Draft San Diego Regional Agricultural Water Management Plan Part I

January 2016

Prepared for:

San Diego County Farm Bureau

SAN DIEGO COUNTY FARM BUREAU

Prepared by:

Ken Weinberg Water Resources Consulting LLC

Bill Jacoby Water Resources Consulting

Cover Photo Credit: County of San Diego General Plan, Chapter 2 Visioning Document

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on behalf of the following Participating Agencies

- **Valley Center Municipal Water District**
- **Rainbow Municipal Water District**
- **Carlsbad Municipal Water District**
- **City of Escondido**
- **City of Oceanside**
- **City of Poway**
- **Fallbrook Public Utilities District**
- **Olivenhain Municipal Water District**
- **Ramona Municipal Water District**
- **Rincon del Diablo Municipal Water District**
- **San Dieguito Water District**
- **Santa Fe Irrigation District**
- **Vallecitos Water District**
- **Yuima Municipal Water District**

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Acronyms and Abbreviations

Mg/l	**micrograms per liter**
°F	**degrees Fahrenheit**
2005 Plan	**Updated 2005 Urban Water Management Plan**
2010 Plan	**2010 Urban Water Management Plan**
AAC	**All-American Canal**
AB	**Assembly Bill**
AF or af	**Acre Feet**
AF/YR	**acre-feet per year**
AMR	**Automatic Meter Reading**
Avg.	**average**
AWMP	**Agriculture Water Management Program**
AWWA	**American Water Works Association**
BDCP	**Bay Delta Conservation Plan**
BiOp	**Biological Opinion**
BMPs	**Best Management Practices**
Board	**Board of Directors**
CC	**Coachella Canal**
CCR	**California Code of Regulations**
CDFG	**California Department of Fish and Game**
CEQA	**California Environmental Quality Act**
cfs	**cubic feet per second**
CII	**commercial, industrial, and institutional**
CIMIS	**California Irrigation Management Information System**
CIP	**Capital Improvement Program**
CMWD	**Carlsbad Municipal Water District**
CO2	**carbon dioxide**
CRA	**Colorado River Aqueduct**
CSP	**Carryover Storage Project**
CUWCC	**California Urban Water Conservation Council**
CVP	**Central Valley Project**
CVWD	**Coachella Valley Water District**
D/DBP	**Disinfectants/ Disinfection Byproducts**
DBPs	**Disinfection byproducts**
DDW	**Division of Drinking Water State Water Resources Control Board**

Delta	**Sacramento-San Joaquin River Delta**
DWR	**California Department of Water Resources**
EDU	**Equivalent Dwelling Unit**
EIR	**Environmental Impact Report**
EIS	**Environment impact statement**
EPA	**U. S. Environmental Protection Agency**
ESA	**Endangered Species Acts**
ESP	**Emergency Storage Project**
ET	**Evapotranspiration**
ETC	**Crop Evapotranspiration**
ET0	**Reference Evapotranspiration**
EWMP	**Efficient Water Management Practice**
Forum	**Colorado River Basin Salinity Control Forum**
FPUD	**Fallbrook Public Utilities District**
GCM	**General Circulation Model**
GIS	**geographic information system**
GPCD	**Gallons per capita per day**
gpm	**Gallons per minute**
hcf	**Hundred Cubic Feet**
IAC	**San Diego County Water Authority Infrastructure Access Charge**
ID	**Irrigation District**
IID	**Imperial Irrigation District**
IPCC	**Intergovernmental Panel on Climate Change**
IPR	**Indirect Potable Reuse**
Ib/day	**pounds per day**
M&I	**Municipal and Industrial**
MAIN	**Municipal and Industrial Needs**
mg/l	**milligrams per liter**
MGD	**million gallons per day**
MRCD	**Mission Resource Conservation District**
MOU	**Memorandum of Understanding**
MSL	**Mean Sea Level**

MWD	**Municipal Water District of Southern California**
MTBE	**Methyl Tertiary Butyl Ether**
MW	**megawatts**
MWD	**Municipal Water District**
NCCP	**Natural Community Conservation Plan**
NOAA	**National Oceanic and Atmospheric Administration**
NPDES	**National Pollutant Discharge Elimination System**
OMWD	**Olivenhain Municipal Water District**
pCi/l	**picocuries per liter**
PL	**Public Law**
Poseidon	**Poseidon Resources**
ppm	**parts per million**
QSA	**Quantification Settlement Agreement**
RAWMP	**Regional Agricultural Water Management Plan**
RMWD	**Rainbow Municipal Water District**
Regional Board	**Regional Water Quality Control Board**
RO	**reverse osmosis**
ROD	**Record of Decision**
RSF	**Rate Stabilization Fund**
RUWMP	**Regional Urban Water Management Plan**
RWMG	**Regional Water Management Group**
SANDAG	**San Diego Association of Governments**
SCADA	**Supervisory Control and Data Acquisition**
SNMP	**Salt Nutrient Management Plan**
SWRCB	**State Water Resources Control Board**

TSAWR	**Transitional Special Agricultural Water Rate**
SB	**Senate Bill**
SBX7-7	**Senate Bill 7 of the Seventh Extraordinary Session of 2009 (Water Code §10608); also known as Water Conservation Act of 2009**
SCSC	**Southern California Salinity Coalition**
SDCWA	**San Diego County Water Authority**
SDWA	**Safe Drinking Water Act**
SDWD	**San Dieguito Water District**
SFID	**Santa Fe Irrigation District**
SWA	**Source Water Assessment**
SWP	**State Water Project**
SWRCB	**State Water Resources Control Board**
TDS	**total dissolved solids**
TOC	**total organic carbon**
Transfer Agreement	**Water Authority-IID Water Conservation and Transfer Agreement**
USBR	**U.S. Bureau of Reclamation**
USFWS	**U.S. Fish and Wildlife Service**
USGS	**United States Geological Survey**
UWMP	**Urban Water Management Plan**
VWD	**Vallecitos Water District**
VCMWD	**Valley Center Municipal Water District**

WSAP	**Water Supply Allocation plan**
WSDM	**Water Surplus and Drought Management Water Shortage and**
WSDRP	**Drought Response Plan**
WTP	**Water Treatment Plant**
WUCA	**Water Utility Climate Alliance**
YMWD	**Yuima Municipal Water District**

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0 Preface to Part I Regional Planning

San Diego County is the second most populous county in California with 3.2 million people and home to the second largest city in the state. It is also the terminus of the most complex imported water system in the world, the last point of delivery for Colorado River and State Water Project water. It is literally at the end of the pipeline. San Diego County, more than any other area of urban southern California has seen its population and its economy grow over a sixty-year period almost solely due to the availability of water imported from hundreds of miles away.

Despite its highly urbanized image San Diego County also has a long and rich agricultural history and is unique in urban southern California in continuing to maintain a vibrant and profitable commercial agriculture economy. Agricultural areas of today's San Diego County are cultivating lands that can trace their commercial agricultural origins to Mexican Land Grants of the 1840's and homesteaders of the 1860s. As recently as the early 2000's commercial agriculture accounted for over 100,000 acre feet or 15% of the region's imported water use. Although reduced by rapidly increasing water rates, imported supply shortages and other economic factors agriculture still uses 8-10% or the region's water.

Agriculture in San Diego County contributes economically, environmentally and to the quality of life by maintaining land in non-urban uses and buffering suburban sprawl. Farmers are stewards of the land who contribute to the quality of the environment by controlling soil erosion and run-off into sensitive watersheds. Urban San Diegans enjoy the close juxtaposition of agricultural and urban development observed in the region. In San Diego, agriculture is not the farm on the other side of the county, but is the greenhouses, flower and vegetable fields and small groves in and near urban neighborhoods. Agriculture adds a refreshing quality of life and economic opportunity to urban as well as rural residents. This is illustrated in the many local governmental policies that municipalities

SAN DIEGO COUNTY AGRICULTURE IS A $1.8 BILLION DOLLAR PER YEAR INDUSTRY, AND RANKS FIRST IN THE STATE IN GROSS VALUE OF AGRICULTURAL PRODUCTION FOR FLOWERS, FOLIAGE, AND NURSERY PRODUCTS.

and County government have adopted to maintain and foster an on-going agricultural sector in the region.

Although the total number of agricultural acres under production has declined, the region maintains a significant number of high value crops, such as cut-flowers, ornamental trees and shrubs, nursery plants, avocados, and citrus. Based on the 2014 Crop Statistics and Annual Report by the San Diego County Department of Agricultural Weights and Measures, the region has 5,732 farms, more than any other county in the United States. 68% of San Diego County farms are 1-9 acres.

San Diego County agriculture is a $1.8 billion dollar per year industry, and ranks first in the state in gross value of agricultural production for flowers, foliage, and nursery products. Statewide, San Diego County is in the top five counties for Nursery Products, Oranges, Chickens, Flowers & Foliage, Tomatoes (Fresh Market), Lemons, Avocados, Eggs (Chicken), Mushrooms, and Grapefruit. San Diego County farmers produce more than 37 commodities, that are valued in excess of $1 million dollars each.

0.1 San Diego Regional Agricultural Water Management Plan

The San Diego Regional Agricultural Water Management Plan (RAWMP) is a cooperative effort of the San Diego County Farm Bureau (SDCFB) and fourteen retail water agencies that serve commercial agricultural customers in the northern half of San Diego County. The purpose of this RAWMP is to comply with requirements of the State Water Resources Control Board in their May 15, 2015 *Emergency Regulation For Statewide Urban Water Conservation* that urban water suppliers may deduct commercial agricultural deliveries from their agency's conservation target if they:

"Comply *with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production."*

Although thirteen of the fourteen agencies participating in the RAWMP prepare Urban Water Management Plans (UWMP), (Yuima Municipal Water District is not required to prepare an UWMP) it is also a purpose of the San Diego RAWMP to highlight the efficient water management practices of these agricultural water customers and these agencies as a whole. It is important to note that these water suppliers implement efficient water management practices that benefit the entire system that serves

both M&I user's and agricultural customers. Efficient water use and diversification of supplies regionally by SDCWA and locally by individual retail water agencies enhance water reliability of all customers within the region.

While these agencies are committed to water conservation and are meeting their state mandated 20% reduction in gallon per capita day (GPCD) consumption, their agricultural customers are among the most efficient in the state. It is also important to recognize that commercial agriculture in San Diego County is unique in its financial challenges. Not only is efficient water use an ethic in San Diego County, it is a financial necessity for farmers paying $1,300 to upwards of $1500/acre foot for water. San Diego County agriculture has adapted as best it can to these economic headwinds, the pressures of increasing urbanization and water supply availability. San Diego County agriculture is expected to continue to maintain its almost $2 billion economic value and its high ranking among California agricultural counties.

The current severe 4-year state-wide drought has only reinforced the continued need to meet those ongoing challenges in water supply availability and economic pressures. Recognition by the SWRCB

that commercial agriculture in San Diego County is an important contributor to the region's economy shows it to be one of many other counties in California with strong agricultural sectors. Agriculture in San Diego County has responded to this drought as they have to previous droughts with reductions in water use and continued implementation of efficient water management practices.

Avocados

San Diego County has the largest domestic avocado producers in the US. The 2014 Crop Statistics and Annual Report by the San Diego County Department of Agricultural Weights and Measures, lists Avocados as the commodity with the *Greatest Amount of Planted Acreage* with a crop value of $154 Million. Because avocados are water-dependent, they continue to be affected by the ongoing drought.

0.2 San Diego County Farm Bureau

The San Diego County Farm Bureau (SDCFB) is a non-profit membership organization founded in 1914 to promote and protect agriculture. The San Diego County Farm Bureau was one of the earliest farm bureaus organized in the state. The movement in the United States being about two years old at that time. The first formal meeting was held on Feb 20, 1914 at the Spreckels Theater in San Diego. Today the SDCFB is supported solely by more than 5,000 dues-paying members. Its Mission Statement is:

"The mission of the Farm Bureau of San Diego County is to represent San Diego agriculture through public relations, education, and public policy advocacy in order to promote the economic viability of agriculture balanced with appropriate management of natural resources."

In San Diego County, the Farm Bureau is the leading advocate for the farm community and works with elected officials, government agencies, educators, the public, and the media. Local Farm Bureau membership reaches well beyond the boundaries of the county. Because of the importance and challenges of water to local agriculture the SDCFB has long been involved in water supply, water pricing and water reliability issues. As water is of primary importance to its members, the SDCFB has served as not only an advocate on water supply issues but has worked for many years closely with the SDCWA and the retail water agencies serving agricultural customers. Working in tandem with the

region's water suppliers the SDCFB requested that the SWRCB acknowledge in its Emergency Regulation that San Diego County commercial agriculture faces the same economic imperatives as commercial agriculture in other parts of the California. That request resulted in the provisions of the Emergency Regulation described above.

Although Agricultural Water Management Plans are typically prepared by public water suppliers, in this instance the SDCFB's long involvement in water supply issues and its close working relationship with the region's water suppliers provided an opportunity to coordinate the activities of the fourteen agencies and take the lead in preparing this RAWMP.

0.3 San Diego Agriculture and Imported Water: Historic Perspective

Prior to the Second World War San Diego County was overshadowed by its neighbor to the north Los Angeles, as a manufacturing and shipping center and its economy reflected the residential, tourist and agricultural nature of the region. Unprecedented growth began with World War II and San Diego's strategic location as a center of naval operations and the war's industrial effort. With the population and economic boom brought about by the war effort it became clear that the problem of water availability needed to be addressed immediately. San Diego civic leaders had debated since the 1920's whether to bring Colorado River water to the City as an independent supply or later as a member of the Metropolitan Water District of Southern California (MWD).

MWD WAS MOTIVATED TO FILL ITS PIPELINES AND SELL WATER TO INCREASE AND DIVERSIFY ITS REVENUE SOURCES. THIS LED TO THE EXPANSION OF MWD'S SERVICE AREA TO INCLUDE ANNEXATIONS OF PRIMARILY AGRICULTURAL WATER SUPPLIERS IN SAN DIEGO

The federal government, as a matter of national security, stepped in to bring imported water to the region from the newly completed Colorado River Aqueduct (CRA) and its terminus in southern Riverside County. The San Diego County Water Authority (SDCWA) was formed and the region became part of the MWD.

The annexation of SDCWA to MWD signaled a change in the role of MWD as the supplemental supplier for Municipal and Industrial water needs of cities in the southern California coastal plain. San Diego County was largely agricultural as were later additions to MWD in Orange, Riverside, San

Bernardino and Ventura counties. While MWD's founding agencies were cities that had their own local supplies, MWDs Colorado River Aqueduct (CRA) had the capacity to import much more water than the cities that made up MWD required. With its debt on the CRA and its other facilities serviced by property tax assessments on its member agencies MWD was motivated to fill its pipelines and sell water to increase and diversify its revenue sources. This led to the expansion of MWD's service area to include annexations of primarily agricultural water suppliers in San Diego County.

Many of the water agencies participating in this RAWMP were formed to purchase imported Colorado River Water from MWD through SDCWA for the use of commercial agricultural customers. Because MWD received most of its revenues from property taxes this allowed for very favorable and discounted water pricing which in turn resulted in increased revenues for MWD and the substantial expansion of commercial agriculture in areas that had little or no local surface or groundwater supplies (See Part II Chapters). MWD's Laguna Declaration in 1952 that it would ensure it served the growing and expanding needs of its members was a boon to commercial agriculture in the region. When MWD's then largest agency, the City of Los Angeles decided to build a second barrel of the Los Angeles Aqueduct to increase its Owens Valley water supply, expansion of agricultural water use only grew in importance as an immediate revenue source along with continued population growth and development in the urban areas of the MWD service area.

Although agricultural water use was an important revenue source, MWD maintained its primary long term commitment to serve M&I users. Up until 1999 agricultural water deliveries were considered by MWD under its enabling legislation to be surplus water. That meant that it was only after M&I needs had been served was water available to agriculture. Because it was a surplus use of water and considered an interruptible supply, agricultural water was priced by MWD at a sizeable discount. As long as there was ample water supply the arrangement worked for all. A strong agricultural economy in San Diego County was maintained on the foundation of readily available and inexpensive water for the next four decades. Conditions did not change until the reliability and affordability of imported supplies changed radically in the state-wide drought of 1987-1992, never more so than at the end of the pipeline in San Diego County.

0.4 Water Use Efficiency and Supply Diversification

The San Diego region was 95% dependent on imported water during the drought of 1987-1992. If not for the Miracle March rains of the winter of 1991 agricultural customers were facing 90% cutbacks while M&I users were expecting a 50% reduction in water supply. Even with improved conditions agricultural and M&I users experienced a blended 31% cutback. It was a blended cutback because the Board of Directors of the SDCWA and its member agencies' understood that it was in the regional economy's best interest to reduce the impact to agriculture of potentially catastrophic cutbacks. There was also recognition that agriculture was part of the fabric of the community and an important part of region's identity.

The experience of that drought resulted in a regional strategy to improve water reliability through aggressive implementation of water conservation for both M&I and agricultural customers as well as a successful commitment to a program of supply diversification. Developing local supplies like recycled water, recovering brackish groundwater and most recently desalinated seawater has provided drought proof supplies for the region and reduced the demand for less reliable imported supplies. SDCWA's agricultural water transfer with the Imperial Irrigation District and conserved water from the lining of the All American and Coachella Canals has diversified the sources of imported water and improved the reliability of the entire region. Device based and behavioral conservation has reduced gpcd by approximately 25% from 1991 levels while the region is using similar amounts of supply while adding 750,000 people.

The region's commercial farmers are among the most efficient in the state because they must to be successful and profitable. In exchange for a reduced price of water many commercial growers provide a reliability benefit back to the M&I users by taking deeper cutbacks during shortage allocation and providing more water to the M&I sector. The region's advances in reliability and water efficiency benefit all the water users in the region, and that has proven to be the most effective response to drought and water shortages.

0.5 Plan Organization

The San Diego RAWMP consists of 2 volumes, Part I and Part II. Part I addresses the Plan requirements from a regional perspective. Part I relies heavily on regional planning documents including the SDCWA's 2010 UWMP, the San Diego 2013 Integrated Regional Water Management Plan (IRWM Plan) and County of San Diego General Plan documents. Part II provides agency specific information

on AWMP requirements for the 14 water suppliers participating in this RAWMP. Part II is based on retail agency 2010 UWMPs and where conducted Water and Waste Water Master Plans. Part II is organized with the two largest agricultural water suppliers listed first and then the remaining water suppliers appearing in alphabetical order.

When combining the information in Part I and Part II, the reader will be provided a good understanding of the interconnectedness of the region's water supplies and inter-agency coordination of water management strategies as well as a perspective of the unique and vibrant agricultural tradition the San Diego region maintains today.

0.6 Acknowledgements

Eric Larsen, Executive Director of the SDCFB and its Board of Directors for taking on the lead role in AWMP preparation, Kim Thorner, General Manager of the Olivenhain Municipal Water District for initially organizing the 14 agencies and the SDCFB to develop the Plan, to all the General Managers and staff of the 14 retail water agencies that all worked hard to provide data, graphics and tables and reviewed the individual chapters of this RAWMP during production. Appreciation to Dana Friehauf, Tim Bombardier and Stu Williams of the Water Resources Department staff of the San Diego County Water Authority (SDCWA) for providing graphics, data and expert review of key regional sections of Part I. Also, Gary Arant, General Manager of the Valley Center Municipal Water District and its Board of Directors for accepting the responsibility of being the agency of record for approving the RAWMP and for sharing their extensive experience and knowledge of water and San Diego County agriculture. Finally, appreciation to the DWR staff who provided advice and guidance to urban water planners on how to prepare an Agricultural Water Management Plan.

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1. Introduction

Regional Planning

Draft San Diego Regional Agricultural Water Management Plan: Part I

1 Introduction

1.1 Overview

The *San Diego County Regional Agricultural Water Management Plan* (SDRAWMP) has been prepared by the San Diego County Farm Bureau (SDCFB) and 14 participating San Diego County retail water agencies serving commercial agricultural water users within the service area of the San Diego County Water Authority (SDCWA). The RAWMP describes the water supply and water use efficiency planning and implementation activity of 14 retail water agencies in San Diego County for the purpose of providing reliable water supply to agricultural customers. The combined service areas of the 14 participating agencies total 380,000 acres of which 44,210 acres includes irrigated agricultural lands. The participating agencies are urban water suppliers located in the northern half of San Diego County. Of the 14 participating agencies, 4 agencies (Valley Center MWD, Rainbow MWD, Fallbrook PUD and Yuima MWD) serve at least 50% or more of their water supplies to agricultural customers.

With limited precipitation and local water sources, agriculture within the Region is dependent on imported water as the primary regional supply. All of the participating agencies deliver a combination of imported water from the State Water Project (SWP) and the Colorado River and in December 2016 will add desalinated seawater from the Carlsbad Desalination Project to their regional water supplies. Some of the agencies also own local surface water supplies, recycled water, pump and treat groundwater and recover brackish groundwater. Two of the participating agencies will be receiving additional desalinated seawater from the Carlsbad Desalination Project as their own local supply. As required by local and state health officials' agricultural water users receiving municipal supplies for both domestic and irrigation uses are delivered water meeting all state and federal drinking water standards. The only exceptions are agencies delivering recycled water to commercial nurseries and growers and one agency capable of delivering untreated imported water from a locally owned reservoir and conveyed to customers through a separate non-potable distribution system. In addition, some agricultural water users within some of the participating agencies provide their own irrigation water through groundwater pumping from privately owned wells.

1.2 Plan Approach

The San Diego RAWMP has been prepared in accordance with the requirements of the Water Conservation Act of 2009 (SBx7-7), which modifies Division 6 of the California Water Code (CWC or Code), adding Part 2.55 (commencing with §10608) and replacing Part 2.8 (commencing with §10800). This AWMP document conforms to the framework presented in ***A Guidebook to Assist Agricultural Water Suppliers to Prepare a 2015 Agricultural Water Management Plan*** (Guidebook) that was issued by the California Department of Water Resources Division of Statewide Integrated Water Management Water Use and Efficiency Branch (DWR) in June, 2015 to aid water suppliers in preparing AWMPs in accordance with the requirements of SBx7-7.

Since all but one of the 14 participating agencies prepares Urban Water Management Plans (UWMPs), it is the intent of the RAWMP to be consistent with those documents. At the suggestion of DWR staff the RAWMP utilizes information from those UWMPs to avoid unnecessary duplication. This RAWMP relies heavily on information contained in the 2010 updates to the participating agencies *Urban Water Management Plans* (UWMPs) and the for regional information the SDCWA's 2010 UWMP and the 2013 *San Diego Integrated Regional Water Management Plan* (IRWM Plan). This RAWMP also uses information from monthly and annual reports from the participating agencies and the regional water wholesaler, SDCWA, information based on the County of San Diego General Plan and supporting documents and various public regional plans and studies conducted over time. Major sources of information are cited at the end of each Section.

The past studies and this RAWMP are collectively intended as documentation of the Region's efficient water management practices, the efficient distribution and use of the Region's water supplies, and as a guide for the development of additional water sources.

1.3 Participating Entities

The San Diego County RAWMP is being prepared by the *San Diego County Farm Bureau* (SDCFB) in cooperation with the following retail water suppliers:

Carlsbad Municipal Water District

City of Escondido

City of Oceanside

City of Poway

Fallbrook Public Utilities District

Olivenhain Municipal Water District

Rainbow Municipal Water District

Ramona Municipal Water District

Rincon del Diablo Municipal Water District

San Dieguito Water District

Santa Fe Irrigation District

Vallecitos Water District

Valley Center Municipal Water District

Yuima Municipal Water District

The general location and service area of the 15 participating agencies are shown on Figure 1-1.

1.4 Purpose

1.4.1 Background on Requirement for San Diego RAWMP

On April 1, 2015, Governor Brown issued the fourth in a series of Executive Orders on actions necessary to address California's severe drought conditions, which directed the State Water Board to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. On May 5, 2015, the State Water Board adopted an Emergency Regulation For Statewide Urban Water Conservation (Emergency Conservation Regulation) in accordance with the Governor's directive. The provisions of the Emergency Conservation Regulation went into effect on May 18, 2015. The Emergency Conservation Regulation provided an exemption for commercial agriculture being served by urban water suppliers and stated:

> *"(e) (1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water*

production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;
(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;
(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and
(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production."

The purpose of this RAWMP is to comply with Paragraph e (1) (D) of the Emergency Conservation Regulation and Paragraph 12 of the Governor's April 1, 2015 Executive Order which states:

"12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans."

As noted above, the 14 participating agencies in the RAWMP are urban water suppliers that serve commercial agricultural customers meeting the definition of "agricultural use" in Government Code section 51201 which states:

"Agricultural use" means use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes"

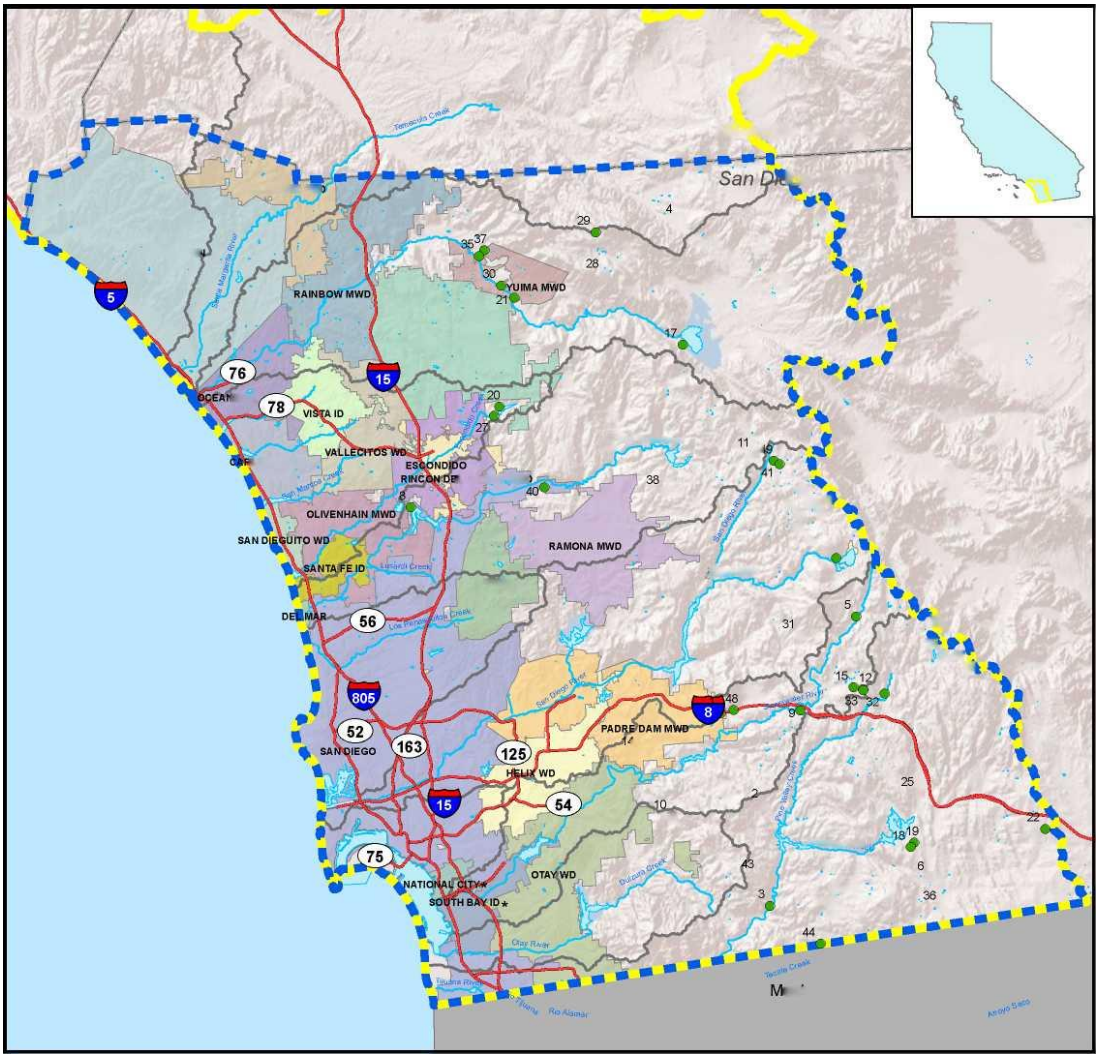
Thirteen of the fourteen agencies participating in the RAWMP have prepared UWMPs and intend to prepare a 2015 update to their individual plans to be approved and submitted to DWR by June 2016. One of the agencies, Yuima Municipal Water District, is not required to prepare an UWMP or an AWMP. Only two of the water suppliers, Valley Center Municipal Water District (VCMWD) and Rainbow Municipal Water District (RMWD) serve irrigated agricultural acreage in excess of 10,000 acres.

Paragraph 13 of the Governor's April 1, 2015 Executive Order requires:

"Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans."

Although VCMWD and RMWD intend to develop and approve 2015 updates to their respective UWMPs they are also participating in the RAWMP as the San Diego region's largest agricultural water suppliers. Table 1-1 provides the listing of those agencies that have prepared a 2010 UWMP and are in the process of preparing a 2015 update to the UWMP.

Figure 1-1 RAWMP Planning Area



1.4.2 Plan Development

The San Diego RAWMP describes and documents the San Diego Region's existing and proposed water management programs and activities that affect the water use efficiency of agricultural users. In addition, the RAWMP is used to assess compliance with the requirements of the SBx7-7, the Agricultural Water Management Planning Act (Section I, Part 2.8, Division 6 (commencing at Section 10800) of the Water Code), and the subsequent Agricultural Water Measurement Regulation requirements (described in Title 23 California Code of regulations), notwithstanding such regulations go beyond that required by the statute and in many instances are not applicable to areas such as the agencies within the San Diego region.

SBx7-7 includes *Efficient Water Management Practices* (EWMPs) intended for agricultural water suppliers to document current efficient water management practices, to identify and consider additional practices that may conserve water, and to document the accurate measurement of water. This RAWMP describes the Region and the participating agencies status with regard to implementation of the two in new mandatory EWMPs and includes a discussion of the potential impacts of climate change on the region's water suppliers' operations.

In order to facilitate coordination within the Planning Area, a Regional Agricultural Water Management Plan Working Group was formed. The Working Group was made up of staff from the 14 participating urban water suppliers, the San Diego County Farm Bureau and the San Diego County Water Authority. This group provided a forum for exchanging demand and local supply information and providing review and comment on Plan preparation to the consulting team.

Table 1-1 Agency Requirement to Prepare Urban Water Management Plan (UWMP)

Agency	Prepared UWMP 2010 Update	Preparing UWMP 2015 Update
Carlsbad Municipal Water District	Yes	Yes
City of Escondido	Yes	Yes
City of Oceanside	Yes	Yes
City of Poway	Yes	Yes
Fallbrook Public Utilities District	Yes	Yes
Olivenhain Municipal Water District	Yes	Yes
Rainbow Municipal Water District	Yes	Yes
Ramona Municipal Water District	Yes	Yes
Rincon del Diablo Municipal Water District	Yes	Yes
San Dieguito Water District	Yes	Yes
Santa Fe Irrigation District	Yes	Yes
Vallecitos Water District (VWD)	Yes	Yes
Valley Center Municipal Water District	Yes	Yes
Yuima Municipal Water District	Not Required	Not Required

The RAWMP is structured in two parts. Part I includes regional AWMP components, and Part II includes individual supplier AWMP components.

This document represents the third AWMP for the San Diego region and the first Regional AWMP prepared to satisfy the requirements of SBx7-7. Although the specific purpose of this RAWMP is to satisfy the SWRCB May 15, 2015 Emergency Regulation it is anticipated that many of the items covered in this RAWMP will be addressed in the updated UWMPs of the participating agencies every five years, as required in the Urban Water Management Planning Act (UWMPA). Due to this plan being completed in early 2016 prior to the approval of updated 2015 UWMPs, the 2015 UWMPs may not and are not required to address all of the items contained in the RAWMP.

1.5 Coordination Activities

At the direction of DWR staff a single entity is serving as the official agency of record for pubic noticing and RAWMP approval. Valley Center Municipal Water District (VCMWD), as the participating water supplier with the largest agricultural acreage is representing the San Diego region for public involvement purposes in the plan development and approval and serving as the agency of record for the San Diego RAWMP. VCMWD notified public entities of the AWMP preparation and adoption as shown in Table 1-1. Public participation requirements associated with preparation of an AWMP are identified in SBx7-7; however, it does not specify how much advance notice is required to cities and counties regarding plan preparation, does not require notification to any other agency(s), and does not require that comments from any city, county or other agency must be solicited and considered.

1.6 Plan Adoption and Submittal

Table 1-2 Summary of Plan Coordination, Adoption, and Submittal Activities

Interested Parties	Notified (Prep)	Assisted	Rec. Draft	Notified (Public	Notified (Adopted)	Copy of Plan
California Dept. of Water	X			X		X
City of San Marcos	X			X		X
City of Solana Beach	X			X		X
San Diego County Water	X	X		X		X
County of San Diego	X			X		X
California State Library						X
San Diego County Farm Bureau	X	X	X	X		X

SOURCES

California Department of Water Resources. 2015. A Guidebook to Assist Agricultural Water Suppliers to Prepare a 2015 Agricultural Water Management Plan. June

2. *Regional Description & History*

Regional Planning

2 Regional Description and History

2.1 Overview

The 14 retail water agencies participating in the San Diego RAWMP are all member agencies of the SDCWA. The combined service areas of the 14 agencies totals approximately 379,957 acres of which 44,209 acres comprise irrigated acreage serving commercial agricultural users. The SDCWA service area characteristics correspond to the regional characteristics of the participating agencies and are used for reference in this RAWMP in describing the region.

As noted above, the Region discussed in Part I of the RAWMP corresponds to the service area of the San Diego County Water Authority (SDCWA). SDCWA's boundaries extend from the border with Mexico in the south, to Orange and Riverside counties in the north, and from the Pacific Ocean to the foothills that terminate the coastal plain in the east. With a total of 951,000 acres (1,486 square miles), the RAWMP encompasses the western third of San Diego County. Figure 2-1 shows the Plan's study area, retail water suppliers, and regional water supply conveyance aqueducts (shown as blue lines).

Each of the Region's east-west-trending watersheds flows from elevated regions in the east toward coastal lagoons, estuaries, or bays in the west. Each of the watersheds features similar habitats at similar elevations, and all watersheds share habitat restoration and protection needs. A significant majority of the volume of surface flow in each of the watersheds is comprised of runoff from seasonal precipitation that predominantly occurs during the winter and spring months. Surface flows during summer and fall months are typically low, and consist of urban runoff, agricultural runoff, and surfacing groundwater. Each of the watersheds has similar water quality characteristics.

The county is arid and within its 4,207 square miles has just seven principal rivers, San Diego, San Luis Rey, Santa Margarita, San Dieguito, Otay, Sweetwater and Tijuana, all of which go dry in the summer. As a result, the county's residents cannot count on them for reliable year-round water and are at the end of the pipe on the state's imported water system. Although the mountains can get ample rain, their steep slopes and proximity to the coast make capturing their runoff difficult. Together, the peculiar geology and hydrology give this region the greatest variability in runoff between the wettest and driest years of anywhere in the United States. At the low end, runoff may amount to only five percent of an average year, while at the high end, it can be seven times more than the average.

One of the driest years on record was 1899-1900, when the El Capitan dam site on the San Diego River received only 980 acre-feet of runoff. The same site received 200,400 acre-feet in 1915-1916, the year of the well-known Hatfield flood that caused extensive damage throughout the county including the failure of the upper Otay Dam in the southern part of the county. This extreme variability makes storage reservoirs a necessity, yet it also makes planning their capacity and building flood-proof dams particularly challenging. Historically, the storage requirements were often underestimated; floods broke dams all too frequently. To make room for the occasional flood, most reservoirs in the county are sized so they are filled to only about 40 percent of capacity during normal years. To complicate matters, not all of the rainfall results in runoff. If the yearly average of 10 inches falls in two or three major storms, much of the water runs into streams and makes its way to reservoirs. If, however, that 10 inches falls as frequent sprinkles, which is often the case, it seeps into the ground and evaporates without producing any real runoff.

Most of the land within the region slopes to the east. Elevations range from sea level at the westerly boundary to approximately 1,400 feet at its eastern boundary. Access is obtained via Interstate 5, Interstate 15 and State Route 79 highways in the north-south direction, and Interstate 8 in the east-west direction.

Agricultural lands in the Region are found within the urbanized areas as well the suburban, exurban and more rural areas of the County. Over the last decades there has been strong pressure to convert these lands to urban uses, especially in the coastal areas where land values are extremely high. Urbanization is occurring in other areas of San Diego County that have historically been primarily agricultural resulting in the conversion of agriculture lands to large lot residential urban use. The current irrigated land area within the region is expected to continue to diminish over the long term. On a short term basis there is a minor potential for some increase in the amount of irrigated acreage in specific areas of the County due to economic advantages of increasing yields of certain crop types. The long term assumption remains a decrease in irrigated acreage due to urbanization and the increasing cost of imported supplies from the Metropolitan Water District of Southern California (MWD) and SDCWA.

2.2 History

(*Excerpted from San Diego County Water Authority (SDCWA). 2013, 2005, 2003. To Quench a Thirst; a brief history of water in the San Diego region)*

In earlier times, the county was larger. It included all of today's Imperial County, touching on the Colorado River. It extended north to encompass much of today's Riverside and San Bernardino counties. The County's coastal plains receive an average of just 10 inches of rain a year, while the mountains receive an average of 30 inches. Yet the region seldom sees an average year. Instead, yearly precipitation tends to fluctuate greatly from year.

Early Period

Agriculture in San Diego County has been a major and at times dominant part of the local economy and way of life for almost three centuries. The Spanish introduced farming into San Diego County in 1769 with the establishment of Mission San Diego de Alcala. Farming was limited to teaching the Native Americans European agricultural practices to raise food for the Mission and for themselves. Primitive methods of irrigation were used during the long, dry summer. The first Spanish missionaries and soldiers who arrived in the area in 1769, realized the local water supply was small and erratic, and began developing water. The Spaniards constructed a dam across the San Diego River and linked the resulting reservoir with the Mission San Diego de Alcala via a six-mile aqueduct. The Old Mission Dam, which still exists in Mission Trails Regional Park, was the first water development project in San Diego County. Mission San Luis Rey de Francia was established in 1798 in northern San Diego county near today's City of Oceanside. Limited farming was practiced at that location as well to meet Mission needs.

The Missions also introduced livestock. In 1800, they had 450 head of cattle, 1,600 sheep, 148 horses, and 14 mules. By 1828, they had a total of 58,685 head of livestock. The main products to be marketed were hides and tallow. In the early 1800's, the land owned by the Missions was taken by the Spanish Governor of Alta California and diverted into Mexican land grants, and given to individuals for ranchos involved in cattle-grazing operations. The 8,824- acre San Dieguito Rancho is now known as Rancho Santa Fe. The richest grazing ground of the San Diego Mission became the 48,799- acre El Cajon Rancho. Rancho Tia Juana covered the area from south of San Diego Bay to the Mexican border. The biggest of them all, Rancho Santa Margarita y las Flores, had 113,440 acres and extended from the

coast of today's Oceanside north to Orange County and inland to Fallbrook, the current location of Marine Corps Base Camp Pendleton.

As people moved from the city to the ranchos, the population of the city of San Diego dropped from 500 in 1834 to only 150 in 1841. The larger ranchos of the Mexican era began a trend for intensifying the land use and agriculture that demanded ever more development of the meager local water resources. Local water supplies were impounded, pumped and diverted to where they were needed. Soon, ranchos claimed just about every spring and perennial stream. During this period, Southern California struggled through a severe 10-year drought, interrupted only by a flood in 1825. As pumping and diversions continued, the water table dropped and the springs dried up. Today, there are few, if any, traces left of the County's once numerous artesian springs, most of which are so long dry that most current residents are unaware they ever existed.

The Growth of Irrigated Agriculture

In 1846, California became a territory of the United States. Production of beef became the most important industry. Water development continued to increase during the second half of the nineteenth century revolving primarily around agriculture. As early as 1853, some farmers throughout the region started making the transition from dry land farming and ranching to irrigated agriculture — and lucrative citrus crops. In 1862, 25,000 orange trees were imported from Mexico. In 1873, Brazilian naval orange trees arrived. With the prospect of large profits from citrus crops, farmers scrambled to develop local water supplies for irrigation. First, they used up their surface supplies and then they drilled ever-deeper for groundwater.

In 1853, an agricultural canal was built to divert water from the San Dieguito River system to the San Pasqual Valley near today's Escondido. The Kimball Brothers Water Company in 1869, bought rights to the Sweetwater River and then built a reservoir with a 90-foot-high dam and distribution pipes. Their water supply spurred the development of National City and Chula Vista. To the north, similar enterprises were developing. At the dawn of the 1880s, the county had a water supply company for the city and several for the backcountry. They served different constituencies: urban/domestic users and agricultural irrigators. In 1885, railway service to the city of San Diego opened the county to rapid commercial development and new markets. Production of beef cattle declined, and production of

grapes, olives, and citrus expanded. Dairying and poultry raising enterprises soon followed. As the county population grew with the coming of the railroad, each constituency needed more water.

Private companies erected six major dams on local rivers between 1887 and 1897. All six stand today, providing water for residents. During this period San Diego County was one of the major focal points of dam construction in the world. Every major drainage system in the county included at least one reservoir. For example, The San Pasqual Water District built a second canal in 1887 to connect the valley to a potential dam site at Pamo Valley near Ramona (which has never been built). This developing water supply and delivery system would later spawn several dams and reservoirs that the city of San Diego would acquire in the 1920s including Lake Hodges (discussed in Part II).

To meet those growing needs, water development began in earnest. It started a transition from depending on well water to impounding river water in the mountains. With this larger-scale development in the 1890s, urban and agricultural interests began to clash. The next few decades were characterized by dueling water companies and overblown promises for water delivery, as well as the usual extreme cycles of drought and flood. The San Diego County Water Company was formed to develop Lake Henshaw in the San Luis Rey watershed. Built in 1922, Lake Henshaw supplied water to Escondido Mutual Water Company and Vista Irrigation District, with little left over for the city of San Diego. The Lake Henshaw system was acquired by the Vista Irrigation District in 1946.

In the 1920's, avocados were introduced. With the development of irrigation projects, land values, taxes, and water assessments increased the cost of farming and prompted the change from grapes and olives to avocados and citrus, which are of greater cash value. Despite some temporary shortages, this system of local reservoirs provided sufficient water for the county until World War II, when a vastly expanded military presence practically doubled the population in six years.

The Need for Imported Water

During World War II San Diego became a hub of naval activity, with military and construction workers flocking to the area as part of the unprecedented war effort. The City of San Diego's population nearly doubled in two years, to 500,000. Water use also doubled, but the rainy years before the war left the local reservoirs full. Still, it was clear that the city — and the Navy — would soon need the water from the Colorado River. The City of San Diego had been starting and stopping plans to bring Colorado River water to the region since the 1920s but had not moved forward. With the national security priority

of World War II driving the urgency of obtaining additional water an aqueduct for bringing water to San Diego became a top priority.

The County Water Authority Act enabled the county to acquire water outside its boundaries and distribute it throughout the county. The San Diego County Water Authority (SDCWA) was formed in 1944 with nine member agencies. Because of the strong military presence, the federal government arranged for supplemental supplies from the Colorado River in the 1940s. In 1947, water began to be imported from the Colorado River via a single pipeline that connected to Metropolitan's Colorado River Aqueduct (CRA) located in Riverside County. To meet the water demand for a growing population and economy, the SDCWA constructed four additional pipelines between the 1950s and early 1980s that are all connected to Metropolitan's distribution system and deliver water to San Diego County. The SDCWA is now the county's predominant source of water, supplying from 75 to 95 percent of the region's needs depending upon weather conditions and yield from surface, recycled, and groundwater projects.

SDCWA joined the Metropolitan Water District in 1946 so it could receive water deliveries when the pipeline from the Colorado River Aqueduct was complete. Upon joining Metropolitan, San Diego's 112,000 acre-foot share of the Colorado River was added to Metropolitan's allotted share. On November 26, 1947, the first Colorado River water finally flowed south from the Colorado River aqueduct's western end in Riverside County for 71 miles into the city of San Diego's San Vicente Reservoir near Lakeside via the San Vicente Aqueduct (later renamed Pipeline 1 of the First San Diego Aqueduct). It ran over some of the most rugged country ever crossed by a water line and could deliver about 65,000 acre-feet per year.

In 1954, the second pipeline of the San Vicente Aqueduct, which is parallel to and the same size as the first, began delivering water. Even this doubling of capacity was insufficient. The Water Authority now had 18 member agencies and four times the service area it had when it was formed.
In 1961, a third pipeline, called Pipeline 3, was built in a second aqueduct along a different course, this one much closer to the coast. Almost three-times larger than the first pipe, it delivered an additional 170,000 acre-feet per year.

A Changing Region

By the early 1970s, the population of the SDCWA's service area exceeded 1,250,000.
In 1973, a fourth pipeline, this one capable of carrying as much water as the first three pipes combined, was added to the Second San Diego Aqueduct. It was extended to the city of San Diego's Alvarado Treatment Plant near La Mesa in 1978. By 1980, the population had grown to 1.8 million, and SDCWA now served 99 percent of the county's residents. A fifth pipeline was added to the Second Aqueduct at a point north of San Marcos in 1982. It brought the Water Authority's total pipeline capacity to about 1 million acre-feet per year, roughly 15 times more than the capacity of the first pipeline alone, which had been built only 35 years earlier.

2.3 San Diego Agriculture Today

Maintaining a Strong Agricultural Sector

The characteristics of the San Diego region have undergone significant changes over the last several decades. Driven by an average annual population increase of 50,000 people per year, large swaths of rural land were shifted to urban uses to accommodate the growth in population. This shift in land use has resulted in the region's prominent urban and suburban character. Although the total number of agricultural acres under production has declined, the region maintains a significant number of high value crops, such as cut-flowers, ornamental trees and shrubs, nursery plants, avocados, and citrus. Based on the 2014 Crop Statistics and Annual Report by the San Diego County Department of Agricultural Weights and Measures, the region has 5,732 farms, more than any other county in the United States. 68% of San Diego County farms are 1-9 acres.

San Diego County agriculture is a $1.8 billion dollar per year industry, and ranks first in the state in gross value of agricultural production for flowers, foliage, and nursery products. Statewide, San Diego County is in the top five counties for Nursery Products, Oranges, Chickens, Flowers & Foliage, Tomatoes (Fresh Market), Lemons, Avocados, Eggs (Chicken), Mushrooms, and Grapefruit. San Diego County farmers produce more than 37 commodities, that are valued in excess of $1 million dollars each. Table 2 -1 provides the economic value of San Diego commercial agriculture by major crop type.

Looking Forward

At its peak in the 1980s and again in the early 2000's agricultural water use accounted for between 15-20 % of water consumption in the region. After the drought of 2008-2011 and very large and rapid increases in wholesale water rates that amount has dropped by almost half. Agricultural use in the region accounts for 8-10% of total use and is expected to remain at that level for the next several years. Agricultural lands are projected to be reduced by almost half; the percentage of land in the County identified as agricultural in use will fall from 4% to 2%. The agricultural lands shown in Table 2-X include both irrigated agriculture and non-irrigated (cattle grazing) lands across the entire County. Most irrigated agriculture that occurs within the Region is within the Water Authority's service area. As documented within the Water Authority's 2010 Urban Water Management Plan, agricultural water demands are projected to decrease as a result of conversion of irrigated agricultural lands to residential uses.

Table 2-1 Economic Value of San Diego County Agriculture

Crop	Total Value
Ornamental Trees & Shrubs	$439,178,551
Indoor Flowering & Foliage Plants	$363,702,937
Bedding Plants, Color & Herbaceous Perennials	$228,466,067
Avocados	$154,038,303
Tomatoes	$81,878,400
Lemons	$76,660,469
Eggs, Chicken Market	$45,244,848
Cacti & Succulents	$43,400,000
Other Cut Flower Products & Bulbs	$43,320,222
Strawberries	$37,950,000

(Source: 2014 Crop Statistics and Annual Report)

Table 2-2 Existing and Projected Land Use within the County (Acres)

Land Use	Existing (2008)	2020	2035	2050	Change 2013 - 2050	
Residential	340,586	512,781	650,999	738,576	397,990	116%
Civic/Institutional	157,623	212,812	213,358	214,210	56,587	36%
Commercial/Industrial	39,449	41,446	44,496	48,198	8,749	22%
Other	123,793	131,350	131,267	131,215	7,422	6%
Parks and Open Space	1,443,074	1,390,141	1,390,981	1,392,257	(50,817)	(4%)
Agricultural	112,300	106,544	79,144	57,739	(54,561)	(49%)
Vacant Land	510,382	332,134	216,962	145,013	(365,369)	(71%)
Total	2,727,207	2,727,207	2,727,207	2,727,207	0	0%

Sources: SANDAG, 2012; Personal communication, G. Chung (SANDAG), 2013

SOURCES

San Diego County Water Authority (SDCWA). 2013, 2005, 2003. *To Quench a Thirst a brief history of water in the San Diego region*

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP*). June

San Diego County Regional Water Management Group (RWMG). 2013 *Integrated Regional Water Management Plan*

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3 Water Management Facilities

Regional Planning

Draft San Diego Regional Agricultural Water Management Plan: Part I

3 Water Management Facilities

3.1 Regional Facilities

Since the importation of water from the Colorado River in the late 1940's the San Diego County Water Authority (SDCWA) has constructed and operated the regional water conveyance facilities that serve the water suppliers delivering water to agricultural users in the region. This regional backbone system of pipelines, water treatment plants, surface water storage and appurtenant facilities have become increasingly integrated with the local distribution systems that deliver water to end users. In describing the region's water management facilities that convey the vast majority of agricultural irrigation water this chapter will focus on those facilities owned and operated by SDCWA. Facilities owned and operated by water suppliers with their own local surface water supplies that are conveyed to treatment plants and then to end users will be addressed in Part II of the RAWMP.

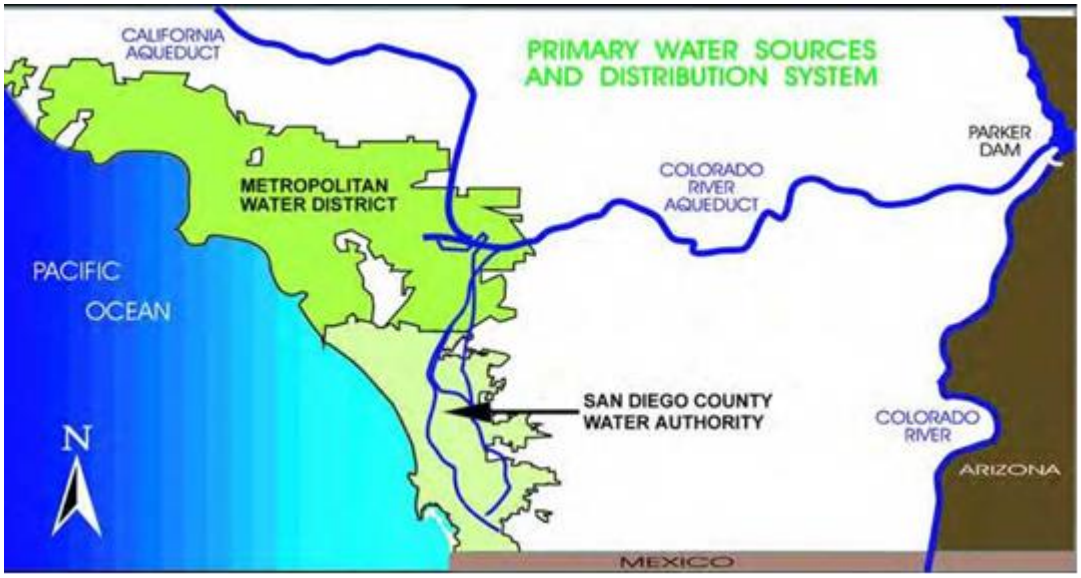
3.1.1 Water Conveyance

Water diversion and conveyance infrastructure in the region tends to be relatively similar in nature, although there are some notable differences between the water suppliers that have their own local surface water supplies and those dependent on imported water from the Water Authority. Most water delivered to suppliers from the SDCWA and local water owned by retail water agencies is almost exclusively via gravity flow with no pumping required. Depending upon operational considerations, the SDCWA may deliver water from local reservoirs it owns or has storage rights in to local agencies that use pumps to lift water from the reservoir for conveyance to their distribution system via gravity. Within water supplier distribution systems, water diverted is conveyed via gravity, although depending on service area topography, suppliers lift water using pumps to deliver to higher elevation portions of their service areas.

The 24 retail water agencies (SDCWA member agencies) in the region purchase water from the SDCWA for distribution within their service territories. A 36-member Board of Directors (Board) comprised of member agency representatives governs the SDCWA. The member agencies' six cities, five water districts, eight municipal water districts, three irrigation districts, a public utility district, and a federal military reservation have diverse and varying water needs. Imported water supplies are delivered to the SDCWA member agencies through a system of large-diameter pipelines, pumping stations, and reservoirs. The pipelines deliver supplies from the Metropolitan Water District of Southern

California (MWD) are divided into two aqueduct alignments, both of which originate at Lake Skinner in southern Riverside County and run in a north to south direction through the SDCWA service area.

Figure 3-1 Imported Water Distribution



Metropolitan's ownership of these pipelines extends to a "delivery point" six miles into San Diego County. From there, Pipelines 1 and 2 comprise the First San Diego Aqueduct, which reaches from the delivery point to the San Vicente Reservoir. These two pipelines share five common tunnels and operate as a single unit to provide 180 cubic feet per second (cfs) of conveyance capacity. Pipelines 3, 4, and 5 form the Second San Diego Aqueduct. These pipelines, which are located several miles to the west of the First San Diego Aqueduct, have delivery point capacities as follows: Pipeline 3 provides 280 cfs; Pipeline 4 provides 470 cfs; and Pipeline 5 provides 500 cfs.

Table 3-1 SDCWA Pipelines

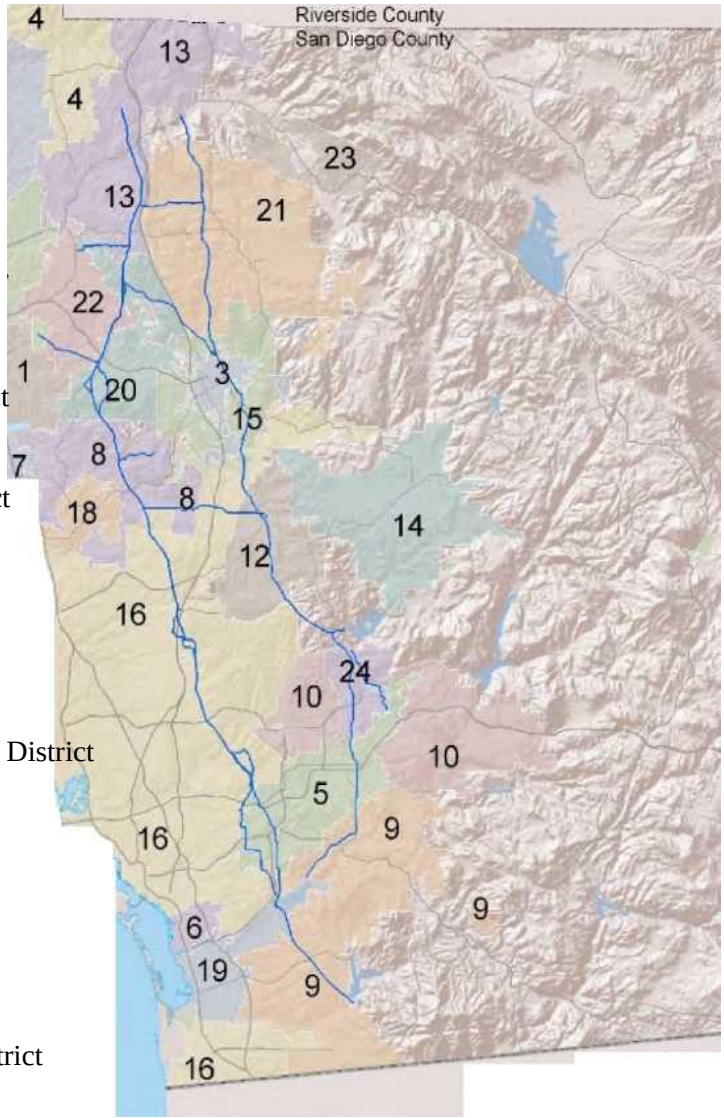
Pipelines	Length (miles)	Diameter (in)
FIRST SAN DIEGO AQUEDUCT:		
Pipeline 1 and Pipeline 2	64.4	48-72
La Mesa-Sweetwater Extension	16.4	18-42
Moreno-Lakeside Pipeline	4.5	54-60
SECOND SAN DIEGO AQUEDUCT:		
Pipeline 3	57.0	66-75
Pipeline 4	75.0	69-108
Pipeline 5	33.3	96-108
Crossover Pipeline	7.5	66
North County Distribution Pipeline	4.5	72
Tri-Agencies Branch Pipeline	6.4	21-42
Ramona Pipeline	7.2	36-57
Valley Center Pipeline	4.5	66
Olivenhain Pipeline	4.5	78
Olivenhain-Hodges Pipeline	1.5	120

In addition to the above north-south pipelines, there are several east- west pipelines that extend service to multiple member agencies. A listing of the pipelines owned and operated by the SDCWA is provided in Table 3-1, with the pipeline locations shown in Figure 3-2. Although most of the water conveyed through the aqueduct system is by gravity flow, the SDCWA also maintains several pumping stations that enhance the operational flexibility of the pipeline system to meet daily, seasonal, and emergency needs.

Three of the water pump stations are for untreated water and are sized to protect the region from potential disruptions of imported water supplies. If a supply disruption occurs, the untreated water pump stations will deliver emergency water supplies from newly expanded or existing local storage reservoirs At other times, except for the Miramar Pump Station, all the SDCWA-owned pumping stations can be used to move water supplies into and out of storage reservoirs to meet seasonal delivery needs and to augment daily supplies to the member agencies. The Miramar Pump Station is mainly used to deliver

treated water via the aqueduct system from the city's Miramar Water Treatment Plant to City of San Diego service connections south of the treatment plant.

Figure 3-2 SDCWA Regional Conveyance and Member Agency Location



1 Carlsbad Municipal Water District
2 City of Del Mar
3 City of Escondido
4 Fallbrook Public Utility District
5 Helix Water District
6 City of National City
7 City of Oceanside
8 Olivenhain Municipal Water District
9 Otay Water District
10 Padre Dam Municipal Water District
11 Camp Pendleton MCB
12 City of Poway '
13 Rainbow Municipal Water District
14 Ramona Municipal Water District
15 Rincon del Diablo Municipal Water District
16 City of San Diego
17 San Dieguito Water District
18 Santa Fe Irrigation District
19 South Bay Irrigation District
20 Vallecitos Water District
21 Valley Center Municipal Water District
22 Vista Irrigation District
23 Yuima Municipal Water District
24 Lakeside Water District

3.1.2 Water Storage

Storage facilities are used by the SDCWA to both manage daily operations and provide reserves for seasonal, drought, and emergency storage needs. System Regulatory Storage facilities, which consist of enclosed reinforced concrete storage tanks, are available to manage the daily balance of treated and untreated water deliveries. System Regulatory Storage within the aqueduct system currently totals 56 million gallons, with the bulk of this amount in storage tanks located in Twin Oaks Valley and the Mission Trail Regional Park.

The SDCWA has invested heavily in the past decade in developing regional carryover and emergency storage capacity to provide increased reliability during droughts and improve the access to supply during emergencies. This includes construction of the Olivenhain Reservoir, which is part of the region's Emergency Storage Project (ESP). The ESP will add a combined total of 90,100 AF of storage capacity and is designed to protect the region from disruptions in the water delivery system. The ESP consists of construction of the 24,000 AF capacity Olivenhain Reservoir, connection of the 30,000 AF Lake Hodges to the regional aqueduct system and the raising of the existing San Vicente Dam to provide 52,000 AF of storage capacity for SDCWA. In addition, SDCWA augmented the ESP with a carryover storage component at of 100,000 AF at San Vicente. Construction of the San Vicente Dam Raise was completed in 2015 and as of December 2015, SDCWA has approximately 70,000 AF of in-region carryover storage in San Vicente Reservoir. Total Water Authority in-region storage is shown in Table 3-2.

