



**RIVERBEND RESOLUTION NO. 20240228-04**

**APPROVAL OF UPDATES TO THE WATER CONSERVATION PLAN AND THE DROUGHT CONTINGENCY PLAN OF RIVERBEND WATER RESOURCES DISTRICT**

**WHEREAS**, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

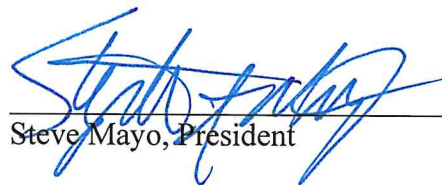
**WHEREAS**, Texas Water Development Board requires certain entities to have a Water Conservation Plan and to report on the implementation of its plan when utilized and Texas Commission on Environmental Quality requires certain entities to have a Drought Contingency Plan and to report on the implementation of its conservation plan; and

**WHEREAS**, Riverbend Water Resources District has reviewed and approved its Water Conservation Plan on an annual basis beginning September 17, 2015 and reviewed and approved a Drought Contingency Plan on an annual basis beginning August 9, 2017; and


**WHEREAS**, Riverbend Water Resources District desires to review and update accordingly, its Water Conservation Plan and its Drought Contingency Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Riverbend Water Resources District hereby adopts updates to the Water Conservation Plan and the Drought Contingency Plan.

**PASSED and APPROVED this 28<sup>th</sup> day of February 2024**

  
\_\_\_\_\_  
Steve Mayo, President

ATTEST:

  
\_\_\_\_\_  
Tina Veal Gooch, Secretary

Attached: Water Conservation Plan  
Drought Contingency Plan





# Riverbend

Water Resources District

## **WATER CONSERVATION PLAN**

**RIVERBEND WATER RESOURCES DISTRICT UTILITY DISTRICT**

**NEW BOSTON, TX**

228A Texas Avenue  
New Boston, Texas 75570

February 2024

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## **FOREWORD**

### **Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for 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 Riverbend Water Resources District (“Riverbend”) hereby adopts the following regulations and restrictions on the delivery and consumption of water through a resolution. Water uses regulated or prohibited under this Water Conservation Plan (the Plan) are essential.

### **Solicitation of Public Input**

Riverbend will periodically schedule public meetings to solicit input about the Plan. Information on the time and place of the meeting will be disseminated by means of utility bill inserts, by posting notice of the meeting at the Riverbend’s office, publishing in the local newspaper, and/or posting on [www.rwr.org](http://www.rwr.org).

### **Public Education**

Riverbend will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public events and utility bill inserts.

### **Application**

The provisions of this Plan shall apply to all persons, customers, and property using water provided by Riverbend. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **A. CURRENT AND NEAR-TERM WATER CONSERVATION PLAN**

### **1. Background**

The Red River Army Depot (“RRAD”) is located in Bowie County, Texas approximately 17 miles west of Texarkana and comprises 19,000 acres, of which 9,000 acres are used for ammunition storage with the bulk of the land devoted to recreation, training and forest. The RRAD site has 720 buildings and 702 ammunition storage igloos, which enclose over 8 million square feet of space. The major industrial operations of RRAD include maintenance, repair, and overhaul of major weapon systems and components.

The Riverbend Water Resources District (“Riverbend”) is a special district created under Chapter 9601 of the Special District Local Laws Code of the State of Texas, which currently serves RRAD and approximately 75 retail and commercial customers. The District is comprised of 18 Member Entities, including the cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, Texas, Wake Village, Central Bowie County Water Supply Corporation, Oak Grove Water Supply Corporation, TexAmericas Center, as well as the counties of Bowie, Cass, and Red River. These Member Entities pay a fee to the District to provide governance structure for water resources that represent the region through oversight of regional water contracts, to supervise regional water infrastructure issues facing the area, and to protect the ownership and distribution of water resources in the region by serving a primary role in the negotiations for water supply storage and sales in Lake Wright Patman. This document serves as the Water Conservation Plan for the District.

Riverbend wet utilities consist of an Industrial Wastewater Treatment Plant (IWWTP), a Sanitary Wastewater Treatment Plant, and a Water Distribution System (WDS) in which we purchase water from Texarkana Water Utilities. The water distribution system and sanitary treatment plant were constructed in the early 1940’s and the IWWTP was constructed in 1980.

### **2. Utility Profile**

Prior to the transfer of assets to Riverbend, the WDS, IWWTP and Sanitary Wastewater Treatment Plant were owned and operated by TexAmericas Center. Since approximately 95 percent of the current water usage is used by RRAD, many of the questions in the Utility Profile are not applicable.

