%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10.

Trigger for termination: Stage 1 may be terminated when the combined storage levels increase above 50%.

8.3. Stage 2 – Moderate Water Shortage

Trigger for initiation: Stage 2 begins when the combined storage level declines below 30%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10.

Trigger for termination: Stage 2 may be terminated when the combined storage levels increase above 40%. Upon termination of Stage 2, Stage 1 becomes operative.

8.4. Stage 3 – Critical Water Shortage

Trigger for initiation: Stage 3 begins when the combined storage level declines below 20%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10.

Trigger for termination: Stage 3 may be terminated when the combined storage levels increase above 30%. Upon termination of Stage 3, Stage 2 becomes operative.

8.5. Water Emergency

Level 1 Water Emergency

Trigger for initiation: A Level 1 Water Emergency begins when the City Manager, or designee, determines that the City is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The City Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies such as the Inner Harbor Seawater Desalination Treatment Facility.

Trigger for termination: The Level 1 Water Emergency may be terminated when the City Manager, or designee, determines that the City's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation: A Level 2 Water Emergency begins when the City Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to.

- a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the City's water treatment facilities like O.N. Stevens or other critical re-pump stations; or
- b) Water production or distribution system limitations; or

- c) Natural or man-made contamination of the water supply source.

Trigger for termination: The Water Emergency may be terminated when the City Manager, or designee, deems it appropriate.

9. Drought Stage Notification

The City Manager, or designee, shall monitor Corpus Christi's actions, water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Chapter, shall determine that a mild, moderate, critical, or a water emergency exists and shall implement the following notification procedures.

Notification to the Public:

The City Manager, or designee, shall notify the public of every change in drought stage status by any or all of the following:

- City's website (www.rockporttx.gov)
- Publication in the City's official newspaper of record
- Notice on the monthly billing
- Public Service Announcements
- Signs posted in public places
- The City's social media platforms

Additional Notification:

The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Mayor and members of the City Council
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge & Commissioner(s)
- Major water users (such as industries and wholesale water users)
- Critical Water Users (such as hospitals)
- Parks/street superintendents and public facilities managers
- Texas Commission on Environmental Quality (TCEQ)
 - ❖ ***Note: TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed.***

10. Drought Stages, Best Management Practices Per Stage

A summary of water use reduction targets for each drought stage is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of drought is included below. During Stages 1, 2, and 3, requests for exceptions may be presented to the City Manager or designee.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%
Stage 1: Mild Water Shortage	<40%	5%
Stage 2: Moderate Water Shortage	<30%	10%
Stage 3: Critical Water Shortage	<20%	15%
Water Emergency		
Level 1	Not Applicable	25%
Level 2		50%

10.1. Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water with the water use conditions below.

Best Management Practices for Supply Management:

The City will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible. The City will prioritize sources of supply not impacted by drought conditions, when available, including interruptible supplies from Lake Texana during times when Lake Texana water level is at or above 43 feet mean sea level in accordance with Lavaca-Navidad River Authority (LNRA) contract. The City will actively promote educational messages in the media about how to reduce water use through conservation practices, and rules of the drought stages.

Water Use Conditions for Reducing Demand:

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to **once per week**.
- b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- c) All operations of the City of Rockport shall adhere to water use restrictions prescribed for Stage 1.
- d) Water smart techniques will be promoted by City leadership, City Council and City departments.

10.2. Stage 1 – Mild Water Shortage

Target: During Stage 1, achieve a 5% reduction in total daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

Under Stage 1, the City will:

- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- City crews (Water and other departments) begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.

- In addition to the restrictions outlined below, City departments will make every effort to conserve water, including no new landscaping installation, no filling of ponds, and reducing the use of City-owned ornamental fountains.
- Increase targeted outreach to high-consumption industrial and commercial customers to urge water use reductions.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - (a) Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - (b) When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
 - (c) When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - (d) Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - (e) Take shorter showers.
 - (f) You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - (g) When hand-washing dishes, never run water continuously.
 - (h) If you have a dishwasher appliance, use it only to wash full loads, and use the shortest cycle possible.
 - (i) Wash only full loads in your washing machine and use the shortest cycle possible.
 - (j) Repair leaks quickly.
 - (k) Clean outdoor surfaces with a broom, not a hose. Water during the cool part of the day, in the morning or evening.
 - (l) Do not over water in anticipation of a shortage. Soil cannot store extra water.

Water Use Conditions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
 - 1) Exceptions for this restriction may be permitted, upon review and approval by the City Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must display a prominent, legible sign stating, "*Water Well.*"
- b) No watering or irrigating of landscaped areas by hose-end sprinkler or automatic irrigation systems will be allowed between the hours of 10:00 a.m. and 6:00 p.m.

- to prevent evaporative loss.
- c) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from the City of Rockport.
- d) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes reclaimed water or a water source other than that provided through City of Rockport infrastructure, the facility shall not be subject to these regulations.
- e) The use of water to maintain the integrity of building foundations is limited to designated watering days.

