

2010 URBAN WATER MANAGEMENT PLAN



SAN DIEGO COUNTY, CALIFORNIA



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ACRONYMS & ABBREVIATIONS

Act	Urban Water Management Planning Act
AF/YR	acre feet per year
BMPs	best management practices
CEQA	California Environmental Quality Act
CIMIS	California Irrigation Management Information System
CUWCC	California Urban Water Conservation Council
DMM	demand management measures
ERP	Emergency Response Plan
ESP	Emergency Storage Plan
DWR	Department of Water Resources
Eto	evapotranspiration
FPUD	Fallbrook Public Utility District
GPCD	gallons per capita per day
IID	Imperial Irrigation District
IAWP	Interruptible Agricultural Water Program
LLC	limited liability company
MOU	memorandum of understanding
MWD	Metropolitan Water District
Opt	optional
RMWD	Rainbow Municipal Water District
SANDAG	San Diego Association of Governments
SAWR	Special Agricultural Water Rate
SB	Senate Bill
SDCWA	San Diego County Water Authority
TDS	total dissolved solids
UWMP	Urban Water Management Plan
VIP	Voucher Incentive Program

SECTION 1 INTRODUCTION

The mission of the Rainbow Municipal Water District (RMWD) is to provide our customers safe and reliable water. Together with the San Diego County Water Authority (SDCWA) and Metropolitan Water District (MWD), RMWD works to provide a reliable supply to its customers through water management, conservation and future planning.

In 1983, the California Legislature passed the California Urban Water Management Planning Act (Act) as defined within the Water Code Sections (Codes) 10610 through 10656. Appendix A contains the text of the Act. The purpose of the act is to require and permit water suppliers to implement appropriate level of water management planning commensurate with the numbers of customers served and the volume of water supplied. The Act describes the required contents of an Urban Water Management Plan (UWMP) as well as how urban water suppliers should adopt and implement the UWMP. The plan assesses current demands and supplies over a 20-year planning horizon and addresses methods to ensure reliable and adequate water service to meet the needs of the various categories of customers during normal, dry, and multiple dry years.

By submitting the UWMP, RMWD may be eligible for water management grants or loans administered by the Department of Water Resources (DWR), the State Water Resources Control Board, or the Delta Stewardship Council.

This section describes the requirements of the Act and the coordination between water agencies, cities and counties that impact the preparation of the UWMP.

1.1 CODE REQUIREMENTS

This report was prepared to satisfy the Water Code Section 10620 which states every urban water supplier shall prepare and adopt an UWMP and coordinate the preparation with other relevant agencies. Water Code Section 10617 defines an urban water supplier as any supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually. Furthermore the Codes require the UWMP to be updated at least once every 5 years on or before December 31, in years ending in five and zero. The last UWMP was done in 2005.

This plan is an update to the 2005 UWMP. Due to recent changes in UWMP requirements described below, State law has extended the deadline for the 2010 plans to be adopted by July 1, 2011. In preparation of this plan, RMWD staff attended work group meetings hosted by DWR to review requirements of the act and utilized DWR's *Guidebook to Assist Urban Water Suppliers to Prepare a 2010 UWMP*.

In 2001 the state legislature passed Senate Bill (SB) 610 and SB 221 which require public agencies to verify the availability of water for certain large proposed developments. In 2009, The Water Conservation Act was signed into law as part of a comprehensive water legislation package to increase water use efficiency due to water constraints.

1.1.1 SB 610

SB 610 requires projects that are subject to California Environmental Quality Act (CEQA) and are supplied with water from a public water supplier to obtain a "water supply assessment" from the supplier indicating the availability of adequate water over a 20 year projection. Furthermore, it requires agencies that depend on ground water to include a copy of the Ground Water Management Plan to its UWMP.

1.1.2 SB 221

SB 221 prohibits the approval of subdivisions consisting of 500 or more dwelling units unless there is verification of adequate water availability over a 20-year projection. Projects with less than 500 dwelling units but adds 10 percent or more service connections to the existing public supply system is also subjected to this requirement. Though this bill does not modify the requirements of an UWMP, the supplier may include the proposed projects impact to the UWMP to satisfy SB 221.

1.1.3 SB 7

SB 7 sets a goal of achieving a 20 percent statewide reduction in urban per capita water use and directs urban retail water suppliers to set 2020 urban water use targets.

1.2 AGENCY COORDINATION

Coordination with other agencies is essential to formulate a meaningful and consistent UWMP. The process provides an avenue for regional wholesale water suppliers, retail water suppliers, public and private agencies and general public to contribute to the preparation of the UWMP. During the process of preparing the 2010 UWMP update RMWD staff attended multiple work groups and online webinars in conjunction with other agencies, the SDCWA and MWD to discuss and exchange demand and supply information and review the requirements of the act. A letter was sent to relevant agencies informing them about the UWMP preparation and publication was made in the newspaper regarding the time and date of public hearing. [Appendix B](#) contains a sample of the letter and the publication. The general public was given an opportunity to contribute to the UWMP during RMWD's Engineering Committee meeting and a public hearing was held on June 2011 and any comments were reviewed and incorporated in the UWMP accordingly.

Table 1 outlines the names of the agencies and groups contacted, and their general involvement in the preparation of this plan.

Table 1 - Agency Coordination						
Check at least one box per row	Participated in UWMP Development	Commented on the draft	Attended Public Meetings	Contacted for Assistance	Received copy of Draft	Sent Notice of Intention to adopt
SDCWA	Yes	-		Yes	-	-
County of San Diego	-	-	-	Yes	-	Yes
City of Oceanside	-	-	-	Yes	-	Yes
City of Vista	-	-	-	Yes	-	Yes
General Public	-	Yes	Yes	Yes	Yes	-

SECTION 2 SYSTEM DESCRIPTION & SUPPLIES

2.1 RAINBOW MUNICIPAL WATER DISTRICT

The Rainbow Municipal Water District is a local governmental agency serving water and sanitation services to an unincorporated area of northern inland San Diego County in California. RMWD was formed in 1953 under the Municipal Water District Act of 1911 (Section 7100 et. seq. of the California Water Code). RMWD joined the San Diego County Water Authority (SDCWA) and the Metropolitan Water District of Southern California (MWD) the same year to acquire the right to purchase and distribute imported water throughout its service area. RMWD is a retail supplier that currently depends entirely upon imported water purchased through the SDCWA to service a small customer base within a very large agricultural water use area. As such, the content within this plan shall depend heavily upon the data provided by the SDCWA and MWD.

2.2 SERVICE AREA CHARACTERISTICS

RMWD serves the unincorporated communities of Rainbow, Bonsall, and a portion of Fallbrook and Vista covering approximately 51,200 acres. The northern part of RMWD is located north of San Luis Rey River straddling Interstate 15 (I-15) while the southern part is located west of I-15 straddling the San Luis Rey River as shown below.

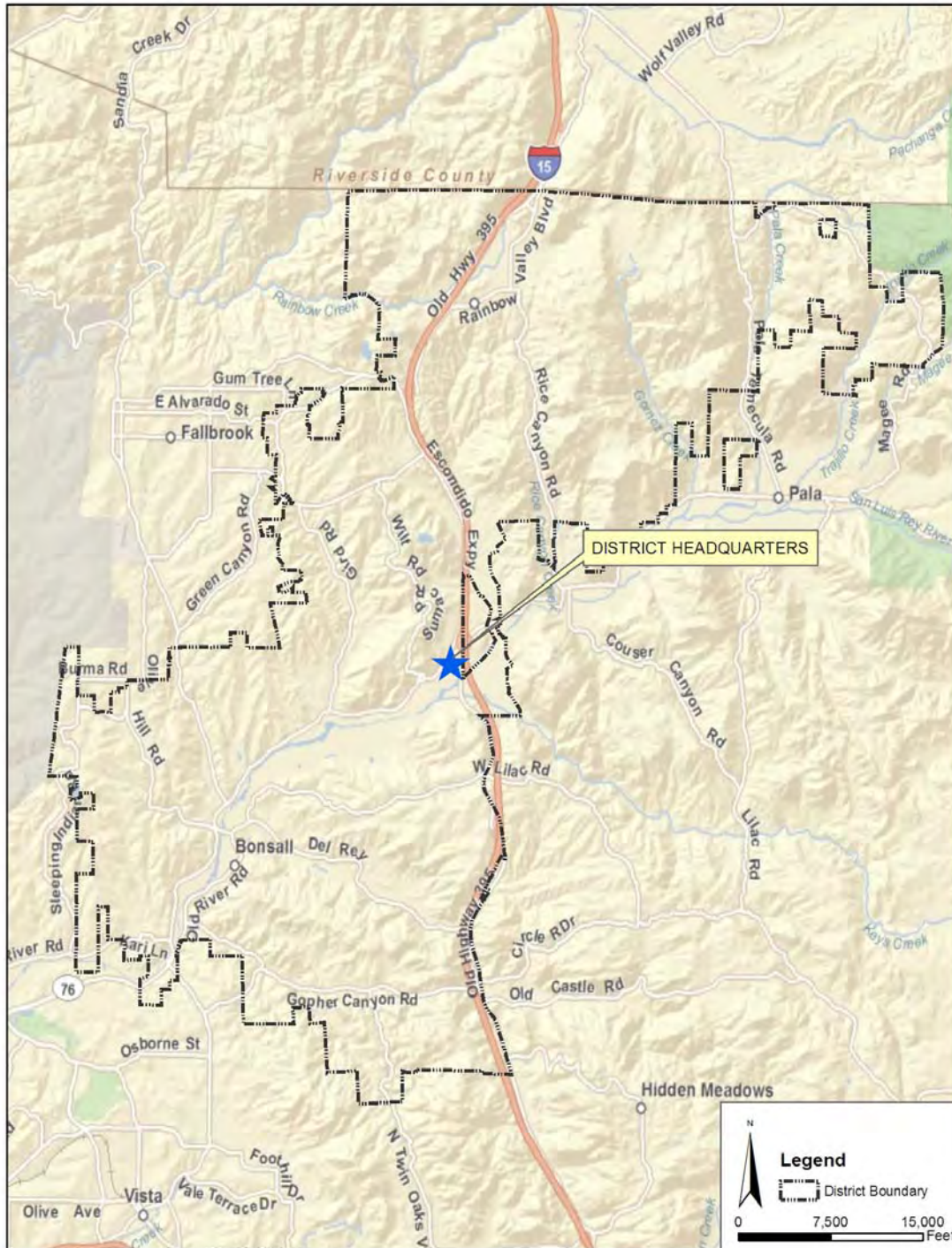


Figure 1 — Rainbow Municipal Water District Service Area

The service area of RMWD contains a large agricultural industry, including citrus, avocados, strawberries, tomatoes, corn, commercial nurseries, and livestock. As a result, the agricultural demand for water is about twice that of municipal and industrial water demand. However, RMWD is expected to see significant growth in its residential customer base.

RMWD currently has approximately 7,800 acres of irrigated agricultural land. Under the new Act suppliers that provide water to 10,000 irrigated acres or more must submit an Agricultural Water Management Plan similar to the UWMP to the DWR. Since RMWD serves less than the requirement and is forecasted to have an increase in residential and decrease in agricultural, RMWD will not be submitting an Agricultural Water Management Plan.

2.3 POPULATION

The population within RMWD's boundaries in 2010 was approximately 19,495. Based on projections by the SDCWA the population will increase to 20,696 in 2020, and is projected to reach 24,904 by the year 2030, which is forecasted in Table 2.

	2010	2015	2020	2025	2030	2035/opt
Service Area Population	19,495	19,944	20,696	22,520	24,904	27,238

Projects forecasted by SDCWA & SANDAG

2.4 TERRAIN & CLIMATE

The terrain within RMWD is rugged and mountainous, consisting predominantly of developed groves, with some residential areas interspersed in the more accessible valleys. Much of the area still remains in its natural state of chaparral, oak, and coastal sage vegetation, characteristic of Mediterranean west coast climatic regions. Temperatures vary from a low mean daytime temperature of 69 degrees in the winter to a high mean daytime temperature of 86 degrees in the summer, which is shown in Table 3.

Table 3: Area Climate

	Jan	Feb	Mar	Apr	May	June	
Standard Monthly Average Eto	2.81	2.76	3.78	5.31	6.1	6.97	
Average Rainfall (inches)	2.8	2.55	2.43	1.05	0.23	0.13	
Average Temp (Fahrenheit)	55.7	56.5	57.2	59.8	63	66.5	
	July	Aug	Sep	Oct	Nov	Dec	Annual
Standard Monthly Average Eto	7.08	6.83	5.67	4.15	3.31	2.56	57.33
Average Rainfall (inches)	0.04	0.08	0.28	0.54	1.46	1.69	13.28
Average Temp (Fahrenheit)	70.7	72.3	70.9	66.5	60.3	55.7	63.3

Note: Average rainfall and temperature data is for the Vista 1 NE station.
Period of Record : 8/1/1957 to 3/31/2000
Average Monthly Eto data is for Escondido SPV Since Feb 1999 (CIMIS website)

2.5 WATER SOURCES

RMWD is currently, a single sourced water retailer which depends upon imported water purchased from the SDCWA as one of 24 member agencies of the SDCWA. SDCWA purchases water from MW D and receives water from other sources. Member agency status entitles RMWD to directly purchase water for its needs from SDCWA on a wholesale basis. RMWD depends on SDCWA to ensure, to the best of its ability, that adequate amounts of water will be available to satisfy existing and future water requirements.

RMWD receives SDCWA water through nine aqueduct connections. The locations of the connections are shown on Figure 2.

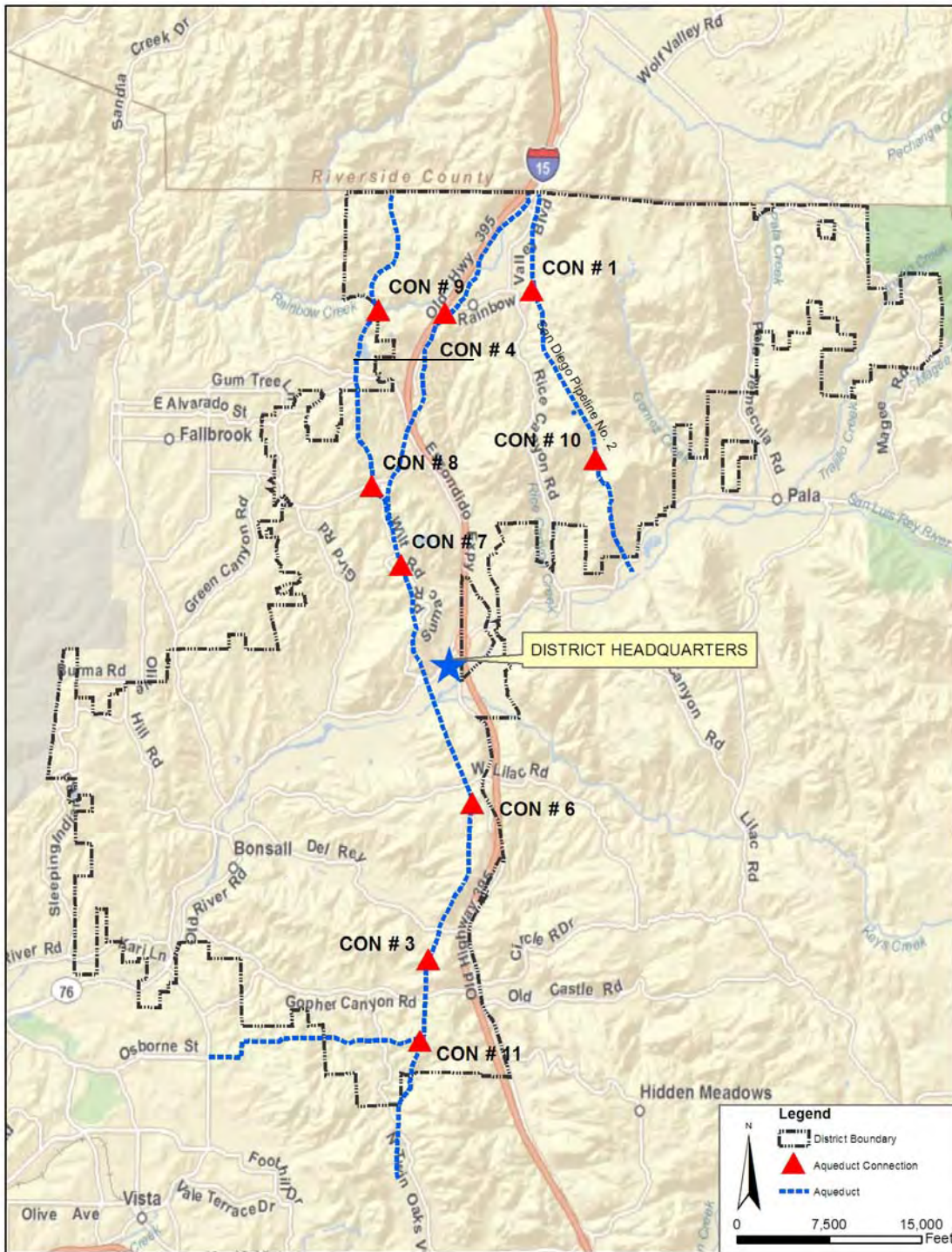


Figure 2 — Rainbow Municipal Water District Connection Points

Additional sources of water can be realized through conservation, reclamation, transfer of water and desalinization. Currently, RMWD's effort is limited to the promotion of water conservation through efficient use while the SDCWA pursues other means to maximize available resources through diversifying water sources and minimize the need to import water. However, since the Act places the responsibility of promoting conservation efforts upon local retailers, it is important RMWD investigate other sources of water supplies. Each of the existing or potential water sources listed in Table 4 will be addressed in the following section.