Figure 3-3 Key Reservoirs in San Diego County

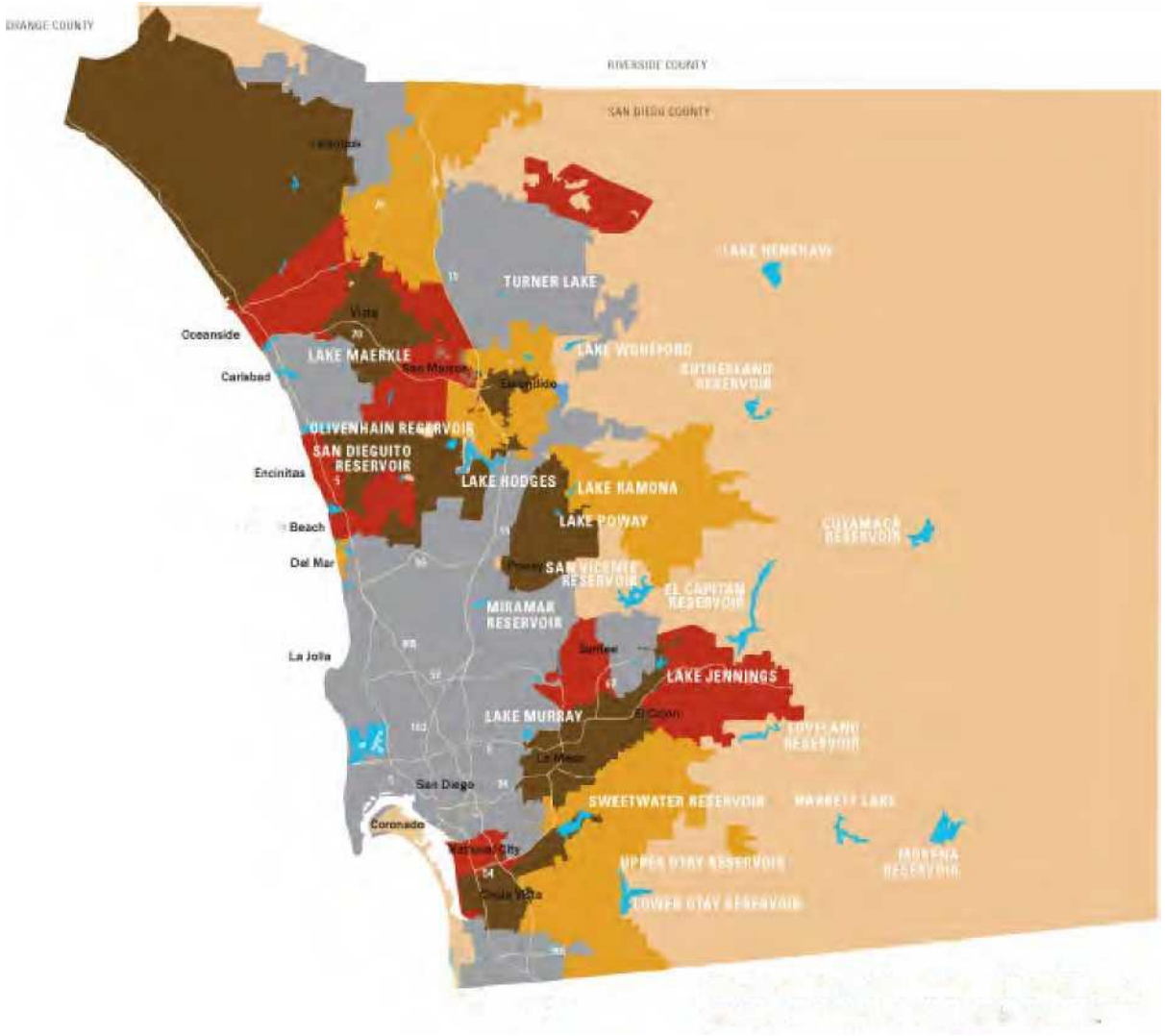


Table 3-2 Water Authority In-Region Storage Pools

Reservoir	Storage Capacity(AF)	Pool Type
Hodges	20,000	Emergency Pool
San Vicente	52,000	Emergency Pool
San Vicente	100,00	Carryover Pool
Olivenhain	24,364	Emergency Pool
Total	**196,364**	

3.1.3 Water Treatment

Up until 2008, the SDCWA purchased its treated water supplies from Metropolitan and from member agencies that own and operate local water treatment plants. As ***early as 2001, the supplies from*** Metropolitan were being constrained by increasing treated water demands on the Metropolitan system and insufficient treated water pipeline conveyance capacity. As a result, in June 2004, the SDCWA began construction of the 100 million gallons per day (MGD) Twin Oaks Valley Water Treatment Plant (WTP). This WTP was completed and placed in service in April 2008, and now produces high-quality drinking water serving mainly northern San Diego County.

In addition to the Twin Oaks Valley WTP, the SDCWA entered into an agreement with the Helix Water District to purchase 36 MGD of treatment capacity from the R.M. Levy WTP. Water from the Levy plant supplements treated water service to eastern San Diego County. The balance of treated water supplies comes from local retail agency owned and operated water treatment plants. A list of all in-region water treatment plants is shown in Table 3-3.

Table 3-3 In-Region Treatment Plant Capacity

Treatment Plant Owner/ Operator	Water Treatment Plant Capacity (MGD)	
Escondido, city of/Vista Irrigation District	Escondido/Vista	65
Helix Water District	Levy	106
Olivenhain Municipal Water District	Olivenhain	34
Oceanside, city of	Weese	25
Poway, city of	Berglund	24
Ramona Municipal Water District	Bargar	4
San Diego, city of	Alvarado	120
San Diego, city of	Miramar	140
San Diego, city of	Lower Otay	40
San Diego County Water Authority	Twin Oaks Valley	100
San Dieguito Water District/Santa Fe Irrigation	Badger	40
Sweetwater Authority	Perdue	30

3.1.4 Hydroelectric Generation

The SDCWA has long supported efforts to develop renewable energy resources that are compatible with water operations. The SDCWA's inline conduit hydroelectric facilities at Alvarado, Miramar, and Rancho Penasquitos are able to generate electricity from the available elevation gradient in the aqueduct system to produce an environmentally friendly, clean, and sustainable energy supply. These facilities also generate additional revenues that help offset the cost of imported water supplies. The Alvarado and Miramar facilities are currently out of service but will be evaluated for re-operation under the 2012 Regional Water Facilities Optimization and Master Plan Update. The Rancho Penasquitos facility has been in continuous operation since 2006 and typically generates enough power to meet the needs of nearly 5,000 county households. The SDCWA's Olivenhain-Hodges facility will provide the region with 40 megawatts (MW) of energy storage, making this power supply available to meet peak demands during high energy use periods. A listing of the SDCWA's hydroelectric facilities is presented in Table 3-4.

Table 3-4 SDCWA Hydroelectric Facilities

Hydroelectric Facilities	Rated Output (MW)
Alvarado (currently out of service)	2.0
Miramar (currently out of service)	0.8
Rancho Penasquitos	4.5
Olivenhain-Hodges Pumped Storage	40.0
Total Rated Output	**47.3**

3.2 Drainage Facilities

Because of the small size of farms in the region and the extensive use of buried pipelines in a highly urbanized region there are no lined or unlined canals, drains, tailwater or spill recovery devices. The San Diego region has a complex storm drainage system composed of streets and gutters, catch basins, underground pipes, ditches, pump stations, and channels. This predominant use in the region is used to carry flood water away from homes and businesses into rivers and streams. During rain events or wet conditions, storm water and urban runoff is typically collected via drains from impervious surfaces; such as buildings, rooftops, paved driveways, and improved streets, to be conveyed downstream through the storm water system. When runoff cannot infiltrate into the ground, precipitation will follow drainage patterns, typically to the lowest point, collecting contaminants, sediment or debris along the way. Storm water and urban runoff can also erode unstable soil, carrying sediment that could be conveyed downstream. Typically, urban runoff from development sources, such as irrigated landscaped areas, is the surface water collected during dry weather that also flows through the storm water system. Urban runoff results from human activities rather than the natural hydrological cycle.

Storm water facilities include, but are not limited to, a network of underground storm drain pipes, culverts, outfalls/inlets, detention basins, and open flood control channels. Open storm water facilities may protect downstream water quality by filtering pollutants via accumulated sediment and vegetation that may naturally be deposited because of the site's topography or configuration of the channel or basin. In such cases, flood control facilities can also support natural resources, such as wetlands, or provide linkages to other habitats for wildlife.

The County of San Diego and the local municipalities are responsible for maintaining the system. Water agencies that are special districts typically do not maintain drainage facilities, Capture of storm water as water supply is limited to existing surface water impoundments in the higher elevations of the county. In the past there have been tail water return systems and impoundments of water for use in some of the larger groves in the County. That type of water management is believed to be more limited as evidenced by the predominance of small size farms. On farm management of drainage water is primarily focused on avoiding pollution related impacts to in-region water bodies.

Extensive regulations adopted by the San Diego Regional Water Quality Control Board (SDRWQCB) require all agricultural and nursery operations in the San Diego region to sample and test wet and dry weather runoff for pollutants and report the findings. The regulations allow for two options: 1) Conduct the testing and reporting as a group or 2) act individually to submit plans and testing results directly to the SDRWQCB.

The San Diego County Farm Bureau (SDCFB) provides members with the collective testing and reporting option through the San Diego Region Irrigated Lands Group (SDRILG).

3.3 Flood Control and Management

Although precipitation in the Region is highly variable, flooding remains a high risk in many communities. Flooding in the Region occurs during periods of heavy rainfall, particularly after long dry spells.

The Floodplain Management Plan for the County of San Diego (FEMA, 2007) reports that from 1770 until 1952, 29 floods were recorded in the County of San Diego. Between 1950 and 2006, flooding prompted 12 Proclaimed States of Emergency in the County of San Diego. Several very large floods have caused significant damage in the County. The Hatfield Flood of 1916 destroyed the Sweetwater and Lower Otay Dams, and caused 22 deaths and $4.5 million in damages. The most recent serious floods affecting the County occurred during tropical storms Kathleen (1977) and Doreen (1978) and during winter storms in 1980, 1987, 1993, 1998, and 2005. In the 1980 flood, approximately 16-20 inches of rain accumulated over a six-week period. This slow moving storm, which was the most severe since the Hatfield Flood of 1916, lead to wide-spread small stream flooding and evacuations of residents in Mission Valley. The San Diego River at Mission Valley peaked at 27,000 CFS and caused $120

million in damage (FEMA, 2007). Flooding during the 2004-2005 wet season caused $7.7 million in damages, and flash flooding since 1993 has caused upwards of $16 billion in damages, countywide (San Diego County, 2011a).

Within the Region there are two categories of flooding: precipitation-induced and non-¬precipitation-induced. Precipitation-induced flooding includes flash floods, debris flows, and alluvial fan floods. The central and eastern portions of San Diego County are most susceptible to flash floods where mountain canyons, dry creek beds, and high deserts are the prevailing terrain (FEMA, 2007). Additional risks from precipitation induced flooding stems from the association of wildfires with flooding. As fires remove vegetation, runoff is not taken up by vegetation and soils are destabilized. This leads to an increase in runoff entering streams, increasing flooding risks, and to an increase in debris flow risks. Because the Region is prone to wildfires, and this risk is expected to increase as an impact of climate change, the risk of flooding that is exacerbated by wildfires needs to be managed.

An additional flood risk that can be exacerbated by wildfires is non-native invasive vegetation species. Land that has been cleared by wildfire is more susceptible to regrowth of non-native invasive vegetation species. Invasive species, such as giant reed (Arundo donax), can outcompete native species and dominate riparian areas. Once established, Arundo in particular can change diverse native riparian areas into monotypic non-native riparian areas. Arundo provides very little habitat value to native wildlife and dead and dry stands can become a fire hazard themselves. The root system of Arundo along with its typical dense growth structure can cause increased sedimentation and narrowing of channels. This can increase flood risk on adjacent lands.

Non-precipitation-induced flooding is caused by urbanization, landform modification, faulty drainage facilities, dam failures, tsunamis, and seiches (standing waves in an enclosed or partially enclosed body of water). Of these, the Region is most at risk from flooding caused by urbanization and faulty drainage facilities. Urbanization increases impervious surfaces, and therefore increases runoff. This runoff enters streams more quickly, in higher volumes, and at greater speeds. Each of these contributes to an increase in flood risk if the channels or streams are not able to accommodate the increased runoff. These problems can be made worse by faulty drainage facilities, which may fail or overflow if not adequately sized or maintained (San Diego County, 2011a).

Federal Emergency Management Agency (FEMA) flood zones represent the areas susceptible to the 1% annual chance flood (often referred to as the "100-year flood"), and the 0.2% annual chance flood ("500-year flood"). The 1% annual chance flood, also known as the "base flood," has at least a 1% chance of occurring in any given year. FEMA designates this area as the Special Flood Hazard Area (SFHA) and requires flood insurance for properties in this area as a condition of a mortgage backed by federal funds. Designated high-risk areas are those within the 100-year floodplain, while areas within the 500-year floodplain are considered low-risk. Areas within the Region at highest risk for flooding are typically downstream areas along rivers, and concentrated around the coast at bays, coastal inlets, and estuaries. Properties that are included in the SFHA may be contested, and those interested in changing a property's floodplain designation may submit a request for a Letter of Map Change (LOMC) to FEMA. If FEMA approves a LOMC, the FEMA Flood Insurance Rate Map will be officially revised or amended by FEMA; such an amendment will likely reduce insurance requirements and can reduce development restrictions.

Within the Region, over 101,000 people are exposed to high-risk from flooding. The potential losses due to damages to buildings in high-risk areas are over $17 billion, with $2.2 billion of critical facilities (e.g. hospitals, infrastructure) at high-risk from flooding (San Diego County, 2010).

In order to address these risks, a Multi-Hazard Mitigation Plan was developed for San Diego County (San Diego County, 2010). This Mitigation Plan included participation from the SDCWA, California Emergency Management Agency, FEMA, local and regional officials, the Rancho Santa Fe Fire Protection District, and stakeholder input. The Mitigation Plan includes specific goals, objectives, and actions for each jurisdiction to help address or mitigate the identified risks. Common actions related to mitigation of flood risks include maintaining current flood maps, discouraging growth in flood-risk areas, improving or maintaining stormwater systems, incorporation of natural flood control measures into design and development, continue to monitor and assess drainage, and develop comprehensive flood management and response plans.

SOURCES

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP*). June

San Diego County Regional Water Management Group (RWMG). *Integrated Regional Water Management Plan (2013)*

San Diego County Water Authority (SDCWA). 2014. *2013 Regional Water Facilities Optimization Study and Master Plan.*

4. Terrain & Soils

Regional Planning

4 Terrain and Soils

4.1 Overview

The San Diego region is highly varied geographically, encompassing sub-regions of coastline, coastal plain, terraces, narrow valleys, foothills and mountains. The elevations of the area range from sea level to 4,300 feet. Agriculturally important soils consist mostly of well- drained course, sandy loams in the sloped areas and deep, sandy loams in river bottom areas. Clay pans underlie some bottom areas, complicating irrigation management due to salinity and poor drainage. Only 6 percent of the land is considered prime farmland. The foothills and steep slopes characteristic of much of the region are unsuitable for urban development but provide the excellent drainage of both water and air needed to grow avocados. Micro-irrigation, the predominant form of irrigation locally, is an effective and efficient way to apply water in groves growing on steep, erodible slopes. Should avocados cease to be profitable in these areas, it is uncertain that the steep slopes could be developed for any other use.

The soil types in San Diego County vary in structure, texture, and chemistry with geographical location. The coastal plain has undergone several episodes of marine inundation and subsequent marine regression throughout the last 54 million years, resulting in deposition of a thick sequence of marine and non-marine sedimentary rocks on the uplifted and eroded high relief basement terrain. Gradual emergence of the region from the sea occurred in Pleistocene time, and numerous wave-cut platforms, most of which were covered by relatively thin marine and non-marine terrace deposits, formed as the sea receded from the land. Accelerated stream erosion during periods of heavy rainfall, coupled with the lowering of the base sea level during Quaternary times, resulted in rolling hills, mesas, and deeply incised canyons which characterize the landforms presently occurring in the much of the region.

The Peninsular Ranges were subject to regional uplift and erosion throughout the Tertiary Period. Continued erosion and down cutting of drainage courses through the Quaternary Period have resulted in the present topography. In general, trends of several of the major drainage courses that have developed appear to be controlled by ancient fractures or major joint systems within the crystalline bedrock. Drainages are underlain by thin to moderate thicknesses of sandy stream-deposited alluvium. A weathering profile of variable thickness has developed upon bedrock that underlies the valley floors throughout the Plan Area. The ongoing weathering process has created a layer of residuum

(decomposed granite), which typically consists of moderately to highly decomposed rock material that grades erratically downward to unweathered bedrock material.

The San Diego Area has been divided into four major physiographic provinces; the Desert, the Mountains, the Foothills, and the Coastal Plains. These provinces reflect differences in climate, soils, and land use. To generally describe soils types, soils are divided into associations (USDA 1973). The San Diego region has been divided into 34 soil associations, each with variable susceptibility to erosive forces, depending on their individual characteristics. The 34 soil associations in the San Diego Area have been assigned to 8 groups. The grouping is based on soil characteristics and qualities and on location of the associations in the specified physiographic province.

4.2 Soil Groups

A comprehensive soil survey conducted in 1973 by the Soil Conservation Service, the University of California and other federal agencies provides the most definitive cataloging of soil types in San Diego County. Soils were divided into 8 groups and are classified as follows:

Group I. Excessively Drained to Well-Drained, Nearly Level to Moderately Sloping Very Gravelly Sands to Silt Loams on Alluvial Fans in Desert Areas

The soils in this group are excessively drained to well-drained very gravelly sands, loamy coarse sands, sandy loams, and silt loams. They formed in material derived from acid igneous rock and mica schist. Slopes range from 0 to 9 percent. The elevation ranges from 100 to 2,500 feet. The average annual rainfall is between 3 and 8 inches, and the average annual air temperature be-tween 70° and 74° F. The frost-free season is 240 to 275 days. The vegetation consists of desert shrubs, cactus, and scattered annual grasses and forbs.

Group II. Excessively Drained to Well-Drained, Gently Sloping to Strongly Sloping Loamy Coarse Sands to Sandy Loams on Alluvial Fans and in Basins in Mountainous Areas

The soils in this group are excessively drained to well-drained loamy coarse sands, coarse sandy loams, and sandy loams. They formed in material derived from granitic rock. Slopes range from 2 to 15 percent. The elevation ranges from 2,500 to 4,500 feet. The average annual precipitation is between 11

and 22 inches, and the average annual air temperature between 56° and 59° F. The frost-free season is 150 to 200 days. The vegetation consists of annual grasses and forbs, shrubs, and scattered California oaks. These soils are used mainly for range. A limited acreage is used for dry farmed hay and grain.

Group III. Excessively Drained to Moderately Well Drained, Nearly Level to Moderately Sloping Loamy Sands to Clays on Alluvial Fans and Alluvial Plains in Foothill and Coastal Plain Areas

The soils in this group are excessively drained to moderately well drained sands, loamy sands, sandy loams, gravelly sandy loams, clay loams, and clays. They formed in material derived from marine sandstone and shale and granitic rock. Slopes range from 0 to 9 percent. The elevation ranges from near sea level to 2,000 feet. The average annual rainfall is between 10 to 18 inches, and the average annual air temperature between 60° and 62° F.

Group IV. Somewhat Excessively Drained to Moderately Well Drained, Nearly Level to Steep Loamy Coarse Sands to Clay Loams on Terraces in Foothill and Coastal Plain Areas

The soils in this group are somewhat excessively drained to moderately well drained loamy coarse sands to gravelly clay loams that have a loamy coarse sand to clay subsoil. In some areas these soils are underlain by a hardpan. They formed in alluvium derived from a variety of rocks. Slopes are generally between 2 and 15 percent but range from 0 to 50 percent. The elevation ranges from near sea level to 1,800 feet. The average annual rainfall is between 10 and 18 inches, and the average annual air temperature between 60° and 62° F. The frost-free season is 260 to 350 days. The vegetation consists of annual grasses and forbs, shrubs, and a few scattered oaks. The irrigated agricultural uses are found predominantly within this Group. The soils on the Coastal Plains are used for irrigated citrus, truck crops, flowers, and avocados, and those in the Foothills for irrigated citrus and pasture. Undeveloped areas are used for range. Urban use is increasing.

Group V. Excessively Drained to Well-Drained, Moderately Sloping to Very Steep Loamy Coarse Sands to Loams on Uplands in Mountainous Areas

The soils in this group are excessively drained to well-drained loamy coarse sands to loams. They formed in material derived from mica schist, gabbro, granodiorite, and quartz diorite. Slopes range from

5 to 75 percent. In many areas these soils are eroded. In most areas rock outcrops or stones cover 2 to 10 percent of the surface. The elevation ranges mainly from 2,000 to 6,000 feet. Some peaks rise above 6,000 feet. The average annual precipitation is between 12 and 38 inches, and the average annual air temperature between 53° and 58° F. The frost-free season is 135 to 230 days. The vegetation consists mainly of coniferous woodland or chaparral and an understory of annual grasses and forbs. These soils are used for range, wildlife habitat, and watershed. Some small areas are used for apple and pear orchards. Others are used as recreational areas and cabin sites.

Group VI. Excessively Drained to Moderately Well Drained, Gently Sloping to Very Steep Sandy Loams to Silt Loams on Uplands in Foothill Areas

The soils in this group are excessively drained to moderately well drained sandy loams to silt loams that have a coarse sandy loam to clay subsoil. They are derived from granitic rock, gabbro, tonalite, metavolcanic rock, and metasedimentary rock. Rock outcrops or stones cover up to 10 percent of the surface in many areas. Slopes range from 2 to 75 percent. The elevation ranges from 200 to 3,500 feet. The average annual rainfall is between 12 and 20 inches, and the average annual air temperature between 59° and 64° F. The frost-free season is 240 to 340 days. The vegetation consists chiefly of a chaparral-type cover and an understory of annual grasses and shrubs. An oak-savannah type cover grows on the gentler slopes. Scattered oaks and other tree species grow along drainage ways and in areas where water collects. These soils are used for citrus, irrigated field crops, avocados, range, wildlife habitat, watershed, and recreational areas. Urban use continues to increase in some areas. Seven associations of the San Diego Area are in this group. They make up 30 percent of the Area.

Group VII. Well Drained and Moderately Well Drained, Moderately Sloping to Very Steep Loamy Fine Sands to Clays on Uplands in Coastal Plain Areas

The soils in this group are well drained and moderately well drained loamy fine sands to clays. They formed in material derived from marine sandstone and shale and breccia. In some places the soils that have a surface layer of loamy fine sand and loam have a sandy clay and clay subsoil. Slopes range from 5 to 75 percent.

The elevation ranges from near sea level to 1,800 feet. The average annual rainfall is between 10 and 16 inches, and the average annual air temperature between 60° and 62° F. The frost-free season is 280 to 350 days. The vegetation consists of annual grasses and forbs and scattered shrubs. Shrubs are predominant in areas of shallow or eroded soils. These soils are used for truck crops, citrus, dry farmed grain, range, watershed, and wildlife habitat. Urban and industrial uses are increasing.

Group VIII. Miscellaneous Land Types of the Desert, Mountains, Foothills, and Coastal Plains

The miscellaneous land types in this group vary considerably in soil characteristics and qualities. They are used only for wildlife habitat, watershed, and recreational areas.

4.3 Characteristics Typical of Region's Irrigated Agriculture

Soils in the steeply sloped areas where most agricultural uses are located is generally shallow, coarse, with sandy loams ideal for avocado culture. In the bottomlands, soils are sandy loams that may be underlain by clay pans that greatly complicate irrigation management and drainage problems. Steep slopes of coarse, sandy loam are well suited for avocados that have fastidious requirements for good drainage. Good drainage reduces fungal root diseases and the buildup of salts that occurs with water high in total dissolved solids such as water imported from the Colorado River. Micro-irrigation can be very efficient and lends itself well to irrigating crops on steep slopes.

In further classifying soils, an association normally consists of one or more major soils and at least one minor soil, and is named for the major soils. Soils in an association typically differ in slope, depth, stoniness, drainage, and other characteristics that affect management. Soils in the RAWMP planning area generally consist of well - drained, medium -to coarse -grained, often rocky sandy loams, commonly with clay loam substrata and underlying igneous and metamorphic bedrock. Most of the soils within the Plan Area have severe erodibility limitations.

For the portion of San Diego County that includes the Participating Agencies agricultural users, the Plan Area contains eleven general soil associations as indicated by the San Diego County Soil Survey (1996). Soils associations are useful for developing a general idea of the soils in an area and for determining the value of an area for certain uses. The following outlines these soil classifications.

- **Marina-Chesterton Association*:*** This association consists of somewhat excessively drained to moderately well drained loamy coarse sands and fine sandy loams that have a subsoil of sandy

clay over a hardpan. This soil type is located between sea level and 400 feet above mean sea level and occurs on grades of 2 to 15 percent (NRCS 1973).

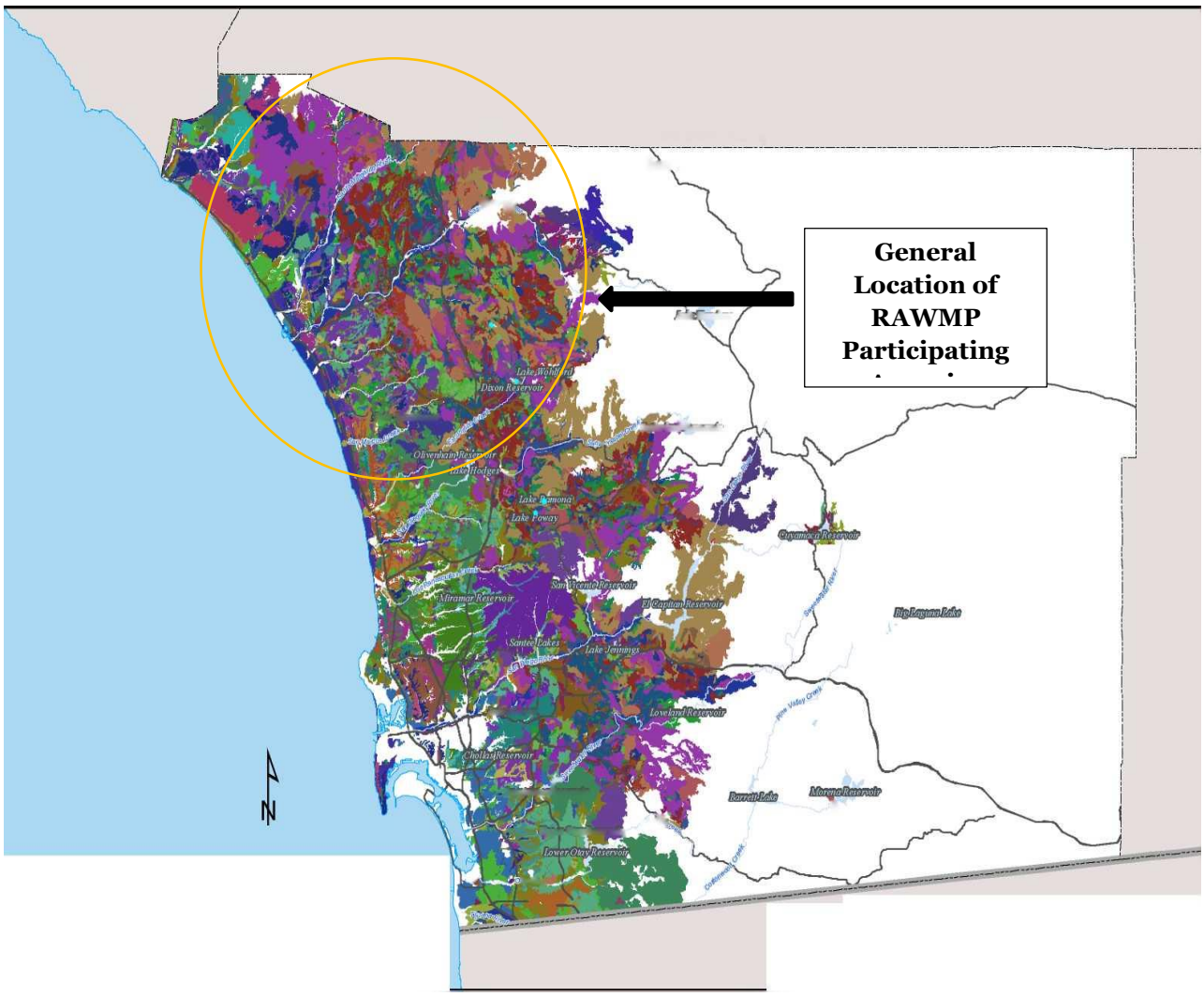
- **Salinas-Corralitos Association:** This consists of moderately well-drained to somewhat excessively drained clays, clay loams, and loamy sands on alluvial fans, on 0 to 9 percent slopes.
- **Cieneba-Fallbrook Association (Very Rocky):** These soils are excessively drained to well-drained coarse sandy loams and sandy loams that have a sandy clay loam subsoil over decomposed granodiorite. These soils occur between 200 and 3,000 feet above mean sea level and occur on 9 to 75 percent slopes.
- **Exchequer-San Miguel Association:** Rocky, well drained silt loams over metavolcanic rock, typically on 0 to 30 percent slopes.
- **Diablo-Altamont Association:** Well drained clays are the major characteristic of this association, normally found on 5 to 15 percent slopes.
- **Diablo-Las Flores Association:** This association consists of well drained clays and moderately well drained loamy fine sands that have a subsoil of sandy clay. These soils occur between 100 and 600 feet above mean sea level and occur on 9 to 30 percent slopes (NRCS 1973).
- **Las Flores-Huerhuero Association:** This association consists of moderately well drained loamy fine sands to loams that have a subsoil of sandy clay or clay; 9 to 30 percent slopes.
- **Ramona-Placentia Association:** This association consists of well drained and moderately well drained sandy loams to sandy clay over granitic alluvium. This soil type is largely in foothills between 200 and 1,800 feet above mean sea level and occurs on grades of 2 to 15 percent.
- **Fallbrook-Bonsall Association:** These soils are well drained and moderately well drained sandy loams that have a subsoil of sandy clay loam and clay loam over decomposed granodiorite in areas with 2 to 9 percent slopes. This association is made up of soils that developed in material weathered in place from granitic rock. It occurs on uplands and in swales in the Foothills. The elevation ranges from 200 to 2,500 feet.
- **Fallbrook-Vista Association (Rocky):** These soils consist of well-drained sandy loams and coarse sandy loams that have a subsoil of sandy clay loam and sandy loam over decomposed

granodiorite. These soils occur between 200 and 2,500 feet above mean sea level and occur on 9 to 30 percent slopes.

- **Friant-Escondido Association (Eroded):** These soils are excessively well drained fine sandy loams and very fine sandy loams over metasedimentary rock. These soils occur between 400 and 3,500 feet above mean sea level and occur on 30 to 70 percent slopes (NRCS 1973)

The generalized soils map units or soil associations underlying the area, shown in Figure 4-1, are described in the soil surveys for San Diego County, prepared by the U.S. Natural Resources Conservation Service. The general locations of the participating agencies are identified within the circled area.

Figure 4-1 Generalized Soil Map of San Diego County



Legend for Soils Map

Sources

Soil Conservation Service and Forest Service 1973, *Soil Survey San Diego Area*, California

San Diego County 2011, *General Plan Update Final Environmental Impact Report* (FEIR)

San Diego County Water Authority, Valley Center Municipal Water District, Mission Resource Conservation District 2001, *Agricultural Water Management Plan*

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5. Climate

Regional Planning

Draft San Diego Regional Agricultural Water Management Plan: Part I

5 Climate

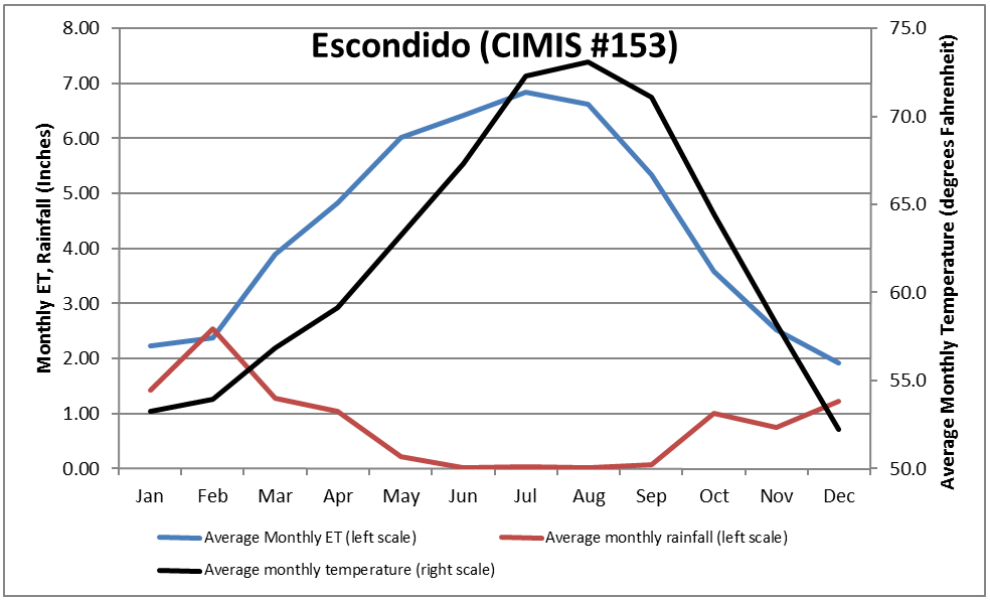
5.1 Regional Precipitation and Temperature

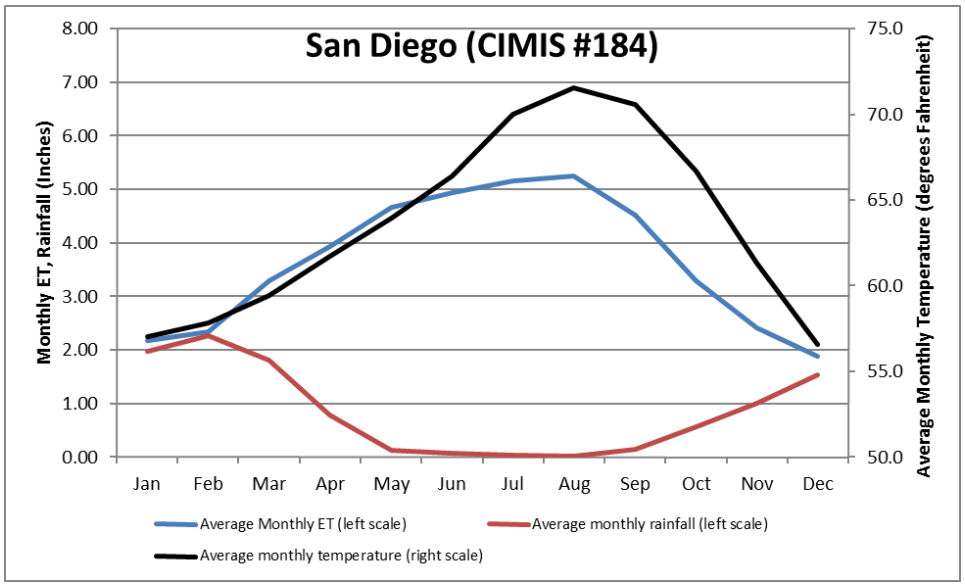
The Region experiences a Mediterranean climate characterized by mild temperatures year-round at the coast. Inland area weather patterns are more extreme, with summer temperatures often exceeding 90 degrees Fahrenheit and winter temperatures occasionally dipping below freezing. Inland areas are both hotter in summer and colder in winter, with summer temperatures often exceeding 90 degrees and winter temperatures occasionally dipping to below freezing. In Figures 8-1 and 8-2, Information from California Irrigation Management Information System (CIMIS) station # 184 in coastal San Diego shows an average monthly temperature of 72 degrees in August and an average monthly temperature of 56 degrees in December. CIMIS station # 153, in Escondido in inland San Diego County shows an average monthly temperature of 74 degrees in August and a monthly average temperature of 52 degrees in December. CIMIS information from those two stations also indicate that there is almost no precipitation between May and October and ET in those areas tracks accordingly.

Mild weather with many micro climates and a long growing season enables farmers to grow crops that may not be grown anywhere else in the United States or during times of the year when certain vegetables, fruits, flowers or exotic items may not be available from any other areas. The region is not entirely frost-free, but frost is less of a problem than in other mild weather areas in the United States. Mild weather gives local growers a distinct competitive edge over other parts of the country.

Average annual rainfall is approximately 10 inches per year on the coast, and in excess of 33 inches per year in the inland mountains. More than 80% of the region's rainfall occurs between December and March. Figure 8-X presents the geographic distribution of mean annual precipitation within San Diego County, demonstrating that annual precipitation in the region follows a pattern of increased precipitation with increased elevation. With the exception of the cultivated areas along the coastal strip of Oceanside-Carlsbad -Encinitas, the Escondido CIMIS station weather is more representative of the region’s inland irrigated agricultural areas.

Figure 5-1 Comparison of San Diego and Escondido CIMIS Stations





Significant variation in precipitation also occurs from year to year. Table 5-1 summarizes annual precipitation for a 75-year period at San Diego Lindbergh Field and a 97-year period at the City of

Escondido precipitation stations. Annual precipitation totals range from more than double the annual mean to less than half the annual mean.

Average precipitation across San Diego County is highly variable (Figure 8-X). The western coastal and foothills region of the County averages between 6 to 18 inches per year, with increasing amounts in the foothills. The central mountainous region averages between 15 to 35 inches per year. This higher rainfall is attributable to the orographic effect created by the higher elevations of the mountains, which raises and cools the moist marine air as it moves inland from the ocean over the mountains. The highest precipitation in the County occurs on Palomar Mountain (elevation 6,140 ft msl) and Cuyamaca Peak (elevation 6,512 ft msl), with precipitation in the wettest years exceeding 70 inches.

Table 5-1 Annual Rainfall Deviation from Mean

		San Diego (Lindbergh Field)		Escondido (Composite)	
		Inches	**% of Mean**	**Inches**	**% of Mean**
Exceedance	Maximum	24.93	251%	33.83	228%
	5%	17.74	179%	25.71	173%
	10%	16.05	162%	23.68	159%
	25%	11.76	118%	18.56	125%
	50%	8.74	88%	13.13	88%
	75%	6.64	67%	10.61	71%
	90%	4.61	46%	7.07	48%
	95%	3.83	39%	5.83	39%
	Minimum	3.41	34%	4.32	29%
	Mean	9.93	-	14.85	-

5.1.1 El Niño/La Niña Effects on Precipitation

Weather patterns throughout the world have been linked to cycles of warmer- or cooler-than-average surface water temperatures in the equatorial Pacific Ocean from between South America and the dateline. Warmer than average equatorial surface water temperatures are known as "El Niño", and cooler than average surface water temperatures are known as "La Niña." Historically, El Niño and La Niña conditions recur approximately once every 3 to 7 years and vary in both intensity and duration. During El Niño conditions, the period of October through March generally tends to be wetter than average in southern California. In contrast to El Niño, La Niña conditions bring generally dryer-than-average winters to southern California (NOAA, 1998). It should be noted that not all El Niño periods have brought above-average rainfall, and not all La Niña periods have brought below-average rainfall. However, since El Niño/La Niña cannot be accurately predicted beyond several months into the future, it is difficult to predict an upcoming year's precipitation with a high level of confidence. In addition, precipitation does not always follow the typical El Niño/La Niña patterns. As scientific research continues to expand regarding this phenomenon, it may be possible to predict future precipitation for an upcoming season with greater confidence.

5.2 Evapotranspiration

The term "evapotranspiration" refers to the total transfer of moisture to the atmosphere from the soil, water bodies, vegetative canopy, and plants. Evapotranspiration represents a significant portion of water lost from a given watershed. Types of vegetation and land use significantly affect evapotranspiration and therefore, the amount of water leaving a watershed. Factors that affect evapotranspiration include the plant type (root structure and depth), the plant's growth or level of maturity, percentage of soil cover, solar radiation, humidity, temperature, and wind. Monthly reference evapotranspiration (ETo), which is a measure of potential evapotranspiration from a known surface, such as irrigated grass or alfalfa has been estimated for San Diego County by CIMIS (Figure 8-X). As would be expected, the lowest ETo rates are typically during the cooler and wet winter months and highest during the summer. The lowest annual ETo rates in the County occur along the coastal region due to the marine influence with high humidity and moderate temperatures year round. In contrast, the highest annual ETo rates occur in the desert region due to the extremely dry air and very hot summers. Since irrigation water requirement is driven by the weather, using the CIMIS weather stations is a strategy that the region's growers utilize to estimate the previous week's actual water use and refine

their going forward practices. Seven CIMIS stations in the region assist agricultural and urban irrigators in irrigation scheduling.

Table 5-2 Reference Evapotranspiration (ETo) Table by CIMIS Zone

Reference Evapotranspiration													
	Monthly ETo (inches)												**Total**
CIMIS Zone	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**	
1	0.93	1.4	2.48	3.3	4.03	4.5	4.65	4.03	3.3	2.48	1.2	0.62	32.92
4	1.86	2.24	3.41	4.5	5.27	5.7	5.89	5.58	4.5	3.41	2.4	1.86	46.62
6	1.86	2.24	3.41	4.8	5.58	6.3	6.51	6.2	4.8	3.72	2.4	1.86	49.68
9	2.17	2.8	4.03	5.1	5.89	6.6	7.44	6.82	5.7	4.03	2.7	1.86	55.14
16	1.55	2.52	4.03	5.7	7.75	8.7	9.3	8.37	6.3	4.34	2.4	1.55	62.51
18	2.48	3.36	5.27	6.9	8.68	9.6	9.61	8.68	6.9	4.96	3	2.17	71.61

CIMIS - California Irrigation Management Information System

ETo - Reference Evapotranspiration

Table 5-3 San Diego County Reference Evapotranspiration (ETo) Table

		Annual ETo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Coastal	Torrey	46.4	1.8	2.2	3.4	4.5	5.3	5.7	5.9	5.6	4.5	3.4	2.4	1.8
	Oceanside	48.7	2.1	2.4	3.7	4.8	5.4	5.7	6.0	6.0	4.6	3.6	2.4	2.0
	Chula	44.2	2.2	2.7	3.4	3.8	4.9	4.7	5.5	4.9	4.5	3.4	2.4	2.0
Coastal	San Diego	46.5	2.1	2.4	3.4	4.6	5.1	5.3	5.7	5.6	4.3	3.6	2.4	2.0
	Miramar	46.4	1.8	2.2	3.4	4.5	5.3	5.7	5.9	5.6	4.5	3.4	2.4	1.8
Inland	Otay Lake	50.5	1.3	1.9	3.3	4.7	5.9	7.0	7.8	6.8	5.2	3.5	2.0	1.2
	Santee*	51.1	2.1	2.7	3.7	4.5	5.5	6.1	6.6	6.2	5.4	3.8	2.6	2.0
	Ramona	51.6	2.1	2.1	3.4	4.6	5.2	6.3	6.7	6.8	5.3	4.1	2.8	2.1
Mountain	Escondido	57.0	2.5	2.7	3.9	5.3	6.1	6.9	7.3	7.0	5.5	4.2	3.0	2.5
	Pine Valley*	54.8	1.5	2.4	3.8	5.1	6.0	7.0	7.8	7.3	6.0	4.0	2.2	1.7
	Warner	56.0	1.6	2.7	3.7	4.7	5.7	7.6	8.3	7.7	6.3	4.0	2.5	1.3
Desert	Borrego Springs	75.4	2.7	3.5	5.9	7.7	9.7	10.1	9.3	8.3	6.9	5.5	3.4	2.2

Climate change and its potential impacts on water resources in the region are described in Section 11.

SOURCES

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP)*. June

San Diego County Regional Water Management Group (RWMG). *Integrated Regional Water Management Plan (2013)*

County of San Diego DPLU (02/10), *Water Efficient Landscape Design Manual*

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6. Operational Characteristics

Regional Planning

6 Operational Characteristics

6.1 Operating Rules and Regulations

6.1.1 Rules and Regulations Affecting Water Availability

Each agricultural water supplier within the region possesses its own operating rules and regulations and associated policies. These protocols are described in greater detail for the Participating Water Suppliers in Part II of this RAWMP.

In general, operating rules and regulations of the participating water suppliers include policies on water allocation, water usage, required fees and charges, timing of water deliveries, and water transfers into or out of each supplier's service area. The operating rules and regulations vary to some extent based on the organization of individual suppliers. For example, water districts formed under Chapter 11 of the CWC have policies and procedures that are determined by a board of directors who require the districts to hold a certain amount of money in reserve, but mutual water companies operating in the service area of one of the participating agencies have policies and procedures that are determined by a board of trustees. Charter and General Law cities both deliver to commercial agricultural users and are governed by mayors and city council governing structures.

The SDCWA is the primary source of surface water in the region. The SDCWA's enabling legislation, the *County Water Authority Act*, and SDCWA's Administrative Code set the requirements for delivery and in cases of shortage, how supplies will be allocated to its 24 member agencies. The SDCWA does not have contracts with its member agencies but through its enabling legislation has a duty to serve. As stated in the County Water Authority Act

> "The *board of directors, as far as practicable, shall provide each of its member agencies with adequate supplies of water to meet their expanding and increasing needs. If available supplies become inadequate to fully meet the needs of its member agencies, the board shall adopt reasonable rules, regulations, and restrictions so that the available supplies are allocated among its member agencies for the greatest public interest and benefit".*

In its turn the SDCWA does not have a contract with MWD its largest wholesale supplier, which has a similar obligation to serve its member agencies through its enabling legislation, the *Metropolitan Water District Act*.

For those supplies that are not provided by MWD, SDCWA has individual contractual agreements that contain specific terms and conditions for timing, quantities, transportation, water quality and price. The agreements for the purchased of conserved Colorado River supplies are between SDCWA and the Imperial Irrigation District (IID). There are several agreements related to conserved water from the All-American and Coachella Canal linings. Both these sources of Colorado River water are part of the more encompassing *Quantification Settlement Agreement* (QSA) and California's 4.4 Plan for living within its allocation 4.4 MAF of Colorado River water. These agreements and supplies are also subject to compliance with federal and state environmental permits that allow for the diversion of conserved agricultural water from IID and the All-American and Coachella Canal linings to San Diego. The SDCWA-MWD Exchange Agreement sets the terms and conditions for the transportation of conserved agricultural water from the Colorado River to San Diego County. A Water Purchase Agreement between the SDCWA and Poseidon Resources sets the terms and conditions on price, quality, water quality and operating requirements for the production and delivery of desalinated seawater to SDCWA's regional water conveyance system.

Local water supplies that are owned by the retail water agencies are governed by their individual agency rules and regulations. In general, surface water diversions rely on historic water rights and permits obtained by those water agencies. There are also agreements between agencies that govern inter-agency rights and use of local surface water and storage rights in local reservoirs. The details of those rights will be discussed for the individual water supplier in Part II of this RAWMP. In terms of agreements pertaining to regional water supplies, SDCWA has agreements with the City of San Diego and OMWD for joint use of certain reservoirs for emergency and carryover storage. These agreements also require the development of Reservoir Regulatory Plans that set the rules for reservoir operation and management.

Imported water is always the supplemental source of supply for retail water suppliers in the San Diego region and in many instances their only source. For those agencies that experience reduced local surface water supplies during extended dry periods reliance on SDCWA supplies increase. It is only when constraints on available imported water supplies occur (MWD supplies) that a shortage at the retail

level occurs. In the event of a water shortage and reduced water availability, there is not a proportional decrease in irrigated acreage. A common response by commercial growers in areas of the region with tree crops is the "stumping" of a proportion of a grove that results in reduced water use as required under the shortage contingency plan discussed in Part I Section 7.

An example of this practice occurred in the previous drought of 2008-2011. Growers were required to reduce water usage at first by 15% and then in 2009-2011 by 30% under MWD's Interim Agricultural Water Program (IAWP), discussed in greater detail below. In response, one-third of producing trees were stumped in the service areas of several agricultural water suppliers. Although an immediate water savings is realized through this practice it is difficult to sustain for an extended drought event as the trees require more than minimal watering after 1-2 years. If required to stump additional acreage to continue to achieve water savings during a very prolonged shortage the grower may not be able to economically recover. This pattern was experienced during the last drought where customers turned off their meters and abandoned their orchards. This was a significant contributor to the substantial reduction in irrigated acreage of avocado production in northern San Diego County.

A typical pattern with agricultural users using private groundwater wells is to see reduced production from private pumping due to extended dry conditions. In these cases, growers will supplement reduced groundwater supplies with imported water, to the extent possible. In water shortage years, groundwater well production has historically decreased. This results in even more increased pressure on already stressed and limited imported supplies. When allocation of regional water supplies is implemented by SDCWA, agricultural customers are required by their individual agencies to reduce water use. The most recent shortages where supplies have been allocated by SDCWA have occurred in 2014-2015 and in 2009-2011 when SWP contractor allocations were significantly reduced to historic lows. Similar shortage allocations and patterns of response occurred in the prolonged drought of 1987-1992. The rules and policies that govern the regional response to shortages is described in detail in Section 6.

6.1.2 Water Delivery Measurements

Water measurement is practiced throughout the region. All water suppliers measure deliveries for water accounting and to efficiently and effectively manage available water supplies. Thirteen of the fourteen participating water suppliers in RAWMP are signatories to the MOU for *Urban Water Conservation in California* and have complied with the BMPs regarding water metering and leak detection and repair.

For purposes of water measurement, agricultural and Municipal & Industrial customers are treated similarly.

Wholesale Supplier Measurements

Article 5 of SDCWA's Administrative Code sets the rules and requirements for regional water service. All water delivered by SDCWA to the retail water agencies is metered at the point of connection. Member agencies place daily water orders from SDCWA for either treated or untreated water and are entitled to two (2) scheduled flow changes during a 24-hour period. SDCWA operations staff coordinates with MWD operators to place water orders for either treated or untreated water. All deliveries by MWD to SDCWA is metered at all points of connection.

The SDCWA maintains flow measurement devices, either differential pressure type Venturi meters or Positive Displacement meters, that measure the quantity of water delivered through each of the turnouts from the SDCWA Aqueduct. Meters are required to be tested by SDCWA at its expense at intervals of not less than one year and any member agency may have the meter through which it is served tested by the SDCWA at any time at its own expense. In the event that a test discloses an error exceeding plus or minus two percent, an adjustment is made in charges against the agency affected.

SDCWA reconciles monthly deliveries to its member agencies turnouts with deliveries from MWD owned pipelines to SDCWA turnouts. Two of the participating water suppliers receive delivery directly from MWD owned meters and those quantities are also reconciled each month. SDCWA provides monthly estimated water bills to each of its member agencies to reconcile with their own information on water deliveries. Annually, the retail agencies and SDCWA are able to reconcile deliveries to individual agency turnouts with monthly deliveries to retail customer meters. This allows for very accurate water accounting between the wholesale and retail levels and identification of water losses.

Retail Supplier Measurements

Water measurement within retail supplier service areas typically occurs at the customer connection point. All end user delivery locations are equipped with flowmeters that indicate instantaneous flow and accumulate the quantity delivered with a totalizer. The most common metering is Positive Displacement Meters which are found in most connections under 2" in diameter. Some agencies employ velocity type meters, either single jet or multi jet, for some of their larger diameter connections. As a

rule, all retail deliveries to agricultural customers by water suppliers in the region are metered and read on a regularly scheduled basis either manually or increasingly through Automatic Meter Reading (AMR). Meter reads are taken either monthly or bi-monthly for all agencies in the Plan area. All of the retail water suppliers participating in the RAWMP provide water service on-demand to all of their customers. Those water suppliers with large agricultural water demand maintain communication between the distribution system operators and the large agricultural customers to manage peak demand periods s and plan for operational efficiencies.

Because of the annual reconciliation process described above, the close coordination between SDCWA and the retail water agencies and SDCWA Administrative Code requirements to ensure meters are properly calibrated there is a high level of confidence the wholesale water meters provide a very accurate method of measuring both the flow rate and the volume of water delivered into the retail agency turnouts. The region's retail water agencies existing water measurement devices perform very accurately and all reflect compliance with AWWA standards for accuracy. Staff at all retail agencies routinely monitor meters for abnormalities and a meter is replaced if the abnormal reading cannot be corrected in the field. In addition to agency staff monitoring for any abnormal performance, property owners in any of the retail agencies can request the meter be tested.

6.2 Water Pricing

Water pricing structures are subject to complying with state law and adhering to cost of service principles. Pricing can be used to influence water usage, address issues or concerns, and promote water management objectives as long as the structures comply with cost of service principles.

Wholesale Pricing

Existing water supplier pricing structures within the region are influenced by several factors with the most significant being water pricing from the two wholesale supply agencies, SDCWA and MWD. Typically, wholesale supply prices and the cost of water treatment can make up 65-70% of the retail water bill. SDCWA's supply costs from MWD, IID conserved canal lining water and the Carlsbad Desalination Project are melded into a per acre foot cost of delivered supply. Per acre foot charges are also applied for water delivered to agencies requiring treatment and for all deliveries, treated and untreated, for the cost of transporting the water. Additional fixed charges are calculated annually and allocated to each member agency for the cost related to administrative and customer service and the cost of recovering primarily debt service on the capital cost of adding and connecting approximately

200,000 acre feet of new water storage capacity over the last 15 years In this last year the SDCWA added a Water Supply Reliability Charge to cover a portion the fixed cost of the Carlsbad Desalination Project and the Canal Lining projects that enhanced water reliability for the region. . In addition to these SDCWA fixed charges MWD fixed charges are passed on to the retail water agencies and paid annually. All of these fixed charges and wholesale commodity related charges are then passed through by the retail water agencies to their customers.

SDCWA has an agricultural water pricing program that establishes a *Transitional Special Agricultural Water Rate* (TSAWR) for qualifying customers. Commercial agricultural customers with 1 acre or more are eligible for a special class of service rate. Qualified users pay the pass through cost of MWD supplies and do not pay the fixed charge for storage facilities described above. The discount for CY 2015 was $182/AF and for CY 2016 is $186/AF. In return, in the event of a supply shortage of MWD water these agricultural customers receive cutbacks equivalent to the MWD supply cuts to SDCWA. They do not benefit from the lower supply cuts M&I rate payers experience as they benefit from the more reliable SDCWA Colorado River and seawater desalination supplies. TSAWR customers also receive a lower level of service in an emergency from the Emergency Storage Project (ESP) and are cut at twice the rate of M&I customers. In a drought shortage they also would not benefit from supplies stored in SDCWA's Carryover Storage pool. This lower level of reliability is in exchange for a discount in the cost they pay for water.

Not all agricultural users participate in the TSAWR. Many of the high value nursery growers, cut flowers and a sizable portion of smaller avocado growers want the enhanced and more certain reliability offered by SDCWA's other supplies. These commercial growers pay full price for water supply and are treated in an equivalent manner with M&I during drought and emergency shortages. The number of commercial agricultural users that pay full price for water to avoid the higher potential cutbacks that TSAWR customers face has continued to grow since the previous drought ended in 2011. Table 6-1 displays wholesale water rates charged to the retail agencies for delivered water to agricultural users for TSAWR and non-TSAWR classes of service. The wholesale rates are factored into the retail agencies costs recovered through their rates and charges applied to agricultural users.

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Table 6-1 SDCWA Wholesale Water Rates

Class of Service	CY 2015 $/AF	CY 2016 $/AF
Full Service Treated	$1,365	$1,439
Full Service Untreated	$1,087	$1,159
TSAWR Treated	$1,183	$1,253
TSAWR Untreated	$905	$1,067

Retail Agency Pricing

The remaining local agency factors that are reflected in pricing include operating costs, typical demands based on M&I sector expected use, irrigated acreage, cropping and irrigation methods, and historical precedent. Water suppliers typically establish rates to recover administrative, O&M, and long-term capital improvement costs. Pricing structures also include a fixed monthly service charge to cover an agency's fixed costs and reduce volatility of volumetric charges regardless of water usage. Because not all commercial agricultural customers purchase water at published agricultural water rates the following reflect the types of additional charges:

- *Commodity Charge:* based on per acre foot, Hundred Cubic Feet or 1,000 gallons. This charge applies directly to the measured volume of water delivered and is used for all crops.
- *Pumping Charges:* These charges are volumetric based on water delivered and pumping elevation
- *SDCWA Infrastructure Charges:* These are charges that reflect payments made by the retail agency to SDCWA for regional water infrastructure

Water pricing structures and water rates corresponding to the participating water suppliers are described in greater detail in Part II of this regional AWMP. Although not contemplated in assessing compliance with CCR 23 §597, all of the participating water suppliers have a pricing structure based in large part on the volume of water delivered to individual customer meters.

Sources

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP*). June

San Diego County Water Authority (SDCWA). 2015. *Administrative Code*

Water Research Foundation. 2011 *Accuracy of In-Service Meters at High and Low Flow Rates*

7. Regional Water Shortage Allocation Policies

Regional Planning

7 Regional Water Shortage Allocation Policies

7.1 Overview

In the last 25 years the San Diego region has been through three major state wide droughts that resulted in imported water shortages and retail level cutbacks to Agricultural and Municipal and Industrial (M&I) customers. San Diego County's shared experience has proven that cooperation and coordination between the regional wholesaler, SDCWA, and the retail water suppliers provides the strongest basis for effectively managing a drought and is in the best interests of the residents and businesses that the region's water agencies serve.

The current four-year drought and its resulting water supply shortages combined with the challenges of complying with the State Water Resources Control Board (SWRCB) Emergency Water Conservation Regulation has once again shown the value and necessity of regional cooperation in San Diego County. The region's coordinated approach to drought management and water shortages has resulted in reductions in excess of the SWRCB aggregate conservation target for San Diego County water agencies and has led the way for a strong response to conservation from the public.

This Section will describe the regional policies that guide drought management and shortage allocation that are also adopted by local agricultural water suppliers through the region's coordinated approach. Part II of this RAWMP will describe the individual retail water supplier policies that implement that regional approach.

7.2 Water Shortage and Drought Response Plan

Water Shortages in the region are triggered by reductions in the availability of imported water and by cutbacks by MWD to SDCWA. Even those agencies with local surface and groundwater supplies that are affected by hydrologic variance do not institute cutbacks at the retail level until imported water is curtailed by SDCWA. For purposes of Part I of the RAWMP the shortage polices of SDCWA will be discussed as the regional approach to drought management and water shortage contingency planning. Part II will provide reference to individual supplier actions which as noted above are very much aligned with the regional approach. Of prime importance, is that the region desires to act during a shortage in a coordinated manner and drought response actions at the local level seek to be consistent with the regional approach of SDCWA for purposes of effective and clear communications with the public.

Following the major drought in California of 1987 - 1992, which led to severe water supply shortages throughout the state, the SDCWA and its member agencies aggressively developed plans to minimize the impact of potential shortages. In 2006, the SDCWA Board of Directors adopted the Water Shortage and Drought Response Plan (WSDRP), to serve as a comprehensive plan in the event that the region faced supply shortages due to drought or other water shortage conditions.

The WSDRP was developed by the SDCWA in coordination with its member agencies to provide a balanced, flexible, systematic approach to identifying regional actions necessary to reduce the impacts from shortages.

It includes all aspects of drought planning, from steps to avoid rationing, to drought response stages, water shortage allocation methodology, pricing, tracking actual reductions in water use, and a communication strategy. Multiple actions are identified to manage shortage situations, including both supply augmentation measures and demand reductions up to 50 percent in water supply. Conservation savings is an essential component of meeting the need for water in a time when available supplies are limited.

The WSDRP is organized into three stages: voluntary supply management, supply enhancement, and mandatory cutbacks including a supply allocation methodology. These stages are summarized in the Drought Response Matrix in Table 7-1.