10.3. Stage 2 – Moderate Water Shortage

Target: During Stage 2, achieve a 10% reduction in total daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - (a) Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - (b) When brushing your teeth, turn the water off while you are brushing. Use short bursts of water to clean your brush.
 - (c) When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - (d) Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - (e) You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - (f) When hand-washing dishes, never run water continuously.
 - (g) If you have a dishwasher appliance, use it only to wash full loads.
 - (h) Wash only full loads in your washing machine and use the shortest cycle possible.
 - (i) Fix leaks quickly.
 - (j) Clean outdoor surfaces with a broom, not a hose
 - (k) Do not overwater in anticipation of a shortage. Soil cannot store extra water

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

- a) Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems shall be limited to **once every other week**. The watering schedule will be determined by the City Manager or designee. Customers will be made aware

of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.

- Exceptions for this restriction may be permitted, upon review and approval by the City Manager or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must display a prominent, legible sign stating, *"Water Well."*
- b) The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes reclaimed water or a water source other than that provided through the City of Rockport infrastructure or done by means of hand-held hoses, or hand-held buckets.
- c) A person or entity who owns, leases or manages an outdoor swimming pool (including City-owned pools) shall begin preparation for Stage 3 requirement to have approximately 100 percent of the pool surface area covered when not in use.
- d) Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.
- e) Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash, is allowed on the designated Stage 2 watering day.

Optional Measures:

During Stage 2, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- a) The following surcharge will be added to a customer's water bill:
 - i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - v. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.4. Stage 3 – Critical Water Shortage

Target: During Stage 3, achieve a 15% or greater reduction in daily water with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the City will also do the following during Stage 3:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
 - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - When hand-washing dishes, never run water continuously.
 - If you have a dishwasher appliance, use it only to wash full loads.
 - Wash only full loads in your washing machine and use the shortest cycle possible.
 - Repair leaks quickly.
 - Clean outdoor surfaces with a broom, not a hose.
 - Do not overwater in anticipation of a shortage. Soil cannot store extra water.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- Irrigation of turf grass by any means shall be **prohibited at all times**.
- Drip irrigation for foundations and landscaped beds is allowed **every other week** on the designated watering schedule. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day.
- Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose (with a positive shutoff nozzle), a faucet-filled bucket, or a watering can of five (5) gallons or less.
- Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the City Manager or designee, for new plantings. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must display a prominent, legible sign stating, "**Water Well.**"
- Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash station, is allowed by hand, with a five (5) gallon bucket or less on the designated watering day.
- The filling, draining and refilling of an existing swimming pool, Jacuzzi and hot tubs is prohibited except to maintain structural integrity.
- A person or entity who owns, leases, or manages an outdoor swimming pool (including City-owned pools) shall have approximately 100% of the pool surface

area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted.

- Operators of water parks must seek approval from the City Manager or designee prior to the filling, refilling, or adding water to water parks.
- All fountains shall only operate to circulate water in order to maintain equipment.
- Hotels, motels, and other lodgings must offer and clearly notify guests of a “linen/towel change on request only” program.

Optional Measures:

During Stage 3, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

The following surcharge will be added to a customer's water bill:

- ii. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
- iii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iv. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- v. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- vi. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.5. Water Emergency

Level 1 Water Emergency

In the event that the triggering criteria specified in Section 8.2 – Level 1 Water Emergency of the DCP is met, City of Rockport City Manager, or designee is hereby authorized to implement pro-rata curtailment of water supplies to all customers in accordance with Texas Water Code §11.039. The initiation of pro-rata curtailment preparations shall begin during Stage 3.

Target: During a Level 1 Water Emergency, pro-rata curtailment will be required and may start at 5% or greater reduction of total water demand, depending on the forecasted water supply conditions. Surcharges and allocations are enforceable during a Water Emergency, as described in Section 11.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Implement a planned public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

- Contact large volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a Level 1 Water Emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of all landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- c) Associated uses of water not related to business processes which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Level 2 Water Emergency

Target: During a Level 2 Water Emergency, achieve the necessary reduction in daily water demand to meet minimum system pressure requirements with the below water use restrictions. In addition, during a Level 2 Water Emergency all requirements from a Level 1 Water Emergency may be authorized under this section. Surcharges and curtailments are enforceable during a Water Emergency, as described in Section 11.

During a water emergency such as a catastrophic failure of infrastructure or cross-connection contamination, the City shall implement all necessary measures to protect public health and safety.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Implement a public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a water emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of all landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- c) Associated uses of water not related to business processes which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Optional Measures:

During a Level 1 or Level 2 Water Emergency, the following measure is an optional water use restriction that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- a) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought stage shall be in effect.
- b) The following surcharge will be added to a customer's water bill:
 - i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - v. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

11. Surcharges for Drought Stages 2, 3, Water Emergency, and Service Measures

- a) General
 - 1) The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The City Council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.
 - 2) This section, and the surcharges and measures adopted herein are an exercise of the City's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
 - 3) *Following similar actions of the City of Corpus Christi and with prior Rockport City Council approval*, the City Manager or designee is authorized to determine trigger points or allocations and surcharges during Stages 2, 3, and 4 a Water Emergency.
 - 4) A customer may appeal a drought surcharge established under this Section to the City Manager or designee on grounds of unnecessary hardship, through the process outlined in Section 12.
 - 5) Drought surcharge funds will first be applied towards annual debt service as reflected in the City's operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to the City Council and used to increase debt service coverage ratio.

