

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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**In the Matter of Permit 21185  
(Application A028609)**

**June Lake Public Utility District**

**ORDER APPROVING TEMPORARY URGENCY CHANGE**

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SOURCE: Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake

COUNTIES: Mono

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BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION**

On May 20, 2014, the June Lake Public Utility District (right holder) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights requesting approval of a temporary change pursuant to Chapter 6.6 of Part 2 of Division 2 of the Water Code. The petition proposes to temporarily reduce the Fern Creek minimum bypass flow requirement of Permit 21185 (Application A028609) from 200 gallons per minute (gpm) to 25 gpm. Additional water supply made available by the proposed change will be used to help meet projected potable water demand in right holder's Down-Canyon Service Area during the 2014 water year drought.

**2.0 BACKGROUND**

**2.1 Permit 21185 and Related Down-Canyon Service Area Water Rights**

Right holder owns a total of thirteen appropriative water rights that it uses to supply two consolidated places of use in the June Lake region: the Down-Canyon Service Area and the Village Service Area. The distribution systems for the two service areas are independent, such that water diverted for one cannot be delivered to the other.

Permit 21185 and seven other appropriative water rights are used to supply the Down-Canyon Service Area by year-round, direct diversion from Fern Creek, an unnamed stream, and three unnamed springs. All five sources are tributary to Reversed Creek, thence Rush Creek. Rush Creek flows through Silver Lake and Grant Lake before terminating at Mono Lake on the eastside of the Sierra Nevada Mountain Range.

All eight Down-Canyon Service Area water rights share a common point of diversion on Fern Creek, and include a term requiring right holder to bypass 200 gpm around the Fern Creek diversion at all times. The bypass term was first added to Permit 18199 in 1998 to resolve a fisheries-based protest filed by California Sportfishing Protection Alliance (CSPA). The bypass term was subsequently added to the seven remaining Down-Canyon Service Area permits and licenses in 2000, 2006, and 2009. The minimum bypass flow requirement is included as Term 9 in Permit 21185, and reads as follows:

*“The Permittee shall maintain a permanent piped bypass around the Fern Creek source sized such that a minimum of 200 gallons per minute will always flow by the diversion regardless of water use by the Permittee, and configured such that it cannot be restricted or plugged.”*

Water diverted under the Down-Canyon Service Area water rights is routed to one of two water treatment plants before being distributed to right holder’s customers. Fern Creek is typically the sole source of water for the Clark Water Treatment Plant, while water diverted from one of the unnamed spring sources is the sole source of water for the Peterson Water Treatment Plant. The remaining three sources named in the Down-Canyon Service Area water rights are currently inactive.

#### Down-Canyon Service Area Water Rights

- (1) *Permit 21185 (Application A028609)* authorizes direct diversion of 0.30 cubic feet per second (150 acre-feet per year) from one point of diversion located on Fern Creek. The season of diversion is year-round, and the purpose of use is Municipal. Permit 21185 was issued on August 9, 2006 with a priority date of October 31, 1985.
- (2) *Permit 7350 (Application A011892)* authorizes direct diversion of 62,000 gallons per day (40 acre-feet per year) from five points of diversion located on an unnamed stream, three unnamed springs, and Fern Creek. The season of diversion is year-round, and the purpose of use is Domestic. Permit 7350 was issued on April 22, 1949 with a priority date of May 23, 1947, and was most recently amended on December 22, 2000.
- (3) *Permit 7352 (Application A012060)* authorizes direct diversion of 0.13 cubic feet per second (55 acre-feet per year) from four points of diversion located on an unnamed stream, two unnamed springs, and Fern Creek. The season of diversion is year-round, and the purpose of use is Domestic. Permit 7352 was issued on April 22, 1949 with a priority date of August 28, 1947, and was most recently amended on December 22, 2000.
- (4) *Permit 18199 (Application A026192)* authorizes direct diversion of 0.03 cubic feet per second (21.7 acre-feet per year) from two points of diversion located on an unnamed spring and Fern Creek. The season of diversion is year-round, and the purpose of use is Domestic and Municipal. Permit 18199 was issued on March 13, 1981 with a priority date of January 31, 1980, and was most recently amended on October 2, 1998.
- (5) *License 2039 (Application A005425)* authorizes direct diversion of 3,000 gallons per day (3.4 acre-feet per year) from two points of diversion located on an unnamed spring and Fern Creek. The season of diversion is year-round and the purpose of use is Municipal and Domestic. License 2039 was issued on July 19, 1940 with a priority date of April 22, 1927, and was most recently amended on June 17, 2009.
- (6) *License 4358 (Application A009432)* authorizes direct diversion of 16,000 gallons per day (17.9 acre-feet per year) from two points of diversion located on an unnamed spring and Fern Creek. The season of diversion is year-round, and the purpose of use is Domestic and Municipal. License 4358 was issued on May 21, 1956 with a priority date of October 4, 1938, and was most recently amended on June 17, 2009.
- (7) *License 10837 (Application A017120)* authorizes direct diversion of 13,000 gallons per day (4.2 acre-feet per year) from two points of diversion located on an unnamed spring and Fern Creek. The season of diversion is year-round and the purpose of use is Domestic. License 10837 was issued on August 22, 1978 with a priority date of June 8, 1956, and was most recently amended on June 17, 2009.