Table 4 - Current and Planned Water Supplies (AF/Y)						
Water Supply Source	2010	2015	2020	2025	2030	2035/opt
Imperial Irrigation	70,000	10,000	190,000	20,000	20,000	20,000
Groundwater	21,377	22,170	26,970	26,970	26,970	26,970
Supplier Surface Diversion	27,336	59,327	59,327	59,327	59,327	59,327
Recycled Water	28,065	39,920	44,344	49,425	53,256	57,032
Desalination	0	0	56,000	56,000	56,000	56,000
Channel Lining	80,200	80,200	80,200	80,200	80,200	80,200
Total	226,978	211,617	456,841	291,922	295,753	299,529
Projections taken out of SDCWA 2010 UWMP						

2.5.1 Metropolitan Water District of Southern California

The MWD was created in 1928 following the passage of the Metropolitan Water District Act by the California Legislature to provide supplemental water for cities and communities on the south coastal plain of California. Since its formation, MWD has grown to include 26 member agencies (including the SDCWA), as shown on Figure 3, and currently covers an area which includes portions or all of Ventura, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties. As a water wholesaler providing waters from both the Colorado River and the State Water Project in Northern California, MWD supplies nearly 2 million acre-feet of water to the nearly 19 million people within its service area.



Figure 3 – Metropolitan Water Districts Limits

2.5.2 San Diego County Water Authority

The SDCWA was organized June 9th, 1944, by the California State Legislature and operates under the County Water Authority Act for the purpose of importing Colorado River water into San Diego County. The SDCWA is a member agency of MWD and receives water through MWD aqueducts which terminate in North County San Diego. The imported water, now a combination of Colorado River Water and State Water Project water, is sold wholesale to 24 member agencies. The member agencies are autonomous and their city councils or boards of directors set their own local policies and water pricing structures. Each member agency may appoint at least one representative (based on assessed valuation) to the Board of Directors of the SDCWA. Figure 4 shows the extent of the boundary and lists the member agencies.

The SDCWA is the largest consumer of the 26 member agencies of MWD and currently purchases approximately 21% of the water delivered by MWD in 2010. The water is delivered into SDCWA pipelines from MWD facilities located just south of the San Diego - Riverside County line. The SDCWA allocation of the MWD water is approximately 17.47%.

MWD's ability to provide reliable supplies, particularly in a dry year, is constrained by the preferential right of each of its member agencies. SDCWA draws nearly twice their allocated amount of water. In order to minimize the impact on supply in dry years and to generally reduce its sole dependency on MWD water, the SDCWA has taken steps to diversify available water sources. In April 1998, the Authority entered into an agreement with the Imperial Irrigation District (IID) for the transfer of 200,000 AF/Y of conserved water. The SDCWA received 70,000 AF of water from IID in 2010 and expect the supply to increase incrementally to 200,000 AF by the year 2025.

RMWD's future water needs are determined by SDCWA water demand models based on SANDAG population projections and the SDCWA, in their 2010 UWMP, commits to provide the supplies listed in Table 5 to RMWD.

Wholesaler	2010	2015	2020	2025	2030	2035
SDCWA	19,509	21,537	21,070	22,446	24,078	26,137

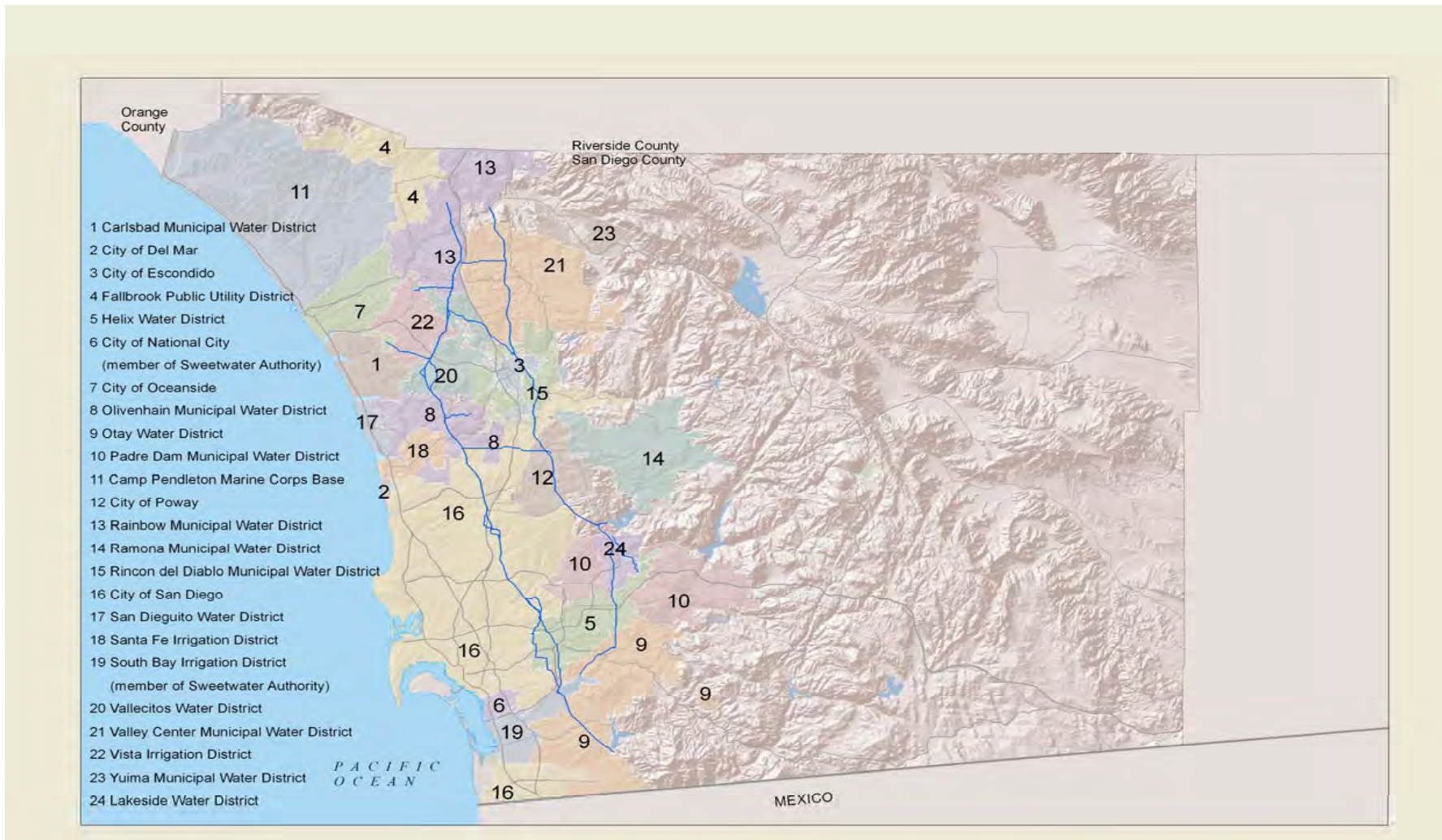


Figure 4 — San Diego County Water Authority Limits and Member Agencies

2.5.3 Ground Water

RMWD currently does not utilize groundwater as a source of water supply. A groundwater study within the Rainbow Valley was done in May 2005 and was enclosed in the 2005 UWMP.

The study determined that the potential exists within RMWD to utilize groundwater as a supplemental water supply. The infrastructure necessary, such as reverse osmosis treatment to bring down high total dissolved solids (TDS) levels will be determined with future research. At such time the economic viability of such infrastructure will also be investigated.

RMWD is also looking into buying water rights from the City Carlsbad from the San Luis Rey River.

2.5.4 Recycled water

RMWD currently does not generate nor distribute recycled water. All wastewater collected within RMWD is conveyed to treatment plants within the City of Oceanside. RMWD currently has a contract with the City of Oceanside for 1.5 million gallons of sewage. Considering the abundance of agricultural water users and several golf courses, RMWD has the demand available for providing recycled water.

Acquiring water for distribution would require either construction of a wastewater treatment plant or negotiation with the City of Oceanside to purchase both the infrastructure and the recycled water for distribution. In addition, due to the dispersion of agricultural demands within RMWD, providing a separate and independent distribution system would require essentially a parallel system nearly the size of the entire existing water delivery system. The financial impacts of acquiring, installing and maintaining a paralleled recycled water system are not viable within RMWD's economic plan at this time. However, RMWD shall investigate opportunities for wastewater treatment and distribution from developments and improvements to sewer facilities.

Section 5.4 of SDCWA's 2010 UWMP discusses the issues that must be addressed to implement a recycled water program including economic and financial considerations, regulatory, institutional, public acceptance, and water quality.

2.5.5 Desalination

Desalination is a process under which saline water is separated from salt water to potable water. A reverse osmosis seawater desalination plant which will be constructed in the City of Carlsbad is a fully permitted private desalination project owned by Poseidon Resources LLC. The desalination plant's feasible output was determined to be 56,000 acre feet annually. RMWD considered an agreement with Poseidon to purchase water, however SDCWA will pursue an allocation. Due to the location of RMWD in respect to the plant, RMWD can not directly receive the desalinated seawater. Development of desalinated seawater, brackish ocean water and brackish ground water as a long term supply is not a viable option

for RMWD. Any such developments are to be done by the SDCWA, or private developers. The SDCWA has the ability of supplementing their overall water supply with desalinated water. Per their Regional Water Facilities Master Plan the SDCWA concludes that it should pursue seawater desalination "for a major portion of the (Water) Authority's supply portfolio". Seawater desalination is the preferred choice for coastal regions since it can provide a source of water with abundant storage capacity, is not effected by hydrologic cycle, provides treated water and is becoming economically competitive to new imported water sources. The SDCWA has developed a seawater desalination program to evaluate seawater desalination possibilities for the County which is described in their 2010 updated UWMP. SDCWA is pursuing an agreement with the Carlsbad plant and two other regional seawater desalination projects.

2.5.6 Transfer and Exchange

Transfers and exchanges are encouraged by the Act in order to improve the reliability and quality of the water supply. SDCWA has an agreement with IID to transfer 200,000 AF/Y of conserved water to San Diego region. RMWD has interconnections with the City of Oceanside and Fallbrook Public Utility District (FPUD) because of their close proximity. These interconnections are used for emergency supply. RMWD and FPUD have an emergency exchange agreement, which was enacted in 1986 to transfer water in an emergency event.

2.5.7 Water Supply Projects

In 2010, RMWD finished construction on two reservoir covers. The covers not only comply with California Department of Public Health (CDPH) regarding treated storage reservoirs, it also saves RMWD water losses due to evaporation. RMWD is currently under construction on another reservoir cover which will contribute to the savings with a total of 78 AF/Y.

SECTION 3 SYSTEM DEMANDS

RMWD customer base falls under two categories domestic and agricultural. Due to the weather and terrain, RMWD is largely comprised of groves and nurseries, with residential areas interspersed in more accessible valleys. However, growth in its residential customer base is projected in the near future.

Since the last UWMP update, RMWD has faced some demographic factors that have affected water demand. RMWD has had significant water reductions due to the recent drought. Customers have had to cut back on usage due to the Stage 2 Drought that was implemented by RMWD from May 2009 to February 2011. Drought Management Planning has been implemented across the region causing cutbacks and restrictions to both domestic and agricultural users. Another factor affecting RMWD is the current economic recession and the substantial cost increase of water rates.

Water rates have increased substantially compared to the past. From 1993 to 2007 water rates increased at or below the rate of inflation. From 2007 to 2010 most customers experienced more than a 60% increase in water rates. The cost of water obtained from MWD has increased and water sources depleting. An increase in water rates drive customers to conserve. Due to these factors RMWD will be investigating

ways to keep costs down through researching other sources of water.

3.1 SENATE BILL 7

The law requires urban retail water suppliers to develop urban water use targets to help meet the 20 percent goal by 2020, and an interim water reduction target by 2015. To meet this requirement RMWD calculated its baseline water use and interim and urban water use targets to determine the regional demand reduction. Water use efficiency targets are calculated based on S B 7 Method 1 of the *Mythologies for Calculating Baseline and Compliance Urban Per Capita Water Use*. Historical water use data shown in Table 6 and SANDAG population projections were compiled using a 10 year base period to determine the baseline daily per capita water use and then a goal of a 10% reduction and 20% reduction was determined for 2015 and 2020 respectively.

Year	Estimated Potable Water Use (AF)
1995	21,000
1996	24,686
1997	24,817
1998	19,107
1999	25,403
2000	29,929
2001	27,427
2002	31,702
2003	28,881
2004	33,477
2005	25,252
2006	30,459
2007	33,305
2008	27,045
2009	26,420
2010	18,322

The baseline daily per capita water use was determined to be 1,460 gallons for the 10 year base period from 1999 to 2008, which is shown in Table 7A. A 5 year base period from 1999 to 2003 was determined using the same mythology to confirm legislation's minimum water use reduction requirements of at least 5 percent, which is 1,464 GPCD. Since 1,460 GPCD is less than 1,464 GPCD, RMWD meets the minimum reduction. The baseline daily per capita water use of 1,460 GPCD is higher than most water district's due to the fact that RMWD water demand is mostly agriculture. Therefore, RWMD has high usage without the population to match. The urban use target in 2020 shall be 1,168 gallons per capita a day (GPCD) and the interim urban use target as 1,314 GPCD in 2015, which is shown in Table 7B.