- b) During Stage 2 the following surcharge will be added to a customer's water bill:
- I. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
 - II. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - III. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - IV. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - V. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.
- c) During Stage 3 the following surcharge will be added to a customer's water bill:
- i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$6.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - v. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.
- d) During a Water Emergency, the following surcharge will be added to a customer's water bill:
- I. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
 - II. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - III. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - IV. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - V. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

12. Enforcement

- a) A violation under this article is a Class C misdemeanor. Any person that violates any provision of this article shall be subject to a fine of not more than five hundred dollars (\$500.00) per violation per day. The culpable mental state required by Section 6.02 of the Texas Penal Code is specifically negated and dispensed with and a violation of this article is a strict liability offense.
- b) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as hereinabove provided.
- c) If any person or a second person in the same household or premises is found guilty of a second violation of this article, City of Rockport shall be authorized to discontinue the water service to the premises where such violation occurs.
- d) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.
- e) Any person whose name is on file with the Utilities Billing Office as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation
- f) If any person fails to respond to a citation or summons issued for a violation of this article within the time allowed, upon receipt of notice from the director or a judge of the municipal courts, the City of Rockport is authorized to discontinue water service to the premises where such violation occurs.

13. Severability

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph, or section of this DCP shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this DCP, since the same would not have been enacted by the City without the incorporation into this DCP of any such unconstitutional phrase, clause, sentence, paragraph, or section.

14. Wholesale Drought Contingency Plan

14.1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for 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 City of Rockport (City) adopts the following Wholesale Drought Contingency Plan (the Plan).

14.2. Public and Wholesale Customer Involvement

The Plan was adopted under the open meetings requirement of the TCEQ during the [Date], City Council meeting. *Public and wholesale customers may contact the City at (361) 790-1160.*

14.3. Wholesale Water Customer Education

The City will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought measures to be implemented in each stage.

This information will be distributed by providing a copy of the Plan to each wholesale water customer.

14.4. Coordination with Regional Water Planning Groups

The water service area of the City of Rockport and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the City has provided a copy of the Plan to Region N.

The City of Corpus Christi shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. *Subsequently, the city will review and update, as appropriate, the DCP in the same manner.*

14.5. Authorization

The City Manager, or 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. Wholesale customers are subject to the Plan under their contracts with the City. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency measures as described in this Plan. The City Manager or designee shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

14.6. Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan (by either ordinance, resolution, or tariff) shall include language relating to the City of Rockport Water Conservation Plan and Drought Contingency Plan, adopted under [Ordinance] to impose similar restrictions, surcharges or rationing measures on their customers.

To the extent of its legal authority, the City of Rockport shall require its wholesale customers to implement outdoor watering restrictions similar to those of the City for each drought stage. The City requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

14.7. Triggering Criteria for Initiation and Termination of Drought Stages

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought stages will be made by email, mail, or telephone. The news media will also be informed by the City of Rockport.

The triggering criterion to be monitored for determining drought response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix A. The triggering criteria in this section are minimum standards for initiation and maximum standards for termination, and the City Manager, or designee, can initiate or terminate each stage when conditions warrant.

(a) Water Shortage Watch

Trigger for initiation: The City will recognize that a mild water shortage condition exists when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi have fallen below 50%.

Trigger for termination: The Water Shortage Watch may be terminated when the combined storage level of Choke Canyon Reservoir and Lake Corpus Christi increases above 50% for 15 consecutive calendar days.

(b) Stage 1– Mild Water Shortage

Trigger for initiation: The City will recognize that a mild water shortage watch exists when the combined storage levels of Choke Canyon and Lake Corpus Christi decline below 40%.

Trigger for termination: Stage 1 of the Plan may be rescinded when the combined storage level increases above 50%. The City will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1.

(c) Stage 2 – Moderate Water Shortage

Trigger for initiation: The City will recognize that a moderate water shortage condition exists when the combined storage levels decline below 30%.

Trigger for termination: Stage 2 of the Plan may be rescinded when the combined storage level increases above 40%. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 2.

(d) Stage 3 – Critical Water Shortage

Trigger for initiation: The City will recognize that a critical water shortage condition exists when the combined storage levels decline below 20%.

Trigger for termination: Stage 3 of the Plan may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 3.

(e) Water Emergency

Level 1 Water Emergency

Trigger for initiation: A Level 1 Water Emergency begins when the City Manager, or designee, determines that the City is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The City Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies such as the Inner Harbor Seawater Desalination Treatment Facility.

Trigger for termination: The Level 1 Water Emergency may be terminated when the City Manager, or designee, determines that the City's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation: A Level 2 Water Emergency begins when the City Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to.

- a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the City's water treatment facilities like O.N. Stevens or other critical re-pump stations; or
- b) Water production or distribution system limitations; or
- c) Natural or man-made contamination of the water supply source.

Trigger for termination: The Water Emergency may be terminated when the City Manager, or designee, deems it appropriate.

14.8. Drought Stages

The City Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that a mild, moderate, or critical, or a water emergency exists and shall implement best management practices accordingly.

For water contracts between the City and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each drought stage presented in the following table. Further discussion on best management practices and implementation practices associated with each stage is described below.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%

Stage 1: Mild Water Shortage	<40%	5%
Stage 2: Moderate Water Shortage	<30%	10%
Stage 3: Critical Water Shortage	<20%	15%
Water Emergency		
Level 1	Not Applicable	25%
Level 2		50%

Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will *voluntarily* coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from gates or outlet works.
- The City will encourage each wholesale water customer to utilize alternative water sources *voluntarily* such as interconnections with another water system, temporary use of a water supply other than from the City's system, or use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate voluntary measures to reduce water use.
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 1 – Mild Water Shortage

Target: Achieve a 5% reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to use reclaimed water for non-potable purposes.