7.3 Drought Response Matrix

The WSDRP includes a drought response matrix that serves as guidance to the SDCWA and member agencies in selecting potential regional actions to lessen the severity of shortage conditions. As shown in Table 7-1, the matrix identifies the three drought stages and potential actions available to the SDCWA at each stage.

Table 7-1 Drought Response Matrix

STAGES			
Potential SDCWA Drought Actions	**Voluntary**	**Supply Enhancement**	**Mandatory Cutbacks**
Ongoing BMP implementation	X	X	X
Communication strategy	X	X	X
Monitoring supply conditions and storage levels	X	X	X
Call for voluntary conservation	X	X	X
Draw from SDCWA carryover storage	X	X	X
Secure transfer option contracts	X	X	X
Buy phase 1 spot transfers (cost at or below Tier 2		X	X
Call transfer options		X	X
Buy phase 2 spot transfers (cost at or above Tier 2		X	X
Implement allocation methodology			X
Utilize ESP Supplies			X

7.3.1 M&I Supply Allocation Methodology

In the event of mandatory supply cutbacks from MWD, the WSDRP includes an M&I allocation methodology to determine how the SDCWA's available supplies will be equitably allocated to its member agencies. The allocation methodology applies to those customers paying the M&I rate, including residential, commercial, and industrial customers as well as non-SAWR agricultural customers. Agricultural users that are not participating in the reduced price SAWR program are treated as M&I users during a shortage allocation when establishing a member agency's supply allocation from SDCWA. During an allocation, the actual reduction in retail agency deliveries is determined through monthly meter reads, which are compared to the allocation targets for each member agency. This tracking information is then provided in monthly progress reports to the SDCWA board of directors.

The SDCWA administers the M&I allocation methodology following the procedures and policies contained in the SDCWA's Resolution Establishing Procedures and Policies for Administration of the Drought Management Plan Water Supply Allocation Methodology. The resolution includes a

requirement for the SDCWA staff to report monthly to the Board of Directors and member agency managers on how agency deliveries are tracking compared to their allocation target.

7.3.2 Agricultural Supply Allocation Methodology (TSAWR)

In the event of a mandatory cutback by MWD, SDCWA has a separate agricultural supply allocation policy for participants in the Transitional Special Agricultural Water Rate (TSAWR). As described in Section 6.2, TSAWR customers pay a reduced price for water in recognition of their receiving a reduced level of service during a drought or emergency shortage. Similar to the M&I allocation, TSAWR agricultural customers are allocated water following the procedures and policies contained in the SDCWA's Resolution *Establishing Procedures and Policies for Administration of the Drought Management Plan and Water Supply Allocation Methodology*. Also similar to M&I water use, the resolution includes a requirement for the SDCWA staff to report monthly to the Board of Directors and member agency managers on how agency TSAWR deliveries are tracking compared to their allocation target.

Under the shortage allocation policy TSAWR customers are allocated water based on a base year of historical water use. For purposes of the current drought, per SDCWA Board policy TSAWR customers historic base period is FY 2014. TSAWR customers are cutback at the MWD cutback rate to SDCWA. SDCWA's Colorado River transfers and desalinated seawater as well as the use of SDCWA carryover storage supplies are not used in determining SAWR customer's allocation of available regional supplies. In the current drought, TSAWR program supply allocations are based on a MWD cutback level of 15 percent. When SDCWA's other more reliable supplies are factored into the M&I allocation it results in an approximately 1% cutback in FY 2016 to agricultural customers paying the full basic M&I water rate. Establishing a cutback based on the allocation of available supplies was superseded by the SWRCB Emergency Regulation and the individual conservation targets established under the Regulation.

Despite the exemption for commercial agriculture provided in the SWRCB's Emergency Regulation, customers under the SAWR program are required under Program rules to reduce water usage by the MWD cutback level of 15%. How individual retail water suppliers manage their agricultural customers' allocation of water under SAWR is describe in Part II of this RAWMP.

7.3.3 Model Drought Response Conservation Ordinance

In March 2008, the Water Authority's Board of Directors approved for release a *Model Drought Response Conservation Program Ordinance* (Model Drought Ordinance) for use by member agencies in updating their existing ordinances. The Model Drought Ordinance was developed with input from the member agencies to provide regional consistency during periods of shortages. The Department of Water Resource's 2008 Updated Urban Drought Guidebook was also utilized as a reference document for preparation of the Model Drought Ordinance. It identifies four drought response levels that contain water-use restrictions to help achieve demand reduction during temporary shortages. The restrictions become more stringent at each successive level to obtain necessary savings and delay economic impact until higher levels. Table 10-2 shows the correlation between the WSDRP stages and the Model Drought Ordinance.

The Model Drought Ordinance was used by the member agencies in updating their individual

Table 7-2 Correlation Between WSDRP Stages and Model Ordinance Levels

WSDRP Stage	Drought Response Level	Use Restrictions	Conservation Target
1	1 - Drought Watch	Voluntary	Up to 10%
1	1 - Drought Watch	Voluntary	Up to 10%
2	1 - Drought Watch	Voluntary	Up to 10%
	2 - Drought Alert	Mandatory	Up to 20%
3	2 - Drought Alert	Mandatory	Up to 20%
	3 - Drought Critical	Mandatory	Up to 40%
	4 - Drought Emergency	Mandatory	Above 40%+
2	1 - Drought Watch	Voluntary	Up to 10%
	2 - Drought Alert	Mandatory	Up to 20%
3		Mandatory	Up to 20%
	3 - Drought Critical	Mandatory	Up to 40%
	4 - Drought Emergency	Mandatory	Above 40%+

ordinances to help promote regional consistency. Member agencies independently adopt retail-level actions to manage potential shortages (described in Part II of this RAWMP). Since its approval, all of the member agencies have updated their existing ordinances, based on the Model Drought Ordinance, but also tailoring their individual ordinances to their unique service area and characteristics. Similar to the Model Drought Ordinance, the member agencies' ordinances provide specific mandatory restrictions on water use during a water shortage or drought event depending on its severity.

The Model Drought Ordinance was updated in April 2012, based on lessons learned during the during the 2007-2011 shortage period. This included updating the language to comply with the specific requirements of the UWMP Act regarding consumption reduction methods to address "up to a 50 percent reduction in water supply" (Water Code Section 10632 (a)). The updated retail agency ordinances that are in effect during the current Drought Emergency reflect the changes made to the Model Drought Ordinance.

7.3.4 Use of Penalty Rates

Penalty rates may be used by SDCWA to encourage conservation and reduce demand during a drought or other water supply shortage. If MWD allocates imported water supplies to SDCWA, MWD can impose surcharges (penalty pricing) on water consumption in excess of the SDCWA's allocation. The Water Authority's Implementing Resolution, provides for a pass through to the retail agencies of any penalties levied by MWD on SDCWA for exceeding its annual allocation. Penalties are assessed at the end of the fiscal or calendar year, depending on the class of service. Penalties will be assessed on a pro rata basis to the retail agencies that exceed their allocations, and only if the SDCWA exceeds its allocation from MWD. SDCWA is subject to significant financial penalties if it exceeds its Metropolitan allocation. Rates may also be adjusted based on any other allocation program implemented by SDCWA as determined necessary by the Board of Directors. SDCWA may also reduce the amount of water it allocates to a member agency if the member agency fails to adopt or implement water use restrictions.

In April 2015, a modification was made to SDCWA's procedures in imposing penalties on member agencies for exceeding their individual allocations. The modification was in response to the Governor's call for heightened drought response actions due to the severity of the current 4-year drought. Under the existing policies member agencies would receive a financial penalty for exceeding their allocation

only if SDCWA's annual deliveries exceed its supply allocation from MWD. This allowed some agencies to potentially underperform and exceed their allocation without receiving a financial penalty. The modification allows SDCWA to assess a monetary penalty on any member agency deliveries that exceed either their M&I or TSAWR supply allocation from the Water Authority, even if the Water Authority does not exceed its annual allocation from MWD. This provision would help enforce the need to meet the SWRCB conservation targets and is only in place for the current allocation period.

7.4 SDCWA Dry-Year Supplies and Carryover Storage

The SDCWA's dry-year supplies and carryover storage are an important component of managing potential shortages within the region and for increasing supply reliability for the region. The dry-year supplies assist in minimizing or reducing potential supply shortages from MWD. Over the last five years the SDCWA has developed a carryover storage program to more effectively manage supplies. This includes in-region surface storage currently in member agency reservoirs and increasing capacity through the raising of San Vicente Dam. The SDCWA also has an out-of-region groundwater banking program in the California central valley. Through these efforts, the SDCWA can store water available during wet periods for use during times of shortage. The SDCWA also implemented a dry-year transfer program during the last shortage period and successfully acquired and utilized dry-year transfer supplies in 2009. The SDCWA's carryover storage and dry-year transfer programs are discussed below.

7.4.1 SDCWA Carryover Storage Program

The carryover storage program provides water for the region in the case of a supply shortage, such as during a drought. The SDCWA has identified three main needs for carryover storage:

- Enhance reliability of the water supply: During dry weather periods, increased regional demand for water may exceed available supplies, resulting in potential water shortages. Carryover storage provides a reliable and readily available source of water during periods of shortage, such as during dry years.
- Increase system efficiency: Carryover storage provides operational flexibility to serve above normal demands, such as those occurring during peak summer months or extended droughts, from locally stored water rather than by the over-sizing of the SDCWA's imported water transmission facilities.

- Better management of water supplies: Carryover storage allows the SDCWA to accept additional deliveries from its existing State Water Project- and Colorado River-derived sources during periods of greater availability, such as during wet years, to increase water availability locally during periods of shortage, such as during dry years.

San Vicente Dam Raise Carryover Storage Project

The SDCWA's Water Facilities Master Plan (December 2002) identified a need for approximately 100,000 AF of carryover storage to assist in maintaining a secure and reliable supply for the region.

The San Vicente Dam Raise CSP will meet this need by providing approximately 100,000 acre-feet of local storage and facilitate the reliable and efficient delivery of water to residents of the SDCWA service area. It is located in the San Vicente Reservoir above the reservoir expansion for the ESP, and will increase water storage reliability for commercial agricultural users paying the full basic M&I water rate.

Water Authority's Out-Of-Region Groundwater Program

As part of the Quantification Settlement Agreement, the Water Authority became the recipient of groundwater conjunctive use funds appropriated through Senate Bill 1765 (1998), which originally were designated to MWD. Approximately $30.5 million was made available to the Water Authority for use in its groundwater program. A demand and supply analysis utilizing data from SDCWA's 2005 Urban Water Management Plan identified a maximum potential need for approximately up to 95,000 acre-feet of additional carryover storage beyond the 100,000 acre-feet of carryover storage at San Vicente Reservoir. This evaluation looked at a three-year dry cycle scenario during which demands are high and imported supplies are constrained by preferential rights. Based on that scenario, the Water Authority distributed a Request for Proposal (RFP) in November 2005 to partner with agencies overlying a groundwater basin for a conjunctive use project. The project would allow water to be delivered and stored during above normal hydrology and extracted from the basin and delivered to the Water Authority either by wheeling through various facilities, exchanges, or other alternatives.

In 2008, SDCWA acquired a total of 70,000 acre-feet of permanent storage allocation in the Semitropic-Rosamond Water Bank Authority and Semitropic Water Bank (40,000 acre-feet and 30,000 acre-feet respectively) located in Kern County. Due to its location near the California Aqueduct, the Kern River

and the Friant-Kern Canal, the location was ideally suited for groundwater banking. The Water Authority's assigned rights also included a total Program Delivery Capacity of 12,715 acre-feet per year and 10,865 acre- feet per year of Program Pumpback Capacity.

7.4.2 Utilization of Carryover Storage Supplies

In accordance with the Water Authority's WSDRP, potential utilization of carryover storage supplies could occur in Stage 2, Supply Enhancement, or Stage 3, Mandatory Cutbacks. The amount of water taken from carryover storage reserves, to manage potential shortages, is influenced by a number of factors and should generally be handled on a case-by-case basis. Many of the factors influencing the storage take will vary depending upon conditions present. These factors include, but are not limited to:

- Current water demand trends;
- Core water supply availability from imported and local sources;
- Existing and projected hydrologic conditions;
- Storage supply available for withdrawal;
- Take capacity from the groundwater banking program; and
- Need to avoid depletion of storage reserves.

Agricultural customers paying the full basic M&I water rate will receive enhanced reliability from the use of Carryover Storage supplies as those supplies will be part of their retail agency's allocation of water under WSDRP. Customers in the SAWR class of service are exempt from paying SDCWA's storage charge and in turn receive no water from the Carryover Storage Program during Stage 2 or 3 of the WSDRP.

7.4.3 SDCWA Dry-Year Transfer Program

Agricultural customers paying the full basic water rate can also benefit from enhanced reliability provided by dry year water transfers. SDCWA, on behalf of the region has purchased transfer water from water agencies in northern California as a strategy to improve dry year shortages. Agricultural users participating in the SAWR pay only for MWD water and therefore do not receive the reliability benefit of dry year transfers that their retail agency receive as part of their overall water allocation under WSDRP.

To ensure adequate water supplies resulting from continuing drought conditions (2007 - 2011) and regulatory constraints, and as part of the WSDRP, staff developed a plan to secure one-time water transfer agreements, which could lay the foundation for long-term agreements as authorized by the Board on September 27, 2007. Although transfers of water supplies through the Delta may be subject to curtailments during certain periods due to operations of the pumps in the SWP system, staff pursued opportunities as a supply option in the event that Colorado River surplus was suspended or dry-year conditions continue. The supply could also hedge against shortfalls resulting from a reduced State Water Project allocation.

In 2009, SDCWA acquired 20,000 acre-feet of water under a one-year transfer agreement with Placer County Water Agency in Northern California to lessen the impact of water supply reductions on the San Diego region. The transfer eased the region's transition from voluntary conservation to mandatory water use restrictions by keeping regional water savings target for the year at a manageable level. In 2010, the SDCWA actively sought water transfer options, however, due to the changed conditions in the region's water demands, which had significantly dropped since MWD enacted Level 2 of its Water Supply Allocation Plan in July 2009, the expense necessary to obtain the necessary approvals and agreements and the comparatively higher cost of the supplies, the board approved not exercising its call rights to the 2010 dry-year transfer with the South Feather Water and Power Agency.

Considerations that shaped negotiations between SDCWA and the potential partners included:

- *Source Location*: To mitigate the delivery risks through the Delta, staff pursued transfers as a part of DWR's Dry Year Program, which had a wheeling priority in the Delta. In addition, staff investigated temporary storage agreements with DWR and the USBR in Lake Oroville or Lake Shasta to store the conserved water for when releases would be permitted.
- *Federal and State Agency Approvals*: Potential programs may have required environmental compliance and approval from overseeing agencies, such as the USBR and DWR.
- *Price:* The cost for water purchase, transportation, conveyance losses, and environmental/administrative fees should be comparable to the costs of other supply alternatives such as Metropolitan's Tier 2 purchases and IID transfers. In addition, staff made efforts to not drive the costs up of potential proposals by Metropolitan with the Northern California water districts.

- *Call Period*: Potential partners were seeking earlier call dates to ensure time to conserve the call amount. The Water Authority sought a balance that would provide a later call date opportunity due to changing weather conditions or water opportunities.
- *Available Capacity in the SWP system*: Consideration was made due to the uncertainty of the SWP pump operations and available capacity in the SWP system.

During the current Drought Emergency there has been very little if any agricultural water available for dry year transfers due to the severity of water supply conditions. The region has not used dry year transfers to supplement existing supplies during this 4-year period of dry weather.

Sources

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP)*. June

http://www.sdcwa.org/, November 2014. Water Planning Committee Board Report

http://www.sdcwa.org/, April 2015. Water Planning Committee Board Report

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8. Water Use

Regional Planning

8 Water Use

8.1 Overview

The predominant use of water in the region is for Municipal and Industrial (M&I) uses. M&I water use accounts for 80-85% of all water used in the region. M&I water use includes domestic consumption in developed and rural residential areas, and to a lesser extent commercial, industrial and institutional uses of water. Agricultural water use has accounted for 15%-20% of the region's water use for the last 30 years. Recreational uses of water are related to the use of locally owned reservoirs serving as surface water impoundments for drinking water. Environmental Wear uses are incidental to the operation water supply facilities or in compliance with state and federal permits. These water uses are described in greater detail in the remainder of this section.

8.2 Agricultural Use

Agricultural production within the SDCWA service area is concentrated mainly in the northern part of San Diego County, with the top five agricultural member agencies being: the City of Escondido, Fallbrook Public Utility District, Rainbow Municipal Water District, Valley Center Municipal Water District, and Yuima Municipal Water District. In fiscal year 2013, these five agencies represented over 90 percent of the total agricultural water use within the SDCWA boundaries.

SDCWA conducted detailed estimates of agricultural acreage in 2007 and 2013 using a new assessment methodology it developed to estimate agricultural lands based primarily on geographic information system (GIS) data provided by the County of San Diego. In its most recent *Agricultural Acreage Assessment (2014)*, SDCWA identified agricultural lands within the region totaling approximately 52,000 acres. This acreage is classified into nine crop categories based on water usage characteristics. Water use for the nine categories differ based on their respective crop-type evapotranspiration rates and crop coefficients. Table 8-1 shows the nine categories used to classify agricultural crop-types.

Table 8-1 Agricultural Crop-Type Categories

Class	Crop-Type Category
1	Avocado Trees
2	Citrus, Subtropical Trees
3	Fruits, Nuts, Grapes
4	Vegetables, Flowers, Berries
5	Greenhouses
6	Nursery
7	Grain, Hay, Pasture
8	Non-irrigated Oat, Wheat, Range
9	Sod Farms, Turf

Avocado groves represent the largest single category at 23, 440 acres, or just under 45 percent of the total acreage. Between 2007 and 2013 the region saw a 12% reduction in overall irrigated acreage and an approximate 8% reduction in irrigated avocado acreage. Table 11-2 provides a comparison between the 2007 estimates and the 2013 assessment of average by classified crop type.

Table 8-2 Comparison of 2007 and 2013 Agricultural Acreage

Class	Crop-Type Category	2007	2013
1	Avocado Trees	25,533	23,438
2	Citrus, Subtropical Trees	7,504	7,793
3	Fruits, Nuts, Grapes	5,268	2,650
4	Vegetables, Flowers, Berries	10,164	7,979
5	Greenhouses	1,201	1,041
6	Nursery	5,503	5,009
7	Grain, Hay, Pasture	562	1,253
8	Non-Irrigated Oat, Wheat, Range	3,322	2,293
9	Sod Farms, Turf	554	874
TOTALS		**59,611**	**52,330**

The total agricultural acreage estimates were further broken down to individual SDCWA member agencies and displayed in Table 11-3. Agencies participating in the RAWMP are shown in Bold.

Table 8-3 Member Agency Breakdown of 2013 Agricultural Acreage

Member Agency	Acreage
Carlsbad M.W.D.	**785**
Del Mar, City of	0
Escondido, City of *	**1,867**
Fallbrook P.U.D.	**4,912**
Helix W.D.	25
Lakeside W.D.	51
National City, City of	1
Oceanside, City of	**2,067**
Olivenhain M.W.D.	**592**
Otay W.D.	794
Padre Dam M.W.D.	985
Pendleton M. R.	1,158
Poway, City of	**438**
Rainbow M.W.D.	**9,866**
Ramona M.W.D.	**2,987**
Rincon Del Diablo M.W.D. *	**272**
San Diego, City of	3,158
San Dieguito W.D.	**209**
Santa Fe I.D.	**479**
South Bay I.D.	38
Vallecitos W.D.	**1,475**
Valley Center M.W.D.	**15,005**
Vista I.D.	1,156
Yuima M.W.D.	**4,010**
TOTAL	**52,330***

*Acreage totals based on member agencies' areas served, and not standard service area boundary.

Note: Agencies in Bold are participants in RAWMP and have detailed descriptions in Part II

Agricultural demand projections used in the 2010 Urban Water Management Plan (UWMP) were developed through a cooperative effort between SDCWA staff, its member agencies, SANDAG, County of San Diego Agricultural Weights and Measures, and the California Avocado Commission. Forecast driver variables include irrigated acreage within the Water Authority's service area, estimated crop type distribution, and calculated historic water use factors. SANDAG's projection of agricultural land conversions to other land use categories, provides the long-term trend in acreage used to forecast agricultural water use. In forecasting future agricultural water use SDCWA's agricultural model utilizes irrigated agricultural acreage, distribution of acreage among crop types, average water requirements for each crop category, and the influence of weather and price of water as predictive variables. Table 8-4 below provides a projection of total agricultural water demand in the region from 2020 through 2035 based on the SDCWA's 2010 UWMP. That projection is currently be updated for the 2015 plan.

Table 8-4 Projected Agricultural Water Demand to 2035

2020	2025	2030	2035
49,534	48,380	47,279	46,178

Farmers in San Diego County have the overriding concern of the cost of water as their single largest production cost. This applies to those growers participating in the SDCWA's TSAWR program averaging $1300/AF or those purchasing full price M&I water for its reliability benefits at prices over $1,500/AF. This high cost factor drives the need and focus by the region's farmers for irrigation efficiency and actual water use, although not uniform in the region tends to demonstrate that irrigation is below reference ET and crop coefficients. Many growers use efficient micro-spray systems and as recommended by the California Avocado Commission aim for an 80 percent irrigation efficiency factor. Fortunately, an insignificant amount of water is needed for cultural practices such as frost control, dust control and pesticide application. However, a reasonable 10% leaching factor is expected to drive salt build ups past the root zone.

Table 8-5 provides the agricultural water use for the region in FY 2013-FY 2015. For individual agency agricultural water use see Part II of the RAWMP.

Table 8-5 Regional Agricultural Water Use FY 13-FY 15

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
FY 2013	5,546	6,305	5,995	5,369	3,974	2,169	1,602	1,891	2,573	3,848	4,546	5,244	**49,064**
FY 2014	5,587	5343	5,778	4,529	3,235	2,853	3,942	3,257	2,113	3,725	5,086	5,117	**50,565**
FY 2015	5,753	5,597	3,805	5,732	5,487	4,702	3,661	4,235	4,694	5,006	5,229	4,752	**58,653**

8.3 Municipal and Industrial

Total retail M&I demand encompasses a wide range of water uses that include residential demand (water used for human consumption in the home, domestic purposes, and outdoor residential landscaping) and water used for commercial, industrial, and institutional purposes.

8.3.1 Residential Demand

Residential water consumption covers both indoor and outdoor uses. Indoor water uses include sanitation, bathing, laundry, cooking, and drinking. Most outdoor water use entails landscaping irrigation requirements. Other minor outdoor uses include car washing, surface cleaning, and similar activities. For single-family homes and rural areas, outdoor demands may constitute up to 60 percent of total residential use.

The estimated composition of San Diego's 2010 regional housing stock was approximately 60 percent single-family homes, 36 percent multi-family homes, and 4 percent mobile homes. Single-family residences generally contain larger landscaped areas, predominantly planted in turf, and require more water for outdoor application in comparison to other types of housing. The general characteristics of multi-family and mobile homes limit outdoor landscaping and water use, although some condominium and apartment developments do contain green belt areas.

8.3.2 Commercial and Industrial Demand

Commercial water demands generally consist of uses that are necessary for the operation of a business or institution, such as drinking, sanitation, and landscape irrigation. Major commercial water users include service industries, such as restaurants, car washes, laundries, hotels, and golf courses. Economic statistics developed by the San Diego Regional Chamber of Commerce indicate that almost half of San Diego's residents are employed in commercial (trade and service) industries.

Industrial water consumption consists of a wide range of uses, including product processing and small-scale equipment cooling, sanitation, and air conditioning. Water-intensive industrial uses in the city of San Diego, such as electronics manufacturing and aerospace manufacturing, typically require smaller amounts of water when compared to other water-intensive industries found elsewhere in Southern California, such as petroleum refineries, smelters, chemical processors, and canneries.

The tourism industry in San Diego County affects water usage within the Water Authority's service area not only by the number of visitors, but also through expansion of service industries and attractions, which tend to be larger outdoor water users. Tourism is primarily concentrated in the summer months and affects seasonal demands and peaking. SANDAG regional population forecasts do not specifically account for tourism, but tourism is reflected in the economic forecasts and affects per capita water use.

8.3.3 M& I Water Use

Table 8-6 provides the actual M&I water use for FY 2013-FY2015

Table 8-6 M&I Water Use (AF)

M&I Water Use (AF)						
	July	Aug	Sept	Oct	Nov	Dec
FY 2013	57,538	59,700	55,593	48,471	40,281	28,821
FY 2014	56,657	57,484	54,576	47,136	38,509	35,691
FY 2015	56,815	53,168	53,863	49,551	37,241	22,773

M&I Water Use (AF)							
	Jan	Feb	March	April	May	June	**Total**
FY 2013	30,376	28,398	37,242	43,688	49,869	54,445	**534,420**
FY 2014	41,418	32,939	35,726	42,945	54,744	54,299	**552,124**
FY 2015	28,323	30,468	36,645	39,975	32,598	39,288	**480,708**

8.4 Environmental

There are no designated environmental uses of water supply in the region and they are not accounted for by water suppliers but may be contained in reservoir operating permits with the California Department of Fish and Wildlife (DFW).

8.5 Recreational

Recreation use of water supply are secondary considerations in local drinking water impoundments. Water supply needs take priority over recreational uses in those impoundments.

8.6 Groundwater Recharge

There is no accounting for groundwater recharge in the region although it does take place incidentally through natural recharge. As noted in Section 10, groundwater is not a significant supply resource on a regional basis.

8.7 Other Uses

There are no Other Uses accounted for within the region.

Table 8-7 provides those water uses where there is no accounting.

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Table 8-7 Other Water Uses (No Accounting)

Environmental, Recreational, Groundwater Recharge and Other Uses													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	**Total**
FY 2013	0	0	0	0	0	0	0	0	0	0	0	0	**0**
FY 2014	0	0	0	0	0	0	0	0	0	0	0	0	**0**
FY 2015	0	0	0	0	0	0	0	0	0	0	0	0	**0**

11.2. Transfers and Exchanges

As described in Section 9, SDCWA is a party to the largest agriculture to urban transfer in California history. Exchanges of water do take place between local water agencies. Table 11-8 and Table 11-9 provide SDCWA's Colorado River transfers and the aggregate exchanges between retail water suppliers for the FY 2013-FY 2015 period. A large portion of exchanges and transfers between retail agencies involve contractual arrangements for the treatment of water at local treatment plants owned by one agency and delivered to another agency.

Table 8-8 Regional Transfers (AF)

Regional Transfers (AF)													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	**Total**
FY 2013	15,368	15,368	15,368	15,368.	15,368	17,807	14,808	14,808	14,808	14,808	14,808	14,808	**183,500**
FY 2014	14,808	14,808	14,808	14,808	14,808	17,364	14,808	14,808	14,808	14,808	14,808	14,808	**180,256**
FY 2015	14,808	14,808	14,808	14,808	14,808	17,231	14,808	14,808	14,808	14,808	14,808	14,808	**180,123**

Table 8-9 Inter Agency Transfers and Exchanges

Inter-Agency Transfers AND Exchanges													
00	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	**Total**
FY 2013	5,133	5,486	6,025	4,744	4,325	3,090	2,902	2,922	3,429	3,451	4,553	5,145	**51,203**
FY 2014	5,432	6,229	5,884	5,949	6,099	3,959	5,436	4,040	11,817	7,911	11,996	12,349	**87,100**
FY 2015	11,028	13,792	13,209	6,535	5,352	6,600	8,421	4,489	5,212	6,135	13,233	19,644	**113,648**

Sources

San Diego County Water Authority (SDCWA). 2011. *2010 Urban Water Management Plan (UWMP*). June

San Diego County Water Authority (SDCWA). 2014. *Agricultural Acreage Assessment*

9. Water Supplies and Hydrologies

Regional Planning

Draft San Diego Regional Agricultural Water Management Plan: Part I

9 Water Supplies and Hydrology

9.1 Overview

This section describes the various water supplies, water availability and hydrology in the region. In the last 25 years the San Diego region has gone from very little diversification in its sources of water supply to developing a resources mix that is one of the most diverse in the state. At the height of the 1987-1992 drought the San Diego region was 95% dependent on imported water supplied by MWD. As a result of severe limitations on available SWP supplies the San Diego County was facing economically catastrophic cutbacks of 50% for M&I and 90% for agriculture. That experience resulted in a long term commitment by water suppliers in the region to aggressively implement a resource management strategy of supply diversification. The regional diversification program included conservation, recycled water, agricultural water transfers, construction of new storage facilities and most recently seawater desalination.

Diversification efforts have been enormously successful in making the region much more reliable today than it was during the drought of 1987-1992. It is much better able to withstand variation in available imported water supplies due to prolonged drought and supply cutbacks. All of the supplies described in this section contribute to the overall reliability of the region. Improvements to regional reliability benefit agricultural water users, even those solely dependent on imported water. The decreased demand for imported water because of the availability of more reliable local supplies increased the availability of agricultural water supplies in times of imported water shortages.

9.2 Surface Water

Surface water supplies make up the predominant amount of water used in the region and account for almost all water used by agricultural customers. Surface water is divided into two categories, 1) local surface water from runoff collected in reservoirs owned and operated by local water agencies and 2) imported water conveyed to the local agencies by SDCWA. Most surface water comes from imported water sources purchased by SDCWA from several sources. Local surface water is available to several participating water agencies in limited quantities.

Imported water conveyed by SDCWA is predominantly from the Colorado River and comes from three sources, the Metropolitan Water District of Southern California (MWD), conserved agricultural transfer water from the Imperial Irrigation District (IID), and conserved agricultural water from the concrete lining of the All American Canal and the Coachella Canal. On a long term average basis, less than 20% of imported water used in the Region is from the State Water Project (SWP) and is purchased by SDCWA from MWD.

9.2.1 Local Surface Water

Surface water supplies represent the largest single local resource in SDCWA's service area. Local surface water users within the region hold various rights and are parties to agreements to divert available surface water in multiple watersheds in the region. Local surface water is of good quality for irrigation and is usually blended with imported surface water when delivered to individual irrigators.

However, annual local surface water yields can vary substantially due to fluctuating hydrologic cycles. The estimated total average annual inflow is roughly 100,000 AF, ranging from negligible inflow during an extremely dry year up to an historical high of 853,000 AF. Since 1980, annual surface water yields have ranged from a low of 4,100 AF in 2015 to a high of 140,300 AF in 1984. The average annual available surface water supply is lower than the average annual inflow due to reservoir evaporation, reservoir spills, and water uses and losses not directly accounted in the reservoir balance measurements.

The regional surface water yield is supported by 24 surface reservoirs with a combined capacity of 746,385 AF. The reservoirs are located in seven of the San Diego County's nine coastal watersheds. Table 12-1 lists the 24 reservoirs in the San Diego region. The runoff in these watersheds starts at the crest of the Peninsular Range and drains into the Pacific Ocean and is mostly developed. The oldest functional reservoir in the county, Cuyamaca Reservoir, was completed in 1887. Of the total surface storage capacity, the City of San Diego controls 56%, SDCWA, which owns and operates Olivenhain Reservoir, also has storage rights of 152,100 AF in San Vicente Reservoir for carryover and emergency storage, with the remainder controlled by the city. As a result, SDCWA controls 24% of the region's storage capacity. The remaining 20% is controlled by other member agencies. Based on the 2010 Urban Water Management Plan Update, the region's average annual local surface water yield is expected to range from 47,289 AF per year to 48,206 AF through 2035.

To optimize the use of local storage for the benefit of the entire region, SDCWA works with its member agencies through storage agreements and through the aqueduct operating plan. The aqueduct operating plans coordinate imported water deliveries and optimize reservoir fill opportunities. Local yield is maximized by the member agencies that operate the reservoirs.

Table 9-1 Major San Diego County Reservoirs

Member Agency	Reservoir	Capacity (AF)
Carlsbad Municipal Water District	Maerkle	600
Escondido, City of	Dixon	2,606
Escondido, City of	Wohlford	6,506
Fallbrook Public Utility District	Red Mountain	1,335
Helix Water District	Cuyamaca	8,195
Helix Water District	Jennings	9,790
Poway, City of	Poway	3,330
Rainbow Municipal Water District	Morro Hill	465
Ramona Municipal Water District	Ramona	12,000
San Diego County Water Authority (SDCWA)	Olivenhain	24,789
San Diego, City of	Barrett	34,806
San Diego, City of	El Capitan	112,807
San Diego, City of	Hodges	30,633
San Diego, City of	Lower Otay	49,849
San Diego, City of	Miramar	6,682
San Diego, City of	Morena	50,694
San Diego, City of	Murray	4,684
San Diego, City of	San Vicente	249,358
San Diego, City of	Sutherland	29,508
San Dieguito Water District	San Dieguito	883
Sweetwater Authority	Loveland	25,400
Sweetwater Authority	Sweetwater	28,079
Valley Center Municipal Water District	Turner	1,612
Vista Irrigation District	Henshaw	51,774
Total (24 reservoirs)		**746,385**

The following Table 9-2 shows surface water yields for each of the past three years, in acre-feet, for the Water Authority service area.

Table 9-2 Local Surface Yield (AF)

2013	2014	2015
46,069	40,396	4,071

9.2.2 Imported Surface Water

SDCWA purchases imported water from three main sources: Metropolitan Water District of Southern California (MWD), conserved agricultural water from the Imperial Irrigation District (IID), and conserved water resulting from the concrete lining of the All-American and Coachella Canals. The latter two sources of Colorado River Water were made available to SDCWA and the San Diego region through the 2003 *Quantification Settlement Agreement* (QSA) SDCWA has also acquired spot water transfers to offset reductions in supplies from MWD during water shortage years (see Section 10.3).

MWD is Southern California's wholesale water agency, and SDCWA is the largest customer among MWD's 26 member agencies. MWD derives its water supply from two sources: the Colorado River and the State Water Project (SWP). Metropolitan owns and operates the Colorado River Aqueduct to deliver Colorado River water to Southern California. Metropolitan is the largest of the State Water Contractors that receive supplies from the SWP. SWP water (originating from the Bay Delta) is delivered to Metropolitan via the California Aqueduct.

As shown in Table 9-3, imported water supplies provided through SDCWA have comprised between 79 and 93% of the region's water supply in recent years. Except during periods of extreme drought, SDCWA supplies typically comprise approximately 80% of the region's water supply. Table 9-3 Composition of Water Supplies, Imported vs. Local, Fiscal Years 2001-2015.

Table 9-3 Mix of Imported and Local Supplies

Fiscal Year	Local Supplies (AF)	Imported Supplies (AF)	Total (AF)	% Imported
2001	82,247	564,140	646,387	87.3
2002	70,957	615,572	686,530	89.7
2003	62,773	586,849	649,622	90.3
2004	49,755	666,008	715,763	93.0
2005	71,797	573,048	644,845	88.9
2006	110,633	576,620	687,253	83.9
2007	80,584	661,309	741,893	89.1
2008	83,029	608,903	691,931	88.0
2009	88,111	555,789	643,900	86.3
2010	71,483	494,960	566,443	87.4
2011	110,101	416,844	526,945	79.1
2012	102,886	439,552	542,438	81.0
2013	93,853	480,048	573,901	83.6
2014	88,551	505,985	594,536	85.1
2015	48,076	485,162	533,238	91.0

9.2.2.1 Colorado River Water

SDCWA-IID Water Transfer and Conservation Agreement

In 1998, SDCWA entered into a transfer agreement with IID to purchase conserved agricultural water. MWD conveys the IID transfer water to SDCWA via an exchange agreement. Water conserved by Imperial Valley farmers or through system efficiency improvements within the IID system can be transferred to SDCWA for use in San Diego County. Deliveries into San Diego County from the Transfer Agreement began in 2003 with an initial delivery of 10,000 acre-feet (AF). SDCWA is to receive increasing amounts of transfer water according to a water delivery schedule contained in the transfer agreement. In 2012, the Water Authority received 106,722 AF. The quantities will increase annually to 200,000 AF by 2021 and then remain fixed for the duration of the agreement. The initial term of the Transfer Agreement is 45 years, with a provision that either agency may extend the agreement for an additional 30-year period.

Based on the terms and conditions in the Transfer Agreement, conserved transfer water will ramp up from its current level of 100,000 acre feet to full deliveries of 200,000 acre feet beginning in 2021. The

volume then remains fixed for the remainder of the 75-year agreement. The water available under the Transfer Agreement is considered highly reliable. During dry years, when Colorado River water availability is low, the conserved water will be transferred under IID's Colorado River rights, which are among the most senior in the Lower Colorado River Basin. Without the protection of these rights, the Water Authority could suffer delivery cutbacks. The water available under the Transfer Agreement is linked to the QSA.

Conserved Water from Coachella and All American Canal Linings

Through the 2003 Quantification Settlement Agreement (QSA) on the Colorado River, the Water Authority also receives 77,700 acre feet per year of conserved water from lining of the All-American (AAC) and Coachella Canals (CC) for 110 years. The projects reduced the loss of water that occurred through seepage, and the conserved water is also delivered by MWD to SDCWA through the Colorado River Aqueduct (CRA).

The AAC lining project makes 67,700 AF of Colorado River water per year available for allocation to the Water Authority and San Luis Rey Indian water rights settlement parties. The CC lining project makes another 26,000 AF of Colorado River water each year available for allocation, bringing the total amount of conserved water to 93,700 AF. The 2003 Allocation Agreement provides for 16,000 AF/YR of the total amount of conserved canal lining water to be allocated to the San Luis Rey Indian Water Rights Settlement Parties. The remaining amount of conserved water, or 77,700 AF/YR, is to be available to SDCWA.

An additional 4,850 AF/YR is also available to SDCWA depending on environmental requirements from the CC lining project. For planning purposes, SDCWA assumes that 2,500 AF of the 4,850 AF will be available each year for delivery, for a total of 80,200 AF/YR. The canal lining contracts are in effect for a period of 110 years. Both canal-lining projects have been completed, and full deliveries of conserved water to the San Diego region are occurring.

MWD Colorado River Supplies

During the 1930s, MWD built the CRA to convey Colorado River water from Lake Havasu on the Arizona/California border to Lake Mathews in Riverside County. The aqueduct has the capacity to deliver up to 1.25 MAF/YR. Before 1964, MWD had a firm annual allocation of 1.212 MAF of Colorado River water through contracts with the U.S. Department of the Interior, which was enough to

keep MWD's aqueduct full. However, as a result of the U.S. Supreme Court decision in *Arizona vs. California*, MWD's firm supply fell to 550,000 AF/YR, its basic annual apportionment.

Water availability from the Colorado River is governed by a system of priorities and water rights collectively known as the "Law of the River." The Colorado River Lower Basin states (California, Arizona, and Nevada) have an annual apportionment of 7.5 million AF of water divided as follows: (1) California, 4.4 million AF; (2) Arizona, 2.8 million AF; and (3) Nevada, 300,000 AF. The 1931 Seven Party Agreement established California priorities for water among California's contractors to use Colorado River water made available to California. The first four priorities total the 4.4 million AF/YR available to California. MWD has priorities 4, 5(a), and 5(b) water listed in the Seven Party Agreement, but only priorities 1–4 of the Seven Party Agreement are within California's basic annual apportionment. MWD's fourth priority of 550,000 AF is junior to that of the first three priorities, 3.85 million AF to California agricultural agencies. Water used to satisfy MWD's priorities 5(a) and 5(b) must come from unused allocations within California, Arizona, or Nevada, or from surpluses declared by the Secretary of the Interior.

With the 2003 QSA and related agreements among the IID, CVWD, State of California, Department of Interior, MWD, and SDCWA, a plan was formalized on how California will implement water transfers and supply programs that allow California to live within the state's 4.4 million AF basic annual apportionment of Colorado River water. Since then, MWD has relied on cooperative transfer programs and storage programs to increase its Colorado River water deliveries beyond its basic priority 4 water. In 2007, the Bureau of Reclamation released the Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (Reclamation, 2007), which describes the process for improving operations of Lake Powell and Lake Mead during times of low storage conditions. A significant component of the Guidelines was the ability for Lower Basin states to store intentionally created surplus (ICS) water (conserved water) in Lake Mead for use in subsequent years. California has the ability to develop and store up to 400,000 AF per year or a maximum of 1.5 million AF in Lake Mead. MWD has been the largest user of the ICS mechanism to date.

During dry and multiple dry years, MWD, in its *2010* Regional Urban Water Management Plan, continues to target a full CRA of 1.25 million AF. This figure includes MWD's basic apportionment deliveries, water management programs such as those described previously, and IID/SDCWA transfers and conserved canal-lining water conveyed through the CRA to SDCWA, land fallowing in Palo Verde,

or when the U.S. Secretary of Interior declares surplus or unused water by Arizona and/or Nevada), and additional supplies when the Department of Interior declared surplus flows are available.

The Colorado River Basin states and the Bureau of Reclamation prepared the long range Colorado River Basin Supply and Demand Study to evaluate the reliability of the system over a range of future conditions. Climate change and growth in demand throughout the Basin are expected to further challenge long-term water management. Climate change itself may reduce the long-term Colorado River supply by more than 9 percent by 2060. The study included evaluations of the system reliability under baseline and alternative future portfolios of water management actions. The risk of Lower Basin shortages was found to be increasing through 2060 due to both decreasing projected supply and increasing consumptive uses. Specific risks to individual entitlement holders were not evaluated in the study.

9.2.2.2 State Water Project

MWD has a take-or-pay supply contract with the State of California and is entitled to take about 48 percent of available SWP water through its Long-Term SWP Water Supply Contract (Table A allocation). The project stretches more than 600 miles, from Lake Oroville in the north to Lake Perris in the south. Water is stored at Lake Oroville and released when needed into the Feather River, which flows into the Sacramento River and to the Sacramento-San Joaquin River Delta (Delta). The Delta is the largest estuary on the United States' west coast and is also home to an agricultural industry, recreation and fishing, and provides the means by which to deliver water from Northern California to the south. In the north Delta, water is pumped into the North Bay Aqueduct for delivery to Napa and Solano counties. In the south Delta, water is diverted into the SWP's Banks Pumping Plant, where it is lifted into the 444-mile-long California Aqueduct. Some of this water flows into the South Bay Aqueduct to serve areas in Alameda and Santa Clara counties. The remainder flows southward to cities and farms in central and southern California. In the winter, when demands are lower, water is stored at the San Luis Reservoir located south of the Delta. SWP facilities provide drinking water to 23 million Californians and 755,000 acres of irrigated farmland.

MWD's currently contracted entitlement for SWP water (Table A) is 1,911,500 AF. In addition, during wet years when excess water is available and the San Luis Reservoir is full, SWP contractors may receive additional water deliveries (Article 21). However, the reliability of SWP supplies is dependent

on both the hydrology of the Sacramento San Joaquin watershed and pumping restrictions in the Delta due to state and federal environmental regulations. Since the 1970s, additional restrictions on SWP operations have been enacted under the State Water Resources Control Board (SWRCB) water rights decisions, federal biological opinions, and interim court decisions. The most significant of these restrictions began in 2007 when federal biological opinions for Delta smelt and salmon were invalidated in federal court. The interim measures and subsequent revised biological opinions have substantially reduced water deliveries for the SWP through limits on exports during months of critical fish concerns (December through June).

The State of California Department of Water Resources *2009 State Water Project Delivery Reliability Report* updated DWR's estimate of the current and future water delivery reliability of the SWP. The 2009 report showed that future deliveries will be further impacted by significant restrictions due to operational requirements contained in federal biological opinions and forecasted effects of climate change and sea level rise. Under the reliability report, long-term average (1922–2003 hydrology) SWP allocations are estimated to be approximately 60 percent of the Table A demands, while single dry-year (1977) deliveries could be as low as 7 percent. Under future conditions, single dry-year deliveries are estimated to be approximately 11 percent, while long-term average allocations are estimated to remain at 60 percent. The future allocations translate into long-term average SWP deliveries to MWD of approximately 1.15 million AF and approximately 134,000 AF under single dry-year conditions.

In 2006, a voluntary collaboration of state, federal, and local water agencies; state and federal fish agencies; environmental organizations; and other interested parties began development of the Bay Delta Conservation Plan (BDCP). The purpose of the BDCP is to restore and protect Delta water supply, water quality, and ecosystem health within a stable regulatory environment. The BDCP is designed to provide the basis for the issuance of endangered species permits for the operation of state and federal water projects, and would be implemented over the next 50 years. Draft documents outlining the BDCP strategy and assessments were released on December 13, 2013 for a 108-day public review period.
The BDCP issued a partially Recirculated Draft EIR/ Supplemental DEIS under the renamed California WaterFix. Environmental restoration efforts that were contemplated under the BDCP will be done separately through a separate program known as EcoRestore. Under current WaterFix alternatives, new Delta conveyance, water operations, and mitigation are proposed to address the long-term issues in the Delta. In developing its projection of supply delivery capabilities, MWD assumed a new Delta

conveyance as fully operational by 2022, which would return supply reliability similar to 2005 conditions, prior to supply regulatory restrictions impacts.

For future conditions, it is the restrictive operational requirements coupled with the forecasted effects of climate change. MWD's SWP deliveries projection are updated based on periodic updates of DWR's SWP Reliability Report. In developing its supply capabilities, MWD assumed in its RUWMP a new Delta conveyance as fully operational by 2022 and would return supply reliability similar to 2005 conditions, prior to supply regulatory restrictions imposed. MWD also assumed near-term improvements that could potentially provide a 10% increase in water supplies obtained from the SWP allocation for the year. As of this RUWMP these additional supplies are not available although MWD still seeks to firm up interim reliability of the SWP as part of the BDCP and California WaterFix process. MWD developed its Central Valley storage and transfer programs to increase its supply capabilities.

MWD's is currently updating its *Integrated Resource Plan* (IRP) that will identify target s for SWP supply and supporting programs. MWD has about 30 storage programs in operation that provide flexibility to meet delivery requirements. The storage accounts include groundwater and surface storage programs and facilities, within and outside of MWD's service area. MWD's dry-year storage portfolio has the potential to store more than 5 million AF. It is expected that MWD's Central Valley transfer and storage program supplies will continue to be the foundation of its dry year reliability strategy for the SWP and its 2015 RUWMP will reflect current assumptions on timing and yield from the proposed California WaterFix.

Table 9-4 shows imported supplies for each of the past three years, in acre-feet, for the Water Authority service area.

Table 9-4 . Imported Supplies (AF)

2013	2014	2015
480,048	505,985	485,162

9.3 Groundwater Supply

9.3.1 Overview

Groundwater is available in very limited quantities throughout the region, and its use for irrigation is not regulated. Groundwater quality varies within the region, with high salinity affecting its suitability in some areas, but is generally of good quality when used for irrigation. Within the past five years, water supply agencies within the region have produced an annual average of approximately 18,300 AF of potable water supplies from groundwater. This total represents production from both brackish groundwater desalination facilities and municipal wells producing groundwater not requiring desalination. It does not include production from privately owned water wells used for irrigation and domestic purposes, or several thousand acre-feet of groundwater produced annually from the Warner Basin by Vista Irrigation District, but discharged to Lake Henshaw, a surface water reservoir, then released downstream of the dam.

In addition to providing a local supply to water agencies, groundwater is also a source of supply for numerous private well owners who draw on groundwater to help meet their domestic and agriculture water needs. In the Ramona area alone, over 1,000 privately owned wells provide a supplementary source of water for Ramona MWD customers. Similar domestic uses occur throughout the region. These domestic supplies help to offset demand for imported water. Although the amount of groundwater pumped by private wells is significant, it cannot be accurately quantified nor estimated within the RAWMP planning area.

While some community well systems outside SDCWA service area maintain records of overall water production, very few wells are required to be metered for production. As a result, it is difficult to estimate the overall quantity of water supplies used. The low-density residential population in this area uses a small fraction of water when compared to the overall regional supply. However, non-residential water use within this area (e.g. agriculture, golf courses, campgrounds, resorts, retreat centers, public parks, casinos, hotels, and industrial uses) can represent a sizable demand on available groundwater resources.

Shallow and narrow river valleys filled with alluvial sand and gravel deposits are characteristic of the more productive groundwater basins in the San Diego region. Outside of these more productive aquifers, groundwater is developed from fractured crystalline bedrock and semi-consolidated sedimentary deposits that occur throughout the region. However, yield and storage in these aquifers are limited, and the aquifers are best suited for meeting domestic water needs that do not require higher flow rates. Figure 12-X shows the location of the principal alluvial groundwater basins within the RAWMP planning area.

Within San Diego County, several hydrogeological environments exist. These different environments can be grouped into three generalized categories: fractured rock aquifers, alluvial and sedimentary aquifers, and desert basins. The RAWMP study area is underlain primarily by fractured rock aquifers and alluvial and sedimentary aquifers which are generally discussed below. The water suppliers included in this RAWMP do not overlay desert basins and those will are not addressed in the Plan.

Fractured Rock Aquifers

Fractured rock underlies a very large portion of San Diego County. These rocks are typically crystalline or metavolcanics associated with the Peninsular Ranges batholith of southern California and Baja California. The majority of the mountainous region of the County consists of these fractured rocks. Fractured rock aquifers are present in the foothills and mountainous regions where precipitation is higher than in the lower elevation regions. As a result, recharge rates to fractured rock aquifers can be greater than in the lower elevation areas. Additionally, due to the low storage capacity, recharge to fractured rock aquifers can cause relatively fast rises to the water table, and similarly fast declines to the water table from groundwater pumping in years without significant recharge.

In some areas of the County with particularly low storage, the static groundwater levels (as measured in unpumped wells) have risen or declined in excess of 100 feet in particularly rainy seasons or dry seasons, respectively. Fractured rock aquifers typically have much less storage capacity than aquifers comprised of unconsolidated sediments. Storage in fractured rock within the County spans several orders of magnitude from essentially zero and up to 1 percent of the total volume of the aquifer. Specific yield values in San Diego County fractured rock are estimated to range from about 0.001% to 1%. In many cases, fractured rock aquifers are overlain by a layer of weathered bedrock (residuum) and/or a layer of alluvium. The presence of residuum or alluvium may provide additional storage capacity if the water levels extend up into these layers. Water stored in these layers may drain into the fractured rock

beneath them as water is pumped from the fractured rock. The additional storage in these surficial units may significantly enhance the availability of groundwater resources in some areas relying on groundwater from fractured rock.

Alluvial and Sedimentary Aquifers

Alluvial and sedimentary aquifers account for a relatively small area of the total region but are concerted in several watersheds where urban suppliers provide water to agricultural customers. These aquifers are typically found in river and stream valleys, around lagoons, near the coastline, and in the intermountain valleys. Sediments in these aquifers are composed of mostly consolidated (defined as sedimentary rock) or unconsolidated (defined as alluvium or colluvium) gravel, sand, silt, and clay. Most of these aquifers have relatively high hydraulic conductivity, porosity, and storage and in general would be considered good aquifers on the basis of their hydrogeological characteristics. However, many alluvial and sedimentary aquifers in the region have relatively thin saturated thickness and therefore limited storage. Alluvial and sedimentary aquifers can be underlain by fractured rock aquifers, which potentially provide additional storage.

Groundwater Recharge and Storage

Surface water bodies within an alluvial or sedimentary aquifer may increase the recharge due to leakage from the water body into the subsurface. Because alluvial basins generally occur in low-lying areas of a watershed, surface water runoff may accumulate in streams, lakes, or other surface depressions within alluvial basins and can provide an additional recharge source to these basins. Alluvial and sedimentary aquifers typically have significant storage capacity, with specific yield values between 1 and 30%. Wells in an alluvial or sedimentary aquifer typically yield relatively high volumes of water. Coarse-grained sediments such as sand or gravel typically produce higher volumes of water than finer-grained sediments such as silts or clays. In coarse-grained sediments, well yields may be hundreds to over a thousand gallons per minute (GPM) and are more limited by inefficiencies in the well itself or pump capacity, rather than by limitations in the aquifer's ability to produce water.

9.3.2 Groundwater Extraction and Disinfection Projects

Although groundwater supplies are less plentiful in the San Diego region than in some other areas of California, such as the Los Angeles Basin in southern California and the Central Valley in northern California, there are sufficient undeveloped brackish groundwater supplies exist that could help meet a greater portion of the region's future water demand. Several agencies within the region have identified

potential projects that may provide several thousand to tens of thousands acre-feet of additional groundwater production in the coming years. Groundwater that can be extracted and used as a potable water supply, with little more than disinfection, generally occurs outside the influence of human activities and within the upper reaches of the east-west trending watersheds. Wells producing higher quality water are operated by MCB Camp Pendleton (Santa Margarita River watershed) and the Sweetwater Water Authority (San Diego Formation aquifer). The Vista Irrigation District also operates numerous high quality extraction wells in the Warner Basin, located in the upper San Luis Rey River watershed. The water from these wells is discharged to Lake Henshaw and eventually to the San Luis Rey River where it is then diverted further downstream for use in the city of Escondido and elsewhere. The unit cost of water produced from simple groundwater extraction and disinfection projects is low and generally well below the cost of imported water. Because most of the higher quality groundwater within the RAWMP study area is already being fully utilized, the focus for future local groundwater development is brackish groundwater recovery and treatment.

9.3.3 Brackish Groundwater Recovery Projects

Groundwater that is high in salts and total dissolved solids (TDS) and other contaminates, and requires advanced treatment prior to potable use, is typically found in shallow basins in the downstream portions of watersheds. Brackish groundwater recovery projects use membrane technology, principally reverse osmosis, to treat extracted groundwater to potable water standards. The city of Oceanside's 6.37-MGD capacity Mission Basin Desalter and the Sweetwater Authority's existing 4.0-MGD Richard A. Reynolds Groundwater Desalination Facility are the only currently operating brackish groundwater recovery and treatment facilities within the Water Authority's service area. Unit costs for brackish groundwater recovery projects are considerably higher than those for simple groundwater extraction and disinfection projects due to the additional treatment requirements and the cost of concentrate (brine) disposal. However, where economical options exist for disposal of brine, this type of groundwater project has proven to be an economically sound water- supply option.

9.3.4 Groundwater Recharge and Recovery Projects

Artificial recharge and recovery projects, also referred to as conjunctive-use projects, can increase groundwater basin yields by supplementing the natural recharge process. Conjunctive-use projects divert excess surface water supplies to percolation basins or injection wells to supplement natural

rainfall runoff recharge. Captured rainfall runoff, reclaimed water, imported water, or a combination thereof, can be used to recharge groundwater basins when water levels have been lowered sufficiently by pumping. Groundwater basins can be operated similar to surface water reservoirs to supply stored water to the region if imported deliveries are limited due to high demand, or supply and facility constraints, or a combination thereof. The Fallbrook PUD and MCB Camp Pendleton, and Padre Dam MWD and Helix WD are currently exploring the feasibility of such projects.

Table 9-5 shows groundwater supplies for each of the past three years, in acre-feet, for the Water Authority service area. Totals include brackish groundwater reclamation.

Table 9-5 . Groundwater Supplies, including Brackish Groundwater (AF)

2013	2014	2015
20,393	19,223	17,520

9.4 Water Reuse

Beneficial reuse of wastewater is an important component of the Region's local water resources, both now and in the future. Water reuse includes non-potable reuse and potable reuse - in both cases secondary treated wastewater receives additional treatment to match its quality to the intended use. Non-potable reuse involves production of tertiary-treated recycled water in accordance with Title 22 of the California Code of Regulations. Non-potable recycled water, discussed in detail below, is used today throughout the Region for irrigation, toilet flushing, and industry. Although potable reuse is not currently part of the Region's water supply, it is being actively studied and pursued in the Region. Potable reuse involves advanced treatment of tertiary- quality recycled water to create purified water, which is similar in quality to distilled water, and as its name suggests, can be added to drinking water supplies.

Water reuse can increase water supply reliability by increasing the availability of local supplies and reducing the need to import water from outside the Region. The benefits of water reuse can include cost savings, energy savings, reduced wastewater discharges, avoidance of the need for peak surface water treatment capacity, improved water quality, and reduced fertilizer application needs when used for irrigation.

9.4.1 Non-Potable Reuse

Non-potable reuse is implemented in the region by retail water agencies and wastewater utilities. Currently approximately 26,000 acre feet or 5%, of the region's supply is provided by non-potable recycled water meeting the state's Title 22 requirements. Thirteen of the fifteen participating retail water suppliers in the RAWMP either beneficially reuse or produce recycled water within the region that for non-potable uses. These uses include agricultural use for high value products grown by nurseries and others. Expansion of non-potable ruse is being explored for tree crops as water supply availability becomes more challenging and potable water prices continue to dramatically increase. The historic challenge to increased recycled water use by agricultural customers has been the salt sensitivity of some crops, such as avocados, and the higher salinity of recycled water due to the predominance of Colorado River water as the source of wastewater recycling. The use of non-potable recycled water within the Region is projected to increase to approximately 50,000 AFY by 2035.

Since currently most recycled water is used for irrigation, recycled water demands vary substantially throughout the year, increasing in the dry summer months and decreasing in the wet winter months. A key and necessary component of water recycling is providing means of disposal or storage of excess recycled water supplies during periods of reduced demand. Local agencies may utilize either storage ponds or regional ocean outfall facilities to handle excess recycled water or wastewater flows during periods of wet weather or limited demand. An exception to this is Padre Dam MWD, which has a permit to discharge recycled water to the Santee Lakes, which overflows to the San Diego River.

Recycled water is primarily used to irrigate commercial landscaping, parks, campgrounds, golf courses, freeway medians, greenbelts, athletic fields, crops, orchards, and nursery stock. Recycled water is also used to augment supplies in recreational or ornamental lakes or ponds, control dust at construction sites, recharge groundwater basins, and for industrial cooling water. Because tertiary treated recycled water is higher in nutrients than potable water, this water source can also reduce the amount (and therefore the costs) of fertilizer application.

Since non-potable reuse doesn't require the pumping associated with water from the SWP or the Colorado River, it typically has lower energy needs and greenhouse gas emissions compared to imported potable water.

9.4.2 Potable Reuse

Although non-potable reuse is widespread in the Region, non-potable reuse alone does not achieve the full potential for beneficial reuse of wastewater. Potable reuse is another alternative under study as a means to increase water reuse. Potable reuse would involve advanced treatment of tertiary-quality recycled water to produce purified water, which would be similar in quality to distilled water (City of San Diego 2013). The purified water would then become part of the raw water supply, treated again at a drinking water treatment plant, and distributed through the existing potable water system. The health and safety of the drinking water is ensured by having multiple treatment barriers between recycled water and drinking water.

Several agencies - including the City of San Diego, City of Escondido, City of Oceanside, Padre Dam Municipal Water District, and San Elijo Joint Powers Authority - are exploring different technologies that would allow for future potable reuse. In the City of San Diego's 2006 *Water Reuse Study,* a group of stakeholders determined that the preferred option for water reuse would be to augment the City's San Vicente Reservoir with advance-treated purified water (City of San Diego 2013). This type of system is called indirect potable reuse through reservoir augmentation (IPR/RA), wherein the reservoir provides an environmental buffer in the string of multiple treatment barriers. The City of San Diego and the Padre Dam Municipal Water District are expeditiously advancing potable reuse projects that will enhance the reliability of the region's overall water supplies to the benefit of all agricultural water users.

Table 9-6 shows recycled water supplies for each of the past three years, in acre-feet, for the Water Authority service area.

Table 9-6 Recycled Supplies (AF)

2013	2014	2015
27,391	28,932	26,485

9.5 Seawater Desalination

The Water Authority in November 2012 approved a 30-year Water Purchase Agreement with Poseidon Resources for the purchase of up to 56,000 AFY of desalinated seawater. Poseidon Resources will own and operate the desalination facility and will assume risks associated with constructing, maintaining,

and operating the facility, and ensuring that water quality meets standards specified within the agreement. The Water Authority, in turn, has agreed to purchase the water that meets specified standards at a set price during the 30-year agreement period. Additionally, the agreement specifies that the Water Authority can purchase the desalination plant for one dollar at the end of the 30-year agreement. Once constructed, the Water Authority will own and operate the 10-mile conveyance pipeline. Two of the RAWMP participating agencies, the Carlsbad MWD and the Vallecitos WD have agreed to purchase a total of 6,000 AFY of the desalinated water as a local supply. The Carlsbad Desalination Project began operations in December 2015 and providing desalted seawater to the region and will begin providing Carlsbad and Vallecitos their desalinated seawater local supply in January 2016. Since seawater desalination supplies were not available within the data collection period for this RAWMP there is no supporting table.