Year	Estimated Potable Water Use (AF)	Population	Annual GPCD
1999	25,403	15,882	1,428
2000	29,929	16,172	1,652
2001	27,427	17,681	1,385
2002	31,702	17,656	1,603
2003	28,881	17,733	1,454
2004	33,477	18,524	1,613
2005	25,252	18,736	1,203
2006	30,459	18,967	1,434
2007	33,305	19,054	1,560
2008	27,045	19,115	1,263
10-Year GPCD			1,460

Year	GPCD Goal*
2015	1,314
2020	1,168

*2015 goal based on 10% reduction and 2020 goal based on 20% reduction

3.2 WATER USE BY CUSTOMER TYPE

Agriculture has been the primary consumer of water within RMWD. In the year 2005 and 2010, 76% and 63% of water demand respectively was used for agriculture. The remaining supply was used for domestic purposes. As of 2010 the domestic consumption is approximately 37% of total demand. Table 8 shows the water use by customer type.

Year	Water Use Sectors	Residential & Agricultural			Construction	Total
		Residential	Agricultural	Agricultural		
2005*	# of accounts	4,655	1,558	632	37	6,882
	Deliveries AF/Y	4,761	9,415	9,883	95	24,154
2010*	# of accounts	6,148	762	816	46	7,772
	Deliveries AF/Y	6,263	4,898	6,956	41	18,158
2015	# of accounts	6,874		2,637	N/A	9,511
	Deliveries AF/Y	7,874		13,493	170	21,537
2020	# of accounts	7,658		2,153	N/A	9,811
	Deliveries AF/Y	8,773		12,158	139	21,070
2025	# of accounts	8,982		1,209	N/A	10,190
	Deliveries AF/Y	10,362		12,006	78	22,446

2030	# of accounts	9,414	1,049	N/A	10,463
	Deliveries AF/Y	12,144	11,866	68	24,078
2035	# of accounts	10,252	1,002		
	Deliveries AF/Y	14,328	11,727	82	26,137
* Based on data collected by the District					
Projected data is based on SDCWA 2010 UWMP					

Agriculture demand has significantly dropped due to the drought conditions and supply restrictions from the State Water Project. In 2008, MWD implemented a 30 percent cut in water supplies from their fiscal year 2007 baseline demand to agricultural users in its service area who participated in a discount water management program called the Interruptible Agricultural Water Program (IAWP). Agricultural users under this program benefited during years of surplus water with discounted water rates, but are the first customers required to cut back and faced with fines if they went over their allocated amount for the year. Many agricultural users opted out of the program or the agricultural business altogether due to higher prices and cutbacks. To comply with the mandatory cutback, growers implemented various actions that included tree stumping and plant stock reduction.

Water use projections prepared by SDCWA are based on the population growth data generated by SANDAG. Projections indicate a steady reduction of agricultural water use and steady increase in domestic water use. The reduction of agricultural demand over time is significant, and is likely due to the delicate balance of water prices to profit potential of agricultural lands. In the likely event that water prices will steadily increase over time, the profitability of agricultural businesses may decrease depending on markets rates, resulting in an overall decrease in agricultural water demand. In addition, many parcels currently zoned agriculture will be converted to low density residential over time, increasing the residential water demands of RMWD.

Currently there are no existing sales of water to other agencies and there are no plans to sell water to other agencies in the foreseeable future. There are no additional water losses or usage for saline barriers, ground water recharging or water recycling. All the other losses are considered to be unaccounted for system losses. Currently RMWD does not have in place the necessary facilities or a program to determine the actual system losses, but estimates comparing ordered water versus reservoir level fluctuation put water losses on the order of 4% of total supply. Water losses will also be assessed in the updated water master plan.

3.3 LOWER INCOME HOUSING

RMWD is comprised of unincorporated areas of North County San Diego, with low density and large acre residential parcels interspersed around hillsides. More accessible valleys of RMWD have higher density developments, but are limited. Lower income forecast was derived from the Water Authority Preliminary Member Agency 2035 Forecast. RMWD is predicted to have 141 lower income units. The projected water use for single-family and multifamily residential housing needed for lower income households within their service area is shown in Table 9.

Table 9 - Low Income projected water demands (AF/Y)					
Low-income water demands	2015	2020	2025	2030	2035
Single & Multi-family residential	126	126	126	126	126
*Based on 800 gal/unit					

SECTION 4 RELIABILITY OF WATER SUPPLY

The water supply reliability assessment is an integral requirement of the Act. As a retail supplier that depends on the wholesale supplier, RMWD depends on the related water supply data from the SDCWA's 2010 UWMP.

Water Code section 10635 require that every urban water supplier assess the reliability of its water service to its cust omers during normal, dry, and multiple d ry water years. The water supply and demand assessment co mpare the t otal projected water use with the expected water supply over the next 20 years in 5-year increments. The assessment contained in the 2010 Plan projects reliability through the next 25 years to correspond with the growth forecasted by SANDAG. The 2010 SDCWA UWMP identifies the needs of all its member agencies and determined and identified the means to meet those needs.

The reliability of water supply is affected by the seasonal and climatic shortages. In order to evaluate single dry water and multiple dry water years, a normal water year was established by SDCWA, based on historical ra infall data and adjusted for growth projections provided by SANDAG. Table 10 summarizes the normal water year demands for RMWD and i ncludes the SDCWA data which was used to determine RMWD's demand. Single Dry year water demand and multiple dry year water demands are listed in Table 11 and Table 12 respectively. Single dry water demands are determined by applying 7% multiplier to normal water demand data similar to the SDCWA and multiple dry year water demands were determined by applying 0.7% factor for each year consecutively.

4.1 PROJECT NORMAL YEAR WATER SUPPLY AND DEMAND

The SDCWA based it supply goals to that of projected water dema nd. Table 10 summarizes the supply and demand data for RMWD and also in cludes SDCWA data which was used to determine RMWDs' future supply and demand.

Table 10 – Normal Year Water Demand with Conservation					
Wholesaler	2015	2020	2025	2030	2035
RMWD	21,537	21,070	22,446	24,078	26,137
SDCWA	641,437	676,375	722,315	758,954	792,549
Data is based on SDCWA 2010 UWMP and includes near term annexation demands					

4.2 PROJECTED DRY YEAR WATER SUPPLY AND DEMAND

Table 11 summarizes the supply and demand data for RMWD and also includes the SDCWA data which was used to determine RMWDs' supply and demand.

Wholesaler	2015	2020	2025	2030	2035
RMWD	23,045	22,545	24,017	25,763	27,967
SDCWA	681,850	720,348	769,689	809,915	846,533
Data is based on SDCWA 2010 UWMP					

4.3 PROJECTED MULTIPLE DRY YEAR WATER SUPPLY AND DEMAND

Table 12 summarizes the supply and demand data for RMWD and also includes the SDCWA data which was used to determine RMWDs' supply and demand

Multiple Dry Year Group	Year	RMWD	SDCWA
1	2016	23,206	684,965
	2017	23,369	707,726
	2018	23,532	742,211
2	2021	22,703	726,025
	2022	22,862	754,233
	2023	23,022	793,297
3	2026	24,185	777,049
	2027	24,354	806,049
	2028	24,525	848,762
4	2031	25,943	816,466
	2032	26,125	848,206
	2033	26,308	888,263

4.4 WATER QUALITY IMPACT ON RELIABILITY

The water supplied to RMWD by the SDCWA is treated prior to delivery to RMWD. The SDCWA addresses water quality issues with respect to Perchlorate, salinity, total dissolved solids, and other contaminants in Section 7 of its 2010 UWMP. The water treatment facility operated by the MWD has the needed capacity to treat supplies provided to its vendors and has been updated to provide fluoridations in addition to the existing chlorination process.

4.5 MINIMUM WATER SUPPLY

An estimate of the minimum water supply available during each of the next three water years based on the driest three year historic sequence for the agency's water supply is shown in Table 13. Minimum water supply is based on the SDCWA allocations and a projected 7% increase in demand due to drought conditions.

	2012	2013	2014
RMWD	20,981	21,672	22,357

SECTION 5 WATER SHORTAGE CONTINGENCY PLAN

RMWD ordinance 08-01 addresses the possible water shortage scenarios in conjunction with the SDCWA Drought Management Plan. The sections within the ordinance discuss stages each with both Voluntary and Mandatory reduction of water usage. Subsections herein shall discuss various components of the water shortage contingency plan. Appendix C contains the full text of the ordinance.

5.1 STAGES OF ACTION

There are 4 different stages of water shortage scenarios within ordinance 08-01. Each stage has specific instructions for various water uses to be prohibited or to be restricted. Drought Response Level 1 is for periods when RMWD is notified that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Public outreach and conservation practices are promoted during Drought Response Level 1, however cut backs are not mandatory. For Drought Response Level 2 there is a 20 percent reduction. There is a list of conservation practices which during Drought Response Level 1, are voluntary, and during Drought Response Level 2 are mandatory. Drought Response Level 3 and 4 require a 40 and more than 40 percent reduction, respectively.

5.2 CATASTROPHIC SUPPLY INTERRUPTION PLAN

A catastrophic water shortage occurs when a disaster, such as an earthquake, results in insufficient available water to meet the region's needs or eliminates access to imported water supplies. The SDCWA's Emergency Response Plan (ERP) and the Emergency Storage Plan (ESP) are developed to protect public health and safety and to prevent or limit economic damage that could occur from a severe shortage of water supplies. The ERP covers concepts such as the authorities, policies, and procedures associated with emergency response activities, emergency staffing, management, and organization required to assist in mitigating any significant emergency or disaster, mutual aid agreements and covenants that outline the terms and conditions under which mutual aid assistance will be provided and Pre-emergency planning and emergency operations procedures. The ESP

identifies and implements plans to acquire additional storage facilities.

For RMWD, it is important that the water stored in RMWDs reservoirs are monitored and proactively managed to not allow the volumes of all the reservoirs to drop to very low level. Practice should be to maintain at a minimum the required emergency fire flow storage within all reservoirs at all time. RMWD has developed an ERP which discusses actions RMWD will take during a catastrophic interruption of water supplies to ensure operation during such an event. Contingency plans are prepared for each event. Backup generators have been purchased and are easily wired into pump stations for quick connects in case of a power outage. Storage facilities are kept at an optimal level in case of fire flow demands, aqueduct shutdowns, and general operation.

5.3 PROHIBITIONS, PENALTIES AND CONSUMPTION REDUCTION METHODS

Each stage of the water shortage plan has specific prohibitions, penalties and consumption reduction methods. Section 5.1 discussed the consumption reduction and water use prohibitions. The violation of ordinance 08-01, covered under section 5, is a misdemeanor pursuant to sections 350-358, 375-377 and 71640-71644 of California Water Code and punishable by imprisonment in the county jail for not more than 30 days or a fine not to exceed \$1000 or both. Appendix C contains the complete text.

5.4 ANALYSIS OF REVENUE IMPACTS OF REDUCE SALE DURING SHORTAGES

Impact upon revenue due to reduced water sales during shortages is proportional to the severity of the shortage. An analysis of FY 2006-2007 sales of agricultural only water usage shall be used to illustrate the revenue impact to the District. The agricultural only sales were 7,311.5 acre-ft which is equivalent to 3,184,891 units of water. Table 14 summarizes the potential losses assuming a simple daily average of 8,726 units based on 365 day year, 30 day month and a unit price of \$2.60.

Reduction	Daily Loss	Monthly Loss
10%	\$ 2,269	\$ 68,063
20%	\$ 4,538	\$ 136,126
30%	\$ 6,806	\$ 204,188
40%	\$ 9,075	\$ 272,251
50%	\$ 11,344	\$ 340,314

As illustrated on Table 12 the potential to lose revenue is directly related to the severity and duration of the shortage. The above analysis only considered the reduction based on agricultural use reductions.

SECTION 6 DEMAND MANAGEMENT MEASURES

Demand Management Measures are methods or ways to conserve water through efficient tools, education and encouragement through incentives. Currently there are 14 best management practices (BMP's) that are promoted by California Urban Water Conservation Council (CUWCC). All of these BMP's are implemented by the SDCWA and RMWD is a participating member of the SDCWA program and the CUWCC. RMWD became a signatory to the Memorandum of Understanding (MOU) of the CUWCC in 2009. As a member of CUWCC, RMWD is required to submit a BMP report every 2 years regarding the implementation of the 14 BMPs. See Appendix D for the Annual CUWCC BMP Report and Section 3 of the SDCWA 2010 UWMP for descriptions of current BMPs.

6.1 Water Survey Programs for Residential Customers

RMWD has not developed an independent marketing strategy for single or multifamily residential water survey program to detect leaks; including toilets, toilet flappers and faucets, check flow rates; including showerheads, aerators and toilets, and other checks to determine efficient use of water and recommend or offer to replace with low flow devices. At present, RMWD's participation is limited to its association with the SDCWA program. RMWD should consider the initiation of a water survey program to increase the visibility of the Water District programs. Such information can be supplied as a leaflet within the monthly water bill.

6.2 Residential Plumbing Retrofit

RMWD, as a member of SDCWA, participates in an incentive program for water conserving devices.

6.3 System Water Audits

RMWD had a water pipe audit program that would perform leak detection on our pipelines. The last survey was done for FY 2004-2005. Currently, RMWD has not continued the program due to financial constraints. As leak detection technology improves RMWD will consider bring back the water system audits.

6.4 Commodity rate Metering

In 2010 RMWD retailed water at a commodity rate of \$2.55 for each unit of water for the first 6 units and \$2.60 a unit thereafter. A unit of water is equivalent to one Hundred Cubic Feet (HCF) or 748 gallons. Included in this rate are costs necessary to pay MWD and SDCWA for the costs of imported water.

6.5 Large Landscape Conservation

The SDCWA has a large audit programs and services to assist in water use efficiency through new technology and education.

6.6 High Efficiency Washing Machines

RMWD is a participating member of the SDCWA's Voucher Program to

promote efficient machines through incentives for water saving devices.

6.7 Public Information Programs

The Public information Program used public service announcements, Brochures, newsletters in bills, demonstration gardens, special events and its speaker's bureau to give speeches as its medium to relay the message of conservation. Public can learn how outdoor irrigation can waste water, how the region uses recycled water and how to avoid polluting our local streams and bays.

6.8 School Education Programs

The SDCWA has several programs available to school teachers and other youth programs to promote water education among local youth. The programs for teachers are grouped into elementary and secondary categories with 10 programs for K through 6 and 7 programs for 7 through 12th grades respectively. In addition to these grade specific programs, the SDCWA offers a badge program for youth organizations, mini-grants and Xeriscape gardening workshop for teachers, and does the exhibit at Reuben H. Fleet Center.

These programs teach water-related activities and science experiments. In addition to highlighting water conservation issues and provides an understanding of California's water supply, these activities are designed to integrate math, science, art and language. Secondary school level programs emphasize on are water quality, water distribution, water conservation, the water cycle and fresh and salt water topics.

6.9 Conservation Programs for Commercial, Industrial and Institutional Accounts

The SDCWA managed a Commercial Institutional Industrial (CII) Voucher Program for all participating member agencies. In July 2008, the SDCWA switched to MWD's regional CII Save A Buck Program. These programs installed 56,000 CII water saving devices and saved 18,400 AF of water savings from 1993 to 2009.

6.10 Conservation Pricing

RMWD is in preliminary stages of establishing a pricing schedule to promote water conservation and as such has yet to determine stepping points. Also being considered at the time is a rate structure that includes a different schedule for agricultural, industrial and domestic uses.

6.11 Wholesale Agency Programs

All the programs with which RMWD participates are administered by the SDCWA and in some instances by MWD. Therefore the entire Section 6 is a summary of programs offered by the SDCWA. Other programs can be found in the SDCWA UWMP Section 3 Demand Management.

6.12 Water Conservation Coordinator

RMWD has a water conservation coordinator and works with the SDCWA staff to coordinate water conservation related issues.

