AGENDA
LAVACA REGIONAL WATER PLANNING GROUP
PRE-PLANNING MEETING AND REGULAR MEETING
OCTOBER 19, 2026 – 12:00 P.M.

A meeting of the Lavaca Regional Water Planning Group will be held on Monday, October 19, 2026, at 12:00 p.m. at the Main Office of the Lavaca-Navidad River Authority Office Complex, Building A, 4631 FM 3131, located approximately seven (7) miles East of Edna.

For questions or additional information, contract Patrick Brzozowski, LRWPG Secretary, at (361) 782-5229 or pbrzozowski@lnra.org.

You may access the meeting through audio/video conferencing: https://tinyurl.com/re68ndac

1. Open meeting.

2. Pre-Planning Meeting Items:

    A. Presentation on Lavaca Region background and initial Scope of Work.

    B. Receive public input and comments on issues that should be addressed or provisions that should be included in the 2031 Regional Water Plan and 2032 State Water Plan.

    C. Discuss potential process and consider a course of action for conducting interregional coordination regarding water management strategies and related activities during development of the 2031 Regional Water Plan.

    D. Consider the identification of water management strategies which may create opportunities for collaboration and cooperation with other Planning Regions

3. Receive public comments.

4. Consider approval of meeting minutes of July 13, 2026, and act as necessary.

5. Consider nominations for new voting members and act as necessary.

6. Receive update from Texas Water Development Board (TWDB) Project Manager and act as necessary.

7. Receive update from Texana Groundwater Conservation District (TGWCD) General Manager and act as necessary.

8. Discuss and consider review of Lavaca Regional Water Planning Group Bylaws and act as necessary.

9. Receive update and accept LNRA's revised Drought Contingency Plan and act as necessary.

10. Discuss and schedule future meeting dates and act as necessary.

11. Receive public comments.

12. Adjourn.

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AGENDA ITEM NO. 2

PRE-PLANNING MEETING

JAIME BURKE,
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Agenda:

A. Presentation on Lavaca Region background and initial Scope of Work

B. Receive public input and comments on issues that should be addressed or provisions that should be included in the 2031 Regional Water Plan and 2032 State Water Plan.

C. Discuss potential process and consider a course of action for conducting interregional coordination regarding water management strategies and related activities during development of the 2031 Regional Water Plan.

D. Consider the identification of water management strategies which may create opportunities for collaboration and cooperation with other Planning Regions

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AGENDA ITEM NO. 2A

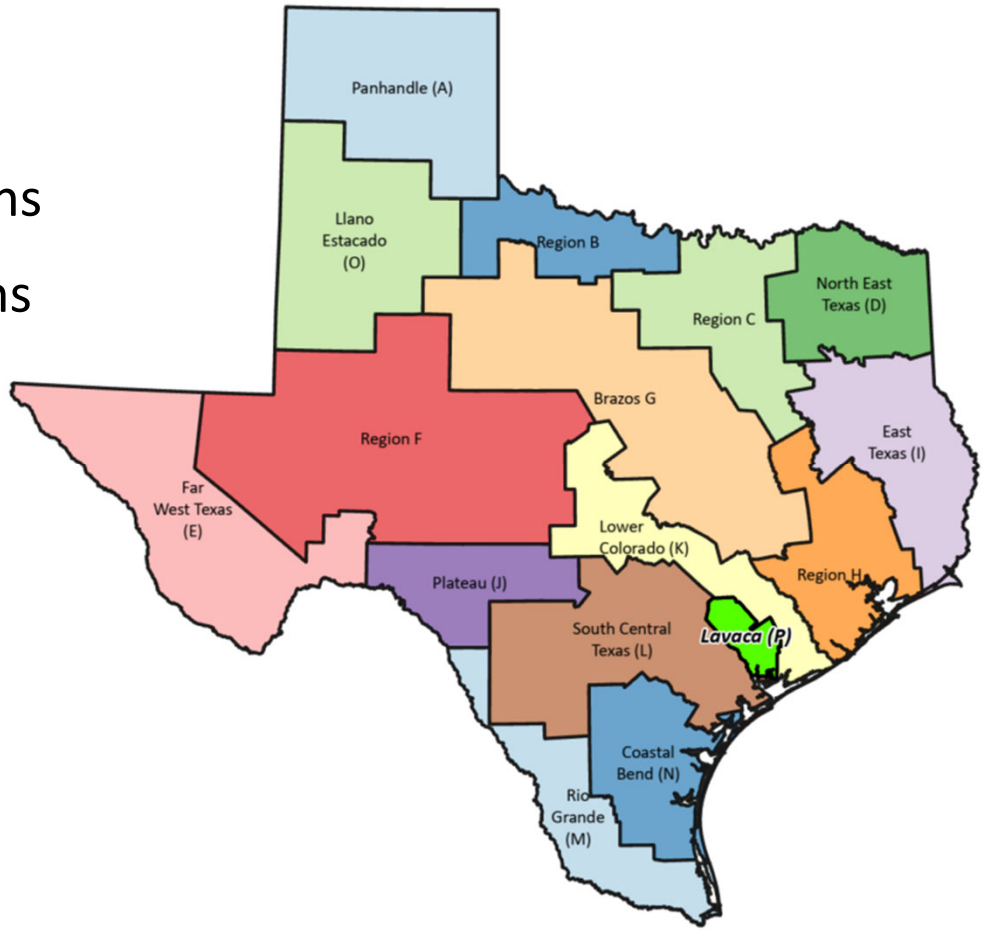
Presentation on Lavaca Region background and initial Scope of Work

A History of Regional Water Planning in Texas

- First initiated under Senate Bill 1 of 75th Legislature in 1997
- In response to:
  - Drought
  - Population growth
  - Limits of existing water supplies
- "Bottom Up" approach to water planning
- Administered by Texas Water Development Board (TWDB)
- First Regional Water Plan submitted in 2001, with updates every five years following.

A History of Regional Water Planning in Texas

- 16 Regions
- Designated with consideration for:
  - Watershed and aquifer delineations
  - Water utility development patterns
  - Socioeconomic characteristics
  - Existing regional water planning areas
  - Political subdivision boundaries
  - Public comment
- Routinely up for review



A History of Regional Water Planning in Texas

About the Plans…

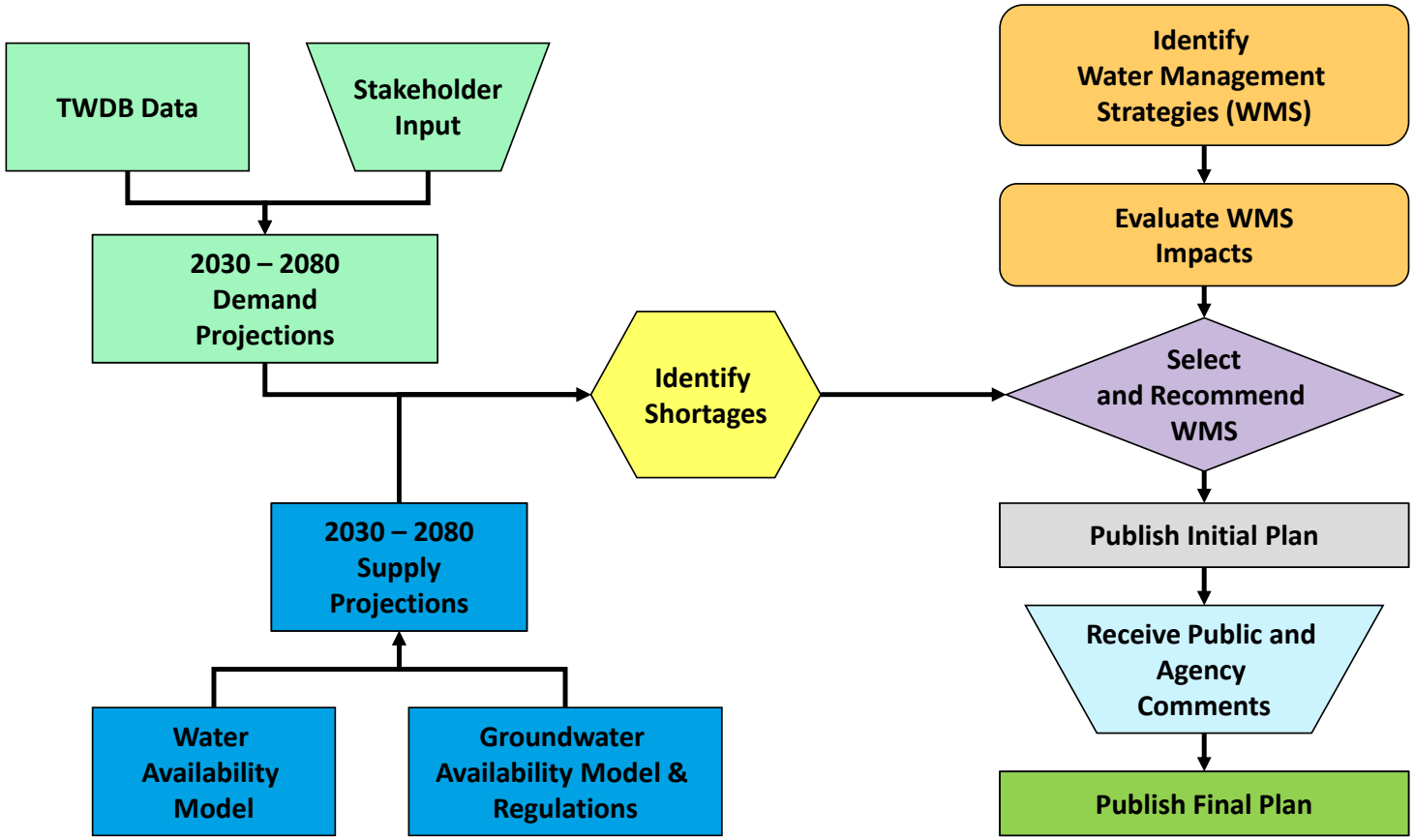
"The regional water plan shall provide for the orderly development, management, and conservation of water resources, and preparation for and response to drought conditions…"

