

*Original  
adopted  
Ord. # 19.*

ORDINANCE NO. 19  
 ANCE OF THE BOARD OF DIRECTORS OF 131  
 PENINSULA WATER MANAGEMENT DISTRICT  
 NAGEMENT OF BOTH DISTRICT WATER RESOURCES  
 RICT WATER DISTRIBUTION SYSTEMS

The District Board makes the following findings of fact in support of its action on Ordinance No. 19.

**Water Management**

1. The California Legislature has declared that there is a need to conserve and augment the supply of potable water on the Monterey Peninsula by the integrated management of ground and surface water resources;
2. The California Legislature has declared the Monterey Peninsula to be a region of primarily scenic, cultural, and recreational resources which are particularly sensitive to the threat of environmental degradation, which threat cannot be effectively met on a piecemeal basis.
3. The California Legislature has charged the Monterey Peninsula Water Management District with responsibility for the integrated management of water resources and problems affecting the Monterey Peninsula and the Carmel River basin;
4. Analyses conducted by the Monterey Peninsula Water Management District indicate that the current supply of potable water available to water distribution systems serving the Monterey Peninsula may be utilized to more efficiently provide for domestic and municipal use and to meet the scenic, cultural, and environmental needs of the District.
5. The Monterey Peninsula has a current need to manage the supply of potable water available for use to the area;

6. The Monterey Peninsula Water Management District has implemented a system for the allocation of unutilized potable water supplies among the various cities and county areas within the largest water distribution system in the District, and has established limits upon the amount of potable water which may be delivered by each water distribution system in the District;

7. The Monterey Peninsula Water Management District, acting pursuant to Section 363 of its enabling statute and in recognition of Public Utilities Commission decision No. 89195, has allowed District water distribution systems to add service connections and to expand their service areas, and by such action has reserved capacity and has made a commitment to such new water users to provide them with potable water and service facilities;

**Water Rationing**

8. The Monterey Peninsula Water Management District has adopted a water-rationing ordinance to regulate water use to guarantee a fair distribution of potable water when demand exceeds the capacity of water supplies or water delivery capacity within the District.

**Augmentation**

9. The Monterey Peninsula Water Management District intends to augment the supply of potable water available to water distribution systems to meet domestic and municipal water demand on the Monterey Peninsula and throughout the District;

10. The California Legislature has found that the privately owned water suppliers do not have the facilities nor the ability

to raise sufficient capital to meet these augmentation needs or regulate the distribution of water within the District;

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11. The Monterey Peninsula Water Management District has examined alternate methods of augmenting potable water supplies and of conserving existing water supplies;

#### **Flood Hazard**

12. The Monterey Peninsula Water Management District has implemented a flood hazard warning program to monitor and publicize the degree of risk attendant to flood events, and to assist in the management and operation of surface reservoirs in the Carmel Valley;

#### **Ground Water Monitoring**

13. The Monterey Peninsula Water Management District has implemented a ground water monitoring program to record the quantity of potable water annually extracted by overlying residents, and extracted for export from the groundwater basin by District water distribution systems;

14. The Monterey Peninsula Water Management District has conjunctively undertaken a pilot study with the largest water distribution system in the District to examine the groundwater drawdown effects caused by certain wells operated by that system, and to devise an irrigation program to ameliorate vegetative impacts caused by drawdown;

15. The Monterey Peninsula Water Management District has developed two digital computer models that simulate the behavior of the Carmel alluvial basin to facilitate optimal groundwater management of that potable water resource;

16. The Monterey Peninsula Water Management District has drilled seven water quality monitoring wells in Carmel Valley and regularly conducts water quality analyses of that potable water resource;

17. The Monterey Peninsula Water Management District has completed a waste water management study of the Carmel Valley in conjunction with the County of Monterey to examine the capacity of the groundwater basin to accomodate additional septic loading;

#### **River Management Program**

18. The Monterey Peninsula Water Management District has formed an improvement zone (Zone #3) which facilitates management of the Carmel River, and has promulgated the Carmel River Management Plan which will protect the water course, the watershed, public ways, life and property in the District; and promote the restoration of river banks and scenic resources; and reduce environmental degradation which has affected fish and wildlife habitat;

#### **Water Distribution System Services**

19. The Allocation Program, the Water Rationing Regulation, the preliminary Augmentation Project work, the Flood Hazard Warning Program, the Groundwater Monitoring Program, and the River Management Program undertaken by the Monterey Peninsula Water Management District constitute services which have been furnished by the District on behalf of, and which have accrued to the benefit of the water distribution systems of the Monterey Peninsula, and to the water consumers they serve;

