



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

July 28, 2015

System No. 3910027

Certified Mail Return/Receipt
No. 7012 3460 0003 1113 1359

Edwin Pattison, General Manager
Mountain House Community Services District
230 South Sterling Drive, Suite 100
Mountain House, CA 95391

TRANSMITTAL OF COMPLIANCE ORDER NO. 01_10_15R_005

Dear Mr. Pattison

The State Water Resources Control Board (Water Board), Division of Drinking Water is issuing Compliance Order No. 01_10_15R-005 to the Mountain House Community Services District public water system. The compliance order is enclosed.

Please read the compliance order carefully. If you have any questions, please contact Bhupinder Sahota of the Stockton District office at (209) 948-3881.

Sincerely,

A handwritten signature in black ink that reads "Richard L. Hinrichs".

Richard L. Hinrichs, P.E., Chief
Northern California Section
State Water Resources Control Board
Division of Drinking Water

Enclosure: Compliance Order No. 01_10_15R_005

cc: Cindy Forbes, P.E., Deputy Director
Division of Drinking Water

Karen Larsen, Assistant Deputy Director
Program Management Branch
Division of Drinking Water

Bruce Burton, P.E., Assistant Deputy Director
Northern California Field Operations Branch
Division of Drinking Water

Bhupinder Sahota, P.E., Stockton District Engineer
Division of Drinking Water

R:\DDW\Stockton\Dist10\SSF\SJ County\3910027\2015\CO 01_10_15R_005 Transmittal Ltr.

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT
Attn: EDWIN PATTISON, GENERAL MANAGER
230 SOUTH STERLING DRIVE, SUITE 100
MOUNTAIN HOUSE, CA 95391

COMPLIANCE ORDER NO. 01_10_15R_005

FOR

VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE SECTION
116555(a)(3)

MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

WATER SYSTEM NO. 3910027

Issued on July 28, 2015

Section 116655 of the California Health and Safety Code (hereinafter
"CHSC") authorizes the issuance of a compliance order to a public water
system for violations or threatened violations of the California Safe Drinking
Water Act (CHSC, Division 104, Part 12, Chapter 4, (commencing with

1 Section 116270)) (hereinafter "California SDWA"), or any permit, regulation,
2 or standard issued or adopted thereunder.
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5 The State Water Resources Control Board (hereinafter "Board"), acting by
6 and through its Division of Drinking Water (hereinafter "Division") and the
7 Deputy Director for the Division (hereinafter "Deputy Director"), hereby
8 issues a compliance order (hereinafter "Order") to Mountain House
9 Community Services District (hereinafter "the System") based on a
10 threatened violation of CHSC Section 116555 (a)(3).
11
12

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14 **APPLICABLE AUTHORITIES**

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16 A copy of the applicable statutes and regulations is included in Appendix 1,
17 which is attached hereto and incorporated herein by this reference.
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20 **STATEMENT OF FACTS**

21
22 The System is a community public water system serving a population of
23 approximately 12,940 through 4,186 service connections. The historical sole
24 source of raw water supply for the System is the Byron Bethany Irrigation
25 District (herein "BBID") via BBID's pre-1914 appropriative water right to
26 divert water from the Sacramento-San Joaquin Delta. BBID is under
27

1 contract with the System to wholesale up to 9,413 acre feet of raw water per
2 year.
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5 On June 12, 2015, the Board issued curtailment notices to appropriate
6 water right holders for water rights with a priority date between 1903 and
7 1914 in the Sacramento - San Joaquin watersheds and Delta, including to
8 BBID for its pre-1914 right. Division is informed and believes that
9 subsequent to the Board's notice to BBID, BBID, in a letter dated June 19,
10 2015, informed System of BBID's intent to shut down its diversion facility on
11 June 23, 2015. A true and correct copy of the Board's notice to BBID and
12 BBID's letter to System is attached hereto as Appendix 2.
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17 Division is further informed and believes that in order to meet the System's
18 interim water needs, it executed an agreement with the South San Joaquin
19 Irrigation District (SSJID) on June 30, 2015. Under this agreement, SSJID
20 will sell 1,800 acre-feet of water to the System from the date the agreement
21 was executed through December 31, 2015. The System has no alternative
22 source of raw water supply after December 31, 2015.
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25
26 In response to extreme drought conditions in California, the Board adopted
27 CCR, Title 23, Sections 863, 864, 865, and 866 as an emergency regulation