Figure 9-1 Facilities for Carlsbad Desalination Project

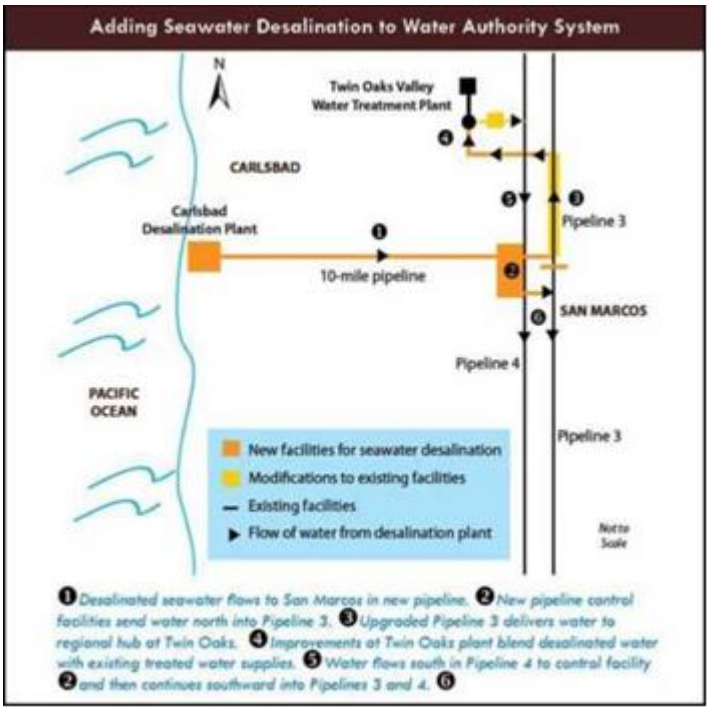

Table 9-7 summarizes all supplies, local and imported, for each of the past three years, in acre-feet, for the SDCWA service area.

Table 9-7 Summary of Water Supply Quantities (AF)

	Year		
Supply Source	**2013**	**2014**	**2015**
Local-Surface	46,069	40,396	4,071
Local-Groundwater	20,393	19,223	17,520
Local-Recycled	27,391	28,932	26,485
Local-Totals	93,853	88,551	48,076
Imported	480,048	505,985	485,162
Totals	573,901	594,536	533,238

9.6 Water Balance

Table 9-8 Regional Water Supply Balance

Year	Water Supplies		Drainage Water	Balance
		Water Use		
FY 13	573,901	573,901	0	(0)
FY 14	594,536	594,536	0	(0)
FY 15	533,238	533,238	0	(0)

Note: Water Balance does not take into account local retail agency distribution losses.
Regional conveyance unaccounted water is estimated at less than 2%.

SOURCES

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10. Water Quality

Regional Planning

Draft San Diego Regional Agricultural Water Management Plan: Part I

10 Water Quality

10.1 Introduction

San Diego County agriculture is irrigated with predominantly imported water supplies from SDCWA which now includes desalinated seawater. Several of the participating water suppliers in the RAWMP area deliver a supply that includes local surface water runoff, pumped groundwater and recovered brackish groundwater. There are also commercial growers located within some participating water suppliers that receive Title 22 compliant non-potable recycled water and plans are being made to expand the use of recycled water for avocado growers located in the City of Escondido. For many years, efforts by the UC Cooperative Extension and local water agencies have focused on working with growers to conduct practical research that would expand the use of recycled water while maintaining profitable avocado crop yields. This Chapter of the RAWMP provides water quality information on all sources of supply being used by local agriculture in the region now and anticipated as supply in the future.

10.2 Surface Water Supplies

Historically, regional surface water quality has been considered good to excellent. Water quality can vary with imported water inflows and surface water contamination. Source water protection is considered a key element in regional water quality. The region's water suppliers are working together to improve watershed awareness and management. Currently, the most significant water quality issue that affects the public is algae blooms, which can create taste and odor problems.

In San Diego County, the State Water Resources Control Board's (SWRCB) Division of Drinking Water (DDW) has primacy over the implementation of the federal Safe Drinking Water Act (SDWA). The SDWA regulates source water protection to ensure public health through the multiple barrier approach, an approach that anticipates that the public will participate in source water protection. Retail water agencies in the region that have surface water have a good, long-standing, working relationship with state health officials.

10.2.1 Colorado River Water

The Colorado River is the primary source of the region's imported water supply. High salinity levels, uranium, and perchlorate contamination represent the primary areas of concern with the quality of Colorado River supplies. Managing the watershed of the Colorado River has been the most effective method for controlling these elements of concern.

Salinity

The salts in the Colorado River System are indigenous and pervasive, mostly resulting from saline sediments in the basin that were deposited in prehistoric marine environments. They are easily eroded, dissolved, and transported into the river system. Agricultural development and water diversions over the past 50 years increase the already high naturally occurring levels of TDS.

Water imported via the CRA has a TDS averaging around 650 mg/l during normal water years. During the high water flows of 1983-1986, salinity levels in the CRA dropped to a historic low of 525 mg/l. However, during the 19871990 drought, higher salinity levels returned. During an extreme drought, CRA supplies could exceed 900 mg/l. High TDS in water supplies leads to high TDS in wastewater, which lowers the usefulness of the water and increases the cost of recycled water. (Refer to Section 8.5 for details on salinity impacts to water recycling.) In addition to the link between water supply and water quality, high levels of TDS in water supplies can damage water delivery systems and home appliances.

To reduce the effects of high TDS levels on water supply reliability, MWD approved a highly successful Salinity Management Policy in April 1999. One of the policy goals is to blend Colorado River supplies with lower-salinity water from the SWP to achieve delivered water salinity levels less than 500 mg/l TDS. Since 1999, the TDS levels in MWD's supply has ranged between 381 mg/l and 643 mg/l, with an average TDS of 500 mg/l. In addition, to fostering interstate cooperation on this issue, the seven basin states formed the Colorado River Basin Salinity Control Forum (Forum). To lower TDS levels in Colorado River supplies, the Forum develops programs designed to prevent a portion of the abundant salt supply from moving into the river system. The Colorado River Basin Salinity Control Program targets the interception and control of non-point sources, such as surface runoff, as well as wastewater and saline hot springs.

Perchlorate

Perchlorate is used as the main component in solid rocket propellant, and it can also be found in some types of munitions and fireworks. Perchlorate and other perchlorate salts are readily soluble in water, dissociating into the perchlorate ion, which does not readily interact with the soil matrix or degrade in the environment. The primary human health concern related to perchlorate is its effects on the thyroid. Perchlorate has been detected at low levels in MWD's CRA water supply.

Because of the growing concerns over perchlorate levels in drinking water, in 2002 Metropolitan adopted a Perchlorate Action Plan. Objectives include expanded monitoring and reporting programs and continued tracking of remediation efforts in the Las Vegas Wash. Metropolitan has been conducting monthly monitoring of Colorado River supplies. The source of the perchlorate that originates in the Las Vegas Wash is most likely from a chemical manufacturing site located in Henderson, Nevada. The Nevada Department of Environmental Protection manages a comprehensive groundwater remediation program in the Henderson area. As of December 2004, the amount of perchlorate entering the Colorado River system from Henderson has been reduced from approximately 1,000 pounds per day (lb/day) to less than 90 lb/day.

Uranium

Naturally occurring uranium has always been present in Colorado River water and has always been under the California Maximum Contaminant Level (MCL) of 20 picocuries per liter (pCi/l). The risks to water quality have primarily come from upstream mining in Moab, Utah and other potential mining sites in the west. Currently the U.S. Department of Energy (DOE) is working to remove and dispose of mine tailings and improve groundwater quality on the Colorado River Watershed near Moab. The expected completion of this cleanup is between 2019 and 2025. Current levels are below MCL and can be treated by regional water treatment plants.

Nutrients

The Colorado River system has historically been low in nutrients, but with population growth in the watershed nutrients are still a concern. Metropolitan is involved with upstream entities along the lower Colorado River to enhance wastewater management to control nutrient loading, especially phosphorus. The Colorado River's low nutrient level has been important for blending with SWP water to reduce the nutrient level delivered to retail agencies.

Arsenic

Arsenic is another naturally occurring element that is being monitored by drinking water agencies. The state detection level for purposes of reporting is 2 micrograms per liter (jg/l), and the MCL for domestic water supplies is 10 |jg/l. Between 2001 and 2008, arsenic levels in Colorado River water have ranged from not detected to 3.5 jg/l. Increasing coagulant doses at water treatment plants can reduce arsenic levels for retail deliveries

10.2.2 State Water Project (SWP)

The quality of SWP water as a drinking water source is affected by a number of factors, most notably seawater intrusion and agricultural drainage from peat soil islands in the Delta. SWP water contains relatively high levels of bromide and total organic carbon, two elements that are of particular concern to drinking water agencies. Bromide and total organic carbon combine with chemicals used in the water treatment process to form disinfection byproducts that are regulated under the federal Safe Drinking Water Act (SDWA). Wastewater discharges from cities and towns surrounding the Delta also add salts and pathogens to Delta water, and they influence its suitability for drinking and recycling.

The 2000 Record of Decision (ROD) adopted by CALFED states that CALFED will either achieve water quality targets at Clifton Court Forebay and drinking water intakes in the south and central Delta, or it will achieve an "equivalent level of public health protection using a cost-effective combination of alternative source waters, source control, and treatment technologies."

Actions to protect Delta fisheries have exacerbated existing water quality problems by forcing the SWP to shift its diversions from the springtime to the fall, when salinity and bromide levels are higher. Closure of the Delta Cross Channel gates to protect migrating fish has also degraded SWP water quality by reducing the flow of higher quality Sacramento River water to the SWP pumps at critical times. The Bay Delta Conservation Plan (BDCP) and its successor California WaterFix and EcoRestore are intended to address these problems and improve water quality in the delta and SWP supplies. The Final Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is expected to be released and certified in 2016.

Total Organic Carbon and Bromide

Total organic carbon and bromide are naturally occurring but are elevated due to agricultural drainage and seawater intrusion as water moves through the delta. The concern with both total organic carbon and bromide is that they form disinfection byproducts (DBPs) when treated with disinfectants such as chlorine. Some DBPs have been identified and are regulated under SDWA; there are others that are not yet identified. The potential adverse health effects may not be fully understood, but associations with certain cancers, reproductive and developmental effects are of significant concern. Water agencies began complying with new regulation to protect against the risk of DBP exposure in January 2002 under the Disinfection Byproducts (D/DBP) rule Stage 1. The U. S. Environmental Protection Agency (EPA) promulgated the Stage 2 D/DBP rule in January 2006, which has made compliance more challenging. The BDCP and its successor California WaterFix and EcoRestore have outlined a wide array of actions to improve Bay-Delta water quality, which remains the best method for controlling these elements of concern in the drinking water supply.

Nutrients

SWP supplies have significantly higher nutrient levels over the Colorado River supplies. Elevated levels of nutrients can increase nuisance algal and aquatic weed growth, which in turn affects taste and odor in product water and can reduce filter run times at WTPs. Nutrient rich soils in the Delta, agricultural drainage, and wastewater discharges are primary sources of nutrient loading to the SWP. Water agencies receiving delta water have been engaged in efforts to minimize the effects of nutrient loading from Delta wastewater plants. Taste and odor complaints due to Delta nutrients are dependent on the blend of imported water delivered through Metropolitan. Metropolitan developed a program to provide early warning of algae-related problems, taste, and odor events to best mange water quality in the system.

Salinity

Water supplies from the SWP have significantly lower TDS levels than the Colorado River, averaging 250 mg/l in water supplied through the East Branch and 325 mg/l on the West Branch. Because of this lower salinity, Metropolitan blends SWP water with high salinity CRA water to reduce the salinity levels of delivered water. However, both the supply and the TDS levels of SWP water can vary significantly in response to hydrologic conditions in the Sacramento-San Joaquin watersheds.

The TDS levels of SWP water can also vary widely over short periods of time. These variations reflect seasonal and tidal flow patterns, and they pose an additional problem to blending as a management tool to lower the higher TDS from the CRA supply. For example, in the 1977 drought, the salinity of SWP water reaching Metropolitan increased to 430 mg/l, and supplies became limited. During this same event, salinity at the Banks pumping plant exceeded 700 mg/l. Under similar circumstances, MWD's 500 mg/l salinity objectives could only be achieved by reducing imported water from the CRA. Thus, it may not be possible to maintain both salinity standards and water supply reliability unless salinity levels of source supplies can be reduced.

The BDCP Draft EIR/EIS identified targets that are consistent with TDS objectives under targets MWD has set for drinking water quality, which states its need "to meet Metropolitan's 500 mg/l salinity-by blending objective in a cost-effective manner while minimizing resource losses and ensuring the viability of recycling and groundwater management programs."

Arsenic

Arsenic levels in SWP water have ranged from not detected to 4.0 pg/l. Increasing coagulant doses at water treatment plants can reduce arsenic levels for retail deliveries. Groundwater storage programs in the SWP appear to provide the greatest risk of arsenic contamination; therefore, a pilot arsenic treatment facility is being tested by one of the groundwater partners. vulnerable to a number of contributors to water quality degradation.

10.2.3 Local Surface Water

Regional surface and groundwater are primarily vulnerable to increasing urbanization in the watershed, agriculture, recreational uses, wildlife, and fires. The Regional Water Quality Control Board's Basin Plan for the San Diego region designates beneficial uses for streamflow and surface waters, coastal waters, and reservoir and lake resources within the Region's 11 watersheds. The Basin Plan also designates wildlife habitat, water contact recreation, and non-contact recreation of surface waters as beneficial uses within each of the watersheds. Additionally, portions of each of the 11 watersheds in the region have been designated as warm-water or cold- water aquatic habitats. Municipal, agricultural, and industrial supplies are designated as beneficial uses of surface waters within 10 of the 11 watersheds.

10.2.3.1 Surface Water Quality Standards

The Basin Plan (RWQCB, 1994) establishes numeric and narrative water quality objectives to protect designated beneficial uses of inland surface waters and coastal waters. The Basin Plan establishes numeric water quality objectives for TDS, mineral constituents, and turbidity on a watershed-by-watershed basis within the Region. The Water Quality Objective for TDS for surface waters is set at 500 mg/L (the state and federal secondary drinking water standard) in most watersheds, but TDS objectives range from as low as 300 mg/L in the upper reaches of the San Diego River Watershed to as high as 2,100 mg/L in the downstream reach of the Tijuana River Watershed.

Water quality objectives that apply to the entire region are established for total and fecal coliform bacteria, nutrients (total nitrogen and total phosphorus), pH, dissolved oxygen, and unionized ammonia. The Basin Plan establishes a region-wide phosphorus standard of 0.025 mg/L for standing bodies of water, and a phosphorus standard of 0.05 mg/L for flowing waters. A narrative objective for biostimulatory substances defines total nitrogen standards at a 10:1 ratio to the total phosphorus limits; however, as indicated above, the Regional Board currently interprets these narrative objectives as numerical concentration standards.

Water quality objectives for toxic organic and toxic inorganic constituents are established at the corresponding state and federal drinking water standards for waters designated as municipal supply. The Regional Board also implements the Water Quality Criteria for Priority Toxic Pollutants for California Inland Surface Waters, Enclosed Bays and Estuaries, also known as the California Toxics Rule (CTR) established by the U.S. Environmental Protection Agency in Title 40 §141.38 of the Code of Federal Regulations. The CTR establishes numeric criteria for cyanide, metals, and toxic organic constituents (EPA, 2002).

The SWRCB established water quality objectives for ocean waters in the Water Quality Control Plan for Ocean Waters of California (Ocean Plan). The Ocean Plan establishes receiving water standards for total coliform, fecal coliform, toxic inorganic constituents, and toxic organic constituents.

In addition to complying with statewide regulations, the Region has recognized the need to improve surface water quality, especially within the Region's reservoirs given the important role that those reservoirs play in regional water supply reliability. To address the issues associated with surface water quality, the SDCWA, the city of San Diego, and the county of San Diego have formed a Regional Water Management Group (RWMG) to coordinate development of an Integrated Regional Water

Management program (IRWM) for the San Diego region. An important element in the IRWM is to protect and enhance the region's local surface water quality. As part of this process, projects will be identified and implemented to assist in watershed protection, and thereby, protect the quality of surface water supplies.

One of the key objectives of the IRWM is to reduce sources of pollutants and environmental stressors. This objective targets water management strategies that directly address pollution management and include: agricultural land stewardship, pollution prevention, urban land use planning, urban runoff management, and watershed management and planning. The IRWM stresses the need to attain the region's water quality standards by managing runoff from all sources within the region through the watershed management framework. Due to its concern for the water quality of its reservoirs, the City of San Diego prepared the Source Water Protection Guidelines for New Developments (Guidelines) in 2004. The Guidelines were prepared to assist municipal agencies, designers, land planners, developers, and laypersons in conducting site design planning and select best management practices (BMPs) that protect or improve the quality of runoff draining into the reservoirs. The Guidelines provide a stepwise, simplified BMP selection process to ensure that preferred source water protection BMPs are considered when designing new developments.

Although the use of the Guidelines is voluntary, the guidance is consistent with state and local storm water permit requirements, as well as local planning protocols.

10.2.3.2 Surface Water Reservoir Quality

Within the RAWMP plan area there are several surface water reservoirs that impound local runoff. These reservoirs are located in three watersheds, San Dieguito, San Luis Rey and Santa Margarita. Local surface water treatment plants were constructed by the owners of these reservoirs to treat local runoff although these plants are also connected to the imported water conveyance system since local runoff can be intermittent. TDS of runoff impounded in these reservoirs is lower than imported water and can range between 200-300 mg/l. Turbidity and Total Organic Carbon can increase substantially during high runoff events and during these periods tend to be higher than imported water. Sources and activities that can impair reservoir quality include urban runoff, agricultural runoff, domestic animals and livestock orchards, and septic systems Some of the water quality parameters that local surface water agencies manage are color, manganese, nitrogen, pH, phosphorus, turbidity; sediment, and trace metals.

Eutrophication and algal blooms can occur at local drinking water reservoirs caused by impoundments of local water or conveyed imported water.

The owners of these reservoirs implement active watershed protection measures to meet Basin Plan Standards and address water quality issues at their respective treatment plants as they comply with Safe Drinking Water Act requirements.

10.2.3.3 Section 303(d) Listed Waters

Per Section 303(d) of the Clean Water Act, the Regional Board and State Board are required to identify waters that do not meet applicable water quality objectives. Waters not attaining applicable water quality objectives are deemed to be "impaired" water bodies.

There are 72 inland surface water bodies are currently designated as not attaining applicable water quality objectives (Regional Board, 2009a; State Board, 2010). 303(d)-listed impaired inland surface waters are found in each of the Region's 11 watersheds.

10.3 Groundwater Quality

10.3.1 Designated Beneficial Uses

The Basin Plan designates beneficial uses for groundwater within each hydrologic area of the Region's eleven watersheds. Appendix 3-A presents beneficial uses for groundwater designated in the Basin Plan.

The Basin Plan designates municipal supply, agricultural supply, and industrial service supply as beneficial uses within a significant majority of the Region's hydrologic areas. Industrial process supplies and fresh water replenishment (maintaining surface flows) are listed as beneficial uses within several of the Region's hydrologic areas. The Basin Plan does not designate wildlife habitat as a beneficial use of groundwater, but significant areas of riparian habitat and groundwater- dependent vegetation exist within each of the eleven watersheds.

10.3.2 Groundwater Quality Objectives

The Basin Plan establishes numerical groundwater quality objectives on a watershed-by-watershed basis for color, turbidity, detergent (methylene blue active substances, or MBAS), TDS, and mineral constituents. Additionally, the Basin Plan imposes state and federal drinking water standards for toxic inorganic and toxic organic constituents on groundwater designated for domestic use.

Groundwater quality objectives for TDS and mineral constituents are established as lower concentrations in the upstream portions of the watersheds and at higher concentrations in downstream portions of the watersheds.

10.3.3 Regional Constituents of Concern

While alluvial groundwater aquifers can be quickly recharged by stormwater or urban runoff, the porous nature of the aquifers render them susceptible to contamination by activities on the ground surface, contaminated stormwater infiltration, abandoned well heads, and from underground storage tanks.

Table 10-1 summarizes key groundwater quality issues within the Region. Constituents of concern within Region's groundwater aquifers include TDS, nitrate, iron and manganese, and toxic organic pollutants.

Total Dissolved Solids (TDS).

TDS can affect both the usability of groundwater as a domestic water source and as an irrigation water source. Common areas with elevated concentrations of TDS in the County are found in coastal sedimentary formations and deeper connate water found in desert basins.

Groundwater TDS concentrations within coastal groundwater basins vary significantly, but have generally exhibited a trend of deteriorating water quality in recent decades as a result of seawater intrusion and salt load imbalances associated with imported water use (Water Authority, 1997). Coastal alluvial groundwater aquifers in the region that have experienced significant degradation from elevated TDS concentrations include the Lower Santa Margarita River Basin, Mission Basin (lower San Luis Rey Basin), Lower San Dieguito River Valley, Mission Valley (lower San Diego River Basin), Lower Sweetwater River Valley, and Lower Tijuana River Valley. Groundwater TDS concentrations in these coastal alluvial aquifers currently range from approximately 750 mg/l to more than 2000 mg/l.

Among the principal alluvial groundwater aquifers within the Region, only the Pala/Pauma Basin, Warner Basin, and the upstream portions of the San Pasqual, El Monte, and Middle Sweetwater Basins contain groundwater TDS concentrations below the 500 mg/L state and federal secondary (non-enforceable) drinking water limits for TDS. Water quality in the San Diego Formation (a deep consolidated sediments aquifer that underlies a central portion of the City of San Diego) is highly variable. Groundwater TDS concentrations in this aquifer may range from below 500 mg/L to more than 12,000 mg/L. Groundwater TDS concentrations within inland fractured rock aquifers are variable, but most wells produce groundwater that contains TDS concentrations that are suitable for potable water uses.

Nitrate

State and federal primary (enforceable) drinking water MCLs for nitrate are established at 10 mg/L (as nitrogen). The Basin Plan establishes more stringent nitrate objectives (as low as 2.2 mg/L as nitrogen) for many of the Region's groundwater basins. Alluvial aquifers are susceptible to nitrate contamination from fertilizer application, animal confinement, wastewater percolation, and septic tank discharges. Exceedance of the Basin Plan nitrate objectives has been documented in portions of the San Luis Rey River and San Dieguito River Watersheds (Water Authority, 1997). Potential nitrate problem areas included in the RAWMP study area include portions of the communities of Rainbow, Valley Center, Ramona, Escondido, and San Marcos.

Iron and Manganese

Iron and manganese occur naturally in Region's alluvial groundwater. Groundwater from the Region's coastal aquifers periodically exceeds recommended state and federal secondary (non-enforceable) drinking water standards (0.3 mg/L for iron and 0.05 mg/L for manganese). Aquifers that have exhibited iron and manganese compliance problems include portions of the Santa Margarita River, San Luis Rey River, San Dieguito River, and San Diego River Watersheds (Water Authority, 1997).

Toxic Organic Compounds

Several toxic organic compounds have been detected in groundwater within several of the Region's aquifers. Underground fuel tanks are a common source of groundwater contamination that may result in noncompliance with state and federal drinking water limits for benzene, methyl-tertiary-butyl ether (MTBE), and other volatile organic compounds. MTBE, in particular, is a key contaminant due to its low State of California primary MCL of 5 micrograms per liter (gg/L) and its ability to be rapidly

dispersed by diffusion and advection throughout an aquifer. The State Board's Geotracker database system lists more than 100 sites of documented leaking underground fuel tanks within the Region's eleven watersheds. Although contamination effects from most of these sites are localized, a mile-long plume of petroleum derivatives from the Mission Valley Terminal (a fuel storage facility) contaminates portions of the Mission Valley aquifer in the San Diego River Watershed. The Mission Valley Terminal is under a Regional Board Order to reduce concentrations of dissolved phase petroleum hydrocarbon constituents to attain background water quality conditions by December 31, 2013.

In February 2009, the State Board adopted Resolution No. 2009-011, which established a statewide Recycled Water Policy. The Recycled Water Policy requires the State Board and the Regional Boards to exercise their authority to the fullest extent possible to encourage the use of recycled water, consistent with state and federal water quality regulations. The Recycled Water Policy identifies Integrated Regional Water Management stakeholder-driven salinity/nutrient management plans (SNMPs) as the appropriate means for identifying and managing salinity and nutrient loads associated with recycled water use.

Table 10-1 Water Quality Constituents of Concern

HU[2]	Watershed	HA[2]	Name of Aquifer	TDS Concentration Range (mg/l)	Water Quality Constituents of Concern[3]			
					TDS	Nitrate	Iron & Manganes	Toxic Organics
901	San Juan	901.4	San Mateo	400 - 800	•	•		•
		901.5	San Onofre	600 - 1500	•	•		•
902	Santa Margarita	902.00	Lower Santa Margarita[4]	600 - 750			•	•
903	San Luis Rey River	903.1	Mission	500 - 2000	•		•	•
			Bonsall	600 - 3400	•	•		
			Moosa Canyon	200 - 900	•	•		
		903.2	Pala/Pauma	350 - 1400	•	•		
		903.3	Warner	250 - 350				
905	San Dieguito River	905.1	Lower San Dieguito	1000 - 27,000	•		•	
		905.3	San Pasqual	320 - 2500	•	•		
		905.4	Santa Maria	500 - 1500	•	•		
907	San Diego River	907.1	Mission Valley	1000 - 3000	•		•	•
			Santee/El Monte	500 - 3000	•		•	
909	Sweetwater	909.1	Lower Sweetwater	1700 - 3100	•			
		909.2	Middle Sweetwater	300 - 1400	•			
911	Tijuana River	911.1	Lower Tijuana	500 - 3000	•			
	Pueblo	908.00						
Vary	Sweetwater Otay Tijuana	909.00 910.00 911.0	San Diego Formation	340 - 12,000	•			

Source: San Diego RWMG 2013 Integrated Water Management Plan

10.4 Desalinated Water Quality

Desalinated seawater supply from the Carlsbad Desalination Plant is to be blended into the Water Authority's aqueduct system. Concentrations of dissolved minerals are low in desalinated product water. To prevent corrosive effects associated with these low concentrations of alkalinity and dissolved minerals, product water from the Carlsbad Desalination Plant will be stabilized prior to blending into the Water Authority aqueducts. After product water stabilization, TDS concentrations in the desalination supply are projected to average approximately 350 mg/L. Table 10-2 summarizes projected quality of the desalination supply from the Carlsbad Desalination Plant.

Table 10-2 Quality of Seawater Desalination Supply

Parameter	Projected Desalination Water Quality Carlsbad	
	Central Tendency[1] (not to be exceeded more than 50% of the time)	Extreme Value[1] (not to be exceeded more than 10% of the time)
Total dissolved solids	350 mg/l	400 mg/l
Boron	0.75 mg/l	1.0 mg/l
Bromide	0.5 mg/l	0.8 mg/l
Chloride	180 mg/l	210 mg/l
Turbidity	0.3 NTU[2]	0.5 NTU[2]

10.5 Recycled Water Quality

Water quality, as it pertains to high salinity supplies, is a significant implementation issue for recycled water projects. High TDS source water poses a special problem for water recycling facilities because conventional treatment processes are designed to remove suspended particles, but not dissolved particles. TDS removal, or demineralization, requires an advanced treatment process, which can increase project costs significantly.

Residential use of water typically adds 200 to 300 mg/l of TDS to the wastewater stream. Self-regenerating water softeners can add another pound of salt per day per unit. Infiltration of brackish groundwater into sewer lines can also cause an increase in TDS.

If an area receives a water supply with TDS of more than 700 mg/l, and residents add 300 mg/l or more through normal use, the recycling facility will produce recycled water with a TDS concentration of 1,000 mg/l or higher. Figure 7-1 shows the average TDS at several of the existing and projected water recycling treatment plants.

In general, TDS concentrations over 1,000 mg/l become problematic for irrigation and industrial reuse customers. This problem greatly limits the potential uses and marketability of recycled water, particularly for agricultural purposes, because certain crops and nursery stock are sensitive to irrigation water with TDS levels exceeding 1,000 mg/l. Because of the higher salinity of imported water Avocados in particular require additional application of leaching water to control salt build up in the root zone. This has made the application of even higher salinity recycled water a challenge for agriculture in the region. Unfortunately, because of the toxicity of chloride specifically to avocado, there may still be a significant yield reduction, as evidenced by the results from past recycled water trials conducted in cooperation by the University of California Cooperative Extension.

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11. Climate Change

Regional Planning

11 Climate Change

11.1 Overview

In Chapter 5 of its 2013 update to the California Water Plan (CWP), *Managing Uncertainty*, DWR noted that a new approach to water resources planning required anticipating change to effectively manage uncertainty and risk and be positioned to achieve sustainability in water supply and water resource management. Specifically, as it relates to Climate Change, DWR continued to focus on adaptation as "the changing climate presents many uncertainties in the magnitude, pattern, and the rate of potential change" The 2013 CWP described the following factors:

- *Snowpack*. California's snowpack, a major part of annual water storage, is decreasing with increasing winter temperatures.
- *Hydrologic Pattern*. Warmer temperatures and decreasing snowpack cause more winter runoff and less spring/ summer runoff.
- *Rainfall Intensity.* Regional precipitation changes remain difficult to determine, but larger precipitation events could be expected with warmer temperatures in some regions.
- *Sea Level Rise.* Sea level rise is increasing the threat of coastal flooding, salt water intrusion, and even disruption of water exports from the Sacramento-San Joaquin Delta (Delta) should levees fail on key islands and tracts.
- *Water Demand*. Plant evapotranspiration increases with increased temperature.
- *Aquatic Life.* Higher water temperatures are expected to have a negative effect on some species and may benefit species that compete with native species.
- *Greenhouse Gas Emissions* Carbon Intensity or Carbon Footprint. Storage, transport, and treatment of water involves substantial amounts of energy, which in most cases result in the release of greenhouse gas emissions that contribute to climate change. Each water management strategy should be evaluated for its contribution to the accumulation of greenhouse gasses in our atmosphere

DWR has also identified the need to plan around varying scenarios that prepare for a variety of uncertain future outcomes that will affect water supply availability. An approach SDCWA took in its 2010 UWMP. Regardless of the projected altered conditions, improving local stewardship of the Region's

water resources will likely improve the Region's ability to more robustly deal with changed climatic conditions.

11.2 San Diego Region's Response to Climate Change

Climate change has become an increasingly important issue to water utilities and both the state and federal legislators. Changes in weather patterns which deviate from historical cycles could significantly affect water supply planning. The San Diego region recognizes the importance of adapting to climate change and being a leader in sustainability and stewardship.

When evaluating the effects of climate change on long-term water supply planning, a distinction should be made between climate and weather. Weather consists of the short-term (minutes to months) changes in the atmosphere. Climate is how the atmosphere "behaves" over relatively long periods of time. The term climate change refers to changes in long-term averages of daily weather. Changes to climate will be gradual, providing water supply agencies the ability to adapt planning strategies to manage for the supply uncertainties. The effect on supply would be gradual and captured in each five-year update to the UWMP.

Researchers have concluded that increasing atmospheric concentrations of greenhouse gases, such as carbon dioxide, are causing the Earth's air temperature to rise. While uncertainties remain regarding the exact timing, magnitude, and regional impacts of the temperature and potential precipitation changes due to climate change, researchers have identified several areas of concern that could influence long-term water supply reliability. These potential areas are listed below:

Loss of Natural Snowpack Storage

Rising temperatures reduce snowpack in the Sierra Nevada because more precipitation falls as rain, and snowmelt occurs sooner. Snowpack in the Sierra Nevada is the primary source of supply for the State Water Project. Snowpack is often considered a large surface "reservoir," where water is slowly released between April and July each year. Much of the state's water infrastructure was designed to capture the slow spring runoff and deliver it during the drier summer and fall months. The California Department of Water Resources projects that by the end of this century, the Sierra snowpack is projected to experience a 48 to 65 percent loss from its average at the end of the previous century (1961-1990 average).

Sea Level Rise

Rising sea levels could increase the risk of damage to water and water recycling facilities from storms, high-tide events, and erosion of levees. A potential catastrophic levee failure in the Delta could interrupt supplies from the State Water Project, potentially reducing supply deliveries to the San Diego region from Metropolitan. In addition, rising sea levels could cause saltwater intrusion into the Delta, degrading drinking water quality. More freshwater releases from upstream reservoirs would be required to repel the sea to maintain salinity levels for municipal, industrial, and agricultural uses.

Changes in Average Precipitation and Runoff Volume

The effect of climate change on overall precipitation and runoff volumes is still unclear and highly uncertain. For example, a number of studies conclude that the flow of the Colorado River may be reduced by climate change, but a wide disparity exists on the predicted volume. The yield from local surface water resources could potentially be reduced, if annual runoff volumes are reduced due to a decline in precipitation or there is an increase in evapotranspiration in reservoirs. It must be highlighted that research is still highly unclear on how precipitation levels may be impacted by climate change.

Change in Frequency and Intensity of Droughts

Warming temperatures, combined with potential changes in rainfall and runoff patterns, could exacerbate the frequency and intensity of droughts.

Demands Levels

Climate change could also gradually affect water demands out in the future. Warmer temperatures increase evapotranspiration rates and growing season, which are likely to increase outdoor consumptive water use for landscaping. As part of the water demand forecasting effort for the SDCWA's 2010 UWMP, the long-term influence of climate change on demands in the San Diego region was evaluated. The 2010 UWMP discusses climate change and its potential impacts on supply and demand. The main conclusions were that: 1) climate change impacts are not likely to be significant during the 25-year planning period (2010–2035) of the UWMP, and 2) the primary effects of climate change will be experienced as shortages of imported water supply sources and not as significant increases in water demands for either Agricultural or Municipal & Industrial users. The SDCWA plans to again evaluate the long-term influence of climate change on demands in its 2015 UWMP.

Supply Diversification and Adaptation

All five of the areas discussed above focus on the potential effect climate change could have on future supply reliability. The potential long-term effect is a possible decrease in the availability of imported supplies from MWD and local supplies - causing a potential gap between supply and demands. The supply and demand impacts from climate change will just start to be experienced within the 2010 Plan 25-year planning horizon, but should be considered in establishing "no regret" strategies that provide water supply benefits within the planning horizon, while increasing the ability to manage potential climate change impacts in the future. The foundational strategy to diversify the region's resource mix through development of local projects, such as recycled water and seawater desalination, reduces reliance on imported and local surface supplies, whose yields could potentially decrease as a result of climate change, The addition of almost 200,000 acre feet of storage capacity for droughts and emergencies will allow the region to optimize the hydrologic cycle as it varies between normal, wet, and dry years and to store water earlier in the season as runoff is expected earlier in the year than what is now experienced.

11.3 Partnerships in Research

SDCWA as the region's wholesale water supplier continues to partner with experts in the field of climate change to ensure the region is able to manage the uncertainties associated with climate change and in coordination with its member agencies continue to provide a reliable supply of water. SDCWA has partnered with the Scripps Institution of Oceanography on research efforts to better understand the uncertainties of climate change and the influence climate change may have on local surface water supplies and demands within the San Diego Region. SDCWA is also currently participating in a San Diego Basin Study, being prepared by the United States Bureau of Reclamation that will assess the potential climate change impacts on water supply and demand in the San Diego region. The City of San Diego is a partner in funding the study and serves as the local project lead. In addition, as a founding member of the Water Utility Climate Alliance, SDCWA coordinates with water utilities across the nation to enhance climate change research and improve water management decision-making to ensure that water utilities will be positioned to respond to climate change and protect water supplies.

11.4 Conclusions on Climate Change

Continuing to support practical research, planning for the development of reliable local supplies independent of the hydrologic cycle, using storage to manage the more extreme variations in surface water runoff and aggressive conservation result in an effective strategy to adapt to and manage climate change in the region.

Sources

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12. Water Use Efficiency

Regional Planning

12 Water Use Efficiency Information

12.1 Legislative Requirements

Water Code §10826 (e) requires that certain water use efficiency information be included in the AWMP per §10608.48. Sections 10608.48 (a) through 10608.48(f) are related to the EWMPs of the AWMP. Sections 10608.48 (a) to 10608.48 (c) require implementation of EWMPs. Section 10608.48 (d) requires a report of which EWMPs have been implemented, an estimate of efficiency improvements, and documentation that non-implemented EWMPs were either not locally cost-effective or technically feasible. Section 10608.48 (e) specifies how to report the information.

Implementation of critical EWMPs (Water Code §10608.48 (b)) are required of all agricultural water suppliers. Other EWMPs (Conditional), listed in Water Code §10608.48 (c), are required only if they are locally cost-effective and technically feasible. This section lists the AWMP reporting requirements and EWMPs implementation requirements. DWR also encourages the agricultural water supplier to report on how implementation of EWMPs may have affected or is anticipated to affect operations.

12.2 San Diego Regional Agricultural Water Use Efficiency

The Water Authority, its member agencies, and the San Diego Farm Bureau (Farm Bureau) have provided technical and financial support for agricultural water use efficiency (WUE) in the San Diego Region since the 1980's. Water suppliers, like Valley Center Municipal Water District (VCMWD,) funded WUE programs prior to implementation of the regional approach. Most of those programs have been implemented by the Mission Resource Conservation District (MRCD) and funded by the San Diego County Water Authority (SDCWA).

MRCD has been under contract to the SDCWA to operate agricultural water management services since 1990 as part of the Water Authority's AWMP. During that time, MRCD provided more than 1,700 audits on more than 28,000 acres of avocados, citrus, field flowers, and other fruits and ornamentals. The goal of the program is to provide technical assistance to growers to enable them to irrigate crops as efficiently as possible in order to obtain the maximum economic benefit from limited water resources. The WUE programs have included direct assistance to retail water users, implementation of University of California Cooperative Extension (UCCE) BMPs, funding information assistance, and water purveyor efficiency practices.

This AWMP identifies several previously implemented and ongoing regional water management activities, which include measures financially supported by the water agencies, through the Water Authority, and implemented with assistance from the Farm Bureau and MRCD.

Those include:

a. Direct water management assistance programs including:

- Irrigation system evaluations for growers measuring how efficiently and how accurately water is being applied in relation to the crop water requirements Growers are provided a comprehensive evaluation report and recommendations for improving overall system efficiency as well as a recommended irrigation schedule.
- Assistance in using the California Irrigation Management Information System (CIMIS). Training in using CIMIS data for irrigation scheduling is provided to growers. Additionally, seven day CIMIS reference evaporation (ETo) information for select San Diego County regions is provided on the MRCD web site.
- Free workshops and training addressing a range of issues related to WUE are regularly conducted by MRCD and the Farm Bureau, with support from the water agencies.
- Assistance to growers is provided in implementing the UCCE BMPs that address irrigation runoff from nurseries, orchards, and field operations. The goal of the BMPs is to maximize irrigation efficiency and eliminate nutrients entering surface water. The BMPs consist of twenty-six measures including: irrigational system design and maintenance, irrigation rates and scheduling, and personnel training.

b. Information about financial assistance for implementing WUE measures that may be available through the USDA or others is provided to growers.

c. All agricultural irrigation water used in the region is metered and growers are billed on a commodity use basis.

d. Agricultural water deliveries are made through pressurized mains, eliminating delivery water loss to evaporation.

12.2.1 EWMP Implementation and Reporting

The Water Code requires that the AWMP include:

"...a report on which efficient water management practices have been implemented and are planned to be implemented, an estimate of the water use efficiency improvements that have occurred since the last report, and an estimate of the water use efficiency improvements estimated to occur five and 10 years in the future. If an agricultural water supplier determines that an efficient water management practice is not locally cost effective or technically feasible, the supplier shall submit information documenting that determination." (Water Code§10608.48 (d)).

As such, the RAWMP includes:

- A list of implemented and planned-to-be-implemented EWMPs
- An estimate of the water use efficiency improvements since the previous report and estimated to occur in five and ten years. Water use efficiency improvements can be quantitative or descriptive, depending upon the nature of the EWMP and information available to the agricultural water supplier. Additionally, estimating water use efficiency may not be practical or possible for individual EWMPs. In such cases, an overall estimate for multiple EWMPs is advised.

12.2.2 Critical EMWPs

The critical EWMPs must be implemented by the agricultural water supplier (Water Code §10608.48(b)). These include:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered. Furthermore, the CCR requires water suppliers, as defined in the CCR §597 et seq., to measure water with devices that comply with the accuracy standards of the Agricultural Water Measurement Regulation.

12.2.3 Conditional EWMPs

As noted above, if certain EWMPs are not locally cost-effective or technically feasible they would not have to be implemented. However, if these EWMPs are locally cost-effective and technically feasible, they must be implemented by agriculture water suppliers providing water to at least 25,000 irrigated acres and water suppliers providing water to 10,000 to 25,000 irrigated acres if funding is provided (Water Code §10608.48 (c)). Additionally, the EWMPs that are implemented or planned to be implemented should be reported in the AWMP.

(1) "Facilitation of alternative land use for lands with exceptionally high water duties or whose irrigation contributes to significant problems, including problem drainage "(Water Code §10608.48 (c)(1)).

(2) "Facilitation of use of available recycled water that otherwise would not be used beneficially, meets health and safety criteria, and does not harm crops or soils. The use of recycled urban wastewater can be an important element in overall water management" (§10608.48 (c)(2)).

(3) "Facilitate the financing of capital improvements for on-farm irrigation systems"

(§10608.48 (c)(3)).

(4) "Implement an incentive pricing structure that promotes one or more of the following goals" (§10608.48 (c)(4)):

A. "More efficient water use at the farm level such that it reduces waste"

(§10608.48 (c)(4)(A)).

B. "Conjunctive use of groundwater" (§10608.48 (c)(4)(B)).

Explanation: In dry years, the water suppliers may encourage, through higher prices

for surface water, pumping more groundwater and leaving surface water for environmental uses.

C. "Appropriate increase of groundwater recharge" (§10608.48 (c)(4)(C)).

Explanation: In wet years, pricing may be used to encourage greater use of surface water to facilitate recharge. For examples, see: interactive case studies database at

http://agwaterstewards.org/

D. "Reduction in problem drainage" (§10608.48 (c)(4)(D)).

For an example, see Red Rock Ranch interactive case studies database at

http://agwaterstewards.org/

E. "Improved management of environmental resources" (§10608.48 (c)(4)(E)).

F. "Effective management of all water sources throughout the year by adjusting seasonal pricing structures based on current conditions" (§10608.48 (c)(4)(F)).

(5) "Expand line or pipe distribution systems, construct regulatory reservoirs to increase distribution system flexibility and capacity, decrease maintenance, and reduce seepage"

(§10608.48 (c)(5)).

(6) "Increase flexibility in water ordering by, and delivered to, water customers within operational limits" (§10608.48 (c)(6)).

(7) "Construct and operate supplier spill and tail-water systems" (§10608.48 (c)(7)).

(8) "Increase planned conjunctive use of surface water and groundwater within the supplier service area" (§10608.48 (c)(8)).

(9) "Automate canal control devices" (§10608.48 (c)(9)).

(10) "Facilitate or promote customer pump testing and evaluation" (§10608.48 (c) (10)).

(11) "Designate a water conservation coordinator who will develop and implement the water management plan and prepare progress reports" (§10608.48 (c) (11)).

(12) "Provide for the availability of water management services to water users. These services may include, but are not limited to, all of the following" (§10608.48 (c) (12)):

A. "On-farm irrigation and drainage system evaluations" (§10608.48 (c) (12) (A)).

Eco/mobile labs are programs that evaluate the performance of irrigation systems.

These laboratories measure water application rates and system distribution uniformity and give recommendations for irrigation system improvement.

B. "Normal year and real-time irrigation scheduling and crop evapotranspiration information" (§10608.48 (c)(12) (B)).

An important source of ET data for California is the California Irrigation

Management Information System (CIMIS). CIMIS is a network of over 140 automated weather stations scattered throughout California that provide ETo and weather data to the public free of charge: http://www.cimis.water.ca.gov/cimis/welcome.jsp

C. "Surface water, groundwater, and drainage water quantity and quality data"

(§10608.48 (c) (12) (C)).

D. "Agricultural water management educational programs and materials for farmers, staff, and the public" (§10608.48 (c) (12) (D)).

These could include such items as: soil moisture and salinity monitoring, in-school awareness programs, budgeting software, efficient irrigation techniques, crop water budget and other approaches, program delivery via workshops, seminars, newsletters, field days and demonstration, and others.

(13) "Evaluate the policies of agencies that provide the supplier with water to identify the potential for institutional change to allow more flexible water deliveries and storage."

(§10608.48 (c) (13)).

(14) "Evaluate and improve the efficiencies of the supplier's pumps." (§10608.48 (c) (14)).

See Table 13.A.1 Report of EWMPs Implemented/Planned, for status of each EWMP.

See Table 13.A.2 Report on EWMPs Efficiency Improvements, for estimates of future regional water use efficiency improvements.

12.2.4 Documentation for Non-Implemented EWMPs

For Conditional EWMPs, the EWMP reporting in the AWMP includes documentation of the agricultural water supplier's determination that a conditional EWMP is not locally cost-effective or technically feasible, if applicable (Water Code §10608.48 (d)). Locally cost effective is defined in the Water Code as:

> "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure." (Water Code §10608.12 (k))

The Water Code requires that critical EWMPs be implemented. Conditional EWMPs may be omitted if they are not locally cost-effective or technically feasible; however, documentation in the AWMP for this determination is required for compliance with the Water Code.

All critical and conditional EWMPs have been implemented in the San Diego Region.

Finally, continued implementation of the EWMPs and the resulting water use efficiency should result in operational benefits for water suppliers by reducing water demand peaking and water treatment costs.

Table 12-1 Report of EWMPs Implemented/Planned (Water Code §10608.48(d), §10608.48 (e), and §10826 (e))

EWMP No.	Description of EWMP Implemented	Description of EWMPs Planned
	Critical EWMPs	
1 - Water Measurement	All agricultural customers in the region receive deliveries through water meters. The retail water agencies suppling those meters regularly test them for accuracy through scheduled maintenance and replacement programs.	No additional actions are planned
2- Volume Based Pricing	All agricultural water customers in the region are charged using volume based pricing	No additional actions are planned
	Conditionally Required EWMPs	
1 - Alternate Land Use	Conversion of agricultural land in the region to alternative uses is taking place and is anticipated to continue as a result of rising property values and urban growth.	No programs to increase alternate land use trends are planned.
2 – Use of Recycled Water	Agricultural water consumers in the region have been using recycled water for irrigating a variety of crops for many years. However, source water quality problems and delivery challenges have limited opportunities.	Increases in the use of recycled water for agricultural proposes in the region are planned.
3 – Financing for on Farm Irrigation Systems	Due to the high cost of water, growers have been self-motivated and it has not been necessary for water agencies to provide financing for on farm irrigation systems. However, the MRCD provides referrals to the USDA Natural Resources Conservation Service for potential funding opportunities.	No additional financing assistance is planned.
4 – Implement a pricing structure to promote: more efficient use, conjunctive use of groundwater, groundwater recharge, reduction in problem drainage, environmental resources, and seasonal pricing.	The current Regional pricing structures, with among the highest commodity charges in the state, send a strong pricing signal to promote very efficient water use and reduce problem drainage. Regional geologic conditions do not make conjunctive use or groundwater recharge feasible. Maintaining and enhancing environmental resources are encouraged through current pricing structures.	Retail commodity water rates are planned to continue to significantly increase, encouraging continued WUE. Seasonal pricing may be considered in future rate setting.
5 – Increasing distribution systems efficiency	All agricultural water deliveries in the region are made through pressurized pipe distribution systems.	No additional actions are planned.
6 – Increasing delivery flexibility	Retail water agencies work closely with growers to assure deliveries are timed to	No additional actions are planned.

	insure both adequate delivery system water pressure and efficiency are maintained.	
7 – Developing spill and tail-water systems	Flood irrigation is not practiced in the region. However, growers are practicing the UCCE BMPs for irrigation to address any minimal irrigation run-off that could occur.	No additional actions are planned.
8 – Conjunctive water use	The regional geology is not conducive to opportunities for conjunctive groundwater use.	No actions are planned.
9 – Canal control devices	No deliveries in the region are made through canals.	No actions are planned.
10 – Customer pumps	The limited groundwater pumping in the region is conducted by individual growers and the water agencies are not involved in that process. However, MRCD provides well water analysis and assistance to those growers.	No additional actions are planned.
11 - Designate Water Conservation Coordinator	Each of the retail water agencies, and the Water Authority, has a water conservation coordinator.	No additional actions are planned.
12 – Provide management services including: irrigation and drainage evaluations, irrigation and ETo information, water quality and quantity data, and education programs and materials	An active regional program has been in place since the 1980's to provide: on- site real time irrigation scheduling and drainage evaluation; irrigation and crop ETo information; water quality information and analysis; soil analysis; and education information, materials, and training workshops, and seminars to growers, staff and the public.	No additional actions are planned.
13 – Identify potential for more flexibility for deliveries and storage	Opportunities for delivery flexibility and storage have been carefully reviewed and maximized.	No additional actions are planned.
14 – Improve efficiency of supplier's pumps	The retail water agencies in the region do not pump any groundwater and all water delivery pumps are maintained to assure efficiency.	No actions are planned.

Table 12-2 Report of EWMPs Efficiency Improvements (Water Code §10608.48(d), §10608.48 (e), and §10826 (e))

Corresponding EWMP No.(s)*	Estimate of Water Use Efficiency Improvements That Occurred Since Last Report (Quantitative or Descriptive) (1)	Estimated Water Use Efficiency Improvements 5 and 10 years in future (Quantitative or Descriptive)
2. Recycled water use 4. Pricing structure to promote efficient use		Regional use of recycled water for agricultural will continue to increase as water quality and distribution issues are resolved. Commodity cost to growers will continue to increase significantly as the cost for imported and local water increases.

(1) There was no regional reporting of water use efficiency improvement in the past, thus this column is left blank.

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San Diego Regional Agricultural Water Management Plan

Appendices

January 2016

Prepared for:

San Diego County Farm Bureau

SAN DIEGO COUNTY FARM BUREAU

Prepared by:

Ken Weinberg Water Resources Consulting LLC

Bill Jacoby Water Resources Consulting

Appendices

Appendix A

1 Appendix B

2 Appendix C

3 Appendix D

4 Appendix E

5 Appendix F

6 Appendix G

7 Appendix H

8 Appendix I

Appendix A

Notification of Agricultural Water Management Plan preparation, notice of availability, and hearing process notification

VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

January 20, 2016

Helen N. Robbins-Meyer
Chief Administrative Officer
County Administration Center
1600 Pacific Highway, Room 209
San Diego, CA 92101

Re: San Diego Regional Agricultural Water Management Plan Update

Dear Ms. Robbins-Meyer:

Governor Brown's April 1, 2015, Executive Order B-29-151, directed agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan (AWMP) and submit it to the Department of Water Resources (DWR) by July 1, 2016. Both Rainbow Municipal Water District and Valley Center Municipal Water District (VCMWD) meet this acreage threshold. Governor Brown also directed the State Water Resources Control Board (SWRCB) to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. On May 5, 2015, the State Water Board adopted an Emergency Regulation for Statewide Urban Water Conservation (Emergency Conservation Regulation) in accordance with the Governor's directive. The provisions of the Emergency Conservation Regulation went into effect on May 18, 2015. The Emergency Conservation Regulation provided an exemption from the state wide 25% conservation target for commercial agriculture being served by urban water suppliers and stated:

> *"(e) (1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:*
>
> *(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;*
>
> *(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;*
>
> *(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and*
>
> *(D) **Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.**"*

There are fourteen urban water agencies in San Diego County, including, Valley Center Municipal Water District and Rainbow Municipal Water District that supply commercial

agricultural customers and fall under the SWRCB's exemption and concurrent requirement to prepare an AWMP. These fourteen agricultural water suppliers have teamed with the San Diego County Farm Bureau to develop a San Diego Regional AWMP Update. In addition to Valley Center Municipal Water District and Rainbow Municipal Water District, these agricultural water suppliers include: Carlsbad Municipal Water District, City of Escondido, City of Oceanside, City of Poway, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallectios Water District, and Yuima Municipal Water District.

The DWR has also directed that each city or county within which a supplier provides water supplies be notified that the agricultural water supplier will be preparing or amending an AWMP update. Valley Center Municipal Water District is acting as the lead agency for purposes of public notification and approval of the Regional AWMP. Accordingly, this letter is to notify the San Diego County that the San Diego Regional AWMP Update will be prepared and a draft of that plan will be available on the District's website at www.vcmwd.org at least 14 days prior to a noticed public hearing at the regularly scheduled VCMWD Board meeting to be held at 2:00 p.m. on Tuesday, February 16, 2016, in the Board Room of the Valley Center Municipal Water District's office at 29300 Valley Center Road, Valley Center, CA 92082.

Please contact me at (760) 735-4515 should you have any questions.

Sincerely,

Gary Arant
General Manager

VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

January 20, 2016

Greg Wade, City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

Re: San Diego Regional Agricultural Water Management Plan Update

Dear Mr. Wade:

Governor Brown's April 1, 2015, Executive Order B-29-151, directed agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan (AWMP) and submit it to the Department of Water Resources (DWR) by July 1, 2016. Both Rainbow Municipal Water District and Valley Center Municipal Water District (VCMWD) meet this acreage threshold. Governor Brown also directed the State Water Resources Control Board (SWRCB) to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. On May 5, 2015, the State Water Board adopted an Emergency Regulation for Statewide Urban Water Conservation (Emergency Conservation Regulation) in accordance with the Governor's directive. The provisions of the Emergency Conservation Regulation went into effect on May 18, 2015. The Emergency Conservation Regulation provided an exemption from the state wide 25% conservation target for commercial agriculture being served by urban water suppliers and stated:

> *"(e) (1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:*
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> *(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;*
>
> *(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;*
>
> *(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and*
>
> *(D) **Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.**"*

There are fourteen urban water agencies in San Diego County, including, Valley Center Municipal Water District and Rainbow Municipal Water District that supply commercial agricultural customers and fall under the SWRCB's exemption and concurrent requirement to

prepare an AWMP. These fourteen agricultural water suppliers have teamed with the San Diego County Farm Bureau to develop a San Diego Regional AWMP Update. In addition to Valley Center Municipal Water District and Rainbow Municipal Water District, these agricultural water suppliers include: Carlsbad Municipal Water District, City of Escondido, City of Oceanside, City of Poway, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallectios Water District, and Yuima Municipal Water District.

The DWR has also directed that each city or county within which a supplier provides water supplies be notified that the agricultural water supplier will be preparing or amending an AWMP update. You have received this notification because the City of Solana Beach is within the Regional AWMP area. Valley Center Municipal Water District is acting as the lead agency for purposes of public notification and approval of the Regional AWMP. Accordingly, this letter is to notify the City of Solana Beach that the San Diego Regional AWMP Update will be prepared and a draft of that plan will be available on the District's website at www.vcmwd.org at least 14 days prior to a noticed public hearing at the regularly scheduled VCMWD Board meeting to be held at 2:00 p.m. on Tuesday, February 16, 2016, in the Board Room of the Valley Center Municipal Water District's office at 29300 Valley Center Road, Valley Center, CA 92082.

Please contact me at (760) 735-4515 should you have any questions.

Sincerely,

Gary Arant
General Manager

cc: Michael Bardin, General Manager, Santa Fe Irrigation District

VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

January 20, 2016

Jack Griffin, City Manager
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Re: San Diego Regional Agricultural Water Management Plan Update

Dear Mr. Griffin:

Governor Brown's April 1, 2015, Executive Order B-29-151, directed agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan (AWMP) and submit it to the Department of Water Resources (DWR) by July 1, 2016. Both Rainbow Municipal Water District and Valley Center Municipal Water District (VCMWD) meet this acreage threshold. Governor Brown also directed the State Water Resources Control Board (SWRCB) to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. On May 5, 2015, the State Water Board adopted an Emergency Regulation for Statewide Urban Water Conservation (Emergency Conservation Regulation) in accordance with the Governor's directive. The provisions of the Emergency Conservation Regulation went into effect on May 18, 2015. The Emergency Conservation Regulation provided an exemption from the state wide 25% conservation target for commercial agriculture being served by urban water suppliers and stated:

> *"(e) (1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:*
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>
> *(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;*
>
> *(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and*
>
> *(D) **Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.**"*

There are fourteen urban water agencies in San Diego County, including, Valley Center Municipal Water District and Rainbow Municipal Water District that supply commercial agricultural customers and fall under the SWRCB's exemption and concurrent requirement to

prepare an AWMP. These fourteen agricultural water suppliers have teamed with the San Diego County Farm Bureau to develop a San Diego Regional AWMP Update. In addition to Valley Center Municipal Water District and Rainbow Municipal Water District, these agricultural water suppliers include: Carlsbad Municipal Water District, City of Escondido, City of Oceanside, City of Poway, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallectios Water District, and Yuima Municipal Water District.

The DWR has also directed that each city or county within which a supplier provides water supplies be notified that the agricultural water supplier will be preparing or amending an AWMP update. You have received this notification because the City of San Marcos is within the Regional AWMP area. Valley Center Municipal Water District is acting as the lead agency for purposes of public notification and approval of the Regional AWMP. Accordingly, this letter is to notify the City of San Marcos that the San Diego Regional AWMP Update will be prepared and a draft of that plan will be available on the District's website at www.vcmwd.org at least 14 days prior to a noticed public hearing at the regularly scheduled VCMWD Board meeting to be held at 2:00 p.m. on Tuesday, February 16, 2016, in the Board Room of the Valley Center Municipal Water District's office at 29300 Valley Center Road, Valley Center, CA 92082.

Please contact me at (760) 735-4515 should you have any questions.

Sincerely,

Gary Arant
General Manager

cc: Dennis Lamb, General Manager, Vallectios Water District

Appendix B

Comments received on Agricultural Water Management Plan

(No comments received)

Appendix C

Newspaper hearing notifications

This space is for the County Clerk's Filing Stamp

PROOF OF PUBLICATION
(2010 & 2011 C.C.P.)

STATE OF CALIFORNIA
County of San Diego

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of

The San Diego Union Tribune

Formerly known as the North County Times and UT North County and which newspaper has been adjudicated as a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, for the City of Oceanside and the City of Escondido, Court Decree numbers 171349 & 172171, for the County of San Diego, that the notice of which the annexed is a printed copy (set in type not smaller than nonpariel), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 01st & 08th, 2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at **Oceanside,** California
On This **08th,** of **February, 2016**

Jane Allshouse
The San Diego Union Tribune
Legal Advertising

Proof of Publication of

NOTICE OF PUBLIC HEARING
for the 2016 San Diego Regional
Agricultural Water Management Plan Update

Notice is hereby given that the Board of Directors of the **Valley Center Municipal Water District** will hold a public hearing to receive input on the Draft 2016 San Diego Regional Agricultural Water Management Plan Update ("Regional Plan Update") at the regularly scheduled Board meeting of Tuesday February 16, 2016, beginning at 2:00 pm in the Board Room of the **Valley Center Municipal Water District**'s office at 29300 Valley Center Road, Valley Center, CA 92082. On April 1, 2015, through Executive Order B-29-151, Governor Brown directed agricultural water agencies supplying water from 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan and submit it to California Department of Water Resources by July 1, 2016. Water agencies supplying agricultural water in San Diego County have prepared the Regional Plan Update to meet the requirements of that executive order. Copies of the Regional Plan Update will be available for review at the District Office, the Valley Center Public Library, and on the District's web site (**www.vcmwd.org**) beginning Monday, February 1, 2016. Members of the public are invited to attend the hearing and present their views on the draft Regional Plan Update. Written comments should be filed with the District prior to the hearing at 29300 Valley Center Road, P.O. Box 67, Valley Center, CA 92082.

For questions or additional information, contact:
Gary Arant, General Manager
Valley Center Municipal Water District
760-735-4515, or at garant@valleycenterwater.org

Appendix D

Resolution of Regional Agricultural Water Management Plan Adoption

STATE OF CALIFORNIA)
ss.
COUNTY OF SAN DIEGO)

I, CHRISTINE M. JOHNSON, Executive Assistant/Secretary to the Board of Directors of the VALLEY CENTER MUNICIPAL WATER DISTRICT, do hereby certify that the attached is a full, true and correct copy of Resolution No. 2016-02 of the Board of Directors of said District, and that the same has not been amended or repealed.

