

CITY OF MERCED

"Gateway to Yosemite"



DROUGHT AND WATER CONSERVATION ADVISORY/AD HOC COMMITTEE

AGENDA

Special Meeting - 3:30 P.M.

COUNCIL CHAMBERS
678 WEST 18th STREET
MERCED, CALIFORNIA

Wednesday, April 29, 2014
(www.cityofmerced.org)

- A. CALL TO ORDER**
- B. ATTENDANCE**
- C. WRITTEN PETITIONS AND COMMUNICATIONS**
- D. ORAL COMMUNICATIONS**

AT THIS TIME, ANY MEMBER OF THE AUDIENCE MAY COMMENT ON ANY MATTER NOT LISTED ON THE AGENDA. PLEASE STAND AND STATE YOUR NAME AND ADDRESS FOR THE RECORD. THE COMMITTEE WILL NOT TAKE ACTION ON THE ITEM THAT IS BROUGHT TO THEIR ATTENTION THIS EVENING. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR LISTED ON THE NEXT AUTHORITY AGENDA.

PLEASE BE BRIEF AND TO THE POINT. AVOID REPEATING WHAT PREVIOUS SPEAKERS HAVE SAID. IF TWO OR MORE INDIVIDUALS ARE HERE AS A GROUP AND WISH TO SPEAK ON ONE SIDE OF AN ISSUE, PLEASE SELECT A SINGLE SPOKESPERSON TO PRESENT YOUR VIEWS.

BUSINESS RELATED ITEMS

E. SELECTION OF CHAIRPERSON

DROUGHT AND WATER CONSERVATION RELATED ITEMS (Public Works Department)

F. UPDATE OF STATE ACTIONS AND SCHEDULE

G. UPDATE OF CITY ACTIVITIES

NEW BUSINESS

H. DISCUSSION OF CONSERVATION MEASURES AND INCENTIVES

ADJOURNMENT:

I. SET DATE FOR NEXT MEETING



Fact Sheet

NOTICE OF PROPOSED EMERGENCY REGULATION IMPLEMENTING THE 25% CONSERVATION STANDARD

On April 1, 2015, Governor Jerry Brown issued the fourth in a series of Executive Orders on actions necessary to address California's severe drought conditions. With snowpack water content at a record low level of 5 percent of average for April 1st, major reservoir storage shrinking each day as a percentage of their daily average measured over the last several decades, and groundwater levels continuing to decline, urgent action is needed. The April 1 Executive Order requires, for the first time in the State's history, mandatory conservation of potable urban water use. Commercial agriculture in many parts of the State has already been notified of severe cutbacks in water supply contracted through the State and Federal Water Projects and is bracing for curtailments of surface water rights in the near-term. Conserving water more seriously now will forestall even more catastrophic impacts if it does not rain next year.

Stakeholder Involvement

To maximize input in a short amount of time, the State Water Board released a proposed regulatory framework for implementing the 25% conservation standard on April 7, 2015 for public input. Over 250 comments were submitted by water suppliers, local government, businesses, individuals, and non-governmental organizations. Draft regulations that considered this input were released on April 18 for informal public comment. Almost 300 comments were received that addressed the methodology for the assignment of conservation standards, the availability of exclusions or adjustments under defined conditions, how to approach the commercial, industrial and institutional (CII) sector, the requirements for smaller water suppliers, and the approach to enforcement. A Notice of Proposed Emergency Regulations, which considers this input and initiates the formal emergency rulemaking process, was released on April 28, 2015. If approved, water savings amounting to approximately 1.3 million acre-feet of water, or nearly as much water as is currently in Lake Oroville, will be realized over the next nine months.

What's Next

The Notice of Proposed Emergency Rulemaking begins a formal comment period that will conclude just prior to the State Water Board's consideration of adoption of the proposed emergency regulation at its May 5-6, 2015 meeting. The formal comment period will conclude on May 4, 2015 at 10:00am. All comments will be immediately provided to the Board Members and posted on the State Water Board's webpage at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/emergency_mandatory_regulations.shtml



During this formal notice period, all **comments must be received by 10:00am on Monday May 4, 2015** and submitted either electronically to: commentletters@waterboards.ca.gov or in writing to the address in the Notice. All comments should indicate on the subject line: "Comment Letter – Emergency Conservation Regulation."

