



Mountain House Community Services District

230 S. Sterling Drive, Suite 100, Mountain House, CA 95391

Tel (209) 831-2300 • Fax (209) 831-5610

www.mhcsd.com

June 25, 2014

Felicia Marcus, Chairperson
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Comments to the Proposed Drought-Related Emergency Regulations and Provision for Minimum Health and Safety Needs

The community of Mountain House (MHCS D) appreciates the opportunity to comment on the proposed drought-related emergency regulations. MHCS D is deeply concerned that curtailment of senior water rights without a process whereby communities are ensured continuous access to water necessary for the preservation of health and safety will be critically detrimental in both the short and long-term.

MHCS D is a community services district located in the southern Delta in San Joaquin County and provides water, wastewater, and other municipal services to approximately 12,000 residents and several schools and commercial developments. MHCS D's sole water supply is through agreement with Byron-Bethany Irrigation District (BBID) which relies on a pre-1914 water right for water diversions from the Delta.

After the Governor's Drought Proclamation on January 17, 2014, MHCS D responded by adopting an Emergency Water Shortage Ordinance containing voluntary and mandatory conservation measures. As the current drought continues into 2014 and water shortages threaten curtailment to MHCS D's water supply, MHCS D has taken steps to further limit water use within the District. MHCS D is currently in the process of obtaining a recycled water permit for the use of treated wastewater as a non-potable water supply source where possible. Most recently, on June 25, 2014, the MHCS D Board of Directors adopted an emergency ordinance increasing the District to a Stage 3 Water Shortage Emergency and establishing additional water use restrictions and conservation measures.

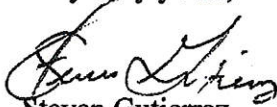
"To Provide Quality Services to the Community"

MHCSD is concerned that the proposed emergency regulations will require the District and other urban communities to seek avoidance of curtailment through a petition for reconsideration. Reconsideration requires action by the State Water Board and could result in a significant amount of time in which MHCSD will be without a legal water supply or will face fines for continuing to divert. Even existing regulations, which provide for an exception to curtailment orders to meet minimum health and safety needs, require communities to petition and seek approval from State Water Board staff where the diversions exceed a limited amount. Any emergency regulations adopted should provide an opportunity for local agencies to petition State Water Board staff *prior* to any curtailment such that communities have continuous legal access to a water supply.

MHCSD cannot simply turn off the water supplied to its 12,000 residents while a petition for exemption or reconsideration is processed. Nor can MHCSD, as a public agency, immediately enact additional water use restrictions that may be required once a petition is processed—even emergency ordinances can take up to two weeks to be enacted. The District urges the State Water Board, regardless of the vehicle, to provide a process for approving continued water diversions for health and safety purposes for communities that do not have an alternative water source. That process should not require communities to decide between abandoning the water needs of its residents or illegally providing water and being subject to large monetary fines.

Representatives from MHCSD will be glad to meet with State Water Board staff and BBID to further discuss how water supplies to the District may continue uninterrupted in the event of future curtailment actions. If you have any questions or wish to meet to discuss this matter further, please contact the District's General Counsel, Daniel J. Schroeder, at (209) 948-8200. We look forward to working with the State Water Board on this issue.

Very truly yours,



Steven Gutierrez

President

cc: Board of Directors, Mountain House Community Services District
Daniel J. Schroeder, Neumiller & Beardslee
Rick Gilmore, Byron-Bethany Irrigation District