DATED: Feb. 17, 2016

Christine M. Johnson
Christine M. Johnson
Executive Assistant/Secretary to the
Board of Directors

(SEAL)

RESOLUTION 2016-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VALLEY CENTER MUNICIPAL WATER DISTRICT ADOPTING THE 2016 SAN DIEGO COUNTY REGIONAL AGRICULTURAL WATER MANAGEMENT PLAN UPDATE

WHEREAS, in light of an unprecedented drought, Governor Brown mandated by Executive Order B-29-15 statewide 25% water conservation and directed the State Water Resources Control Board (SWRCB) to implement Drought Emergency Regulation for Urban Water Conservation, which was adopted on May 5, 2015; and

WHEREAS, in Executive Order B-29-15, Governor Brown directed that commercial agricultural water use would be exempted from the urban conservation requirements if urban water agencies delivering water for commercial agricultural purposes adopt and submit Agricultural Water Management Plans by July 1, 2016; and

WHEREAS, in Executive Order B-29-15, Governor Brown directed agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan (AWMP) and submit it to the Department of Water Resources (DWR) by July 1, 2016; and

WHEREAS, both Rainbow Municipal Water District and Valley Center Municipal Water District meet this irrigated lands acreage threshold; and

WHEREAS, Valley Center Municipal Water District (VCMWD), Rainbow Municipal Water District, Carlsbad Municipal Water District, City of Escondido, City of Oceanside, City of Poway, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallectios Water District, and Yuima Municipal Water District entered into an agreement with the San Diego County Farm Bureau to develop a San Diego Regional AWMP (RAWMP), to meet the requirements of the Governor, SWRCB and DWR , and

WHEREAS, this RAWMP is based on information contained in the 2010 updates to the participating agencies Urban Water Management Plans; the 2013 San Diego Integrated Regional Water Management Plan; monthly and annual reports from the participating agencies; and the regional water wholesaler, San Diego County Water Authority, and information based on various regional plans and studies conducted over time, and

WHEREAS, VCMWD has conducted the necessary notifications, publications and the required public hearing held at its offices on Tuesday, February 16, 2016, and

WHEREAS, the RAWMP, as amended this day including those Errata Sheets dated February 16, 2016 and adopted after public review and hearing, will be filed with the California DWR within thirty days of adoption; and

WHEREAS, the RAWMP has been prepared in accordance with the requirements of the Water Conservation Act of 2009 (SBx7-7), which modifies Division 6 of the California Water Code adding Part 2.55 (commencing with §10608) and replacing Part 2.8 (commencing with §10800), which has been circulated for public review and a noticed public hearing regarding said RAWMP was held by the Valley Center Municipal Water District on February 16, 2016; and

WHEREAS, after conducting the public hearing, the Board of Directors finds that the RAWMP as amended meets all the requirements of the Governor, SWRCB and the DWR.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Valley Center Municipal Water District does hereby approve the 2016 San Diego Regional Agricultural Water Management Plan Update.

PASSED AND ADOPTED on this 16th day of February, 2016, by the following vote:

Ayes: Directors Broomell, Polito, Aleshire and Haskell

Noes: None

Abstentions: None

Gary A. Broomell
Gary A. Broomell, Board President

Attest:

Christine M. Johnson
Board Secretary

Res. No. 2016-02

CITY OF POWAY

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF POWAY)

I, Linda K. Hascup, CMC, City Clerk, for the City of Poway, California, hereby certify, under penalty of perjury, that the attached and foregoing is a true and correct copy of Resolution No. 16-004 entitled, "A Resolution of the City Council of the City of Poway, California, Approving the 2016 Regional Agricultural Water Management Plan Update" as adopted by the City Council of Poway, California on March 1, 2016.

Linda K. Hascup

Linda K. Hascup, CMC
Interim City Clerk
City of Poway

RESOLUTION NO. 16-004

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF POWAY, CALIFORNIA,
APPROVING THE 2016 REGIONAL AGRICULTURAL
WATER MANAGEMENT PLAN UPDATE

WHEREAS, in light of an unprecedented drought, Governor Brown, by Executive Order B-29-15, mandated statewide 25% water conservation, and directed the State Water Resources Control Board (SWRCB) to implement Drought Emergency Regulation for Urban Water Conservation, which was adopted on May 5, 2015; and

WHEREAS, in Executive Order B-29-15, Governor Brown directed that commercial agricultural water use would be exempted from the urban conservation requirements if urban water agencies delivering water for commercial agricultural purposes adopt and submit Agricultural Water Management Plans by July 1, 2016; and

WHEREAS, the City of Poway, together with Valley Center Municipal Water District, Rainbow Municipal Water District, Carlsbad Municipal Water District, City of Escondido, City of Oceanside, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallecitos Water District, and Yuima Municipal Water District (Participating Water Providers) entered into a cost sharing agreement in August 2015 to prepare a 2016 Regional Agricultural Water Management Plan Update (RAWMP); and

WHEREAS, the San Diego County Farm Bureau developed the RAWMP to meet the requirements of the Governor and DWR, and to satisfy the requirements of the SWRCB for exemption of commercial agricultural water from the current mandated water cutbacks; and

WHEREAS, the RAWMP is based on information contained in the 2010 updates to the Participating Water Providers' urban water management plans; the 2013 San Diego Integrated Regional Water Management Plan; monthly and annual reports from the Participating Water Providers and the San Diego County Water Authority; and information based on various regional plans and studies conducted over time; and

WHEREAS, the Valley Center Municipal Water District, in its capacity as the agency of record, conducted the necessary notifications, publications, and the required public hearing held at its offices on Tuesday, February 16, 2016, and

WHEREAS, the RAWMP, adopted after public review and hearing, will be filed by the Valley Center Municipal Water District with the California DWR within thirty days of adoption; and

WHEREAS, the City of Poway properly noticed a public hearing regarding the RAWMP, and made said plan available for review, as on file at the City Clerk's Office, on February 18 and February 25, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Poway as follows:

Section 1. The above recitals are incorporated herein by reference.

Section 2. The 2016 Regional Agricultural Management Plan Update is hereby approved.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Poway at a regular meeting this 1st day of March 2016.

Steve Vaus, Mayor

ATTEST:

Linda K. Hascup, CMC, Interim City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

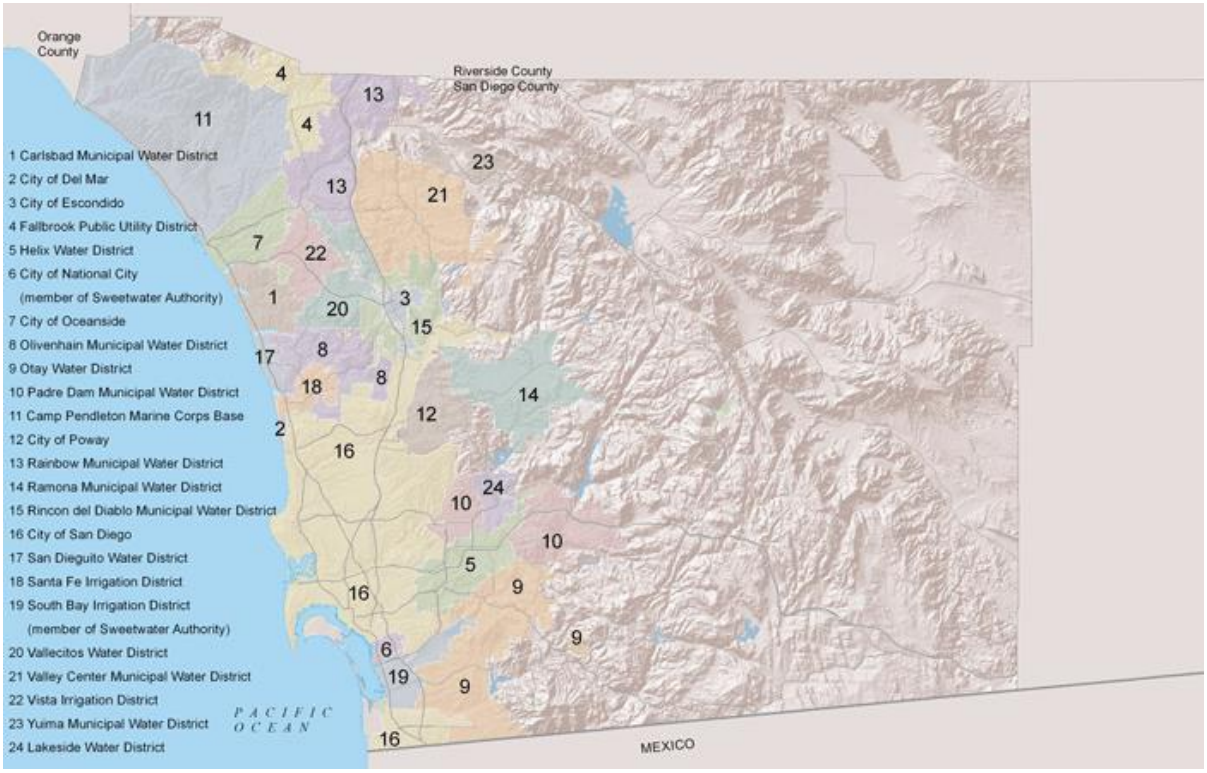
I, Linda K. Hascup, CMC, Interim City Clerk, of the City of Poway, do hereby certify under penalty of perjury that the foregoing Resolution No. 16-004 was duly adopted by the City Council at a meeting of said City Council held on the 1st day of March 2016, and that it was so adopted by the following vote:

AYES:	LEONARD, GROSCH, MULLIN, CUNNINGHAM, VAUS
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

Linda K. Hascup, CMC, Interim City Clerk
City of Poway

Appendix E

Regional Water Suppliers Map



Appendix F

Regional water shortage and drought response plan

The San Diego County Water Authority regional water shortage and drought response plan is available at the address below.

http://www.sdcwa.org/sites/default/files/files/water-shortage-drought-response-plan.pdf

Appendix G

Regional water quality information

Information on water quality for all water supplied to the region by the San Diego County Water Authority is available at the address below.

http://www.sdcwa.org/water-quality

Appendix H

Regional Agricultural Water Management Plan completed checklist

DWR Agricultural Water Management Plan Checklist

The DWR's Agricultural Water Management Plan Checklist is set forth in Section 2.1 the *DWR Guidebook to Assist Agricultural Water Suppliers to Prepare a 2012 Agricultural Water Management Plan.*

AWMP WATER CODE REQUIREMENT CHECKLIST

AWMP Location	Guidebook Location	Description	Water Code Section (or other, as identified)
Part I S 1.1	1.4	AWMP Required?	10820, 10608.12
N/A	1.4	At least 25,000 irrigated acres or	10853
N/A	1.4	Less than 25,000 irrigated acres and funding provided.	10853
Part I S.1	1.4	Initial AWMP prepared and adopted by December 31,2012?	10820(a)
	1.4	December 31,2015 update.	10820(a)
N/A	1.4	5-year cycle update.	10820(a)
N/A	1.4	New agricultural water supplier after December 31,2012 - AWMP prepared and adopted within 1 year.	10820(b)
N/A	1.5, 4.2	1999 AWMC MOU: Report on EWMP implemented or scheduled for implementation included.	10827
N/A	1.5, 5	USBR water management/conservation plan:	10828(a)
N/A	1.5, 5.1	Adopted and submitted to USBR within the previous four years, AND	10828(a)(1)
N/A	1.5, 5.1	The USBR has accepted the water management/conservation plan as adequate.	10828(a)(2)
Part I S 1 Part II Agency Chapters	1.4	UWMP or participation in area wide, regional, watershed, or basin wide water management planning: does the plan meet requirements of SBx7-7 2.8 **(use checklist)**	10829
Part I S 8 Part II Agency Chapters	3.1 A	Description of previous water management activities.	10826(d)

AWMP Location	Guidebook Location	Description	Water Code Section (or other, as identified)
Part I S.1.4 Part 1 APP A	3.1 B.1	Was each city or county within which supplier provides water supplies notified that the agricultural water supplier will be preparing or amending a plan?	10821(a)
Part I S.1.4 Part 1 APP C	3.2 B.2	Was the proposed plan available for public inspection prior to plan adoption?	10841
APP. C	3.1 B.2	Publically-owned supplier: Prior to the hearing, was the notice of the time and place of hearing published within the jurisdiction of the publicly owned agricultural water supplier in accordance with Government Code 6066?	10841
APP. C	3.1 B.2	14 days notification for public hearing?	GC 6066
APP. C	3.1 B.2	Two publications in newspaper within those 14 days?	GC 6066
APP. C	3.1 B.2	At least 5 days between publications? (not including publication date)	GC 6066
N/A	3.1 B.2	Privately-owned supplier: was equivalent notice within its service area and reasonably equivalent opportunity that would otherwise be afforded through a public hearing process provided?	10841
Part I S.1.5 APP D	3.1 C.1	After hearing/equivalent notice, was the plan adopted as prepared or as modified during or after the hearing?	10841
Part I S.1.4	3.1 C.2	Was a copy of the AWMP, amendments, or changes, submitted to the entities below, no later than 30 days after the adoption?	10843(a)
Part I S.1.4	3.1 C.2	The department.	10843(b)(1)
Part I S.1.4	3.1 C.2	Any city, county, or city and county within which the agricultural water supplier provides water supplies.	10843(b)(2)

AWMP Location	Guidebook Location	Description	Water Code Section (or other, as identified)
N/A	3.1 C.2	Any groundwater management entity within which jurisdiction the agricultural water supplier extracts or provides water supplies.	10843(b)(3)
Part I S.1.4	3.1 C.2	Any urban water supplier within which jurisdiction the agricultural water supplier provides water supplies.	10843(b)(4)
Part 1 S.1.4	3.1 C.2	Any city or county library within which jurisdiction the agricultural water supplier provides water supplies.	10843(b)(5)
Part I S.1.4	3.1 C.2	The California State Library.	10843(b)(6)
Part I S.1.4	3.1 C.2	Any local agency formation commission serving a county within which the agricultural water supplier provides water supplies.	10843(b)(7)
Part I S 1.5	3.1 C.3	Adopted AWMP availability.	10844
Part 1 S 1.5	3.1 C.3	Was the AWMP available for public review on the agricultural water supplier's Internet Web site within 30 days of adoption?	10844(a)
N/A	3.1 C.3	If no Internet Web site, was an electronic copy of the AWMP submitted to DWR within 30 days of adoption?	10844(b)
N/A	3.1 D.1	Implement the AWMP in accordance with the schedule set forth in its plan, as determined by the governing body of the agricultural water supplier.	10842
Part 2 S.1-14	3.2	Description of the agricultural water supplier and service area including:	10826(a)
Part 1 S.2.1 Part 2 S.1-14	3.2 A.1	Size of the service area.	10826(a)(1)
Part I S 3 *Part* 2 S.1-14	3.2 A.2	Location of the service area and its water management facilities.	10826(a)(2)
Part I S 4	3.2 A.3	Terrain and soils.	10826(a)(3)
Part I S 5	3.2 A.4	Climate.	10826(a)(4)
Part I S 6 Part 2 S 1-14	3.2 B.1	Operating rules and regulations.	10826(a)(5)

AWMP Location	Guidebook Location	Description	Water Code Section (or other, as identified)
Part I S.6 Part II S 1-14	3.2 B.2	Water delivery measurements or calculations.	10826(a)(6)
Part I S.6 Part II S 1-14	3.2 B.3	Water rate schedules and billing.	10826(a)(7)
Part 1 S.7 Part II S 1-14	3.2 B.4	Water shortage allocation policies.	10826(a)(8)
Part I S.8 Part II S 1-14	3.3	Water uses within the service area, including all of the following:	10826(b)(5)
Part I S.8 Part II S 1-14	3.3 A	Agricultural.	10826(b)(5)(A)
	3.3 B	Environmental.	10826(b)(5)(B)
	3.3 C	Recreational.	10826(b)(5)(C)
	3.3 D	Municipal and industrial.	10826(b)(5)(D)
	3.3 E	Groundwater recharge.	10826(b)(5)(E)
	3.3 F	Transfers and exchanges.	10826(b)(5)(F)
	3.3 G	Other water uses.	10826(b)(5)(G)
Part I S.9 Part II S 1-14	3.4 A	Description of the quantity of agricultural water supplier's supplies as:	10826(b)
	3.4 A.1	Surface water supply.	10826(b)(1)
	3.4 A.2	Groundwater supply.	10826(b)(2)
	3.4 A.3	Other water supplies.	10826(b)(3)
	3.4 A.4	Drainage from the water supplier's service area.	10826(b)(6)
	3.4 B	Description of the quality of agricultural waters suppliers supplies as:	10826(b)
	3.4 B.1	Surface water supply.	10826(b)(1)
	3.4 B.2	Groundwater supply.	10826(b)(2)
	3.4 B.3	Other water supplies.	10826(b)(3)
Part I S.10	3.4 C	Source water quality monitoring practices.	10826(b)(4)
N/A	3.4 B.4	Drainage from the water supplier's service area.	10826(b)(6)
Part I S 9 Part II S 1.9 - 14.9	3.5	Description of water accounting, including all of the following:	10826(b)(7)

AWMP	Guidebook	*Description*	*Water Code Section (or other, as identified)*
Part I S 9 Part II S 1.9 - 14.9	3.5 A	Quantifying the water supplier's water supplies.	10826(b)(7)(A)
	3.5 B	Tabulating water uses.	10826(b)(7)(B)
	3.5 C	Overall water budget.	10826(b)(7)(C)
	3.5 D	Description of water supply reliability.	10826(b)(8)
Part I S 11	3.6	Analysis of climate change effect on future water supplies analysis.	10826(c)
Part 1 S.12 Part II S 1.11-14.11	3.7	Water use efficiency information required pursuant to Section 10608.48.	10826(e)
Part I S.12.1	3.7A	Implement efficient water management practices (EWMPs).	10608.48(a)
Part I S.12.1	3.7 A.1	Implement Critical EWMP: Measure the volume of water delivered to customers with	10608.48(b)
Part I S.12.1	3.7 A.1	Implement Critical EWMP: Adopt a pricing structure for water customers based at least in part on quantity delivered.	10608.48(c)
Part I S.12.1	3.7 A.2	Implement additional locally cost- effective and technically feasible EWMPs.	10608.48(c)
Part I S.12.1	3.7 B	If applicable, document (in the report) the determination that EWMPs are not locally cost-effective or technically feasible.	10608.48(d)
Part I S.12.1	3.7 A	Include a report on which EWMPs have been implemented and planned to be implemented.	10608.48(d)

Part I S.12.1	3.7 A	Include (in the report) an estimate of the water use efficiency improvements that have occurred since the last report, and an	10608.48(d)
N/A	5	USBR water management/conservation plan may meet requirements for EWMPs.	10608.48(f)

Appendix I

Agricultural Water Supplier Drought Response Ordinances and Policies

STATE OF CALIFORNIA)
ss.
COUNTY OF SAN DIEGO)

I, CHRISTINE M. JOHNSON, Executive Assistant/Secretary to the Board of Directors of the VALLEY CENTER MUNICIPAL WATER DISTRICT, do hereby certify that the attached is a full, true and correct copy of Resolution No. 2016-02 of the Board of Directors of said District, and that the same has not been amended or repealed.

DATED: Feb. 17, 2016

Christine M. Johnson
Christine M. Johnson
Executive Assistant/Secretary to the
Board of Directors

(SEAL)

RESOLUTION 2016-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VALLEY CENTER MUNICIPAL WATER DISTRICT ADOPTING THE 2016 SAN DIEGO COUNTY REGIONAL AGRICULTURAL WATER MANAGEMENT PLAN UPDATE

WHEREAS, in light of an unprecedented drought, Governor Brown mandated by Executive Order B-29-15 statewide 25% water conservation and directed the State Water Resources Control Board (SWRCB) to implement Drought Emergency Regulation for Urban Water Conservation, which was adopted on May 5, 2015; and

WHEREAS, in Executive Order B-29-15, Governor Brown directed that commercial agricultural water use would be exempted from the urban conservation requirements if urban water agencies delivering water for commercial agricultural purposes adopt and submit Agricultural Water Management Plans by July 1, 2016; and

WHEREAS, in Executive Order B-29-15, Governor Brown directed agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands to each develop an Agricultural Water Management Plan (AWMP) and submit it to the Department of Water Resources (DWR) by July 1, 2016; and

WHEREAS, both Rainbow Municipal Water District and Valley Center Municipal Water District meet this irrigated lands acreage threshold; and

WHEREAS, Valley Center Municipal Water District (VCMWD), Rainbow Municipal Water District, Carlsbad Municipal Water District, City of Escondido, City of Oceanside, City of Poway, Fallbrook Public Utilities District, Olivenhain Municipal Water District, Ramona Municipal Water District, Rincon del Diablo Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Vallectios Water District, and Yuima Municipal Water District entered into an agreement with the San Diego County Farm Bureau to develop a San Diego Regional AWMP (RAWMP), to meet the requirements of the Governor, SWRCB and DWR , and

WHEREAS, this RAWMP is based on information contained in the 2010 updates to the participating agencies Urban Water Management Plans; the 2013 San Diego Integrated Regional Water Management Plan; monthly and annual reports from the participating agencies; and the regional water wholesaler, San Diego County Water Authority, and information based on various regional plans and studies conducted over time, and

WHEREAS, VCMWD has conducted the necessary notifications, publications and the required public hearing held at its offices on Tuesday, February 16, 2016, and

WHEREAS, the RAWMP, as amended this day including those Errata Sheets dated February 16, 2016 and adopted after public review and hearing, will be filed with the California DWR within thirty days of adoption; and

WHEREAS, the RAWMP has been prepared in accordance with the requirements of the Water Conservation Act of 2009 (SBx7-7), which modifies Division 6 of the California Water Code adding Part 2.55 (commencing with §10608) and replacing Part 2.8 (commencing with §10800), which has been circulated for public review and a noticed public hearing regarding said RAWMP was held by the Valley Center Municipal Water District on February 16, 2016; and

WHEREAS, after conducting the public hearing, the Board of Directors finds that the RAWMP as amended meets all the requirements of the Governor, SWRCB and the DWR.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Valley Center Municipal Water District does hereby approve the 2016 San Diego Regional Agricultural Water Management Plan Update.

PASSED AND ADOPTED on this 16th day of February, 2016, by the following vote:

Ayes: Directors Broomell, Polito, Aleshire and Haskell

Noes: None

Abstentions: None

Gary A. Broomell
Gary A. Broomell, Board President

Attest:

Christine M. Johnson
Board Secretary

Res. No. 2016-02

Article 230 Water Supply Management and Shortage Condition Response Program

Sec. 230.1 Declaration of Necessity and Intent

(a) This Article establishes water management requirements necessary to sustain reliable water resources by encouraging reasonable water use efficiency and conservation measures and practices, impose water use restrictions when appropriate, and enable effective water supply planning. It will assure the reasonable and beneficial use of water, prevent waste of water, prevent the unreasonable use of water, and of a suspected or actual leak prevent the unreasonable method of use of water within the District. It will also serve to balance short and long-term water demands with available supplies and further the public health, safety, and welfare, recognizing that water is and will always be a valuable, scarce and limited natural resource that requires careful management at all times, irrespective of water supply availability or hydrologic conditions.

(b) This Article establishes regulations to be implemented during times of normal water supply and hydrologic conditions as well as declared water shortages, or declared water shortage emergencies. It establishes four levels of water supply management and shortage response actions to be implemented, with increasing restrictions on water use for the District's customers and the District itself in response to worsening water supply conditions and decreased short-term, intermittent, and long-term water supply availability.

(c) A Water Supply Management **Watch** Condition – Level 1 ("Level 1") shall be deemed to exist at all times, irrespective of water supply availability or hydrologic conditions. During a "Level 1" condition, water conservation measures, efficient water use measures and water-use restrictions, are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the District. During all other conditions—Water Supply Shortage **Alert** Condition ("Level 2"), Water Supply Shortage **Critical** Condition ("Level 3"), and Water Supply Shortage **Emergency** Condition ("Level 4")—all prescribed water conservation measures, efficient water use measures and water-use restrictions, if deemed warranted, are mandatory unless excepted herein, and become increasingly restrictive in order to attain escalating water use efficiency and conservation goals.

Per Ordinance No. 2015-06 Adopted 04/20/15 (Art. 230)

Sec. 230.1 Declaration of Necessity and Intent (Cont'd)

(d) The water use efficiency, conservation measures and water use restrictions established by this Article are mandatory, unless excepted herein, and violations are subject to criminal, civil, and administrative penalties and remedies specified in this Article and as provided in District Administrative or Municipal Code.

Sec. 230.2 Definitions

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this Article:

1. "Construction Water" means water used for construction purposes, including, but not limited to grading, compaction, dust control, clean-up, and hydro-seeding, or other uses as determined by the General Manager.

2. "Agricultural Water Use" refers to water used for the growing or raising, in conformity with recognized practices of husbandry, for the purpose of personal use, donation, commerce, trade, or industry, or for use by public, educational or correctional institutions, for agricultural, horticultural or floricultural products, and produced: (1) for the market, (2) for the feeding of fowl or livestock produced for human consumption or for the market, (3) for the feeding of fowl or livestock for the purpose of obtaining their products for the market, (4) for personal consumption, or (5) donation for consumption. Except where stated, provisions of this Article do not apply to Agricultural Water Use as defined herein.

3. "Immediate Emergency" means a short-term operational limitation due to breakage or failure of dam, reservoir, aqueduct, pump, treatment system, pipeline, conduit, a natural or man-made disaster, or any other disruption of the District's water supply or delivery system.

4. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, educational institutions, or any other user of water provided by the District.

5. "State" means the state of California, including any department or regulatory agency thereof.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.2(a)2)

Sec. 230.2 Definitions (Cont'd)

6. "Water Authority" means the San Diego County Water Authority.

7. "Water Shortage Emergency" means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

Sec. 230.3 Application

(a) The provisions of this Article apply to any person in the use of any water provided by the District.

(b) This Article is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any storm water ordinances and storm water management plans.

(c) Nothing in this Article is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water or limit the ability of the District to prevent what is determined to be a wasteful or unreasonable use of water even though it may not specifically be identified as such in this Article.

(d) The provisions of this Article do not apply to use of water from private wells, surface sources or to reclaimed water.

(e) Except where stated, nothing in this Article shall apply to Agricultural Water Use as defined in Section 230.2(a). All water used for non-agricultural purposes is subject to this Article including use of water subject to a special supply program such as the Water Authority Transitional Special Agricultural Water Rate Program (TSAWR) or the District Commercial Agricultural Full Price (CAFP) customer classification.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.3(c) & (e))

Sec. 230.3 Application (Cont'd)

(f) If the State or a wholesale water provider, through executive action, emergency legislation or other actions, imposes conditions, requirements, or procedures that are not included in this Article, the General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District, in each Water Supply Level, into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Sec. 230.4 Water Supply Management Watch Condition – Level 1

(a) A Level 1 exists at all times and irrespective of the availability of water supplies or hydrologic conditions, and the water use restrictions set out herein are best management practices.

(b) During a Level 1, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to use water in a beneficial and non-wasteful manner by implementing the following voluntary water use and conservation practices:

1. Not washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Preventing water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscape, roadways, or structures. This applies to any person using any water provided by the District including Agricultural Water Use.

3. Irrigating residential and commercial landscape, outside ornamental landscape or turf grass, before 10:00 a.m. and after 4:00 p.m. only. Watering is permitted at any time when a drip/micro-irrigation system/equipment is used. This section shall not apply to Agricultural Water Use.

4. Irrigation of potted plants is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.4(b)2, 3 & 4)

Sec. 230.4 Water Supply Management Watch Condition – Level 1 (Cont'd)

5. Irrigate landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system on the same schedule set forth in section 230.4(b)(3) by using a bucket, or hand-held hose equipped with a positive shut-off nozzle.

6. Using re-circulated water to operate ornamental fountains.

7. Washing vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Repairing all water leaks within five (5) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

9 Serving drinking water only upon customer request in all drinking and eating establishments, including restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and or purchased.

10. Hotels, motels, timeshares and resort facilities shall prominently display notice to their guests of the option of not having towels and linens laundered on a daily basis.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.4(b)5 & 8)

Sec. 230.5 Water Supply Shortage Alert Condition – Level 2

(a) A Level 2 condition may apply when the Water Authority notifies its member agencies that due to an actual or anticipated reduction in supplies to the Water Authority, when water supply conditions specific to the District have limited available water supplies and a commensurate consumer demand reduction of up to 20 percent is required in order to balance demands with supplies anticipated to be available for the foreseeable future, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 2 and implement the mandatory Level 2 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq*., during a Level 2 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 2, all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during a Level 1 and shall also comply with the following additional mandatory conservation measures to achieve up to a 20 percent reduction in demand:

1. Repairing all leaks within seventy-two (72) hours of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

2. Using recycled or non-potable water for construction purposes when available and economically feasible as determined by the applicant for the temporary construction water account.

3. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten minute (10) restriction. Watering shall be prohibited during and for 48-hours after measurable rainfall within the District. This section shall not apply to Agricultural Water Use.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.5(b)1 & 3)

Sec. 230.5 Water Supply Shortage Alert Condition – Level 2 (Cont'd)

(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 2, all non TSAWR meters without pre-existing allocations shall be provided an allocation of 10 Hundred Cubic Feet (HCF) per equivalent ¾ inch meter, per month for months in the base period for which there is no usage history or a usage history of less than 10 HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.11 of this Article. Water allocations for meters in the TSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.

(d) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350, *et seq*., during a Level 2:

1. Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon the declaration of a Level 2, only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5 acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:

   A. Water resources originating from outside the current service area of the District; and

   B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.

Per Ordinance No. 2015-06 Adopted 04/20/15 (Art. 230)

Sec. 230.6 Water Supply Shortage Critical Condition – Level 3

(a) A Level 3 may apply when the Water Authority notifies its member agencies that due to an actual or anticipated reduction in supplies to the Water Authority, or when water supply conditions specific to the District have limited available water and supplies and a commensurate consumer demand reduction of greater than 20 percent up to 40 percent is required in order to balance regional demands with supplies anticipated to be available for the foreseeable future, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of Level 3 and implement the mandatory Level 3 conservation measures identified herein. Additionally, the District Board of Directors shall declare a Water Shortage Emergency upon adopting findings supporting a Water Shortage Emergency in a manner and on the grounds provided in California Water Code Section 350 *et seq.* If the District's Board of Directors declares a Water Shortage Emergency, such declaration shall remain in effect during the period of the emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 3 all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during Level 1 and Level 2, and shall also comply with the following additional mandatory conservation measures to achieve up to a 40 percent reduction in demand:

1. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten minute (10) restriction. This section shall not apply to Agricultural Water Use.

2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.6(b)(1), on the same schedule set forth in section 230.6(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.6(b)1 & 2)

3. Not filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a water supply shortage response level under this Article.

4. Not washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repairing all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

6. Using recycled or non-potable water for construction purposes as defined in Section 230.2 (a)(1) of this Article.

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350, *et seq.,* during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:

1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Only projects with:

   A. Existing meter capacity; or

   B. Those providing substantial evidence that net water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District through:

      i. The development of local water resources or

      ii. Participation in a local or regional net demand offset program,

   will continue to be processed.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.6(b)5)

2. Only existing annexation proposals which can provide to the District additional water resources which offset the net water demand impact for the specific projects in the annexing area and provide 0.5 acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demand within the existing District service area will continue to be processed. For the purposes of this subsection, "additional water resources" shall be defined as water resources originating from outside the current service area of the Water Authority and not through participation in offset programs within the service area of the District or the Water Authority.

3. No new temporary or permanent potable water meters shall be provided, except under the following circumstances:

   A. A new meter(s) has been purchased, a valid agency clearance letter or some other form of service commitment has been previously issued by the District, or meter is for a project meeting the requirements of subsection 230.6 (c)(1) and (c)(2), above. Meter(s) provided under this provision shall be subject to the conditions established in Section 230.5(c) of this Article above.

   B. The meter(s) results from the downsizing of an existing larger meter and the new meter(s) is apportioned a share of the base year allocation of the pre-existing larger meter, or if there is no base year allocation for the pre-existing larger meter, then the new meter(s) is provided an allocation as determined by Section 230.5 (c) of this Article.

   C. The meter is necessary to protect the public's health, safety, and welfare.

Sec. 230.7 Water Supply Shortage Emergency Condition- Level 4

(a) A Level 4 condition may apply when the Water Authority Board of Directors declares a Water Shortage Emergency and notifies its member agencies, when water supply conditions specific to the District have limited available water and supplies, that a demand reduction of more than 40 percent is required in order to balance regional demands with the supplies anticipated to be available to the Water Authority for the foreseeable future, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350, *et sec,* during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.

(b) During a Level 4, all persons using District supplied water shall comply on a mandatory basis with conservation practices and measures required during Level 1, Level 2 and Level 3 and shall also comply with the following additional mandatory conservation measures to achieve a reduction of more than 40 percent in demand:

1. Stopping all residential and commercial landscape, outside ornamental landscape or turf grass irrigation. This restriction shall not apply to the following categories of use:

   A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 230.6 (b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle;

   B. Maintenance of fire resistant landscaping necessary for fire protection as specified in writing by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

   C. Maintenance of existing landscaping for erosion control;

   D. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.7(b))

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days or fewer per week according to the schedule established under section 230.6 (b)(1);

F. Watering of livestock;

G. All Agricultural Water Use; and

H. Public works projects and actively irrigated environmental mitigation projects.

2. Repairing all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District including Agricultural Water Use.

(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon the declaration of a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq*., during a Level 4, any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided under any circumstance until the Level 4 condition abates, except for those meters required to protect public health and safety.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.7(b))

Article 230 Water Supply Management and Shortage Condition Response Program

Sec. 230.8 Procedures for Determination and Notification of Water Supply Shortage Condition Levels

(a) A Level 1 is deemed to exist at all times.

(b) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the existence of a Level 2, 3, or 4 condition may be declared by the Board of Directors by adoption of a resolution at a regular or special meeting held in accordance with State law.

Additionally, the Board may declare a Water Shortage Emergency in accordance with the procedures specified in California Water Code sections 351 and 352. Following at least a seven (7) day notice of the meeting at which the declaration will be made, the District Board of Directors may declare the existence of a Water Shortage Emergency during a Level 2, 3, or 4 by the adoption of a resolution at any regular or special meeting held in accordance with State law. The mandatory conservation measures applicable to a Level 4 condition shall take effect on the tenth (10) day after the date the response level is declared.

The General Manager may publish a notice of the determination of the existence of a Level 2, 3, or 4 in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website. If the District establishes a water allocation, it shall provide notice by mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocations shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(c) If the water supply shortage requiring declaration of a Level 2, 3, or 4 is associated with an Immediate Emergency as determined by the General Manager, the General Manager shall have the authority to implement the measures necessary to balance available water supply and demand. The General Manager shall notify the Board of Directors of the conditions leading to the call for a Level 2, 3, or 4 as soon as possible, but no later than 24 hours after the physical system emergency or failure. Further, the General Manager shall provide the Board with a full report on the incident leading to the implementation of a Level 2, 3 or 4 at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Per Ordinance No. 2015-06 Adopted 04/20/15 (Art. 230)

Sec. 230.8 Procedures for Determination and Notification of Water Supply Shortage Condition Levels (Cont'd)

(d) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the District Board of Directors may declare an end to a Level 2, 3, or 4 by the adoption of a resolution at any regular or special meeting held in accordance with State law. In the case of water supply shortage associated with an Immediate Emergency as determined by the General Manager, the General Manager may declare an end to a Water Supply Shortage Response level based upon the assessment of the water supply conditions specific to the District. The General Manager shall notify the Board of his actions to end a Water Supply Shortage Response in a manner consistent with the provisions in subsection 230.8(c).

Sec. 230.9 Hardship Variance

(a) If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be in a form prescribed by the District.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

Per Ordinance No. 2015-06 Adopted 04/20/15 (Art. 230)

Sec. 230.9 Hardship Variance (Cont'd)

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

   A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

   B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

   C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

   D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager or authorized designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory Water Supply Shortage response.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.9(b)4)

Sec. 230.10 Enforcement

(a) As provided in California Water Code Section 377, any violation of Sections 230.5, 230.6, or 230.7 Water Conservation Measures of this Article is a misdemeanor. Upon conviction thereof, such person may be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars ($1,000) or both.

(b) As provided in California Water Code Section 377, any person may be held civilly liable for violating Sections 230.5, 230.6, or 230.7 Water Conservation Measures of this Article or any emergency regulations adopted by the State Water Resources Control Board.

(c) Each day that a violation of this Article occurs is a separate offense.

(d) Prior to seeking criminal enforcement of the provisions of Sections 230.5, 230.6, and 230.7, the District may impose progressive civil penalties and restrictions for violations pursuant to the following enforcement measures for repeated violations:

First Violation:	Written warning
Second Violation:	Penalty of $100 placed on the water bill
Third Violation:	Penalty of $250 placed on the water bill
Fourth Violation:	Penalty of $500 placed on the water bill, and installation of a flow restriction of 5 gallons per minute for 120 hours (5 days), and the customer will be charged for the installation and removal of the flow restrictor.
Fifth Violation:	Penalty of $1,000 placed on water bill, complaint filed with the County of San Diego District Attorney's office, flow restriction imposed and sustained to 5 gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.
Continuing Violation:	The District may additionally impose a $500 per day penalty for continuing violations beginning on the 31st day after the District notifies the person of the violation.

Sec. 230.10 Enforcement (Cont'd)

The above penalties are independent of, and are in addition to, any volumetric penalties imposed in accordance with any allocation adopted by the District.

(e) In addition or as an alternative, the District may install flow restrictors or discontinue water service at any time.

(f) For each of the above-noted measures, a Complaint and Citation will be issued by a designee of the District's General Manager notifying the violator of the basis for the proposed civil liability order. Unless an appeal and/or hearing is requested pursuant to the provisions of Section 230.11(a) of this Article, on the 31st day following the issuance of the Citation and Complaint, the District's General Manager or authorized designee, shall issue a final order ("Final Order") setting the civil penalty.

(g) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 230.7, and applicable during a Water Supply Shortage Emergency Condition – "Level 4," when a Water Shortage Emergency Condition is declared pursuant to California Water Code section 350, et seq., may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code section 356.

(h) All remedies provided for herein shall be cumulative and not exclusive.

(i) All revenues collected by the District from penalties imposed pursuant to this Section 230.10 may only be used for the purposes of furthering the provisions and goals of the District's Water Supply Management and Shortage Condition Response Program.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.10)

Sec. 230.11 Appeal Procedures

(a) Appeal of Section 230.10 Civil Penalties.

1. Any person ("Appellant") may appeal any Citation and Complaint issued by a designee of the District's General Manager pursuant to Section 230.10 of this Article. Any such appeal shall be made in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the Citation and Complaint. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision, granting or denying the appeal.

2. If the appeal is denied, the Appellant may, within 15 calendar days of the date of the decision of the Finance Director or authorized designee, request a hearing before the District's General Manager, or authorized designee. The hearing shall not be held sooner than 30 days after the Citation and Complaint was issued, and the Appellant may present evidence in writing or in person. The District's General Manager, or authorized designee, shall take into consideration all relevant circumstances in determining the amount of civil liability to assess, including but not limited to: (i) the nature and persistence of the violation; (ii) the extent of the harm caused by the violation; (iii) the length of time over which the violation occurs; and (iv) any corrective action taken by the violator. If a hearing is not timely requested or upon closing a completed hearing, the District's General Manager, or authorized designee, shall issue an order within 10 calendar days of the hearing.

3. Within 15 calendar days of the issuance of the District General Manager's order, the Appellant may appeal to the Board of Directors. Appeals to the Board of Directors will be placed on the agenda for review and action at a subsequent meeting of the Board of Directors. A decision by the Board of Directors shall be final. If an appeal is not timely requested, the order issued by the District's General Manager is final. Any civil penalties imposed pursuant to the final decision are due and payable and shall be placed on the water bill. The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California are applicable to judicial review of the final order.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.11(a))

Sec. 230.11 Appeal Procedures (Cont'd)

(b) All other appeals:

1. Decisions made by District staff can be appealed in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the provision or decision being appealed. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision on the appeal.

2. Decisions by the Director of Finance or authorized designee may be appealed to the General Manager, or authorized designee, within 15 calendar days of the date of the decision by the Director of Finance or authorized designee. The General Manager or authorized designee shall then have 30 calendar days to render a written decision to the appeal of decision by the Director of Finance.

3. All decisions by General Manager or authorized designee may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within 15 days of the date of the decision by the General Manager or authorized designee and will be placed on an agenda for review and action at a subsequent meeting of the Board. The decision by the Board shall be final.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

Per Ordinance No. 2015-15 Adopted 10/05/15 (Sec. 230.11(b))

ORDINANCE NO. 15-08

AN ORDINANCE OF RAINBOW MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE CONSERVATION PROGRAM

Be it ordained by the Board of Directors of Rainbow Municipal Water District as follows;

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Rainbow Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Rainbow Municipal Water District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the Rainbow Municipal Water District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Rainbow Municipal Water District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Rainbow Municipal Water District Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Rainbow Municipal Water District; and

WHEREAS, the Governor of California issued an Executive Order on April 1, 2015 mandating certain water use restrictions and conservation targets for water utilities, and

WHEREAS, the State Water Resources Control Board adopted regulations implementing the Governor's Executive Order on May 18, 2015, and

WHEREAS, the San Diego County Water Authority adopted Shortage Management Actions on May 14, 2015 that include allocations for the Transitional Special Agricultural Water Rate supply and the Municipal and Industrial supply in addition to adding new restrictions on residential watering days, and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable Rainbow Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of Rainbow Municipal Water District does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Rainbow Municipal Water District (RMWD) in order to assure adequate

supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by RMWD. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in RMWD Administrative or Municipal Code.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the RMWD.

SECTION 3.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the RMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the RMWD to declare and respond to an emergency, including an emergency that affects the ability of the RMWD to supply water.

(d) Notwithstanding any other section of this ordinance, the restrictions imposed upon the use of water herein do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Water Authority Transitional Special Agricultural Water (TSAWR) Rate program, except as may be specified in that program. For instance, the water reductions contained in this ordinance shall not be in addition to any mandatory reductions which may apply to a participant in the TSAWR, unless expressly stated in the TSAWR. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the RMWD is subject to this ordinance in the use of the other water.

SECTION 4.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, RMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if RMWD declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket or watering can. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Repair all water leaks within five (5) days of notification by the RMWD unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

SECTION 5.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer[1] demand reduction is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall consider the Water Authority declaration of a "Drought Alert" condition, and may declare the existence of a Drought Response Level 2 condition and direct the General Manager to implement the mandatory Level 2 conservation measures identified in this ordinance. The RMWD Board of Directors may make a determination to enter or exit the Drought Response Level 2 stage depending on a variety of factors, including but not limited to local water availability, RMWD's ability to meet their allocation supply, and/or the financial impact of implementation on RMWD.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

a. Operating irrigation systems in a manner that allows water to run off the property is defined as water waste. In cases where irrigating for 10 minutes per station will result in water runoff due to the inability of the soil or landscape materials to absorb that amount of water, customers shall alter their watering schedules to prevent such runoff. The customer shall modify the schedules to prevent runoff but shall ensure that the total reduction in irrigation is equivalent to the two day per week watering schedule. Customers may adjust their schedules to water on more than two days per week so long as the equivalent reduction in irrigation is achieved.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

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[1] Also referred to as Municipal or Industrial (M&I) water user.

4. Repair all leaks within seventy-two (72) hours of notification by the RMWD unless other arrangements are made with the General Manager.

5. No application of potable water to outdoor landscapes is allowed during and within 48 hours of measureable rainfall.

SECTION 6.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling swimming pools, spas, ornamental fountains, lakes ponds or other water features, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has already been issued for the project; or

2. In the opinion of the RMWD Board of Directors the project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of RMWD.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted **for a period of one year or less, provided that such period shall in no event commence before the effective date of this ordinance.**

(d) Upon the declaration of a Drought Response Level 3 condition, RMWD will suspend consideration of annexations to its service area until such time that the Drought Response Level 2 is decreased to a Drought Response Level 1 condition or lower.

(e) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 7.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction in order for the RMWD to have maximum supplies available to meet anticipated demands. The RMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using RMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the RMWD has determined that recycled water is available and may be lawfully applied to the use:

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public facilities, including parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the RMWD's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the RMWD would implement Drought Response Level 1 actions. Under DMP Stage 2, the RMWD

would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the RMWD would implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	>20 to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the RMWD and provided to the RMWD Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the RMWD. The RMWD may also post notice of the condition on their website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the RMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, or as soon thereafter as reasonably practicable, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, or as soon thereafter as reasonably practicable, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices. If the RMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the RMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The RMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 10.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by RMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the RMWD Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the RMWD, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other RMWD customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the RMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 30 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to RMWD Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the being mailed to the applicant. The appeal must be in the form of a written request for a hearing, and shall state the grounds for the appeal. At a public meeting, the RMWD Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the RMWD Board of Directors is final.

SECTION 11.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year from occurrence of the first violation.
3. Five hundred dollars for each additional violation of this ordinance within one year of the first violation.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for RMWD.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2015, by the following vote:

AYES:	Directors Brazier, Lucy, Sanford, and Walker
NOES:	Director Griffiths
ABSTAIN:	None
ABSENT:	None

Dennis Sanford, Board President

ATTEST:

Dawn Washburn, Board Secretary

Exhibit 1

ORDINANCE NO. 44

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CARLSBAD MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE PLAN AND WATER CONSERVATION PROGRAM AND REPEALING ORDINANCE NO 35

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Carlsbad Municipal Water District (CMWD) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of

the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the CMWD. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the CMWD, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Board of Directors of CMWD has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The CMWD's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Board of Directors of CMWD; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable CMWD to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. The Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, hereby ordains as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the CMWD in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by CMWD.

(d) During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" or "CWA" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" or "MWD" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the CMWD.

6. "District" or "CMWD" means the Carlsbad Municipal Water District.

SECTION 3.0 WATER WASTE PROHIBITIONS

The following water conservation measures will be in effect at all times:

1. Washing down impervious surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios with water from a pressurized source, such as a garden hose, except when it is necessary to alleviate safety or sanitation hazards. When used in this section impervious surface means any surface covered with non-porous material.

2. Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. is prohibited. Water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures is prohibited.

3. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

4. Use re-circulated water to operate ornamental fountains.

5. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle or a mobile high pressure/low volume wash system.

6. Serve and refill water in restaurants and other food service establishments only upon request.

7. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

8. Use recycled or non-potable water for construction purposes when available.

9. Single pass-through cooling systems as part of new water service connections will be prohibited. Non-recirculating systems in all new conveyer car wash and commercial laundry systems will also be prohibited.

10. The excess use, loss or escape of water through breaks, leaks or other, malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water could have reasonably been discovered and corrected.

SECTION 4.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the CMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to

implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the CMWD to declare and respond to an emergency, including an emergency that affects the ability of the CMWD to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the CMWD is subject to this ordinance in the use of the other water.

SECTION 5.0 AUTHORIZATION

The District General Manager, or a designated representative, is hereby authorized and directed to implement the provisions of this ordinance.

SECTION 6.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition may apply when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Executive Manager upon recommendation of the General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, CMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices.

1. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

2. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

3. Repair all water leaks within five (5) days of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

SECTION 7.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to

cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the CMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the CMWD. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 8.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition may apply when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the CMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the CMWD.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This section shall not apply to commercial growers or nurseries.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

4. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

5. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

6. Repair all leaks within forty-eight (48) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s).

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, the Board of Directors of CMWD will suspend consideration of annexations to its service area.

(e) The Board of Directors of CMWD may establish a water allocation for property served by the CMWD taking into consideration a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Board of Directors of CMWD establishes a water allocation notice of the allocation shall be provided by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Board of Directors of CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 9.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition may apply when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the CMWD to have maximum supplies available to meet anticipated demands. The CMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using CMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the CMWD has determined that recycled water is available and may be lawfully applied to the use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

3. The District may install a flow restricting device for services of up to one and one-half inch (1-1/2") size and comparatively sized restrictors for larger services upon a prior determination that the customer has repeatedly violated the provisions of this Ordinance and that such action is reasonably necessary to assure compliance with this ordinance.

Any willful tampering with or removal of any flow restriction devise may result in termination of service for a period to be determined in writing by the General Manager.

Prior to any restoration of service, the customer may pay all District charges for any restriction of service and its restoration as provided for in the District's rules governing water service.

(c) The CMWD may establish a water allocation for property served by the CMWD. If the CMWD establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 10.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the CMWD's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the CMWD may implement Drought Response Level 1 actions. Under DMP Stage 2, the CMWD may implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the CMWD may implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

SECTION 11.0 PROCEDURES FOR DETERMINATION AND NOTICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Watch condition may be declared by the Executive Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Secretary of the CMWD and provided to the CMWD Board of Directors. The CMWD may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on their website.

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(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the CMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the CMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the CMWD shall publish a copy of the resolution in a newspaper used for publication of official notices. If the CMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The CMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 12.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to CMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to CMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by the General Manager of the CMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the CMWD Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the General Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the CMWD, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other CMWD customers.

B. That because of special circumstances applicable to the person, property or its use, the strict application of this ordinance would have a disproportionate impact on the person, property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the CMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject person, property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager or Designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to CMWD Executive Manager or Designee(s). An applicant may appeal a decision or condition of the General Manager on a variance application to the CMWD Executive Manager or Designee(s) within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At the appeal hearing, the CMWD Executive Manager or Designee(s) shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the CMWD Executive Manager or Designee(s) is final.

SECTION 13.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. For the first violation by any customer of any of the provisions of this Ordinance the District shall verbally notice the fact of such violation to the customer.

2. For a second violation by any customer of any of the provisions of this Ordinance the District shall issue a written notice of the fact of such violation to the customer.

3. For a third violation by a customer of any provision of this Ordinance the District may install a flow restricting device of one gallon per minute (1 GPM) capacity for services of up to one and one-half inch (1-1/2") size and comparatively sized restrictors for larger services upon a prior determination that the customer has repeatedly violated the provisions of this Ordinance regarding the conservation of water and that such action is reasonably necessary to assure compliance with this Ordinance regarding the conservation of water. In addition, the District may levy an administrative fine of one hundred dollars.

4. Two hundred dollars for a fourth violation of any provision of this ordinance within one year.

5. Five hundred dollars for each additional violation of this ordinance within one year.

(d) If determined by General Counsel to be necessary and appropriate, in lieu of administrative remedies above, each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(e) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Stage 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(f) All remedies provided for herein shall be cumulative and not exclusive.

(g) Any customer against whom a penalty is levied pursuant to this section shall have the right to appeal as follows:

1. The request must be in writing and received by the General Manager within ten (10) calendar days of the mailing of the notice of the action to the customer. Any determination not timely appealed shall be final. The written request shall include:

A. a description of the issue,
B. evidence supporting the claim, and
C. a request for resolution of the dispute.

The General Manager will review the material submitted and make an indepedent determination of the issue, which shall be mailed out within fifteen (15) calendar days of receipt of the appeal.

2. The General Manager's determination may be appealed in writing within ten (10) calendar days of the mailing of the notice of determination to the Board of Directors of the CMWD by filing with the Secretary of the CMWD a written notice of such appeal. The Secretary shall set the matter for a hearing before the Board of Directors at an upcoming Board meeting. Notice of the hearing shall be mailed out at least ten (10) calendar days prior to the date of the appeal. The Board may, in its discretion, affirm, reverse or modify the determination.

3. Fees for filing an appeal under this section shall be established by a resolution of the Board of Directors of the CMWD.

SECTION 14.0 REPEAL OF ORDINANCE NO. 35

Ordinance No. 35 of the Carlsbad Municipal Water District relating to the Necessity for and Adopting a Drought Response Conservation Program is hereby repealed in its entirety.

SECTION 15.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption.

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INTRODUCED AND FIRST READ at a Special Meeting of the Carlsbad Municipal Water District Board on the 16th day of December, 2008, and thereafter.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Carlsbad Municipal Water District Board, on the 6th day of January, 2009, by the following vote to wit:

AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, General Counsel
1-6-09

CLAUDE A. LEWIS, President

ATTEST:

LORRAINE M. WOOD, Secretary

(SEAL)

CARLSBAD MUNICIPAL WATER DISTRICT
ORGANIZED MAR. 22, 1954
CALIFORNIA

EXHIBIT 1

ORDINANCE NO. 46

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CARLSBAD MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO. 44. TO AUTHORIZE THE GENERAL MANAGER TO SET WATERING SCHEDULES

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Carlsbad Municipal Water District (CMWD) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the

Water Authority's 24 member public agencies, including the CMWD. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the CMWD, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Board of Directors of CMWD has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The CMWD's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Board of Directors of CMWD; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable CMWD to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad

Municipal Water District of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. The Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, hereby ordains as follows:

SECTION 7.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned days in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This section shall not apply to commercial growers and nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned time limits in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 8.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A

Level 3 condition may apply when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned days in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This section shall not apply to commercial growers or nurseries.

2.Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3.Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4.Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5.Repair all leaks within forty-eight (48) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s).

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, the Board of Directors of CMWD will suspend consideration of annexations to its service area.

(e) The Board of Directors of CMWD may establish a water allocation for property served by the CMWD taking into consideration a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Board of Directors of CMWD establishes a water allocation notice of the allocation shall be provided by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Board of Directors of CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation.
The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the Secretary shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

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INTRODUCED AND FIRST READ at a Special Meeting of the Carlsbad Municipal Water District Board of Directors on the 10th day of November 2009, and thereafter;

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Board of Directors of the Carlsbad Municipal Water District on the 1st day of December 2009 by the following vote to wit:

AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, General Counsel
12/2/2009.

CLAUDE A. LEWIS, President

ATTEST:

LORRAINE M. WOOD, Secretary

(SEAL)

CARLSBAD MUNICIPAL WATER DISTRICT ORGANIZED MAR. 22, 1954 CALIFORNIA

ORDINANCE NO. 15-OR0276-1

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE, CHAPTER 37, ARTICLE V REVISING AND UPDATING THE WATER CONSERVATION PROGRAM AND THE DROUGHT RESPONSE CONSERVATION MEASURES

WHEREAS, on March 27, 1991, the City Council adopted Ordinance No. O91-15, which established a water conservation program for the City; and

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, the State of California is experiencing unprecedented drought conditions with 2014 projected to become the driest year on record; and

WHEREAS, on January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; and

WHEREAS, the present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, the drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation; and

Whereas, present conditions create an imminent threat to the public health and welfare, and must be addressed immediately. Failure to address present conditions may result in a shortage of water for the Citizens of Oceanside, and could subject the City to substantial fines and penalties.

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

SECTION 1. Section 37.101, subdivision (a) of the Oceanside City Code shall be amended to read as follows:

Sec. 37.101 Declaration of Necessity and Intent

(a) This article establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the City of Oceanside in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times

SECTION 2. Sec.37.101.1, subdivisions (a) through (d) shall be amended to read as follows:

"Sec. 37.101.1 Application

(a) The provisions of this article apply to any person in the use of any water provided by the City of Oceanside, except that the provisions of this ordinance do not apply to use of recycled water.

(b) This article is intended solely to further the conservation of water. It is not intended to implement any provision of Federal, State, or local statutes ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to chapter 40 of the Oceanside City Code or the Regional Water Quality Control Board for information on any urban runoff/stormwater ordinances or urban runoff/stormwater management plans.

(c) Nothing in this article is intended to affect or limit the ability of the City of Oceanside to declare and respond to an emergency, including an emergency that affects the ability of the City of Oceanside to supply water.

(d) Nothing in this article shall apply to use of water that is subject to a special supply program, such as the Water Authority Special Agricultural Water Rate program. Violations of the conditions of the special supply program is subject to the penalties established under the applicable program. A person using water subject to a special supply program

and other water provided by the City of Oceanside is subject to this ordinance in the use of other water.

SECTION 3. Sec.37.103, subdivision (c) shall be amended to read as follows:

"Sec. 37.103

"(c) Water users shall not let water leave the property by draining onto adjacent properties or public or private roadways for any reason. Spraying hard surfaces during irrigation activities is prohibited."

SECTION 4. Sec.37.105, subdivision (k) shall be amended by adding the following:

"Sec. 37.105 Definitions

(k) "Grower" refers to those engaged in the growing or raising in conformity with recognized practices of husbandry, for the purpose of commerce trade or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market. *Grower* does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate program. All growers classified for agricultural use must be certified to meet the definition of Government Code section 51201, subdivision (b) and comply with the San Diego regional Agricultural Water Management Plan.

SECTION 5. Sec. 37.106, subdivisions (b) and (c) shall be amended to read as follows:

"Sec. 37.106. Conservation stages

(b) Drought Response Level 1 – Drought Watch Condition

1. A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The City of Oceanside never operates below a Level 1 condition in order to encourage water use efficiency and awareness.

2. During a Level 1 Drought Watch condition, the City of Oceanside actively promotes water efficiency through public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways or structures.

c. Irrigate residential and commercial landscape before 10:00 a.m. and after 6:00 p.m. only.

d. Stop the application of potable water to driveways and sidewalks.

e . Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

f. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 6:00 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time. Use re-circulated water to operate ornamental fountains.

g. Use re-circulated water to operate ornamental fountains.

h. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

i. Serve and refill water in restaurants and other food service establishments only upon request.

j. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

k. Repair all water leaks within five (5) days of notification by the City of Oceanside unless other arrangements are made with the water utilities director.

l. Use recycled or non-potable water for construction purposes when available

3. During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

(c) Drought Response Level 2 – Drought Alert Condition

1. A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to twenty (20) percent is required in order to have sufficient supplies available to meet anticipated demands. The Oceanside City Council shall adopt a resolution declaring the existence of a Drought Response Level 2 condition and implementing the mandatory Level 2 conservation measures identified in this ordinance.

2. All persons using City of Oceanside water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. This section shall not apply to commercial growers or nurseries unless under direct order by the Governor or by a State agency acting on his behalf.

b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per water station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro/irrigation systems or stream rotor sprinklers.

c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by subsection 37.106(c)2.a., on the same schedule set forth in subsection 37.106(c)2.a. by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation

d. Stop irrigation with potable water of ornamental turf on public street medians when under direct order by the Governor, or by a State agency acting on his behalf.

e. Repair all leaks immediately upon notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

f. Stop operating ornamental fountains or similar decorative water features unless recirculated water is used.

g. Stop all watering during and forty-eight (48) hours after measureable precipitation.

h. Stop irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development when under direct order by the Governor or by a State agency acting on his behalf.

SECTION 6. Severability.

If any section, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. Effective Date.

This ordinance shall be effective immediately upon its adoption by 4/5ths vote of the City Council in accordance with Government Code section 36937.

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INTRODUCED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside held on the 20th day of May, 2015,

by the following vote:

AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

MAYOR, CITY OF OCEANSIDE

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE, CHAPTER 37, REVISING AND UPDATING THE WATER CONSERVATION PROGRAM AND THE DROUGHT RESPONSE CONSERVATION MEASURES

Chapter 7.40

WATER CONSERVATION

Contents:

Section 7.40.010 Declaration of Policy.

California Water Code Sections 375 et seq. and 71640 et seq., authorizes municipal water districts to adopt water conservation measures in a comprehensive water conservation program to reduce the quantity of water used by the people for the purposes of conserving the water supplies of the District and of the State, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times. The District may also prohibit use of water during designated periods and for specific uses that it finds to be nonessential. Understanding that the community of Ramona wishes to utilize its limited water resources as efficiently as possible, all members of the Ramona community are encouraged to take steps to voluntarily reduce water consumption throughout the year regardless of whether drought conditions exist. The Board has established an effective cooperative Water Conservation program to provide resources and education to the public. Information about the program can be obtained by contacting the District office, or through the District's website.

The policy established herein is part of the Ramona Municipal Water District's comprehensive Water Conservation program pursuant to California Water Code Sections 375 et seq. and 71640 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. The Board fully anticipates, encourages and appreciates the joint efforts between the District and the public to conserve water to protect water supplies.

This policy also establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions (“Drought Response Levels”) to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies. Drought Response Level 1 drought condition response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the District.