- Texas Administrative Code

Study and consider:

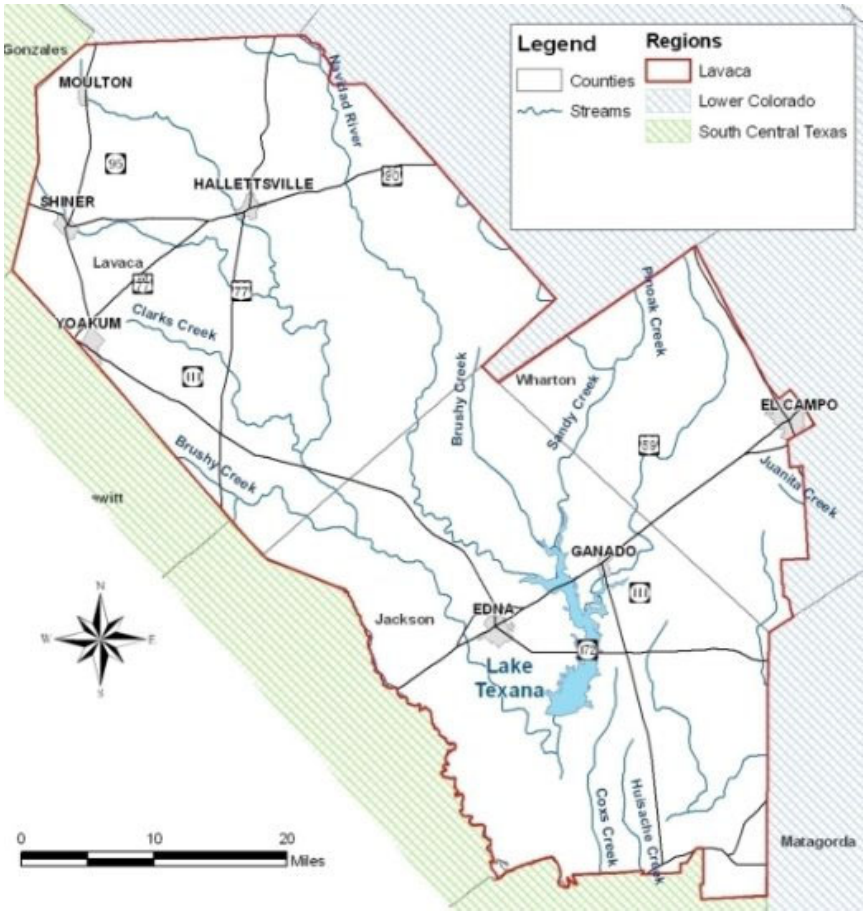
- Population and demand growth
- Drought of Record water supply projections
  - A Drought of Record is "the period of time when historical records indicate that natural hydrological conditions would have provided the least amount of water supply." -TAC Title 31, Part 10, Chapter 357, Subchapter A, Rule 357.10
- Impacts of water management strategies
- Financial cost
- Environmental, agricultural, and socioeconomic impacts

A History of Regional Water Planning in Texas



A Lavaca Regional Water Planning Area

- Jackson and Lavaca Counties, portion of Wharton County
- One major aquifer
  - Gulf Coast Aquifer System
- One river basin
  - Lavaca
- Two coastal basins
  - Colorado-Lavaca
  - Lavaca-Guadalupe
- Lake Texana
- Nine municipal utilities plus County-Other in each county (in 2026 Plan)



A Lavaca Regional Water Planning Area

Very distinctive characteristics

- Major surface water provider to other Regions
- Low population and municipal demand
- High agricultural groundwater demand
- Major rice-producing region

Designation as a separate region helps protect local interests

A Preliminary Schedule – Initial Scope of Work

Tasks 2A, 2B, and 10 (partially) are funded by the TWDB under the Initial Scope of Work. The remaining tasks would be included in Future Scopes of Work and are contingent upon funding from the Texas legislature.

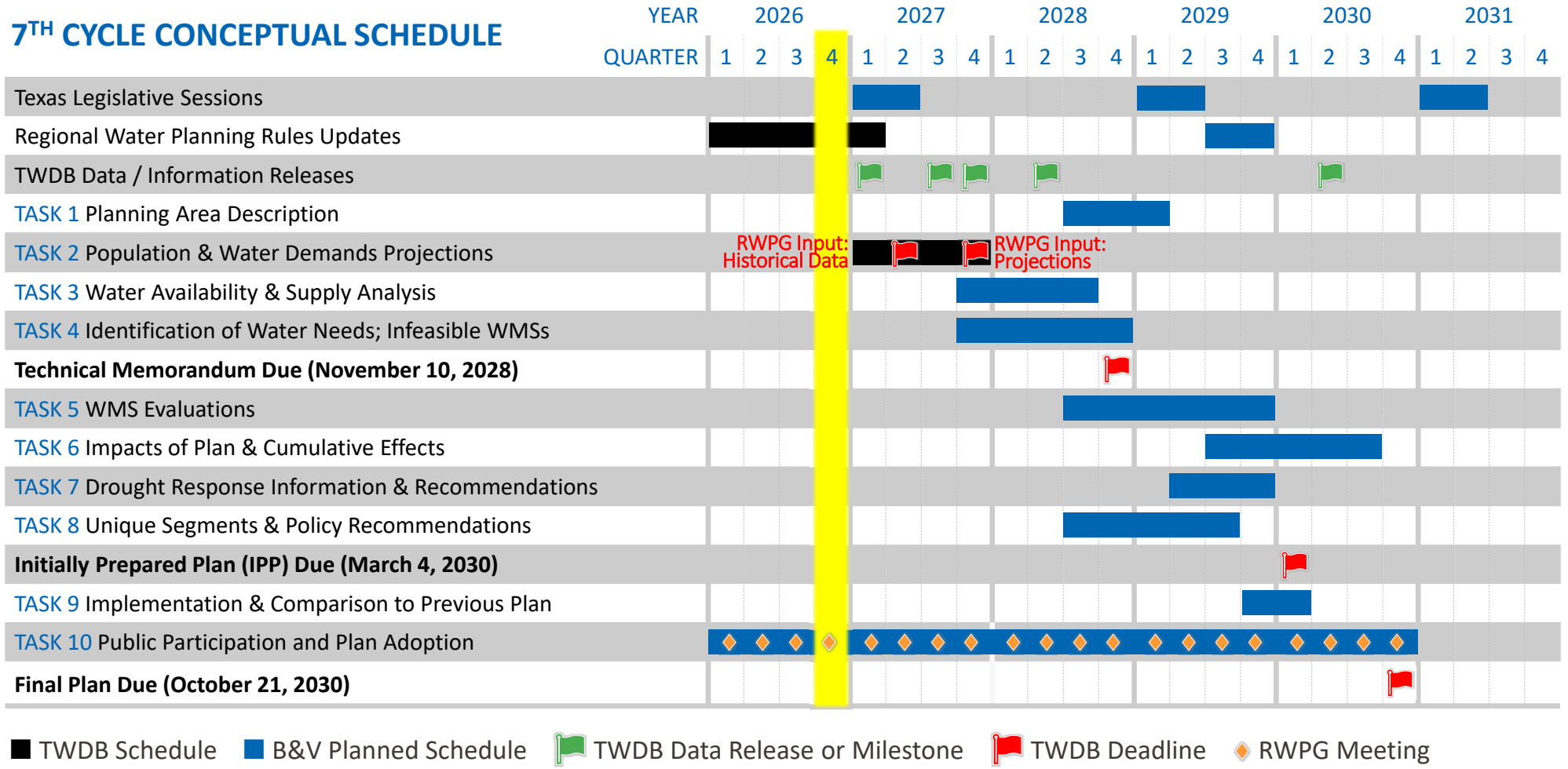
Task and Description	Anticipated Schedule
Task 2A – Non-Municipal Water Demand Projections	Mar. 2027 to Dec. 2027
Task 2B – Population and Municipal Water Demand Projections	Jan. 2027 to Dec. 2027
Task 10 – Public Participation and Plan Adoption	Sep. 2026 to Nov. 2030