Water Use Measures for Reducing Demand:

- The City Manager, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The City Manager, or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer's drought contingency plan).
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand,

projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40 % of its conservation pool volume, and that Stage 1 has been declared.
- The City will recommend that operators post information to the public regarding Stage 1 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Stage 2 – Moderate Water Shortage

Target: Achieve a 10% reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City's system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:

- The City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer's drought contingency plan).
- The City Manager, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in 16.9 of the Plan.
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30 % of its conservation pool volume, and that Stage 2 has been declared.
- The City will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Stage 3 – Critical Water Shortage

Target: Achieve a 15% reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from project gates.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City's system, use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer's drought contingency plan).
- The City Manager, or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20% of its conservation pool volume and that Stage 3 has been declared.
- The City will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Water Emergency

Whenever a Level 1 or Level 2 Water Emergency exists as defined in Section 16.7 of the Plan, the City Manager, or designee, shall:

- Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
- Contact the utility director or other responsible official of each wholesale water customer by telephone, email, or in person to provide information on severity of water supply and/or demand conditions and request that the wholesale water customer initiate mandatory measures to reduce water consumption as appropriate (e.g., notification of the public to reduce water use until service is restored).
- If appropriate, notify city, county, and/or state emergency response officials for assistance.

- Undertake necessary actions, including repairs and/or clean-up as needed.
- Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions

14.9. Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 16.7 of the Plan, the City Manager, or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to raw water and treated wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included 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 Texas Water Code §11.039.

- a. A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the San Patricio Municipal Water District's allocation to the City and the City Manager or designee's assessment of the severity of the water shortage and the need to curtail water diversions and deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro-rate allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.
- b. A monthly water usage allocation shall be established by the City Manager, or designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
- c. The City Manager or designee shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro-rate water allocation.
- d. Upon request of the raw water or wholesale treated water customer or at the initiative of the City Manager or designee, the allocation may be reduced or increased if:
 - a. The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage.
 - b. The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
 - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council of the City of Rockport.

14.10. Pro Rata Surcharges and Enforcement

During any period when pro-rate allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions:

- 2.0 times the normal water rate per unit in excess of the monthly allocation up through 5% above the monthly allocation.
- 2.5 times the normal water rate in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- 3.0 times the normal water rate in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- 3.5 times the normal water rate more than 15% above the monthly allocation.

14.11. Severability

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Plan 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 declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

14.12. Reservoir System Operating Plan

Because all of the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included.



APPENDIX A

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AN AGREED ORDER

Amending the operational procedures and continuing an Advisory Council pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214; Docket No. 2001-0230-WR

On April 4, 2001, came to be considered before the Texas Natural Resource Conservation Commission ("Commission") the Motion by the City of Corpus Christi and Nueces River Authority for the adoption of an amendment to the Agreed Order issued April 28, 1995, establishing operating procedures pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214, held by the City of Corpus Christi, the Nueces River Authority, and the City of Three Rivers" (the two cities and river authority shall be referred to herein as "Certificate Holders"). The Certificate Holders and the Executive Director of the Texas Natural Resource Conservation Commission have agreed to the provisions of this Agreed Order.

The City of Corpus Christi (managing entity) requests that Section 2 of this Agreed Order be amended to add further detail to the provisions regarding the use of water for bays and estuaries and to make changes in the required passage of inflows for the bays and estuaries automatic at 40 percent and 30 percent of total reservoir system capacity upon institution of mandatory outdoor watering restrictions. Additionally, Certificate Holders request the most recent bathymetric surveys be used for determining reservoir system storage capacity. The Certificate Holders request details be added regarding provisions for two projects to enhance/augment the amount of freshwater going into the receiving estuary and timelines for those projects.

After considering the proposals and the presentations of the parties, the Commission finds that it has authority to establish operational procedures under Special Condition 5.B. of Certificate of Adjudication No. 21-3214, and that operational procedures previously established should be amended. The Commission finds that, because of the need to continue to monitor the ecological environment and health of related living marine resources of the estuaries to assess the effectiveness of freshwater inflows provided by requirements contained in this Agreed Order relating to releases and spills from Choke Canyon Reservoir and Lake Corpus Christi (collectively referred to as the Reservoir System), as well as return flows, and to evaluate potential impacts which may occur to the reservoirs as well as to the availability of water to meet the needs of the Certificate Holders and their customers which may result from those operational procedures, the existing advisory council should be maintained to consider such additional information and related issues and to formulate recommendations for the Commission's review.

The Commission additionally finds that based on the preliminary application of the Texas Water Development Board's Mathematical Programming Optimization Model, (GRG-2), 138,000 acre-feet of fresh water is necessary to achieve maximum harvest in the Nueces Estuary; and, therefore, when water is impounded in the Lake Corpus Christi-Choke Canyon Reservoir System to the extent greater than 70 percent of the system's storage capacity, the delivery of 138,000

acre-feet of water to Nueces Bay and/or the Nueces Delta, by a combination of releases and spills, together with diversions and return flows noted below, should be accomplished; and that during periods when the reservoir system contains less than 70 percent storage capacity, reductions in releases and spills, along with diversions and return flows, are appropriate in that a satisfactory level of marine harvest will be sustained and the ecological health of the receiving estuaries will be maintained.

