



MPWMD REGULATION XV

2016 MONTEREY PENINSULA WATER CONSERVATION AND RATIONING PLAN

(MPWMD Rules 160-167)

Ordinance No. 169 - adopted February 17, 2016

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Regulatory Production Targets And Physical Storage Target (MPWMD Rule 160)

The monthly distribution of water production from sources within the Monterey Peninsula Water Resource System (MPWRS), as shown in Tables XV-1, XV-2, and XV-3 shall be approved by the Board of Directors as part of the Quarterly Water Supply Strategy and Budget process. The Board shall hold public hearings during the Board's regular meetings in September, December, March, and June, at which time the Board may modify Tables XV-1, XV-2, and XV-3 by Resolution.

The Physical Storage Target, as shown in Table XV-4 shall be approved as of May 1 each year by the Board of Directors. The Board shall hold a public hearing during the Board's regular meeting in May, at which time the Board may modify Table XV-4 by Resolution.

Table XV-1
Regulatory Water Production Targets
for California American Water Systems
Sources within the Monterey Peninsula Water Resource System
(All Values in Acre-Feet)

Approved by Resolution 2015-18 (9/21/2015)

Month	Monthly Target	Year-to-Date at Month-End Target
October	1,076	1,076
November	904	1,980
December	796	2,776
January	797	3,573
February	748	4,321
March	850	5,171
April	914	6,085
May	1,112	7,197
June	1,157	8,354
July	1,258	9,612
August	1,239	10,851
September	1,151	12,002
TOTAL	12,002	---

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for the California American Water (Cal-Am) systems for Water Year (WY) 2016 from Carmel River sources per State Water Resources Control Board Order WR 2009-0060 (9,703 acre-feet) and adjusted annual production limits specified for the Cal-Am satellite systems from its Coastal Subarea sources (2,251 acre-feet) and Laguna Seca Subarea sources (48 acre-feet) of the Seaside Groundwater Basin per the Seaside Basin Adjudication Decision. These values do not include consideration of any carryover credit in the Seaside Basin for WY 2016. This combined total (12,002 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its main and satellite systems during the WY 2006 through 2013 period.

Table XV-2
Regulatory Water Production Targets
for California American Water Satellite Systems
Sources within the Monterey Peninsula Water Resource System
(All Values in Acre-Feet)
Approved by Resolution 2015-18 (9/21/2015)

Month	Monthly Target	Year-to-Date at Month-End Target
October	5	5
November	3	8
December	3	11
January	3	14
February	2	16
March	3	19
April	3	22
May	5	27
June	5	32
July	6	38
August	5	43
September	5	48
TOTAL	48	---

Notes:
Monthly and year-to-date at month-end production targets are based on the adjusted annual production limit specified for the California American Water (Cal-Am) satellite systems for Water Year 2016 from its sources in the Laguna Seca Subarea of the Seaside Groundwater Basin per the Seaside Basin Adjudication Decision. This Laguna Seca Subarea total (48 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its satellite systems during the WY 2006 through 2013 period.

Table XV-3
Regulatory Water Production Targets
for California American Water Systems
Carmel River Sources within the Monterey Peninsula Water Resource System
(All Values in Acre-Feet)

Approved by Resolution 2015-18 (9/21/2015)

Month	Monthly Target	Year-to-Date at Month-End Target
October	869	869
November	730	1,599
December	644	2,244
January	645	2,889
February	605	3,494
March	687	4,181
April	740	4,920
May	899	5,820
June	934	6,754
July	1,017	7,771
August	1,002	8,773
September	930	9,703
TOTAL	9,703	---

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for California American Water (Cal-Am) for Water Year (WY) 2016 from its Carmel River system sources per State Water Resources Control Board Order WR 2009-0060 (9,703 acre-feet). This amount was distributed monthly based on Cal-Am's reported monthly average production for its main system sources during the WY 2006 through 2013 period. These values incorporate consideration of the triennial reductions specified for the Cal-Am systems in the Seaside Basin Adjudication Decision, in setting the monthly maximum production targets from each source as part of the MPWMD Quarterly Water Supply Budget Strategy.