6.13 Water Waste Prohibition

For most arid regions with limited water supply, water waste prohibition is an innate concept well understood and readily practiced. However that was not the case in Southern California with the abundant imported water from Colorado River, the area residents created water intense lush landscapes. With the increasing demand for water in the region, local governments and water districts created regulations to regulate water conservation. RMWD adopted an ordinance in 1990 to promote water conservation and created an emergency water management program. The ordinance, No 90-1, was later superseded by ordinance 91-5 which in turn was slightly amended with ordinance 91-8. Section 7 of the ordinance, "Water Conservation Stages", states that no customer shall waste or use district provided water unreasonably regardless of the conservation stage of a given time. Any violation of this ordinance is a misdemeanor which is punishable with imprisonment or fine. Appendix C contains the text of the ordinance.

6.14 Residential Ultra-Low Flush Toilet Replacement Programs

SDCWA implemented a financial incentive program for water conserving devices from 1991 to 2008. Vouchers were used to encourage replacement of water wasting devices to high efficient devices. The program replaced over 500,000 water-efficient toilets and other devices. In 2008, SDCWA transitioned over to the regional SoCal WaterSmart rebate program.

6.15 20 Gallon Challenge

Increased conservation is essential for residents, business and public agencies due to historic dry conditions and reduced water deliveries from the State Water Project. SDCWA has developed a conservation campaign to increase the conservation methods called the 20 Gallon Challenge. The 20 Gallon Challenge is region wide, and promotes voluntary water conservation by pledging to save 20 gallons per person, per day to save water now to allow for water in storage for the coming years.

6.16 DETERMINATION OF DMM IMPLEMENTATION

DMM is determined through the evaluation of applications for loans and grants to the Department of Water Resource to implement DMM's identified in Section 6. RMWD is a signatory to the CWUCC MOU participating member of SDCWA and MWD's programs.

SECTION 7 ADOPTION AND IMPLEMENTATION OF UWMP

The Act requires each urban water supplier adopt and implement their UWMP once every 5 years. The process involves public review of the UWMP and revisions and adaptation by RMWD. The 2010 draft UWMP was reviewed by the Board of Directors and general public during a public review meeting in June of 2011 and the draft revised accordingly. The Board of Directors adopted the plan on June 28, 2011. Appendix E contains a copy of the resolution adopting the 2010 UWMP and the minutes for the agenda discussing implementation of the plan.

As a signatory of the CUWCC, RMWD will track the effectiveness and implement BMPs to conserve and promote water conservation and abide by SB 7. RMWD shall implement its UWMP through the education of efficient use of water and the DMM discussed in the previous section. RMWD participates in landscape efficiency classes and informs customers about conservation through newsletters and website updates.

In order to determine actual reductions in water use, RMWD shall track water usage history and compare consumption to previous years. Also, RMWD with the help of the CUWCC can manage BMPs and calculate GPCD.

Once adopted by the Board of Directors the UWMP shall be submitted to the Department of Water Resources, the local library, San Diego County and neighboring cities. The plan will also be available for review on RMWD's website at www.rainbowmwd.com and at RMWD office during normal office hours.

APPENDIX A

Urban Water Management Planning Act
(Division 6 Part 2.6 of the Water Code §10610-10656)

&

SB 7 Law

CALIFORNIA WATER CODE DIVISION 6

PART 2.6. URBAN WATER MANAGEMENT PLANNING

All California Codes have been updated to include the 2010 Statutes.

CHAPTER 1.	GENERAL DECLARATION AND POLICY	10610-10610.4
CHAPTER 2.	DEFINITIONS	10611-10617
CHAPTER 3.	URBAN WATER MANAGEMENT PLANS	
Article 1.	General Provisions	10620-10621
Article 2.	Contents of Plans	10630-10634
Article 2.5.	Water Service Reliability	10635
Article 3.	Adoption and Implementation of Plans	10640-10645
CHAPTER 4.	MISCELLANEOUS PROVISIONS	10650-10656

WATER CODE

SECTION 10610-10610.4

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.
- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.
- (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
- (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
- (7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
- (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
- (9) The quality of source supplies can have a significant impact

on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

(a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

(b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

WATER CODE

SECTION 10611-10617

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city

and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

WATER CODE

SECTION 10620-10621

10620. (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

(d) (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.

(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

(e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621. (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.

(b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days prior to the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water

supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

(c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

WATER CODE

SECTION 10630-10634

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter that shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (A) An average water year.
- (B) A single dry water year.
- (C) Multiple dry water years.

(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (E) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

- (A) Water survey programs for single-family residential and multifamily residential customers.
- (B) Residential plumbing retrofit.
- (C) System water audits, leak detection, and repair.
- (D) Metering with commodity rates for all new connections and retrofit of existing connections.
- (E) Large landscape conservation programs and incentives.
- (F) High-efficiency washing machine rebate programs.
- (G) Public information programs.
- (H) School education programs.
- (I) Conservation programs for commercial, industrial, and institutional accounts.

(J) Wholesale agency programs.

(K) Conservation pricing.

(L) Water conservation coordinator.

(M) Water waste prohibition.

(N) Residential ultra-low-flush toilet replacement programs.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:

(1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

(j) For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivisions (f) and (g) by complying with all the provisions of the "Memorandum of Understanding Regarding Urban Water Conservation in California,"

dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.

(k) Urban water suppliers that rely upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

10631.1. (a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

(b) It is the intent of the Legislature that the identification of projected water use for single-family and multifamily residential housing for lower income households will assist a supplier in complying with the requirement under Section 65589.7 of the Government Code to grant a priority for the provision of service to housing units affordable to lower income households.

10631.5. (a) (1) Beginning January 1, 2009, the terms of, and eligibility for, a water management grant or loan made to an urban water supplier and awarded or administered by the department, state board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of the water demand management measures described in Section 10631, as determined by the department pursuant to subdivision (b).

(2) For the purposes of this section, water management grants and loans include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability, and water supply augmentation. This section does not apply to water management projects funded by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(3) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if the urban water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the water demand management measures. The supplier may request grant or loan funds to implement the water demand management measures to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(4) (A) Notwithstanding paragraph (1), the department shall

determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if an urban water supplier submits to the department for approval documentation demonstrating that a water demand management measure is not locally cost effective. If the department determines that the documentation submitted by the urban water supplier fails to demonstrate that a water demand management measure is not locally cost effective, the department shall notify the urban water supplier and the agency administering the grant or loan program within 120 days that the documentation does not satisfy the requirements for an exemption, and include in that notification a detailed statement to support the determination.

(B) For purposes of this paragraph, "not locally cost effective" means that the present value of the local benefits of implementing a water demand management measure is less than the present value of the local costs of implementing that measure.

(b) (1) The department, in consultation with the state board and the California Bay-Delta Authority or its successor agency, and after soliciting public comment regarding eligibility requirements, shall develop eligibility requirements to implement the requirement of paragraph (1) of subdivision (a). In establishing these eligibility requirements, the department shall do both of the following:

(A) Consider the conservation measures described in the Memorandum of Understanding Regarding Urban Water Conservation in California, and alternative conservation approaches that provide equal or greater water savings.

(B) Recognize the different legal, technical, fiscal, and practical roles and responsibilities of wholesale water suppliers and retail water suppliers.

(2) (A) For the purposes of this section, the department shall determine whether an urban water supplier is implementing all of the water demand management measures described in Section 10631 based on either, or a combination, of the following:

(i) Compliance on an individual basis.

(ii) Compliance on a regional basis. Regional compliance shall require participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and the department with data to demonstrate that the regional program is consistent with this clause. The department shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements.

(B) The department may require additional information for any determination pursuant to this section.

(3) The department shall not deny eligibility to an urban water supplier in compliance with the requirements of this section that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of

the agencies participating in the project or plan is not implementing all of the water demand management measures described in Section 10631.

(c) In establishing guidelines pursuant to the specific funding authorization for any water management grant or loan program subject to this section, the agency administering the grant or loan program shall include in the guidelines the eligibility requirements developed by the department pursuant to subdivision (b).

(d) Upon receipt of a water management grant or loan application by an agency administering a grant and loan program subject to this section, the agency shall request an eligibility determination from the department with respect to the requirements of this section. The department shall respond to the request within 60 days of the request.

(e) The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities. In addition, for urban water suppliers that are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California and submit biennial reports to the California Urban Water Conservation Council in accordance with the memorandum, the department may use these reports to assist in tracking the implementation of water demand management measures.

(f) This section shall remain in effect only until July 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2016, deletes or extends that date.

10631.7. The department, in consultation with the California Urban Water Conservation Council, shall convene an independent technical panel to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and approaches. The panel shall consist of no more than seven members, who shall be selected by the department to reflect a balanced representation of experts. The panel shall have at least one, but no more than two, representatives from each of the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. The panel shall be convened by January 1, 2009, and shall report to the Legislature no later than January 1, 2010, and every five years thereafter. The department shall review the panel report and include in the final report to the Legislature the department's recommendations and comments regarding the panel process and the panel's recommendations.

10632. (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.

(2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic

sequence for the agency's water supply.

(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

(6) Penalties or charges for excessive use, where applicable.

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(8) A draft water shortage contingency resolution or ordinance.

(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

(b) Commencing with the urban water management plan update due December 31, 2015, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

(b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

(c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

(d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(e) The projected use of recycled water within the supplier's

service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

WATER CODE

SECTION 10635

10635. (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

WATER CODE

SECTION 10640-10645

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644. (a) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the exemplary elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

(c) (1) For the purpose of identifying the exemplary elements of the individual plans, the department shall identify in the report those water demand management measures adopted and implemented by specific urban water suppliers, and identified pursuant to Section

10631, that achieve water savings significantly above the levels established by the department to meet the requirements of Section 10631.5.

(2) The department shall distribute to the panel convened pursuant to Section 10631.7 the results achieved by the implementation of those water demand management measures described in paragraph (1).

(3) The department shall make available to the public the standard the department will use to identify exemplary water demand management measures.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

WATER CODE

SECTION 10650-10656

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the

"Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

Senate Bill No. 7

CHAPTER 4

An act to amend and repeal Section 10631.5 of, to add Part 2.55 (commencing with Section 10608) to Division 6 of, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

[Approved by Governor November 10, 2009. Filed with
Secretary of State November 10, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 7, Steinberg. Water conservation.

(1) Existing law requires the Department of Water Resources to convene an independent technical panel to provide information to the department and the Legislature on new demand management measures, technologies, and approaches. "Demand management measures" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require each urban retail water supplier to develop urban water use targets and an interim urban water use target, in accordance with specified requirements. The bill would require agricultural water suppliers to implement efficient water management practices. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would provide that urban retail water suppliers, on and after July 1, 2016, and agricultural water suppliers, on and after July 1, 2013, are not eligible for state water grants or loans unless they comply with the water conservation requirements established by the bill. The bill would repeal, on July 1, 2016, an existing requirement that conditions eligibility for certain water management grants or loans to an urban water supplier on the implementation of certain water demand management measures.

(2) Existing law, until January 1, 1993, and thereafter only as specified, requires certain agricultural water suppliers to prepare and adopt water management plans.

This bill would revise existing law relating to agricultural water management planning to require agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2012, and update those plans on or before December

31, 2015, and on or before December 31 every 5 years thereafter. An agricultural water supplier that becomes an agricultural water supplier after December 31, 2012, would be required to prepare and adopt an agricultural water management plan within one year after becoming an agricultural water supplier. The agricultural water supplier would be required to notify each city or county within which the supplier provides water supplies with regard to the preparation or review of the plan. The bill would require the agricultural water supplier to submit copies of the plan to the department and other specified entities. The bill would provide that an agricultural water supplier is not eligible for state water grants or loans unless the supplier complies with the water management planning requirements established by the bill.

(3) The bill would take effect only if SB 1 and SB 6 of the 2009–10 7th Extraordinary Session of the Legislature are enacted and become effective.

The people of the State of California do enact as follows:

SECTION 1. Part 2.55 (commencing with Section 10608) is added to Division 6 of the Water Code, to read:

PART 2.55. SUSTAINABLE WATER USE AND DEMAND REDUCTION

CHAPTER 1. GENERAL DECLARATIONS AND POLICY

10608. The Legislature finds and declares all of the following:

(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.

(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.

(c) Diverse regional water supply portfolios will increase water supply reliability and reduce dependence on the Delta.

(d) Reduced water use through conservation provides significant energy and environmental benefits, and can help protect water quality, improve streamflows, and reduce greenhouse gas emissions.

(e) The success of state and local water conservation programs to increase efficiency of water use is best determined on the basis of measurable outcomes related to water use or efficiency.

(f) Improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses.

(g) The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020.

(h) The factors used to formulate water use efficiency targets can vary significantly from location to location based on factors including weather, patterns of urban and suburban development, and past efforts to enhance water use efficiency.

(i) Per capita water use is a valid measure of a water provider's efforts to reduce urban water use within its service area. However, per capita water use is less useful for measuring relative water use efficiency between different water providers. Differences in weather, historical patterns of urban and suburban development, and density of housing in a particular location need to be considered when assessing per capita water use as a measure of efficiency.

10608.4. It is the intent of the Legislature, by the enactment of this part, to do all of the following:

(a) Require all water suppliers to increase the efficiency of use of this essential resource.

(b) Establish a framework to meet the state targets for urban water conservation identified in this part and called for by the Governor.

(c) Measure increased efficiency of urban water use on a per capita basis.

(d) Establish a method or methods for urban retail water suppliers to determine targets for achieving increased water use efficiency by the year 2020, in accordance with the Governor's goal of a 20-percent reduction.

(e) Establish consistent water use efficiency planning and implementation standards for urban water suppliers and agricultural water suppliers.

(f) Promote urban water conservation standards that are consistent with the California Urban Water Conservation Council's adopted best management practices and the requirements for demand management in Section 10631.

(g) Establish standards that recognize and provide credit to water suppliers that made substantial capital investments in urban water conservation since the drought of the early 1990s.

(h) Recognize and account for the investment of urban retail water suppliers in providing recycled water for beneficial uses.

(i) Require implementation of specified efficient water management practices for agricultural water suppliers.

(j) Support the economic productivity of California's agricultural, commercial, and industrial sectors.

(k) Advance regional water resources management.

10608.8. (a) (1) Water use efficiency measures adopted and implemented pursuant to this part or Part 2.8 (commencing with Section 10800) are water conservation measures subject to the protections provided under Section 1011.

(2) Because an urban agency is not required to meet its urban water use target until 2020 pursuant to subdivision (b) of Section 10608.24, an urban retail water supplier's failure to meet those targets shall not establish a violation of law for purposes of any state administrative or judicial proceeding prior to January 1, 2021. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an

administrative proceeding. This paragraph shall become inoperative on January 1, 2021.

(3) To the extent feasible, the department and the board shall provide for the use of water conservation reports required under this part to meet the requirements of Section 1011 for water conservation reporting.

(b) This part does not limit or otherwise affect the application of Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) This part does not require a reduction in the total water used in the agricultural or urban sectors, because other factors, including, but not limited to, changes in agricultural economics or population growth may have greater effects on water use. This part does not limit the economic productivity of California's agricultural, commercial, or industrial sectors.

(d) The requirements of this part do not apply to an agricultural water supplier that is a party to the Quantification Settlement Agreement, as defined in subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002, during the period within which the Quantification Settlement Agreement remains in effect. After the expiration of the Quantification Settlement Agreement, to the extent conservation water projects implemented as part of the Quantification Settlement Agreement remain in effect, the conserved water created as part of those projects shall be credited against the obligations of the agricultural water supplier pursuant to this part.

CHAPTER 2. DEFINITIONS

10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. "Agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include the department.

(b) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of

a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier’s estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(c) “Baseline commercial, industrial, and institutional water use” means an urban retail water supplier’s base daily per capita water use for commercial, industrial, and institutional users.

(d) “Commercial water user” means a water user that provides or distributes a product or service.

(e) “Compliance daily per capita water use” means the gross water use during the final year of the reporting period, reported in gallons per capita per day.