The Commission finds that return flows, other than to Nueces Bay and/or the Nueces Delta, that are delivered to Corpus Christi Bay and other receiving estuaries are currently in the assumed amount of 54,000 acre-feet per annum (per calendar year), and that they shall be credited at this amount until such time as it is shown that actual return flows to Corpus Christi Bay and other receiving estuaries exceed 54,000 acre-feet per annum.

The Commission finds that by contractual relationships, the City of Corpus Christi is the managing entity for operating the Reservoir System.

The Commission finds that the Motion by the City of Corpus Christi and Nueces River Authority to Amend this Agreed Order is reasonable and should be granted. Benefits of the proposed diversion project and operating changes will include increased water supply, increased reservoir storage levels, increased positive flow events for Rincon Bayou and the upper Nueces Delta, increased sources of nitrogen for the upper delta, and lower salinity levels in the upper delta.

When the Commission uses the word "release" in this Order, release means spills, inflow passage, intentional releases, and return flows; provided, however, under this Order no release from storage is required to meet conditions of this Order.

By consenting to the issuance of this Agreed Order, no party admits or denies any claim, nor waives with respect to any subsequent proceeding any interpretation or argument which may be contrary to the provisions of this Agreed Order.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION THAT:

1. a. The City of Corpus Christi, as operator of the Choke Canyon/Lake Corpus Christi reservoirs (the "Reservoir System"), shall provide not less than 151,000 acre-feet of water per annum (per calendar year) for the estuaries by a combination of releases and spills from the Reservoir System at Lake Corpus Christi Dam and return flows to Nueces and Corpus Christi Bays and other receiving estuaries (including such credits as may be appropriate for diversion of river flows and/or return flows to the Nueces Delta and/or Nueces Bay), as computed and to the extent provided for herein.
- b. When water impounded in the Reservoir System is greater than or equal to 70 percent of storage capacity, a target amount of 138,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from

the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreed Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follow:

January	2,500	July	6,500
February	2,500	August	6,500
March	3,500	September	28,500
April	3,500	October	20,000
May	25,500	November	9,000
June	25,500	December	4,500

It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts, as calculated in Subparagraph d.

- c. When water impounded in the Reservoir System is less than 70 percent but greater than or equal to 40 percent of storage capacity, a targeted amount of 97,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreed Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follows:

January	2,500	July	4,500
February	2,500	August	5,000
March	3,500	September	11,500
April	3,500	October	9,000
May	23,500	November	4,000
June	23,000	December	4,500

It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts as calculated in Subparagraph d.

- d. The amounts of water required in subparagraphs 1.b. and 1.c. will consist of return flows, and intentional diversions, as well as spills and releases from the Reservoir System as defined in this subparagraph. For purposes of compliance with monthly targeted amounts prescribed above, the spills and releases described in this paragraph shall be measured at the U.S. Geological Survey stream monitoring station on the Nueces River at Calallen, Texas (USGS Station No. 08211500). Any inflows, including measured wastewater effluent and rainfall runoff meeting lawful discharge standards which are intentionally diverted to the upper Nueces Delta region, shall be credited toward the total inflow amount delivered to Nueces Bay and/or the Nueces

Delta. Inflow passage from the Reservoir System for the purpose of compliance with the monthly targeted amounts prescribed in subparagraphs 1.b. and 1.c. shall in no case exceed the estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir. The estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir shall be computed as the sum of the flows measured at the U.S. Geological Survey (USGS) STREAMFLOW GAGING STATIONS ON THE Nueces River near Three Rivers (USGS No. 08210000), Frio River at Tilden, Texas (USGS No. 08206600), and San Miguel Creek near Tilden, Texas (USGS No. 08206700) less computed releases and spills from Choke Canyon Reservoir.

- e. The passage of inflow necessary to meet the monthly targeted allocations may be distributed over the calendar month in a manner to be determined by the City. Relief from the above requirements shall be available under subparagraphs (1) or (2) below and Section 2.(b) and 3.(c) at the option of the City of Corpus Christi. However, passage of inflow may only be reduced under one of those subparagraphs below, for any given month.
- (1) Inflows to Nueces Bay and/or the Nueces Delta in excess of the required monthly targeted amount may be credited for up to fifty (50) percent of the targeted requirement for the following month, based on the amount received.
- (2) When the mean salinity in Upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") for a 10-day period, ending at any time during the calendar month for which the reduction of the passage of inflow is sought, is below the SUB*, pass through of inflow from the reservoir system for that same calendar month may be reduced as follows:
 - (a) For any month other than May, June, September and October, if 5 parts per thousand (ppt) below the SUB for the month, a reduction of 25% of the current month's targeted Nueces Bay inflow;
 - (b) If 10 ppt below the SUB for the month, a reduction of 50 % of the current month's targeted Nueces Bay inflow except that credit under this provision is limited to 25 % during the months of May, June, September and October;

* "SUB" means "salinity upper bounds" as set forth more specifically in Section 3.b.