(8) *License 10838* (Application A020349) authorizes direct diversion of 15,000 gallons per day (4.9 acre-feet per year) from two points of diversion located on an unnamed spring and Fern Creek. The season of diversion is year-round and the purpose of use is Municipal and Domestic. License 10838 was issued on August 2, 1978 with a priority date of August 14, 1961, and was most recently amended on June 17, 2009.

## **2.2 Pending Change Petition for Down-Canyon Service Area Water Rights**

On January 30, 2014, right holder filed a separate but related change petition with the Division pursuant to Chapter 10 of Part 2 of Division 2 of the Water Code. The petition requests permanent reduction of the Fern Creek minimum bypass requirement from 200 gpm to 25 gpm in all eight Down-Canyon Service Area water rights. Right holder contends that the current bypass requirement is not based on specific instream resource needs, and precludes adequate diversion in many dry years. The petition was publically noticed by the State Water Board on February 28, 2014. Protests were timely filed by the California Department of Fish and Wildlife (CDFW), Inyo National Forest (INF), CSPA, June Lake Advocates, East Shore Silver Lake Improvement Association, and three local residents. All eight protests were based on environmental concerns; none were related to potential injury to lawful users of water.

## **2.3 2014 Drought Conditions and Right Holder Response**

By proclamations dated January 17, 2014 and April 25, 2014, the Governor declared a state of emergency due to the ongoing extraordinary drought. In anticipation of water supply issues stemming from the drought, right holder issued a notice to its customers on April 22, 2014 imposing the Stage 2 water use restrictions contained in Water Management Ordinance No. 2008-01. The Stage 2 water use restrictions remain in effect as of the date of this Order, and include limitations on the frequency of outdoor watering and prohibitions for the construction and irrigation of new landscapes, washing of hard surfaces such as driveways and sidewalks, and irrigation of natural vegetation or undeveloped property. Right holder is currently considering imposing Stage 3 water use restrictions, which would prohibit the use of water for purposes other than domestic or commercial. Watering restrictions imposed by Ordinance No. 2008-01 are subject to enforcement by right holder, with customers liable for fines of up to \$500 per violation.

## **3.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As the California Environmental Quality Act (CEQA) lead agency, right holder filed a Notice of Exemption with the Governor's Office of Planning and Research (OPR) on July 2, 2014, claiming both emergency statutory exemption status and Class 1 categorical exemption status (Pub. Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, § 15269, subd. (a) & (c), 15301.).

As a CEQA responsible agency, the State Water Board reviewed the information submitted by right holder and made its own independent finding that the proposed change is consistent with the Class 1 categorical exemption for existing facilities (Cal. Code Regs., tit. 14, § 15301.) and the Class 4 categorical exemption for minor modifications to land (Cal. Code Regs., tit. 14, § 15304.). The State Water Board will issue a Notice of Exemption for the proposed change and file it with OPR within five days of Order issuance.

## **4.0 PUBLIC NOTICE OF TEMPORARY URGENCY CHANGE PETITION**

The State Water Board will issue and deliver to right holder as soon as practicable, a notice of the temporary urgency change order pursuant to Water Code section 1438(a). Pursuant to Water Code section 1438(b)(2), right holder is required to post the notice in at least two conspicuous places in the locality to be affected by the change within two days of receipt. The State Water Board will send a copy of the notice by registered mail to each person who, in the judgment of the board, could be adversely affected by the temporary

change. The State Water Board will also distribute the notice through an electronic notification system. Pursuant to Water Code section 1438, the State Water Board may issue a temporary urgency change order in advance of the required notice.