Proposed Emergency Regulation - Key Provisions

Conservation Standard for Urban Water Suppliers

As drought conditions continue, all water suppliers will need to do more to meet the statewide 25% conservation standard. Since the State Water Board adopted its initial emergency urban conservation regulation in July 2014, statewide conservation has reached 9%. Everyone must do more, but the greatest opportunities to meet the statewide 25% conservation standard exist in those areas with higher water use. Often, but not always, these water suppliers are located in areas where the majority of the water use is directed at outdoor irrigation due to lot size, climate and other factors. As temperatures are forecast to climb to above average for the summer months, it will become even more important to take aggressive actions to reduce outdoor water use. The emergency regulation establishes tiers of required water reductions that emphasize the opportunities to reduce outdoor water use.

Many comments spoke to the question of fairness and equity in the construction of the tiers in earlier drafts of the regulation. Concerns were raised about accounting for factors that influence water use, such as past conservation, climate, lot size, density, and income. Ultimately, the tier structure proposed on April 18, 2015 was maintained as the best way to achieve the 25% water reduction called for by the Governor.

Feedback is specifically requested on whether the conservation framework should be modified to double the number of tiers and use two percent increments instead of four percent. This change would provide further refinement for water suppliers that find themselves on one side or the other of a tier.

The conservation savings for all urban water suppliers are allocated across nine tiers of increasing levels of residential water use (R-GPCD) to reach the statewide 25 percent reduction mandate. This approach lessens the disparities in reduction requirements between agencies that have similar levels of water consumption, but fall on different sides of dividing lines between tiers. Suppliers have been assigned a conservation standard that ranges between 8% and 36% based on their R-GPCD for the months of July – September, 2014. These three months reflect the amount of water used for summer outdoor irrigation, which provides the greatest opportunity for conservation savings. Some suppliers may be eligible, under specific conditions, for placement into a lower 4% conservation tier. Water suppliers that reduced their water use prior to the drought will have a lower R-GPCD and thus a lower conservation standard than water suppliers with similar climate and density factors where R-GPCD remains high.

Urban water suppliers (serving more than 3,000 customers or delivering more than 3,000 acre feet of water per year and accounting for more than 90% of urban water use) will be assigned a conservation standard, as shown in the following table:

Tier	R-GPCD Range		# of Suppliers in Range	Conservation Standard
	From	To		
1	reserved		0	4%
2	0	64.9	23	8%
3	65	79.9	24	12%
4	80	94.9	44	16%
5	95	109.9	51	20%
6	110	129.9	48	24%
7	130	169.9	82	28%
8	170	214.9	54	32%
9	215	612.0	85	36%

The Smith family of three learns that their water district must reduce water use by 12 percent. A manufacturing plant uses 20 percent of the water and cannot reduce its use. So, residents are told to reduce their use by 15 percent to meet the overall 12 percent target. The Smith family uses an average of 210 gallons per day (or about 70 gallons per person), 165 gallons for indoor use and 45 gallons for watering their small yard. To meet the 15% reduction requirement they must reduce total water use to about 180 gallons per day. This is equivalent to about 60 gallons per person per day.

The Jones family of four learn that their water district must reduce water use by 32 percent. An oil refinery uses 10 percent of the district's water and cannot reduce its use. Their city also has many small businesses, and a golf course, which can reduce use by more than 10 percent. The residents must now reduce their use by 30 percent to meet the overall 32 percent target. The Jones family uses an average of 1,200 gallons per day (or about 300 gallons per person); 300 gallons for indoor use and 900 gallons outdoors, to irrigate a large yard that includes grass and fruit trees. To cut water use by 30 percent, the Jones' must cut their water use by 360 gallons per day to 840 gallons which is equivalent to 210 gallons per person per day.

Exceptions

The proposed regulation allows water suppliers to request to modify their total water use or be placed into a lower conservation tier under two situations:

1. Urban water suppliers delivering more than 20 percent of their total water production to commercial agriculture may be allowed to modify the amount of water subject to their conservation standard. These suppliers must provide written certification to the Board to be able to subtract the water supplied to commercial agriculture from their total water production for baseline and conservation purposes.
2. Urban water suppliers that have a reserve supply of surface water that could last at least four years may be eligible for placement into lower conservation tier. Only suppliers meeting the eligibility criteria will be considered. These criteria relate to the source(s) of supply, storage capacity, and the number of years that those supplies could last.

