



## 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

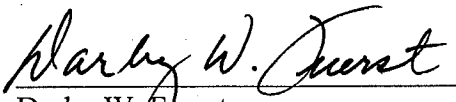
**Subject:** Stage 5 Water Rationing; Delay of Implementation  
**Date:** November 2, 2009

**Declaration:** State Water Resources Control Board (SWRCB) Cease and Desist Order WR 2009-0060 was received by the Water Management District on October 27, 2009. This Declaration determines that, although Stage 5 Water Rationing would otherwise take effect on October 27, 2009, implementation of Stage 5 Water Rationing shall be postponed for ninety (90) days. This declaration is made pursuant to District Rule 165, *Stage 5 Water Rationing*, to facilitate adequate operation of the District's water rationing program.

**Background:** SWRCB Cease and Desist Order WR 2009-0060 against California American Water (Cal-Am) was received by the District on October 27, 2009. Order WR 2009-0060 had been adopted by the SWRCB on October 20, 2009. This Order requires that Cal-Am divert no more than 10,429 acre-feet from the Carmel River for customer service during Water Year 2010. In addition, Court Adjudication of the Seaside Groundwater Basin (*California American Water v. City of Seaside, et al.*, Monterey County Case No. M663443, March 27, 2006) and subsequent action by the Seaside Watermaster on May 6, 2009, requires that Cal-Am divert no more than 3,191 acre-feet from the Coastal Subareas of the Seaside Groundwater Basin for customers in its main distribution system in Water Year 2010.

Consequently, Cal-Am's diversions from the Carmel River and Coastal Subareas of the Seaside Groundwater Basin must be reduced by 3,186 acre-feet or nineteen percent (19%) in Water Year 2010, relative to pre-1995 average annual diversions for Cal-Am's main system (16,806 acre-feet).

Pursuant to District Rule 165 (Section A.2.a, *Regulatory Trigger – Legally Ordered Reduction in Supply*), 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. However, District Rule 165 (Section A.4, *Stage 5 Water Rationing*) allows Stage 5 to be delayed by a maximum of ninety (90) days to ensure adequate operation of the District's water rationing program. During this time, District and Cal-Am staff will meet to coordinate efforts to implement the District's *Expanded Water Conservation and Standby Rationing Plan*.

  
Darby W. Fuerst  
General Manager