### **3. Conservation Goals – Current and Five-Year Plan**

Riverbend has and will continue to conserve water via programs outlined in this Plan. The five-year conservation goal of Riverbend provides for the following measures:

- a) Set a goal of 150 gpcd for total gpcd by means of education and installation of water saving devices;
- b) Strive to achieve a 50 gpcd of indoor use for residential customers in both single and multi-family units by means of education and installation of water saving devices;
- c) Work with RRAD personnel to install water meters on selected water service lines;
- d) Achieve and maintain water loss of under 15% of production;
- e) Promote awareness of water conservation initiatives (citizen/corporate education);
- f) Educate users in flow reduction and minimization techniques;
- g) Monitor water conservation progress toward established goals;
- h) Readjust water conservation goals as needed;
- i) Improve record keeping procedures to better track water production numbers, residential water use, commercial water use, and water use by RRAD to help reduce the volume of unaccounted for water; and
- j) Upgrade and repair existing distribution system to help reduce water loss through leaks.

### **4. Conservation Goals – Ten-Year Plan**

In conjunction with implementation of the Five-Year Plan, Riverbend also institutes a ten-year plan that will establish the following system goals:

- a) Achieve and maintain water loss of under 10% of production by means of upgrading and replacing water system piping and components;
- b) Work with RRAD personnel to test/replace water meters on selected water service lines;

- c) Coordinate with RRAD to reduce RRAD industrial water use by 5% by means of upgrading equipment and processes to more modern systems;
- d) Continue to promote awareness of water conservation initiatives (citizen/corporate education); and
- e) Continue to educate users in flow reduction and minimization techniques.

## **B. LONG-TERM WATER CONSERVATION PLAN**

This Water Conservation Plan includes provisions for reducing unaccounted for water, testing, and repair of meters and the distribution system, as well as determining rate structures, and educating users about water conservation.

### **1. Unaccounted-For Water**

Riverbend practices the following measures to determine and control unaccounted for uses of water:

- a) Riverbend water treatment plant operation's staff follow standard operating procedures which include observations of daily water usage to identify any abnormalities that may indicate the existence of water system leaks;
- b) Riverbend personnel and meter readers make visual observations on a regular basis throughout the Riverbend's service area to check for system leaks;
- c) Riverbend accounting staff review printouts of meter readings for abnormalities that may indicate possible leaks or malfunctions; and
- d) Leaks are identified and repaired promptly.

### **2. Meter Testing & Repair**

Metering all water services is an effective means of improving and maintaining control of water system operations and provides the basis for efficient and equitable cost recovery. Metering provides a database for system performance monitoring, for planning future facilities, and for assessing the effects of water conservation measures. Metering also improves accountability for both water deliveries and for unaccounted water losses. The District meters all water accounts with the exception of water used by the RRAD facilities. All water meters used meet AWWA standards for accuracy (plus or minus 5.0%)

Riverbend meters the quantity of water that is delivered to each residential and commercial customer (RRAD facilities excluded). Meters are read and the

quantities are recorded once per month, with billings made monthly to residential and commercial customers.

Periodic testing, repair, and/or change-out of meters are essential to an effective metering program. Meters are tested on a regular basis and meters found to be performing outside accepted parameters for accuracy (plus or minus 5.0%) will be repaired or replaced as required.

Riverbend will institute procedures to improve accounting for unmetered water losses resulting from RRAD usage, flushing of water mains, fire-fighting, and main breaks. These procedures should help Riverbend to better estimate actual water losses due to leakage.

Riverbend will endeavor to work jointly with RRAD to monitor and reduce water consumption at some of the major Army facilities on the Base. This may include the voluntary installation of meters by the RRAD and evaluation/upgrade of plumbing to high efficiency models.

### **3. Distribution System Maintenance**

The next sections detail the measures that Riverbend has implemented or will implement to help determine and control unaccounted-for water:

#### **3.1 Leak Detection**

The water distribution system is under continuous visual inspection for leaks by Riverbend personnel as well as by users. Reported leaks are addressed immediately. A Leak Detection Audit is also performed every 3 years system wide by an outside contractor.

#### **3.2 Repairs**

Riverbend requires all new water facilities to be built to strict specifications which are inspected by Riverbend personnel during construction to ensure quality workmanship and materials before the system is accepted for permanent maintenance by Riverbend.

#### **3.3 Pressure**

Riverbend will monitor and control pressures in the distribution system such that excessive pressure does not cause pipeline breaks and water loss. Pressure monitoring will become part of the routine distribution system maintenance program.



#### 4. Water Rate Structure

The following tables (2-1 through 2-3) outline the water rate structure for Riverbend's residential and commercial users (Effective 01 Jan 2003). RRAD currently accounts for greater than 95% percent usage on water and sewer. Fees for the RRAD are negotiated independently from public user fees.