1 (hereinafter "Conservation Regulation"). The Conservation Regulation is
2 intended to ensure that water agencies, their customers, and state residents
3 increase water conservation, primarily through reduction of outdoor urban
4 water use.
5

6 7 8 **DETERMINATIONS**

9 The Division has determined, based on the facts set forth hereinabove
10 including the temporary nature of System's agreement with the SSJID, that
11 the System is at risk of failing to have a reliable and adequate supply of
12 pure, wholesome, healthful, and potable water to meet its customer's needs;
13 and therefore, that System has experienced a violation and is experiencing
14 a threatened violation of CHSC Section 116555 (a)(3).
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18 **DIRECTIVES**

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20 **The System is hereby directed to take the following actions:**

- 21
- 22 1. By August 31, 2015, the System shall provide to the Division, for its
23 review and approval, a plan for complying with all applicable provisions
24 of the Conservation Regulation including, but not limited to, the
25 *Mandatory Actions for Water Suppliers* specified in Title 23, CCR,
26 Section 865. The plan shall include an implementation schedule. The
27

1 System shall implement the plan in accordance with the schedule upon
2 the plan's approval by Division. A copy of the Conservation Regulation
3 section is included in Appendix 1.
4

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6 2. By December 31, 2015, the System shall provide to the Division, for its
7 review and approval, a Source Capacity Planning Study (hereinafter
8 "Study") pursuant to Title 22, CCR, Section 64558. The Study shall be
9 prepared by a civil engineer, registered in the State of California. In
10 addition to the requirements of Title 22, CCR, Section 64558, the Study
11 shall include System's plan for meeting its projected system demand and
12 a schedule for implementation of said plan. The System shall comply
13 with the Study's implementation plan, upon its approval by Division,
14 including the schedule set forth in the Division approved Study
15 (hereinafter "Approved Study").
16

17
18 3. System shall submit a written report, on the status of its compliance with
19 provisions of the Approved Study, to Division not later than the last day
20 of each March, June, September, and December following the date of
21 Division's approval of the Approved Study. The System shall continue
22 submitting reports, pursuant to this Directive #3, until the Approved Study
23 is fully implemented.
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26 The Division reserves the right to make such modifications to this Order as it
27 may deem necessary to protect public health and safety. Such

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modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the System of its obligation to meet the requirements of the California SDWA, or any regulation, permit, standard or order issued or adopted thereunder.

All submittals required by this Order shall be submitted to the Division at the following address:

Bhupinder S. Sahota, P.E.
Stockton District Engineer
State Water Resources Control Board
Division of Drinking Water
31 E. Channel Street, Room 270
Stockton, CA 95202

PARTIES BOUND

This Order shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

The Directives of this Order are severable, and the System shall comply with each and every provision thereof, notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this compliance order.

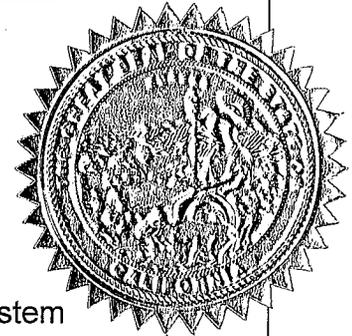
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Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board

7/28/2015

Date



Appendix 1: Applicable Authorities

Appendix 2: Notice from Board to BBID and BBID letter to the System

Certified Mail No. 7012 3460 0003 1113 1359

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

Section 116275(s) of the Health and Safety Code states in relevant part:

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance.

Section 116555 of the Health and Safety Code states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 of the Health and Safety Code states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.

- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64558 states in relevant part:

(a) If directed by the Department to do so based on its determination that there is an existing or potential problem with the system's source capacity or a proposed expansion pursuant to section 64556(a)(5), a water system shall submit a Source Capacity Planning Study (Study) containing the following information:

(1) The anticipated growth of the water system over a projected period of at least ten years in terms of the population and number and type of residential, commercial, and industrial service connections to be served by the water system.

(2) Estimates of the amount of water needed to meet the total annual demand and the MDD over the projected ten-year growth period (projected system demand). Methods, assumptions, and calculations used to estimate the projected system demand shall be included.