Feedback is specifically requested on whether the regulation should allow water suppliers whose supplies include groundwater to apply for inclusion the 4% reserve tier if it can be demonstrated that they have a minimum of 4 years of supply, do not rely upon imported water, and their groundwater supplies recharge naturally.

Commercial, Industrial and Institutional Sector Clarification

There are no specific use reduction targets for commercial, industrial, and institutional users served by urban and all other water suppliers. Water suppliers will decide how to meet their conservation standard through reductions from both residential and non-residential users. Water suppliers are encouraged to look at their commercial, institutional and industrial properties that irrigate outdoor ornamental landscapes with potable water for potential conservation savings.

Conservation Standard For All Other Water Suppliers

Smaller water suppliers (serving fewer than 3,000 connections) will be required to achieve a 25% conservation standard or restrict outdoor irrigation to no more than two days per week. These smaller urban suppliers serve less than 10% of Californians.

End-User Requirements

The new prohibitions in the Executive Order apply to all Californians and will take effect immediately upon approval of the regulation by the Office of Administrative Law. These include:

- Irrigation with potable water of ornamental turf on public street medians is prohibited; and
- Irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements established in the California Building Standards Code is prohibited.

These are in addition to the existing restrictions that prohibit:

- Using potable water to wash sidewalks and driveways;
- Allowing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and within 48 hours following measureable rainfall; and
- Restaurants from serving water to their customers unless the customer requests it.

Additionally, hotels and motels must offer their guests the option to not have their linens and towels laundered daily, and prominently display this option in each guest room.

It will be very important as these provisions are implemented to ensure that existing trees remain healthy and do not present a public safety hazard. Guidance on the implementation of both prohibitions will be developed.

Self-Supplied CII

Commercial, industrial and institutional properties under Provision 5 of the Executive Order with an independent source of water supply (not served by a water supplier), are required under the proposed emergency regulation to either limit outdoor irrigation to two days per week or achieve a 25% reduction in water use. Often, these properties have large landscapes that would otherwise not be addressed by this regulation.

New Reporting Requirements

Total monthly water production and specific reporting on residential use and enforcement as laid out in the previously adopted emergency regulations will remain in effect. Because the conservation standard applies to total water production, the proposed emergency regulation expands the reporting to include information on water use in the commercial, industrial, and institutional sectors. Small water suppliers with fewer than 3,000 service connections will be required to submit a single report on December 15, 2015 that provides their water production from June-November 2015 and June-November 2013 and the number of days per week outdoor irrigation is allowed.

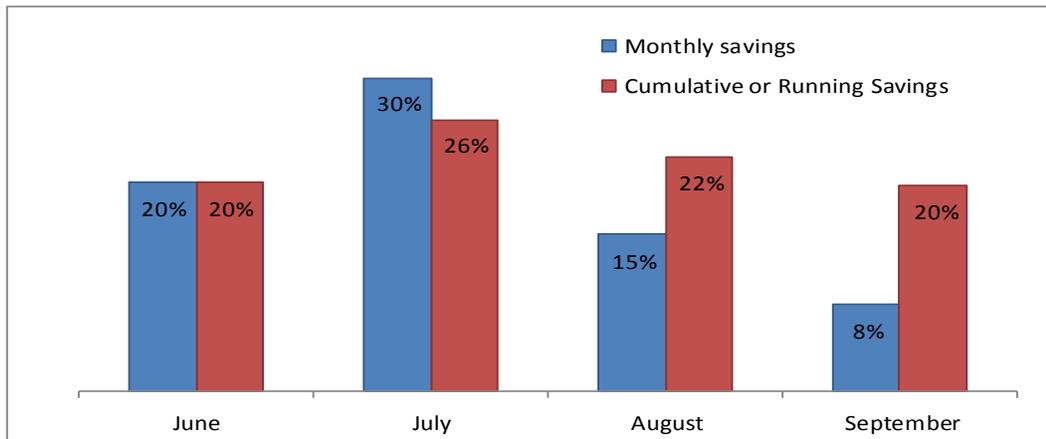
Commercial, industrial, and institutional facilities with an independent source of supply (they are not served by a water supplier) are not required to submit a report; however they should be prepared to demonstrate their compliance with the two day per week watering restriction or the 25% reduction in water use if requested to do so by the Board.