**Table 4-1 Wet Utility Rates**

RIVERBEND WATER RESOURCES DISTRICT													
WATER/SEWER RATE SCHEDULE													
APPROVED RATES - EFFECTIVE MAY 1, 2019													
		Commercial Sewer Only		Commercial Water/Sewer		Private Water/Sewer		Private 1" Sprinkler		Commercial Hydrant/Water			
Standard Water Rate (\$/1000)				\$6.50		\$3.50		\$3.50					
Standard Sewer Rate (\$/1000)		\$7.00		\$7.00		\$7.00							
Facility Charge													
		Water		\$3.25		\$2.75		\$2.50					
		Wastewater		\$3.25		\$3.25		\$2.75					
Total Charge		\$10.25		\$20.00		\$16.00		\$6.00		\$9.75			
				(\$/1000)		(\$/1000)		(\$/1000)					
Fixed Minimum Charge		\$20.00		\$35.00		\$20.00		\$10.00		\$15.00			
		Water Rate		\$15.00		\$10.00		\$7.00		\$10.00			
		Sewer Rate		\$15.00		\$15.00		\$10.00		\$10.00			
		Facility Charge Water		\$5.00		\$5.00		\$1.50		\$3.00		\$5.00	
		Facility Charge Wastewater		\$5.00		\$5.00		\$1.50					
Backflow Device Annual Calibration*		\$75.00											
Customer Service Inspection**		\$85.00											
<p>*The TCEQ requires an annual back flow calibration. You may have it done on your own or Riverbend can assist you. Riverbend's fee for this service is \$75. If you choose to have the calibration done on your own, Riverbend is required to have a certificate on file. If Riverbend does not receive that certificate on file at least 20 days before your annual calibration is due, Riverbend will complete the calibration for you and the fee will be added to your following months' water and sewer invoice.</p>													
<p>** The TCEQ requires a Customer Service Inspection for all new connections/water meters. This is to prevent cross connections from contaminating the water distribution system. Riverbend is required to have a certificate of inspection on file. The service inspection has to be completed before water service can be turned on. The fee will be added to your first service invoice.</p>													

5/1/2019

**Table 4-2 Connection Fees**

Fees	Water Use Categories	
	Private	Commercial
New Connection Fee	\$50.00	\$50.00
Reconnection Fee	\$50.00	\$50.00

**Table 4-3 Tap Fees**

<b>Estimated Fees</b>	<b>Cost</b>
Water Tap	
1-1/2"	\$957.05
2"	\$2,186.30
4"	Material + Labor Cost
6"	Material + Labor Cost
Sewer Tap	
4"	Material + Labor Cost
6"	Material + Labor Cost

**5. Public Education**

Riverbend will consider the following measures to educate the public regarding the benefits of water conservation.

**5.1 Residential Users**

Provide informational literature to existing residential customers along with billing statements to encourage reduction in water use. Literature will explain treatment costs and environmental impacts of excessive water use as well as simple ways to decrease day-to-day usage such as upgrades to high efficiency plumbing models.

**5.2 Industrial/Commercial Users**

Provide information literature to existing commercial customers to encourage reduction in overall water use, through conservation measures such as process water reuse, minimization, and plumbing upgrades.

**5.3 Government Users**

Use by RRAD accounts for a large percentage of the water produced by Riverbend. Riverbend will work closely with the RRAD to encourage the reduction of water use for non-essential military operations and improve water accounting of major water use facilities on the Army base.

#### **5.4 Additional Education**

As new programs or literature become available to Riverbend regarding water conservation and water treatment, Riverbend will, in turn, pass this information along to the water users to encourage their reduction of water consumption. Riverbend will also pass along information to its users regarding changes/upgrades to the water treatment/distribution system.

#### **5.5 New Users**

When new users begin using the Riverbend's water services, they will be provided with the appropriate informational literature detailing the Riverbend's policies/suggestions for water conservation upon request.

#### **5.6 Wholesale Water Users**

Wholesale water users are required to develop and implement a water conservation plan or water conservation measure using the applicable elements of Title 30 Texas Administrative Code (TAC) Chapter 288.



# Riverbend

Water Resources District

## **DROUGHT CONTINGENCY PLAN**

**RIVERBEND WATER RESOURCES DISTRICT**

**NEW BOSTON. TX**

228A Texas Avenue  
New Boston, Texas 75570

**CCN# 13201**  
**PWS# 0190021**

**February 2024**

## **Section I: 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, Riverbend Water Resources District adopts the following Drought Contingency Plan (the Plan).

## **Section II: Public Involvement**

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by Riverbend Water Resources District by means of direct communication with member cities and the public.