20. Expenditures made by the Monterey Peninsula Water Management District alleviate burdens that are placed upon the Carmel River by reason of water extraction and exportation caused by District water distribution systems and other water consumers;

21. Information derived from the integrated management of water resources and District water distribution systems will benefit the public generally. To accumulate the information reports required by this ordinance, the District intends to minimize the reporting requirements, to minimize paperwork by utilizing existing report forms and formats where possible, and to avoid unnecessary ad hoc report requests;

22. The management of both water supplies within the District and District water distribution systems operations will benefit all users served by those water distribution systems within the District, as well as the public generally;

NOW THEREFORE, BE IT ORDAINED that Regulation X of the District's Rules and Regulations be revoked, and BE IT FURTHER ORDAINED that the attached Exhibit "A", incorporated herein by reference, is adopted on first reading and shall be added to the District's Rules and Regulations as Regulation X, and as an amendment to Rule 11 of those Rules and Regulations, as indicated within Exhibit "A".

On motion of Director Heuer and seconded by  
Director Bernardi, the foregoing ordinance is duly  
adopted            this 10th day of December, 1984, by the  
following votes.

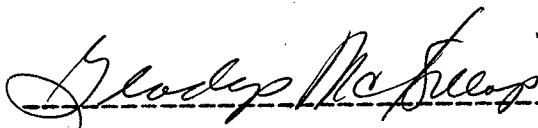
**AYES:** Directors McClintock, Townsend, Bernardi, Heuer  
and Williams

**NAYES:** None

**ABSENT:** Directors DeBerry and Peters

I, Gladys McKillop, Secretary of the Board of Directors of  
the Monterey Peninsula Water District, hereby certify that the  
foregoing is a full and true copy of an ordinance duly adopted  
on the 10th day of December, 1984, and now is of  
record in my office.

Witness my hand and seal of the Board of Directors this 14th  
day of December, 1984.

  
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Gladys McKillop, Secretary

REGULATION X. WATER RESOURCE MANAGEMENT

Rule 100. Water Resource Operations Plan

Commencing in February, 1985, and annually thereafter, the Board shall adopt and amend a two-year Operations Plan for water resources within the District. This Operations Plan shall be based upon a computer simulation of water supply and water resources within the District, operating on a time step of one month or less, that accounts for all known sources and sinks of water greater than 100 acre feet per year. The Operations Plan may comprise a system of simulation models operating at different degrees of resolution or with different time steps. The Operations Plan shall provide an operative model for water distribution system operations during the two succeeding water years. The Board shall seek consistency between successive Operations Plans.

101. Forecast of Water Supply

A. General Manager's Water Supply Forecast Report.

The General Manager shall annually by May 1, compile a summary forecast report which analyzes rainfall in the preceding twelve (12) months and which estimates the amount of water in reservoirs and aquifers and other sources of supply available for

use by each water distribution system. The water supply forecast report shall also include a summary of operation equipment status submitted by each water distribution system including, but not limited to: all wells and pumps, transmission mains, treatment plants, pumping stations, auxiliary reservoirs and tanks. The forecast report shall further evaluate the projected demands of water distribution systems and determine the number of months that the water available for use will support the projected demands. The General Manager's forecast report shall, consistent with the Board's Operations Plan, set forth a draft water supply strategy for use in the following water year by each water distribution system which derives its source of supply from more than one hydrological management unit.

If equipment failures or other emergencies reduce the present or projected long term delivery capability of any water distribution below current demand rates, the General Manager shall also compile or revise the water supply forecast report for each water distribution system which experiences equipment failures or other emergencies that threaten to reduce long term delivery capabilities of that system below current demand rates.

B. Water Supply Management Strategies. The Board shall annually hold a public hearing to determine District wide water supply management strategies. The water supply management strategy adopted for the California-American Water Company shall include a goal that no more than 35% of that water distribution system's total production be derived from surface diversion and a goal that at least 65% of its total production be derived from



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subsurface water in Carmel Valley and Seaside. The Board shall review the General Manager's water supply forecast report, information, and models which may be provided by the owner or operator of any affected water distribution system in the District.

The Board shall further determine if the water in resources projected to be available for use by each Water Distribution System is less than that needed to meet the long term projected demands of that system. Where such a finding is made, the Board shall direct the General Manager to institute an active conservation program and institute active voluntary rationing for all users within that system and may declare a water supply emergency. Where the Board determines that the water resources projected to be available for use by any water distribution system is inadequate to supply current or near term demand, the Board shall declare a water emergency and by emergency ordinance activate the rationing (Rule 104), connection moratorium (Rule 105), and mobile water source, (Rule 106) rules set forth in these Rules and Regulations.