## **5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE**

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a temporary urgency change, the State Water Board must make the following findings:

1. the right holder has an urgent need to make the proposed change;
2. the proposed change may be made without injury to any other lawful user of water;
3. the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. the proposed change is in the public interest. (Wat. Code, § 1435, subd. (b)(1-4).)

### **5.1 Urgency of the Proposed Change**

Under Water Code section 1435, subdivision (c), an "urgent need" means "the existence of circumstances from which the board may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented . . ." However, the State Water Board shall not find the need urgent if it concludes that the petitioner has failed to exercise due diligence in petitioning for a change pursuant to other appropriate provisions of the Water Code.

In this case, there is an urgent need for the proposed change. Water supply and demand projections provided by right holder in support of the TUCP adequately demonstrate that temporary relaxation of the 200 gpm minimum bypass requirement contained in Permit 21185 is necessary to meet potable water demand in the Down-Canyon Service Area during the 2014 water year drought.

Prior year water treatment plant production data suggest that average Down-Canyon Service Area water demand during the summer of 2014 will likely be on the order of 150 to 180 gpm. Up to 90 gpm can be supplied by sources other than Fern Creek, assuming that sufficient water is available for diversion. Right holder's Fern Creek diversion would be relied upon to provide the remaining 60 to 90 gpm necessary to meet projected demand.

Multiple years of stream discharge data compiled by right holder suggest that the flows at the Fern Creek point of diversion will likely drop below 200 gpm for extended periods during late summer and fall of 2014, as it has done during dry years in the past. In the likely event that this happens, the terms of right holder's existing water rights would preclude diversion of sufficient water from Fern Creek to meet projected demand during the drought. In addition to the potential health and safety issues associated with this anticipated shortfall in potable water supply, right holder has stated that an extended shortage would depressurize its water distribution system and have additional public health and safety implications.

Right holder exercised requisite diligence in seeking authorization for proposed change pursuant to other provisions of the Water Code when it filed a petition for permanent reduction of the subject Fern Creek bypass term in all eight of its Down-Canyon Service Area water rights on January 30, 2014, pursuant to Chapter 10 of Part 2 of Division 2 of the Water Code.

## **5.2 No Injury to Any Other Lawful User of Water**

The subject Fern Creek minimum bypass term was added to Permit 21185 and other related Down-Canyon Service Area water rights to resolve fisheries-based concerns raised by CSPA, and is therefore unrelated to the interests of other downstream water rights. The proposed change would not increase the rate or volume of diversion authorized by Permit 21185, nor would it expand the authorized season of diversion or place of use.

The Inyo National Forest (INF) and Los Angeles Department of Water and Power (LADWP) are the only two water right holders located along the flow path between right holder's Fern Creek diversion and Mono Lake. All rights belonging to these entities are located on Rush Creek downstream of its confluence with Reversed Creek. Based on a comparison of respective drainage areas, unimpaired outflow from Fern Creek likely represents less than five percent of the total unimpaired flow available for diversion under LADWP and INF water rights on Rush Creek. Annual diversions reported by INF are relatively small (2.8 acre-feet), and can be easily supplied by tailwater and regulatory releases Southern California Edison's Rush Creek Hydroelectric Project located upstream of the Reversed Creek confluence. The maximum reduction in cumulative flow volume that could possibly result from the proposed change is approximately 140 acre-feet (175 gpm for 180 days), which represents less than one half of one percent of the combined face value of LADWP's appropriative water rights located farther downstream on Rush Creek (32,000 acre-feet).

Although LADWP filed a protest against right holder during the initial processing of water right Application A028609 (Permit 21185) on the basis of potential injury to their Rush Creek water rights, they did not subsequently file a protest in response to the aforementioned change petition filed in January 2014, in which right holder requested permanent relaxation of the Fern Creek bypass requirement under all eight of its Down-Canyon Service Area water rights. The LADWP protest was ultimately resolved through inclusion of water right terms limiting average annual water use to 65 gallons per day per capita.

INF did not file a protest during initial processing of water right application A028609 (Permit 21185), but did subsequently protest the aforementioned petition filed by right holder on January 30, 2014. The INF protest is based on environmental concerns rather than potential for injury to INF water rights, and includes a statement of support for temporary relaxation of Fern Creek bypass requirement during the 2014 water year drought.

