

RULE 165 - STAGE 5 WATER RATIONING

A. Stage 5 Water Rationing is defined as the fifth stage in the District's Expanded Water Conservation and Standby Rationing Plan that responds to a drought situation or emergency water supply shortage with a 20 percent reduction goal from the system production limit. Reductions are achieved by water use cutbacks by User Category and by per-capita water rations and a moratorium on Water Permits that Intensify Water Use.

B. Implementation

1. Water Supply Limitation Trigger

Stage 5 Water Rationing shall apply to all Water Users whose Source of Supply is derived from the MPWRS. Stage 5 Water Rationing shall become effective on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if total usable storage in the MPWRS on May 1 is less than 21,802 Acre-Feet and greater than 15,615 Acre-Feet. If total usable storage is equal to or greater than 27,807 Acre-Feet on May 1, no water rationing shall be imposed.

The General Manager may delay implementation of Stage 5 Water Rationing to ensure adequate operation of the program. Delays authorized by the General Manager shall not exceed 90 days.

2. Emergency

Implementation shall also occur following urgency action by Resolution of the Board of Directors declaring that an emergency situation exists and immediate 20 percent reductions in water use from a distribution system's production limit are necessary to ensure public health, safety or welfare.

C. Sunset of Stage 5 Water Rationing

1. Water Supply Availability

Stage 5 Water Rationing shall continue to have force and effect until rescinded by Resolution of the Board of Directors upon a determination that the total usable storage in the MPWRS is greater than 21,802 Acre-Feet. This determination will normally be made at the Board's May meeting. However, a determination to rescind Stage 5 Water Rationing as early as the following January Board meeting can be made if the total usable storage in the MPWRS is equal to or greater than 27,807 Acre-Feet on January 1.

2. In the event total usable storage is greater than 27,807 Acre-Feet, the General Manager shall review California American Water's year-to-date production. Upon compliance with the monthly year-to-date goals specified in Table 1 of Rule 162 and, unless otherwise specified in the Resolution rescinding Stage 5 Water Rationing, Water Users shall revert to Stage 1 Water Conservation. If

California American Water's year-to-date production exceeds the year-to-date goal specified in Table 1 of Rule 162, California American Water Users shall revert to Stage 2 Water Conservation.

D. Affected Water Users

Stage 5 Water Rationing shall apply to all Water Users within the MPWRS. As necessary to ensure adequate water supplies, the Board of Directors may act within its discretion to authorize activation of Stage 5 Water Rationing within one or more Water Distribution Systems in the District.

E. Requirements imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan through Stage 4 Water Conservation shall remain in force. Requirements may be modified or superseded by actions taken in this or future stages of the Expanded Water Conservation and Standby Rationing Plan.

F. Moratorium

On October 1 following implementation of Stage 5 Water Rationing, the District shall suspend the issuance of Water Permits associated with Intensification of Use. This provision shall not suspend the issuance of Water Permits that utilize public or private Water Use Credits or where issuance of a Permit is required by prior agreement of the District.

G. Reduction Goal

Stage 5 Water Rationing achieves water use reductions of 20 percent of the California American Water and non-California American Water system production limits in each User Category as follows: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Uses, and Reclaimed Water Users.

H. Notice

1. California American Water shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the California American Water system via first-class mail at least thirty (30) days before the first day of rationing. Further, California American Water shall send monthly reminders of water rationing in the water bill along with information showing the water ration and the quantity of the water ration consumed by the Responsible Party. Finally, California American Water shall provide each Responsible Party with a survey form upon request.
2. All Water Distribution System Operators affected by Stage 5 Water Rationing shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the Water Distribution System via first-class mail at least thirty (30) days before the first day of rationing.

Further, the distribution system operator shall send monthly reminders of water rationing in the water bill along with information showing the water ration and the quantity of the water ration consumed by the responsible party. Finally, the Water Distribution System Operator shall provide each Responsible Party with a survey form at least once each calendar year. Water Distribution System Operators shall ensure that notices provided or required by the District shall be distributed to the system Water Users.

3. The District shall contact all Water Users of private Wells not supplying water to a distribution system within the MPWRS at least thirty (30) days before the first day of Stage 5 Water Rationing. Contact shall be via first class mail and shall explain the restrictions placed on the use of private Wells during Stage 5 Water Rationing and shall provide and/or request additional information from the private Well Owner as deemed necessary for the efficient operation of the program.

