



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

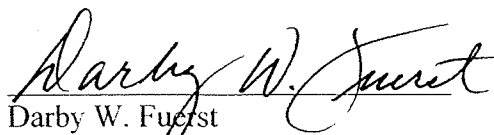
5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

General Manager Declaration

Subject: Stage 5 Water Rationing; Delay of Implementation
Date: April 23, 2010

Declaration: The Stay of State Water Resources Control Board (SWRCB) Cease and Desist Order WR 2009-0060 against California American Water (Cal-Am) was set aside by the Santa Clara County Superior Court on April 22, 2010. Based on the production limits specified for Cal-Am in the Cease and Desist Order and in the Seaside Groundwater Basin Adjudication Decision, Stage 5 Water Rationing for Cal-Am's distribution systems is required. Specifically, the Cease and Desist Order requires that Cal-Am divert no more than 10,429 acre-feet from the Carmel River for customer service during Water Year 2010 and the Seaside Basin Watermaster requires that Cal-Am divert no more than 3,583 acre-feet from the Coastal Subareas of the Seaside Groundwater Basin for customers in its main distribution system in Water Year 2010. Accordingly, Cal-Am's diversions from the Carmel River and Coastal Subareas of the Seaside Groundwater Basin must be reduced by 2,794 acre-feet or approximately seventeen percent (17%) in Water Year 2010, relative to pre-1995 average annual diversions for Cal-Am's main system (16,806 acre-feet). As a result, pursuant to District Rule 165-A-2-a, Stage 5 Water Rationing is required to take effect because there is more than a fifteen percent (15%) reduction (but less than a thirty-five percent (35%) reduction) in available supplies to serve Cal-Am's main system.

This Declaration determines that implementation of Stage 5 Water Rationing shall be postponed for ninety (90) days, pursuant to District Rule 165-A-4. During this period, I will determine if there is credible evidence that the production targets associated with the Cease and Desist Order are likely to be met in Water Year 2010 by adhering to the requirements of a lesser stage in the District's *Expanded Water Conservation and Standby Rationing Plan*, pursuant to District rule 165-A-2-c. In addition, if there is not credible evidence to show that the production targets associated with the Cease and Desist Order are likely to be met by adhering to the requirements of a lesser stage, District and Cal-Am staff will meet to coordinate efforts to ensure that proper procedures are in place to ensure adequate operation of the District's rationing program in Water Year 2010.


Darby W. Fuerst
General Manager