During Drought Response Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals. Violations of this Chapter are subject to criminal, civil, and administrative penalties and remedies specified in this Chapter 7.40 and as provided by law.

Section 7.40.020 Findings.

The District finds and determines the conditions prevailing in the Ramona Municipal Water District service area require water resources be put to maximum beneficial use, to every extent possible. The waste or unreasonable use of water must be prevented, and the conservation of water encouraged. The District's objective is to obtain the maximum reasonable and beneficial use of its water resources, to best serve the members of the community and to ensure public health, safety and welfare.

Section 7.40.030 Voluntary Guidelines.

A. The following voluntary water conservation guidelines have been established to reduce overall water consumption, and preserve the District's water supply. The District encourages all customers to incorporate water conservation practices into their daily lifestyle, for enhancing the beneficial use of water resources.

1. Acknowledging that landscape irrigation is the single highest usage of water in single-family homes - about 60% of water used, the District establishes the following guidelines to conserve water for landscape and other outside use:

a. Water lawn and landscaping only during the cool parts of the day. Early morning is best, as it helps prevent the growth of fungus (watering may be done at any time with a bucket, a hand-held hose equipped with a positive shut-off nozzle, with drip irrigation or rotating nozzles);

b. Water lawn only when it needs it - step on the grass, if it springs up underfoot, it does not need water;

c. When watering the lawn, water it long enough to seep down into the roots, as surface watering will simply evaporate and be wasted;

d. Practice water-wise gardening by using drought tolerant and California-Friendly plants and trees;

e. Put a layer of mulch around trees and plants to slow the evaporation of moisture;

f. Delay new plantings until the cooler fall months, when plants need less water;

g. Water for several short periods instead of one long period, so the soil can absorb the moisture, without wasteful runoff;

h. Use a broom to clean off sidewalks, driveways, parking areas, tennis courts, patios or other paved areas;

i. Check for leaks in pipes, hoses, faucets and couplings; repair as soon as possible;

j. Use a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle when washing autos, trucks, trailers, boats, airplanes and other types of mobile equipment; and

k. Use untreated or recycled water for grading, if possible.

2. To conserve indoor water use:

a. Check toilet(s) for leaks. Put a few drops of food coloring in the toilet tank. If, without flushing, the coloring begins to appear in the bowl, the tank has a leak that may be wasting up to 100 gallons of water a day. Install a high-efficiency or an ultra low-flush toilet;

b. Take shorter showers. Limit showers to the time it takes to wash and rinse;

c. Install water-saving shower heads or flow restrictors;

d. Take baths instead of showers. A partially filled tub uses less water than a shower;

e. Turn off the water while brushing teeth and shaving;

f. Check faucets and pipes for leaks;

g. Use automatic dishwashers only for full loads, as every load uses about 25 gallons of water;

h. Use automatic clothes washers only for full loads, as every load uses 30 to 35 gallons a cycle. Consider purchasing a High-Efficiency Washer (HEW), when replacing your clothes washer;

i. Do not let the faucet run while cleaning vegetables or when washing dishes, as rinsing can be done in a sink full of clean water;

j. Do not leave water running for rinsing when washing dishes by hand;

k. Serve water to restaurant customers only when specifically requested.

Section 7.40.040 Drought Response Conservation Program.

A. Definitions

1. The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

   a. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market; or (2) for the feeding of fowl or livestock produced for human consumption or for the market; or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate programs.

   b. "Water Authority" means the San Diego County Water Authority.

   c. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this Chapter 7.40 and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

   d. "Metropolitan" means the Metropolitan Water District of Southern California.

   e. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

   f. "SAWR" means the Special Agricultural Water Rate program available from Metropolitan that is administered by the Water Authority.

B. Application

1. The provisions of Chapter 7.40 apply to any person in the use of any water provided by the District and proposed users of District water, as applicable.

2. Chapter 7.40 is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

3. Nothing in Chapter 7.40 is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

4. The provisions of Chapter 7.40 do not apply to use of water from private wells or to recycled water.

5. Unless otherwise specifically authorized in this Legislative Code, nothing in Chapter 7.40 shall apply to use of water that is subject to a special supply program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program.

C. Drought Response Level 1: Drought Watch Condition

1. A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager may declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this Section.

2. During a Level 1 Drought Watch condition, District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

   a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

   b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

   c. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

   d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

   e. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment or rotating nozzles are used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

   f. Use re-circulated water to operate ornamental fountains.

g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

h. Serve and refill water in restaurants and other food service establishments only upon request.

i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

j. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.

k. Use recycled or non-potable water for construction purposes when available and feasible.

D. Drought Response Level 2: Drought Alert Condition

1. A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition applies when the Water Authority notifies its member agencies, including the District, that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to twenty percent (20%) is required in order to have sufficient supplies available to meet anticipated demands. The District's Board of Directors may declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this Chapter 7.40.

2. All District water use shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert and shall also comply with the following additional conservation measures:

a. Limit residential and commercial landscape irrigation to no more than two (2) days per week. During the months of November through May, landscape irrigation is limited to no more than once per week. This section shall not apply to commercial growers or nurseries.

b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per watering day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and rotating nozzles.

c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section D(2)(a) above, on the same schedule set forth in Section D(2)(a) above, by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

d. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.

e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

f. No irrigating outdoors during and within 48 hours following measurable rainfall.

g. Irrigation with potable water of ornamental turf on public street medians is prohibited.

3. During a Drought Response Level 2 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may take additional action to declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:

   a. A valid, unexpired building permit has been issued for the project; or

   b. The project is necessary to protect the public's health, safety, and welfare; or

   c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

   This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that have been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing

administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

E. Drought Response Level 3: Drought Critical Condition

1. A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to forty percent (40%) is required in order to have sufficient supplies available to meet anticipated demands. The District Board of Directors may declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this policy.

2. All District water use shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices and measures during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

   a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

   b. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section E(2)(a), on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

   c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a Drought response level under this Chapter 7.40.

   d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

   e. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

3. During a Drought Response Level 3 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided and no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:

   a. A valid, unexpired building permit has been issued for the project; or

   b. The project is necessary to protect the public's health, safety, and welfare; or

   c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

      This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that has been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

F. Drought Response Level 4: Drought Emergency Condition

1. A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than forty

percent (40%) percent in order for the Authority to have maximum supplies available to meet anticipated demands. Upon declaration by the Authority of a Drought Emergency Condition, the District may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*

2. All District water use shall comply with conservation practices and measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

   a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.

      i. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

      ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

      iii. Maintenance of existing landscaping for erosion control;

      iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

      v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section E(2)(a) above;

      vi. Watering of livestock; and

      vii. Public works projects and actively irrigated environmental mitigation projects.

   b. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed

for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

G. Correlation Between Drought Management Plan and Drought Response Levels

1. The correlation between the Water Authority's Drought Management Plan ("DWP") stages and the District Drought response levels identified in this Chapter is described herein. Under DMP Stage 1, the District may implement Drought Response Level 1 actions. Under DMP Stage 2, the District would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the District may implement Drought Response Level 2, Level 3, or Level 4 actions.

The Drought Response Levels identified in this Chapter correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3 or 4

H. Procedures for Determination and Notification of Drought Response Level

1. The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the District and provided to the District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website.

2. The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law, including but not limited to Water Code section 350 *et seq.* The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.

3. The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable

to Drought Response Level 4 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall become effective as stated in the Board Resolution.

4. The General Manager may declare the end of Drought Response Level 1. The District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

Section 7.40.041 Violations and Penalties.

A. Violation of Chapter 7.40. Any person, who uses, causes to be used, or permits the use of water in violation of this Chapter 7.40 is guilty of an offense punishable as provided herein.

B. Separate Offense. Each day that a violation of this Chapter 7.40 occurs is a separate offense.

C. Administrative Fines. Administrative fines may be levied for each violation of a provision of this Chapter 7.40 as follows:

1. One hundred dollars ($100) for a first violation.

2. Two hundred dollars ($200) for a second violation of any provision of this ordinance within one (1) calendar year.

3. Five hundred dollars ($500) for each additional violation of this ordinance within one (1) calendar year.

D. Administrative Procedures for Imposing Fines.

1. Notice of Violation. If the District General Manager determines to impose a fine on a person (“violator”) who has violated any provision of Chapter 7.40, he or she shall cause a written notice of the violation to be sent to the violator. The notice shall provide in sufficient detail the violation(s), the amount of the penalty being imposed, and the date or times by which the penalty shall be paid to the District. The notice shall notify the violator that the fine will be imposed in the violator’s next water bill and that the violator may appeal the District’s imposition of the fine in writing within ten (10) calendar days of the date of said notice. Service of any notice required under this Section shall be made by the following means:

a. Personal service in the same manner as a summons in a civil action; or

b. Registered United States mail, which service shall be completed at the time of deposit into the United States mail.

2. Appeal. Within ten (10) calendar days of the date of such notice from the District, the customer may appeal the proposed fine to the District General Manager in writing, setting forth a description of the violation, any cure measures undertaken, the amount of the fine, the basis for the appeal, and the remedy sought. The General Manager shall consider the appeal and shall issue a written decision to the appellant customer. If the customer fails to appeal the ten (10) calendar days period specified in the District's notice to the customer, the customer shall lose its right to appeal the District's fine.

3. Appeals to District Board of Directors. An applicant may appeal a decision of the General Manager on an appeal of an administrative fine to the District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo (granting no deference to the prior decision of the General Manager). The decision of the District Board of Directors is final. The violator shall not be permitted to seek a variance pursuant to Section 7.40.042.

E. Flow-Restricting Devices. Violation of a provision of the mandatory provisions of this Chapter 7.40 is subject to enforcement through installation of a flow-restricting device in the meter.

F. Misdemeanor. Each violation of the mandatory provisions of this Chapter 7.40 may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days.

G. Discontinuation of Service. Willful violations of the mandatory conservation measures and water use restrictions applicable during a declared Drought Emergency condition during either drought Response Levels 3 or 4 may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

H. Cumulative Remedies. All remedies provided for herein shall be cumulative and not exclusive.

Section 7.40.042 Variance.

A. If a District conservation measure disproportionately impacts a District customer, then the person may apply for a variance to the requirements as provided in this section.

B. The variance may be granted or conditionally granted by the Board, only upon a written finding of the existence of facts demonstrating that the application of this Section 7.40 impacts a District customer in a manner that is disproportionate to

the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by the District.

2. Supporting Documentation. The application shall be accompanied by documentation, such as but not limited to, water bills, invoices and receipts, photographs, maps, drawings, and other information, including a written statement of the applicant demonstrating those water conservation measures undertaken by the applicant.

3. Required Findings for Variance. An application for a variance may be denied if it is found that, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

   a. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

   b. That because of special circumstances applicable to the property or its use, the strict application of Chapter 7.40 would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

   c. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

   d. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. The variance shall specify the duration for which the variance applicable to the subject property shall apply.

C. Appeals to District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo (granting no deference to the prior decision of the General Manager) by following the variance procedure delineated in Section 7.40.042(A) through (B), (1)-(4) above. The decision of the District Board of Directors is final.

ORDINANCE NO. 15-01
ORDINANCE OF THE BOARD OF DIRECTORS OF THE SANTA FE IRRIGATION DISTRICT ADOPTING A WATER ALLOCATION AND PENALTY POLICY FOR WATER SHORTAGE LEVELS 3 AND 4

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use or unreasonable method of use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the Santa Fe Irrigation District (the "District") is authorized to adopt and enforce a water conservation program, which may include mandatory reductions in water use, water allocations and penalties, to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, the District adopted a water conservation program in 2007, by adoption of District Administrative Code Article 17, Water Shortage Response Policies and Procedures ("Water Shortage Response Policies and Procedures"), which has been thereafter amended from time to time; and

WHEREAS, the Water Shortage Response Policies and Procedures authorize the District to establish a water allocation for property served by the Santa Fe Irrigation District; and

WHEREAS, in response to ongoing drought conditions, on April 1, 2015, Governor Brown issued Executive Order B-29-15, proclaiming a State of Emergency to exist within the State of California, and which, among other things, required the California State Water Resources Control Board ("State Board") to adopt and implement regulations imposing restrictions to achieve a statewide 25% reduction in potable water usage through February 28, 2016, requiring water suppliers to reduce usage as compared to the amount used in 2013; and

WHEREAS, on May 6, 2015, the State Board adopted amendments to its emergency drought regulations to address Governor Brown's directive, which amendments require the District to reduce its water usage by 36% as compared to the amount used in 2013; and

WHEREAS, because of the declared policy of the State, Governor Brown's Executive Order and the State Board's amended emergency drought regulations, the District hereby finds

and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a water allocation program, as permitted and authorized by the Water Shortage Response Policies and Procedures to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water and adopt and enforce a water conservation and regulatory program in order to meet the State Board emergency drought regulations, including: (i) prohibiting the waste of District water or the use of District water during such periods; (ii) prohibiting the use of water during such periods for specific uses which the District may from time to time find to be nonessential, an unreasonable use, and unreasonable method of use, or a waste of water; and (iii) reducing and restricting the quantity of water used by those persons within the District for the purpose of conserving the water supplies of the District; and

WHEREAS, it has been estimated that more than half of residential water use in many parts of California is used to irrigate lawns and outdoor landscaping; and

WHEREAS, the District has determined that during water shortages, the use of outdoor water for irrigating lawns and outdoor landscaping is not essential to public health and safety, and may be an unreasonable use, an unreasonable method of use, or a waste of water; and

WHEREAS, during a water shortage the greatest reductions in water usage may best be achieved by customers by reducing the amount of discretionary, nonessential use of potable water to irrigate lawns and landscaping; and

WHEREAS, to secure compliance with the rules and regulations established in the Water Shortage Response Policies and Procedures during Level 3 and Level 4 conditions, and assure important public policy objectives are achieved for the reduction of water usage during severe and critical water shortages, the District is proposing to establish and impose penalties for excessive water usage by all potable water customers when the District has determined to do so during a declared Level 3 or a Level 4 condition, as such terms are defined herein; and

WHEREAS, pursuant to California Government Code section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within the District, particularly during declared Level 3, if allocations are imposed by the Board during a Level 3 condition, or during a Level 4 water shortage condition to protect the general welfare and the District's water supplies, to reduce water consumption in accordance with the declared policies and laws of the State, and to meet State Board regulatory requirements; and

WHEREAS, the Board of Directors hereby finds and determines that when the District declares a Level 3 or a Level 4 condition, allocations may be implemented and administrative

penalties may be imposed for any person who willfully uses water in excess of the allocations set forth herein; and

BE IT ORDAINED by the Board of Directors of the Santa Fe Irrigation District as follows:

Section 1. **Recitals.** The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. **Findings.** The Board of Directors finds and determines that because of the prevailing conditions in the State, and the declared policy of the State, it is necessary and appropriate for the District to adopt, implement, and enforce a water allocation program to reduce the quantity of water used by District customers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection and/or to meet the State Board regulatory requirements. The District further finds and determines that during periods of drought, water shortages, and water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

Section 3. **Water Use Restrictions and Regulations during a Level 3 condition, when Allocations are Imposed, and during a Level 4 condition.** The Board of Directors hereby adopts and authorizes the following water allocation rules and regulations governing the use of water by all potable water customers:

A. DEFINITIONS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

1. **"Appellant"** means the person appealing the imposition of a penalty imposed by the District for a violation of this Ordinance.

2. **"Billing cycle"** means the billing period in which a customer's water use is measured for purposes of calculating the amount of the water service fees that shall be collected for the water service provided.

3. **"Commercial customer"** means a person who, according to the District's records, receives water to a commercial business through an individual meter.

4. **"District"** means the Santa Fe Irrigation District.

5. **"Disaster"** means a catastrophic, naturally occurring or man-made event, including, but not limited to, an earthquake, flood, fire, riot, or storm, for which a state of emergency has been declared by the President of the United States, the Governor of California, or the an executive officer or legislative body of a local agency that is within the District's service area.

6. **"General Manager"** means the General Manager of the District or his or her authorized designee.

7. **"Government/Institutional customer"** means a customer who, according to the District's records is a governmental or non-profit entity and receives water through an individual meter.

8. **"HCF"** means one hundred cubic feet.

9. **"Irrigation customer"** means a customer who, according to the District's records, receives water through an individual meter for outside irrigation only.

10. **"Multi-family residential customer"** means a person who, according to the District's records, receives water service to a multi-family residence through a single meter.

11. **"Person"** means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the Santa Fe Irrigation District.

12. **"Potable water"** means that water furnished to the customer that complies with federal and State drinking water regulations and standards, or any other applicable standards, for human consumption.

13. **"Recycled water customer"** means a customer who, according to the District's records, receives non-potable water service through an individual meter.

14. **"Rules and regulations"** means the rules and regulations governing the amount of water that may be used by a District customer during an applicable water shortage level, and any terms and conditions respecting restrictions on the use, method of use, and consumption of water in effect during an applicable water shortage level as set forth in this Ordinance.

15. **"Single-family residential customer"** means a person who, according to the District's records, receives water service to a single-family residence that is individually metered.

16. **"Level 3"** means the level at which the District has determined that a severe water supply shortage exists and mandatory reductions in water use are required to achieve a reduction in water usage by amounts as set forth herein and by a resolution adopted by the Board of Directors, or as may be established from time-to-time.

17. **"Level 4"** means the level at which the District has determined that a critical water supply shortage exists and mandatory reductions in water use are required to achieve a reduction in water usage by amounts as set forth herein and by a resolution adopted by the Board of Directors, or as may be established from time-to-time.

18. **"State"** means the state of California, including any department or regulatory agency thereof.

19. **"Water shortage level"** or **"Level"** means a Level 3, if the Board has imposed allocations during a Level 3 condition, or Level 4.

B. ALLOCATIONS FOR WATER USAGE

1. **Allocations for Water Usage.** If the rules and regulations set forth in this Ordinance are inadequate to protect and allocate the District's potable water supply, the District Board of Directors reserves the right to implement further mandatory rules and regulations to reduce the amount of water used within the District. The rules and regulations are necessary to respond to any significant reductions to the District's water supply as a result of drought, natural disasters, regulatory action, and planned or unplanned potable water shortages.

2. **Application.** The provisions of this Ordinance shall apply to all customers using potable water within the District.

3. **Notice.** In the first full billing cycle after the declaration of a water shortage Level 3 condition, if the Board has imposed allocations during a Level 3 condition, or Level 4, the District shall include in each customer's billing statement, a notice that includes the following:

    a. a statement regarding the declaration of the water shortage Level 3 or Level 4; and

    b. a description of the rules and regulations regarding allocations in effect during the water shortage Level 3 or 4, as the case may be;

    c. a description of the procedures for applying for an exemption from the rules and regulations related to allocations then in effect;

d. a description of the penalties that may be imposed on a customer who does not comply with any mandatory rules and regulations related to allocations during the water shortage Level; and

e. a reference to the District's website or alternative location or format that may be accessed for information regarding the forgoing.

4. **Due and Proper Notice.** Upon the adoption of this Ordinance, due and proper notice shall be deemed to have been given each and every customer supplied water within the District of the rules and regulations governing the water shortage levels and allocations related thereto, as described herein, the applicable rules and regulations that will be in effect during the specified levels, and any penalties that may be imposed for violations of such rules and regulations.

5. **Actions or Restrictions by the State.** If the State, through executive action, emergency legislation or other actions, impose conditions, requirements, or procedures that are not included in this Ordinance, the General Manager is authorized to implement such rules and regulations as are reasonably required to bring the District's actions in each level into functional conformity with such conditions, requirements, or procedures.

C. RULES AND REGULATIONS

1. **Rules and Regulations are Mandatory.** Any allocations or rules and regulations adopted during a water shortage level are mandatory.

2. **Violations of Rules and Regulations.** Violations of allocations or of any rules and regulations are subject to criminal, civil, and administrative penalties and remedies as provided for in this Ordinance.

3. **Level 3 Mandatory Water Use Restrictions, when Allocations are Implemented in a Level 3.** After allocations during a Level 3 have been declared and the District has completed the notice requirements set forth herein, each customer who has a potable water account with the District shall be limited to using potable water in amounts determined by the District Board of Directors in its reasonable discretion, based on the water conservation needs of the District, which amounts shall be adopted at a regular or special public meeting held in accordance with State law. The District shall determine such amounts for its various customer classes (i.e,. Single-family residential, Multi-family residential, Irrigation, Commercial, and Governmental/Institutional).

4. **Level 4 Mandatory Water Use Restrictions.** After a Level 4 has been declared and the District has completed the notice requirements set forth herein, each customer who has a potable water account with the District shall be limited to using potable water in amounts determined by the Santa Fe Board of Directors in its reasonable discretion, based on the water conservation needs of the District,

which amounts shall be adopted at a regular or special public meeting held in accordance with State law. The District shall determine such amounts for its various customer classes (i.e,. Single-family residential, Multi-family residential, Irrigation, Commercial, and Governmental/Institutional).

D. VIOLATIONS, PENALTIES, AND OTHER REMEDIES

1. **Administrative Penalties for Exceeding Mandatory Water Use Restrictions During Level 3 when Allocations have been Implemented, and During Level 4.** After a Level 3, when allocations have been implemented, or a Level 4 has been declared, and the District has completed the notice requirements set forth herein, any potable water used by a customer in excess of the allocations then in effect during a billing cycle as provided in Section 3.C.3 or 4. shall be:

   a. deemed a waste of water;

   b. a violation of the District's rules and regulations; and

   c. subject to a civil administrative penalty of:

      i. $3.40/hcf for usage above the allocation up to 115%
      ii. $6.79/hcf for usage over 115% of the allocation

      This penalty is patterned after the District's water wholesalers' method of penalizing its member agencies (including the District) during periods of allocation (2X the rate per acre foot up to 115% of the allocation and 4X the rate per acre foot for any usage over 115% of the allocation).

2. **Payment of Penalties.** Any penalty imposed pursuant to Section 3.D.1. shall be:

   a. applicable to all potable water used in excess of the allocations imposed by the mandatory rules and regulations during the second complete billing cycle after the declaration of the applicable water shortage level;

   b. collected on the customer's water bill;

   c. due and payable as part of the water bill charges;

   d. the responsibility of the customer of record for the property where the violation occurred; and

   e. paid in addition to the water service fees the District imposes for the potable water delivered to the property where the violation occurred.

3. **Non-payment of Penalty.** Non-payment of any penalty imposed pursuant to this Ordinance shall be subject to the same remedies available to the District as for non-payment of basic water rates.

4. **Notice of Violation.** The receipt of a water bill with any applicable penalty shall serve as notice of violation of the District's rules and regulations herein.

5. **Misdemeanor Violations.** It shall be unlawful for any person to willfully violate any provisions of this Ordinance. A violation of any of these provisions is a misdemeanor in accordance with California Water Code section 377.

6. **Other Remedies.** In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action, including discontinuing or appropriately limiting water service to any customer, or installing a flow restricting device, for violations of this Ordinance. All remedies provided herein shall be cumulative and not exclusive.

7. **Non-liability for Damage.** A customer who violates this Ordinance assumes responsibility for injury to the customer and/or other residents/occupants receiving service, including emotional distress and/or damage to the customer's private water system and/or to other real or personal property owned by the customer or by a third party resulting from the installation and operation of a flow restricting device or from termination of service. The customer shall thereby be deemed to have:

   a. waived any claim for injury or for damage to the customer's property which the customer may otherwise have against the District; and

   b. agreed to indemnify, defend, and hold the District harmless from claims by third parties for injury or property damage arising or claimed to arise out of the District's installation and/or operation of a flow restricting device or termination of water service.

E. APPEAL PROCEDURES

1. **Filing an Appeal.** Any person (an "appellant") who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance shall comply with the following procedures:

   a. The appellant shall pay all amounts due and owing on his or her water bill, except for any disputed penalty(ies) imposed by the District pursuant to this Ordinance.

   b. The Appellant shall submit an appeal request form to the District's Administration Department no later than fifteen (15) calendar days from

the date that the appellant's water bill for the billing cycle in which any penalty(ies) imposed is due.

2. **Basis for Granting an Appeal.** An appeal may be granted under the following limited circumstances:

   a. The amount of water delivered to the appellant's property did not violate the rules and regulations, as evidenced by a demonstrable malfunction in the meter serving the appellant's property or a billing error by the District.

   b. The appellant demonstrates the water use is needed for health and/or safety reasons.

   c. The appellant demonstrates an undetected water leak occurred at his or her property during the billing cycle in which the penalty was imposed, resulting in water loss that did not benefit the appellant, and notifies the District of such leak at least five days prior to the bill due date, and demonstrates that the leak has been repaired.

3. **Additional Documentation.** Additional documentation may be requested at the discretion of the District.

4. **District Response.** A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request form.

5. **Review or Denial of Appeal Request.** If an appeal request is denied, the appellant may resubmit the appeal request form for review by the District's designated Administration Department representative.

   a. Any denial of an appeal may be submitted for further review by the General Manager, or his or her authorized designee. Any request for further review shall be submitted no later than fifteen (15) calendar days from the denial of the appeal. The appellant may request to provide evidence in writing or in person in support of his or her appeal to the General Manager, or his or her authorized designee.

   b. The decision by the District's General Manager, or authorized designee shall be final.

   c. Within ten (10) days after the denial of an appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.

   d. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

Section 4. **Conflicting Provisions.** If provisions of this Ordinance are in conflict with each other, other provisions of the District's regulations or policies, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 5. **Severability.** If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption. However, to allow sufficient time for customer education and outreach, the allocation program becomes effective with usage as of July 1, 2015; penalty charges will be effective on customer water bills beginning September 1, 2015,

Enacted at a regular meeting of the Board of Directors of the Santa Fe Irrigation District, California, held on May 21, 2015, by the following vote:

AYES:	Daddi, King, Smerican, and Hogan
NOES:	Gruzdowich
ABSTAIN:	None
ABSENT:	None

Michael T. Hogan, President

Attest:

Michael J. Bardin, Secretary

ORDINANCE NO. 195

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT ADOPTING EMERGENCY DROUGHT CONSERVATION MEASURES

BE IT ORDAINED by the Board of Directors of the Vallecitos Water District ("District") as follows:

STATE OF CALIFORNIA DECLARATION OF WATER EMERGENCY

Whereas, on January 17, 2014, Governor Brown issued Proclamation No. 1-17-2014, declaring a state of emergency throughout the State of California due to severe drought conditions; and

Whereas, on April 1, 2015, Governor Brown issued Executive Order No. B-29-15, ("Executive Order"), directing that the State Water Resources Control Board ("Control Board") develop and impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use; and

Whereas, the Executive Order was effective immediately upon its issuance, through February 28, 2016, and includes additional water conservation measures and mandated water conservation amounts; and

Whereas, on May 5, 2015, the Control Board adopted new regulations, to ensure compliance with the Executive Order; and

Whereas, the Control Board has mandated a 24% reduction in potable water use for the District, from 2013 demands, which includes Residential, Commercial, Industrial and Institutional potable water demands; and

Whereas, on April 14, 2015, the Metropolitan Water District of Southern California ("Metropolitan") adopted a 15% supply reduction effective July 1, 2015, to June 30, 2016, with the requirement to re-evaluate the allocation level in December 2015; and

Whereas, on February 13, 2014, the San Diego County Water Authority ("Water Authority") adopted a Level 1 – "Drought Watch" condition that included additional voluntary water conservation measures; and

Whereas, on July 24, 2014, the Water Authority adopted a Level 2 – "Drought Alert" condition that included mandatory water use restrictions, but did not define supply allocations or a potable water use reduction goal; and

Whereas, on May 14, 2015, the Water Authority adopted Level 2 – "Drought Alert" supply allocations to Municipal and Industrial (M & I) and Transitional Special

Agricultural Water Rate (TSAWR) supply allocations, for each member agency, based upon the Metropolitan supply reduction in water deliveries, effective July 1, 2015 to June 30, 2016; and

Whereas, the District has an existing Drought Response Conservation Program adopted by the Board of Directors on May 6, 2009, as Ordinance No. 162; and

Whereas, on February 19, 2014, the District followed the action of the Water Authority and declared a Level 1 "Drought Watch" which included increased public outreach and volunteer conservation practices; and

Whereas, on August 6, 2014, the District followed the action of the Water Authority and declared a Level 2 "Drought Alert" which included increased public outreach, required additional conservation practices and authorized fines for non-compliance.

Based on the foregoing, and to prevent the waste and unreasonable use of water and to promote water conservation, the Board of Directors of the District hereby finds and determines that the following emergency measures must be taken:

SECTION 1: The provisions of *Ordinance No. 162, Drought Response Level 2 – Drought Alert Section (a) Level 2 Mandatory Conservation Practices* shall remain in full force and effect and shall apply to this Emergency Declaration.

SECTION 2: Each of the following additional actions are prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.

(b) The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.

(c) The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

(d) All leaks shall be repaired within forty-eight hours of notification by the District unless other arrangements are made with the District General Manager.

SECTION 3: To obtain the required 24% District-wide reduction in water demands, the following limitations shall apply to all outdoor irrigation, excluding qualified agriculture and commercial growers:

(a) Residential and commercial landscape irrigation will be limited to two assigned days per week between June and October on a schedule established by the District General Manager. Agriculture and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 4: The reductions in demands associated with watering 2 days per week may not meet the 24% reduction requirements of the Executive Order and after July 1, 2015, the District may reduce outside irrigation use to 1 day per week as follows:

(a) Residential and commercial landscape irrigation will be limited to one assigned day per week between June and October on a schedule established by the General Manager. Nurseries and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 5: VIOLATIONS AND PENALTIES

In addition to any other remedies which the District may have for the enforcement of this Ordinance pursuant to Water Code Section 31029, any person who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein. Each day that a violation of this ordinance occurs is a separate offense. Administrative fines may be levied for each violation of a provision of this ordinance as follows:

(a) FINES

(i) One hundred dollars ($100.00) for a first violation.

(ii) Two hundred dollars ($200.00) for a second violation of any provision of this ordinance within one year of the prior violation.

(iii) Five hundred dollars ($500.00) for each additional violation of this ordinance within one year of the prior violation.

(iv) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(b) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding $1,000.00 or by both as provided in Water Code Section 377.

(c) Willful violations of the mandatory conservation measures and water use restrictions as set forth during Drought Emergency conditions may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code Section 346.

(d) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 6: EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for the Vallecitos Water District.

PASSED, APPROVED AND ADOPTED on this 20th day of May, 2015, by the following roll call vote:

AYES: ELITHARP, HERNANDEZ, MARTIN, EVANS
NOES: SANNELLA
ABSTAIN:
ABSENT:

Betty D. Evans, President
Board of Directors
Vallecitos Water District

ATTEST:

Dennis O. Lamb, Secretary
Board of Directors
Vallecitos Water District

RESOLUTION No. 1573 -14

YUIMA MUNICIPAL WATER DISTRICT
IMPLEMENTING THE LEVEL 2 PROVISIONS OF ORDINANCE NO. 100-08
(DROUGHT RESPONSE CONSERVATION PROGRAM)

WHEREAS, The State of California is in the third year of an historic drought, and

WHEREAS, The Governor of the State of California has, by Executive Orders No. 1-17-2014 and 4-25-2014, declared that a water emergency exists within the State of California and ordered the Department of Water Resources and the State Water Resources Control Board to take actions to enforce certain mandatory water conservation measures through directives to public water supply agencies throughout the State, and

WHEREAS, pursuant to the Governor's executive orders and Water Code Section 1058.5, the State Water Resources Control Board has issued mandatory rules requiring local public water agencies to activate the mandatory conservation provisions of their existing water conservation ordinances that are consistent with the prohibitions against outdoor water use as contained in the Governor's Executive Orders; and

WHEREAS, the relevant and applicable portion of the District's Ordinance No. 100-08 is designated "Section 5.0 – Drought Response Level 2 – Drought Alert Condition",

NOW THEREFORE BE IT RESOLVED that the General Manager is hereby directed to implement the mandatory provisions of Ordinance No. 100-08, Section 5.0, effective within ten (10) days of the adoption of this resolution, and

BE IT FURTHER RESOLVED that staff is directed to publish a copy of this Resolution and the relevant sections of Ordinance 100-08 in a newspaper of general circulation within 5 days of the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 25th day of August, 2014 by the following roll call vote:

AYES: Watkins, Knutson, Fitzsimmons, Anderson, Stockton
NOES: none
ABSTAIN: none
ABSENT:

W.D. Knutson, President of the Board of Directors

ATTEST:
George Stockton, Secretary

ORDINANCE NO. 100 - 08

AN ORDINANCE OF THE YUIMA MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE CONSERVATION PROGRAM

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable methods of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Yuima Municipal Water District (hereinafter the "District") to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has

adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the District, due to the geographic and climatic conditions within its territory and its partial dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The District's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the District; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of the Yuima Municipal Water District does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by District. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly

restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in the District's Rules and Regulations governing water service.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

SECTION 3.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the District.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells, water produced under Well Agreements between the District and private parties, or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the District is subject to this ordinance in the use of the other water.

SECTION 4.0 DROUGHT RESPONSE LEVEL 1 - DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if District declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products in conformance with such irrigation schedules as the District's General Manager shall establish. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, or when a bucket is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

SECTION 5.0 DROUGHT RESPONSE LEVEL 2 - DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The District Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using District water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 6.0 DROUGHT RESPONSE LEVEL 3 - DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies

that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The District Board of

Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using District water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, District will suspend consideration of annexations to its service area.

(e) The District may establish a water allocation for property served by the District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in such amount as shall be established from time to time in the District's Rules and Regulations Governing Water Service for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 7.0 DROUGHT RESPONSE LEVEL 4 - DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the District to have maximum supplies available to meet anticipated demands. The District's Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using District water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

(c) The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in such amount as shall from time to time be established by the Board of Directors in the Rules and Regulations of the District Governing Water Service for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the District's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the District may implement Drought Response Level 1 actions. Under DMP Stage 2, the District may implement Drought Response Level 1 or Level 2 actions. Under

DMP Stage 3, the District may implement Drought Response Level 2, Level 3, or Level 4 actions.

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

The foregoing and any subsequent provisions notwithstanding, the Board of Directors reserves the right, in its sole discretion, to establish a particular Drought Response Level independently of Water Authority actions, if in the Board's sole judgment such action is necessary to take appropriate account of particular local circumstances that may ameliorate or exacerbate conditions at the local level.

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be submitted to the District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on its website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10th) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the

allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 10.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the District Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of

substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the District Board of Directors is final.

SECTION 11.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year.
3. Five hundred dollars for each additional violation of this ordinance within one year.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought

Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for District.

PASSED, APPROVED AND ADOPTED this 28th day of July, 2008 by the following vote:

AYES: Knutson, Anderson, Fitzsimmons, Lyttle, Stockton
NOES: none
ABSTAIN: none
ABSENT: none

W. D. Knutson,
President of the Board of Directors

ATTEST:
George Stockton, Secretary

APPROVED AS TO FORM:
Jeffrey Scott, General Counsel

ORDINANCE NO. 15-08

AN ORDINANCE OF RAINBOW MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE CONSERVATION PROGRAM

Be it ordained by the Board of Directors of Rainbow Municipal Water District as follows;

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Rainbow Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Rainbow Municipal Water District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the Rainbow Municipal Water District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Rainbow Municipal Water District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Rainbow Municipal Water District Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Rainbow Municipal Water District; and

WHEREAS, the Governor of California issued an Executive Order on April 1, 2015 mandating certain water use restrictions and conservation targets for water utilities, and

WHEREAS, the State Water Resources Control Board adopted regulations implementing the Governor's Executive Order on May 18, 2015, and

WHEREAS, the San Diego County Water Authority adopted Shortage Management Actions on May 14, 2015 that include allocations for the Transitional Special Agricultural Water Rate supply and the Municipal and Industrial supply in addition to adding new restrictions on residential watering days, and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable Rainbow Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of Rainbow Municipal Water District does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Rainbow Municipal Water District (RMWD) in order to assure adequate

supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by RMWD. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in RMWD Administrative or Municipal Code.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the RMWD.

SECTION 3.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the RMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the RMWD to declare and respond to an emergency, including an emergency that affects the ability of the RMWD to supply water.

(d) Notwithstanding any other section of this ordinance, the restrictions imposed upon the use of water herein do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Water Authority Transitional Special Agricultural Water (TSAWR) Rate program, except as may be specified in that program. For instance, the water reductions contained in this ordinance shall not be in addition to any mandatory reductions which may apply to a participant in the TSAWR, unless expressly stated in the TSAWR. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the RMWD is subject to this ordinance in the use of the other water.

SECTION 4.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, RMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if RMWD declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket or watering can. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Repair all water leaks within five (5) days of notification by the RMWD unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

SECTION 5.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer[1] demand reduction is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall consider the Water Authority declaration of a "Drought Alert" condition, and may declare the existence of a Drought Response Level 2 condition and direct the General Manager to implement the mandatory Level 2 conservation measures identified in this ordinance. The RMWD Board of Directors may make a determination to enter or exit the Drought Response Level 2 stage depending on a variety of factors, including but not limited to local water availability, RMWD's ability to meet their allocation supply, and/or the financial impact of implementation on RMWD.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

a. Operating irrigation systems in a manner that allows water to run off the property is defined as water waste. In cases where irrigating for 10 minutes per station will result in water runoff due to the inability of the soil or landscape materials to absorb that amount of water, customers shall alter their watering schedules to prevent such runoff. The customer shall modify the schedules to prevent runoff but shall ensure that the total reduction in irrigation is equivalent to the two day per week watering schedule. Customers may adjust their schedules to water on more than two days per week so long as the equivalent reduction in irrigation is achieved.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

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[1] Also referred to as Municipal or Industrial (M&I) water user.

4. Repair all leaks within seventy-two (72) hours of notification by the RMWD unless other arrangements are made with the General Manager.

5. No application of potable water to outdoor landscapes is allowed during and within 48 hours of measureable rainfall.

SECTION 6.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling swimming pools, spas, ornamental fountains, lakes ponds or other water features, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has already been issued for the project; or

2. In the opinion of the RMWD Board of Directors the project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of RMWD.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted **for a period of one year or less, provided that such period shall in no event commence before the effective date of this ordinance.**

(d) Upon the declaration of a Drought Response Level 3 condition, RMWD will suspend consideration of annexations to its service area until such time that the Drought Response Level 2 is decreased to a Drought Response Level 1 condition or lower.

(e) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 7.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction in order for the RMWD to have maximum supplies available to meet anticipated demands. The RMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using RMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the RMWD has determined that recycled water is available and may be lawfully applied to the use:

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public facilities, including parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the RMWD's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the RMWD would implement Drought Response Level 1 actions. Under DMP Stage 2, the RMWD

would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the RMWD would implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	>20 to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the RMWD and provided to the RMWD Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the RMWD. The RMWD may also post notice of the condition on their website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the RMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, or as soon thereafter as reasonably practicable, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, or as soon thereafter as reasonably practicable, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices. If the RMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the RMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The RMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 10.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by RMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the RMWD Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the RMWD, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other RMWD customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the RMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 30 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to RMWD Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the being mailed to the applicant. The appeal must be in the form of a written request for a hearing, and shall state the grounds for the appeal. At a public meeting, the RMWD Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the RMWD Board of Directors is final.

SECTION 11.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year from occurrence of the first violation.
3. Five hundred dollars for each additional violation of this ordinance within one year of the first violation.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for RMWD.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2015, by the following vote:

AYES:	Directors Brazier, Lucy, Sanford, and Walker
NOES:	Director Griffiths
ABSTAIN:	None
ABSENT:	None

Dennis Sanford, Board President

ATTEST:

Dawn Washburn, Board Secretary

EXHIBIT 1

ORDINANCE NO. 46

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CARLSBAD MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO. 44. TO AUTHORIZE THE GENERAL MANAGER TO SET WATERING SCHEDULES

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Carlsbad Municipal Water District (CMWD) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the

Water Authority's 24 member public agencies, including the CMWD. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the CMWD, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Board of Directors of CMWD has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The CMWD's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Board of Directors of CMWD; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable CMWD to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad

Municipal Water District of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. The Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, hereby ordains as follows:

SECTION 7.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned days in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This section shall not apply to commercial growers and nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned time limits in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 8.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A

Level 3 condition may apply when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager. Within five (5) days following the declaration of the response level, the CMWD shall publish a notice of the assigned days in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on its website. This section shall not apply to commercial growers or nurseries.

2.Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3.Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4.Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5.Repair all leaks within forty-eight (48) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s).

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, the Board of Directors of CMWD will suspend consideration of annexations to its service area.

(e) The Board of Directors of CMWD may establish a water allocation for property served by the CMWD taking into consideration a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Board of Directors of CMWD establishes a water allocation notice of the allocation shall be provided by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Board of Directors of CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation.
The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the Secretary shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

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INTRODUCED AND FIRST READ at a Special Meeting of the Carlsbad Municipal Water District Board of Directors on the 10th day of November 2009, and thereafter;

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Board of Directors of the Carlsbad Municipal Water District on the 1st day of December 2009 by the following vote to wit:

AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, General Counsel
12/2/2009.

CLAUDE A. LEWIS, President

ATTEST:

LORRAINE M. WOOD, Secretary

(SEAL)

CARLSBAD MUNICIPAL WATER DISTRICT ORGANIZED MAR. 22, 1954 CALIFORNIA

Exhibit 1

ORDINANCE NO. 44

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CARLSBAD MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE PLAN AND WATER CONSERVATION PROGRAM AND REPEALING ORDINANCE NO 35

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Carlsbad Municipal Water District (CMWD) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of

the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the CMWD. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the CMWD, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Board of Directors of CMWD has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The CMWD's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Board of Directors of CMWD; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable CMWD to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. The Board of Directors of the Carlsbad Municipal Water District of the City of Carlsbad, California, hereby ordains as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the CMWD in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by CMWD.

(d) During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" or "CWA" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" or "MWD" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the CMWD.

6. "District" or "CMWD" means the Carlsbad Municipal Water District.

SECTION 3.0 WATER WASTE PROHIBITIONS

The following water conservation measures will be in effect at all times:

1. Washing down impervious surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios with water from a pressurized source, such as a garden hose, except when it is necessary to alleviate safety or sanitation hazards. When used in this section impervious surface means any surface covered with non-porous material.

2. Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. is prohibited. Water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures is prohibited.

3. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

4. Use re-circulated water to operate ornamental fountains.

5. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle or a mobile high pressure/low volume wash system.

6. Serve and refill water in restaurants and other food service establishments only upon request.

7. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

8. Use recycled or non-potable water for construction purposes when available.

9. Single pass-through cooling systems as part of new water service connections will be prohibited. Non-recirculating systems in all new conveyer car wash and commercial laundry systems will also be prohibited.

10. The excess use, loss or escape of water through breaks, leaks or other, malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water could have reasonably been discovered and corrected.

SECTION 4.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the CMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to

implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the CMWD to declare and respond to an emergency, including an emergency that affects the ability of the CMWD to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the CMWD is subject to this ordinance in the use of the other water.

SECTION 5.0 AUTHORIZATION

The District General Manager, or a designated representative, is hereby authorized and directed to implement the provisions of this ordinance.

SECTION 6.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition may apply when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Executive Manager upon recommendation of the General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, CMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices.

1. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

2. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

3. Repair all water leaks within five (5) days of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

SECTION 7.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to

cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the CMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the CMWD. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 8.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition may apply when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the CMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the CMWD.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This section shall not apply to commercial growers or nurseries.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

4. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

5. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

6. Repair all leaks within forty-eight (48) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s).

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, the Board of Directors of CMWD will suspend consideration of annexations to its service area.

(e) The Board of Directors of CMWD may establish a water allocation for property served by the CMWD taking into consideration a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Board of Directors of CMWD establishes a water allocation notice of the allocation shall be provided by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Board of Directors of CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 9.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition may apply when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the CMWD to have maximum supplies available to meet anticipated demands. The CMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using CMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the CMWD has determined that recycled water is available and may be lawfully applied to the use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the CMWD unless other arrangements are made with the General Manager or Designee.

3. The District may install a flow restricting device for services of up to one and one-half inch (1-1/2") size and comparatively sized restrictors for larger services upon a prior determination that the customer has repeatedly violated the provisions of this Ordinance and that such action is reasonably necessary to assure compliance with this ordinance.

Any willful tampering with or removal of any flow restriction devise may result in termination of service for a period to be determined in writing by the General Manager.

Prior to any restoration of service, the customer may pay all District charges for any restriction of service and its restoration as provided for in the District's rules governing water service.

(c) The CMWD may establish a water allocation for property served by the CMWD. If the CMWD establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 10.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the CMWD's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the CMWD may implement Drought Response Level 1 actions. Under DMP Stage 2, the CMWD may implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the CMWD may implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

SECTION 11.0 PROCEDURES FOR DETERMINATION AND NOTICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Watch condition may be declared by the Executive Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Secretary of the CMWD and provided to the CMWD Board of Directors. The CMWD may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the CMWD. The CMWD may also post notice of the condition on their website.

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(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the CMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the CMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the CMWD shall publish a copy of the resolution in a newspaper used for publication of official notices. If the CMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The CMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 12.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to CMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to CMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by the General Manager of the CMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the CMWD Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the General Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the CMWD, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other CMWD customers.

B. That because of special circumstances applicable to the person, property or its use, the strict application of this ordinance would have a disproportionate impact on the person, property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the CMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject person, property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager or Designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to CMWD Executive Manager or Designee(s). An applicant may appeal a decision or condition of the General Manager on a variance application to the CMWD Executive Manager or Designee(s) within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At the appeal hearing, the CMWD Executive Manager or Designee(s) shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the CMWD Executive Manager or Designee(s) is final.

SECTION 13.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. For the first violation by any customer of any of the provisions of this Ordinance the District shall verbally notice the fact of such violation to the customer.

2. For a second violation by any customer of any of the provisions of this Ordinance the District shall issue a written notice of the fact of such violation to the customer.

3. For a third violation by a customer of any provision of this Ordinance the District may install a flow restricting device of one gallon per minute (1 GPM) capacity for services of up to one and one-half inch (1-1/2") size and comparatively sized restrictors for larger services upon a prior determination that the customer has repeatedly violated the provisions of this Ordinance regarding the conservation of water and that such action is reasonably necessary to assure compliance with this Ordinance regarding the conservation of water. In addition, the District may levy an administrative fine of one hundred dollars.

4. Two hundred dollars for a fourth violation of any provision of this ordinance within one year.

5. Five hundred dollars for each additional violation of this ordinance within one year.

(d) If determined by General Counsel to be necessary and appropriate, in lieu of administrative remedies above, each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(e) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Stage 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(f) All remedies provided for herein shall be cumulative and not exclusive.

(g) Any customer against whom a penalty is levied pursuant to this section shall have the right to appeal as follows:

1. The request must be in writing and received by the General Manager within ten (10) calendar days of the mailing of the notice of the action to the customer. Any determination not timely appealed shall be final. The written request shall include:

A. a description of the issue,
B. evidence supporting the claim, and
C. a request for resolution of the dispute.

The General Manager will review the material submitted and make an indepedent determination of the issue, which shall be mailed out within fifteen (15) calendar days of receipt of the appeal.

2. The General Manager's determination may be appealed in writing within ten (10) calendar days of the mailing of the notice of determination to the Board of Directors of the CMWD by filing with the Secretary of the CMWD a written notice of such appeal. The Secretary shall set the matter for a hearing before the Board of Directors at an upcoming Board meeting. Notice of the hearing shall be mailed out at least ten (10) calendar days prior to the date of the appeal. The Board may, in its discretion, affirm, reverse or modify the determination.

3. Fees for filing an appeal under this section shall be established by a resolution of the Board of Directors of the CMWD.

SECTION 14.0 REPEAL OF ORDINANCE NO. 35

Ordinance No. 35 of the Carlsbad Municipal Water District relating to the Necessity for and Adopting a Drought Response Conservation Program is hereby repealed in its entirety.

SECTION 15.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption.

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INTRODUCED AND FIRST READ at a Special Meeting of the Carlsbad Municipal Water District Board on the 16th day of December, 2008, and thereafter.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Carlsbad Municipal Water District Board, on the 6th day of January, 2009, by the following vote to wit:

AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, General Counsel
1-6-09

CLAUDE A. LEWIS, President

ATTEST:

LORRAINE M. WOOD, Secretary

(SEAL)

CARLSBAD MUNICIPAL WATER DISTRICT
ORGANIZED MAR. 22, 1954
CALIFORNIA

ORDINANCE NO. 15-OR0276-1

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE, CHAPTER 37, ARTICLE V REVISING AND UPDATING THE WATER CONSERVATION PROGRAM AND THE DROUGHT RESPONSE CONSERVATION MEASURES

WHEREAS, on March 27, 1991, the City Council adopted Ordinance No. O91-15, which established a water conservation program for the City; and

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, the State of California is experiencing unprecedented drought conditions with 2014 projected to become the driest year on record; and

WHEREAS, on January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; and

WHEREAS, the present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, the drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation; and

Whereas, present conditions create an imminent threat to the public health and welfare, and must be addressed immediately. Failure to address present conditions may result in a shortage of water for the Citizens of Oceanside, and could subject the City to substantial fines and penalties.

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

SECTION 1. Section 37.101, subdivision (a) of the Oceanside City Code shall be amended to read as follows:

Sec. 37.101 Declaration of Necessity and Intent

(a) This article establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the City of Oceanside in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times

SECTION 2. Sec.37.101.1, subdivisions (a) through (d) shall be amended to read as follows:

"Sec. 37.101.1 Application

(a) The provisions of this article apply to any person in the use of any water provided by the City of Oceanside, except that the provisions of this ordinance do not apply to use of recycled water.

(b) This article is intended solely to further the conservation of water. It is not intended to implement any provision of Federal, State, or local statutes ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to chapter 40 of the Oceanside City Code or the Regional Water Quality Control Board for information on any urban runoff/stormwater ordinances or urban runoff/stormwater management plans.

(c) Nothing in this article is intended to affect or limit the ability of the City of Oceanside to declare and respond to an emergency, including an emergency that affects the ability of the City of Oceanside to supply water.

(d) Nothing in this article shall apply to use of water that is subject to a special supply program, such as the Water Authority Special Agricultural Water Rate program. Violations of the conditions of the special supply program is subject to the penalties established under the applicable program. A person using water subject to a special supply program

and other water provided by the City of Oceanside is subject to this ordinance in the use of other water.

SECTION 3. Sec.37.103, subdivision (c) shall be amended to read as follows:

"Sec. 37.103

"(c) Water users shall not let water leave the property by draining onto adjacent properties or public or private roadways for any reason. Spraying hard surfaces during irrigation activities is prohibited."

SECTION 4. Sec.37.105, subdivision (k) shall be amended by adding the following:

"Sec. 37.105 Definitions

(k) "Grower" refers to those engaged in the growing or raising in conformity with recognized practices of husbandry, for the purpose of commerce trade or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market. *Grower* does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate program. All growers classified for agricultural use must be certified to meet the definition of Government Code section 51201, subdivision (b) and comply with the San Diego regional Agricultural Water Management Plan.

SECTION 5. Sec. 37.106, subdivisions (b) and (c) shall be amended to read as follows:

"Sec. 37.106. Conservation stages

(b) Drought Response Level 1 – Drought Watch Condition

1. A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The City of Oceanside never operates below a Level 1 condition in order to encourage water use efficiency and awareness.

2. During a Level 1 Drought Watch condition, the City of Oceanside actively promotes water efficiency through public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways or structures.

c. Irrigate residential and commercial landscape before 10:00 a.m. and after 6:00 p.m. only.

d. Stop the application of potable water to driveways and sidewalks.

e . Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

f. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 6:00 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time. Use re-circulated water to operate ornamental fountains.

g. Use re-circulated water to operate ornamental fountains.

h. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

i. Serve and refill water in restaurants and other food service establishments only upon request.

j. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

k. Repair all water leaks within five (5) days of notification by the City of Oceanside unless other arrangements are made with the water utilities director.

l. Use recycled or non-potable water for construction purposes when available

3. During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

(c) Drought Response Level 2 – Drought Alert Condition

1. A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to twenty (20) percent is required in order to have sufficient supplies available to meet anticipated demands. The Oceanside City Council shall adopt a resolution declaring the existence of a Drought Response Level 2 condition and implementing the mandatory Level 2 conservation measures identified in this ordinance.

2. All persons using City of Oceanside water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. This section shall not apply to commercial growers or nurseries unless under direct order by the Governor or by a State agency acting on his behalf.

b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per water station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro/irrigation systems or stream rotor sprinklers.

c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by subsection 37.106(c)2.a., on the same schedule set forth in subsection 37.106(c)2.a. by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation

d. Stop irrigation with potable water of ornamental turf on public street medians when under direct order by the Governor, or by a State agency acting on his behalf.

e. Repair all leaks immediately upon notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

f. Stop operating ornamental fountains or similar decorative water features unless recirculated water is used.

g. Stop all watering during and forty-eight (48) hours after measureable precipitation.

h. Stop irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development when under direct order by the Governor or by a State agency acting on his behalf.

SECTION 6. Severability.

If any section, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. Effective Date.

This ordinance shall be effective immediately upon its adoption by 4/5ths vote of the City Council in accordance with Government Code section 36937.

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INTRODUCED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside held on the 20th day of May, 2015,

by the following vote:

AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

MAYOR, CITY OF OCEANSIDE

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE, CHAPTER 37, REVISING AND UPDATING THE WATER CONSERVATION PROGRAM AND THE DROUGHT RESPONSE CONSERVATION MEASURES

City of Poway

Chapter 8.94

WATER CONSERVATION PLAN

Sections:

City of Poway

8.94.120 Appeals.

8.94.130 Supersedure.

8.94.140 Enforcement.

8.94.010 Declaration of necessity and intent.

A. This chapter establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable methods of use of water within the City of Poway in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

B. This chapter establishes water use efficiency measures applicable to all persons or businesses using City of Poway water at all times to increase water efficiency.

C. This chapter establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of water conservation actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening water supply conditions and decreasing available supplies.

D. Level 1 water conservation measures are voluntary and will be reinforced through local and regional public education and awareness measures. During water conservation Levels 2 through 4, conservation measures and water use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals. Violations may be subject to criminal, civil, and administrative penalties and remedies specified in this chapter and as provided in the Poway Municipal Code. (Ord. 682 § 1, 2008)

8.94.020 Definitions.

As used in this chapter:

A. “Active park and school ground areas” means those areas designated by public agencies and private schools for specific sporting and recreational activities and areas traditionally used for active play or recreation, where turf is an integral part of the activity. All other turf areas shall be considered ornamental.

B. “Agency” means the City of Poway.

C. “City Manager” means the City of Poway City Manager or the City Manager’s designee.

D. “Devices” shall mean any method utilized to conserve potable or reclaimed water supplies or to offset existing potable or reclaimed water supplies.

E. “DMP” means the Water Authority’s Drought Management Plan in existence on the effective date of the ordinance codified in this chapter and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

F. “Fire protection” means actions for prevention or suppression of fires as directed by the Fire Marshal or fire prevention officer with jurisdiction over the local area involved.

G. “Golf courses” means the ground or course over which golf is played for commercial recreational use. A standard full-scale golf course encompasses 125 to 175 acres, usually with 18 holes varying from 100 to 650 yards in length from tee to cup. Shall also be defined to include areas owned by the same entity associated with the golf course for practice, ornamentation, recreation, and/or hospitality, including structures.

H. “Greywater” means household water other than toilet water, including, but not limited to, water from the laundry, shower, tub, bathroom, and kitchen sinks. The exception mentioned for greywater depends solely upon approval of such use by the San Diego County Department of Health Services.

I. “Grower” refers to persons engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. “Grower” does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

J. “Metropolitan” means the Metropolitan Water District of Southern California.

K. “Micro-irrigation systems/equipment” means low-pressure, low-volume methods of water application. These devices include drip emitters, T-tape, microsprayers, a-jets, mini-sprinklers, twirlers, and spaghetti tubing. Pop-up sprinklers are not considered low-volume, low-pressure irrigation systems/equipment.

L. “Person” means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the City of Poway.

M. “Potable water” means water delivered by the City, which meets drinking water standards, or raw water delivered by the San Diego County Water Authority.

N. “Reclaimed water” means water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur.

O. “Recreational and ornamental lakes and ponds” means bodies of water which are not swimming pools or water storage reservoirs for potable water or irrigation purposes.

P. “Water Authority” means the San Diego County Water Authority.

Q. “Water used for agriculture” means water used to irrigate an agricultural crop or trees. (Ord. 682 § 1, 2008)

8.94.030 Application.

A. The provisions of this chapter apply to any person using any water, other than reclaimed water, provided by the City of Poway.

B. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of Federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

C. Nothing in this chapter is intended to affect or limit the ability of the City of Poway to declare and respond to an emergency, including an emergency that affects the ability of the City of Poway to supply water.

D. In the event of a local water supply emergency, for reasons that may or may not be related to the San Diego County Water Authority and/or its Drought Management Plan, the City Manager, acting as Director of Emergency Services, may immediately declare the appropriate water shortage response level pursuant to his or her powers under PMC 2.12.060, to be confirmed by the City Council at the earliest practical time.

E. The provisions of this chapter do not apply to use of water from private wells or to reclaimed water.

F. Nothing in this chapter shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the City of Poway is subject to this chapter in the use of the water that is not subject to the special supply program. (Ord. 682 § 1, 2008)

8.94.040 Water use efficiency measures

A. No water customer of the City of Poway shall knowingly make, cause, use or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by the conservation stages hereinafter designated, which are in effect pursuant to action taken by the City Manager in accordance with the provisions of this chapter.

B. Good water management practices dictate that water be used wisely and not wasted at any time. The following water use efficiency measures apply on a voluntary basis at all times, apply on a mandatory basis during a Water Shortage Level 1 based upon separate action of the City Council; and apply on a mandatory basis automatically during a Water Shortage Level 2, 3, or 4:

1. Do not wash down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when necessary to alleviate safety or sanitation hazards.

2. Do not allow water waste from inefficient landscape irrigation, such as runoff, low head drainage, or overspray and do not allow water flows onto nontargeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10:00 a.m. and after 6:00 p.m. only.

4. Use only a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 6:00 p.m. only. Watering is permitted at any time using a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Water for livestock is permitted at any time.

6. Use only recirculated water to operate ornamental fountains.

7. Wash vehicles only using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that recirculates (reclaims) water on site. Do not wash vehicles during hot conditions when additional water is required due to evaporation.

8. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

9. Do not use single-pass cooling equipment in new commercial applications, including, but not limited to, air conditioners, air compressors, vacuum pumps, and ice machines.

10. Use a water recirculation system for commercial conveyor car washes and all new commercial laundry systems.

11. Run only fully loaded dishwashers and washing machines.

12. Repair all water leaks within five days of notification by the City of Poway, unless other arrangements are made with the City Manager.

13. Use recycled or nonpotable water for construction purposes to the fullest extent possible when available. (Ord. 682 § 1, 2008)

8.94.050 Conservation levels.

A. Level 1 – Water Shortage Watch.

1. Activation. A Water Shortage Response Level 1 condition is also referred to as a "Water Shortage Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that, due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands.

2. Procedure. A Water Shortage Response Level 1 condition may be declared by the City Manager upon a written determination of the existence of facts and circumstances supporting the determination. A copy of the written determination shall be filed with the City Clerk and provided to the City Council. The City Manager shall publish a notice of the determination of the existence of the Water Shortage Response Level 1 condition in one or more newspapers, including a newspaper of general circulation used for publication of official notices. The City of Poway may also post notice of condition on its website.

During a Level 1 Water Shortage Watch condition, the City of Poway will increase its public education and outreach efforts to:

a. Ask customers to voluntarily reduce water use by 10 percent.

b. Inform customers of the water use efficiency measures listed in PMC 8.94.040.

c. Encourage customers to utilize the water conservation incentives and programs offered by the City of Poway and its suppliers.

During a Level 1 Water Shortage Watch condition, the water use efficiency measures identified in PMC 8.94.040 may become mandatory upon separate action of the City Council and are subject to the enforcement provisions identified in Chapters 1.08 and 1.10 PMC, and PMC 8.94.140.

The City Council may declare an end to a water shortage response level by adoption of a resolution at any regular or special meeting held in accordance with State law.