(f) “Disadvantaged community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

(g) “Gross water use” means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.

(2) The net volume of water that the urban retail water supplier places into long-term storage.

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

(h) “Industrial water user” means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

(i) “Institutional water user” means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

(j) “Interim urban water use target” means the midpoint between the urban retail water supplier’s base daily per capita water use and the urban retail water supplier’s urban water use target for 2020.

(k) “Locally cost effective” means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.

(l) “Process water” means water used for producing a product or product content or water used for research and development, including, but not limited to, continuous manufacturing processes, water used for testing and maintaining equipment used in producing a product or product content, and

water used in combined heat and power facilities used in producing a product or product content. Process water does not mean incidental water uses not related to the production of a product or product content, including, but not limited to, water used for restrooms, landscaping, air conditioning, heating, kitchens, and laundry.

(m) “Recycled water” means recycled water, as defined in subdivision (n) of Section 13050, that is used to offset potable demand, including recycled water supplied for direct use and indirect potable reuse, that meets the following requirements, where applicable:

(1) For groundwater recharge, including recharge through spreading basins, water supplies that are all of the following:

(A) Metered.

(B) Developed through planned investment by the urban water supplier or a wastewater treatment agency.

(C) Treated to a minimum tertiary level.

(D) Delivered within the service area of an urban retail water supplier or its urban wholesale water supplier that helps an urban retail water supplier meet its urban water use target.

(2) For reservoir augmentation, water supplies that meet the criteria of paragraph (1) and are conveyed through a distribution system constructed specifically for recycled water.

(n) “Regional water resources management” means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

(1) The capture and reuse of stormwater or rainwater.

(2) The use of recycled water.

(3) The desalination of brackish groundwater.

(4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

(o) “Reporting period” means the years for which an urban retail water supplier reports compliance with the urban water use targets.

(p) “Urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(q) “Urban water use target” means the urban retail water supplier’s targeted future daily per capita water use.

(r) “Urban wholesale water supplier,” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

CHAPTER 3. URBAN RETAIL WATER SUPPLIERS

10608.16. (a) The state shall achieve a 20-percent reduction in urban per capita water use in California on or before December 31, 2020.

(b) The state shall make incremental progress towards the state target specified in subdivision (a) by reducing urban per capita water use by at least 10 percent on or before December 31, 2015.

10608.20. (a) (1) Each urban retail water supplier shall develop urban water use targets and an interim urban water use target by July 1, 2011. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis, as provided in subdivision (a) of Section 10608.28, and may determine the targets on a fiscal year or calendar year basis.

(2) It is the intent of the Legislature that the urban water use targets described in subdivision (a) cumulatively result in a 20-percent reduction from the baseline daily per capita water use by December 31, 2020.

(b) An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

- (B) Consider population density differences within the state.
 - (C) Provide flexibility to communities and regions in meeting the targets.
 - (D) Consider different levels of per capita water use according to plant water needs in different regions.
 - (E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.
 - (F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.
- (c) If the department adopts a regulation pursuant to paragraph (4) of subdivision (b) that results in a requirement that an urban retail water supplier achieve a reduction in daily per capita water use that is greater than 20 percent by December 31, 2020, an urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may limit its urban water use target to a reduction of not more than 20 percent by December 31, 2020, by adopting the method described in paragraph (1) of subdivision (b).
- (d) The department shall update the method described in paragraph (4) of subdivision (b) and report to the Legislature by December 31, 2014. An urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may adopt a new urban daily per capita water use target pursuant to this updated method.
- (e) An urban retail water supplier shall include in its urban water management plan required pursuant to Part 2.6 (commencing with Section 10610) due in 2010 the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.
- (f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.
- (g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).
- (h) (1) The department, through a public process and in consultation with the California Urban Water Conservation Council, shall develop technical methodologies and criteria for the consistent implementation of this part, including, but not limited to, both of the following:
- (A) Methodologies for calculating base daily per capita water use, baseline commercial, industrial, and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use, and landscaped area water use.
 - (B) Criteria for adjustments pursuant to subdivisions (d) and (e) of Section 10608.24.
- (2) The department shall post the methodologies and criteria developed pursuant to this subdivision on its Internet Web site, and make written copies

available, by October 1, 2010. An urban retail water supplier shall use the methods developed by the department in compliance with this part.

(i) (1) The department shall adopt regulations for implementation of the provisions relating to process water in accordance with subdivision (l) of Section 10608.12, subdivision (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

(j) An urban retail water supplier shall be granted an extension to July 1, 2011, for adoption of an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) due in 2010 to allow use of technical methodologies developed by the department pursuant to paragraph (4) of subdivision (b) and subdivision (h). An urban retail water supplier that adopts an urban water management plan due in 2010 that does not use the methodologies developed by the department pursuant to subdivision (h) shall amend the plan by July 1, 2011, to comply with this part.

10608.22. Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

10608.24. (a) Each urban retail water supplier shall meet its interim urban water use target by December 31, 2015.

(b) Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

(c) An urban retail water supplier's compliance daily per capita water use shall be the measure of progress toward achievement of its urban water use target.

(d) (1) When determining compliance daily per capita water use, an urban retail water supplier may consider the following factors:

(A) Differences in evapotranspiration and rainfall in the baseline period compared to the compliance reporting period.

(B) Substantial changes to commercial or industrial water use resulting from increased business output and economic development that have occurred during the reporting period.

(C) Substantial changes to institutional water use resulting from fire suppression services or other extraordinary events, or from new or expanded operations, that have occurred during the reporting period.

(2) If the urban retail water supplier elects to adjust its estimate of compliance daily per capita water use due to one or more of the factors described in paragraph (1), it shall provide the basis for, and data supporting, the adjustment in the report required by Section 10608.40.

(e) When developing the urban water use target pursuant to Section 10608.20, an urban retail water supplier that has a substantial percentage of industrial water use in its service area, may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector.

(f) (1) An urban retail water supplier that includes agricultural water use in an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) may include the agricultural water use in determining gross water use. An urban retail water supplier that includes agricultural water use in determining gross water use and develops its urban water use target pursuant to paragraph (2) of subdivision (b) of Section 10608.20 shall use a water efficient standard for agricultural irrigation of 100 percent of reference evapotranspiration multiplied by the crop coefficient for irrigated acres.

(2) An urban retail water supplier, that is also an agricultural water supplier, is not subject to the requirements of Chapter 4 (commencing with Section 10608.48), if the agricultural water use is incorporated into its urban water use target pursuant to paragraph (1).

10608.26. (a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

(1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.

(2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.

(3) Adopt a method, pursuant to subdivision (b) of Section 10608.20, for determining its urban water use target.

(b) In complying with this part, an urban retail water supplier may meet its urban water use target through efficiency improvements in any combination among its customer sectors. An urban retail water supplier shall avoid placing a disproportionate burden on any customer sector.

(c) For an urban retail water supplier that supplies water to a United States Department of Defense military installation, the urban retail water supplier's implementation plan for complying with this part shall consider the United States Department of Defense military installation's requirements under federal Executive Order 13423.

(d) (1) Any ordinance or resolution adopted by an urban retail water supplier after the effective date of this section shall not require existing customers as of the effective date of this section, to undertake changes in product formulation, operations, or equipment that would reduce process water use, but may provide technical assistance and financial incentives to those customers to implement efficiency measures for process water. This section shall not limit an ordinance or resolution adopted pursuant to a declaration of drought emergency by an urban retail water supplier.

(2) This part shall not be construed or enforced so as to interfere with the requirements of Chapter 4 (commencing with Section 113980) to Chapter 13 (commencing with Section 114380), inclusive, of Part 7 of Division 104 of the Health and Safety Code, or any requirement or standard for the protection of public health, public safety, or worker safety established by federal, state, or local government or recommended by recognized standard setting organizations or trade associations.

10608.28. (a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:

(1) Through an urban wholesale water supplier.

(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).

(3) Through a regional water management group as defined in Section 10537.

(4) By an integrated regional water management funding area.

(5) By hydrologic region.

(6) Through other appropriate geographic scales for which computation methods have been developed by the department.

(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.

10608.32. All costs incurred pursuant to this part by a water utility regulated by the Public Utilities Commission may be recoverable in rates subject to review and approval by the Public Utilities Commission, and may be recorded in a memorandum account and reviewed for reasonableness by the Public Utilities Commission.

10608.36. Urban wholesale water suppliers shall include in the urban water management plans required pursuant to Part 2.6 (commencing with Section 10610) an assessment of their present and proposed future measures, programs, and policies to help achieve the water use reductions required by this part.

10608.40. Urban water retail suppliers shall report to the department on their progress in meeting their urban water use targets as part of their urban water management plans submitted pursuant to Section 10631. The data shall be reported using a standardized form developed pursuant to Section 10608.52.

10608.42. The department shall review the 2015 urban water management plans and report to the Legislature by December 31, 2016, on progress towards achieving a 20-percent reduction in urban water use by December 31, 2020. The report shall include recommendations on changes to water efficiency standards or urban water use targets in order to achieve

the 20-percent reduction and to reflect updated efficiency information and technology changes.

10608.43. The department, in conjunction with the California Urban Water Conservation Council, by April 1, 2010, shall convene a representative task force consisting of academic experts, urban retail water suppliers, environmental organizations, commercial water users, industrial water users, and institutional water users to develop alternative best management practices for commercial, industrial, and institutional users and an assessment of the potential statewide water use efficiency improvement in the commercial, industrial, and institutional sectors that would result from implementation of these best management practices. The taskforce, in conjunction with the department, shall submit a report to the Legislature by April 1, 2012, that shall include a review of multiple sectors within commercial, industrial, and institutional users and that shall recommend water use efficiency standards for commercial, industrial, and institutional users among various sectors of water use. The report shall include, but not be limited to, the following:

(a) Appropriate metrics for evaluating commercial, industrial, and institutional water use.

(b) Evaluation of water demands for manufacturing processes, goods, and cooling.

(c) Evaluation of public infrastructure necessary for delivery of recycled water to the commercial, industrial, and institutional sectors.

(d) Evaluation of institutional and economic barriers to increased recycled water use within the commercial, industrial, and institutional sectors.

(e) Identification of technical feasibility and cost of the best management practices to achieve more efficient water use statewide in the commercial, industrial, and institutional sectors that is consistent with the public interest and reflects past investments in water use efficiency.

10608.44. Each state agency shall reduce water use on facilities it operates to support urban retail water suppliers in meeting the target identified in Section 10608.16.

CHAPTER 4. AGRICULTURAL WATER SUPPLIERS

10608.48. (a) On or before July 31, 2012, an agricultural water supplier shall implement efficient water management practices pursuant to subdivisions (b) and (c).

(b) Agricultural water suppliers shall implement all of the following critical efficient management practices:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered.

(c) Agricultural water suppliers shall implement additional efficient management practices, including, but not limited to, practices to accomplish all of the following, if the measures are locally cost effective and technically feasible:

(1) Facilitate alternative land use for lands with exceptionally high water duties or whose irrigation contributes to significant problems, including drainage.

(2) Facilitate use of available recycled water that otherwise would not be used beneficially, meets all health and safety criteria, and does not harm crops or soils.

(3) Facilitate the financing of capital improvements for on-farm irrigation systems.

(4) Implement an incentive pricing structure that promotes one or more of the following goals:

(A) More efficient water use at the farm level.

(B) Conjunctive use of groundwater.

(C) Appropriate increase of groundwater recharge.

(D) Reduction in problem drainage.

(E) Improved management of environmental resources.

(F) Effective management of all water sources throughout the year by adjusting seasonal pricing structures based on current conditions.

(5) Expand line or pipe distribution systems, and construct regulatory reservoirs to increase distribution system flexibility and capacity, decrease maintenance, and reduce seepage.

(6) Increase flexibility in water ordering by, and delivery to, water customers within operational limits.

(7) Construct and operate supplier spill and tailwater recovery systems.

(8) Increase planned conjunctive use of surface water and groundwater within the supplier service area.

(9) Automate canal control structures.

(10) Facilitate or promote customer pump testing and evaluation.

(11) Designate a water conservation coordinator who will develop and implement the water management plan and prepare progress reports.

(12) Provide for the availability of water management services to water users. These services may include, but are not limited to, all of the following:

(A) On-farm irrigation and drainage system evaluations.

(B) Normal year and real-time irrigation scheduling and crop evapotranspiration information.

(C) Surface water, groundwater, and drainage water quantity and quality data.

(D) Agricultural water management educational programs and materials for farmers, staff, and the public.

(13) Evaluate the policies of agencies that provide the supplier with water to identify the potential for institutional changes to allow more flexible water deliveries and storage.

(14) Evaluate and improve the efficiencies of the supplier's pumps.

(d) Agricultural water suppliers shall include in the agricultural water management plans required pursuant to Part 2.8 (commencing with Section 10800) a report on which efficient water management practices have been implemented and are planned to be implemented, an estimate of the water use efficiency improvements that have occurred since the last report, and an estimate of the water use efficiency improvements estimated to occur five and 10 years in the future. If an agricultural water supplier determines that an efficient water management practice is not locally cost effective or technically feasible, the supplier shall submit information documenting that determination.

(e) The data shall be reported using a standardized form developed pursuant to Section 10608.52.

(f) An agricultural water supplier may meet the requirements of subdivisions (d) and (e) by submitting to the department a water conservation plan submitted to the United States Bureau of Reclamation that meets the requirements described in Section 10828.

(g) On or before December 31, 2013, December 31, 2016, and December 31, 2021, the department, in consultation with the board, shall submit to the Legislature a report on the agricultural efficient water management practices that have been implemented and are planned to be implemented and an assessment of the manner in which the implementation of those efficient water management practices has affected and will affect agricultural operations, including estimated water use efficiency improvements, if any.

(h) The department may update the efficient water management practices required pursuant to subdivision (c), in consultation with the Agricultural Water Management Council, the United States Bureau of Reclamation, and the board. All efficient water management practices for agricultural water use pursuant to this chapter shall be adopted or revised by the department only after the department conducts public hearings to allow participation of the diverse geographical areas and interests of the state.

(i) (1) The department shall adopt regulations that provide for a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in paragraph (1) of subdivision (b).

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

CHAPTER 5. SUSTAINABLE WATER MANAGEMENT

10608.50. (a) The department, in consultation with the board, shall promote implementation of regional water resources management practices through increased incentives and removal of barriers consistent with state and federal law. Potential changes may include, but are not limited to, all of the following:

(1) Revisions to the requirements for urban and agricultural water management plans.

(2) Revisions to the requirements for integrated regional water management plans.

(3) Revisions to the eligibility for state water management grants and loans.

(4) Revisions to state or local permitting requirements that increase water supply opportunities, but do not weaken water quality protection under state and federal law.

(5) Increased funding for research, feasibility studies, and project construction.

(6) Expanding technical and educational support for local land use and water management agencies.

(b) No later than January 1, 2011, and updated as part of the California Water Plan, the department, in consultation with the board, and with public input, shall propose new statewide targets, or review and update existing statewide targets, for regional water resources management practices, including, but not limited to, recycled water, brackish groundwater desalination, and infiltration and direct use of urban stormwater runoff.

CHAPTER 6. STANDARDIZED DATA COLLECTION

10608.52. (a) The department, in consultation with the board, the California Bay-Delta Authority or its successor agency, the State Department of Public Health, and the Public Utilities Commission, shall develop a single standardized water use reporting form to meet the water use information needs of each agency, including the needs of urban water suppliers that elect to determine and report progress toward achieving targets on a regional basis as provided in subdivision (a) of Section 10608.28.

(b) At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24 and an agricultural water supplier's compliance with implementation of efficient water management practices pursuant to subdivision (a) of Section 10608.48. The form shall accommodate reporting by urban water suppliers on an individual or regional basis as provided in subdivision (a) of Section 10608.28.