Compliance Assessment

In many communities around the state, over half (and up to 80 percent) of total residential water use is for outdoor irrigation during the summer months. With summer just around the corner, bringing with it the greatest opportunity for making substantial conservation gains, immediate action is essential. As a result, the Board will begin assessing compliance with the submittal of the June monthly report on July 15, 2015. Beyond June, the Board will track compliance on a cumulative basis. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. This tracking will look like the sample graph below.

Example Comparison of Monthly Savings and Cumulative Savings

	2013 Water Use	2015 Water Use	Monthly savings	Cumulative or Running Savings
June	1000	800	20%	20%
July	1500	1050	30%	26%
August	1200	1020	15%	22%
September	900	825	8%	20%



Two additional tools are included in the proposed emergency regulation to both expedite the investigation of water suppliers not meeting their conservation standard and to require the implementation of actions to correct this situation. A proposed informational order would require water suppliers to respond to request for information or face immediate enforcement. The proposed conservation order can be used to direct specific actions to correct non-compliance. Both of these tools are tailored to the emergency circumstances that the State finds itself in as a result of continuing drought conditions. Violation of an information or conservation order carries a penalty of up to \$500 per day.

The Board will work with water suppliers along the way that are not meeting their targets to implement actions to get them back on track. These actions could include changes to rates and pricing, restrictions on outdoor irrigation, public outreach, rebates and audit programs, leak detection and repair, and other measures. The Board may use its enforcement tools to ensure that water suppliers are on track to meet their conservation standards at any point during the 270 days that the emergency regulation is in effect.

Conclusion

No one knows how the future will unfold. While the state may return to “normal,” or even to above average hydrologic water conditions in 2016, such an outcome is far from certain. If there is a fifth, or even sixth, year of water scarcity the emergency regulation will have contributed to safeguarding the state’s future water supplies, thereby forestalling potentially dramatic economic consequences. An example of the challenge facing the State comes from Australia, which experienced persistent and severe drought across most of its continent between 2002 and 2012. Over the full course of the 10 years of drought, half a percentage point may have been shaved from Australia’s GDP growth rate due to water curtailments, lowered productivity, unemployment and reduced exports. A half-point reduction in GDP growth is significant: if this were to occur in California, cumulative state output would be reduced by close to half a trillion dollars over the same 10-year span of time.

The State Water Board is committed to working with water suppliers around the State on implementation of the emergency regulation to reduce the risk that the State faces if drought conditions do not abate. A workshop to discuss implementation of the emergency regulation will be scheduled for October 2015, and the Board will continue to receive monthly updates and hear public comment as it has been doing since adopting its initial emergency regulation in July 2014.

As Governor Brown said on April 1, 2015, when announcing his fourth Executive Order since the drought began, “All of us in so many different parts of California, doing so many different things, have to now pull together in our own different contexts to do what is required.”

(This fact sheet was last updated on April 28, 2015)

PROPOSED 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 28, 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;

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

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

(56) 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, and 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;

(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; ~~and~~

(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 that is not delivered by drip or microspray systems in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission.

(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 not served by a water supplier meeting the requirements of Water Code section 10617 or section 350 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 by 25 percent for the months of June 2015 through February 2016 as compared to the amount used for the same months in 2013.

(ed) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivisions (b) or (c), in addition to any other applicable civil or criminal penalties, 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, ~~and~~ 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.

(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) The term "Urban water supplier," when used in this section, refers to 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)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty five (45) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.~~

~~(2) An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.~~

~~_____ (c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within forty five (45) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.~~