I. Rations by Category

Water rations shall be determined by User Category. Each Water User within the Monterey Peninsula Water Resource System shall be classified in one of the following groups: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Use, and Reclaimed Water Users.

J. Reduced Annual California American Water Annual Production During Stage 5 Water Rationing

The California American Water annual production limit shall be reduced by 20 percent during Stage 5 Water Rationing. The resulting production limit shall be further reduced by a water rationing contingency determined by the Board. Seven (7) percent of the remainder shall be the maximum California American Water Unaccounted For Water Use ration. The remaining water shall be the California American Water annual production limit for all User Categories.

K. Non-California American Water Annual production limits during Stage 5 Water Rationing

Available production for other Water Distribution Systems subject to Stage 5 Water Rationing shall be determined using the same methodology as for California American Water without including a deduction for Unaccounted For Water Uses. The non-California American Water annual production limit for the Monterey Peninsula Water Resource System shall be used as the maximum production limit.

L. Establishing the Rations

Rations for each User Category shall be determined by the General Manager by dividing the reduced available production by the percentage of use. The percentage of use for

each user group shall be determined by the most recent unrationed reporting year (July 1 through June 30) data provided by California American Water for Water Users of that portion of California American Water that derives water from the MPWRS, and by data provided by the District from its annual Well reporting program for non-California American Water Distribution Systems.

1. Residential Water Users

Each Residential Water User either served by a water meter reported as “single-family residential” by the Water Distribution System or served by a private Well shall have an equal portion of the water available to the single-family Residential category based upon the number of residents reported on the survey form.

2. Multi-Family Residential Water Users

Each multi-family Residential Water User either served by a water meter reported as “multi-family residential” by the Water Distribution System or served by a private Well shall have an equal portion of the water available to the multi-family Residential category based upon the number of residents reported on the survey form with the following exception:

- a. Multi-Family Residential Sites with common laundry facilities on a separate water meter shall receive a one-unit water ration for each Dwelling Unit that has access to the facility. Each Dwelling Unit located on the Multi-Family Residential Site that has access to the common laundry facility shall have the Dwelling Unit ration reduced by one unit of water.

3. Commercial/Industrial Water Users

Each commercial/industrial Water User either served by a water meter reported as “commercial” or “industrial” by the Water Distribution System shall have a base ration determined by applying the current commercial Water Use Factors.

- a. Mixed Use Water Users. Mixed Use Water Users shall be classified as Commercial Uses for the purposes of this program.

4. Public Authority

Public Authority Uses shall be rationed by Jurisdiction. Each Public Authority Water User may combine multiple accounts or Connections when the accounts are located within one Jurisdiction.

5. Golf Courses

Golf Courses supplied water exclusively by the California American Water or non-California American Water Distribution Systems or Wells may be rationed individually or, upon request to the General Manager, as a group.

6. Other

Water Users utilizing portable water meters or hydrant meters shall be required to employ Best Management Practices. California American Water shall be required to report monthly to the District the location and Responsible Party for all portable water meters and the amount of use from those meters. As deemed necessary to achieve the imposed reduction in use, the District may condition use of temporary Connections.

7. Non-Revenue Metered Users

Non-Revenue Metered Uses shall be rationed as a group with the following exception:

- a. Irrigation required by the Mitigation Program adopted when the Water Allocation Program Environmental Impact Report was adopted in 1990, and as required by SWRCB Order No. WR 95-10, shall not be subject to reductions in use. Required irrigation of the Riparian Corridor shall be identified and reported separately from other Non-Revenue Metered Uses.

8. Non-California American Water Wells

Regulations for rationing non-California American Water Wells located within the MPWRS that are not supplying water to a distribution system shall be considered by the Board prior to implementation of Stage 5 Water Rationing.

9. Recycled Water Users

Recycled Water Irrigation Areas receiving water from the CAWD/PBCSD Wastewater Reclamation Project shall be subject to Stages 5 Water Rationing and higher for Potable water used during an Interruption or emergency, in accordance with contractual agreements between the District and the respective Owners of the Recycled Water Irrigation Areas.