CHAPTER 7. FUNDING PROVISIONS

10608.56. (a) On and after July 1, 2016, an urban retail water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(b) On and after July 1, 2013, an agricultural water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(c) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for achieving the per capita reductions. The supplier may request grant or loan funds to achieve the per capita reductions to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(d) Notwithstanding subdivision (b), the department shall determine that an agricultural water supplier is eligible for a water grant or loan even though the supplier is not implementing all of the efficient water management practices described in Section 10608.48, if the agricultural water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the efficient water management practices. The supplier may request grant or loan funds to implement the efficient water management practices to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(e) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval documentation demonstrating that its entire service area qualifies as a disadvantaged community.

(f) The department shall not deny eligibility to an urban retail water supplier or agricultural water supplier in compliance with the requirements of this part and Part 2.8 (commencing with Section 10800), that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the requirements of this part or Part 2.8 (commencing with Section 10800).

10608.60. (a) It is the intent of the Legislature that funds made available by Section 75026 of the Public Resources Code should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for grants to implement this part. In the allocation of funding, it is the intent of the

Legislature that the department give consideration to disadvantaged communities to assist in implementing the requirements of this part.

(b) It is the intent of the Legislature that funds made available by Section 75041 of the Public Resources Code, should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for direct expenditures to implement this part.

CHAPTER 8. QUANTIFYING AGRICULTURAL WATER USE EFFICIENCY

10608.64. The department, in consultation with the Agricultural Water Management Council, academic experts, and other stakeholders, shall develop a methodology for quantifying the efficiency of agricultural water use. Alternatives to be assessed shall include, but not be limited to, determination of efficiency levels based on crop type or irrigation system distribution uniformity. On or before December 31, 2011, the department shall report to the Legislature on a proposed methodology and a plan for implementation. The plan shall include the estimated implementation costs and the types of data needed to support the methodology. Nothing in this section authorizes the department to implement a methodology established pursuant to this section.

SEC. 2. Section 10631.5 of the Water Code is amended to read:

10631.5. (a) (1) Beginning January 1, 2009, the terms of, and eligibility for, a water management grant or loan made to an urban water supplier and awarded or administered by the department, state board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of the water demand management measures described in Section 10631, as determined by the department pursuant to subdivision (b).

(2) For the purposes of this section, water management grants and loans include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability, and water supply augmentation. This section does not apply to water management projects funded by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(3) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if the urban water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the water demand management measures. The supplier may request grant or loan funds to implement the water demand management measures to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(4) (A) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if an urban water supplier submits to the department for approval documentation demonstrating that a water demand management measure is not locally cost effective. If the department determines that the documentation submitted by the urban water supplier fails to demonstrate that a water demand management measure is not locally cost effective, the department shall notify the urban water supplier and the agency administering the grant or loan program within 120 days that the documentation does not satisfy the requirements for an exemption, and include in that notification a detailed statement to support the determination.

(B) For purposes of this paragraph, “not locally cost effective” means that the present value of the local benefits of implementing a water demand management measure is less than the present value of the local costs of implementing that measure.

(b) (1) The department, in consultation with the state board and the California Bay-Delta Authority or its successor agency, and after soliciting public comment regarding eligibility requirements, shall develop eligibility requirements to implement the requirement of paragraph (1) of subdivision (a). In establishing these eligibility requirements, the department shall do both of the following:

(A) Consider the conservation measures described in the Memorandum of Understanding Regarding Urban Water Conservation in California, and alternative conservation approaches that provide equal or greater water savings.

(B) Recognize the different legal, technical, fiscal, and practical roles and responsibilities of wholesale water suppliers and retail water suppliers.

(2) (A) For the purposes of this section, the department shall determine whether an urban water supplier is implementing all of the water demand management measures described in Section 10631 based on either, or a combination, of the following:

(i) Compliance on an individual basis.

(ii) Compliance on a regional basis. Regional compliance shall require participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and the department with data to demonstrate that the regional program is consistent with this clause. The department shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements.

(B) The department may require additional information for any determination pursuant to this section.

(3) The department shall not deny eligibility to an urban water supplier in compliance with the requirements of this section that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the water demand management measures described in Section 10631.

(c) In establishing guidelines pursuant to the specific funding authorization for any water management grant or loan program subject to this section, the agency administering the grant or loan program shall include in the guidelines the eligibility requirements developed by the department pursuant to subdivision (b).

(d) Upon receipt of a water management grant or loan application by an agency administering a grant and loan program subject to this section, the agency shall request an eligibility determination from the department with respect to the requirements of this section. The department shall respond to the request within 60 days of the request.

(e) The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities. In addition, for urban water suppliers that are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California and submit biennial reports to the California Urban Water Conservation Council in accordance with the memorandum, the department may use these reports to assist in tracking the implementation of water demand management measures.

(f) This section shall remain in effect only until July 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2016, deletes or extends that date.

SEC. 3. Part 2.8 (commencing with Section 10800) of Division 6 of the Water Code is repealed.

SEC. 4. Part 2.8 (commencing with Section 10800) is added to Division 6 of the Water Code, to read:

PART 2.8. AGRICULTURAL WATER MANAGEMENT PLANNING

CHAPTER 1. GENERAL DECLARATIONS AND POLICY

10800. This part shall be known and may be cited as the Agricultural Water Management Planning Act.

10801. The Legislature finds and declares all of the following:

- (a) The waters of the state are a limited and renewable resource.
- (b) The California Constitution requires that water in the state be used in a reasonable and beneficial manner.
- (c) Urban water districts are required to adopt water management plans.

(d) The conservation of agricultural water supplies is of great statewide concern.

(e) There is a great amount of reuse of delivered water, both inside and outside the water service areas.

(f) Significant noncrop beneficial uses are associated with agricultural water use, including streamflows and wildlife habitat.

(g) Significant opportunities exist in some areas, through improved irrigation water management, to conserve water or to reduce the quantity of highly saline or toxic drainage water.

(h) Changes in water management practices should be carefully planned and implemented to minimize adverse effects on other beneficial uses currently being served.

(i) Agricultural water suppliers that receive water from the federal Central Valley Project are required by federal law to prepare and implement water conservation plans.

(j) Agricultural water users applying for a permit to appropriate water from the board are required to prepare and implement water conservation plans.

10802. The Legislature finds and declares that all of the following are the policies of the state:

(a) The conservation of water shall be pursued actively to protect both the people of the state and the state's water resources.

(b) The conservation of agricultural water supplies shall be an important criterion in public decisions with regard to water.

(c) Agricultural water suppliers shall be required to prepare water management plans to achieve conservation of water.

CHAPTER 2. DEFINITIONS

10810. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part.

10811. "Agricultural water management plan" or "plan" means an agricultural water management plan prepared pursuant to this part.

10812. "Agricultural water supplier" has the same meaning as defined in Section 10608.12.

10813. "Customer" means a purchaser of water from a water supplier who uses water for agricultural purposes.

10814. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of that entity.

10815. "Public agency" means any city, county, city and county, special district, or other public entity.

10816. "Urban water supplier" has the same meaning as set forth in Section 10617.

10817. “Water conservation” means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS

Article 1. General Provisions

10820. (a) An agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in this chapter on or before December 31, 2012, and shall update that plan on December 31, 2015, and on or before December 31 every five years thereafter.

(b) Every supplier that becomes an agricultural water supplier after December 31, 2012, shall prepare and adopt an agricultural water management plan within one year after the date it has become an agricultural water supplier.

(c) A water supplier that indirectly provides water to customers for agricultural purposes shall not prepare a plan pursuant to this part without the consent of each agricultural water supplier that directly provides that water to its customers.

10821. (a) An agricultural water supplier required to prepare a plan pursuant to this part shall notify each city or county within which the supplier provides water supplies that the agricultural water supplier will be preparing the plan or reviewing the plan and considering amendments or changes to the plan. The agricultural water supplier may consult with, and obtain comments from, each city or county that receives notice pursuant to this subdivision.

(b) The amendments to, or changes in, the plan shall be adopted and submitted in the manner set forth in Article 3 (commencing with Section 10840).

Article 2. Contents of Plans

10825. (a) It is the intent of the Legislature in enacting this part to allow levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

(b) This part does not require the implementation of water conservation programs or practices that are not locally cost effective.

10826. An agricultural water management plan shall be adopted in accordance with this chapter. The plan shall do all of the following:

(a) Describe the agricultural water supplier and the service area, including all of the following:

- (1) Size of the service area.
- (2) Location of the service area and its water management facilities.
- (3) Terrain and soils.
- (4) Climate.

- (5) Operating rules and regulations.
- (6) Water delivery measurements or calculations.
- (7) Water rate schedules and billing.
- (8) Water shortage allocation policies.
- (b) Describe the quantity and quality of water resources of the agricultural water supplier, including all of the following:
 - (1) Surface water supply.
 - (2) Groundwater supply.
 - (3) Other water supplies.
 - (4) Source water quality monitoring practices.
 - (5) Water uses within the agricultural water supplier's service area, including all of the following:
 - (A) Agricultural.
 - (B) Environmental.
 - (C) Recreational.
 - (D) Municipal and industrial.
 - (E) Groundwater recharge.
 - (F) Transfers and exchanges.
 - (G) Other water uses.
 - (6) Drainage from the water supplier's service area.
 - (7) Water accounting, including all of the following:
 - (A) Quantifying the water supplier's water supplies.
 - (B) Tabulating water uses.
 - (C) Overall water budget.
 - (8) Water supply reliability.
- (c) Include an analysis, based on available information, of the effect of climate change on future water supplies.
- (d) Describe previous water management activities.
- (e) Include in the plan the water use efficiency information required pursuant to Section 10608.48.

10827. Agricultural water suppliers that are members of the Agricultural Water Management Council, and that submit water management plans to that council in accordance with the "Memorandum of Understanding Regarding Efficient Water Management Practices By Agricultural Water Suppliers In California," dated January 1, 1999, may submit the water management plans identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of Section 10826.

10828. (a) Agricultural water suppliers that are required to submit water conservation plans to the United States Bureau of Reclamation pursuant to either the Central Valley Project Improvement Act (Public Law 102-575) or the Reclamation Reform Act of 1982, or both, may submit those water conservation plans to satisfy the requirements of Section 10826, if both of the following apply:

- (1) The agricultural water supplier has adopted and submitted the water conservation plan to the United States Bureau of Reclamation within the previous four years.

(2) The United States Bureau of Reclamation has accepted the water conservation plan as adequate.

(b) This part does not require agricultural water suppliers that are required to submit water conservation plans to the United States Bureau of Reclamation pursuant to either the Central Valley Project Improvement Act (Public Law 102-575) or the Reclamation Reform Act of 1982, or both, to prepare and adopt water conservation plans according to a schedule that is different from that required by the United States Bureau of Reclamation.

10829. An agricultural water supplier may satisfy the requirements of this part by adopting an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) or by participation in areawide, regional, watershed, or basinwide water management planning if those plans meet or exceed the requirements of this part.

Article 3. Adoption and Implementation of Plans

10840. Every agricultural water supplier shall prepare its plan pursuant to Article 2 (commencing with Section 10825).

10841. Prior to adopting a plan, the agricultural water supplier shall make the proposed plan available for public inspection, and shall hold a public hearing on the plan. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned agricultural water supplier pursuant to Section 6066 of the Government Code. A privately owned agricultural water supplier shall provide an equivalent notice within its service area and shall provide a reasonably equivalent opportunity that would otherwise be afforded through a public hearing process for interested parties to provide input on the plan. After the hearing, the plan shall be adopted as prepared or as modified during or after the hearing.

10842. An agricultural water supplier shall implement the plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan, as determined by the governing body of the agricultural water supplier.

10843. (a) An agricultural water supplier shall submit to the entities identified in subdivision (b) a copy of its plan no later than 30 days after the adoption of the plan. Copies of amendments or changes to the plans shall be submitted to the entities identified in subdivision (b) within 30 days after the adoption of the amendments or changes.

(b) An agricultural water supplier shall submit a copy of its plan and amendments or changes to the plan to each of the following entities:

- (1) The department.
- (2) Any city, county, or city and county within which the agricultural water supplier provides water supplies.
- (3) Any groundwater management entity within which jurisdiction the agricultural water supplier extracts or provides water supplies.
- (4) Any urban water supplier within which jurisdiction the agricultural water supplier provides water supplies.

(5) Any city or county library within which jurisdiction the agricultural water supplier provides water supplies.

(6) The California State Library.

(7) Any local agency formation commission serving a county within which the agricultural water supplier provides water supplies.

10844. (a) Not later than 30 days after the date of adopting its plan, the agricultural water supplier shall make the plan available for public review on the agricultural water supplier's Internet Web site.

(b) An agricultural water supplier that does not have an Internet Web site shall submit to the department, not later than 30 days after the date of adopting its plan, a copy of the adopted plan in an electronic format. The department shall make the plan available for public review on the department's Internet Web site.

10845. (a) The department shall prepare and submit to the Legislature, on or before December 31, 2013, and thereafter in the years ending in six and years ending in one, a report summarizing the status of the plans adopted pursuant to this part.

(b) The report prepared by the department shall identify the outstanding elements of any plan adopted pursuant to this part. The report shall include an evaluation of the effectiveness of this part in promoting efficient agricultural water management practices and recommendations relating to proposed changes to this part, as appropriate.

(c) The department shall provide a copy of the report to each agricultural water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearing designed to consider the effectiveness of plans submitted pursuant to this part.

(d) This section does not authorize the department, in preparing the report, to approve, disapprove, or critique individual plans submitted pursuant to this part.

CHAPTER 4. MISCELLANEOUS PROVISIONS

10850. (a) Any action or proceeding to attack, review, set aside, void, or annul the acts or decisions of an agricultural water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(1) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(2) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 120 days after submitting the plan or amendments to the plan to entities in accordance with Section 10844 or the taking of that action.

(b) In an action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an agricultural water supplier, on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse

of discretion is established if the agricultural water supplier has not proceeded in a manner required by law, or if the action by the agricultural water supplier is not supported by substantial evidence.

10851. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part. This part does not exempt projects for implementation of the plan or for expanded or additional water supplies from the California Environmental Quality Act.

10852. An agricultural water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

10853. No agricultural water supplier that provides water to less than 25,000 irrigated acres, excluding recycled water, shall be required to implement the requirements of this part or Part 2.55 (commencing with Section 10608) unless sufficient funding has specifically been provided to that water supplier for these purposes.

SEC. 5. This act shall take effect only if Senate Bill 1 and Senate Bill 6 of the 2009–10 Seventh Extraordinary Session of the Legislature are enacted and become effective.

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APPENDIX B

Agency Coordination Letter

&

Publication



March 23, 2011

**Notice of Rainbow Municipal Water District
2010 Urban Water Management Plan Preparation**

Eric Gibson
DPLU
Mail Station 0650
5201 Ruffin Road, Suite B
San Diego, CA 92123

This letter is to inform you that the Rainbow Municipal Water District (RMWD) is updating its Urban Water management Plan (UWMP). California State law requires urban water suppliers to update their UWMPs every five years and notify the cities and counties within their service area that the plan is being prepared and any amendments or changes to the plan are being considered. RMWD must adopt an updated UWMP by July 1, 2011, and submit the adopted plan to the California Department of Water Resources by August 1, 2011.

The UWMPs are required to contain a detailed evaluation of the supplies necessary to meet demands over at least a 20-year period in both normal and dry years. In accordance with State law, the District will distribute a draft copy of its 2010 UWMP to the cities and county for public review prior to holding a public hearing expected in June 2011. Please forward any comments to the District regarding the UWMP. Your participation in this effort is greatly appreciated.

Please feel free to contact me at (760) 728-1178 x199 or srebueno@rainbowmwd.com if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherry", written in a cursive style.