Based on the information presented above, the proposed change may be made without injury to any other lawful user of water.

## **5.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses**

The potential effects of the proposed change on fish, wildlife, and other instream beneficial uses were evaluated based on a review of available environmental documentation and consultation with CDFW Inland Desert Region staff familiar with right holder's Fern Creek diversion. The geographic scope of the evaluation was limited to those stream reaches that could potentially experience appreciably diminished flows as a result of the proposed temporary change. This area of potential effect was interpreted to consist of the 0.4-mile reach of Fern Creek located downstream of the Fern Creek diversion, and the 0.6-mile reach of Reversed Creek located between Fern Creek and Rush Creek. The reach of Rush Creek located downstream of the Reversed Creek confluence is flow-regulated by an upstream hydropower project and has a relatively large watershed, and is therefore unlikely to experience appreciably diminished flows as a result of the proposed change.

### Fish

The primary mechanism of potential impact to fish would be a temporary reduction in available instream habitat. Given the relatively large drainage area of Reversed Creek (9,600 acres), the proposed temporary change is unlikely to have a substantial effect on flows or the availability of fish habitat along in the 0.6-mile reach of Reversed Creek located within the area of potential effect. The greatest potential for impacts to instream flows and associated habitat exists along the 0.4-mile reach of Fern Creek located downstream of right holder's point of diversion, where the contributory drainage area and late season flows are much smaller. Regional CDFW staff indicated this reach may provide habitat for nonnative Brook Trout under certain hydrologic conditions, but there is no evidence to suggest that it supports native or special status fish species. Regional CDFW staff also indicated that, under the current bypass flow regime of 200 gpm, fish habitat within this reach will likely be limited for the remainder of 2014 due to the severity of the ongoing drought. Anecdotal evidence of bypass flows as high as 200 gpm transitioning to subterranean flows some 250 feet downstream of right holder's point of diversion generally corroborates this interpretation.

Although it is possible that the proposed temporary change could strand or displace Brook Trout from the lower reach of Fern Creek, factors such as (1) the current and projected hydrologic conditions in lower Fern Creek during the drought, (2) the limited area of potential effect, (3) the temporary nature of the proposed change, (4) the absence of native and special status fish species, and (5) the abundance of suitable Brook Trout habitat elsewhere in the Fern Creek and Reversed Creek watersheds, all strongly suggest that any incremental or cumulative effects attributable to the proposed change would be minor, limited in extent, and short in duration. A term has been added to this Order requiring right holder to monitor the effects of the proposed temporary change on fish, fish habitat, and other aquatic resources in lower Fern Creek.

### Wildlife (including wetlands and riparian habitat)

The primary mechanism of potential impact to wildlife such as amphibians, mammals, and birds, would be the temporary impairment or reduction in the extent of instream aquatic habitat or associated wetland and riparian habitat. The most recent National Wetland Inventory maps published by the U.S. Fish and Wildlife Service indicate that wetland and riparian habitat is limited in extent within the area of potential effect, and consists entirely of a small complex of emergent (i.e., herbaceous) and scrub-shrub wetlands located about one mile downstream of the right holder's point of diversion, near the confluence of Reversed Creek and Rush Creek. The National Wetland Inventory mapping shows no wetland or riparian habitat adjacent to Fern Creek. In June 2014, regional CDFW staff confirmed that the Fern Creek corridor does not currently support riparian habitat.

Given the relatively large drainage area of Reversed Creek, the proposed temporary change is unlikely to have a substantial effect on stream flows, available instream aquatic habitat, or adjacent wetland habitat along the 0.6-mile reach of Reversed Creek located within the area of potential effect. The 0.4-mile reach of Fern Creek located downstream of right holder's diversion structure may provide some instream aquatic habitat in dry years under the existing bypass flow regime, but it does not support adjacent wetland or riparian habitat. Given this small area of potential effect, current hydrologic conditions, the temporary nature of the proposed change, and the relative abundance of aquatic, wetland, and riparian habitat elsewhere in the Fern Creek and Reversed Creek watersheds, any incremental or cumulative effect of the proposed change on wildlife would be minor, limited in extent, and short in duration.