A Preliminary Schedule – Initial Scope of Work

Anticipated Date	Responsibility	Activity
Jan. 2027	TWDB	**Release Data:** Municipal water user group (WUG) list, gallons per capita daily (GPCD), and historical population and water use data
Mar. 2027	TWDB	**Release Data:** Draft non-municipal demand projections
Apr. 2027	RWPG	**Review and Provide Feedback:** Municipal WUG list, GPCD, and historical population and water use data
Jul. 2027	TWDB	**Release Data:** Draft population and municipal demand projections
Nov. / Dec. 2027	RWPG	**Review and Provide Feedback:** Draft population projections, and municipal and non-municipal demand projections
Apr. 2028	TWDB	Board adopts projections

A Preliminary Schedule

7TH CYCLE CONCEPTUAL SCHEDULE



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AGENDA ITEM NO. 2B

Receive public input and comments on issues that should be addressed or provisions that should be included in the 2031 Regional Water Plan and 2032 State Water Plan.

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AGENDA ITEM NO. 2C

Discuss potential process and consider a course of action for conducting interregional coordination regarding water management strategies and related activities during development of the 2031 Regional Water Plan.

C Interregional Coordination on Water Management Strategies

RWPGs must include a deliberate discussion on how the planning group will conduct interregional coordination and collaboration regarding water management strategies during development of the 2026 Regional Water Plans.

- When to start coordination?
- Who might be responsible for initiating?
- How often should coordination take place?
- Coordination if there are no interregional water management strategies involved?

C Consider Course of Action for Interregional Coordination

The RWPG may begin discussing a course of action for coordinating with the other RWPG(s). Actions may include but are not limited to

- forming a committee to meet with neighboring RWPG(s) or their representatives,
- authorizing RWPG administrators or planning group consultants to meet with neighboring regions or their representatives,
- utilizing RWPG liaisons and project sponsors to gather water management strategy information, meet with other liaisons from potentially affected regions, and report back to their planning group.

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AGENDA ITEM NO. 2D

Consider the identification of water management strategies (WMS) which may create opportunities for collaboration and cooperation with other Planning Regions

D Identification of Potential Interregional WMS

2026 Lavaca Regional Water Plan

- No recommended strategies that involve multiple regions.
- LNRA has recommended strategies and alternative strategies that potentially could be used to provide water supply to other regions, but they have not been specifically identified as such in the plan.

For the 2031 Plan

- Anticipated WMS at this time that may involve multiple regions?
- Coordinate with neighboring regions to determine if they anticipate to meet needs using water from the Lavaca Region?

Region P Update October 19, 2026

Regional Water Planning
2027 State Water Plan Milestones

- **August 21, 2026:** Draft Amended State Water Plan published; Public comment period began
- **September 24, 2026:** Public hearing held for draft Amended State Water Plan
- **September 25, 2026:** Public comment period closed
- **December 3, 2026:** Amended State Water Plan to be considered by TWDB Board

Region P Update October 19, 2026

2031 Regional Water Plans – Population and Water Demand Projections

- **Early Spring 2027 (Jan/Feb):** Anticipated release of Water User Group (WUG) Lists
- **March 2027:** Anticipated release of non-municipal water demand projections
- **June/July 2027:** Anticipated release of population and municipal water demand projections
- **December 2027**: Submittal of revised final projections to TWDB for review/adoption
  - TWDB Board consideration of population and water demand projections in **April 2028**

Region P Update October 19, 2026

GENERAL UPDATES

RWP Grant Contracts have been executed between TWDB and RWPG sponsors

RWP Technical Stakeholder Meetings

- **October 27, 2026**
- **November 16, 2026**

RWP Chairs, Technical Consultants, TWDB Staff

Interregional Planning Council nominations – Summer 2027
(Pending legislative session activities/charges)

Region P Update October 19, 2026

FUNDING OPPORTUNITIES

Texas Water Supply Corporations (TWSC) Grant Opportunity

- **Deadline to apply: January 13, 2027**

For Water Supply Corporations serving existing residential customers
One-time 100% grant funding

Additional information and application materials:
https://www.twdb.texas.gov/financial/programs/TWSCG/index.asp

Planning Questions?

Michele Foss
michele.foss@twdb.texas.gov

Stay connected:

Lavaca Regional Water Planning Group Bylaws

Revised 05 14 12

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ARTICLE I. NAMES

Section 1. Organization

The official name of this organization shall be the "Lavaca Regional Water Planning Group" (hereinafter "Lavaca RWPG").

Section 2. Regional Water Planning Area

The official name of the regional water planning area designated as Region P by the Texas Water Development Board (hereinafter TWDB) in accordance with 31 Texas Administrative Code (hereinafter TAC) Chapter 357 on February 19, 1998, shall be the Lavaca Regional Water Planning Group.

ARTICLE II.ESTABLISHMENT AND PURPOSE

The Lavaca RWPG was established by appointment of an initial coordinating body by the TWDB on February 19, 1998, and any subsequent additional appointments by the initial coordinating body. The purpose of the Lavaca RWPG shall be to provide comprehensive regional water planning and to carry out the related responsibilities placed on regional water planning groups by state law, including Texas Water Code Chapter 16 and TWDB rules, including 31 TAC Chapters 355, 357, and 358, in and for the Lavaca RWPG.

ARTICLE III.PRINCIPAL ADMINISTRATIVE OFFICE

The principal administrative office of the Lavaca RWPG shall be the principal business offices of the Lavaca-Navidad River Authority. The administrative officer of the Lavaca RWPG for purposes of the Texas Open Records Act shall be the General Manager of the Lavaca-Navidad River Authority. The Chair of the Lavaca RWPG shall insure that the mailing address and physical address of the principal office and administrative officer are provided to all members of the Lavaca RWPG and the Executive Administrator of the TWDB.

ARTICLE IV.RESPONSIBILITIES

The Lavaca RWPG shall have the responsibility for performing the functions defined in Texas Water Code, Chapter 16 and in 31 TAC Chapters 355, 357, and 358 related to regional water planning groups. Foremost among those responsibilities shall be the development of a regional water plan for the Lavaca RWPG that identifies both short and long-term water supply needs and recommends water management strategies for addressing them.

ARTICLE V.VOTING MEMBERSHIP

Section 1. Composition

The initial voting members of the Lavaca RWPG shall include the initial coordinating body appointed by the TWDB on February 19, 1998, plus the additional voting members appointed by the initial coordinating body to ensure adequate representation of the interests comprising the Lavaca RWPG stated in Texas Water Code §16.053(c), if present, and other interests determined by the Lavaca RWPG. Thereafter, the voting membership of the Lavaca RWPG shall include persons added or removed as provided under this Article and any 31 TAC §357.4(g)(4) member selected for voting membership under Article VI.