Sherry Rebueno
Assistant Engineer



**Notice of Rainbow Municipal Water District
2010 Urban Water Management Plan Preparation**

Coordination Contact List:

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PO BOX 2290
Fallbrook, CA 92088

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DPLU
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San Diego, CA 92123

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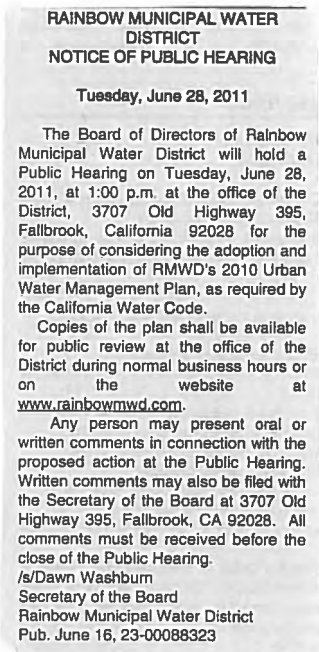
Cari Dale
City of Oceanside
300 N. Coast Hwy
Oceanside, CA 92054

CERTIFICATE OF PUBLICATION

Delia Rubio
Rainbow Municipal Water District
3707 Old Highway 395
FALLBROOK CA 92028

IN THE MATTER OF RMWD'S 2010 Urban Water

CASE NO.



I, Marcela Aguayo, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

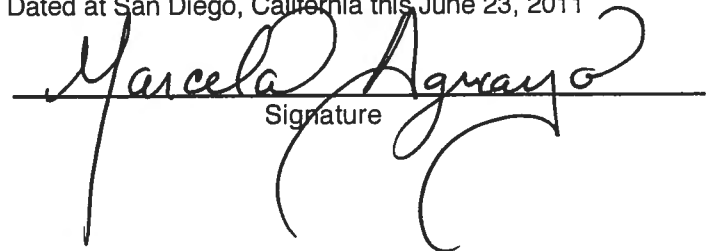
Notice of Public Hearing

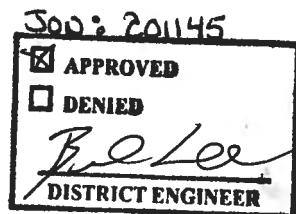
is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

June 16, 23

I certify under penalty of perjury that the forgoing is true and correct.

Dated at San Diego, California this June 23, 2011


Signature



APPENDIX C

Drought Ordinance No. 08-01

ORDINANCE NO. 08-01

**AN ORDINANCE OF RAINBOW MUNICIPAL WATER
DISTRICT ADOPTING A DROUGHT RESPONSE
CONSERVATION PROGRAM**

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Rainbow Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Rainbow Municipal Water District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the Rainbow Municipal Water District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Rainbow Municipal Water District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Rainbow Municipal Water District Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the Rainbow Municipal Water District; and

WHEREAS the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable Rainbow Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the Board of Directors of Rainbow Municipal Water District does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Rainbow Municipal Water District (RMWD) in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by RMWD. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in RMWD Administrative or Municipal Code.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. "Water Authority" means the San Diego County Water Authority.

3. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. "Metropolitan" means the Metropolitan Water District of Southern California.

5. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the RMWD.

SECTION 3.0 APPLICATION

(a) The provisions of this ordinance apply to any person in the use of any water provided by the RMWD.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the RMWD to declare and respond to an emergency, including an emergency that affects the ability of the RMWD to supply water.

(d) Notwithstanding any other section of this ordinance, the restrictions imposed upon the use of water herein do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program ("IAWP") or the Water Authority Special Agricultural Rate programs, except as may be specified in those programs. For instance, the water reductions contained in this ordinance shall not be in addition to any mandatory reductions which may apply to a participant in the IAWP, unless expressly stated in the IAWP. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the RMWD is subject to this ordinance in the use of the other water.

SECTION 4.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, RMWD will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if RMWD declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.
4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket or watering can. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
6. Use re-circulated water to operate ornamental fountains.
7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
8. Serve and refill water in restaurants and other food service establishments only upon request.
9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
10. Repair all water leaks within five (5) days of notification by the RMWD unless other arrangements are made with the General Manager.
11. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

SECTION 5.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer¹ demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the RMWD unless other arrangements are made with the General Manager.

¹ Also referred to as Municipal or Industrial (M&I) water user.

(c) Upon the declaration of a Drought Response Level 2 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has already been issued for the project; or
2. In the opinion of the RMWD Board of Directors the project is necessary to protect the public's health, safety, and welfare; or
3. The applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of RMWD.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted **for a period of one year or less, provided that such period shall in no event commence before the effective date of this ordinance.**

(d) Upon the declaration of a Drought Response Level 2 condition, RMWD will suspend consideration of annexations to its service area until such time that the Drought Response Level 2 is decreased to a Drought Response Level 1 condition or lower.

(e) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 6.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The RMWD Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using RMWD water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the RMWD. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the RMWD. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling swimming pools, spas, ornamental fountains, lakes ponds or other water features, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the RMWD unless other arrangements are made with the General Manager.

SECTION 7.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the RMWD to have maximum supplies available to meet anticipated demands. The RMWD Board of Directors shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using RMWD water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the RMWD has determined that recycled water is available and may be lawfully applied to the use:

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public facilities, including parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the RMWD unless other arrangements are made with the General Manager.

(c) The RMWD may establish a water allocation for any property served by the RMWD using a method that does not penalize persons for previous implementation of conservation methods or the installation of water saving devices. The decision to establish a water allocation and the method utilized to determine the amount of the allocation shall be at the sole discretion of RMWD.

SECTION 8.0 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

(a) The correlation between the Water Authority’s DMP stages and the RMWD’s drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the RMWD would implement Drought Response Level 1 actions. Under DMP Stage 2, the RMWD would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the RMWD would implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	>20 to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the RMWD and provided to the RMWD Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the RMWD. The RMWD may also post notice of the condition on their website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the RMWD Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the RMWD shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the RMWD shall publish a copy of the resolution in a newspaper used for publication of

official notices. If the RMWD establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the RMWD customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The RMWD Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SECTION 10.0 HARSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon with agency water is used, that is disproportionate to the impacts to RMWD water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. **Application.** Application for a variance shall be a form prescribed by RMWD and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the RMWD Board of Directors.

2. **Supporting Documentation.** The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. **Required Findings for Variance.** An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the RMWD, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other RMWD customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the RMWD to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 30 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to RMWD Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the being mailed to the applicant. The appeal must be in the form of a written request for a hearing, and shall state the grounds for the appeal. At a public meeting, the RMWD Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the RMWD Board of Directors is final.

SECTION 11.0 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this ordinance occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation of any provision of this ordinance within one year from occurrence of the first violation.
3. Five hundred dollars for each additional violation of this ordinance within one year of the first violation.

(d) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for RMWD.

PASSED, APPROVED AND ADOPTED this 24th day of June, 2008, by the following vote:

AYES: Directors Griffiths, Lucy, McManigle, Petty, and Walson
NOES: None
ABSTAIN: None
ABSENT: None


Rua Petty, Board President

ATTEST:

Dawn Washburn, Board Secretary

APPENDIX D

CUWCC BMP Forms

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

[Link to FAQs](#)

[See the complete MOU:](#) [View MOU](#)

[See the coverage requirements for this BMP:](#)

2009

BMP 1.1 Operations Practices

Comments:

Conservation Coordinator

Conservation Coordinator Yes No

Contact Information

First Name

Last Name

Title

Phone

Email

Note that the contact information may be the same as the primary contact information at the top of the page. If this is your case, excuse the inconvenience but please enter the information again.

Water Waste Prevention

Water Agency shall do one or more of the following:

- a. Enact and enforce an ordinance or establish terms of service that prohibit water waste
- b. Enact and enforce an ordinance or establish terms of service for water efficient design in new development
- c. Support legislation or regulations that prohibit water waste
- d. Enact an ordinance or establish terms of service to facilitate implementation of water shortage response measures
- e. Support local ordinances that prohibit water waste
- f. Support local ordinances that establish permits requirements for water efficient design in new

To document this BMP, provide the following:

- a. A description of, or electronic link to, any ordinances or terms of service
- b. A description of, or electronic link to, any ordinances or requirements adopted by local jurisdictions or regulatory agencies with the water agency's service area.
- c. A description of any water agency efforts to cooperate with other entities in the adoption or enforcement of local requirement
- d. description of agency support positions with respect to adoption of legislation or regulations

You can show your documentation by providing files, links (web addresses), and/or entering a description.

File name(s): Email files to natalie@cuwcc.org

Web address(s) URL: comma-separated list

Enter a description:

The fields in red are required.



Agency name:
Reporting unit name
(District name)
Reporting unit number:

Primary contact:
First name:
Last name:
Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

[Link to FAQs](#)

[View MOU](#)



2009 BMP 1.2 Water Loss Control

Did your agency complete a pre-screening system audit in 2009? **Yes** **No**

If yes, answer the following:

Determine metered sales in AF:

Definition: other accountable uses not included in metered sales, such as unbilled water use, fire suppression, etc.



Determine system verifiable uses AF:

Determine total supply into the system in AF:

Does your agency keep necessary data on file to verify the answers above? **Yes** **No**

Did your agency complete a full-scale system water audit during 2009? **Yes** **No**

Does your agency maintain in-house records of audit results or the completed AWWA worksheet for the completed audit which could be forwarded to CUWCC? **Yes** **No**

Did your agency operate a system leak detection program? **Yes** **No**

Comments:

The fields in red are required.

Agency name:
Reporting unit name
(District name)
Reporting unit number:

Primary contact:
First name:
Last name:
Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.



BMP 1.3 Metering with Commodity

[Link to FAQs](#)

See the complete MOU: [View MOU](#)

See the coverage requirements for this BMP:

Implementation

Does your agency have any unmetered service connections? Yes No

If YES, has your agency completed a meter retrofit plan? Yes No

Enter the number of previously unmetered accounts fitted with meters during reporting year:

Are all new service connections being metered? Yes No

Are all new service connections being billed volumetrically? Yes No

Has your agency completed and submitted electronically to the Council a written plan, policy or program to test, repair and replace meters? Yes No

Please Fill Out The Following Matrix

Account Type	# Metered Accounts	# Metered Accounts Read	# Metered Accounts Billed by Volume	Billed by	Billing Frequency Per Year	# of estimated bills/yr
--------------	--------------------	-------------------------	-------------------------------------	-----------	----------------------------	-------------------------

Number of CII Accounts with Mixed-use Meters

Number of CII Accounts with Mixed-use Meters Retrofitted with Dedicated Irrigation Meters during Reporting Period

Feasibility Study

Has your agency conducted a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters? Yes No

If YES, please fill in the following information:

- A. When was the Feasibility Study conducted
- B. Email or provide a link to the feasibility study (or description of):

File name(s): Email files to natalie@cuwcc.org

Web address(s) URL: comma-separated list

General Comments about BMP 1.3:

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

[Link to FAQs](#)

2009

BMP 2.1 Public Outreach Cont'd

[View MOU](#)

Public Outreach Expenses

Enter expenses for public outreach programs. Please include the same kind of expenses you included in the question related to your budget (Section 2.1.7, above). For example, if you included personnel costs in the budget entered above, be sure to include them here as well.

Expense Category	Expense Amount	Personnel Costs Included?	
If yes, check the check box.			

Additional Public Information Program

Please report additional public information contacts. List these additional contacts in order of how your agency views their importance / effectiveness with respect to conserving water, with the most important/ effective listed first (where 1 = most important).

Were there additional Public Outreach efforts? Yes No

Public Outreach Additional Information

Public Information Programs	Importance	

Social Marketing Programs

Branding

Does your agency have a water conservation "brand," "theme" or mascot? Yes No

Describe the brand, theme or mascot.

Market Research

Have you sponsored or participated in market research to refine your message? Yes No

Market Research Topic

Brand Message

Brand Mission Statement

Community Committees

Do you have a community conservation committee? Yes No

Enter the names of the community committees:

Training

Training Type	# of Trainings	# of Attendees	Description of Other	

Social Marketing Expenditures

Public Outreach Social Marketing Expenses

Expense Category	Expense Amount	Description	

Partnering Programs - Partners

Name Type of Program

CLCA?

Green Building Programs?

Master Gardeners?

Cooperative Extension?

Local Colleges?

Other

Retail and wholesale outlet; name(s) and type(s) of programs:

Partnering Programs - Newsletters

Number of newsletters per year

Number of customers per year

Partnering with Other Utilities

Describe other utilities your agency partners with, including electrical utilities

Conservation Gardens

Describe water conservation gardens at your agency or other high traffic areas or new

Landscape contests or awards

Describe water wise landscape contest or awards program conducted by your agency

Comments:

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

[Link to FAQs](#)

[View MOU](#)

2009

BMP 2.2 School Education Programs, Retail Agencies

School Programs

Is a wholesale agency implementing school programs which can be counted to help your agency comply with this BMP? Yes No

Enter Wholesaler Names, separated by commas:

Materials meet state education framework requirements?

Description of Materials

Materials distributed to K-6 Students?

Description of materials distributed to K-6 Students

Number of students reached

Materials distributed to 7-12 Students?

Description of materials distributed to 7-12 Students

Number of Distribution

Annual budget for school education program

Description of all other water supplier education programs

School Program Activities

Classroom presentations:

Number of presentations Number of attendees

Large group assemblies:

Number of presentations Number of attendees

Children's water festivals or other events:

Number of presentations Number of attendees

Cooperative efforts with existing science/water education programs (various workshops, science fair awards or judging) and follow-up:

Number of presentations Number of attendees

Other methods of disseminating information (i.e. themed age-appropriate classroom loaner kits):

Description

Number distributed

Staffing children's booths at events & festivals:

Number of booths

Number of attendees

Water conservation contests such as poster and photo:

Description

Number distributed

Offer monetary awards/funding or scholarships to students:

Number Offered

Total Funding

Teacher training workshops:

Number of presentations

Number of attendees

Fund and/or staff student field trips to treatment facilities, recycling facilities, water conservation gardens, etc.:

Number of tours or field trips

Number of participants

College internships in water conservation offered:

Number of internships

Total funding

Career fairs/workshops:

Number of presentations

Number of attendees

Additional program(s) supported by agency but not mentioned above:

Description

Number of events (if applicable)

Number of participants

Total reporting period budget expenditures for school education programs (include all agency costs):

Comments

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

[Link to FAQs](#)

[See the complete MOU:](#) [View MOU](#)

[See the coverage requirements for this BMP:](#)

2010

BMP 1.1 Operations Practices

Comments:

Conservation Coordinator

Conservation Coordinator Yes No

Contact Information

First Name

Last Name

Title

Phone

Email

Note that the contact information may be the same as the primary contact information at the top of the page. If this is your case, excuse the inconvenience but please enter the information again.

Water Waste Prevention

Water Agency shall do one or more of the following:

- a. Enact and enforce an ordinance or establish terms of service that prohibit water waste
- b. Enact and enforce an ordinance or establish terms of service for water efficient design in new development
- c. Support legislation or regulations that prohibit water waste
- d. Enact an ordinance or establish terms of service to facilitate implementation of water shortage response measures
- e. Support local ordinances that prohibit water waste
- f. Support local ordinances that establish permits requirements for water efficient design in new

To document this BMP, provide the following:

- a. A description of, or electronic link to, any ordinances or terms of service
- b. A description of, or electronic link to, any ordinances or requirements adopted by local jurisdictions or regulatory agencies with the water agency's service area.
- c. A description of any water agency efforts to cooperate with other entities in the adoption or enforcement of local requirement
- d. description of agency support positions with respect to adoption of legislation or regulations

You can show your documentation by providing files, links (web addresses), and/or entering a description.