~~(db) 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 sector use, monthly industrial sector use, and monthly 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 ~~received average annual precipitation in~~ has a minimum of four years' reserved supply available may, notwithstanding its average July-September 2014 R-GPCD, submit ~~for 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 ~~to~~ reduce its total potable water ~~usage~~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 from outside the hydrologic region and that the ~~supplier's service area received average annual precipitation in 2014~~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 ~~usage~~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 ~~between 65 or more but less than 80~~~~and 79.9~~ shall reduce its total potable water ~~usage~~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 ~~between 80 or more but less than 95~~~~and 94.9~~ shall reduce its total potable water ~~usage~~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 ~~between 95 or more but less than 110~~~~and 109.9~~ shall reduce its total potable water ~~usage~~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 ~~between 110 or more but less than 130~~~~and 129.9~~ shall reduce its total potable water ~~usage~~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 ~~between 130 or more but less than 170~~~~and 169.9~~ shall reduce its total potable water ~~usage~~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 ~~between 170 or more but less than 215~~~~and 214.9~~ shall reduce its total potable water ~~usage~~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 ~~greater than 215 or more~~ shall reduce its total potable water ~~usage~~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) Each urban water supplier that ~~serves~~ provides 20 percent or more of its total ~~potable water~~ production for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (ab) may subtract the amount of water supplied for commercial agricultural use from its ~~potable~~ water production total, provided ~~that~~ the supplier complies with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order. Each urban water supplier that serves 20 percent or more of its total ~~potable water~~ production for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (ab) shall certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (ab), and shall report its total ~~potable~~ water production pursuant to subdivision (b)(2), identifying the total amount of water supplied for commercial agricultural use.

(ef)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply, ~~as defined in Water Code section 350~~, that is not an urban water supplier shall, ~~within forty five (45) days~~, take one or more of the following actions:

(1A) 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

(2B) Implement another mandatory conservation measure or measures intended to achieve a ~~20~~25 percent reduction in ~~potable~~ water consumption by the persons it serves relative to the amount consumed in 2013.

(2) Each distributor of a public water supply, ~~as defined in Water Code section 350~~, that is not an urban water supplier shall submit a report by December 15, 2015, on a form provided by the Board, that ~~includes either confirms compliance with subdivision (f)(1)(A) or identifies :~~

~~(A) total~~ potable water production, by month, from June through November, 2015, and total potable water production, by month, for June through November 2013; ~~or~~

~~(B) Confirmation that the distributor limited outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.~~

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 ~~his~~ the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) ~~All conservation orders~~A decision or order issued under this article by the board or an officer or employee of the board shall be 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 ~~not served by~~ a water supplier meeting the requirements of Water Code section 10617 or section 350 subject to section 865, to submit additional information relating to water production, water use or water conservation beyond that required to be reported pursuant to the other provisions of this article. 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.

Top-four myths of the California drought

Details

Written by Northern California Water Association

Category: California News

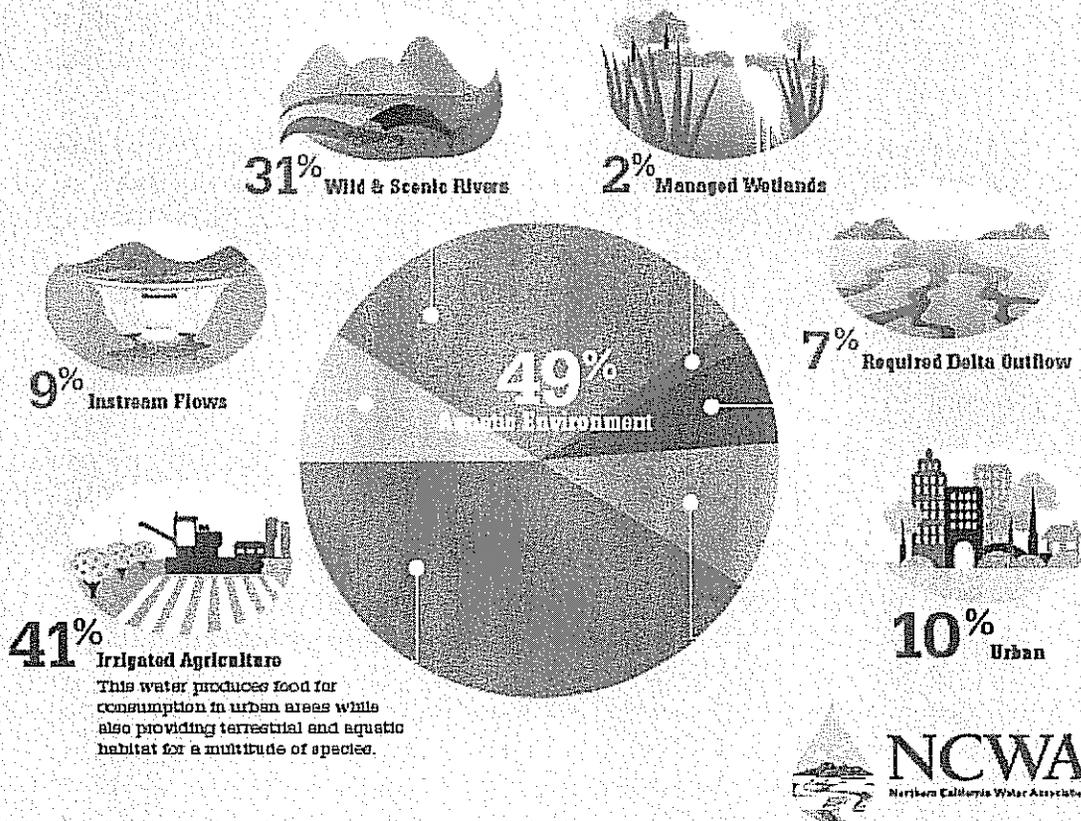
Published: 27 April 2015 , Imperial Valley News