**Table XV-4
Physical Storage Target
for the Monterey Peninsula Water Resource System
for the Remainder of WY 2015 and all WY 2016**

Producer	May-September Demand	Carryover Storage Needs for Next Year Demand	Total Storage Required on May 1
California American Water (Cal-Am)	7,071	12,123	19,194
<u>Non Cal-Am</u>	<u>1,946</u>	<u>3,046</u>	<u>4,992</u>
Total	9,017	15,169	24,186
			Total Storage Available on May 1
			30,990 ⁵

Notes:

1. The May-September period refers to the remainder of the current Water Year.
2. Carryover Storage refers to the volume of usable surface and Groundwater that is in storage at the end of the current Water Year and is projected to be available for use at the beginning of the following Water Year.
3. Total Storage Required refers to the combination of demand remaining from May 1 to September 30 and Carryover Storage for the next Water Year that is required to avoid imposing various levels of water Rationing. The values in **bold type** represent the storage triggers that would be used for the system in Water Year 2015. The values are based on the production limits for California American Water (Cal-Am) from Carmel River sources (9,945 Acre-Feet in WY 2015 and 9,703 Acre-Feet in WY 2016) set by State Water Resources Control Board Order WR 2009-0060, the production limit for Cal-Am from the Seaside Groundwater Basin (2,299 Acre-Feet in WY 2015 and in WY 2016) set by the Court in its March 27, 2006 Seaside Basin Adjudication Decision, and the production limit specified for non-Cal-Am users from the Monterey Peninsula Water Resource System set in the District's Water Allocation Program (Ordinance No. 87)
4. The rationing triggers are based on physical water availability and do not account for legal or environmental constraints on diversions from the Carmel River system.
5. May 1, 2015 System Storage = 30,990 Acre-Feet (26,220 Acre-Feet Carmel Valley Alluvial Aquifer; 3,100 Acre-Feet Seaside Groundwater Basin; 1,670 Acre-Feet Los Padres Reservoir); this is 97 percent of average and 82 percent of System Capacity (37,505 AF).

Table XV-4 added by Resolution 2014-07 (5/19/2014); amended by Resolution 2014-15 (9/15/2014); Resolution 2015-08 (5/18/2015); Ordinance No. 169 (2/17/2016)

General Provisions (MPWMD Rule 161)

- A. All Water Users within the Monterey Peninsula Water Management District shall comply with the District's Water Waste Prohibitions of Rule 162 and with the requirements of MPWMD Regulation XIV, Water Conservation.
- B. California American Water shall amend its Urban Water Management Plan and its Rule 14.1.1 (Standard Practice U-40-W), Water Shortage Contingency Plan - Monterey County District, to conform to this Regulation. A copy of Rule 14.1.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- C. Water Distribution Systems regulated by the CPUC shall amend their Rule 14.1 to conform to this Regulation. A copy of Rule 14.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- D. At least ten (10) days prior to a first reading of amendments to Regulation XV, a copy of the proposed changes shall be provided to the CPUC Office of Ratepayer Advocates (ORA).
- E. California American Water shall provide the District with monthly consumption reports by customer classification and Jurisdiction in a format approved by the District. A Water Year summary report shall be provided by December 1 of the next Water Year. Monthly reports shall be provided within fifteen (15) days of the close of the preceding month.
- F. Each Water Distribution System Operator shall provide individual consumption data pertaining to any Water User of that Water Distribution System upon written request of the General Manager. Data shall be in the form and manner specified by the General Manager and may be subject to a non-disclosure agreement with the Water Distribution System Owner/Operator. Each failure to respond in full to such written request by the date specified therein shall result in a penalty to the Water Distribution System of five-hundred dollars (\$500) per day for each day or portion thereof that the response is delayed.
- G. The General Manager shall retain and use any data received under this provision for the sole purposes of testing, administering, evaluating or enforcing water Rationing, Water Waste, or other provisions of the Rules and Regulations.

- H. California American Water shall maintain Non-Revenue Water in its Water Distribution Systems at or below seven (7) percent. Average losses of more than seven (7) percent during the most recent twelve-month period shall be considered Water Waste.
- I. Each Water Distribution System Operator shall provide written notice of any adjustment to a Water Conservation or Rationing Stage to every customer via first class mail at least thirty (30) days before any change in Stage is imposed.
- J. At all times during Stages 2 through 4 each affected Water Distribution System shall send monthly conservation reminders.
- K. During a Water Supply Emergency, or at the direction of the Board of Directors, each Owner or Operator or Extractor of a private water Well, Water Distribution System, or other Water-Gathering Facility shall comply with the provisions of this Regulation, as they relate to such Well, Water Distribution System, or other Water-Gathering Facility.

