



**ITEM 13. CONSIDER FIRST READING OF ORDINANCE
NO. 154, TOLLING WATER USE CREDITS AFFECTED
BY STATE WATER RESOURCES CONTROL BOARD
ORDER WR 2009-0060**

Presented by: Stephanie Pintar, Water Demand Manager

August 20, 2012

Summary

- Draft Ordinance No. 154 applies to all Water Use Credits affected by the CDO moratorium
- At conclusion of the CDO, Water Use Credits valid on or after October 20, 2009 are reinstated with:
 - Same value
 - Term equal to the length of time the Water Use Credit was affected by the CDO

Summary

- Valid Water Use Credits may continue to be used during the CDO (as applicable) and will expire upon completion of their term
- Water Use Credits established after the CDO began will run their term (if the CDO remains in place for 60 months, with a possible 60 month extension), then expire. Credits established during the CDO would be fully reinstated at its conclusion

Summary

- Ordinance results from stipulation between SWRCB and Lombardo and Associates (attorneys for Quail Lodge, CVR HSGE, LLC and Baylaurel, LLC (collectively “Petitioners”))
 - Stays a Petition for Reconsideration of Order WR 2009-0060 for 120 days from June 4, 2012.
 - During this period, if the District adopts an ordinance tolling the expiration of the Petitioner’s Water Use Credits, the Petition for Writ of Mandamus and Complaint for Injunctive Relief will be dismissed without prejudice.
 - Failure to adopt an ordinance tolling these credits may reinstate the Petition.

- Initial Study was prepared and circulated as required by CEQA
 - Staff believes that adoption of Ordinance No. 154 would have less than significant environmental impact, because it would not reinstate Water Use Credits affected by the CDO until a new water supply is developed that resolves the current water deficit
 - There is potential for approximately 600 AF of saved water to be reinstated as useable Water Use Credits at the conclusion of the CDO
 - Comment period ends August 22, 2012
 - Negative Declaration to be considered at second reading

Review

The proposed Ordinance was reviewed by:

- MPWMD Water Demand Committee
 - Referred to Board with no recommendation

Recommendation

- The Board should receive public comment
- Consider the first reading of Ordinance No. 154

For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

www.mpwmd.net

PowerPoint presentations will be posted on the website the day after the meeting.