C. Draft Operational Water Supply Budgets Prepared by Water Distribution Systems.

Each Water Distribution System which derives its source of supply from more than one hydrological management unit shall, in the form and manner set by the General Manager, on or before June 1st, submit a draft operational water supply budget for the forthcoming water year to meet the demand projected in the General Manager's Water Supply forecast report and to comply with the

water supply management strategies adopted by the Board. The draft operational water supply budget shall forecast the anticipated production by the Water Distribution System from each hydrological management unit for each month of the water year, and shall specify target withdrawals for each hydrological management unit, either as absolute amounts or as percentages to total production.

D. Approval of Operational Water Supply Budgets.

The Board shall annually hold a public hearing to review the draft operational water supply budget submitted by each Water Distribution System, and determine if that draft budget complies with District wide water supply management strategies. Based upon the General Manager's water supply report, each draft operational water supply budget, information, and models which may be provided by the owner or operator of any affected water distribution system, and other evidence, the Board shall approve and/or modify an operational water supply budget for the following water year for each multi-source water distribution system in the District.

E. Daily Production Reports Prepared by Water Distribution Systems.

On or before the Friday prior to the second Monday of each month, during the water year, each Water Distribution System shall report its actual daily production from each water gathering facility during the preceding month, and if necessary, shall submit a revised draft operational budget for the remainder of the water year. Each Water Distribution System shall, in the form and manner requested, further provide operational information to the District upon

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written request of the General Manager. Each revision of an operational budget shall be submitted to the Board in accord with the process set forth in subdivision D of this Rule.

F. Emergency Revision of Operational Water Supply Budgets.

Where a Water Distribution System provides written notice to the General Manager that immediate revision of the operational water supply budget is required due to equipment or facilities failure, or when no other source of supply is able to meet consumptive demand, then the Water Distribution System may deviate from the Board approved operational water supply budget upon approval of the General Manager. This Notice shall state the reasons for the deviation, the anticipated length of time for the deviation, and the actions to be taken by the Water Distribution System to alleviate the need for the deviation. The General Manager, upon receipt of the Notice, shall determine whether to suspend the operational water supply budget, or to require compliance with the existing budget. Determinations of the General Manager may be appealed pursuant to the provisions of Rule 70 of these Rules and Regulations.

Rule 102. Adherence to Water Supply Budgets.

Except as permitted by Rule 101(F), each Water Distribution System shall adhere to the operational water supply budget as approved by the Board.

Any production by a Water Distribution System which results in the withdrawal of water which exceeds by 10% the target withdrawal for a hydrological management unit as specified in the Board approved operational water supply budget, for which notice

has not been provided in accord with subdivision F of this Rule, shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per occurrence. Each day of operation for which the operational water supply budget target is exceeded by 10% for that month shall be deemed a separate occurrence, and be punishable as a separate offense under this Rule.

**Rule 103. Review of Production Reports.**

The General Manager shall review and approve the daily production report submitted by each Water Distribution System pursuant to Rule 101(E).

In the event the prior month daily production report differs substantially (exceeding by 10% the target withdrawal for a hydrological management unit) from the approved operational water supply budget, the General Manager shall notify that water distribution system that it has violated Rule 102, and shall set a public hearing before the Board to determine whether such violation and non-compliance is continuing. In the event the Board determines that the Water Distribution System production substantially deviates from the approved operational water supply budget, and that non-compliance is unwarranted and continuing, then the Board shall determine that each day of operation following that hearing shall be deemed a violation of the Rules and Regulations, and each day shall constitute a separate offense punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per occurrence.

The following definitions shall be added to Rule 11 of the District's Rules and Regulations.

Hydrological Management Unit - "Hydrological Management Unit" means any source of water supply which has been identified by the General Manager pursuant to these Rules and Regulations, for the purposes of water management to be a distinct source of water. The General Manager shall annually promulgate or update a Hydrological Management Unit reference source to identify each source of water supply within the District. Initially this reference shall include any stream shown as a solid blue line on the most recent USGS 7 1/2 minute series topographical map, the Carmel Valley aquifer above the Narrows, the Carmel Valley aquifer below the Narrows, the Seaside aquifer, and sources of reclaimed water.

Multi-Source Water Distribution System - "Multi-Source Water Distribution System" means a water distribution system which derives its source of supply from more than one hydrological management unit.

Operational Water Supply Budget - "Operational Water Supply Budget" means a specific plan for implementing a water supply management strategy.

Water Supply Management Strategy - "Water Supply Management Strategy" means a general plan for operating a multi-source water supply system to provide integrated management of ground and surface water supplies.