(3) A map and description of the entire existing and proposed service area, showing:

(A) The location of each water source, including wells that are abandoned, out-of-service, destroyed, standby, or inactive;

1. Any valid water rights owned by the system for surface water sources, including information on any limitations or restrictions of those rights;

2. For a groundwater aquifer, the groundwater levels and drawdown patterns;

3. Permits or approvals for groundwater extraction if pumping from an adjudicated groundwater basin;

4. Existing and planned source pumping capability and distribution storage capacity for the system as a whole and for each pressure zone;

5. The calculated sustained well yields of existing wells if groundwater sources are used;

Appendix 1. Applicable Statutes and Regulations

6. Permits, if required, for any waters proposed for use to offset potable water demand; and

7. A Source Water Assessment for each potable water source.

(B) Distribution system piping, pressure zones, hydropneumatic tanks, and reservoirs;

(C) Valves, sample taps, flow meters, unmetered service connections, and other system appurtenances;

(D) Conveyance facilities;

(E) Any flood plains in the projected service area; and

(F) The 100 year flood or highest recorded flood level, whichever is higher.

(b) If directed by the Department to do so based on its determination that a study is out of date, a water system shall update and submit the Study to the Department.

(c) Water systems that have submitted an Urban Water Management Plan to the Department of Water Resources pursuant to Water Code Part 2.6 commencing with section 10610, may submit a copy of that report in lieu of some or all of the requirements of subsection (a) to the extent such information is included in the plan.

ADOPTED TEXT OF EMERGENCY REGULATION

Article 22.5. Drought Emergency Water Conservation.

Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) 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; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(5) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and (6) 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.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is 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:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

Appendix 1. Applicable Statutes and Regulations

(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; and

(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 after 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; and

(8) The 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.

(b) 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 or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(c) Immediately upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 865, shall either:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or

(2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through February 2016 as compared to the amount used from those sources for the same months in 2013.

(d) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivisions (b) or (c), is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this section:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

(3) "Total potable water production" means all potable water that enters into a water supplier's distribution system, excluding water placed into storage and not withdrawn for use during the reporting period, or water exported outside the supplier's service area.

(4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed, and monthly commercial, industrial and institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's April 1, 2015 Executive Order, each urban water supplier shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available may, submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's sources of supply do not include groundwater or water imported

Appendix 1. Applicable Statutes and Regulations

from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.

(3) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.

(4) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.

(5) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.

(6) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.

(7) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.

(8) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.

(9) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.

(10) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.

(d)(1) Beginning June 1, 2015, each urban water supplier shall comply with the conservation standard specified in subdivision (c).

(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis.

(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.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions:

(A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(B) Reduce by 25 percent reduction its total potable water production relative to the amount produced in 2013.

(2) Each distributor of a public water supply that is not an urban water supplier shall submit a report by December 15, 2015, on a form provided by the Board, that either confirms compliance with subdivision (f)(1)(A) or identifies total potable water production, by month, from June through November, 2015, and total potable water production, by month, for June through November 2013.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders

Appendix 1. Applicable Statutes and Regulations

requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) A decision or order issued under this article by the board or an officer or employee of the board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the California Water Code.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 865, to submit additional information relating to water production, water use or water conservation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.

Authority: Section 1058.5, Water Code.

References: Cal. Const., Art., X § 2; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.



State Water Resources Control Board

June 12, 2015

NOTICE OF UNAVAILABILITY OF WATER AND NEED FOR IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SACRAMENTO-SAN JOAQUIN WATERSHEDS AND DELTA WITH A PRE-1914 APPROPRIATIVE CLAIM COMMENCING DURING OR AFTER 1903

On January 23, 2015 and again on April 2, 2015, the State Water Resources Control Board (State Water Board) issued a Notice of Surface Water Shortage and Potential for Curtailment due to dry conditions throughout the State. On April 1, 2015, the Governor issued an executive order, order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to drinking water shortages, diminished water for agriculture production, degraded habitat for fish and wildlife, increased wildfire risk and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Delta (Delta).

On April 23, 2015 and May 1, 2015, the State Water Board issued curtailment notices to all post-1914 appropriative water rights in the Sacramento and San Joaquin River watersheds, inclusive of the Delta, due to insufficient projected water supplies. Based on updated water supply projections provided by the Department of Water Resources in early May, the State Water Board is now notifying pre-1914 claims of right, with a priority date of 1903 and later for the Sacramento-San Joaquin watersheds and the Delta, that, due to ongoing drought conditions, there is insufficient water in the system to service their claims of right.