File name(s): Email files to natalie@cuwcc.org

Web address(s) URL: comma-separated list

Enter a description:

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

[Link to FAQs](#)

2010 BMP 1.2 Water Loss Control

[View MOU](#)



AWWA Water Audit

Agency to complete a Water Audit & Balance Using The AWWA Software Yes No
Email to natalie@cuwcc.org - Worksheets (AWWA Water Audit). Enter the name of the file below:

Water Audit Validity Score from AWWA spreadsheet



Agency Completed Training In The AWWA Water Audit Method Yes No
Agency Completed Training In The Component Analysis Process Yes No

Completed/Updated the Component Analysis (at least every 4 years)? Yes No
Component Analysis Completed/Updated Date

Water Loss Performance

Agency Repaired All Reported Leaks & Breaks To The Extent Cost Effective Yes No

Recording Keeping Requirements:

Date/Time Leak Reported	Leak Location
Type of Leaking Pipe Segment or Fitting	Leak Running Time From Report to Repair
Leak Volume Estimate	Cost of Repair

Agency Located and Repaired Unreported Leaks to the Extent Cost Effective Yes No
Type of Program Activities Used to Detect Unreported Leaks

Annual Summary Information

Complete the following table with annual summary information (required for reporting years 2-5 only)

Total Leaks Repaired	Economic Value Of Real Loss	Economic Value Of AppUFYbhLoss	Miles Of System Surveyed For Leaks	Pressure Reduction Undertaken for loss reduction	Cost Of Interventions	Water Saved (AF/Year)

Comments:

The fields in red are required.

Agency name:
Reporting unit name
(District name)
Reporting unit number:

Primary contact:
First name:
Last name:
Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.



BMP 1.3 Metering with Commodity 2010

[Link to FAQs](#)

See the complete MOU: [View MOU](#)

See the coverage requirements for this BMP:

Implementation

- Does your agency have any unmetered service connections? Yes No
- If YES, has your agency completed a meter retrofit plan? Yes No
- Enter the number of previously unmetered accounts fitted with meters during reporting year:
- Are all new service connections being metered? Yes No
- Are all new service connections being billed volumetrically? Yes No
- Has your agency completed and submitted electronically to the Council a written plan, policy or program to test, repair and replace meters? Yes No

Please Fill Out The Following Matrix

Account Type	# Metered Accounts	# Metered Accounts Read	# Metered Accounts Billed by Volume	Billed by	Billing Frequency Per Year	# of estimated bills/yr
--------------	--------------------	-------------------------	-------------------------------------	-----------	----------------------------	-------------------------

Number of CII Accounts with Mixed-use Meters

Number of CII Accounts with Mixed-use Meters Retrofitted with Dedicated Irrigation Meters during Reporting Period

Feasibility Study

Has your agency conducted a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters? Yes No

If YES, please fill in the following information:

- A. When was the Feasibility Study conducted
- B. Describe, upload or provide an electronic link to the Feasibility Study Upload File

File name(s): Email files to natalie@cuwcc.org

Web address(s) URL: comma-separated list

Comments:

The fields in red are required.

Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.



2010

BMP 1.4 Retail Conservation Pricing

[Link to FAQs](#)

[View MOU](#)

If you are reporting more rate structures than this form allows, add the structures to a spreadsheet and send the file to natalie@cuwcc.org.

Implementation (Water Rate Structure)

Enter the Water Rate Structures that are assigned to the majority of your customers, by customer class

Rate Structure	Customer Class	Total Revenue Commodity Charges	Total Revenue Customer Meter/Service (Fixed Charges)

Implementation Option (Conservation Pricing Option)

Use Annual Revenue As Reported
Use Canadian Water & Wastewater Association Rate Design Model

If CWWA is select, enter the file name and email the spreadsheet to natalie@cuwcc.org

Retail Waste Water (Sewer) Rate Structure by Customer Class

Agency Provide Sewer Service

Yes No

Select the Retail Waste Water(Sewer) Rate Structure assigned to the majority of your customers within a specific customer class.

Rate Structure	Customer Class	Total Revenue Commodity Charges	Total Revenue Customer Meter/Service (Fixed Charges)

Comments:

The fields in red are required.

Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.



[Link to FAQs](#)

[View MOU](#)

2010

BMP 2.1 Public Outreach - Retail Reporting

Is a Wholesale Agency Performing Public Outreach?

Are there one or more wholesale agencies performing public outreach which can be counted to help your agency comply with the BMP?

Yes No

Enter the name(s) of the wholesale agency (comma delimited)

Is your agency performing public outreach?

Report a minimum of 4 water conservation related contacts your agency had with the public during the year.

Public Information Programs List

Did at least one contact take place during each quarter of the reporting year?

Number of Public Contacts	Public Information Programs

Contact with the Media

Are there one or more wholesale agencies performing media outreach which can be counted to help your agency comply with the BMP?

Yes No

Enter the name(s) of the wholesale agency (comma delimited)

OR Retail Agency (Contacts with the Media)

Did at least one contact take place during each quarter of the reporting year?

Media Contacts List

Number of Media Contacts	Did at least one contact take place during each quarter of the reporting year?	Media Contact Types

Is a Wholesale Agency Performing Website Updates?

Did one or more CUWCC wholesale agencies agree to assume your agency's responsibility for meeting the requirements of and for CUWCC reporting of this BMP?

Yes No

Enter the name(s) of the wholesale agency (comma delimited)

Is Your Agency Performing Website Updates?

Enter your agency's URL (website address):

Describe a minimum of four water conservation related updates to your agency's website that took place during the year:

Did at least one Website Update take place during each quarter of the reporting year?

Yes No

Public Outreach Annual Budget

Enter budget for public outreach programs. You may enter total budget in a single line or break the budget into discrete categories by entering many rows. Please indicate if personnel costs are included in the entry.

Category	Amount		Personnel Costs Included? If yes, check the box.	Comments	

Comments:

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

[Link to FAQs](#)

2010

BMP 2.1 Public Outreach Cont'd

[View MOU](#)

Public Outreach Expenses

Enter expenses for public outreach programs. Please include the same kind of expenses you included in the question related to your budget (Section 2.1.7, above). For example, if you included personnel costs in the budget entered above, be sure to include them here as well.

Expense Category	Expense Amount	Personnel Costs Included?	
If yes, check the check box.			

Additional Public Information Program

Please report additional public information contacts. List these additional contacts in order of how your agency views their importance / effectiveness with respect to conserving water, with the most important/ effective listed first (where 1 = most important).

Were there additional Public Outreach efforts? Yes No

Public Outreach Additional Information

Public Information Programs	Importance	

Social Marketing Programs

Branding

Does your agency have a water conservation "brand," "theme" or mascot? Yes No

Describe the brand, theme or mascot.

Market Research

Have you sponsored or participated in market research to refine your message? Yes No

Market Research Topic

Brand Message

Brand Mission Statement

Community Committees

Do you have a community conservation committee? Yes No

Enter the names of the community committees:

Training

Training Type	# of Trainings	# of Attendees	Description of Other	

Social Marketing Expenditures

Public Outreach Social Marketing Expenses

Expense Category	Expense Amount	Description	

Partnering Programs - Partners

Name Type of Program

CLCA?

Green Building Programs?

Master Gardeners?

Cooperative Extension?

Local Colleges?

Other

Retail and wholesale outlet; name(s) and type(s) of programs:

Partnering Programs - Newsletters

Number of newsletters per year

Number of customers per year

Partnering with Other Utilities

Describe other utilities your agency partners with, including electrical utilities

Conservation Gardens

Describe water conservation gardens at your agency or other high traffic areas or new

Landscape contests or awards

Describe water wise landscape contest or awards program conducted by your agency

Comments:

The fields in red are required.



Agency name:

Reporting unit name
(District name)

Reporting unit number:

Primary contact:

First name:

Last name:

Email:

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

[Link to FAQs](#)

[View MOU](#)

2010

BMP 2.2 School Education Programs, Retail Agencies

School Programs

Is a wholesale agency implementing school programs which can be counted to help your agency comply with this BMP? Yes No

Enter Wholesaler Names, separated by commas:

Materials meet state education framework requirements?

Description of Materials

Materials distributed to K-6 Students?

Description of materials distributed to K-6 Students

Number of students reached

Materials distributed to 7-12 Students?

Description of materials distributed to 7-12 Students

Number of Distribution

Annual budget for school education program

Description of all other water supplier education programs

School Program Activities

Classroom presentations:

Number of presentations Number of attendees

Large group assemblies:

Number of presentations Number of attendees

Children's water festivals or other events:

Number of presentations Number of attendees

Cooperative efforts with existing science/water education programs (various workshops, science fair awards or judging) and follow-up:

Number of presentations Number of attendees

Other methods of disseminating information (i.e. themed age-appropriate classroom loaner kits):

Description

Number distributed

Staffing children's booths at events & festivals:

Number of booths

Number of attendees

Water conservation contests such as poster and photo:

Description

Number distributed

Offer monetary awards/funding or scholarships to students:

Number Offered

Total Funding

Teacher training workshops:

Number of presentations

Number of attendees

Fund and/or staff student field trips to treatment facilities, recycling facilities, water conservation gardens, etc.:

Number of tours or field trips

Number of participants

College internships in water conservation offered:

Number of internships

Total funding

Career fairs/workshops:

Number of presentations

Number of attendees

Additional program(s) supported by agency but not mentioned above:

Description

Number of events (if applicable)

Number of participants

Total reporting period budget expenditures for school education programs (include all agency costs):

Comments

APPENDIX E

Board Resolution No. 11-13

&

Public Hearing Minutes

RESOLUTION NO 11-13

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
ADOPTING URBAN WATER MANAGEMENT PLAN**

WHEREAS the Urban Water Management Planning Act (Water Code section 10620 – 10644) requires every urban water supplier as defined in the act to prepare and adopt an urban water management plan and revise this plan at least once every five (5) years (Water Code 10621); and

WHEREAS Rainbow Municipal Water District is an urban water supplier within the meaning of the act; and

WHEREAS the District has prepared its 2010 Urban Water Management Plan, made the plan available for public inspection, and held a public hearing thereon following publication within the jurisdiction of the District of a notice of the time and place of the hearing pursuant to section 6066 of the government Code; and

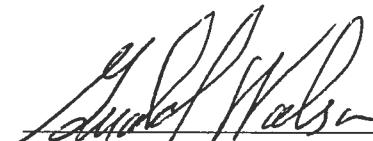
WHEREAS it is in the interest of the District to adopt a revised water management plan;

NOW THEREFORE BE IT RESOLVED DETERMINED AND ORDERED by the Board of Directors of the Rainbow Municipal Water District as follows:

1. That the URBAN WATER MANAGEMENT PLAN FOR RAINBOW MUNICIPAL WATER DISTRICT, a copy of which is on file with the District be approved and adopted as the plan required by the Urban Water Management Planning Act.
2. That the District shall implement it's updated plan.
3. That the Secretary of the District is authorized and directed to file with the Department of Water Resources of the State of California a copy of the District's updated plan by July 31, 2011.

PASSED AND ADOPTED at an adjourned regular meeting of the Board of Directors of the Rainbow Municipal Water District held on June 28, 2011 by the following votes, to wit:

AYES: Director Griffiths, Lucy, McManigle, Sanford, and Walson
NOES: None
ABSENT: None
ABSTAIN: None



Gerald Walson, Board President

ATTEST


Dawn Washburn, Board Secretary

SECRETARY'S CERTIFICATE

I, Dawn Washburn, Secretary of the Board of Directors of the Rainbow Municipal Water District, County of San Diego, California, hereby certify as follows:

The attached is a full, true and correct copy of a resolution adopted at a meeting of the Board of Directors of the District duly held at the regular meeting place thereof on June 28, 2011, by the following vote:

AYES:	Directors Griffiths, Lucy, McManigle, Sanford, and Walson
NOES:	None
ABSTAIN:	None
ABSENT:	None

An agenda of the meeting was posted at least 72 hours before the meeting at 3707 Old Highway 395, Fallbrook, California, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: July 5, 2011



Secretary of the Board of Directors of the
Rainbow Municipal Water District

EXCERPT FROM THE JUNE 28, 2011 RMWD REGULAR BOARD MEETING MINUTES

Time Certain: 1:00 p.m. Public Hearing

16. PUBLIC HEARING FOR THE PURPOSE OF SOLICITING PUBLIC INPUT REGARDING THE PROPOSED 2010 URBAN WATER MANAGEMENT PLAN

President Walson opened the public hearing at 1:15 p.m.

Ms. Rebueno mentioned the two public comments she received from the Engineering Committee meeting. She stated one comment was to separate the two appendices and the other was a suggestion to revise the description of the recycled water system. Discussion ensued regarding the two comments.

President Walson closed the Public Hearing at 1:19 p.m.

Discussion went to Item #17.

BOARD ACTION ITEMS

***17. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 11-13, ADOPTING THE DISTRICT'S DRAFT 2010 URBAN WATER MANAGEMENT PLAN**

Mr. Lee explained the reason behind the extension granted for mandated completion date for the Urban Water Management Plan. He stated this plan was basically a re-explanation of the policies and procedures RMWD has had in place in regards to how it is managing its supplies. He noted RMWD has worked in close conjunction with SDCWA and other agencies to develop this plan. He said after publishing the draft plan in the newspaper, at the library, as well as at the District offices, staff was now bringing it to the Board for consideration.

Mr. Lee pointed out by not approving the plan by the deadline set by the State of California RMWD could become ineligible for any State Revolving Loan Funds which RMWD was currently going after for Morro and Beck/Pala Mesa.

Director Griffiths made an inquiry on Tables #5 and #6 of the plan. Mr. Lee provided clarification.

Action:

Moved by Director Sanford to approve the Urban Water Management Plan subject to verifying the numbers in Tables #10 and #11. Seconded by Director Lucy.

After consideration, the motion CARRIED by the following vote:

AYES:	Director Griffiths, Director Lucy, Director McManigle, President Walson and Director Sanford.
NOES:	None.
ABSTAINED:	None.
ABSENT:	None.

Director Lucy complimented Staff with the hard work and a well-written plan. He said in order for RMWD to be in line for grants, it was important that this plan be adopted. He inquired as to why there were considerable references to the year 2035. Mr. Seymour stated staff would check the numbers again.

Discussion ensued regarding the Demand Management Measures.

President Walson reported SDCWA approved their Urban Water Management Plan last week. He said during the review process, he made a number of comments including questions regarding the projections where they and MWD included in their 2005 plan stating there would be adequate water until 2030 but ended up implementing mandatory restrictions in 2008.

Director Griffiths suggested the agricultural discount be included under the conservation plan. Ms. Rebueno pointed out the removal of the IAWP was referenced in Page 16 of 24 of the plan. Mr. Seymour pointed out IAWP was a discount plan, not a conservation plan from MWD, not RMWD.

Director McManigle referenced Page #17-14 of the agenda packet when he said he did not believe conservation was a source of water. Mr. Lee explained conservation was included in the pie chart as a source of water. Discussion ensued. Ms. Rebueno explained ground water was from the SDCWA sources; therefore, their portfolio of water sources includes ground water and since RMWD's plan was in conjunction with their plan RMWD would also include it as a water source in its plan. She said this was the case due to the fact RMWD gets water from SDCWA and some of the water they get comes from groundwater.

Legal Counsel pointed out the reason RMWD relies so heavily on the SDCWA Urban Water Management Plan was due to the fact it receives special legislative dispensation to do so. He noted this minimizes the amount of work all the member agencies would have to do otherwise.

Director McManigle referenced Page #17-28 of the agenda packet and asked whether or not the last sentence should be "MWD" instead of RMWD. Ms. Rebueno acknowledged this did need to be changed.

Director McManigle asked what happened to Connection #2. Mr. Seymour stated staff would need to look into whether or not there ever was a Connection #2.

Discussion went to Item #12.