- a. Before Project Expansion Is Completed. Under the agreements operative before the Project Expansion is Completed (as the capitalized terms are defined in Rule 23.5), the Owners of the Recycled Water Irrigation Areas shall have the respective irrigation requirements thereof satisfied to the same degree as any non-Project Golf Course or open space which derive their Source of Supply from the California American Water system. The irrigation requirements of the Recycled Water Irrigation Areas will be determined based on the most-recent non-rationed four-year average irrigation water demand, including both Recycled Water and Potable water, for each Recycled Water Irrigation Area. The use of Recycled Water, when available in sufficient quantities to satisfy the irrigation requirements of the Recycled Water Irrigation Areas, shall not

be restricted by this requirement.

Each Recycled Water Irrigation Area shall be entitled to receive the average irrigation requirement determined above, reduced by the percentage reduction required by the current stage of rationing. If the quantity of Recycled Water that is available is less than the quantity of water that the Recycled Water Irrigation Area is entitled to, Potable water shall be provided to make up the difference and satisfy the irrigation requirements of the Recycled Water Irrigation Area to the same degree that the irrigation requirements of non- Project Golf Course and open space Users are being satisfied.

The District shall ensure that the water provided during water rationing is of adequate quality. If the quality does not satisfy the contractual agreement operative before the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), Potable water shall be provided in sufficient quantities to improve the quality of the reclaimed water.

This Subsection L-9-a shall cease to be operative once the Project Expansion is deemed to be Completed (as the capitalized terms are defined in Rule 23.5), and shall thereafter be of no force or effect.

- b. When Project Expansion Is Completed. Under the agreements operative once the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), the Owners of the Recycled Water Irrigation Areas shall have the respective irrigation requirements thereof satisfied to the same degree as any non-Project Golf Course or open space which derives its Source of Supply from the California American Water system. The irrigation requirements of the Recycled Water Irrigation Areas will be determined based on the most-recent non-rationed four-year average irrigation water demand, including both Recycled Water and Potable water, for each respective Recycled Water Irrigation Area.

Each Recycled Water Irrigation Area shall be entitled to receive the average irrigation requirement determined above, reduced by the percentage reduction required by the current stage of rationing. If the quantity of Recycled Water that is available is less than the quantity of water that the Recycled Water Irrigation Area is entitled to, Potable water shall be provided to make up the difference and satisfy the irrigation requirements of the Recycled Water Irrigation Areas to the same degree that the irrigation requirements of non-Project Golf Course and open space Users are being satisfied.

The preceding sentence shall not apply to the extent that the irrigation requirements of any Recycled Water Irrigation Area are met with water legally available to Buyer from any source other than the Carmel

River system or the Seaside Groundwater Basin, including percolating Groundwater underlying Buyer's Property, to make up any such difference.

When Recycled Water (as defined in Rule 23.5) is available in sufficient quantities to satisfy the irrigation requirements of the Recycled Water Irrigation Areas, such irrigation shall not be subject to Stages 5 Water Rationing and higher, and neither Potable water nor any water described in the preceding sentence (whether or not it is Potable) shall be used for irrigation of the Recycled Water Irrigation Areas except to the extent allowed in the circumstances described in the next two sentences.

If there is an Interruption in Recycled Water deliveries to any Recycled Water Irrigation Area (as the capitalized terms are defined in Rule 23.5), the temporary use of Potable water for irrigating each such Recycled Water Irrigation Area is authorized in the manner described in Rule 23.5, Subsection F.

If MPWMD has adopted an ordinance in response to any emergency caused by drought, or other threatened or existing water shortage pursuant to section 332 of the Monterey Peninsula Water Management Law, said ordinance shall prevail over contrary provisions of this Rule. Notwithstanding the preceding sentence, Potable water shall be made available for irrigating tees and greens of the Recycled Water Irrigation Areas in sufficient quantities to maintain them in good health and condition during an Interruption, without any limitation on the duration.

The District shall have no obligation to furnish Potable water for irrigation of the Recycled Water Irrigation Areas except in the circumstances set forth above in this Subsection L-9-b.

If (1) an emergency or major disaster is declared by the President of the United States, or (2) a "state of war emergency," "state of emergency," or "local emergency," as those terms are respectively defined in Government Code section 8558, has been duly proclaimed pursuant to the California Emergency Services Act, with respect to all or any portion of the territory of MPWMD, the provisions of this Subsection L-9-b shall yield as necessary to respond to the conditions giving rise to the declaration or proclamation.

This Subsection L-9-b shall be of no force or effect until the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), and shall thereafter be operative and of full force and effect.

Added by Ordinance No. 92 (1/28/99); amended by Ordinance No. 119 (3/21/2005); Ordinance No. 125 (9/18/2006)