- (c) If 15 ppt below the SUB for that month, a reduction of 75% of the current month's targeted Nueces Bay inflow.

- f. The City of Corpus Christi shall submit monthly reports to the Commission containing daily inflow amounts provided to the Nueces Estuary in accordance with this Agreed Order through releases, spills, return flows and other freshwater inflows.
- 2.
- a. Certificate holders are to provide in any future contracts or any amendments, modifications or changes to existing contracts the condition that all wholesale customers and any subsequent wholesale customers shall develop and have in effect a water conservation and drought management plan consistent with Commission rule. The City of Corpus Christi shall solicit from its customers and report to the Commission annually the result of conservation under the City's plan, the customers' plans, and the feasibility of implementing conservation plans and programs for all users of water from the reservoir system. This report shall be submitted with the Certificate Holder's annual water use report as provided by 31 T.A.C. §295.202.
 - b. The Certificate Holders may reduce targeted Nueces Bay inflows during times of prolonged drought in accordance with this subparagraph 2.
 - (1) When the combined storage in the Choke Canyon/Lake Corpus Christi reservoir system (Reservoir System Storage) falls below 50% of the total system storage capacity, the City of Corpus Christi shall issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity. To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity.
 - (2) In any month when Reservoir System Storage is less than 40%, but equal to or greater than 30% of total system storage capacity, the City of Corpus Christi shall implement time of day outdoor watering restrictions and shall reduce targeted inflows to Nueces Bay to 1,200 acre-feet per month (1,200 acre-feet per month represents the quantity of water that is the median inflow into Lake Corpus Christi during the drought of record). Time of day outdoor watering restrictions prohibit lawn watering between the hours of 10:00 o'clock a.m. and 6:00 o'clock p.m. and are subject to additional conditions as described in the City of Corpus Christi's approved "Water Conservation and Drought Contingency Plan ("Plan")." To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to implement time of day outdoor watering restrictions similar to those of the City.

- (3) In any month when Reservoir System Storage is less than 30% of total system storage capacity, the City of Corpus Christi shall implement a lawn watering schedule in addition to time of day outdoor watering restrictions (see subparagraph 2.b.(2)) and shall suspend the passage of inflow from the Reservoir System for targeted inflows to Nueces Bay. However, return flows directed into Nueces Bay and/or the Nueces Delta shall continue. The lawn watering schedule shall allow customers to water lawns no oftener than every five days, subject to the time of day restrictions described in subparagraph 2.b.(2) and any additional conditions as described in the City's Plan.
 - (4) Certificate Holders' may implement whole or partial suspension of the passage of inflow through the reservoir as described above when the City implements, and requires its customers to implement, water conservation and drought management measures at diminished Reservoir System levels, as set forth in subparagraphs b.(2) and b.(3).
- c. For purposes of this Agreed Order, Reservoir System storage capacity shall be determined by the most recently completed bathymetric survey of each reservoir. As of 2001, completed bathymetric surveys of each reservoir reports conservation storage capacities of 695,271 acre-feet (below 220.5 feet mean sea level) for Choke Canyon Reservoir (Volumetric Survey of Choke Canyon Reservoir, TWDB September 23, 1993) and 241,241 acre-feet (below 94 feet mean sea level) for Lake Corpus Christi (Regional Water Supply Planning Study-Phase I Nueces River Basin, HDR, December, 1990).
- d. Percentage of the Reservoir System capacity shall be determined on a daily basis and shall govern, in part, the inflow to be passed through the reservoir during the remaining days of the month.
- e. Within the first ten days of each month, the City of Corpus Christi shall submit to the Commission a monthly report containing the daily capacity of the Reservoir System in percentages and mean sea levels as recorded for the previous month as well as reservoir surface areas and estimated inflows to Lake Corpus Christi assuming no impoundment of inflows at Choke Canyon Reservoir. The report shall indicate which gages or measuring devices were used to determine Reservoir System capacity and estimate inflows to Lake Corpus Christi.
- f. Concurrent with implementing subparagraphs 2.b.(1) through 2.b.(3), the City shall proceed to:
 - 1. Acquire land rights to properties necessary to re-open the Nueces River Overflow Channel and make the Nueces River Overflow Channel and Rincon Bayou Overflow Channel permanent features of the Rincon Bayou Diversion;