Stage 1 Water Conservation: Prohibition on Water Waste (MPWMD Rule 162)

- A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.
- B. Water Waste Prohibitions. Water Waste shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:
 - 1. Waste caused by correctable leaks, breaks or malfunctions. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical;
 - 2. Indiscriminate or excessive water use which allows excess to run to waste;
 - 3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner;
 - 4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard;
 - 5. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. This prohibition applies to hand watering with a hose, and Irrigation Systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others)

with notification by the business owner to the District, and subject to the approval of the General Manager;

6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle;
7. Irrigating during rainfall and for 48 hours after Measurable Precipitation;
8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations;
9. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed;
10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle;
11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use;
12. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use recycled water provided by a water supplier for at least 60 percent of its wash and rinse water;
13. Charity car washes;
14. Use of Potable water for street cleaning;

15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing Non-Residential User after having been given a reasonable amount of time to comply;
 16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale;
 17. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest;
 18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle;
 19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD;
 20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System;
 21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Sub-potable water or other alternatives are available or satisfactory;
 22. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager;
 23. Water use in excess of a Water Ration;
 24. Non-compliance with Regulations XIV and XV;
- C. The following activities shall not be cited as Water Waste:
1. Flow resulting from firefighting or essential inspection of fire hydrants;

2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
 3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
 4. Storm run-off;
 5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
 6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Unified Air Pollution Control District, except when prohibited;
 7. When a Mobile Water Distribution System Permit is not obtained by a State licensed Potable water handler by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.
- D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.
- E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor with a maximum flow rate of six (6) CCF/month within the water line or Water Meter. Exemptions to the installation of a Flow Restrictor as a means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both

Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.

- G. Water Waste Fines shall be assessed as shown in Table XV-5. Table XV-5 may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.

Table XV-5 Water Waste Fines	
First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	\$100*
Fine for second Flagrant Violation within two (2) months	\$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	\$500*
Fine for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day* for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month
*Fines triple for customers using over 500,000 gallons/year	

- H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

Stage 2 Water Conservation: Voluntary Reduction in Use (MPWMD Rule 163)

A. Trigger.

1. Physical Shortage Trigger (California-American Water Company Distribution Systems): Stage 2 shall take effect for all California-American Water Company Water Distribution Systems that rely, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas, on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if Total Storage Available in Table XV-4 is below the Total Storage Required, but at least 95 percent of Total Storage Required. The amount of voluntary reduction shall equal the percentage shortfall in Total Storage Required.
2. Physical Shortage Trigger (Non-California-American Water Company Distribution Systems): Stage 2 shall take effect for any Water Distribution System, other than California-American Water Company's Water Distribution Systems, that relies in whole or in part on production or production offsets from the Carmel River System or the Seaside Coastal Subareas on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if Total Storage Available in Table XV-4 is below the Total Storage Required. The amount of voluntary reduction shall equal the percentage shortfall in Total Storage Required.
3. Regulatory Trigger – Production Targets: Stage 2 shall take effect on the California-American Water Company Water Distribution System when the most recent 12 month California American Water production from the MPWRS is greater than the then-current annual production target as determined in Table XV-1 but no greater than 105 percent of the annual production target. The amount of voluntary reduction shall equal the percentage overage of the annual production.
4. Regulatory Trigger – Regulatory Order: Stage 2 shall take effect in any Water Distribution System when that system is directed to reduce use by a governmental or regulatory agency. The amount of voluntary reduction shall equal the percentage directed by that governmental or regulatory agency relative to a base year determined by the governmental or regulatory agency.
5. Emergency Trigger: Stage 2 shall take effect for any Water Distribution System,

private Well, or Water User when the Board finds that a Water Supply Emergency exists for a Water Distribution System. Stage 2 shall take effect upon adoption of a Resolution of the District Board of Directors, or a declaration of a Water Supply Emergency by the Water Distribution System Operator or a State or County entity, due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production and shall name the Water Distribution System(s) affected. The amount of voluntary reduction shall be determined by the Board, the Water Distribution System Operator, or the State or County entity.

- B. The Water Distribution System Owner or Operator shall provide notice of the amount of voluntary reduction requested to affected Water Users pursuant to Rule 161. Additional noticing and public outreach may be provided by the District at the direction of its Board of Directors.
- C. The District and its agents shall increase enforcement activities related to Water Waste prohibitions.
- D. Stage 1 shall remain in effect.
- E. Sunset.
 - 1. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-1 and Rule 163-A-2, shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is greater than remaining Total Storage Required for two (2) consecutive months.
 - 2. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-3, shall sunset for the California-American Water Company and water use restrictions shall revert to Stage 1 when that Water Distribution System's 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
 - 3. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-4, shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request.