### Other Instream Beneficial Uses

Fern Creek and Reversed Creek provide a source of water-based recreation for residents of and visitors to the June Lake region. As described above, the proposed temporary change may cause or contribute to the temporary dewatering of a 0.4-mile reach of Fern Creek located downstream of the point of diversion, but is unlikely to have a measurable effect on flows in Reversed Creek, which is fed by a much larger watershed. Given current hydrologic conditions, the small area of potential effect, the temporary nature of the proposed change, and relative abundance of water-based recreational opportunities elsewhere in the June Lake

region, any incremental or cumulative effects of the proposed change on water-based recreation would be minor, limited in extent, and short in duration.

#### **5.4 The Proposed Change is in the Public Interest**

The proposed temporary change is in the public interest. Temporary relaxation of the Fern Creek bypass flow requirement in Permit 21185 will allow right holder to meet projected potable water demands and associated public health and safety needs for up to six months during the 2014 water year drought. Implementation of right holder's Stage 2/Stage 3 water use restrictions and the water conservation, monitoring, and reporting requirements of this Order will ensure that additional water supply made available to right holder is put to full beneficial use without waste, and that the proposed temporary change may be made without injury to any other lawful user of water or unreasonable effects on fish, wildlife, and other instream beneficial uses.

#### **6.0 STATE WATER BOARD AUTHORITY**

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, granting the Deputy Director for Water Rights the authority to act on petitions for temporary change filed pursuant to Chapter 6.6 of Part 2 of Division 2 of the Water Code. By internal memorandum dated July 6, 2012, the Deputy Director for Water Rights re delegated this authority to the Assistant Deputy Directors for Water Rights in the absence of the Deputy Director.

#### **7.0 CONCLUSIONS**

The State Water Board has adequate information in its files to make the findings required by Water Code section 1435. The findings of this Order are based on unique circumstances created by the drought, and are separate from findings made in connection with the related change petition filed by right holder on January 30, 2014 pursuant to Chapter 10 of Division 2 of Part 2 of the Water Code.

I conclude that, based on the available evidence:

1. The right holder has an urgent need to make the proposed change;
2. The proposed change will not operate to the injury of any other lawful user of water;
3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The proposed change is in the public interest.

#### **ORDER**

**NOW, THEREFORE, IT IS ORDERED THAT:** the Petition filed by the June Lake Public Utility District for a temporary urgency change in Permit 21185 is approved.

All existing terms and conditions of Permit 21185 remain in effect, except as temporarily amended by the following additional terms. These additional terms are based on unique circumstances created by the drought and are not necessarily applicable to the related change petition filed by right holder on January 30, 2014 pursuant to Chapter 10 of Division 2 of Part 2 of the Water Code.

1. Term 9 of Permit 21185 is amended as follows:

Right holder shall maintain a piped bypass around Fern Creek source sized such that a minimum of 25 gallons per minute (gpm) or the entire stream flow if less than 25 gpm, will always flow by the diversion regardless of water use by right holder, and configured such that it cannot be restricted or plugged.

2. Right holder shall continuously measure and record the instantaneous rate of bypass at the Fern Creek point of diversion and the rate of potable water production at the Clark Water Treatment Plant. Within 15 days of the end of each month, right holder shall submit a report to the Deputy Director for Water Rights describing the average daily rate of bypass and the daily volume of potable water production, with the latter serving as a best estimate of daily diversion from Fern Creek. Average daily bypass rates shall be determined by calculating the arithmetic mean of hourly rates measured from midnight of one day to midnight of the next. If necessary, right holder shall report hourly water production data to demonstrate that the Fern Creek diversion is inactive when stream flow at the point of diversion is less than 25 gpm. The monthly reports shall also include cumulative monthly diversion volumes (by source) for Permit 21185 and related Down-Canyon Service Area water rights (Permit Nos. 7350, 7352, 18199; License Nos. 2039, 4358, 10837, 10838), starting from January 1, 2014.
3. Right holder shall systematically monitor the effects of reduced bypass flows on fish and fish habitat within the reach of Fern Creek located downstream of the point of diversion by conducting regular surveys to: (1) measure thalweg depth, bankfull channel, and wetted perimeter dimensions; (2) characterize the type, extent and continuity of instream habitat; and (3) record incidents of fish stranding, fish mortality, or other adverse effects on aquatic resources in lower Fern Creek. Right holder shall immediately notify the State Water Board and CDFW in the event of fish mortality or the development of extensive dry gaps in Fern Creek downstream of the point of diversion.