2. Construct and operate a conveyance facility to deliver up to 3,000 acre-feet per month of required Reservoir System "pass-throughs" directly from the Calallen Pool into the Upper Rincon Bayou by use of one or two of the five authorized points of diversion under Certificate of Adjudication No. 2464, being the existing San Patricio Municipal Water District point of diversion and/or a point on the North bank of the Calallen Pool located at Latitude 27.8823°N, Longitude 97.6254°W, also bearing S 27° 24' W, 4,739 feet from the southwest corner of the J.H.W. Ottman Survey, Abstract No. 212, San Patricio County, Texas, where the water will be pumped at the maximum rate of 45,000 gpm; and
 3. Implement an on-going monitoring and assessment program designed to facilitate an "adaptive management" program for freshwater inflows into the Nueces Estuary.
 4. Construction necessary to implement subparagraph 2.f.1. shall be accomplished by December 31, 2001 and work necessary to accomplish subparagraph 2.f.2. shall be accomplished by December 31, 2002.
 5. In the event the City fails to timely complete the work set forth in subparagraphs 2.f.1. and 2.f.2., this amendment shall automatically terminate and the provisions of the Agreed Order of April 28, 1995 shall be reinstated and become operative despite this amendment, unless the Executive Director grants a modification after considering the recommendations of the Nueces Estuary Advisory Council.
- g. The Executive Director is delegated authority to make modifications to subparagraph 2.f., after considering the recommendations of the Nueces Estuary Advisory Council. However, changes may be made through this process only with the City's consent if the changes result in increased costs to the City.
- If the Executive Director makes modifications to subparagraph 2.f. as authorized in this paragraph, any affected person may file with the chief clerk a motion for reconsideration of the Executive Director's action no later than 23 days after the date the Executive Director mails notice of the modification to the City. This motion shall be considered under the provisions of 30 Texas Administrative Code § 50.39(d) and (e).
- h. The City shall obtain all necessary permits from the Commission before beginning these projects. The deadlines set out above include time necessary to apply for, process and, if necessary, complete hearings on these permits.
3. a. The City of Corpus Christi, with the assistance and/or participation of federal, state and local entities, shall maintain a monitoring program to assess the effect of this

operating plan on Nueces Bay. The cornerstone of this program is the development of a salinity monitoring program. The program shall include at least two monitoring stations, one in upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") and one in mid Nueces Bay (Lat. 27°51'25", Long. 97°25'28") with the capability of providing continuous salinity and/or conductivity data, temperature, pH, and dissolved oxygen levels. Additional stations may be established at the recommendation of the Advisory Council (continued by paragraph 4 of this Agreed Order) to assess inflow effects throughout the estuarine system, but the City shall not be obligated to establish such additional stations except to the extent authorized by its City Council.

- b. The City of Corpus Christi or its designated representatives shall monitor salinity levels in Upper and Mid-Nueces Bay. The lower (SLB) and upper (SUB) salinity bounds (in parts per thousand-ppt) developed for application of the Texas Estuarine Mathematical Programming Model and considered appropriate for use herein, are as follows:

	SLB	SUB		SLB	SUB
January	5	30	July	2	25
February	5	30	August	2	25
March	5	30	September	5	20
April	5	30	October	5	30
May	1	20	November	5	30
June	1	20	December	5	30

- c. When the average salinity for the third week (the third week includes the seven days from the 15th through 21st) of any month is at or below the subsequent month's established SLB for upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52"), no releases from the Reservoir System to satisfy targeted Nueces Bay inflow mounts shall be required for that subsequent month.

- d. All data collected as a result of the monitoring program required by paragraph 3 of this Agreed Order shall be submitted monthly to the Commission within the first ten days of the immediately following month. The Nueces Estuary Advisory Council shall study the feasibility of developing a method of granting credits for inflows which exceed the required amounts to replace the credits that are set out in subparagraph 1.e.(1) and make recommendations to the Commission for possible implementation. That method shall have as its goal the maintenance of the proper ecological environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements.

4. a. To assist the Commission in monitoring implementation of this Order and making recommendations to the Commission relating to any changes to this Agreed Order and the establishment of future operating procedures, the Nueces Estuary Advisory

Council shall be continued. Its members shall include, but are not limited to a qualified representative chosen by each of the following entities or groups: the Executive Director of the Texas Natural Resource Conservation Commission, whose representative shall serve as chair; the Texas Water Development Board; the Texas Parks and Wildlife Department; the Texas Department of Health; the General Land Office; the holders of Certificate of Adjudication No. 21-3214 (the Cities of Corpus Christi and Three Rivers and the Nueces River Authority; the University of Texas Marine Science Institute; Texas A&M University - Corpus Christi; Save Lake Corpus Christi; Corpus Christi Chamber of Commerce; the City of Mathis; Coastal Bend Bays and Estuaries Program, Inc.; a commercial bay fishing group; a conservation group (e.g. the Sierra Club and the Coastal Bend Bays Foundation); wholesale water suppliers who are customers of the Certificate Holders (e.g., the South Texas Water Authority and the San Patricio Municipal Water District); the Port of Corpus Christi Authority; and a representative of industry. The representatives should have experience and knowledge relating to current or future water use and management or environmental and economic needs of the Coastal Bend area.

- b. No modification shall be made to this Order without the unanimous consent of the Certificate Holders, except to the extent provided by law.
- c. Matters to be studied by the Nueces Estuary Advisory Council and upon which the Executive Director shall certify recommendations to the Commission shall include, but are not limited to:
 - (1) the effectiveness of the inflow requirements contained in this Agreed Order on Nueces Estuary and any recommended changes;
 - (2) the effect of the releases from the Reservoir System upon the aquatic and wildlife habitat and other beneficial and recreational uses of Choke Canyon Reservoir and Lake Corpus Christi;
 - (3) the development and implementation of a short and long-term regional water management plan for the Coastal Bend Area;
 - (4) the salinity level to be applied in Paragraphs 1.e. and 3.c., at which targeted inflows in the subsequent month may be suspended;
 - (5) the feasibility of discharges at locations where the increased biological productivity justifies an inflow credit computed by multiplying the amount of discharge by a number greater than one; and development of a methodology for granting credits for inflows which exceed the required amount to replace the credits that are set out in subparagraph 1.e. That methodology shall have as its goal the maintenance of the proper ecological

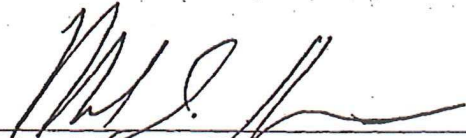
environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements; and,

(6) any other matter pertinent to the conditions contained in this Agreed Order.