4. Stage 2, when implemented pursuant to Rule 163-A-5, shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a Water Supply Emergency no longer exists.

Stage 3 Water Conservation: Conservation Rates (MPWMD Rule 164)

- A. Trigger.
1. Stage 2 Deemed Unsuccessful: Stage 3 shall take effect for all California-American Water Company Water Distribution Systems if Stage 2 has been implemented pursuant to Rule 162-A-1 or Rule 162-A-3 and has failed to sunset after a period of six (6) months.
 2. Physical Shortage Trigger: Stage 3 shall take effect for all California-American Water Company Water Distribution Systems, on June 1, or such earlier date as may be set by the Board following the District's May Board meeting, if Total Storage Available in Table XV-4 is below 95% of Total Storage Required.
 3. Regulatory Trigger – Production Targets: Stage 3 shall take effect for all California-American Water Company Water Distribution Systems when the most recent 12 month California American Water production from the MPWRS is greater than 105 percent of the then-current annual production target as determined in Table XV-1 and Stage 2 has not been implemented.
 4. Regulatory Trigger – Regulatory Order: Stage 3 shall take effect for all California-American Water Company Water Distribution Systems when directed by a governmental or regulatory agency to implement Stage 3.
 5. Emergency Trigger: Stage 3 shall take effect for all California-American Water Company Water Distribution Systems when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors, or a declaration of a Water Supply Emergency by California American Water, or by a State or County entity due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production through the imposition of Stage 3 Conservation Rates.
- B. Stages 1 and 2 shall remain in effect.
- C. If Stage 2 has not already been implemented, Stage 2 shall be triggered simultaneously with Stage 3.
- D. Thirty days prior to implementation of Stage 3, California American Water shall file to

implement Level 1 Conservation Rates within its Main California-American Water Company Water Distribution System, the Bishop Water Distribution System, Hidden Hills System, and Ryan Ranch Water Distribution System and shall provide notification to its customers that such rates shall be implemented after thirty (30) days. Prior to an increase to Level 2 Conservation Rates, California American Water shall provide notification to its customers that such rates shall be implemented after thirty (30) days.

1. Level 1 Conservation Rates comprised of a 25 percent surcharge shall be implemented on the then existing rates for a minimum of three (3) months. The surcharge shall not apply to Tier 1 Residential customers.
2. Level 2 Conservation Rates comprised of a 40 percent surcharge shall be implemented on the then existing rates (without the 25 percent Level 1 surcharge) if after the imposition of Level 1 Conservation Rates for three (3) months, the monthly production in the California American Water System exceeds the monthly production target for the previous two (2) consecutive months. The surcharge shall not apply to Tier 1 Residential customers.

E. Sunset.

1. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-2, shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is greater than remaining Total Storage Required for two (2) consecutive months.
2. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-3, shall sunset and water use restrictions shall revert to Stage 1 when the 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
3. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-4, shall sunset and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request.
4. Stage 3, when implemented pursuant to Rule 164-A-5, shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a Water Supply Emergency no longer exists and Rules 164-A-2 and 164-A-3 do not apply.

Stage 4: Water Rationing (MPWMD Rule 165)

A. Trigger.

1. Stage 3 Deemed Unsuccessful (California-American Water Company Distribution Systems): Stage 4 shall take effect for all California-American Water Company Water Distribution Systems if Stage 3 has been implemented and has failed to sunset after a period of 8 months.
2. Physical Shortage Trigger. Stage 3 Deemed Unsuccessful for California-American Water Company Distribution Systems and Stage 2 Deemed Unsuccessful for Non-California American Water Systems: Stage 4 shall take effect for any Water Distribution System that relies, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas if Stage 2 (Non-California-American Water Company Water Distribution Systems, private Wells, or Water Users) and Stage 3 (California-American Water Company Distribution Systems) have been implemented and have failed to sunset after a period of eight (8) months.
3. Regulatory Trigger: Stage 4 shall take effect in any Water Distribution System when that system is directed by a governmental or regulatory agency to enact Stage 4.
4. Emergency Trigger: Stage 4 shall take effect for any Water Distribution System, private Well, or Water User when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors, or a declaration of a Water Supply Emergency by the California American Water, or a State or County entity, due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production through the imposition of Stage 4 Water Rationing.
5. Stage 4 shall not be triggered if the General Manager determines upon credible evidence that the production targets associated with a final Cease and Desist Order are likely to be met by adhering to the requirements of a lesser Stage. The General Manager shall record this determination and any amendment thereto, by memorandum which may be appealed to the Board in accord with Regulation VII, Appeals.