By September 2, 2014, right holder shall submit plan for compliance with this term that includes detailed descriptions of proposed monitoring methodologies, and submit the plan to the Deputy Director for Water Rights for review and approval. The plan shall include provisions for at least one baseline monitoring event to be conducted prior to implementation of the reduced bypass flow requirement authorized by this Order, and at least one monitoring every other week thereafter. Within 15 days of the end of each month, right holder shall submit to the Deputy Director a written report describing the results of monitoring efforts.

4. The temporary change authorized by this Order is not effective unless right holder is operating in accordance with a Water Demand Reduction Plan (Plan) satisfactory to the Deputy Director for Water Rights. The Plan shall be designed to ensure that all parties that beneficially use water diverted and/or stored under this right implement actions to meet a water demand reduction of a minimum of 20% of the baseline water demand. The Plan shall define baseline water demand as appropriate for the right holder's situation based on considerations such as weather, economy, wholesale supplier allocations or other relevant information. For the purpose of compliance with this term, if the Plan does not define baseline water demand, it is assumed to be the average water demand for 2013.

The Plan shall include, at a minimum, the following components:

- a. All parties that beneficially use water diverted and/or stored under this right and/or parties otherwise subject to the temporary change(s) authorized by this Order;
- b. Baseline water demand for all parties included in (1) above;



- c. Existing actions and additional actions planned by each party included in (1) above to reduce water use in order to meet the water demand reduction required by this term, including a description of how such actions can be expected to meet the demand reduction. The Plan shall also identify additional actions to be implemented, in the event that the right holder does not attain the amount of water use demand reduction relative to baseline water demand.;

Additional actions to be considered include, at a minimum, those recommended in any applicable Governor's Drought Proclamation as applicable to the right holder's operations, and determine if implementation of such action(s) may increase conservation of their water supply. If so, the right holder will either implement the recommendation(s) or provide documentation as to why such action is not reasonable for the right holder's situation. Actions to evaluate include, but are not limited to, 1) Avoid using water to clean sidewalks, driveways, parking lots and other hardscapes; 2) Turn off fountains and other decorative water features unless recycled or grey water is used for those water features, 3) Limit vehicle washing at home by patronizing local carwashes that use recycled water; 4) Limit outdoor watering of lawns and landscaping to no more than two times a week; 5) Recreational facilities, such as city parks and golf courses, and large institutional complexes, such as schools, business parks and campuses, should immediately implement water reduction plans to reduce the use of potable water for outdoor irrigation; 6) Commercial establishments such as hotel and restaurants should take steps to reduce water usage and increase public awareness of the drought through measures such as offering drinking water only upon request and providing customers with options to avoid daily washing of towels or sheets; 7) Professional sports facilities, such as basketball arenas, football, soccer, and baseball stadiums, and hockey rinks should reduce water usage and increase public awareness of the drought by reducing the use of potable water for outdoor irrigation and encouraging conservation by spectators.;

- d. For parties included in (1) above over which the right holder has the authority or other ability to impose the listed water demand reduction actions, a list of such parties and a description of such authority or other ability over each party;
- e. For parties included in (1) above over which the right holder does not have the authority or other ability to impose the listed water demand reduction actions, a list of such parties, a description of the efforts of the right holder to coordinate with each of the listed parties to ensure that each party take appropriate action to reduce water demand, and a description of such actions for each party;
- f. A detailed schedule with planned completion dates for key events.

Right holder shall submit to the Deputy Director for Water Rights a written report within 15 days of the end of each month (monthly status update) that provides a summary of compliance with this term. The monthly status update shall, at a minimum, include a description of the right holder's actions to date to comply with the requirements of this term and the results of such actions, including but not limited to the amount of water demand reduction relative to baseline water demand. The data submitted for the amount of water demand reduction shall include both monthly and aggregate annual to date information and shall be compared to baseline water demand. When the monthly status update reflects that the right holder is not achieving the minimum water demand reduction of this term, the right holder shall also include additional actions the right holder has adopted and/or implemented to meet the demand reduction and identify the date when such additional actions will be fully implemented as part of the monthly status update.

Failure to achieve demand reduction may result in modification of this Order to limit the extent of the approved action, at the discretion of the Deputy Director for Water Rights.

5. The State Water Board reserves jurisdiction to supervise the temporary urgency change under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses, and the public interest as future conditions may warrant.
6. The temporary urgency change authorized under this Order shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the Board. This Order shall automatically expire 180 days after the date of its issuance unless it has been revoked.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: AUG 25 2014