Section 2. Terms of Office

Following the initial two-year term of membership ending on September 30, 2001, members may commit to serve additional terms. Members will notify the Chairman and Secretary of the Lavaca RWPG within thirty days prior to the expiration of their term if they do or do not plan to continue serving as a member.

Section 3. Conditions of Membership

In order to be eligible for voting membership on the Lavaca RWPG, a person must represent the interest for which a member is sought, be willing to participate in the regional water planning process and abide by these bylaws.

Section 4. Selection of Members

No later than thirty calendar days prior to the expiration of a voting member's term, or within forty-five calendar days of the removal of a voting member, the Executive Committee shall recommend a nominee to the voting membership as a whole, giving strong consideration to a consensus nominee from those individuals and entities that collectively represent that interest. The Executive Committee may consider any person who meets the conditions of membership as a nominee. The voting membership as a whole shall not be bound by the recommendation of the Executive Committee and may consider any person who meets the conditions of membership as a nominee.

The voting members shall attempt to make a decision for a successor by consensus of at least two-thirds of the voting members. If efforts to reach consensus fail, the Chair shall call for a vote on a nominee. An affirmative vote of two-thirds of the total voting membership of the Lavaca RWPG shall be required to appoint a nominee as a new voting member. If voting fails to select a new voting member, the voting members shall consider other nominations until a new member can be selected by consensus or affirmative vote of two-thirds of the voting membership.

At the initial meeting, the voting members may add additional voting and nonvoting group members by not less than two-thirds consensus vote. In addition to selecting new voting members to fill vacancies caused by removal or

the expiration of a term, the voting members may add members to ensure adequate representation of the interests comprising the Lavaca RWPG by generally utilizing the selection process set forth in this section. If such a new member is added, the existing voting members shall determine by consensus, but not less than agreement of two-thirds of the voting membership, the exact applicability of the membership term provisions and restrictions to the new member at the time of the new members selection.

In both the consideration of nominees and the selection of new voting members, the Executive Committee and other voting members shall strive to achieve geographic, ethnic, and gender diversity.

Outgoing voting members shall be given the opportunity to participate fully in the selection process for their successors and shall serve until their successors take office. However, no member shall participate in a vote in which he or she is a nominee.

Because initial members continue to serve for additional terms of five years at the end of their initial terms as set forth under Section 2 of this Article, this Section 4 shall not apply to the regular expiration of the initial terms of the initial members; however, this section shall apply to the selection of a successor for a removed voting member during the initial terms.

Section 5. Attendance

All members shall make a good faith effort to attend all Lavaca RWPG meetings and hearings. Records of attendance shall be kept by the Secretary at all Lavaca RWPG meetings and hearings and presented as part of the minutes. Voting members of the Lavaca RWPG that have recorded absences from three consecutive meetings and/or hearings, or at least one-half of the sum of all meetings and hearings in the preceding twelve months, may be subject to removal from membership under Section 7 of this Article. The Chair shall excuse an absence if it is made known to the Chair prior to the beginning of the meeting or hearing that the absence is related to one of the following with supporting documentation made available to the Chair: personal illness, family emergency, or jury or military duty. An excused absence will not be recorded as an absence. Under Article VII, Designated Alternates, a member may designate an alternate to attend in his or her absence.

Section 6. Code of Conduct

Members of the Lavaca RWPG shall ethically conduct the business of the Lavaca RWPG and shall avoid any form or appearance of a conflict of interest, real or apparent, by observing the following:

(a) No member of the Lavaca RWPG shall:
    (1) Solicit or accept gratuities, favors, or anything of monetary value from suppliers or potential suppliers of services, materials, or equipment,

including subcontractors under recipient contracts; or

(2) Participate in the selection, award, or administration of a procurement where the member or designated alternate has a financial or other substantive interest in the organization being considered for award. Such conflict may be due to any of the following having a financial or familial relationship with the organization:

i) the member;
ii) the member's family;
iii) the member's business partner(s); or
iv) a person or organization that employs, or is about to employ, any of the persons listed in (i)-(iii), above.

(3) Participate in any deliberation, decision, or vote that would constitute a conflict of interest under federal, state, or local law.

(b) Potential conflicts of interest shall be clearly stated by the voting member prior to any deliberation or action on an agenda item with which the voting member may be in conflict. Where the potential conflict is restricted to a divisible portion of an agenda item, the Chair may divide the agenda item into parts, at the Chair's discretion, for deliberation and voting purposes. An abstention from participation in deliberations, decisions, or voting and the reasons therefor shall be noted in the minutes.

Section 7. Removal of Voting Members

(a) Grounds for Removal of Voting Members. The following shall constitute grounds for removal of a voting member:

(1) engaging in excessive absenteeism as defined under Section 5 of this Article;
(2) death;
(3) resignation;
(4) failure to abide by the code of conduct provisions set forth under Section 6 of this Article;
(5) appointment of a successor by the voting members upon expiration of the member's term;
(6) change in status so that the member no longer represents the interest he or she was selected to represent;
(7) falsifying documents;
(8) any other serious violation of these bylaws as may be determined by the voting members.

(b) Process for Removing Voting Members. Voting members may be removed at any time for any of the grounds for removal of voting members set forth in subsection (a) of this section. Any member with knowledge or suspicion that a voting member has engaged in acts or that events have occurred constituting a ground for removal under subsection (a) of this section shall report such information or suspicion to the Chair. The Chair, upon discovering or receiving such information, shall make a written request to that member for an explanation as to why he or she should not be removed from voting membership. The

member shall make written response to the Chair within fifteen calendar days from the date of receipt of the Chair's request. Within five calendar days of receipt of the member's response, the Chair shall forward copies of the response to the voting members. If the Chair continues to suspect that a ground for removal may exist, if the member fails to make a timely response to the Chair's request, or if a voting member requests its inclusion on the agenda after reviewing the written response from the accused member, the Chair shall place an item on the next subsequent meeting agenda calling for the removal of the member. At the meeting, the member subject to the possible removal action may present evidence of why he or she should not be removed. The voting members may remove the member by consensus, but not less than agreement of two-thirds of the voting membership. The member subject to the removal action shall not participate in any way in the removal decision, nor shall his or her membership count as part of the total voting membership for purposes of calculating a two-thirds vote.

ARTICLE VI.NON-VOTING MEMBERSHIP

Section 1. Mandatory Members

(a) The voting members of the Lavaca RWPG shall add the non-voting members set forth in 31 TAC §357.4(g) (1) -(g)(3) and accept the designees appointed by the entities set forth therein. Such designees shall have no terms of office and shall serve until replaced by the designating entity. However, if the voting members decide by consensus, but not less than agreement of two-thirds of the voting membership, that a particular designee is hindering the regional water planning efforts of the Lavaca RWPG, the Chair shall make a written request within ten calendar days to the entity requesting the designation of another person to serve as the entity's designee.

(b) The voting members of the Lavaca RWPG shall add at least one non-voting member as set forth in 31 TAC §357.4(g)(4). Any entity eligible for membership as a non-voting member shall under this section be contacted and requested to designate that entity's non-voting nominee.

Once selected, a 31 TAC §357.4(g)(4) non-voting member shall have no term of office and shall serve until removed by the voting members by consensus, but not less than agreement of two-thirds of the voting membership.

Section 2. Discretionary Members

The voting members of the Lavaca RWPG may add or remove as a non-voting member an entity set forth in 31 TAC §357.4(h) by two-thirds vote of the voting membership. If an entity is added, the Chair shall make a written request within ten calendar days to the entity requesting the designation of a person to serve as the entity's designee. Such designees shall have no terms of office and shall serve until replaced by the designating entity or until the entity is removed as a non-voting member. However, if the voting members determine by a two-thirds

vote of the voting membership that a particular designee is hindering the regional water planning efforts of the Lavaca RWPG and that the entity should remain as a non-voting member, the Chair shall make a written request within ten calendar days to the entity requesting the designation of another person to serve as the entity's designee.