3. Water Use Restrictions. During a Level 1 Water Shortage Watch condition, in addition to the measures listed in PMC 8.94.040, the following measures are applicable on a voluntary basis to increase water use efficiency, unless made mandatory by action of the City Council:

a. Reset irrigation clocks as necessary to water once per week in winter, and not more than three times per week in summer.

b. Add water to maintain the level of water in swimming pools and spas only when necessary (to ensure proper operation of the pool filter). A cover shall be installed on all single-family residential pools and spas.

c. Serve and refill water in restaurants and other food service establishments only upon request.

B. Level 2 – Water Shortage Alert.

1. Activation. A Water Shortage Level 2 condition is also referred to as a “Water Shortage Alert” condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands.

2. Procedure. The City Manager may declare a Water Shortage Response Level 2 and implement the mandatory Level 2 conservation measures identified in this chapter, with ratification by the City Council by resolution at their next regularly scheduled City Council meeting held in accordance with State law. The mandatory conservation measures applicable to a Water Shortage Response Level 2 condition shall take effect on the tenth day after the date the response level is declared, or upon an identified date thereafter. Within five days following the declaration of the response level, the City shall publish a copy of the resolution in a newspaper of general circulation used for publication of official notices. The City of Poway may also post notice of condition on its website.

The City Council may declare an end to a water shortage response level by adoption of a resolution at any regular or special meeting held in accordance with State law.

3. Water Use Restrictions. During a Level 2 Water Shortage Alert, the water use efficiency measures identified in PMC 8.94.040 and at Level 1 Water Shortage Watch are mandatory for all persons using City of Poway water in addition to the following mandatory conservation measures:

a. Landscape watering shall be conducted only in conformance with landscape watering schedules and restrictions for commercial and residential properties approved by the City Manager. The watering schedule and restrictions may address factors such as how many days during the week, which days of the week, the amount of time per watering station, and other pertinent details. Watering of landscaped areas that are not irrigated by a landscape irrigation system shall be subject to the same watering schedule and restrictions, using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

b. All leaks shall be repaired within 72 hours of notification by the City of Poway, unless other arrangements are made with the City Manager.

c. If the mandatory reduction level is less than 15 percent, ornamental fountains or similar decorative water features shall not be operated for more than six hours per day. If the mandatory reduction level is more than 15 percent, ornamental fountains shall not be operated unless reclaimed water is used.

d. If the mandatory reduction level is less than 15 percent, pool covers shall be encouraged but not required. If the mandatory reduction level is more than 15 percent, pool covers shall be required.

4. Allocation. During a Level 2 Water Shortage Alert, the City of Poway is authorized by action of the City Council to establish a water allocation for property receiving water service from the City of Poway, and to establish a penalty for any person that uses water in excess of their allocation.

5. Rate Structure. During a Water Shortage Response Level 2 condition, in addition to water use restrictions, the City is authorized by action of the City Council to implement a conservation rate structure designed to encourage water conservation. This rate structure may also include penalties to be used during periods of water allocation.

C. Level 3 – Water Shortage Critical.

1. Activation. A Water Shortage Level 3 condition is also referred to as a “Water Shortage Critical” condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands.

2. Procedure. The City Manager may declare a Water Shortage Response Level 3 and implement the mandatory Level 3 conservation measures identified in this chapter, with ratification by the City Council by resolution at their next regularly scheduled City Council meeting held in accordance with State law. The mandatory conservation measures applicable to a Water Shortage Response Level 3 condition shall take effect on the tenth day after the date the response level is declared, or upon an identified date thereafter. Within five days following the declaration of the response level, the City shall publish a copy of the resolution in a newspaper of general circulation used for publication of official notices. The City of Poway may also post notice of condition on its website.

The City Council may declare an end to a water shortage response level by adoption of a resolution at any regular or special meeting held in accordance with State law.

3. Water Use Restrictions. All persons using City of Poway water shall comply with Level 1 Water Shortage Watch and Level 2 Water Shortage Alert water conservation practices during a Level 3 Water Shortage Critical condition and shall also comply with the following additional mandatory conservation measures:

a. Landscape watering shall be conducted only in conformance with landscape watering schedules and restrictions for commercial and residential properties approved by the City Manager, which may be further restricted from the Level 1 requirements. The watering schedule and restrictions may address factors such as how many days during the week, which days of the week, the amount of time per watering station, and other pertinent details. Watering of landscaped areas that are not irrigated by a landscape irrigation system shall be subject to the same watering schedule and restrictions, using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

b. Vehicles shall not be washed except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.

c. Emptying and refilling of swimming pools and spas is prohibited unless approved by the City Manager.

d. All leaks shall be repaired within 48 hours of notification by the City of Poway unless other arrangements are made with the City Manager.

4. Upon the declaration of a Water Shortage Response Level 3 condition and by separate action of the City Council, the City of Poway is authorized to mandate that no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, unless findings are made that one or more of the following circumstances applies:

a. A valid, unexpired building permit has been issued for the project; or

b. The project is necessary to protect the public's health, safety, and welfare; or

c. The applicant provides substantial evidence prior to the provision of a new water meter(s) of an enforceable commitment that water demands for the project will be offset to the satisfaction of the City of Poway; or

d. The City may allow new development to utilize conservation offsets and/or water-efficient technology in order to connect to the City's water system and access the City's water supply.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

5. Upon the declaration of a Water Shortage Response Level 3 condition and by separate action of the City Council, the City of Poway is authorized to suspend consideration of annexations to its service area.

6. Allocation. During a Level 3 Water Shortage Alert, the City of Poway is authorized by action of the City Council to establish a water allocation for property receiving water service from the City of Poway, and to establish a penalty for any person that uses water in excess of their allocation.

7. Rate Structure. During a Water Shortage Response Level 3 condition, in addition to water use restrictions, the City is authorized by action of the City Council to implement a conservation rate structure designed to encourage water conservation. This rate structure may also include penalties to be used during periods of water allocation.

D. Level 4 – Water Shortage Response Emergency.

1. Activation. A Water Shortage Level 4 condition is also referred to as a "Water Shortage Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code Section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the City of Poway to have sufficient supplies available to meet anticipated demands.

2. Procedure. The City of Poway shall declare a water shortage emergency in the manner and on the grounds provided in California Water Code Section 350. The mandatory conservation measures applicable to a Water Shortage Response Level 4 condition shall take effect on the tenth day after the date the response level is declared, or upon an identified date thereafter. Within five days following the declaration of the response level, the City shall publish a copy of the resolution in a newspaper of general circulation used for publication of official notices. The City of Poway may also post notice of condition on its website.

The City Council may declare an end to a water shortage response level by adoption of a resolution at any regular or special meeting held in accordance with State law.

3. Water Use Restrictions. All persons using City of Poway water shall comply with conservation measures required during Level 1 Water Shortage Watch, Level 2 Water Shortage Alert, and Level 3 Water Shortage Critical conditions, and shall also comply with the following additional mandatory conservation measures:

a. Do not irrigate landscape, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use (unless the City of Poway has determined that recycled water is available and may be lawfully applied to the use to the fullest extent possible):

i. Maintenance of trees and shrubs that are watered on the same schedule set forth at Level 3 by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

ii. Maintenance of existing landscaping necessary for fire protection as specified by the Poway Fire Marshal;

iii. Maintenance of existing landscaping for erosion control, as determined by the City Manager;

iv. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals, as determined by the City Manager;

v. Maintenance of landscaping within active playing fields, day care centers, and school grounds; provided, that such irrigation does not exceed two days per week according to the schedule established by the City Manager;

vi. Water for livestock; and

vii. Public works projects and actively irrigated environmental mitigation projects.

b. All leaks must be repaired within 24 hours of notification by the City of Poway unless other arrangements are made with the City Manager.

4. Allocation. During a Level 4 Water Shortage Alert, the City of Poway is authorized by action of the City Council to establish a water allocation for property receiving water service from the City of Poway, and to establish a penalty for any person that uses water in excess of their allocation.

5. Rate Structure. During a Water Shortage Response Level 4 condition, in addition to water use restrictions, the City is authorized by action of the City Council to implement a conservation rate structure designed to encourage water conservation. This rate structure may also include penalties to be used during periods of water allocation. (Ord. 696 § 1, 2009; Ord. 682 § 1, 2008)

8.94.060 City-maintained parks, landscaped areas, and facilities.Share

The provisions of this chapter apply to City-maintained parks, athletic fields, landscaped areas, and facilities, with the exception of the watering schedule restrictions. Aggregate water use for these

properties shall be restricted at the same level as required of the City of Poway as a water agency. (Ord. 682 § 1, 2008)

8.94.065 Poway Unified School District-maintained landscaped areas and facilities.

The provisions of this chapter apply to Poway Unified School District-maintained landscaped areas and facilities, with the exception of watering schedule restrictions. Water use shall be restricted at the same level as required of the City of Poway as a water agency. (Ord. 696 § 2, 2009)

8.94.070 Golf courses.

The provisions of this chapter apply to golf courses, with the exception of watering schedule restrictions. Golf course water use shall be restricted at the same level as required of the City of Poway as a water agency, including raw and potable water. (Ord. 682 § 1, 2008)

8.94.080 Commercial growers and nurseries.

The provisions of this chapter apply to commercial growers and nurseries, with the exception of watering schedule restrictions. Water use by commercial growers and nurseries shall be restricted at the same level as required of the City of Poway as a water agency, including raw and potable water. (Ord. 682 § 1, 2008)

8.94.090 Correlation between Drought Management Plan and water shortage response levels.

A. The correlation between the Water Authority's Drought Management Plan (DMP) stages and the City of Poway's water shortage response levels identified in this chapter is described herein. Under DMP Stage 1, the City of Poway would implement Water Shortage Response Level 1 actions. Under DMP Stage 2, the City of Poway would implement Water Shortage Response Level 1 or Level 2 actions. Under DMP Stage 3, the City of Poway would implement Water Shortage Response Level 2, Level 3, or Level 4 actions.

B. The water shortage response levels identified in this chapter correspond with the Water Authority DMP as identified in the following table:

Water Shortage Response Levels

Use Restrictions

City of Poway

Conservation Target

DMP Stage

1 – Water Shortage Watch Voluntary Up to 10%

Stage 1 or 2

2 – Water Shortage Alert Mandatory Up to 20%

Stage 2 or 3

3 – Water Shortage Critical Mandatory Up to 40%

Stage 3

4 – Water Shortage Emergency Mandatory Above 40%

Stage 3

(Ord. 682 § 1, 2008)

8.94.100 New landscaping and postponement of required landscaping.

A. New Landscaping. The City Manager may grant an exemption or a modification to the required watering schedule restrictions to property owners who have installed new low water use landscaping in order to establish the plants.

B. Postponement of Required Landscaping. The City Manager is authorized to direct developers of approved projects to postpone installation of required landscaping plant materials upon written agreement to install said improvements within six months of a change in the designated conservation stage. The developer's condition of approval to install landscaping shall be deemed satisfied by the execution of an agreement guaranteed by cash deposit, surety bond, letter of credit, or other security form acceptable to the City Attorney and in an amount equal to 150 percent of the installation cost as estimated by the City Manager. (Ord. 682 § 1, 2008)

8.94.110 Hardship variance.

A. If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to City of Poway water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

B. The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to City of Poway water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be on a form prescribed by the City of Poway and shall be accompanied by a nonrefundable processing fee in an amount set by resolution of the Poway City Council.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and/or other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property shown by the records of the City of Poway, all of the following:

a. That the variance does not constitute a grant or special privilege inconsistent with the limitations upon other City of Poway water customers.

b. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

c. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of Poway to effectuate the purpose of this chapter and will not be detrimental to the public interest.

d. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The City Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory water shortage response. (Ord. 682 § 1, 2008)

8.94.120 Appeals.

A. An appeal shall be filed in writing with the City Clerk to review any action taken by the City Manager hereunder within 15 days of the date of service or mailing of the written decision made pursuant to PMC 8.94.110. Appeals filed late shall be denied. Appeals shall be conducted using an independent hearing officer, according to the appeal procedure set forth for administrative citations in PMC 1.10.070 through 1.10.110, except that the deposit required by PMC 1.10.070 shall not be applicable.

B. The appeal shall be granted in whole or in part, or denied, in accordance with the following standards:

1. Protection of the public health, safety and welfare;

2. The existence of special circumstances creating an undue or unreasonable hardship on appellant; provided, that granting of the appeal, in whole or in part, shall not constitute a privilege to the appellant

not enjoyed by others in the same circumstances, shall not cause water to be wasted or used in an unreasonable manner, and shall not be contrary to the purpose of this chapter. (Ord. 682 § 1, 2008)

8.94.130 Supersedure.

If any provisions of this chapter are inconsistent with previous actions of the City Council pertaining to plans to respond to drought conditions, the provisions hereof shall supersede such inconsistent provisions. (Ord. 682 § 1, 2008)

8.94.140 Enforcement.

In addition to the penalties set forth in Chapters 1.08 and 1.10 PMC for the violation of a City ordinance, the following penalties shall apply to any person, corporation, or association violating any provision of this chapter:

A. A first violation shall result in a letter of warning accompanied by a copy of this chapter.

B. A second violation shall result in a $100.00 surcharge, which will be added to the water bill.

C. A third violation within a 12-month period shall result in a $200.00 surcharge, which will be added to the water bill.

D. Any subsequent violation occurring within one year of any third violation shall result in a $500.00 surcharge, which will be added to the water bill, and possible installation of a flow restrictor, until the sunset of the ordinance codified in this chapter.

E. Any further violation may result in the water service being turned off.

The City Manager shall determine if and when violations occurred. Any person disagreeing with the notice of violation may appeal in accordance with PMC 8.94.110 and 8.94.120 hereafter by written notice received by the City Clerk within 15 days of the date of notice of violation. Any notice of violation not timely appealed shall be final. Pending any appeal provided for herein, the City Manager may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water condition.

Any surcharge hereunder shall be in addition to the basic water rates or other charges of the City for the account, shall appear on and be payable with the first billing statement for the period during which the

violation occurred, and be subject to the same remedies that are imposed by the City for the failure to pay other charges.

In addition to any surcharges mentioned above, all costs for installing or removing any flow restrictor devices and/or any charges to discontinue or restore service shall be the sole cost of the customer whose service is affected and shall be paid promptly upon being billed. (Ord. 682 § 1, 2008)

Article 26. Water Shortage Response Program.

Sec. 26.1 Declaration of Policy.

California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The Board of Directors hereby establishes a comprehensive water conservation program pursuant to California Water Code Sections 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage.

Sec. 26.1.1 IAWP Reduction Program

The Metropolitan Water District of Southern California (MWD) Interim Agricultural Water Program (IAWP) provides discounted wholesale supply and treatment pricing for qualified agricultural users within its service area on the basis that participants receive non-firm, interruptible supply up to the maximum allowed under Section 4901 of the MWD Administrative Code. During periods of water shortages imposed by MWD, those customers who are participating in the IAWP shall abide by the conditions set forth by MWD for implementation of the IAWP Reduction Program. Administration of the IAWP Reduction Plan is incorporated by reference in Article 19 of this Administrative Code.

Sec. 26.2 Findings.

The Board of Directors finds and determines that a water shortage could exist as a result of a general regional water supply shortage due to increased demand or limited supplies.

The Board of Directors also finds and determines that the conditions prevailing in the coastal San Diego County area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the Fallbrook Public Utility District and for the public welfare.

NORMAL CONDITIONS. The District's service area is in a semi-arid climate. Good water management practices dictate that water be used wisely and not wasted at any time. Customers are requested to follow the guidelines presented in Sec. 26.8.1. Under Normal Conditions, the District will provide public education and outreach efforts to emphasize public awareness of the need to always voluntarily use water wisely and practice water conservation measures.

Sec. 26.3 Application.

The provisions of this Administrative Code shall apply to all water served to persons, customers, and property by the Fallbrook Public Utility District.

Sec. 26.4 Determination and Declaration by General Manager of Water Supply Conditions.

Based on information provided by the District's wholesale water agency of water availability supplies, the Fallbrook Public Utility District General Manager (or in the General Manager's absence his designee) is hereby authorized and directed to implement the provisions of this Administrative Code. Additionally, the General Manager (or in the General Manager's absence, his designee) is hereby authorized to make minor and limited exceptions to prevent undue hardship or unreasonable restrictions, provided that water shall not be wasted or used unreasonably and the purpose of this Administrative Code can be accomplished. Any such exceptions shall be reported to the Board of Directors at the next meeting.

The General Manager (or in the General Manager's absence his designee) shall from time to time based upon all available data determine and declare whether the District's water supply is in the following condition and post a notice thereof in the District's lobby and publish said notice in the local newspaper:

WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE WATCH CONDITION. This level applies when the San Diego County Water Authority notifies its member agencies that due to water shortage or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Water Shortage Response Level 1 condition and take action to implement the Level 1 conservation practices identified in Sec. 26.8.2. The District will suspend consideration of annexations to its service area.

The Board of Directors shall from time to time based upon all available data determine and declare whether the District's water supply is in one of the following conditions and post a notice thereof in the District's lobby and publish said notice in the local newspaper:

WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE ALERT CONDITION. This level applies when the San Diego County Water Authority notifies its member agencies that due to cutbacks caused by water shortages or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors shall declare the existence of a Water Shortage Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in Sec. 26.8.3. The District will suspend consideration of annexations to its service.

No new potable water service shall be provided, no new temporary meters or temporary meters shall be provided, and no statements of immediate availability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued.

WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE CRITICAL CONDITION. This level applies when the San Diego County Water Authority notifies its member agencies that due to increasing cutbacks caused by water shortages or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors shall declare the existence of a Water Shortage Response Level 3 condition and implement the Level 3 conservation measures identified in Sec. 26.8.4. The District will

suspend consideration of annexations to its service area and no new potable water service shall be provided and no statements of immediate ability to serve or provide potable water service shall be issued.

WATER SHORTAGE RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION. This level applies when the San Diego County Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code Section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40% in order for the District to have maximum supplies available to meet anticipated demands. The District shall declare a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350.

The General Manager is authorized to require submission of water use curtailment plans from those users having the largest effect on overall District consumption in order to protect the minimum supplies necessary to provide for public health, sanitation, and fire protection. Failure to provide curtailment plans in a timely manner or plans that do not meet the required cutbacks shall authorize the District to install flow restrictors at the meter or termination of service.

Sec. 26.5 Implementation of Emergency Water Management Program.

California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity.

At such time when the Board of Directors of the District finds and determines that by reason of an anticipated general water supply shortage, inadequate San Diego County Water Authority distribution facilities, or the prospect of a major failure of the supply and distribution facilities of the Metropolitan Water District of Southern California exists, the Board may adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. In addition, the Board may also find and determine that the conditions prevailing in the coastal San Diego county area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people within the Fallbrook Public Utility District service area and for the public welfare.

The General Manager shall determine the extent of the emergency conservation required in order for the District to prudently plan for and supply water to its customers. Thereafter, the General Manager may order that the Emergency Water Management Program be implemented or terminated in accordance with the applicable provisions of this Article of the Administrative Code. The declaration of a water emergency shall be made by public announcement and notice shall be published a minimum of three (3) consecutive times in a newspaper of general circulation and shall become effective immediately upon announcement.

The declaration shall be reported to the Board of Directors at its next regular meeting. The Board of Directors shall thereupon ratify the declaration or rescind the declaration, and may adopt such additional rules and regulations to limit water use during the emergency as it deems appropriate.

Sec. 26.6 Duration of Declaration.

As soon as a particular condition is declared to exist, the water conservation measures provided for herein for that condition shall apply to all District water service until a different condition is declared.

Sec. 26.7 Mandatory and Discretionary Use of Recycled Water.

Nothing in this Administrative Code shall prohibit or limit the use of recycled water for any purposes listed herein. No customer of the District shall make, cause, use or permit the use of potable water supplied by the District for construction grading on major subdivisions, paved surface cleaning, or greenbelt uses, including, but not limited to, cemeteries, playing fields, parks, and highway landscaped areas, when, following notice and a hearing, the District finds that recycled water is available under the following conditions:

1. The recycled water is of adequate quality and is available for use.

2. The recycled water may be furnished to such areas at a reasonable cost, equal to or less than the cost of supplying potable domestic water.

3. The State Department of Health Services has determined that such use would not be detrimental to public health.

4. The use of recycled water will not adversely affect downstream water rights, and will not degrade water quality.

Sec. 26.8 Water Conservation Stages.

Sec. 26.8.1 NORMAL CONDITIONS.

During Normal Conditions, customers are asked to use water wisely and to practice water conservation measures so that water is not wasted.

No water furnished by the District will be wasted. All water withdrawn from District facilities shall be put to reasonable beneficial use. Waste of water includes, but is not limited to:

1. Do not wash down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Eliminate water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/ equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation**.**

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Repair all water leaks within five (5) days of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available.

Sec. 26.8.2 WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE WATCH CONDITION.

During a Level 1 Water Shortage Watch condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices.

All persons using District water shall comply with Normal Conditions water conservation practices during a Level 1 Water Shortage Watch, as identified in Sec. 26.8.2.

Upon declaration of a Level 1 Water Shortage Watch condition, the District will suspend consideration of annexations to its service area except under the following circumstances:

1. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Fallbrook Public Utility District.

Sec. 26.8.3 WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE ALERT CONDITION.

During a Level 2 Water Shortage Alert condition, all persons using District water shall comply with Normal and Level 1 Water Shortage Watch water conservation practices during a Level 2 Water Shortage Alert, as identified in Sec. 26.8.2 and 26.8.3, and shall also comply with the following additional conservation measures:

1. During the months of June through October, limit residential and commercial landscape irrigation to no more than two (2) days per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During extreme Santa Ana conditions (temperature > 80 and easterly winds > 20 mph), one additional day per week of watering is allowed. This section shall not apply to commercial growers or nurseries. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

5. No new potable water service shall be provided, no new temporary meters or temporary meters shall be provided, and no statements of immediate availability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

   (a) A valid, unexpired building permit has been issued for the project; or

   (b) The project is necessary to protect the public's health, safety, and welfare; or

   (c) Unless the Board of Directors determines that the new request for service will have no impact on water demand for the district (any water demand

associated with a proposed action is completely offset by conservation, reclamation, or new water supplies, etc.); and the applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.

For Levels 2 and above, the District may establish a water allocation for property served by the Fallbrook Public Utility District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices and allows for the banking and subsequent use of unused allocations. For domestic and multi-unit classes, the district may instead of allocations establish a tiered pricing structure which promotes conservation. These rates shall be calculated as follows:

Normal/Shortage Level 1

Domestic	Multi-Unit
Units 1-5 @ .90 x Base Rate	Units 1-5 @ .90 x Base Rate
Units 6-30 @ Base Rate	Units 6-18 @ Base Rate
Units 31+ @ 1.1 x Base Rate	Units 19+ @ 1.1 x Base Rate

Shortage Level 2

Domestic	Multi-Unit
Units 1-5 @ .90 x Base Rate*	Units 1-5 @ .90 x Base Rate
Units 6-27 @ Base Rate	Units 6-17 @ Base Rate
Units 28-54 @ 1.5 x Base Rate	Units 18-34 @ 1.5 x Base Rate
Units 55-81 @ 1.75 x Base Rate	Units 35-50 @ 1.75 xBase Rate
Units 82+ @ 2 x Base Rate	Units 51+ @ 2 x Base Rate

Shortage Level 3

Domestic	Multi-Unit
Units 1-5@ .90 x Base Rate*	Units 1-5 @ .90 xBase Rate
Units 6-22 @ Base Rate	Units 6-14 @ Base Rate
Units 23-45 @ 1.75 x Base Rate	Units 15-22 @ 1.75 x Base Rate
Units 46-67 @ 2 x Base Rate	Units 23-31 @ 2 x Base Rate
Units 68+ @ 2.5 x Base Rate	Units 32+ @ 2.5 x Base Rate

Shortage Level 4

Domestic	Multi-Unit
Units 1-5 @ .90 x Base Rate	Units 1-5 @ .90 x Base Rate
Units 6-15 @ Base Rate	Units 6-9 @ Base Rate
Units 16-30 @ 2 x Base Rate	Units 10-18 @ 2 x Base Rate
Units 31-45 @ 2.5 x Base Rate	Units 19-27 @ 2.5 x Base Rate
Units 46+ @ 3 x Base Rate	Units 28+ @ 3 x Base Rate

(See attached "Domestic Class Block Ranges at Different Shortage Levels" bar graph for conservation rates effective July 2014.)

If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of the current Metropolitan Water District of Southern California (MWD) Tier 2 rate, times 2, for each unit of usage greater than the allocation but less than 115% of the allocation, and a penalty equal to the MWD Tier 2 rate, times four, for each unit of water in excess of 115% of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

Sec. 26.8.4 WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE CRITICAL CONDITION.

During a Level 3 Water Shortage Critical condition, all persons using District water shall comply with Normal, Level 1 Water Shortage Watch and Level 2 Water Shortage Alert water conservation practices during a Level 3 Water Shortage Critical condition and shall also comply with the following additional mandatory conservation measures:

1. During the months of June through October, limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extend needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

Sec. 26.8.5 WATER SHORTAGE RESPONSE LEVEL 4 – WATER SHORTAGE EMERGENCY CONDITION.

During a Level 4 Water Shortage Emergency condition, all persons using District water shall comply with Normal, Level 1 Water Shortage Watch, Level 2 Water Shortage Alert, and Level 3 Water Shortage Critical water conservation practices during a Level 4 Water Shortage Emergency and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the Fallbrook Public Utility District has determined that recycled water is available and may be lawfully applied to the use.

   A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

   B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection Fallbrook Public Utility District having jurisdiction over the property to be irrigated;

   C. Maintenance of existing landscaping for erosion control;

   D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

   E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

   F. Watering of livestock; and

   G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or

by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of the current Metropolitan Water District of Southern California (MWD) Tier 2 rate, times 2, for each unit of usage greater than the allocation but less than 115% of the allocation, and a penalty equal to the MWD Tier 2 rate, times four, for each unit of water in excess of 115% of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

3. Agricultural (IAWP) customers as defined in the Metropolitan Water District Code must abide by any IAWP restrictions that may be in place.

Water consumed during each billing period will be compared to the assigned target. Any use below the target will be accumulated and carried forward. The customer's cumulative use will be compared with the cumulative target, and any total usage above the target will be billed at the "above target" rates. This cumulative comparison will continue as long as these special water conservation rates are in effect. Below target usage "credits" will be carried forward until the cumulative target is exceeded, at which time, all cumulative "over target" use will be billed at the "above target" rates and the cumulative comparison process will start over.

Sec. 26.9 Implementation of Conservation Levels**.**

The General Manager shall monitor the projected supply and demand for water by its customers on a daily basis. The General Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the District to prudently plan for and supply water to its customers. Thereafter, the General Manager may order or recommend to the Board of Directors that the appropriate level of water conservation be implemented or terminated in accordance with the applicable provision of this Administrative Code. The declaration of any level beyond Water Shortage Response Level 1shall be made by public announce-ment and notice shall be published a minimum of three (3) consecutive times in a newspaper of general circulation. The level designated shall become effective immediately upon announcement. The declaration of any level beyond Water Shortage Response Level 1 shall be by action of the Board of Directors.

Sec. 26.10 Variances.

If, due to unique circumstances, a specific requirement of this Article of the Administrative Code would result in undue hardship to a person using District water or to property upon which the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using

District water or to property upon with the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

A Citizens Appeals Committee may be established by the Board of Directors to handle appeals to allocations for special circumstances that exist in Levels 2, 3 or 4 allocations. All appeals must be in writing. The determination of the Citizens Appeals Committee will be provided to the customer in writing. The following are some examples of appealable circumstances, but is not intended to be all inclusive:

1. Commercial buildings that were empty or partially occupied during base period but are now occupied to a greater degree and require more water.

2. A grove with new trees planted a year before the base period began that, in the third year of growth, would need additional water.

3. Agricultural land used for annual crops that had abnormally low irrigation application during the base year.

4. Customers with more than one water service account and wish to transfer portions of one meter allocation to another.

5. Domestic (3/4" bi-monthly billing) customers whose usage would more appropriately be assigned a Target and billed monthly like the domestic (1") accounts, or vice versa.

Sec. 26.10.1 Application.

Application for a variance shall be a form prescribed by Fallbrook Public Utility District and shall be accompanied by a non-refundable processing fee in an amount of Fifty Dollars ($50.00) for FY 2009-10. which shall increase annually by the percentage increase in the Cost of Living for the San Diego Area.

Sec. 26.10.2 Supporting Documentation.

The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

Sec. 26.10.3 Required Findings for Variance.

An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the Fallbrook Public Utility District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Fallbrook Public Utility District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Fallbrook Public Utility District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

Sec. 26.10.4. Approval Authority.

The Citizens Appeals Committee or the General Manager shall exercise approval authority and act upon any completed application no later than 20 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

Sec. 26.10.5 Appeals to Fallbrook Public Utility District Board of Directors.

An applicant may appeal a decision or condition of the Citizens Appeals Committee or the General Manager on a variance application to the Fallbrook Public Utility District Board of Directors within 10 days of the written decision upon written request for a hearing. The request shall state the grounds for the appeal. Any determination not appealed within ten (10) days is final. At a public meeting, the Fallbrook Public Utility District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Fallbrook Public Utility District Board of Directors is final.

Sec. 26.11 Violations and Penalties.

Any person who uses, causes to be used, or permits the use of water in violation of this Article is guilty of an offense punishable as provided herein. Each day that a violation of this Article occurs is a separate offense. Administrative fines may be levied for each violation of a provision of this section as follows:

A. One hundred dollars ($100.00) for a first violation within any 12-month period, after an initial warning has been issued.

B. Two hundred dollars ($200.00) for a second violation of any provision of this Article within any twelve-month period.

C. Five hundred dollars ($500.00) for each additional violation of this Article within any twelve-month period.

D. Violation of a provision of this Article is subject to enforcement through installation of a flow-restricting device in the meter.

ARTICLE 26
Sec. 26.6 – Rev. 7/97 Sec. 26.4, Sec. 26.5, Sec. 26.8.2 – Rev. 10/07 Article 26 revised in its entirety – 6/08 Sec. 26.8.3, 26.9, 26.10 , 26.10.1, 26.10.2, 26.10.3, 26.10.4, 26.10.5, and addition of Domestic Class and Multi-Unit Class rates– Rev. 6/09 Sec. 26.8.3 –Rev. 10/09 Sec. 26.8.3 – Rev. 5/11 Sec. 26.8.3 – Rev. 8/14 Sec. 26.11 – Rev 6/15

ORDINANCE NO. 427

AN ORDINANCE OF OLIVENHAIN MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO. 426 REGARDING WATER SUPPLY SHORTAGE CONDITIONS

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, it is under the purview of the Governor of the State of California to declare a statewide emergency when necessary due to severe drought conditions; and

WHEREAS, the State Water Resources Control Board continues to implement statewide regulations to reduce California's potable water use; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water use efficiency program will allow Olivenhain Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by San Diego County Water Authority, which obtains a substantial portion of its supplies from Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this state and of the southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, San Diego County Water Authority has adopted an Urban Water Management Plan that includes water use efficiency as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of San Diego County Water Authority's 24 member agencies, including Olivenhain Municipal Water District. San Diego County Water Authority's Urban Water Management Plan also includes a contingency analysis

of actions to be taken in response to water supply shortages. This ordinance is consistent with San Diego County Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Water Shortage and Drought Response Plan, which establishes a progressive program for responding to water supply limitations resulting from a water supply shortage condition. This ordinance is generally intended to be consistent with and to implement the Water Shortage and Drought Response Plan; and

WHEREAS, the Water Shortage and Drought Response Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains water supply shortage response levels that correspond with Water Shortage and Drought Response Plan stages; and

WHEREAS, Olivenhain Municipal Water District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to climatic conditions, regulatory restrictions enacted upon imported supplies, and other factors. Olivenhain Municipal Water District has adopted an Urban Water Management Plan that includes water use efficiency as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. Olivenhain Municipal Water District's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by Olivenhain Municipal Water District; and

WHEREAS the water use efficiency measures, progressive restrictions on water use, and method of use identified by this ordinance provide certainty to water users and enable Olivenhain Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public that are consistent with those restrictions being enforced across the state and in the San Diego County region.

NOW, THEREFORE, the Board of Directors of Olivenhain Municipal Water District does ordain and declare as follows:

SECTION 1.0: DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, ensure reasonable and beneficial use of water,

prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within Olivenhain Municipal Water District in order to ensure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of water supply shortage, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages or declared water shortage emergencies. It establishes four levels of water supply shortage response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening water supply shortage conditions and decreasing available supplies.

(c) Level 1 Water Supply Shortage water use restrictions are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by Olivenhain Municipal Water District. During Water Supply Shortage Levels 2 through 4, all water use efficiency measures and water use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Level 2 Water Supply Shortage or higher, the water use efficiency measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in Olivenhain Municipal Water District's Administrative and Ethics Code.

SECTION 2.0: DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to cutbacks under the terms of wholesaler agricultural water rate programs.

2. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by Olivenhain Municipal Water District.

SECTION 3.0: APPLICATION

(a) The provisions of this ordinance apply to any Person in the use of any water provided by Olivenhain Municipal Water District.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of Olivenhain Municipal Water District to declare and respond to an emergency, including an emergency that affects the ability of Olivenhain Municipal Water District to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells, graywater, or recycled water. However, the State Water Resources Control Board may require commercial, industrial, and institutional properties that are not served by a water supplier (or are self-supplied, such as by a groundwater well) to either reduce water use by a specified percentage or to restrict outdoor irrigation to a specified number of days per week. No reporting is required, but these properties must maintain documentation of their water use and practices.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the San Diego County Water Authority's special agricultural water rate program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A Person using water subject to a special supply program and other water provided by Olivenhain Municipal Water District is subject to this ordinance in the use of the other water.

SECTION 4.0: LEVEL 1 WATER SUPPLY SHORTAGE

(a) A Level 1 Water Supply Shortage shall apply under one of the following conditions:

1. When San Diego County Water Authority notifies its member agencies or Olivenhain Municipal Water District's General Manager determines that, due to water supply reductions, there is a reasonable probability that there will be supply shortages and that a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands; or

2. When Olivenhain Municipal Water District's General Manager or Board of Directors deems such action necessary due to drought and/or limited water supply conditions.

The General Manager shall declare the existence of a Level 1 Water Supply Shortage and take action to implement the Level 1 water use efficiency measures identified in this ordinance.

(b) During a Level 1 Water Supply Shortage, Olivenhain Municipal Water District will increase its public education and outreach efforts to increase public awareness of the need to implement the following water use efficiency measures:

1. Stop washing down non-permeable, paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards, or for one-time improvement projects such as cleaning a driveway prior to re-sealing.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 8 a.m. and after 6 p.m. only. This section shall not apply to the use of a hand-held hose equipped with a shut-off nozzle to water landscaped areas.

4. Use a hand-held hose equipped with a shut-off nozzle to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a shut-off nozzle, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time.

Watering of livestock is permitted at any time.

6. Repair all water leaks within five (5) days of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.

7. Discontinue landscape irrigation during and within 48 hours of measurable rainfall.

8. Stop using potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.

9. Restaurants and food service establishments may only serve and refill water upon request.

10. Commercial lodging establishments may offer guests the option of not laundering towels and linens daily.

(c) During a Level 2 Water Supply Shortage or higher, all Persons shall be required to implement the water use efficiency measures established in a Level 1 Water Supply Shortage.

(d) A Level 1 Water Supply Shortage may be discontinued by the General Manager and/or Board of Directors when the amount of current wholesale water supplies available to Olivenhain Municipal Water District, the amount of potable water available to Olivenhain Municipal Water District from other sources, the amount of recycled water produced at the 4S Ranch Water Reclamation Facility, and the amount of recycled water available to Olivenhain Municipal Water District from other sources are together greater or equal to the average of Olivenhain Municipal Water District's last three years of total demand plus a growth factor equivalent to the percentage of growth over the last fiscal year, at the discretion of the General Manager or Board of Directors. A Level 1 Water Supply Shortage may also be discontinued if deemed appropriate by the General Manager or Board of Directors when no longer necessary to address drought and/or limited water supply conditions.

SECTION 5.0: LEVEL 2 WATER SUPPLY SHORTAGE

(a) A Level 2 Water Supply Shortage applies when the San Diego County Water Authority notifies its member agencies or Olivenhain Municipal Water District's Board of Directors determines that, due to cutbacks caused by a reduction in supplies, a consumer demand

reduction is required in order to have sufficient supplies available to meet anticipated demands. A Level 2 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. Olivenhain Municipal Water District's Board of Directors shall declare the existence of a Level 2 Water Supply Shortage and implement the mandatory Level 2 water use efficiency measures identified in this ordinance. Upon declaration of a Level 2 Water Supply Shortage, Olivenhain Municipal Water District may also declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 and may do so whether or not San Diego County Water Authority declares a California Water Code section 350 emergency.

(b) All Persons using Olivenhain Municipal Water District water shall comply with Level 1 water use efficiency measures during a Level 2 Water Supply Shortage, and shall also comply with the following additional water use efficiency measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by Olivenhain Municipal Water District. This section shall not apply to commercial growers or nurseries. This section shall not apply to the use of a hand-held hose equipped with a shut-off nozzle to water landscaped areas. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

2. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager and posted by Olivenhain Municipal Water District. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using hand-held hose with shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.

5. Washing a motor vehicle is only permitted with the use of a hose equipped with a shut-off nozzle that causes it to cease dispensing water immediately when not in use.

6. Using potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems is prohibited.

7. Using potable water to irrigate ornamental turf on public street medians is prohibited.

(c) Upon declaration of a Level 2 Water Supply Shortage, Olivenhain Municipal Water District may suspend consideration of annexations to its service area.

(d) Upon declaration of a Level 2 Water Supply Shortage, the Board of Directors may discontinue the provision of new potable water service, new temporary meters or permanent meters, and/or statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability), except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Olivenhain Municipal Water District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(e) A Level 2 Water Supply Shortage may be discontinued when the amount of current wholesale water supplies available to Olivenhain Municipal Water District, the amount of potable water available to Olivenhain Municipal Water District from other sources, the amount of recycled water produced at the 4S Ranch Water Reclamation Facility, and the amount of recycled water available to Olivenhain Municipal Water District from other sources are together greater or equal to 90 percent of the average of Olivenhain Municipal Water District's last three years of total demand plus a growth factor equivalent to the percentage of growth over the last fiscal year, at the discretion of the Board of Directors. If a Level 2 Water Supply Shortage has been implemented in order to comply with emergency

regulations imposed upon Olivenhain Municipal Water District by state or federal agencies, the Level 2 Water Supply Shortage may also be discontinued upon expiration or cancelation of the emergency regulations.

SECTION 6.0: LEVEL 3 WATER SUPPLY SHORTAGE

(a) A Level 3 Water Supply Shortage applies when the San Diego County Water Authority notifies its member agencies or Olivenhain Municipal Water District's Board of Directors determines that, due to increasing cutbacks caused by reduction of supplies, a consumer demand reduction is required in order to have sufficient supplies available to meet anticipated demands. A Level 3 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. Olivenhain Municipal Water District's Board of Directors shall declare the existence of a Level 3 Water Supply Shortage and implement the Level 3 water use efficiency measures identified in this ordinance.

(b) All Persons using Olivenhain Municipal Water District water shall comply with Level 1 and Level 2 water use efficiency measures during a Level 3 Water Supply Shortage and shall also comply with the following additional mandatory water use efficiency measures:

1. Limit residential and commercial landscape irrigation to no more than one (1) assigned day per week on a schedule established by the General Manager and posted by Olivenhain Municipal Water District. This section shall not apply to commercial growers or nurseries. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

2. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a water supply shortage level under this ordinance.

3. Stop washing vehicles except at commercial carwashes that re-circulate water.

4. Repair all leaks within forty-eight (48) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.

(c) Olivenhain Municipal Water District may establish a water allocation for property served by Olivenhain Municipal Water District using a method that does not penalize Persons for the previous implementation of water use efficiency methods or the installation of water-saving devices. If Olivenhain Municipal Water District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on Persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any Person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

(d) A Level 3 Water Supply Shortage may be discontinued when the amount of current wholesale water supplies available to Olivenhain Municipal Water District, the amount of potable water available to Olivenhain Municipal Water District from other sources, the amount of recycled water produced at the 4S Ranch Water Reclamation Facility, and the amount of recycled water available to Olivenhain Municipal Water District from other sources are together greater or equal to 80 percent of the average of Olivenhain Municipal Water District's last three years of total demand plus a growth factor equivalent to the percentage of growth over the last fiscal year, at the discretion of the Board of Directors. If a Level 3 Water Supply Shortage has been implemented in order to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies, the Level 3 Water Supply Shortage may be discontinued upon expiration or cancelation of the emergency regulations.

SECTION 7.0: LEVEL 4 WATER SUPPLY SHORTAGE

(a) A Level 4 Water Supply Shortage applies when the San Diego County Water Authority notifies its member agencies or Olivenhain Municipal Water District's Board of Directors determines that, due to increasing cutbacks caused by reduction of supplies, a significant consumer demand reduction is required in order to have sufficient supplies available to meet anticipated demands. A Level 4 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies.

(b) All Persons using Olivenhain Municipal Water District water shall comply with water use efficiency measures required during Level 1, Level 2, and Level 3 conditions and shall also comply with the following additional mandatory water use efficiency measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless Olivenhain Municipal Water District has determined that recycled water is available and may be lawfully applied to the use.

   A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using hand-held hose with a shut-off nozzle, or low-volume non-spray irrigation;

   B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

   C. Maintenance of existing landscaping for erosion control;

   D. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;

   E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed one (1) days per week according to the schedule established under section 6 (b) (1);

   F. Watering of livestock; and

   G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.

(c) Olivenhain Municipal Water District may establish a water allocation for property served by Olivenhain Municipal Water District. If Olivenhain Municipal Water District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which Olivenhain Municipal Water

District customarily mails the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on Persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any Person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

(d) A Level 4 Water Supply Shortage may be discontinued when the amount of current wholesale water supplies available to Olivenhain Municipal Water District, the amount of potable water available to Olivenhain Municipal Water District from other sources, the amount of recycled water produced at the 4S Ranch Water Reclamation Facility, and the amount of recycled water available to Olivenhain Municipal Water District from other sources are together greater or equal to 60 percent of the average of Olivenhain Municipal Water District's last three years of total demand plus a growth factor equivalent to the percentage of growth over the last fiscal year, at the discretion of the Board of Directors. If a Level 4 Water Supply Shortage has been implemented in order to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies, the Level 4 Water Supply Shortage may be discontinued upon expiration or cancelation of the emergency regulations.

SECTION 8.0: CORRELATION BETWEEN WATER SHORTAGE AND DROUGHT RESPONSE PLAN AND WATER SUPPLY SHORTAGE LEVELS

(a) Olivenhain Municipal Water District may move to a Level 1, Level 2, Level 3, or Level 4 Water Supply Shortage with San Diego County Water Authority's Water Shortage and Drought Response Plan, Olivenhain Municipal Water District may implement any level of this ordinance at any time, whether independently or in order to comply with emergency regulations imposed by state or federal agencies, upon the appropriate findings and notice requiredherein.

(b) The Water Supply Shortage levels identified in this ordinance generally correspond with San Diego County Water Authority's Water Shortage and Drought Response Plan as identified in the table below:

Response Levels	Use Restrictions	Conservation Target	WSDRP Stage
Level 1 Water Supply Shortage	Voluntary	Up to 10 percent	None, or

			Stage 1 or 2
Level 2 Water Supply Shortage	Mandatory	Up to 20 percent	Stage 2 or 3
Level 3 Water Supply Shortage	Mandatory	Up to 40 percent	Stage 3
Level 4 Water Supply Shortage	Mandatory	Above 40 percent	Stage 3

SECTION 9.0: PROCEDURES FOR DETERMINATION AND NOTIFICATION OF WATER SUPPLY SHORTAGE LEVELS

(a) The existence of a Level 1 Water Supply Shortage may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of Olivenhain Municipal Water District and provided to Olivenhain Municipal Water District's Board of Directors. The General Manager may publish a notice of the determination of existence of Level 1 Water Supply Shortage in one or more newspapers, including a newspaper of general circulation within Olivenhain Municipal Water District. Olivenhain Municipal Water District may also post notice of the water supply shortage level on their website. To end a Level 1 Water Supply Shortage, the General Manager may issue a written declaration of facts that conditions have been met by which to discontinue the Level 1 Water Supply Shortage.

(b) The existence of a Level 2 or Level 3 Water Supply Shortage may be declared by resolution of Olivenhain Municipal Water District's Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory water use efficiency measures applicable to Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, Olivenhain Municipal Water District shall publish a copy of the resolution in a newspaper used for publication of official notices. To end a Level 2 or Level 3 Water Supply Shortage, the Board of Directors may adopt by resolution a declaration that conditions necessary to discontinue the Level 2 or Level 3 Water Supply Shortage have been met.

(c) The existence of a Level 4 Water Supply Shortage may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory water use efficiency measures applicable to a Level 4 Water Supply Shortage shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, Olivenhain Municipal Water District shall publish a copy of the resolution in a newspaper used for publication of official notices. If Olivenhain Municipal Water District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any

other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice. To end a Level 4 Water Supply Shortage, the Board of Directors may adopt by resolution a declaration that conditions necessary to discontinue the Level 4 Water Supply Shortage have been met.

(d) Olivenhain Municipal Water District's Board of Directors may declare an end to a water supply shortage level at any time by the adoption of a resolution at any regular or special meeting held in accordance with state law.

SECTION 10.0: HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a Person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Olivenhain Municipal Water District water users generally or to similar property or classes of water uses, then the Person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding by Olivenhain Municipal Water District of the existence of facts demonstrating an undue hardship to a Person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to Olivenhain Municipal Water District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. The burden proving all grounds satisfying a variance shall be on the applicant.

1. Application. Application for a variance shall be a form prescribed by Olivenhain Municipal Water District.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless Olivenhain Municipal Water District finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of Olivenhain Municipal Water District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Olivenhain Municipal Water District customers.

B. That because of special circumstances applicable to the property or its use, such as an Olivenhain Municipal Water District customer on life support, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of Olivenhain Municipal Water District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance in the General Manager's discretion. This approval by the General Manager may be determined upon a recommendation from a Citizens Advisory Task Force, if Olivenhain Municipal Water District forms one for hardship hearings. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to Olivenhain Municipal Water District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to Olivenhain Municipal Water District's Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The variance may be approved, conditionally approved, or denied in the discretion of the Board of Directors of Olivenhain Municipal Water District. The decision of the Board of Directors is final.

SECTION 11.0: VIOLATIONS AND PENALTIES

(a) Any Person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Upon the issuance of a warning and/or fine as provided in Section 11.0 (c), the customer will be afforded a grace period of 21 days during which no additional warnings and/or fines will be issued. Each violation of this ordinance occurring outside of the 21-day grace period is considered a separate offense.

(c) Administrative fines may be levied at the sole discretion of the General Manager or his/her designee for each violation of a provision of this ordinance as follows:

1. A warning will be issued for the first violation.

2. The customer will be fined one hundred dollars for a second violation.

3. The customer will be fined two hundred dollars for a third violation of any provision of this ordinance within one year.

4. The customer will be fined five hundred dollars for each additional violation of this ordinance within one year.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory water use efficiency measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Water Supply Shortage may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0: WATER SUPPLY SHORTAGE CONSERVATION RATES

During any stage of implementation of this ordinance, Olivenhain Municipal Water District's Board of Directors may choose, in its sole discretion, to implement the water supply shortage conservation rates that are currently adopted and notified to customers under a Proposition

218 process, in order to effectuate an appropriate and desired level of water conservation by Olivenhain Municipal Water District's customers.

PASSED, ADOPTED, AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on the 27th day of May 2015 by the following roll call vote:

AYES:	Directors Guerin, Sprague, Topolovac, Varty, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

Edmund K. Sprague, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Christy Guerin, Secretary
Board of Directors
Olivenhain Municipal Water District

Chapter 7.40

WATER CONSERVATION

Contents:

Section 7.40.010 Declaration of Policy.

California Water Code Sections 375 et seq. and 71640 et seq., authorizes municipal water districts to adopt water conservation measures in a comprehensive water conservation program to reduce the quantity of water used by the people for the purposes of conserving the water supplies of the District and of the State, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times. The District may also prohibit use of water during designated periods and for specific uses that it finds to be nonessential. Understanding that the community of Ramona wishes to utilize its limited water resources as efficiently as possible, all members of the Ramona community are encouraged to take steps to voluntarily reduce water consumption throughout the year regardless of whether drought conditions exist. The Board has established an effective cooperative Water Conservation program to provide resources and education to the public. Information about the program can be obtained by contacting the District office, or through the District's website.

The policy established herein is part of the Ramona Municipal Water District's comprehensive Water Conservation program pursuant to California Water Code Sections 375 et seq. and 71640 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. The Board fully anticipates, encourages and appreciates the joint efforts between the District and the public to conserve water to protect water supplies.

This policy also establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions (“Drought Response Levels”) to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies. Drought Response Level 1 drought condition response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the District.

During Drought Response Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals. Violations of this Chapter are subject to criminal, civil, and administrative penalties and remedies specified in this Chapter 7.40 and as provided by law.

Section 7.40.020 Findings.

The District finds and determines the conditions prevailing in the Ramona Municipal Water District service area require water resources be put to maximum beneficial use, to every extent possible. The waste or unreasonable use of water must be prevented, and the conservation of water encouraged. The District's objective is to obtain the maximum reasonable and beneficial use of its water resources, to best serve the members of the community and to ensure public health, safety and welfare.

Section 7.40.030 Voluntary Guidelines.

A. The following voluntary water conservation guidelines have been established to reduce overall water consumption, and preserve the District's water supply. The District encourages all customers to incorporate water conservation practices into their daily lifestyle, for enhancing the beneficial use of water resources.

1. Acknowledging that landscape irrigation is the single highest usage of water in single-family homes - about 60% of water used, the District establishes the following guidelines to conserve water for landscape and other outside use:

a. Water lawn and landscaping only during the cool parts of the day. Early morning is best, as it helps prevent the growth of fungus (watering may be done at any time with a bucket, a hand-held hose equipped with a positive shut-off nozzle, with drip irrigation or rotating nozzles);

b. Water lawn only when it needs it - step on the grass, if it springs up underfoot, it does not need water;

c. When watering the lawn, water it long enough to seep down into the roots, as surface watering will simply evaporate and be wasted;

d. Practice water-wise gardening by using drought tolerant and California-Friendly plants and trees;

e. Put a layer of mulch around trees and plants to slow the evaporation of moisture;

f. Delay new plantings until the cooler fall months, when plants need less water;

g. Water for several short periods instead of one long period, so the soil can absorb the moisture, without wasteful runoff;

h. Use a broom to clean off sidewalks, driveways, parking areas, tennis courts, patios or other paved areas;

i. Check for leaks in pipes, hoses, faucets and couplings; repair as soon as possible;

j. Use a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle when washing autos, trucks, trailers, boats, airplanes and other types of mobile equipment; and

k. Use untreated or recycled water for grading, if possible.

2. To conserve indoor water use:

a. Check toilet(s) for leaks. Put a few drops of food coloring in the toilet tank. If, without flushing, the coloring begins to appear in the bowl, the tank has a leak that may be wasting up to 100 gallons of water a day. Install a high-efficiency or an ultra low-flush toilet;

b. Take shorter showers. Limit showers to the time it takes to wash and rinse;

c. Install water-saving shower heads or flow restrictors;

d. Take baths instead of showers. A partially filled tub uses less water than a shower;

e. Turn off the water while brushing teeth and shaving;

f. Check faucets and pipes for leaks;

g. Use automatic dishwashers only for full loads, as every load uses about 25 gallons of water;

h. Use automatic clothes washers only for full loads, as every load uses 30 to 35 gallons a cycle. Consider purchasing a High-Efficiency Washer (HEW), when replacing your clothes washer;

i. Do not let the faucet run while cleaning vegetables or when washing dishes, as rinsing can be done in a sink full of clean water;

j. Do not leave water running for rinsing when washing dishes by hand;

k. Serve water to restaurant customers only when specifically requested.

Section 7.40.040 Drought Response Conservation Program.

A. Definitions

1. The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

   a. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market; or (2) for the feeding of fowl or livestock produced for human consumption or for the market; or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate programs.

   b. "Water Authority" means the San Diego County Water Authority.

   c. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this Chapter 7.40 and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

   d. "Metropolitan" means the Metropolitan Water District of Southern California.

   e. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

   f. "SAWR" means the Special Agricultural Water Rate program available from Metropolitan that is administered by the Water Authority.

B. Application

1. The provisions of Chapter 7.40 apply to any person in the use of any water provided by the District and proposed users of District water, as applicable.

2. Chapter 7.40 is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

3. Nothing in Chapter 7.40 is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

4. The provisions of Chapter 7.40 do not apply to use of water from private wells or to recycled water.

5. Unless otherwise specifically authorized in this Legislative Code, nothing in Chapter 7.40 shall apply to use of water that is subject to a special supply program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program.

C. Drought Response Level 1: Drought Watch Condition

1. A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager may declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this Section.

2. During a Level 1 Drought Watch condition, District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

   a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

   b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

   c. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

   d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

   e. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment or rotating nozzles are used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

   f. Use re-circulated water to operate ornamental fountains.

g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

h. Serve and refill water in restaurants and other food service establishments only upon request.

i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

j. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.

k. Use recycled or non-potable water for construction purposes when available and feasible.

D. Drought Response Level 2: Drought Alert Condition

1. A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition applies when the Water Authority notifies its member agencies, including the District, that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to twenty percent (20%) is required in order to have sufficient supplies available to meet anticipated demands. The District's Board of Directors may declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this Chapter 7.40.

2. All District water use shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert and shall also comply with the following additional conservation measures:

a. Limit residential and commercial landscape irrigation to no more than two (2) days per week. During the months of November through May, landscape irrigation is limited to no more than once per week. This section shall not apply to commercial growers or nurseries.

b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per watering day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and rotating nozzles.

c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section D(2)(a) above, on the same schedule set forth in Section D(2)(a) above, by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

d. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.

e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

f. No irrigating outdoors during and within 48 hours following measurable rainfall.

g. Irrigation with potable water of ornamental turf on public street medians is prohibited.

3. During a Drought Response Level 2 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may take additional action to declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:

   a. A valid, unexpired building permit has been issued for the project; or

   b. The project is necessary to protect the public's health, safety, and welfare; or

   c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

   This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that have been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing

administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

E. Drought Response Level 3: Drought Critical Condition

1. A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to forty percent (40%) is required in order to have sufficient supplies available to meet anticipated demands. The District Board of Directors may declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this policy.

2. All District water use shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices and measures during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

   a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

   b. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section E(2)(a), on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

   c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a Drought response level under this Chapter 7.40.

   d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

   e. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

3. During a Drought Response Level 3 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided and no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:

   a. A valid, unexpired building permit has been issued for the project; or

   b. The project is necessary to protect the public's health, safety, and welfare; or

   c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

      This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that has been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

F. Drought Response Level 4: Drought Emergency Condition

1. A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than forty

percent (40%) percent in order for the Authority to have maximum supplies available to meet anticipated demands. Upon declaration by the Authority of a Drought Emergency Condition, the District may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*

2. All District water use shall comply with conservation practices and measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

   a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.

      i. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

      ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

      iii. Maintenance of existing landscaping for erosion control;

      iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

      v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section E(2)(a) above;

      vi. Watering of livestock; and

      vii. Public works projects and actively irrigated environmental mitigation projects.

   b. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed

for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

G. Correlation Between Drought Management Plan and Drought Response Levels

1. The correlation between the Water Authority's Drought Management Plan ("DWP") stages and the District Drought response levels identified in this Chapter is described herein. Under DMP Stage 1, the District may implement Drought Response Level 1 actions. Under DMP Stage 2, the District would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the District may implement Drought Response Level 2, Level 3, or Level 4 actions.

The Drought Response Levels identified in this Chapter correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3 or 4

H. Procedures for Determination and Notification of Drought Response Level

1. The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the District and provided to the District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website.

2. The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law, including but not limited to Water Code section 350 *et seq.* The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.

3. The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable

to Drought Response Level 4 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall become effective as stated in the Board Resolution.

4. The General Manager may declare the end of Drought Response Level 1. The District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

Section 7.40.041 Violations and Penalties.

A. Violation of Chapter 7.40. Any person, who uses, causes to be used, or permits the use of water in violation of this Chapter 7.40 is guilty of an offense punishable as provided herein.

B. Separate Offense. Each day that a violation of this Chapter 7.40 occurs is a separate offense.

C. Administrative Fines. Administrative fines may be levied for each violation of a provision of this Chapter 7.40 as follows:

1. One hundred dollars ($100) for a first violation.

2. Two hundred dollars ($200) for a second violation of any provision of this ordinance within one (1) calendar year.

3. Five hundred dollars ($500) for each additional violation of this ordinance within one (1) calendar year.

D. Administrative Procedures for Imposing Fines.

1. Notice of Violation. If the District General Manager determines to impose a fine on a person (“violator”) who has violated any provision of Chapter 7.40, he or she shall cause a written notice of the violation to be sent to the violator. The notice shall provide in sufficient detail the violation(s), the amount of the penalty being imposed, and the date or times by which the penalty shall be paid to the District. The notice shall notify the violator that the fine will be imposed in the violator’s next water bill and that the violator may appeal the District’s imposition of the fine in writing within ten (10) calendar days of the date of said notice. Service of any notice required under this Section shall be made by the following means:

a. Personal service in the same manner as a summons in a civil action; or

b. Registered United States mail, which service shall be completed at the time of deposit into the United States mail.

2. Appeal. Within ten (10) calendar days of the date of such notice from the District, the customer may appeal the proposed fine to the District General Manager in writing, setting forth a description of the violation, any cure measures undertaken, the amount of the fine, the basis for the appeal, and the remedy sought. The General Manager shall consider the appeal and shall issue a written decision to the appellant customer. If the customer fails to appeal the ten (10) calendar days period specified in the District's notice to the customer, the customer shall lose its right to appeal the District's fine.

3. Appeals to District Board of Directors. An applicant may appeal a decision of the General Manager on an appeal of an administrative fine to the District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo (granting no deference to the prior decision of the General Manager). The decision of the District Board of Directors is final. The violator shall not be permitted to seek a variance pursuant to Section 7.40.042.

E. Flow-Restricting Devices. Violation of a provision of the mandatory provisions of this Chapter 7.40 is subject to enforcement through installation of a flow-restricting device in the meter.

F. Misdemeanor. Each violation of the mandatory provisions of this Chapter 7.40 may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days.

G. Discontinuation of Service. Willful violations of the mandatory conservation measures and water use restrictions applicable during a declared Drought Emergency condition during either drought Response Levels 3 or 4 may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

H. Cumulative Remedies. All remedies provided for herein shall be cumulative and not exclusive.

Section 7.40.042 Variance.

A. If a District conservation measure disproportionately impacts a District customer, then the person may apply for a variance to the requirements as provided in this section.

B. The variance may be granted or conditionally granted by the Board, only upon a written finding of the existence of facts demonstrating that the application of this Section 7.40 impacts a District customer in a manner that is disproportionate to

the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by the District.

2. Supporting Documentation. The application shall be accompanied by documentation, such as but not limited to, water bills, invoices and receipts, photographs, maps, drawings, and other information, including a written statement of the applicant demonstrating those water conservation measures undertaken by the applicant.

3. Required Findings for Variance. An application for a variance may be denied if it is found that, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

   a. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

   b. That because of special circumstances applicable to the property or its use, the strict application of Chapter 7.40 would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

   c. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

   d. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. The variance shall specify the duration for which the variance applicable to the subject property shall apply.

C. Appeals to District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo (granting no deference to the prior decision of the General Manager) by following the variance procedure delineated in Section 7.40.042(A) through (B), (1)-(4) above. The decision of the District Board of Directors is final.

Ordinance No. 15-120.2

An Ordinance of the Rincon del Diablo Municipal Water District Finding the Necessity For and Adopting a Drought Response Ordinance

BE IT ORDAINED by the Rincon del Diablo Municipal Water District Board of Directors as follows:

Section I. Purpose and Applicability.