5. This Agreed Order shall remain in effect until amended or superseded by the Commission.

Issued date: APR 05 2001

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION


Robert J. Huston, Chairman



APPENDIX B

OPERATIONS PLAN FOR THE
LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR SYSTEM

The following operations plan for the Lake Corpus Christi –Choke Canyon Reservoir water system provides for the two reservoirs to be operated as a regional water supply with primary purpose to be furnishings a dependable supply to the people in the Coastal Bend area. The plan also recognizes the need for the recreational facilities for public use and the Texas Water Commission adjudicated water permit which requires a minimum flow of 151,000 acre-feet of water annually to bays and estuaries from return flows, spills, or fresh water releases from Lake Corpus Christi once Choke Canyon Reservoir fills.

The Plan consists of four phases of operation depending on the water levels in the two reservoirs.

- PHASE I - This phase applies only to the initial filling period of Choke Canyon Reservoir. It is necessary that this reservoir be filled at the earliest opportunity so that all structures and mechanical equipment can be tested. Initial filling of the reservoir also triggers the requirement that minimal flows be made available for bays and estuaries.
1. During the initial period, only the releases requires required by agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department, varying between 15 and 33 cubic feet per second depending on the reservoir level, will be made unless Lake Corpus Christi elevation falls below elevation 86 feet.
 2. If water user demand is less than 200,000 acre-feet annually and Lake Corpus Christi is at elevation 86 feet, water will be released from Choke Canyon to maintain this elevation until Choke Canyon Reservoir falls to elevation 184 feet.
 3. When Lake Corpus Christi has fallen to elevation 86 feet and Choke Canyon has fallen to elevation 184 feet, Lake Corpus Christi will be allowed to drop to elevation 76 feet, at which time water will be released from Choke Canyon to allow user's intake structures at Lake Corpus Christi to be used.
 4. Should water user demand excess 200,000 acre-feet annually, the water level of Lake Corpus Christi will be allowed to drop to elevation 76 feet prior to releases from Choke Canyon Reservoir.
- PHASE II - This phase applies after Choke Canyon Reservoir is filled and water user demand is less than 150,000 acre-feet annually.
1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between City of Corpus Christi and the Texas Parks and Wildlife Department.

2. Whenever Lake Corpus Christi water surface falls to elevation 88 feet and Choke Canyon Reservoir surface elevation is above 204 feet, releases will be made from Choke Canyon Reservoir to maintain Lake Corpus Christi surface at elevation 88 feet.
3. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet and Choke Canyon Reservoir surface elevation is below 204 feet, the Choke Canyon release for the current month is made equal to the Lake Corpus Christi release from the preceding month. This minimizes drawdown at Lake Corpus Christi for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

PHASE III - This phase applies after Choke Canyon Reservoir is filled and water user demand is between 150,000 and 200,000 acre-feet annually. During this period, water release plan prepared by the Bureau of Reclamation will be followed to produce a dependable yield of 252,000 acre-feet.

1. A minimum of 200,000 acre-feet per month will be releases from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.
2. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet, and the ratio of Choke Canyon Reservoir content to Lake Corpus Christi content (both at the end of the preceding month) exceeds the corresponding ratio with 6-foot drawdown at both reservoirs, the Choke Canyon Reservoir release for the current month is made equal to the Lake Corpus Christi release during the preceding month. This equalizes drawdown at the two reservoirs for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

PHASE IV - This phase applies after Choke Canyon Reservoir is filled, water user demand exceeds 200,000 acre-feet annually, and developed long-term supply is less than 300,000 acre-feet annually.

1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.
2. In order to provide maximum dependable yield from the two reservoirs, the water level in Lake Corpus Christi will be allowed to drop top elevation 74.0 feet (Ordinance Changed #022661) before water is released from Choke Canyon Reservoir in excess of the 2,000 acre-feet per month requirement. When the elevation of Choke Canyon Reservoir drops to 155 feet, Lake Corpus Christi will be lowered to its minimum elevation.

LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR STATISTICAL DATA

	<u>Capacity, Acre-Feet*</u>	<u>Water Elevation When Full, Feet</u>	<u>Minimum Functional Elevation, Feet</u>
Lake Corpus Christi	272,000	94.0	76.0
Choke Canyon Reservoir	692,000	220.5	147.5

Intake Structure Elevations of Customers Withdrawing Water Directly from Lake Corpus Christi:

	<u>Elevation, Feet</u>
City of Mathis	73.0
Beeville Water Authority	74.0
Alice Water Authority	67.0
City of Corpus Christi	55.0

Annual Lake Corpus Christi Withdrawals:

<u>Fiscal Year</u>	<u>Total Withdrawn From Lake, Acre-Feet</u>
1975-76	86,416
1976-77	86,408
1977-78	101,596
1978-79	96,029
1979-80	106,851
1980-81	104,657
1981-82	107,002
1982-83	107,348
1983-84	119,701
1984-85	90,226
1985-86	105,469

* 1 acre-foot = 325,850 gallons