Sacramento, California - One of the unfortunate byproducts of the current drought are the myths circulating regarding water use and the means for addressing the water crisis in the state. Some are perpetuations of myths developed during past water crises. Others build upon misinformation that has a more recent origin. Below are four myths that you may see in media accounts of the drought.

1) Agriculture uses 80 percent of water in the state.

According to the 2013 California Water Plan, in an average water year, agriculture uses 41 percent of the applied water in California (California Water Plan 2013, Volume 1, page 3-35). Urban water uses total 10 percent and various environmental uses total 49 percent of applied water in the state.

California Applied Water Use



Source: California Water Plan at: <http://www.waterplan.water.ca.gov/cwpu2013/final/index.cfm> (Volume 1, pages 3-31 through 3-35)

But, if we are truly talking about the "water in the state," according to the Water Plan, "California, in an average water year...receives about 200 maf [million acre-feet] of water from precipitation and imports from Colorado, Oregon, and Mexico." Agricultural water use totals 32.9 million acre-feet in an average year, or 16.5 percent of water received in the state (California Water Plan 2013, Volume 1, page 3-31 and 3-32).

2) Unlike urban water users who have just received a mandatory 25% reduction in water use, agricultural water users have not had their water supplies cut.

Last year, while those of us living in urban areas were tasked with voluntarily reducing water use, agricultural water users were suffering devastating cutbacks in supplies, many receiving no water or up to 5 percent of their contracted amounts. This year, even the most senior agricultural water rights holders in the state will be cut back at least 25 percent. Most will be cut back much more than that, if they get any water at all. According to the California Farm Water Coalition, this will result in 30 percent of the irrigated farmland in the state receiving no surface water and approximately 620,000 acres (which equals almost 970 square miles) of fallowed land this year. These cutbacks will not only impact agricultural lands, but also the terrestrial habitat lands (such as wildlife refuges and managed wetlands) that are supplied water by the agricultural water agencies.

3) The water rights in the state are over-appropriated.

Over the past several years, there have been claims that California's water system is overappropriated by five times and is therefore somehow broken. This statement mischaracterizes the California water rights system and ignores the fundamental and sophisticated way water is managed in the state.

Those claiming that the water rights are overappropriated have taken all of the water rights maintained by the State Water Resources Control Board (SWRCB), added them up, and declared that the state's water rights total more than the available water and thus the state is overappropriated. What this ignores are the considerable non-consumptive water rights, the substantial water reuse and recoverable losses in the state's water system and the restrictions on water rights. The overappropriation myth is debunked in more detail in the following blog: [Using Water Multiple Times in California Explaining the California Water Rights Over-Appropriation Myth](#).

For more information on California's water rights system, visit the State Water Resources Control Board website at: [FAQS: Water Rights](#).

4) New surface water storage would not help during a drought year.

As an example of how additional surface storage would help during a drought year, the Department of Water Resources has analyzed that if Sites offstream reservoir was in place in 2015, it would have stored an additional 410,000 acre-feet of water this very dry water year. The water that would have filled Sites reservoir is largely from the December 2014 and the February 2015 storms. Importantly, if Sites reservoir was in operation today, total north of Delta storage this year would have increased by 900,000 acre-feet, including an additional 280,000 acre-feet in Shasta reservoir. This additional water could be used for multiple purposes: fish, farms, birds, cities, recreation and to help maintain salinity levels in the Delta.

For more information from the Department of Water Resources on the benefits Sites reservoir would provide this year, visit: [FAQS: The Drought and Sites Reservoir](#).