Section 3. Code of Conduct

All non-voting members shall comply with the code of conduct provisions under Section 6 of Article V of these bylaws.

ARTICLE VII.DESIGNATED ALTERNATES

Each member may designate an alternate to represent him/her when he/she is unable to attend a meeting or hearing. Alternates selection will be approved by the members by virtue of consensus. A member desiring to appoint an alternate will prove a general written bio to the Chair, showing the alternates connection with the interest group being presented.

Each member must notify the Chair in writing of the name and address of the member's designated alternate at least twenty-four hours prior to the meeting or hearing at which the designated alternate will appear on behalf of the member. If the member fails to provide such notice, the Chair may forbid the participation of the designated alternate at the meeting or hearing. The Chair shall not recognize the designation of more than one alternate per member at any given time. The Chair shall not recognize more than two alternate designations of any kind per member per calendar year unless the RWPG expressly decides to waive this provision.

The designated alternate shall enjoy the same voting privileges, or lack thereof, and shall be bound by the same duties, terms, and conditions as the member they represent, except as otherwise provided in these bylaws. However, a designated alternate for a voting member who serves as an officer shall not be allowed to serve in the capacity as an officer in the member's absence.

The Chair shall provide each member with a current list of all members and their designated alternates.

ARTICLE VIII.OFFICERS

Section 1. Officers, Restrictions, and Terms of Office

Voting members of the Lavaca RWPG shall select from the voting membership a Chair, Vice Chair, and Secretary to serve as officers. Each officer shall serve a term of one calendar year. However, the terms of the initial officers selected under Section 2 of this Article shall expire when the regular officers take office as provided under this Article. Except as provided under Section 4 of this Article, an officer shall serve until his or her successor takes office. Elections

shall be held annually, with no restrictions on the number of consecutive terms an individual may serve as an officer other than those that apply because of his or her status as a voting member under these bylaws.

Section 2. Selection

(a) Initial Officers. Within fourteen days after the adoption of these bylaws, the voting members shall select initial officers. Nominations shall be made from the floor by voting members. The voting members shall select officers from among the nominees by consensus, but not less than agreement of two-thirds of the voting members present.

(b) Regular Officers. Regular officers shall be selected at the first meeting of each calendar year after the calendar year in which these bylaws were adopted. Written notice of the meeting to select officers shall be provided to all members of the Lavaca RWPG by the current Secretary at least five calendar days prior to the meeting. Nominations shall be made from the floor by voting members. The voting members shall select officers from among the nominees by consensus, but not less than agreement of two-thirds of the voting members present.

Section 3. Removal of Officers

Any officer may be removed from office for any of the grounds for removal of voting members set forth under Article V of these bylaws, or for repeated failure to carry out the duties of the office, by a consensus, but not less than agreement of two-thirds of the voting members present. Removal of an officer shall be set as an agenda item at the next scheduled meeting upon written request signed by five voting members to the Chair or Secretary. The Chair or Secretary receiving the request shall notify the officer in writing that he or she shall be subject to a removal action at the next scheduled meeting. At the meeting, the officer subject to the possible removal action may present evidence of why he or she should not be removed. If the Chair is the subject of the possible removal action, the Vice-Chair shall preside over the meeting during the agenda item concerning the Chair's removal. The officer subject to the removal action shall not participate in any way in the removal decision, nor shall his or her membership count as part of the total membership for purposes of calculating a two-thirds vote. The notice of the meeting shall be posted in accordance with the Open Meetings Act and shall state that the issue of possibly removing the officer will be on the agenda. Any vacancy caused by the removal shall be filled as provided under Section 4 of this Article.

Section 4. Vacancies of Officers

Whenever an officer vacancy exists because of death, resignation, or removal, the vacancy shall be filled at the next meeting of the Lavaca RWPG. Nominations shall be made from the floor by voting members. The voting members shall select a replacement officer from among the nominees by consensus, but not less than agreement of two-thirds of the voting members present. The next highest ranking officer shall serve in the vacant position until a successor takes office,

unless the office of the Secretary becomes vacant, in which case the Chair shall appoint a willing voting member to serve as Secretary until the successor to the Secretary takes office. The person selected to fill a vacancy for an officer shall serve for the unexpired term of his or her predecessor in office.

Section 5. Duties of Each Officer

(a) Chair. The Chair shall be the executive officer of the Lavaca RWPG. The Chair will preside at all meetings of the Lavaca RWPG and perform all duties provided by these bylaws. If the Chair is unable to carry out his/her duties, the Vice Chair shall assume the duties of the Chair.

(b) Vice Chair. The Vice Chair shall assist the Chair in the discharge of his/her duties and, in the absence of the Chair, shall assume the Chair's full responsibilities and duties. In the event the Chair is unable to carry out his/her duties, the Vice Chair shall serve as Chair until the Lavaca RWPG elects a new Chair under Section 4 of this Article. The Vice-Chair shall perform other duties as assigned by the Chair, or these bylaws.

(c) Secretary. The Secretary shall maintain the minutes and take attendance of the Lavaca RWPG meetings. The minutes and attendance shall be kept as part of the Lavaca RWPG official records. The Secretary shall ensure that all notices are properly posted as provided in the bylaws, as required by law, and as required by the Texas Open Meetings Act. The Secretary shall perform other duties as assigned by the Chair or these bylaws. If the both the Chair and Vice Chair are unable to carry out the duties of the Chair, the Secretary shall assume the duties of the Chair.

(d) All officers shall retain voting status in the Group.

Section 6. Executive Committee

The Executive Committee shall be composed of seven Lavaca RWPG members, including the Chair, Vice Chair, Secretary, and four members-at-large. The four members-at-large shall be selected annually in the same manner and with the same terms as set forth for the selection of officers under this Article. Members-at-large shall be removed and their vacancies filled in the manner prescribed for officers under this Article.

The Executive Committee shall be responsible for carrying out the duties imposed on it in these bylaws. The voting members of the Lavaca RWPG may delegate any administrative decisions to the Executive Committee unless provided otherwise in these bylaws.

All meetings of the Executive Committee shall comply with the provisions related to meetings generally as set forth in Article IX of these bylaws.

Section 7. Absence of Officers

When an officer is absent or otherwise unable to serve, the next highest-ranking officer shall serve for the officer. If no lower ranking officer exists or can serve, then a member designated by the Chair or acting Chair shall serve for the officer. A designated alternate of a member serving as an officer (which includes Executive Committee members) shall not serve in the member's capacity as an officer in lieu of members.

ARTICLE IX.MEETINGS

Section 1. Open Meetings and Notice

All meetings of the Lavaca RWPG, its committees and/or sub-groups, shall be posted and open to the public in the manner of a governmental body under the Texas Open Meetings Act and as set forth in TWDB rules. All actions of the Lavaca RWPG shall be deliberated and undertaken in open meeting, unless otherwise authorized by the Texas Open Meetings Act. The time and place of meetings shall be set to facilitate, to the greatest extent possible, the participation of the public in the regional water planning process. Materials presented or discussed shall be made available for public inspection prior to and following any meeting of Lavaca RWPG.

Section 2. Regular Meetings

The Secretary shall ensure that an advance notice and an agenda for regular meetings will be provided to the full membership of the Lavaca RWPG at least five calendar days in advance by first class U.S. Mail, facsimile, or electronic mail. Supporting information and member-requested materials shall be distributed to the full membership with the notice and agenda or at the meeting, as deemed appropriate by the Chair. An agenda item of each meeting shall be to determine the next meeting date.

Section 3. Called (Special) Meetings

The Chair or one-third of the voting members of the Lavaca RWPG may call special meetings of the Lavaca RWPG. The Secretary shall ensure that advance notice and an agenda for the called meeting is provided to the full membership of the Lavaca RWPG at least five calendar days in advance by first class U.S. Mail, facsimile, or electronic mail. Supporting information and member-requested materials shall be distributed to the full membership with the notice and agenda or at the meeting, as deemed appropriate by the Chair.

Section 4. Agenda

The Secretary of the Lavaca RWPG shall ensure that an agenda is prepared and distributed for all meetings, in accordance with Sections 2 and 3 of this Article. Items shall be placed on the agenda by the request of the Chair or by the request of at least three voting members of the Lavaca RWPG. Consideration for approval of the previous meeting's minutes and receiving public comment, as applicable, shall always be among the first items on the agenda. Copies of the agenda and supporting information shall be made available for public inspection prior to and following any meeting of the Lavaca RWPG.