## **Section III: Wholesale Water Customer Education**

Riverbend Water Resources District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan to each customer either through monthly invoice and/or an e-mail to the customer.

## **Section IV: Coordination with Regional Water Planning Groups**

The water service area of Riverbend Water Resources District is located within the TexAmericas Center footprint as well as Bowie, Red River, and Cass counties and Riverbend Water Resources District will be more than glad to provide a copy of the Plan to any customers or civilians who are interested within these counties.

## **Section V: Authorization**

The Executive Director or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Executive Director, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **Section VI: Application**

The provisions of this Plan shall apply to all customers utilizing water provided by the Riverbend Water Resources District. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **Section VII: Criteria for Initiation and Termination of Drought Response Stages**

The Executive Director, or his/her designee, shall monitor water supply and/or demand conditions on a (e.g., weekly, monthly) 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 response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on pumping capacities and volume of surface supply.

### **Stage 1 Triggers -- MILD Water Shortage Conditions**

Requirements for initiation – Riverbend Water Resources District will recognize that a mild water shortage condition exists when for a period of **72** consecutive hours **85%** of pumping capacity is utilized or when the volume of surface supply is less than **50%** of capacity.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 1.

### **Stage 2 Triggers -- MODERATE Water Shortage Conditions**

Requirements for initiation –Riverbend Water Resources District will recognize that a moderate water shortage condition exists when for a period of **72** consecutive hours **90%** of pumping capacity is utilized or when the volume of surface supply is less than **40%** of capacity.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 2.

### **Stage 3 Triggers -- SEVERE Water Shortage Conditions**

Requirements for initiation – Riverbend Water Resources District will recognize that a severe water shortage condition exists when for a period of **72** consecutive hours **95%** of pumping capacity is utilized or when the volume of surface supply is less than **25%** of capacity.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 3.

### **Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

Requirements for initiation - Riverbend Water Resources District will recognize that an emergency water shortage condition exists when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or natural or man-made contamination of the water supply source(s).

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 4.

## **Section VIII: Drought Response Stages**

The Executive Director, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

## **Stage 1 Response -- MILD Water Shortage Conditions**

Target: Achieve a voluntary 10 percent reduction in daily demand.

### Best Management Practices for Supply Management:

Communication with customers to reduce daily demand.

### Water Use Restrictions for Reducing Demand:

(a) The Executive Director, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 or appropriate stage of the customer's drought contingency plan).

(b) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

## **Stage 2 Response -- MODERATE Water Shortage Conditions**

Target: Achieve a 15 percent reduction in daily demand.

### Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

### Water Use Restrictions for Reducing Demand:

(a) The Executive Director, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 or appropriate stage of the customer's drought contingency plan).

(b) The Executive Director, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(c) The Executive Director, or his/her designee(s), will further prepare for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

(d) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **Stage 3 Response -- SEVERE Water Shortage Conditions**

Target: Achieve a 20 percent reduction in daily demand

#### Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

#### Water Use Restrictions for Reducing Demand:

- (a) The Executive Director, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 or appropriate stage of the customer's drought contingency plan).
- (b) The Executive Director, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.
- (c) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **Stage 4 Response -- EMERGENCY Water Shortage Conditions**

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Executive Director shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

### **Section IX: Pro Rata Water Allocation**

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the Executive Director is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.



## **Section X: Contract Provisions**

Riverbend Water Resources District will 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.

## **Section XI: Enforcement**

### **Surcharge:**

During any period when either mandatory water use restrictions or pro rata allocation of available water supplies are in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1.5 times the normal water charge per 1000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 15 percent above the monthly allocation.

2 times the normal water charge per 1000 gallons for water diversions and/or more than 15 percent above the monthly allocation, to the extent legally permitted.

### **Fines and/or discontinuation of service:**

Mandatory water use restrictions or pro rata allocation of available water supplies may be imposed during drought stages and emergency water management actions. These water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be notified by written notice that they have violated the mandatory water use restriction.
- If the first violation has not been corrected after ten (10) days from the written notice, Riverbend Water Resources District may assess a fine up to \$ 100 per violation.
- Riverbend Water Resources District may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);
- Riverbend Water Resources District maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citations.
- Subsequent violations of the plan shall result in increased fines or upon the occurrence of 3 violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of a reconnection fee and any other costs incurred by the utility in discontinuing service.

## **Section XII: Variances**

The Executive Director, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan 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 Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Executive Director within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Riverbend Water Resources District Board of Directors, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Riverbend Water Resources District Board of Directors shall be subject to the following conditions, unless waived or modified by the Riverbend Water Resources District Board of Directors or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

### **Section XIII: Severability**

It is hereby declared to be the intention of the Riverbend Water Resources District Board of Directors) 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 unconstitutionality 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 Riverbend Water Resources District Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.