A. The purpose of this ordinance is to provide a drought response strategy for the Rincon del Diablo Municipal Water District service area as authorized by the California Water Code, under sections 350 et seq., 375 et seq., 1058 et seq., and 71640 et seq. Changes to this Ordinance may also be facilitated by the State Water Resources Control Board (State Control Board) as authorized by the California Water Code, under sections 102,104, 105, 275, 375, 1058.5, and 10617.

B. Because of varying conditions related to water resource supplies and distribution system capabilities, it is necessary to establish and enforce methods and procedures to ensure that, in time of shortages due to drought, the water resources available to Rincon del Diablo Municipal Water District and its constituents are put to the maximum beneficial use, that unreasonable use, or unreasonable method of use is prevented, and that conservation of water is accomplished in the interest of the public health, safety, and welfare.

C. This ordinance establishes four levels of drought response actions to be implemented during times of declared water shortages. These levels reflect increasing efficiencies for water use in response to worsening drought conditions, emergency conditions, and/or decreasing water supply availability.

D. The provisions of this ordinance apply to any person using potable water provided by the Rincon del Diablo Municipal Water District. This ordinance does not apply to the use of water from private wells, recycled water, or water that is subject to a special supply program, such as the San Diego County Water Authority (SDCWA) Transitional Special Agricultural Water Rate Program (TSAWR).

E. This ordinance may be implemented independently or in conjunction with those provisions specified in Administrative Code Section 4100, Emergency Water Plan, or passed by separate board resolution or action.

Section II. Definitions.

A. "District" means the Rincon del Diablo Municipal Water District.

B. "Board of Directors" means the Board of Directors of the Rincon del Diablo Municipal Water District.

C. "General Manager" means General Manager of the Rincon del Diablo Municipal Water District.

D. "Notification to the public" means notification through local media, including interviews, issuance of news releases, direct mailing, bill inserts, telephone calls, and/or web postings, etc.

E. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

F. "Water" means potable water from all sources.

G. "Target" means the calculated determination of an allocation.

H. "Model Drought Response Ordinance" means the model ordinance provided by the SDCWA to be used as a tool to foster consistency throughout San Diego County on the response levels and water-use restrictions in place in the event of a drought or other regional supply shortages.

Section III. <u>Conservation Ethic.</u>

As responsible stewards of a natural resource, the District's Board of Directors acknowledges that its service area is located within an inland region that is subject to wide variations in annual precipitation and desert-like climatic conditions. Dependent largely on water imported from Northern California and the Colorado River, the District endorses a "No Water Wasting" ethic on a daily basis, regardless of drought conditions. The District discourages the use of commercial single-pass laundry systems, single-pass decorative fountains, or any other device or action that wastes water or uses water unreasonably.

A. To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions IS PROHIBITIED, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

    1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto an adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or other structures.

    2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

3. The application of potable water to driveways and sidewalks.

4. The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.

5. The application of potable water to outdoor landscapes during and within 48 hours of measurable rainfall.

6. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

7. The irrigation with potable water of ornamental turf on public street medians.

8. The irrigation with potable water of landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards and the Department of Housing and Community development.

9. To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel of motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

B. The following practices shall also be observed on a daily basis:

1. No washing down of non-permeable surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Irrigate residential and commercial landscapes after 8:00 pm and before 9:00 am only.

3. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by an automated landscape irrigation system.

4. Irrigate nursery and commercial grower's products before 10:00 am and after 6:00 pm only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system or equipment is used. Irrigation of nursery

propagation beds is permitted at any time, as is the watering of livestock.

C. Do not wash vehicles during hot conditions when additional water is required due to evaporation.

D. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager or an established Drought Response Level (1-4) mandates a shorter period.

E. Use recycled or non-potable water for construction purposes when available.

Section IV. Drought Levels – Required Measures.

In an effort to provide consistency in communications with its customers, the District has established four levels of drought response. Movement from one level to another in this Drought Response Ordinance may be influenced by a State-issued proclamation of a current or ongoing state of emergency and/or necessitated by the District's water wholesaler(s), or by the District's Board of Directors.

Following the declaration of a drought level, no person may make, cause, use, or permit the use of water for residential, commercial, industrial, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that permitted by the corresponding drought level, or other legally mandated quantity or percent.

Water use restrictions in each level are cumulative unless the higher stage has a more stringent requirement on the same subject. If the severity of the drought lessens, the drought level may be downgraded to a lower stage, at the discretion of the Board of Directors. Drought levels are neither necessarily consecutive nor subject to a specific predetermined length of time.

In the event that required water use reductions goals are met, not being met, or a specific situation changes, the General Manager, at his/her discretion, may hold any or all constituent water use restrictions in abeyance or increase water use restrictions to meet specified water reduction goals.

Section V. Variances.

The Board of Directors is authorized to review hardship and special cases within which strict application of this ordinance would result in serious hardship. A variance may be *considered* only for reasons involving health, safety, or economic hardship. A request for variance from this ordinance must be made in writing and directed to the Board of Directors.

Section VI. Declaration of a Drought Stage.

Components defining each drought stage are listed in Table 1.

TABLE 1				
Response Level*	**Constituent's Share of Water** Showed in Percentage of Constituent Target	Applicability		
		Status	**Responders**	
			District	Constituents
Level 1 Drought Watch	90% (10% reduction)	Voluntary	X	X
Level 2 Drought Alert	80% (20% reduction)	Mandatory	X	X
Level 3 Drought Critical	70% (30% reduction)	Mandatory	X	X
Level 4 Drought Emergency	69% or less (≥31% reduction)	Mandatory	X	X
*The response level is prescribed by the San Diego County Water Authority				

A. Level 1 – "Drought Watch"

This level is a voluntary effort to achieve an immediate, overall target reduction of up to 10% and may be implemented upon notification from the SDCWA. The Board of Directors or the General Manager shall declare the existence of a Response Level 1 and direct the following measures.

1. District Accountability

   a. The District will provide increased conservation outreach and educational activities for its constituents to emphasize increased public awareness of the need to implement all water conservation activities described in Section III – Conservation Ethic.

   b. Water conservation incentives, such as rebates for items such as high efficiency washing machines, smart irrigation timers, etc., will be vigorously promoted.

   c. Participation in programs such as landscape workshops and residential surveys/water audits will be encouraged.

   d. Response to water leaks within the District's delivery system will be conducted within forty-eight (48) hours of notification. Repairs will be made upon detection and will not be allowed to remain seeping, regardless of flow rates.

2. Constituent Accountability

   a. Increased conservation is volunteer-based. Constituents should seek technical assistance from the District if difficulties prevent them from achieving water use reductions of 10%.

   b. Adhere to conservation measures and practices as defined in Section III – Conservation Ethic.

   c. Leaks found on the constituent's side of the meter must be repaired within ninety-six (96) hours after notification from a District or other representative.

B. Level 2- "Drought Alert"

This level is a mandatory effort to achieve an immediate, overall target reduction up to 20% and may be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 2. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. In addition to the measures prescribed in Level 1, the following apply:

1. District Responsibility

   a. The District will mandate the activities described in Section III – Conservation Ethic and shall initiate heightened conservation outreach and educational activities. Notification of water waste and ordinance violations will be delivered to constituents as required.

   b. The Board of Directors will consider additional conservation incentive(s) for constituents.

   c. Response to water leaks within the District's delivery system will be conducted within twenty-four (24) hours of notification. Repairs will be made upon detection and will not be allowed to remain seeping, regardless of flow rates.

   d. The Board of Directors may suspend consideration of water availability certifications, stipulate actions, and may suspend outstanding certifications for all commercial projects and residential projects of more than one home, unless the project is necessary to protect the public's health, safety, and welfare and/or the applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.

   e. Projects demanding more water from the District's system than originally proposed will require additional approval from the Board of Directors.

f. Flow rate testing of fire meters will be suspended, unless required by regulatory or health and safety reasons.

g. District system maintenance and repair programs requiring large volumes of water may be suspended unless water quality is likely to be compromised, interferes with regulatory requirements, or significant property damage is eminent.

h. The District's conservation staff will target 25% of commercial constituents for water audits.

i. The Board of Directors may implement temporary rates and fees, as outlined in Section VIII – Rates and Fees of this ordinance.

j. The District will promptly notify customers whenever the District obtains information that indicates a leak may exist within the end-users' exclusive control.

k. Increased monitoring may be initiated by the General Manager in order to insure compliance of mandatory water use restriction targets enacted by this Ordinance.

l. The General Manager is authorized to set specific allocations on monthly allowable usage and/or specific percentage reductions for all District customers to help attain the conservation goals set by the District or mandated conservation standards set by State authorities.

2. Constituent Responsibility

a. The constituent may be issued a water-use target that reflects a mandated reduction in water consumption.

b. Constituents will implement a landscape irrigation schedule limited to two (2) or less days per week regardless of the season.

c. Irrigation run times per station are limited to ten (10) minutes per station unless a station is fitted entirely with drip emitters, micro-spray emitters, or stream rotor sprinklers or the system is operated by a weather-based irrigation controller.

d. Constituents must stop the use of ornamental fountains unless non-potable water is used.

e. Leaks found on the constituent's side of the meter must be repaired within seventy-two (72) hours after notification from a District or other representative.

f. Customers residing in high or very high urban-wildland fire interfaces will prune back and clear dead and dying trees and vegetation.

C. Level 3 – Drought Critical

This level is a mandatory effort to achieve an immediate, overall target reduction up to 30% and will be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 3. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. The Board of Directors may also declare a drought emergency in the manner and on the grounds provided in the California Water Code Section 350. In addition to measures prescribed in Levels 1 and 2, the following will apply:

1. District Responsibility

   a. District personnel will proactively monitor all leaks and water waste. This may include patrolling to specifically identify water loss from District and constituent facilities. All violations will be reported and the District will take appropriate action.

   b. The General Manager may request a review of the fiscal budget and reassess capital improvement and operation and maintenance priorities.

   c. The District's conservation staff will target 100% of the mobile home parks and large landscape sites, 50% of the commercial constituents and multi-family complexes, and 25% of the residential constituents for water audits.

   d. Operations staff will offer leak detection services for meters serving eight or more commercial or residential units.

   e. The Board of Directors will suspend outstanding water availability certifications for all commercial projects and residential projects including single unit residential projects.

   f. Water service will be discontinued for construction purposes unless recycled or other non-potable water is used.

   g. Improvements identified by a water flow review will be implemented in order to provide better control of water and/or system integrity to minimize use.

   h. The District will require mandatory offsets for new and existing projects as identified in Section VI – Provisions for Demand Offset.

2. Constituent Responsibility

   a. The constituent will be issued an adjusted water use target that reflects the mandatory reduction.

   b. Constituents will implement an irrigation schedule with two (2) or less days per week regardless of the season. During the months of November through May, landscape irrigation may be limited to no more than one (1) day per week. This does not apply to commercial growers or nurseries.

   c. Leaks found on the constituent's side of the meter must be repaired, at the constituent's expense, within forty-eight (48) hours of notification by the District.

   d. Constituents must stop washing vehicles except at a commercial carwash that recirculates water.

   e. Constituents must stop filling or refilling ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

   f. The filling or refilling of pools or spas may be prohibited.

   g. Power-washing of exterior surfaces, such as siding, is prohibited.

D. Level 4 – Drought Emergency.

This level is a mandatory effort to achieve an immediate, overall target reduction of 40% or more and may be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 4. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. The Board of Directors shall also declare a drought emergency in the manner and on the grounds provided in California Water Code Section 350. In addition to measures prescribed in Levels 1, 2, and 3, the following will apply:

1. District Responsibility

   a. The District's conservation staff will target 100% of the commercial constituents for water audits.

   b. The Board of Directors will not consider the installation of new meters nor authorize any additional water use demands on its system.

   c. Citations will be issued for water use that does not conform to the measures in this ordinance.

d. Meters delivering water solely for landscape irrigation purposes may be subject to shut-off as determined necessary by the General Manager.

2. Constituent Responsibility

a. Constituents will be issued an adjusted water use target that reflects the mandatory reduction.

b. Constituents must stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.

i. Maintenance of trees and shrubs that are watered by using a bucket, hand-held hose with a positive shut-off nozzle, or low volume non-spray irrigation;

ii. Maintenance of existing landscape necessary for fire protection as specified by the Fire Marshal of the City of Escondido or other agency having jurisdiction over the property to be irrigated;

iii. Maintenance of existing landscape for erosion control;

iv. Maintenance of plant material identified to be rare or essential to the well-being of rare animals;

v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week, ten minutes per station;

vi. Watering of livestock; and,

vii. Public works projects and actively irrigated environmental mitigation projects.

c. Water service will be shut-off if noticeable leaks are observed on the constituent's side of the meter. Once repair is affected, water service will be restored at the constituent's expense.

Section VI. <u>Provisions for "Demand Offset".</u>

The District is establishing a Voluntary Demand Offset Fee Program that is designed to offset new potable water demands under various conditions, during severe droughts

and water shortage conditions. It is anticipated that there will be several categories, to include: Firm Demand Offset; Conservation Offset; and New Water Offset.

The typical mechanism used to place restrictions on new meters, and therefore require new potable water demand be offset, is for an agency to declare a water shortage emergency per California Water Code Section 350. The intent of the Voluntary Demand Offset Fee Program is that during a drought or other water supply shortage, new development could apply a fee that would be used to convert sites currently using potable water to recycled water, or convert other potable water use with quantifiable offsets (low flow toilets, water saving appurtenances, etc.), thereby permanently offsetting a developer's project of potable water demands, which would keep the District potable water-neutral. This would not preclude a developer or other water subscriber from initiating a conservation offset as an act of good faith.

Section VII. Technical Assistance.

Technical assistance may be offered by the District upon the completion of a "Cooperator's Agreement" by the constituent.

Section VIII. Enforcement of Violations.

A. In the event of any violation of this Ordinance, the District shall post on the property where the violation occurred, written notice, and will mail a duplicate notice to the registered owner of the property, and/or to any person known to the District who is responsible for the violation or its correction. Such notice shall describe the violation and order that it be corrected, ceased, or abated immediately or within such specified time as the District determines is reasonable under the circumstances, and shall further contain a description of the fees and penalties associated with such violation. If the cited person fails to comply with such order, the District may disconnect the service where the violation occurred. The property owner will be responsible for any reconnection charges in addition to other fees or charges imposed by the District.

B. In addition to being grounds for discontinuation of service, and in addition to any other applicable civil or criminal penalties, violation of any of the provisions of this ordinance is a misdemeanor. Upon conviction thereof, such persons shall be punished (i) by imprisonment in the county jail for not more than thirty (30) days, (ii) by a fine of up to five hundred dollars ($500) for each day in which the violation occurs during Drought Level 2, a fine of up to seven hundred and fifty dollars ($750) for each day in which the violation occurs during Drought Level 3, or a fine of up to one thousand dollars ($1,000) for each day in which the violation occurs during Drought Level 4, or (iii) by both.

C. Each act of violation and every day upon which such violation occurs shall constitute a separate violation. The General Manager may also seek injunctive relief as necessary to enforce the provisions herein.

Section VIII. Rates and Fees.

The Board of Directors may implement a temporary drought rate structure in order to offset lost revenues and to fund the provisions of this ordinance.

Penalties levied by the District's wholesalers or the State Water Resources Control Board will be passed through to those constituents that caused the assessment of penalties.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Rincon del Diablo Municipal Water District held on May 27, 2015 by the following roll call vote:

AYES: Drake, Towne, Murtland and Quist
NOES: Lump
ABSTAIN: None.
ABSENT: None.

APPROVED

David A. Drake, President

ATTEST:

Thomas Butler, Board Secretary

ARTICLE 29. – WATER SUPPLY SHORTAGE RESPONSE PROGRAM

Article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use; that waste, unreasonable use, or unreasonable method of use of water be prevented; and that water be conserved for the public welfare.

Conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare.

Regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation, and use of water-saving devices provides an effective and immediately available means of conserving water.

California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program.

Adoption and enforcement of a comprehensive water conservation program will allow the SAN DIEGUITO WATER DISTRICT to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.

San Diego County is a semi-arid region, and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County.

San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the SAN DIEGUITO WATER DISTRICT. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan.

As anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Water Shortage and Drought Response Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Water Shortage and Drought Response Plan.

The Water Authority's Water Shortage and Drought Response Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains water supply shortage response levels that correspond with the Water Shortage and Drought Response Plan stages.

The SAN DIEGUITO WATER DISTRICT, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The SAN DIEGUITO WATER DISTRICT has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The SAN DIEGUITO WATER DISTRICT Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the SAN DIEGUITO WATER DISTRICT.

The water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable SAN DIEGUITO WATER DISTRICT to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

Sec 29.1. Declaration Of Necessity And Intent

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the SAN DIEGUITO WATER DISTRICT in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of water supply shortage response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition water supply shortage response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by SAN DIEGUITO WATER DISTRICT.

(d) During a Water Supply Shortage Response Level 2 condition or higher, the water conservation measures and water-use restrictions established by this ordinance are mandatory and become increasingly restrictive in order to attain escalating conservation goals. Violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in SAN DIEGUITO WATER DISTRICT Administrative or Municipal Code.

Sec 29.2. Definitions

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. “Grower” refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or

floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the SAN DIEGUITO WATER DISTRI**C**T .

Sec 29.3. Application

(a) The provisions of this ordinance apply to any person in the use of any water provided by the SAN DIEGUITO WATER DISTRICT.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the SAN DIEGUITO WATER DISTRICT to declare and respond to an emergency, including an emergency that affects the ability of the SAN DIEGUITO WATER DISTRICT to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the SAN DIEGUITO WATER DISTRICT is subject to this ordinance in the use of the other water.

Sec 29.4. Water Waste Prohibition

(a) Prohibitions – In accordance with California Urban Water Conservation Council Best Management Practice 13, the SAN DIEGUITO WATER DISTRICT prohibits gutter flooding, single

pass cooling systems in new connections, non-recirculating systems in all new conveyer car wash and commercial laundry systems, and non-recycling decorative water fountains.

(b) Water Softeners - The SAN DIEGUITO WATER DISTRICT shall support efforts to develop state law regarding exchange-type water softeners that would: (1) allow the sale of only more efficient, demand-initiated regenerating (DIR) models; (2) develop minimum appliance efficiency standards that (a) increase the regeneration efficiency standard to at least 3,350 grains of hardness removed per pound of common salt used; and (b) implement an identified maximum number of gallons discharged per gallon of soft water produced; (3) allow local agencies, including municipalities and special districts, to set more stringent standards and/or to ban on-site regeneration of water softeners if it is demonstrated and found by the agency governing board that there is an adverse effect on the re-claimed water or groundwater supply.

(c) Water Audits - The SAN DIEGUITO WATER DISTRICT shall include water softener checks in home water audit programs and include information about DIR and exchange-type water softeners in their educational efforts to encourage replacement of less efficient timer models.

(d) Unreasonable Use – At no time shall water be wasted or used unreasonably. Unreasonable uses of water shall include, but are not limited to the following practices:

1. Failure to repair a water leak after notification from the District and opportunity to do so.

2. Failure to stop water waste resulting from conditions such as inefficient landscape irrigation, excessive runoff, low head drainage, overspray of water flows onto non-targeted areas, overspray of water flows onto adjacent property, overspray and water flow onto non-irrigated areas, overspray and water flow onto roadways and adjacent structures.

Sec 29.5. Water Supply Shortage Response Level 1 – Water Supply Shortage Watch Condition

(a) A Water Supply Shortage Response Level 1 condition is also referred to as a "Water Supply Shortage Watch" condition. A Level 1 condition shall apply under one of the following conditions:

1. When the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands.

2. When the San Dieguito Water District Board of Directors deems such action necessary due to drought and/or limited water supply conditions.

In either case, the General Manager shall declare the existence of a Water Supply Shortage Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Water Supply Shortage Watch condition, SAN DIEGUITO WATER DISTRICT will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. These water

conservation practices become mandatory if SAN DIEGUITO WATER DISTRICT declares a Level 2 Water Supply Shortage Alert condition:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 8 a.m. and after 6 p.m. only.

4. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial growers' products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Use recycled or non-potable water for construction purposes when available.

11. Do not irrigate turf or ornamental landscape during and 48 hours following measurable precipitation.

(b) During a Water Supply Shortage Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Water Supply Shortage Response Level 1 condition.

Sec 29.6. Water Supply Shortage Response Level 2 – Water Supply Shortage Alert Condition

(a) A Water Supply Shortage Response Level 2 condition is also referred to as a "Water Supply Shortage Alert" condition. A Level 2 shall apply under one of the following conditions:

1. When the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 20 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands.

2. When the San Dieguito Water District Board of Directors deems such action necessary due to drought and/or limited water supply conditions.

In either case, the SAN DIEGUITO WATER DISTRICT Board of Directors shall declare the existence of a Water Supply Shortage Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using SAN DIEGUITO WATER DISTRICT water shall comply with Level 1 Water Supply Shortage Watch water conservation practices during a Level 2 Water Supply Shortage Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager and posted by the SAN DIEGUITO WATER DISTRICT. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager and posted by the SAN DIEGUITO WATER DISTRICT. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 29.6 (b) (1), on the same schedule set forth in section 29.6 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the SAN DIEGUITO WATER DISTRICT unless other arrangements are made with the General Manager.

5. Stop operating ornamental fountains or similar decorative water features unless re-circulated or recycled water is used.

(c) Upon declaration by the Board of Directors of a Water Supply Shortage Response Level 2 condition, SAN DIEGUITO WATER DISTRICT may suspend consideration of annexations to its service area.

(d) Upon the declaration of a Water Supply Shortage Response Level 2 condition, the SAN DIEGUITO WATER DISTRICT Board of Directors may also declare a water shortage emergency pursuant to California Water Code Section 350 et seq. Once findings supporting a water shortage emergency have been adopted, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of SAN DIEGUITO WATER DISTRICT.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(e) SAN DIEGUITO WATER DISTRICT may establish a water allocation for property served by the SAN DIEGUITO WATER DISTRICT using a method that does not penalize persons for the previous implementation of conservation methods or the installation of water-saving devices. If the SAN DIEGUITO WATER DISTRICT establishes water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the SAN DIEGUITO WATER DISTRICT customarily mails the billing statement for fees or charges for on-going water service. The District is not required to comply with Proposition 218 to impose fines on persons using water in violation of District restrictions on water use or in passing through penalties levied upon the District by Metropolitan as a result of excessive use by some District customers. Following the effective date of the water allocation as established by the SAN DIEGUITO WATER DISTRICT, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115% of the allocation and four times the Metropolitan Tier 2 rate if over 115% in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

Sec 29.7. Water Supply Shortage Response Level 3 – Water Supply Shortage Critical Condition

(a) A Water Supply Shortage Response Level 3 condition is also referred to as a "Water Supply Shortage Critical" condition. A Level 3 shall apply under one of the following conditions:

1. When the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 40 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands.

2. When the San Dieguito Water District Board of Directors deems such action necessary due to drought and/or limited water supply conditions.

In either case, the SAN DIEGUITO WATER DISTRICT Board of Directors shall declare the existence of a Water Supply Shortage Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using SAN DIEGUITO WATER DISTRICT water shall comply with Level 1 Water Supply Shortage Watch and Level 2 Water Supply Shortage Alert water conservation practices during a Level 3 Water Supply Shortage Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit landscaped and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager and posted by the SAN DIEGUITO WATER DISTRICT. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 29.7 (b) (1), on the same schedule set forth in section 29.7 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a water supply shortage response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the SAN DIEGUITO WATER DISTRICT unless other arrangements are made with the General Manager.

(c) Upon declaration by the Board of Directors of a Water Supply Shortage Response Level 3 condition, SAN DIEGUITO WATER DISTRICT may suspend consideration of annexations to its service area.

(d) Upon the declaration of a Water Supply Shortage Response Level 3 condition, the SAN DIEGUITO WATER DISTRICT Board of Directors may also declare a water shortage emergency pursuant to California Water Code Section 350 et seq. Once findings supporting a water shortage emergency have been adopted, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or
2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of SAN DIEGUITO WATER DISTRICT.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(e) SAN DIEGUITO WATER DISTRICT may establish a water allocation for property served by the SAN DIEGUITO WATER DISTRICT using a method that does not penalize persons for the previous implementation of conservation methods or the installation of water-saving devices. If the SAN DIEGUITO WATER DISTRICT establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the SAN DIEGUITO WATER DISTRICT customarily mails the billing statement for fees or charges for on-going water service. The District is not required to comply with Proposition 218 to impose fines on persons using water in violation of District restrictions on water use or in passing through penalties levied upon the District by Metropolitan as a result of excessive use by some District customers. Following the effective date of the water allocation as established by the SAN DIEGUITO WATER DISTRICT, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115% of the allocation and four times the Metropolitan Tier 2 rate if over 115% in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

Sec 29.8. Water Supply Shortage Response Level 4 – Water Supply Shortage Emergency Condition

(a) A Water Supply Shortage Response Level 4 condition is also referred to as a "Water Supply Shortage Emergency" condition. A Level 4 shall apply under one of the following conditions:

1. When the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the SAN DIEGUITO WATER DISTRICT to have maximum supplies available to meet anticipated demands.

2. When the SAN DIEGUITO WATER DISTRICT Board of Directors deems such action necessary due to drought and/or limited water supply conditions.

The SAN DIEGUITO WATER DISTRICT shall declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using SAN DIEGUITO WATER DISTRICT water shall comply with conservation measures required during Level 1 Water Supply Shortage Watch, Level 2 Water Supply Shortage Alert, and Level 3 Water Supply Shortage Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the SAN DIEGUITO WATER DISTRICT has determined that recycled water is available and may be lawfully applied to the use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 29.7 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 29.7 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the SAN DIEGUITO WATER DISTRICT unless other arrangements are made with the General Manager.

(c) Upon declaration by the Board of Directors of a Water Supply Shortage Response Level 4 condition, SAN DIEGUITO WATER DISTRICT will suspend consideration of annexations to its service area.

(d) Upon the declaration of a Water Supply Shortage Response Level 4 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of SAN DIEGUITO WATER DISTRICT.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(e) SAN DIEGUITO WATER DISTRICT may establish a water allocation for property served by the SAN DIEGUITO WATER DISTRICT using a method that does not penalize persons for the previous implementation of conservation methods or the installation of water-saving devices. If the SAN DIEGUITO WATER DISTRICT establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the SAN DIEGUITO WATER DISTRICT customarily mails the billing statement for fees or charges for on-going water service. The District is not required to comply with Proposition 218 to impose fines on persons using water in violation of District restrictions on water use or in passing through penalties levied upon the District by Metropolitan as a result of excessive use by some District customers. Following the effective date of the water allocation as established by the SAN DIEGUITO WATER DISTRICT, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115% of the allocation and four times the Metropolitan Tier 2 rate if over 115% in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

Sec 29.9. Correlation Between Water Shortage and Drought Response Plan And Water Supply Shortage Response Levels

(a) The water supply shortage response levels identified in this ordinance correspond with the Water Authority WSDRP as identified in the following table:

Water Supply Shortage Response Levels	Use Restrictions	Conservation Target	WSDRP Stage
1 – Water Supply Shortage Watch	Voluntary	Up to 10%	None*, 1 or 2
2 – Water Supply Shortage Alert	Mandatory	Up to 20%	2 or 3
3 – Water Supply Shortage Critical	Mandatory	Up to 40%	3
4 – Water Supply Shortage Emergency	Mandatory	Above 40%	3

*The San Dieguito Water District Board of Directors may declare a Water Supply Shortage Response Level 1 without the Water Authority enacting their WSDRP.

Sec 29.10. Procedures For Determination And Notification Of Water Supply Shortage Response Level

(a) The existence of a Water Supply Shortage Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the SAN DIEGUITO WATER DISTRICT and provided to the SAN DIEGUITO WATER DISTRICT Board of Directors. The General Manager may publish a notice of the determination of existence of Water Supply Shortage Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the SAN DIEGUITO WATER DISTRICT. The SAN DIEGUITO WATER DISTRICT may also post notice of the condition on their website.

(b) The existence of Water Supply Shortage Response Level 2 or Level 3 conditions may be declared by resolution of the SAN DIEGUITO WATER DISTRICT Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Water Supply Shortage Response Level 2 or Level 3 conditions shall take

effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the SAN DIEGUITO WATER DISTRICT shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Water Supply Shortage Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Water Supply Shortage Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the SAN DIEGUITO WATER DISTRICT shall publish a copy of the resolution in a newspaper used for publication of official notices. If the SAN DIEGUITO WATER DISTRICT establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the SAN DIEGUITO WATER DISTRICT customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The SAN DIEGUITO WATER DISTRICT Board of Directors may declare an end to a Water Supply Shortage Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

Sec 29.11. Hardship Variance

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to SAN DIEGUITO WATER DISTRICT water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to SAN DIEGUITO WATER DISTRICT water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by SAN DIEGUITO WATER DISTRICT and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the SAN DIEGUITO WATER DISTRICT Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the SAN DIEGUITO WATER DISTRICT, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other SAN DIEGUITO WATER DISTRICT customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the SAN DIEGUITO WATER DISTRICT to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise initial approval authority and act upon any completed variance application with supporting evidence no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. Any variance may be denied, conditionally approved or approved as determined by the General Manager in his or her sole discretion. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory water supply shortage response.

5. Appeals to SAN DIEGUITO WATER DISTRICT Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the SAN DIEGUITO WATER DISTRICT Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state all grounds for the appeal and shall include all evidence or documents provided to the General Manager to support the variance request. The failure to appeal the decision, in writing, to the Board of Directors within ten (10) consecutive days of the decision by the General Manager shall bar and waive all further appeals to the Board and result in the decision of the General Manager becoming final and non-appealable. At a public meeting, the SAN DIEGUITO WATER DISTRICT Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The Board of Directors of San Dieguito retains broad discretion in denying, approving or conditionally approving any variance request. Nothing contained in this ordinance shall be construed as requiring the Board of Directors to grant any variance request. The Board of Directors of San Dieguito shall have the right to deny any variance request in the sole discretion of the Board of Directors of San Dieguito. The decision of the SAN DIEGUITO WATER DISTRICT Board of Directors is final. The record of proceedings shall consist solely of those documents and records submitted by the applicant to the General Manager to support the variance request; any studies, reports, evaluations, or determinations made by the General Manager; and any final determination by the Board of Directors of San Dieguito. No new evidence or information shall be submitted by any variance applicant to the Board of Directors of San Dieguito not

previously presented to the General Manager prior to the General Manager's decision on the variance request.

Sec 29.12. Violations And Penalties

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. A warning will be issued at the sole discretion of the General Manager for the first violation within the current twelve-month period from the most recent violation.
2. The customer will be fined one hundred dollars for a second violation within the current twelve-month period from the most recent violation.

3. The customer will be fined two hundred dollars for a third violation within the current twelve-month period from the most recent violation.

4. The customer will be fined five hundred dollars for each additional violation of this ordinance within the current twelve-month period from the most recent violation.

(d) Any violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter. Reinstatement of normal flow will be considered by the General Manager upon review of evidence or documents which outline steps taken by customer to correct the violation. The General Manager may approve, conditionally approve or deny the removal of the flow-restricting device.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 29.7 and applicable during a Level 4 Water Supply Shortage Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

Sec 29.13. Effective Date

This ordinance is effective immediately upon adoption as provided in Water Code Section 376. This ordinance shall be published one time in a newspaper of general circulation within the SAN DIEGUITO WATER DISTRICT within ten (10) days of adoption as provided in Water code Section 376.

ORDINANCE NO. 195

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT ADOPTING EMERGENCY DROUGHT CONSERVATION MEASURES

BE IT ORDAINED by the Board of Directors of the Vallecitos Water District ("District") as follows:

STATE OF CALIFORNIA DECLARATION OF WATER EMERGENCY

Whereas, on January 17, 2014, Governor Brown issued Proclamation No. 1-17-2014, declaring a state of emergency throughout the State of California due to severe drought conditions; and

Whereas, on April 1, 2015, Governor Brown issued Executive Order No. B-29-15, ("Executive Order"), directing that the State Water Resources Control Board ("Control Board") develop and impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use; and

Whereas, the Executive Order was effective immediately upon its issuance, through February 28, 2016, and includes additional water conservation measures and mandated water conservation amounts; and

Whereas, on May 5, 2015, the Control Board adopted new regulations, to ensure compliance with the Executive Order; and

Whereas, the Control Board has mandated a 24% reduction in potable water use for the District, from 2013 demands, which includes Residential, Commercial, Industrial and Institutional potable water demands; and

Whereas, on April 14, 2015, the Metropolitan Water District of Southern California ("Metropolitan") adopted a 15% supply reduction effective July 1, 2015, to June 30, 2016, with the requirement to re-evaluate the allocation level in December 2015; and

Whereas, on February 13, 2014, the San Diego County Water Authority ("Water Authority") adopted a Level 1 – "Drought Watch" condition that included additional voluntary water conservation measures; and

Whereas, on July 24, 2014, the Water Authority adopted a Level 2 – "Drought Alert" condition that included mandatory water use restrictions, but did not define supply allocations or a potable water use reduction goal; and

Whereas, on May 14, 2015, the Water Authority adopted Level 2 – "Drought Alert" supply allocations to Municipal and Industrial (M & I) and Transitional Special

Agricultural Water Rate (TSAWR) supply allocations, for each member agency, based upon the Metropolitan supply reduction in water deliveries, effective July 1, 2015 to June 30, 2016; and

Whereas, the District has an existing Drought Response Conservation Program adopted by the Board of Directors on May 6, 2009, as Ordinance No. 162; and

Whereas, on February 19, 2014, the District followed the action of the Water Authority and declared a Level 1 "Drought Watch" which included increased public outreach and volunteer conservation practices; and

Whereas, on August 6, 2014, the District followed the action of the Water Authority and declared a Level 2 "Drought Alert" which included increased public outreach, required additional conservation practices and authorized fines for non-compliance.

Based on the foregoing, and to prevent the waste and unreasonable use of water and to promote water conservation, the Board of Directors of the District hereby finds and determines that the following emergency measures must be taken:

SECTION 1: The provisions of *Ordinance No. 162, Drought Response Level 2 – Drought Alert Section (a) Level 2 Mandatory Conservation Practices* shall remain in full force and effect and shall apply to this Emergency Declaration.

SECTION 2: Each of the following additional actions are prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.

(b) The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.

(c) The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

(d) All leaks shall be repaired within forty-eight hours of notification by the District unless other arrangements are made with the District General Manager.

SECTION 3: To obtain the required 24% District-wide reduction in water demands, the following limitations shall apply to all outdoor irrigation, excluding qualified agriculture and commercial growers:

(a) Residential and commercial landscape irrigation will be limited to two assigned days per week between June and October on a schedule established by the District General Manager. Agriculture and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 4: The reductions in demands associated with watering 2 days per week may not meet the 24% reduction requirements of the Executive Order and after July 1, 2015, the District may reduce outside irrigation use to 1 day per week as follows:

(a) Residential and commercial landscape irrigation will be limited to one assigned day per week between June and October on a schedule established by the General Manager. Nurseries and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 5: VIOLATIONS AND PENALTIES

In addition to any other remedies which the District may have for the enforcement of this Ordinance pursuant to Water Code Section 31029, any person who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein. Each day that a violation of this ordinance occurs is a separate offense. Administrative fines may be levied for each violation of a provision of this ordinance as follows:

(a) FINES

(i) One hundred dollars ($100.00) for a first violation.

(ii) Two hundred dollars ($200.00) for a second violation of any provision of this ordinance within one year of the prior violation.

(iii) Five hundred dollars ($500.00) for each additional violation of this ordinance within one year of the prior violation.

(iv) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(b) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding $1,000.00 or by both as provided in Water Code Section 377.

(c) Willful violations of the mandatory conservation measures and water use restrictions as set forth during Drought Emergency conditions may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code Section 346.

(d) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 6: EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for the Vallecitos Water District.

PASSED, APPROVED AND ADOPTED on this 20th day of May, 2015, by the following roll call vote:

AYES: ELITHARP, HERNANDEZ, MARTIN, EVANS
NOES: SANNELLA
ABSTAIN:
ABSENT:

Betty D. Evans, President
Board of Directors
Vallecitos Water District

ATTEST:

Dennis O. Lamb, Secretary
Board of Directors
Vallecitos Water District

ORDINANCE NO. 15-01
ORDINANCE OF THE BOARD OF DIRECTORS OF THE SANTA FE IRRIGATION DISTRICT ADOPTING A WATER ALLOCATION AND PENALTY POLICY FOR WATER SHORTAGE LEVELS 3 AND 4

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use or unreasonable method of use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the Santa Fe Irrigation District (the "District") is authorized to adopt and enforce a water conservation program, which may include mandatory reductions in water use, water allocations and penalties, to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, the District adopted a water conservation program in 2007, by adoption of District Administrative Code Article 17, Water Shortage Response Policies and Procedures ("Water Shortage Response Policies and Procedures"), which has been thereafter amended from time to time; and

WHEREAS, the Water Shortage Response Policies and Procedures authorize the District to establish a water allocation for property served by the Santa Fe Irrigation District; and

WHEREAS, in response to ongoing drought conditions, on April 1, 2015, Governor Brown issued Executive Order B-29-15, proclaiming a State of Emergency to exist within the State of California, and which, among other things, required the California State Water Resources Control Board ("State Board") to adopt and implement regulations imposing restrictions to achieve a statewide 25% reduction in potable water usage through February 28, 2016, requiring water suppliers to reduce usage as compared to the amount used in 2013; and

WHEREAS, on May 6, 2015, the State Board adopted amendments to its emergency drought regulations to address Governor Brown's directive, which amendments require the District to reduce its water usage by 36% as compared to the amount used in 2013; and

WHEREAS, because of the declared policy of the State, Governor Brown's Executive Order and the State Board's amended emergency drought regulations, the District hereby finds

and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a water allocation program, as permitted and authorized by the Water Shortage Response Policies and Procedures to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water and adopt and enforce a water conservation and regulatory program in order to meet the State Board emergency drought regulations, including: (i) prohibiting the waste of District water or the use of District water during such periods; (ii) prohibiting the use of water during such periods for specific uses which the District may from time to time find to be nonessential, an unreasonable use, and unreasonable method of use, or a waste of water; and (iii) reducing and restricting the quantity of water used by those persons within the District for the purpose of conserving the water supplies of the District; and

WHEREAS, it has been estimated that more than half of residential water use in many parts of California is used to irrigate lawns and outdoor landscaping; and

WHEREAS, the District has determined that during water shortages, the use of outdoor water for irrigating lawns and outdoor landscaping is not essential to public health and safety, and may be an unreasonable use, an unreasonable method of use, or a waste of water; and

WHEREAS, during a water shortage the greatest reductions in water usage may best be achieved by customers by reducing the amount of discretionary, nonessential use of potable water to irrigate lawns and landscaping; and

WHEREAS, to secure compliance with the rules and regulations established in the Water Shortage Response Policies and Procedures during Level 3 and Level 4 conditions, and assure important public policy objectives are achieved for the reduction of water usage during severe and critical water shortages, the District is proposing to establish and impose penalties for excessive water usage by all potable water customers when the District has determined to do so during a declared Level 3 or a Level 4 condition, as such terms are defined herein; and

WHEREAS, pursuant to California Government Code section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within the District, particularly during declared Level 3, if allocations are imposed by the Board during a Level 3 condition, or during a Level 4 water shortage condition to protect the general welfare and the District's water supplies, to reduce water consumption in accordance with the declared policies and laws of the State, and to meet State Board regulatory requirements; and

WHEREAS, the Board of Directors hereby finds and determines that when the District declares a Level 3 or a Level 4 condition, allocations may be implemented and administrative

penalties may be imposed for any person who willfully uses water in excess of the allocations set forth herein; and

BE IT ORDAINED by the Board of Directors of the Santa Fe Irrigation District as follows:

Section 1. **Recitals.** The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. **Findings.** The Board of Directors finds and determines that because of the prevailing conditions in the State, and the declared policy of the State, it is necessary and appropriate for the District to adopt, implement, and enforce a water allocation program to reduce the quantity of water used by District customers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection and/or to meet the State Board regulatory requirements. The District further finds and determines that during periods of drought, water shortages, and water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

Section 3. **Water Use Restrictions and Regulations during a Level 3 condition, when Allocations are Imposed, and during a Level 4 condition.** The Board of Directors hereby adopts and authorizes the following water allocation rules and regulations governing the use of water by all potable water customers:

A. DEFINITIONS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

1. **"Appellant"** means the person appealing the imposition of a penalty imposed by the District for a violation of this Ordinance.

2. **"Billing cycle"** means the billing period in which a customer's water use is measured for purposes of calculating the amount of the water service fees that shall be collected for the water service provided.

3. **"Commercial customer"** means a person who, according to the District's records, receives water to a commercial business through an individual meter.

4. **"District"** means the Santa Fe Irrigation District.

5. **"Disaster"** means a catastrophic, naturally occurring or man-made event, including, but not limited to, an earthquake, flood, fire, riot, or storm, for which a state of emergency has been declared by the President of the United States, the Governor of California, or the an executive officer or legislative body of a local agency that is within the District's service area.

6. **"General Manager"** means the General Manager of the District or his or her authorized designee.

7. **"Government/Institutional customer"** means a customer who, according to the District's records is a governmental or non-profit entity and receives water through an individual meter.

8. **"HCF"** means one hundred cubic feet.

9. **"Irrigation customer"** means a customer who, according to the District's records, receives water through an individual meter for outside irrigation only.

10. **"Multi-family residential customer"** means a person who, according to the District's records, receives water service to a multi-family residence through a single meter.

11. **"Person"** means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the Santa Fe Irrigation District.

12. **"Potable water"** means that water furnished to the customer that complies with federal and State drinking water regulations and standards, or any other applicable standards, for human consumption.

13. **"Recycled water customer"** means a customer who, according to the District's records, receives non-potable water service through an individual meter.

14. **"Rules and regulations"** means the rules and regulations governing the amount of water that may be used by a District customer during an applicable water shortage level, and any terms and conditions respecting restrictions on the use, method of use, and consumption of water in effect during an applicable water shortage level as set forth in this Ordinance.

15. **"Single-family residential customer"** means a person who, according to the District's records, receives water service to a single-family residence that is individually metered.

16. **"Level 3"** means the level at which the District has determined that a severe water supply shortage exists and mandatory reductions in water use are required to achieve a reduction in water usage by amounts as set forth herein and by a resolution adopted by the Board of Directors, or as may be established from time-to-time.

17. **"Level 4"** means the level at which the District has determined that a critical water supply shortage exists and mandatory reductions in water use are required to achieve a reduction in water usage by amounts as set forth herein and by a resolution adopted by the Board of Directors, or as may be established from time-to-time.

18. **"State"** means the state of California, including any department or regulatory agency thereof.

19. **"Water shortage level"** or **"Level"** means a Level 3, if the Board has imposed allocations during a Level 3 condition, or Level 4.

B. ALLOCATIONS FOR WATER USAGE

1. **Allocations for Water Usage.** If the rules and regulations set forth in this Ordinance are inadequate to protect and allocate the District's potable water supply, the District Board of Directors reserves the right to implement further mandatory rules and regulations to reduce the amount of water used within the District. The rules and regulations are necessary to respond to any significant reductions to the District's water supply as a result of drought, natural disasters, regulatory action, and planned or unplanned potable water shortages.

2. **Application.** The provisions of this Ordinance shall apply to all customers using potable water within the District.

3. **Notice.** In the first full billing cycle after the declaration of a water shortage Level 3 condition, if the Board has imposed allocations during a Level 3 condition, or Level 4, the District shall include in each customer's billing statement, a notice that includes the following:

    a. a statement regarding the declaration of the water shortage Level 3 or Level 4; and

    b. a description of the rules and regulations regarding allocations in effect during the water shortage Level 3 or 4, as the case may be;

    c. a description of the procedures for applying for an exemption from the rules and regulations related to allocations then in effect;

d. a description of the penalties that may be imposed on a customer who does not comply with any mandatory rules and regulations related to allocations during the water shortage Level; and

e. a reference to the District's website or alternative location or format that may be accessed for information regarding the forgoing.

4. **Due and Proper Notice.** Upon the adoption of this Ordinance, due and proper notice shall be deemed to have been given each and every customer supplied water within the District of the rules and regulations governing the water shortage levels and allocations related thereto, as described herein, the applicable rules and regulations that will be in effect during the specified levels, and any penalties that may be imposed for violations of such rules and regulations.

5. **Actions or Restrictions by the State.** If the State, through executive action, emergency legislation or other actions, impose conditions, requirements, or procedures that are not included in this Ordinance, the General Manager is authorized to implement such rules and regulations as are reasonably required to bring the District's actions in each level into functional conformity with such conditions, requirements, or procedures.

C. RULES AND REGULATIONS

1. **Rules and Regulations are Mandatory.** Any allocations or rules and regulations adopted during a water shortage level are mandatory.

2. **Violations of Rules and Regulations.** Violations of allocations or of any rules and regulations are subject to criminal, civil, and administrative penalties and remedies as provided for in this Ordinance.

3. **Level 3 Mandatory Water Use Restrictions, when Allocations are Implemented in a Level 3.** After allocations during a Level 3 have been declared and the District has completed the notice requirements set forth herein, each customer who has a potable water account with the District shall be limited to using potable water in amounts determined by the District Board of Directors in its reasonable discretion, based on the water conservation needs of the District, which amounts shall be adopted at a regular or special public meeting held in accordance with State law. The District shall determine such amounts for its various customer classes (i.e,. Single-family residential, Multi-family residential, Irrigation, Commercial, and Governmental/Institutional).

4. **Level 4 Mandatory Water Use Restrictions.** After a Level 4 has been declared and the District has completed the notice requirements set forth herein, each customer who has a potable water account with the District shall be limited to using potable water in amounts determined by the Santa Fe Board of Directors in its reasonable discretion, based on the water conservation needs of the District,

which amounts shall be adopted at a regular or special public meeting held in accordance with State law. The District shall determine such amounts for its various customer classes (i.e,. Single-family residential, Multi-family residential, Irrigation, Commercial, and Governmental/Institutional).

D. VIOLATIONS, PENALTIES, AND OTHER REMEDIES

1. **Administrative Penalties for Exceeding Mandatory Water Use Restrictions During Level 3 when Allocations have been Implemented, and During Level 4.** After a Level 3, when allocations have been implemented, or a Level 4 has been declared, and the District has completed the notice requirements set forth herein, any potable water used by a customer in excess of the allocations then in effect during a billing cycle as provided in Section 3.C.3 or 4. shall be:

   a. deemed a waste of water;

   b. a violation of the District's rules and regulations; and

   c. subject to a civil administrative penalty of:

      i. $3.40/hcf for usage above the allocation up to 115%
      ii. $6.79/hcf for usage over 115% of the allocation

      This penalty is patterned after the District's water wholesalers' method of penalizing its member agencies (including the District) during periods of allocation (2X the rate per acre foot up to 115% of the allocation and 4X the rate per acre foot for any usage over 115% of the allocation).

2. **Payment of Penalties.** Any penalty imposed pursuant to Section 3.D.1. shall be:

   a. applicable to all potable water used in excess of the allocations imposed by the mandatory rules and regulations during the second complete billing cycle after the declaration of the applicable water shortage level;

   b. collected on the customer's water bill;

   c. due and payable as part of the water bill charges;

   d. the responsibility of the customer of record for the property where the violation occurred; and

   e. paid in addition to the water service fees the District imposes for the potable water delivered to the property where the violation occurred.

3. **Non-payment of Penalty.** Non-payment of any penalty imposed pursuant to this Ordinance shall be subject to the same remedies available to the District as for non-payment of basic water rates.

4. **Notice of Violation.** The receipt of a water bill with any applicable penalty shall serve as notice of violation of the District's rules and regulations herein.

5. **Misdemeanor Violations.** It shall be unlawful for any person to willfully violate any provisions of this Ordinance. A violation of any of these provisions is a misdemeanor in accordance with California Water Code section 377.

6. **Other Remedies.** In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action, including discontinuing or appropriately limiting water service to any customer, or installing a flow restricting device, for violations of this Ordinance. All remedies provided herein shall be cumulative and not exclusive.

7. **Non-liability for Damage.** A customer who violates this Ordinance assumes responsibility for injury to the customer and/or other residents/occupants receiving service, including emotional distress and/or damage to the customer's private water system and/or to other real or personal property owned by the customer or by a third party resulting from the installation and operation of a flow restricting device or from termination of service. The customer shall thereby be deemed to have:

   a. waived any claim for injury or for damage to the customer's property which the customer may otherwise have against the District; and

   b. agreed to indemnify, defend, and hold the District harmless from claims by third parties for injury or property damage arising or claimed to arise out of the District's installation and/or operation of a flow restricting device or termination of water service.

E. APPEAL PROCEDURES

1. **Filing an Appeal.** Any person (an "appellant") who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance shall comply with the following procedures:

   a. The appellant shall pay all amounts due and owing on his or her water bill, except for any disputed penalty(ies) imposed by the District pursuant to this Ordinance.

   b. The Appellant shall submit an appeal request form to the District's Administration Department no later than fifteen (15) calendar days from

the date that the appellant's water bill for the billing cycle in which any penalty(ies) imposed is due.

2. **Basis for Granting an Appeal.** An appeal may be granted under the following limited circumstances:

   a. The amount of water delivered to the appellant's property did not violate the rules and regulations, as evidenced by a demonstrable malfunction in the meter serving the appellant's property or a billing error by the District.

   b. The appellant demonstrates the water use is needed for health and/or safety reasons.

   c. The appellant demonstrates an undetected water leak occurred at his or her property during the billing cycle in which the penalty was imposed, resulting in water loss that did not benefit the appellant, and notifies the District of such leak at least five days prior to the bill due date, and demonstrates that the leak has been repaired.

3. **Additional Documentation.** Additional documentation may be requested at the discretion of the District.

4. **District Response.** A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request form.

5. **Review or Denial of Appeal Request.** If an appeal request is denied, the appellant may resubmit the appeal request form for review by the District's designated Administration Department representative.

   a. Any denial of an appeal may be submitted for further review by the General Manager, or his or her authorized designee. Any request for further review shall be submitted no later than fifteen (15) calendar days from the denial of the appeal. The appellant may request to provide evidence in writing or in person in support of his or her appeal to the General Manager, or his or her authorized designee.

   b. The decision by the District's General Manager, or authorized designee shall be final.

   c. Within ten (10) days after the denial of an appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.

   d. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

Section 4. **Conflicting Provisions.** If provisions of this Ordinance are in conflict with each other, other provisions of the District's regulations or policies, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 5. **Severability.** If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption. However, to allow sufficient time for customer education and outreach, the allocation program becomes effective with usage as of July 1, 2015; penalty charges will be effective on customer water bills beginning September 1, 2015,

Enacted at a regular meeting of the Board of Directors of the Santa Fe Irrigation District, California, held on May 21, 2015, by the following vote:

AYES:	Daddi, King, Smerican, and Hogan
NOES:	Gruzdowich
ABSTAIN:	None
ABSENT:	None

Michael T. Hogan, President

Attest:

Michael J. Bardin, Secretary

ORDINANCE NO. 195

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT ADOPTING EMERGENCY DROUGHT CONSERVATION MEASURES

BE IT ORDAINED by the Board of Directors of the Vallecitos Water District ("District") as follows:

STATE OF CALIFORNIA DECLARATION OF WATER EMERGENCY

Whereas, on January 17, 2014, Governor Brown issued Proclamation No. 1-17-2014, declaring a state of emergency throughout the State of California due to severe drought conditions; and

Whereas, on April 1, 2015, Governor Brown issued Executive Order No. B-29-15, ("Executive Order"), directing that the State Water Resources Control Board ("Control Board") develop and impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use; and

Whereas, the Executive Order was effective immediately upon its issuance, through February 28, 2016, and includes additional water conservation measures and mandated water conservation amounts; and

Whereas, on May 5, 2015, the Control Board adopted new regulations, to ensure compliance with the Executive Order; and

Whereas, the Control Board has mandated a 24% reduction in potable water use for the District, from 2013 demands, which includes Residential, Commercial, Industrial and Institutional potable water demands; and

Whereas, on April 14, 2015, the Metropolitan Water District of Southern California ("Metropolitan") adopted a 15% supply reduction effective July 1, 2015, to June 30, 2016, with the requirement to re-evaluate the allocation level in December 2015; and

Whereas, on February 13, 2014, the San Diego County Water Authority ("Water Authority") adopted a Level 1 – "Drought Watch" condition that included additional voluntary water conservation measures; and

Whereas, on July 24, 2014, the Water Authority adopted a Level 2 – "Drought Alert" condition that included mandatory water use restrictions, but did not define supply allocations or a potable water use reduction goal; and

Whereas, on May 14, 2015, the Water Authority adopted Level 2 – "Drought Alert" supply allocations to Municipal and Industrial (M & I) and Transitional Special

Agricultural Water Rate (TSAWR) supply allocations, for each member agency, based upon the Metropolitan supply reduction in water deliveries, effective July 1, 2015 to June 30, 2016; and

Whereas, the District has an existing Drought Response Conservation Program adopted by the Board of Directors on May 6, 2009, as Ordinance No. 162; and

Whereas, on February 19, 2014, the District followed the action of the Water Authority and declared a Level 1 "Drought Watch" which included increased public outreach and volunteer conservation practices; and

Whereas, on August 6, 2014, the District followed the action of the Water Authority and declared a Level 2 "Drought Alert" which included increased public outreach, required additional conservation practices and authorized fines for non-compliance.

Based on the foregoing, and to prevent the waste and unreasonable use of water and to promote water conservation, the Board of Directors of the District hereby finds and determines that the following emergency measures must be taken:

SECTION 1: The provisions of *Ordinance No. 162, Drought Response Level 2 – Drought Alert Section (a) Level 2 Mandatory Conservation Practices* shall remain in full force and effect and shall apply to this Emergency Declaration.

SECTION 2: Each of the following additional actions are prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.

(b) The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.

(c) The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

(d) All leaks shall be repaired within forty-eight hours of notification by the District unless other arrangements are made with the District General Manager.

SECTION 3: To obtain the required 24% District-wide reduction in water demands, the following limitations shall apply to all outdoor irrigation, excluding qualified agriculture and commercial growers:

(a) Residential and commercial landscape irrigation will be limited to two assigned days per week between June and October on a schedule established by the District General Manager. Agriculture and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 4: The reductions in demands associated with watering 2 days per week may not meet the 24% reduction requirements of the Executive Order and after July 1, 2015, the District may reduce outside irrigation use to 1 day per week as follows:

(a) Residential and commercial landscape irrigation will be limited to one assigned day per week between June and October on a schedule established by the General Manager. Nurseries and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 5: VIOLATIONS AND PENALTIES

In addition to any other remedies which the District may have for the enforcement of this Ordinance pursuant to Water Code Section 31029, any person who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein. Each day that a violation of this ordinance occurs is a separate offense. Administrative fines may be levied for each violation of a provision of this ordinance as follows:

(a) FINES

(i) One hundred dollars ($100.00) for a first violation.

(ii) Two hundred dollars ($200.00) for a second violation of any provision of this ordinance within one year of the prior violation.

(iii) Five hundred dollars ($500.00) for each additional violation of this ordinance within one year of the prior violation.

(iv) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(b) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding $1,000.00 or by both as provided in Water Code Section 377.

(c) Willful violations of the mandatory conservation measures and water use restrictions as set forth during Drought Emergency conditions may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code Section 346.

(d) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 6: EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for the Vallecitos Water District.

PASSED, APPROVED AND ADOPTED on this 20th day of May, 2015, by the following roll call vote:

AYES: ELITHARP, HERNANDEZ, MARTIN, EVANS
NOES: SANNELLA
ABSTAIN:
ABSENT:

Betty D. Evans, President
Board of Directors
Vallecitos Water District

ATTEST:

Dennis O. Lamb, Secretary
Board of Directors
Vallecitos Water District

RESOLUTION No. 1573 -14

YUIMA MUNICIPAL WATER DISTRICT
IMPLEMENTING THE LEVEL 2 PROVISIONS OF ORDINANCE NO. 100-08
(DROUGHT RESPONSE CONSERVATION PROGRAM)

WHEREAS, The State of California is in the third year of an historic drought, and

WHEREAS, The Governor of the State of California has, by Executive Orders No. 1-17-2014 and 4-25-2014, declared that a water emergency exists within the State of California and ordered the Department of Water Resources and the State Water Resources Control Board to take actions to enforce certain mandatory water conservation measures through directives to public water supply agencies throughout the State, and

WHEREAS, pursuant to the Governor's executive orders and Water Code Section 1058.5, the State Water Resources Control Board has issued mandatory rules requiring local public water agencies to activate the mandatory conservation provisions of their existing water conservation ordinances that are consistent with the prohibitions against outdoor water use as contained in the Governor's Executive Orders; and

WHEREAS, the relevant and applicable portion of the District's Ordinance No. 100-08 is designated "Section 5.0 – Drought Response Level 2 – Drought Alert Condition",

NOW THEREFORE BE IT RESOLVED that the General Manager is hereby directed to implement the mandatory provisions of Ordinance No. 100-08, Section 5.0, effective within ten (10) days of the adoption of this resolution, and

BE IT FURTHER RESOLVED that staff is directed to publish a copy of this Resolution and the relevant sections of Ordinance 100-08 in a newspaper of general circulation within 5 days of the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 25th day of August, 2014 by the following roll call vote:

AYES: Watkins, Knutson, Fitzsimmons, Anderson, Stockton
NOES: none
ABSTAIN: none
ABSENT:

W.D. Knutson, President of the Board of Directors

ATTEST:
George Stockton, Secretary

ORDINANCE NO. 100 - 08

AN ORDINANCE OF THE YUIMA MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE CONSERVATION PROGRAM

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable methods of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Yuima Municipal Water District (hereinafter the "District") to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has

adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the District, due to the geographic and climatic conditions within its territory and its partial dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The District's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the District; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of the Yuima Municipal Water District does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by District. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly

restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in the District's Rules and Regulations governing water service.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

SECTION 3.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the District.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells, water produced under Well Agreements between the District and private parties, or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the District is subject to this ordinance in the use of the other water.

SECTION 4.0 DROUGHT RESPONSE LEVEL 1 - DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if District declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

5. Irrigate nursery and commercial grower's products in conformance with such irrigation schedules as the District's General Manager shall establish. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, or when a bucket is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

6. Use re-circulated water to operate ornamental fountains.

7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

8. Serve and refill water in restaurants and other food service establishments only upon request.

9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

10. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

SECTION 5.0 DROUGHT RESPONSE LEVEL 2 - DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The District Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using District water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.

5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

SECTION 6.0 DROUGHT RESPONSE LEVEL 3 - DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies

that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The District Board of

Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using District water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, District will suspend consideration of annexations to its service area.

(e) The District may establish a water allocation for property served by the District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in such amount as shall be established from time to time in the District's Rules and Regulations Governing Water Service for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 7.0 DROUGHT RESPONSE LEVEL 4 - DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the District to have maximum supplies available to meet anticipated demands. The District's Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using District water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

(c) The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in such amount as shall from time to time be established by the Board of Directors in the Rules and Regulations of the District Governing Water Service for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority's DMP stages and the District's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the District may implement Drought Response Level 1 actions. Under DMP Stage 2, the District may implement Drought Response Level 1 or Level 2 actions. Under

DMP Stage 3, the District may implement Drought Response Level 2, Level 3, or Level 4 actions.

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

The foregoing and any subsequent provisions notwithstanding, the Board of Directors reserves the right, in its sole discretion, to establish a particular Drought Response Level independently of Water Authority actions, if in the Board's sole judgment such action is necessary to take appropriate account of particular local circumstances that may ameliorate or exacerbate conditions at the local level.

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be submitted to the District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on its website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10th) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the

allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 10.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the District Board of Directors.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of

substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the District Board of Directors is final.

SECTION 11.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year.
3. Five hundred dollars for each additional violation of this ordinance within one year.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding $1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought

Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for District.

PASSED, APPROVED AND ADOPTED this 28th day of July, 2008 by the following vote:

AYES: Knutson, Anderson, Fitzsimmons, Lyttle, Stockton
NOES: none
ABSTAIN: none
ABSENT: none

W. D. Knutson,
President of the Board of Directors

ATTEST:
George Stockton, Secretary

APPROVED AS TO FORM:
Jeffrey Scott, General Counsel