Curtailment of Certain Pre-1914 Claims of Right Commenced During or After 1903:

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the existing water supply in the Sacramento-San Joaquin watersheds and Delta watersheds is insufficient to meet the needs of some pre-1914 claims of right. With this notice, the State Water Board is notifying pre-1914 appropriative claims of right with a priority date of 1903 and later within the Sacramento-San Joaquin watersheds and Delta of the need to immediately stop diverting water with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet more senior water right holders' needs or the water may be released previously stored water which must continue instream to serve its intended beneficial use. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right. Evaluations for additional curtailments of more senior rights will be made every two weeks through September.

Compliance Certification Required:

Holders of pre-1914 water right claims with priority dates equal to or later than 1903 are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms your cessation of diversion under the specific pre-1914 claim of right. Completion of the Form is mandatory to avoid unnecessary potential enforcement proceedings. You are required to complete the Form for each pre-1914 claim of right identified through this notice at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1091 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Exceptions to Curtailment:

If your diversion is for hydroelectric generation by direct diversion only and all water diverted is returned to the same stream system, you may continue to divert under your pre-1914 claim of right. If you continue to divert under the above circumstances, you must identify that on the Form and provide the information requested. If you have previously collected water to storage in a reservoir covered by a pre-1914 claim of right prior to this curtailment notice, you still may beneficially use that previously stored water. However, you must bypass all inflow into the reservoir at all times during the period this notice remains in effect.

No Exception for Health and Safety:

There is no exception to this notice for health and safety needs. However, we are aware that some water users must comply with directives issued by the Division of Drinking Water (DDW), or local health or drinking water regulation to provide continued water service to meet minimum health and safety standards. Should you continue to divert water under a claim of right subject to this notice to meet human health and safety needs, you must complete the Form identifying your health and safety needs, whether there is an applicable DDW, state or local regulation and your attempts at securing an alternate water supply. The State Water Board will carefully analyze the non-exempted continued diversions for minimum health and safety needs on a case-by-case basis.

Potential Enforcement:

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative penalties, cease and desist orders, or prosecution in court. If the State Water Board finds following an adjudicative proceeding that a person or entity has diverted or used water water unlawfully, the State Water Board may assess penalties of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent injury to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: SWRCB-Curtailment-Certification@waterboards.ca.gov, or review our drought year webpage at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/Index.shtml#notices The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

http://www.dtsc.ca.gov/database/CalEPA_Complaint/Index.cfm

We recognize the burden the drought creates, and want to assure that others do not illegally benefit from your curtailments.

Sincerely,



Thomas Howard
Executive Director

Transmitted Electronically and Via U.S. Mail

June 19, 2015

Mr. Edwin Pattison, General Manager
Mountain House Community Services District
230 Sterling Drive
Mountain House, CA 95391.

Dear Ed:

As you are aware, the State Water Resources Control Board (SWRCB) has issued a notice to the Byron-Bethany Irrigation District (BBID) informing BBID that there is no water available for diversion under BBID's pre-1914 appropriative water right (Notice). The Notice directs BBID to cease all diversions and expressly states that there is *no exception* for public health and safety. The Notice also threatens significant financial penalties for failure to comply with the purported curtailment. The Notice required certification of compliance within seven (7) days. BBID received the Notice via First Class mail on Monday, June 15, 2015 and therefore must comply by the end of the day Monday, June 22, 2015.

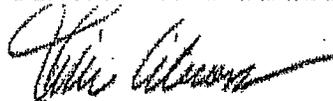
So, and in order to attempt to avoid threatened enforcement and the threatened significant financial penalties associated with failure to comply with the Notice, BBID intends to cease diverting water under its pre-1914 appropriative water rights and will shut down its diversion facility at 12:01am Tuesday, June 23, 2015. The result of BBID shutting down its pumping facility is that BBID will be unable to provide any water to Mountain House.

I encourage Mountain House to request written confirmation from the SWRCB that BBID will not be subject to the enforcement threatened in the Notice in the event BBID continues to divert water to provide to Mountain House. If we do not get that written confirmation by 12:01 am Tuesday, June 23, 2015, we will move forward with the planned shut down of our diversion facilities.

If you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,

BYRON BETHANY IRRIGATION DISTRICT



Rick Gilmore
General Manager



RUSSELL KAGEHIRO
President
Division V

TIM MAGGIORE
Vice President
Division III

LARRY ENOS, JR.
Director
Division I

MARK MAGGIORE
Director
Division II

FELIX MUSCO
Director
Division IV

CHARLESTUSO
Director
Division VI

JEFF BROWN
Director
Division VII

RICK GILMORE
General Manager
Secretary

7995 Brans Road
Byron, CA 94514-1625
Phone: 209-835-0375
Facsimile: 209-835-2869