Section 5. Quorum

A quorum of the Lavaca RWPG shall be a simple majority of the voting members excluding vacancies. At least a quorum shall be necessary to conduct any business of the Lavaca RWPG.

Section 6. Applicability of Robert's Rules of Order

Except as otherwise provided in these bylaws, meetings of the Lavaca RWPG shall be conducted under the provisions of the most current edition of *Robert's Rules of Order*. However, failure to follow such rules shall not constitute grounds for appeal of an action or a decision of the Lavaca RWPG.

Section 7. Public Hearings/Meetings Required By Law

The Lavaca RWPG shall post notice and conduct public hearings and public meetings that are specifically required by statute and/or TWDB rule, including those set forth for preplanning, draft regional water plan presentation, adoption of amendments to the regional water plan, and final regional water plan adoption, in accordance with the requirements of the relevant state law and/or TWDB rules.

Section 8. Minutes

(a) The Secretary shall ensure that minutes of all meetings of the Lavaca RWPG are prepared. The minutes shall:

(1) indicate those members in attendance, noting the presence of a quorum, and noting the presence of those members of the public who participate in the course of the meeting;
(2) state the subject of each deliberation;
(3) indicate each vote, order, decision, or other action taken;
(4) represent an accurate summary of the meeting's record; and state any other information required by these bylaws to be included in the minutes.

(b) The Secretary shall ensure that true copies of the minutes are provided to the full membership as soon as possible following the meeting, but no later than five calendar days prior to the next regular meeting of the Lavaca RWPG.

ARTICLE X.MAKING DECISIONS

Section 1. Applicability; No Written Proxies

(a) Unless the method for making a particular decision is set forth in these bylaws, the Lavaca RWPG, its committees, and subgroups shall make all decisions utilizing the process set forth in Section 2 of this Article.

(b) Written proxies shall not be allowed in any decision-making by the Lavaca RWPG, its committees, or its subgroups. Because it is important in achieving consensus for all members to participate actively, keep up-to-date on the progress of the group, and develop a common base of information, members shall in good faith attempt to minimize the number of times they are absent from meetings.

Section 2. Decision-Making Process

(a) Use of Consensus. The Lavaca RWPG shall attempt to make decisions using a consensus decision-making process. Consensus is an agreement built by identifying and exploring all members' interests and by assembling a package agreement which satisfies these interests to the greatest extent possible. A consensus is reached when all voting members agree that their major interests have been taken into consideration and addressed in a satisfactory manner so that they can support the decision of the group. The process of building consensus involves the development of alternatives and the assessment of the impacts of those alternatives.

Consensus does not necessarily mean unanimity. Some members may strongly endorse a particular solution while others may accept it as a workable agreement. A member can participate in the consensus without embracing each element of the agreement with the same fervor as other members, or necessarily having each of his or her interests satisfied to the fullest extent. In a consensus agreement, the members recognize that, given the combination of gains and trade-offs in the decision package and given the current circumstances and alternative options, the resulting agreement is the best one the voting members can make at this time.

(b) Failure to Reach Consensus.If after good faith negotiations it appears likely to the Chair that the voting members will be unable to reach consensus, the Chair shall entertain a motion to put the issue to a vote to be conclusively decided by a majority of the voting members.

Section 3. Final Adoption of Regional Water Plan; Amendments

The voting members of the Lavaca RWPG shall finally adopt the regional water plan for the Lavaca RWPG, and any amendments thereto by consensus, but not less than agreement of two-thirds of the voting membership.

ARTICLE XI.BOOKS AND RECORDS

Section 1. Required Documents And Retainment

Records of the Lavaca RWPG, including: a current membership list with addresses, affiliations, and phone numbers, if not unlisted; the current roster of officers; a copy of the written record of designation of the political subdivision(s) as representative(s) of the Lavaca RWPG; minutes; agendas; notices; contracts, subcontracts, annual financial statements, and any and all financial records and supporting information; bylaws; records of public hearing; correspondence; memoranda; phone logs; committee or subgroup recommendations or findings; draft and final plans; studies; data of any sort; computer records or models; executive summaries; other work products; and any other pertinent information of a public nature shall be kept at the principal office of the Lavaca RWPG for a

period of at least five years.

Section 2. Inspection And Copying

Records of the Lavaca RWPG shall be available for inspection and copying at the principal place of business of the representative political subdivision during normal business hours. Procedures and fees for copying and inspection shall be the same as those used by the political subdivision housing the principal office of the Lavaca RWPG for inspection and copying of its own public records.

Section 3. Availability of Reports

All reports, planning documents, and work products resulting from projects funded by the TWDB shall be made available to the TWDB, the Texas Parks and Wildlife Department, and the Texas Natural Resource Conservation Commission or their successor agencies. At least one copy of the approved regional water plan shall be placed in the county clerk's office for each county and in at least one public library of each county having land within the Lavaca RWPG, in accordance with state law.

ARTICLE XII.COMMITTEES

Section 1. Establishment

The Lavaca RWPG may by motion establish committees and subgroups to assist and advise the Lavaca RWPG in the development of the regional water management plan. The committee or subgroup may be formed to address specific issues assigned by the Lavaca RWPG and may have a specified term of membership.

Section 2. Membership

Membership in the committees and subgroups shall generally follow the requirements and procedures of Article V of these bylaws; membership of the committees and subgroups should be inclusive, rather than exclusive in nature; the interests identified in the initial coordinating body will be invited to participate, as well as other interests that have been identified. Appointment to committees or subgroups shall be made by consensus, but not less than agreement of two-thirds of the voting membership. The terms of office for all members of committees and subgroups shall be one year or the expiration of their term of office, or upon mutual agreement of the committee member, the committee, and the Chair.

Section 3. Officers

At the first Committee meeting following the first Group meeting each year, the Chair, Vice-chair, and Secretary of a committee or subgroup established by the Lavaca RWPG shall be selected from the duly-elected members of the respective committee or subgroup. The Chair, Vice Chair, and Secretary of the committee or subgroup established by the Lavaca RWPG shall be elected to their respective

offices by a majority affirmative vote of the members of the committee or subgroup. Additional committee or subgroup officers with associated responsibilities may be created as necessary by a majority affirmative vote of the members of the committee or subgroup. The additional officers shall be elected by a majority affirmative vote of the members of the committee or subgroup.

Section 4. Meetings

Requirements and procedures for committee or subgroup meetings shall follow those established in Article IX of these bylaws, including requirements for notice. Committees or subgroups may adopt their own rules of procedure, if authorized by the Lavaca RWPG and the rules are not in conflict with state law, TWDB rules, or these bylaws.

Section 5. Books And Records

Requirements and procedures for committee or subgroup books and records shall follow those established for the Lavaca RWPG in Article XI of these bylaws.

Section 6. Code of Conduct

Members of a committee or subgroup are subject to the requirements of Article V, Section 6 of these bylaws.

ARTICLE XIII.COMPENSATION

Members of the Lavaca RWPG are not to be compensated for their expenses by the State of Texas. All travel expenses will be documented by the members and submitted to the political subdivision designated by the Lavaca RWPG to apply to TWDB for funding. The political subdivision contracting with the TWDB for the Lavaca RWPG shall compile the travel information from the members, which will be counted as an in-kind expense at the state rate that is in effect at the time the travel occurred.

ARTICLE XIV.COST ALLOCATION

The voting members of the Lavaca RWPG shall develop and approve an equitable method or formula for the allocation of costs associated with the local match for state funding.

ARTICLE XV.CONTRACTUAL SERVICES

The voting members of the Lavaca RWPG shall make all decisions related to final approval of persons or entities selected by an eligible applicant to provide contractual services for the Lavaca RWPG, including all services related to preparation, development, or revisions of the regional water plan for the Lavaca RWPG. However, the voting members may delegate to the Executive Committee the authority to make all administrative decisions concerning amendments to TWDB Research and Planning Fund grant contracts for services

related to regional water planning, except those decisions concerning amendments related to scopes of work and budgets.

