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**BEFORE THE STATE WATER
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources)
Control Board (State Water Board))
Hearing to Determine whether to Adopt a)
Draft Cease & Desist Order against)
California American Water Regarding its)
Diversion of Water from the Carmel River)
in Monterey County under Order WR 95-10)
_____)

Hearing Date: July 23 - 25, 2008

Carmel River in Monterey County

EXHIBIT MPWMD-SP11

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

MPWMD RULE 11, DEFINITIONS (Partial¹)

Pertaining to Non-Essential Water Use and Water Waste

NON-ESSENTIAL WATER USE - "Non-Essential Water Use" shall mean the indiscriminate or excessive dissipation of water which is unproductive, or does not reasonably sustain life or economic benefits. Non-Essential Water Use includes but is not limited to the following:

1. Serving drinking water to any customer, unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
2. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling.
3. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where nonpotable water or other alternatives are available or satisfactory.
4. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
5. Failure to meet MPWMD Regulation XIV retrofit requirements for an existing business after having been given a reasonable amount of time to comply.
6. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.

Added by Ordinance No. 61 (7/20/92); amended by Ordinance No. 89 (7/21/97); Ordinance No. 92 (1/28/99)

WATER WASTE - "Water Waste" shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:

1. Waste caused by correctable leaks, breaks or malfunctions. This loss of Potable water may be cited as Water Waste after a reasonable period of time has passed in which the leak or malfunction could have been corrected. Exceptions may be granted by the General Manager for corrections, which are not feasible or practical.
2. Use of Potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard surfaced areas, except in cases where health or safety are at risk.
3. Indiscriminate or excessive water use which allows excess to run to waste.
4. Use of Potable water to irrigate turf, lawns, gardens or ornamental Landscaping between 9:00 a.m. and 5:00 p.m. by means other than drip irrigation, or hand watering without quick acting Positive Action Shut-Off Nozzles. (Exceptions shall be made by the General

¹ The full text of Rule 11 can be found on the MWPMD website at <http://www.mpwmd.dst.ca.us/rules/Apr2008/pdfs/RegI/rule11.pdf>

Manager for professional gardeners where there is no ability to not water between 9:00 a.m. to 5:00 p.m.).

5. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle. Use of water for washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment-using water is properly maintained to avoid wasteful use.
6. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD shall be deemed water waste. Emergency or health related situations are exempt from this provision in accordance with Rule 169 (Water Rationing Variance).
7. Operation of a commercial car wash without recycling at least 50 percent of the Potable water used per cycle.
8. Use of water for more than minimal Landscaping, as defined in the Landscaping regulations of the Jurisdiction or as described in Article 10.8 of the California Government Code.
9. Use of Potable water for street cleaning.
10. Outdoor watering in violation of Landscape irrigation restrictions required by Stage 1 Water Conservation.
11. Failure to maintain water use within a mandatory Landscape Water Budget.
12. Misrepresentation of the number of Persons permanently residing on a property where water is supplied by a Water Distribution System or by a private Well.

The following activities shall not be cited as Water Waste:

1. Flow resulting from fire fighting or essential inspection of fire hydrants;
2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
4. Storm run-off;
5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Unified Air Pollution Control District, except when prohibited by Regulation XV.

Added by Ordinance No. 61 (7/20/92); amended by Ordinance No. 92 (1/28/99); Ordinance No. 122 (8/15/2005)