ARTICLE XVI.ADOPTING AND AMENDING THE BYLAWS

These bylaws shall have full force and effect upon approval and adoption by the voting members of the Lavaca RWPG, acting on behalf of the interests comprising the Lavaca RWPG, and upon submission to the TWDB in compliance with 31 TAC §357.4. The voting members shall adopt these bylaws and any amendments thereto by consensus, but not less than agreement of two-thirds of the voting membership.

ARTICLE XVII.RESOLUTION ADOPTING BYLAWS

WHEREAS, no bylaws have been adopted governing the conduct of the internal affairs of the Lavaca RWPG; and

WHEREAS, the set of bylaws presented to this meeting are suitable for the purpose and their adoption is in the best interests of the Lavaca RWPG; it is, therefore,

RESOLVED, that the members of the Lavaca RWPG this 14th day of May, 2012, approve and adopt the bylaws presented to this meeting of members as the bylaws of the Lavaca RWPG; and it is

FURTHER RESOLVED, that the bylaws be authenticated as such by the Secretary of the Lavaca RWPG and placed in its minute book, and that a full and true copy of the bylaws, certified by the Secretary, be kept at the principal office of the Lavaca RWPG for inspection by members or the public at all reasonable times during business hours.

May 14, 2012

_____
Patrick Brzozowski, Secretary

LAVACA-NAVIDAD RIVER AUTHORITY

DROUGHT CONTINGENCY PLAN

August 2026

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INTRODUCTION

Droughts and other uncontrollable circumstances can disrupt the normal availability of water supplies from either ground or surface sources. Natural limitations of the supply of either ground or surface water, or limitations on facilities to pump, treat, store or distribute water can present a public water supply utility with an emergency demand management situation.

During drought periods, consumer demand is typically 15 to 25 percent higher than under normal conditions. Most often, this additional demand is a direct result of the irrigation of lawns but may be created by leaks caused by a shift in the drying soils surrounding distribution systems.

The 75th Texas Legislature enacted Senate Bill1, which directed the State to take a regional approach to water planning. One of the provisions of the legislation required the Texas Commission on Environmental quality (TCEQ) to adopt rules requiring wholesale and retail public water suppliers to develop water conservation and drought contingency plans (DCP). The amended Title 30, Texas Administrative Code, Chapter 288 became effective on December 6, 2012. The next revision of the drought contingency plans for retail public water suppliers serving 3,300 or more connections, wholesale public water suppliers, and irrigation districts must be submitted no later than May1, 2014, and every five years thereafter to coincide with the regional water planning group process. Any new or revised plans must be submitted to the TCEQ within 90 days of adoption by the governing body of the entity.

The DCP establishes temporary methods designed to be used during an emergency situation or other short water supply events exist. The purpose of the DCP is to specify how LNRA will manage stored water supplies during a repetition of the critical drought of record for Texas from 1950 to 1957. Most recently the extreme drought conditions experienced from September 14, 2011 to February 5, 2012 when the Lake Texana elevation fell to 30.38 msl on January 9, 2012, left the reservoir with 38.83% capacity. Consistent with Texas Commission on Environmental Quality (TCEQ) regulations, the LNRA has recommended that, as appropriate, its wholesale water customers consider adoption of drought contingency measures to be implemented in response to LNRA trigger conditions. As a provision of their respective water supply contracts, all LNRA customers will have drought contingency plans on file with the TCEQ.

The Lavaca-Navidad River Authority (LNRA), as a water right holder and wholesale water supplier, is required to submit a Water Conservation and Drought Contingency Plan to the TCEQ and the Texas Water Development Board (TWDB). The Texas Legislature created the Jackson County Flood Control District on May 27, 1949 to manage the flood waters of the Lavaca and Navidad Rivers. The name was changed to the Lavaca-Navidad River Authority in August, 1959. The “Palmetto Bend Project” was approved by Congress in 1968 to provide a dependable municipal and industrial water supply for the area. It was a cooperative water resource project between the LNRA, TWDB and the United States Bureau of Reclamation (USBOR). LNRA

was the local sponsor responsible for operations and maintenance and became sole owner of the project in 2002.

SECTION I DECLARATION OF POLICY, PURPOSE, AND INTENT

LNRA contracts raw water to its customers. In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction, or inability to supply water due to equipment failure, LNRA may require water customers to institute temporary restrictions to limit non-essential water usage. The purpose of the DCP is to encourage a reduction of water use in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority. LNRA may require plan updates from time to time in accordance with changes in state law or LNRA rules.

SECTION II WHOLESALE WATER CUSTOMER EDUCATION

LNRA will periodically provide wholesale water customers with information about this drought contingency plan, including the importance of the plan, information about the conditions under which each stage of the plan is to be initiated, processes to reduce water usage, and impending or current drought conditions.

Drought plan information will be provided by means of: *meetings with staff, website, and/or information sheets available on site.*

SECTION III INITIATION AND TERMINATION OF RESPONSE STAGES

LNRA's General Manager will be responsible for the initiation and termination of drought response stages based on the triggering criteria set forth in this plan.

Triggering Criteria for Initiation and Termination of Drought Response Stages

(1) STAGE 1 – Mild Water Shortage Condition One

A. **Requirements for Initiation:** Stage 1 will be initiated when one or a combination of such triggering criteria occurs:
- Reservoir Conservation Pool elevation equal to or less than 43.00 feet msl; and/or
- Upon notification from LNRA that it is implementing Trigger I of the LNRA DCP.

B. **Requirements for termination:** LNRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LNRA DCP.

(2) STAGE 2 – Moderate Water shortage Condition Two

A. **Requirements for Initiation:** Stage 2 will be initiated when one or a combination of such triggering criteria occurs:
- Reservoir Conservation Pool elevation equal to or less than 40.23 feet msl; with a capacity of 78.18% and/or
- Upon notification from LNRA that it is implementing Trigger II of the LNRA DCP.

B. **Requirements for termination:** LNRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LNRA DCP.

(3) STAGE 3 – Severe Water Shortage Condition Three

A. **Requirements for Initiation:** Stage 3 will be initiated when one or a combination of such triggering criteria occurs:
- Reservoir Conservation Pool elevation equal to or less than 34.09 feet msl, with a capacity of 50% in accordance with the LNRA DCP; and/or
- The LNRA Board declares a drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies; and
- Upon notification from LNRA that it is implementing Stage 3 of the LNRA DCP.

B. **Requirements for Termination**: LNRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LNRA DCP.

(4) STAGE 4 – Critical Water Shortage Condition Four

A. **Requirements for Initiation:** Stage 4 will be initiated when one or a combination of such triggering criteria occurs:
- Natural or man-made contamination of the water supply source;
- Natural or otherwise catastrophic event causing failure or damage to the operating structures rendering these inoperable, or causing emergency evacuation of the reservoir; and/or
- Any other emergency water supply or demand conditions that the LNRA General Manager or the LNRA Board determines that either constitutes a water supply emergency or is associated with the LNRA Board declaration of a drought worse than the drought of record.

B. **Requirements for Termination:** LNRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LNRA DCP.

SECTION IV DROUGHT RESPONSE MEASURES

The following contingency measures should be taken as trigger conditions are met. As a wholesale water supplier, the LNRA continuously monitors Lake Texana water levels and communicates with its wholesale water customers as to the condition of surface water supplies in the Lavaca River Basin.

(1) STAGE 1 – Mild Water Shortage Condition One

A trigger condition has been established by an agreement between the LNRA and specified water rights permit holders upstream of Lake Texana that use surface water for irrigation purposes. According to that certain Compromise Settlement Agreement, diversions for irrigation purposes upstream of Lake Texana are limited to times that Lake Texana is at or above elevation 43.00 msl. Prior to initiating diversions, permittees must confirm the level of Lake Texana with either the LNRA or the TCEQ South Texas Watermaster. Diversions must cease within 24 hours following the time when the reservoir level drops below elevation 43.00 msl.

A. **Target:** The water use reduction under Stage 1 should equate to a 50% reduction of the use of surface water that would have occurred in the absence of this drought contingency measure.

B. **Water Use Reduction Response Measures:**

- Notify the TCEQ Watermaster of reservoir conditions.
- Watermaster will notify water rights permit holders upstream of Lake Texana of reservoir conditions.
- Inform public, giving notice of reservoir conditions to the customers served by LNRA.

(2) STAGE 2 – Moderate Water Shortage Condition Two

A trigger condition has been established by an agreement between LNRA, Texas Parks and Wildlife Department and Texas Water Development Board. Accordingly, upon Lake Texana reaching a conservation pool elevation of 78.18% of the reservoir capacity or roughly elevation 40.23 feet msl, as calculated per periodic reservoir volumetric surveys, LNRA will reduce the volume of freshwater releases to the local bays and estuaries to the historical subsistence flow of five (5) cubic feet per second.

A. **Target:** The water use reduction under Stage 2 should equate to a 5% reduction of the surface water use that would have occurred in the absence of drought contingency measures.

B. **Water Use Reduction Response Measures**

- Notify the TCEQ Watermaster of reservoir conditions.
- Notify TPWD of reservoir conditions and change in B&E release schedule.
- Inform public, giving notice of reservoir condition to the customers served by LNRA and include in the information recommendations for water conservation.

(3) STAGE 3 – Severe Water Shortage Condition Three – Severe Local Drought

A trigger condition has been established by virtue of LNRA's reservoir refilling guidelines as defined by LNRA's Standard Operation Procedures that have been developed for Lake Texana.

Lower reservoir pool elevations will impact LNRA's ability to divert water from Lake Texana. Generally, upon reaching 50% capacity, the remaining water shall be divided among the water customers in accordance with Texas Water Code §11.039. LNRA will plan for up to a 50% reduction of the surface water use that would have occurred in the absence of drought contingency measures.

A. **Target:** Upon reaching Stage 3, LNRA will implement the following relevant actions as the reservoir condition declines. Suggested pro-rata water reductions are shown in Table 3.0.

Reservoir Storage Capacity	Reservoir Elevation	Pro-Rata Water Use Reduction
50%	34.09	10%
40%	31.33	20%
30%	28.10	35%
20%	24.27	50%
10%	19.33	--%

Table 3.0
Pro-rata Water Use Reductions during Periods of Shortage and/or Drought

B. **Water Use Reduction Response Measures:**

- Notify the TCEQ Watermaster of reservoir conditions.
- Notify the TCEQ Dam Safety Team of reservoir conditions.
- Notify LNRA water customers giving notice of reservoir conditions and current delivery volume.
- Implement a pro rata reduction of water deliveries to all municipal and industrial water customers as shown in table 3.0. The volume of water to be delivered from the remaining water supply stored in Lake Texana will be established for each customer and will be based on LNRA's record of the average daily volume of water diverted from Lake Texana and delivered to the customer(s) over the proceeding twelve (12) month period.
- Through the news media, the public should be advised by the customers of the trigger condition. Include in the information to the public an advisement of the mandatory reduction and that water users conserve water.

Modifications to the percentage of pro rata water reductions will occur as the reservoir elevation rises or falls. Resumption of normal operation and termination of water supply reductions will occur when reservoir levels are equal to or greater than elevation 34.09 feet msl.

(4) STAGE 4 – Emergency Water Conditions

A. **Target:** Water supply reduction target as determined by the LNRA Board and Management.

B. **Water Use Reduction Response Measures:**

- Notify the TCEQ Watermaster of reservoir conditions.
- Notify the TCEQ Dam Safety Team of reservoir conditions.
- Notify LNRA water customers giving notice of reservoir condition and current delivery volume.
- Dependent on the nature of the event causing the Emergency Condition, LNRA will advise its water customers throughout the event.

- Through the news media, the public should be advised by the customers of the trigger condition. Include in the information to the public an advisement of the mandatory reduction and that water users conserve water.

SECTION V INFORMATION

Once trigger conditions have been reached for the LNRA system, LNRA will notify the TCEQ Watermaster and its customers, whereby customers should notify the public within their jurisdictions of conditions and conservation measures to be taken. The process for notifying the public should include:

a. Posting the Notice of Drought conditions at City Hall, County Courthouse, Post Office, Public Library, Senior Citizens Center and Major Supermarkets;
b. Copy of notice to newspapers and hold press conferences;
c. Copy of notice to local radio and television stations; and
d. Post notice on their respective websites.

SECTION VI TERMINATION NOTIFICATION

Termination of the drought contingency measures should take place when the trigger conditions that initiated the drought contingency measure have subsided, and an emergency situation no longer exists.

LNRA will notify the TCEQ Watermaster and its customers. Customers should notify the public within their jurisdiction of termination of the drought contingency measures in the same manner they were informed of initiation of the drought contingency measures through the city officials in charge.

SECTION VII LNRA ENVIRONMENTAL ASSURANCE PROGRAM

LNRA participates in the TCEQ sponsored Texas Clean Rivers Program, conducting water quality assessments of the Lavaca River Basin. The purpose of the water quality assessment is to identify issues affecting water quality in the Lavaca River Basin, and to develop solution techniques for improving water quality. The assessment program is divided into two phases. LNRA's Clean Rivers Program involves collecting, reviewing, and analyzing past and present water quality data, addressing public opinion, and identifying areas of potential pollution. The program has required the implementation of a comprehensive data management system, the establishment of a water quality monitoring network, and the identification of specific water quality concerns throughout the Lavaca River Basin. LNRA is providing water quality and water conservation information to citizens throughout the Lavaca River Basin as a means of

public education. The LNRA Clean Rivers Program will assist in the protection of the water resources in the Lavaca River Basin.

SECTION VIII PUBLIC INVOLVEMENT AND CUSTOMER COORDINATION

LNRA's wholesale water supply contracts are based on allocations from firm yield and are governed by and are enforceable in all respects in accordance with the laws of the State of Texas.

LNRA's water customers are required to prepare and submit Water Conservation and/or Drought Contingency Plans to the TCEQ. LNRA works closely and coordinates with its customers and recommends that each develop plans consistent with LNRA's DCP and conditions as established herein.

H.B. 252, 83rd Legislature, requires LNRA to inform the Commission when LNRA's available water supply is reduced such that it is less than or equal to 180 days. Consistent with this mandatory requirement, LNRA will fulfill its reporting requirement under the Stage 3 and/or 4 response measures.

As a means of actively informing the public and to provide opportunity for input in the preparation of the DCP, and to inform LNRA's customers of the plan, information concerning drought management will be provided to the customers and the public by means of annual customer meetings, public board meetings, mail, telephone and the news media as appropriate.

SECTION IX PRO RATA WATER ALLOCATION

If a) the triggering criteria specified herein have been met and b) the General Manager, or his designee, deems it necessary, LNRA, in coordination with the South Texas Watermaster and LNRA water customers will allocate water supplies on a pro-rata basis in accordance with Texas Water Code, §11.039.

SECTION X ENFORCEMENT

This DCP and all plans developed hereunder are incorporated by reference into all LNRA water supply contracts. Violation of this DCP is a violation of the contract and will be treated as such.

SECTION XI VARIANCES

The General Manager, or his designee, may grant a temporary variance to the pro-rata water allocation policies provided by this DCP if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

a. Compliance with this DCP cannot be technically accomplished during the duration of the water supply shortage or other conditions for which the DCP is in effect.

b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

SECTION XII ALTERNATE WATER SUPPLIES

Utilization of alternative water supplies can only be accomplished with the approval of the executive director in accordance with Texas Water Code §11.039.

LNRA does not have an alternative water supply for use in drought conditions. LNRA has arranged to make available up to the historical municipal volume in Jackson County of raw water in an emergency condition. Important to note: this raw water supply would need to undergo treatment prior to use or substitution as a potable water supply.

LNRA has a pending application with TCEQ for a new water right on the Lavaca River that includes an off-channel reservoir to provide a new/alternative water supply.

SECTION XIII PLAN UPDATE

LNRA shall review and update, as appropriate, this DCP at least every five (5) years, based on new or updated information, such as revisions in the regional water plan.

APPENDIX A

Texas Administrative Code, Section 288.22

APPENDIX A
Texas Commission on Environmental Quality Rules on Drought Contingency Plans for Wholesale Water Suppliers

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE § 288.22	**Drought Contingency Plans for Wholesale Water Suppliers**

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) A pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, § 11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.) in accordance with Texas Water Code, §11.039.

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, § 11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Source Note: The provisions of this § 288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 938