6. Delay of Stage Implementation. The Board may delay implementation of Stage 4 Water Rationing for any Water Distribution System to ensure adequate operation of the program. Delays authorized by the Board shall not exceed sixty (60) days.
- B. Amount of Reduction.
1. The amount of mandatory reduction shall equal the shortfall in Total Storage Available as compared to the Total Storage Required; or
 2. The amount of mandatory reduction shall equal the overage of the last 12 months actual production as compared to the then-current annual production target; or
 3. The amount of mandatory reduction shall equal some other amount as reflected in a governmental or regulatory order.
- C. Stages 1, 2, and 3 (if applicable) shall remain in effect.
- D. Additional Prohibitions.
1. The Board shall consider prohibiting all or specific Non-Essential Water Uses. The Board may enact such prohibitions by Resolution.
 2. California American Water shall maintain Non-Revenue Water at or below seven (7) percent.
 3. Moratorium. Upon implementation of Stage 4, the Board shall declare a moratorium on accepting Water Permit applications within the affected Water Distribution System other than those applications that rely upon a Water Credit, Water Use Credit, or Water Use Permit. The Board may amend the moratorium to include the use of Water Credits and/or Water Use Credits if warranted. All pending Water Permits not issued within 120 days of declaration shall be suspended. Water Use Permits shall be exempt from any moratorium on Water Permits.
 4. No New Potable Water Service: Upon declaration of Stage 4 Water Rationing, no new Potable water service will be provided, no new temporary Water Meters or permanent Water Meters will be provided, and no statements of immediate ability to serve or provide Potable water service (e.g. will-serve letters, certificates, or

letters of availability) will be issued by the Water Distribution System Operator, except under the following circumstances:

- a. The project is necessary to protect the public health, safety, or welfare.
 - b. The setting of meters in the California-American Water Company Water Distribution System shall not be terminated or diminished by reason of any water emergency, water moratorium or other curtailment on the setting of meters for holders of Water Use Permits.
 - c. This provision does not preclude the resetting or turn-on of Water Meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
5. No New Annexations: Upon the declaration of a Stage 4, California-American Water Company will suspend annexations to its Service Area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water, or annexations required by a regulatory agency.
 6. Customers utilizing portable Water Meters or hydrant Water Meters or using hydrants to fill water tanks without the use of a Water Meter, shall be required to cease use of the water, except upon prior approval of the General Manager. Portable Water Meters shall be returned to the Water Distribution System at least thirty (30) days before the implementation of Stage 4.
 7. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.
 8. Restriction on Watering or Irrigating: Watering or irrigating of Lawn, landscape or other vegetated area with Potable water will be subject to restriction at the direction of the District. This restriction does not apply to the following categories of use, or where the District has determined that recycled Sub-potable Water is available and may be applied to the use:
 - a. Businesses dependent on watering or irrigating in the course of business such as agriculture, nursery, and similar uses;

- b. Maintenance of existing Landscaping necessary for fire protection;
- c. Maintenance of existing Landscaping for soil erosion control;
- d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
- e. Maintenance of Landscaping within active Public parks and playing fields, Day Care Centers and school grounds, provided that such irrigation does not exceed one (1) day per week;
- f. Actively irrigated environmental mitigation projects.

E. Residential Rations.

1. Upon adoption of a Resolution by the Board for a specific reduction in Residential water use, daily Household Water Rations shall be set at a level to achieve the necessary reduction. In no case shall daily Household Water Rations be less than 90 gallons per Household. This shall be known as the Minimum Daily Water Ration.

Where two or more Households are served by a Master Meter, it shall be the responsibility of the Water Users to divide the Water Rations among the Water Users.

2. Additional Water Rations for Large Households:

Where four or more Permanent Residents occupy a single Household served by one Water Meter, the Minimum Daily Water Ration may be increased by the amounts listed below:

Number of Permanent Residents	Residential Household Gallons per Day
Fourth Permanent Resident	30
Fifth Permanent Resident	25
Sixth Permanent Resident	20
Seven or More Permanent Residents (Per Additional Resident)	15

3. Procedure for Obtaining Additional Water Rations for Large Households:

- a. The Applicant shall complete a Residency Affidavit (obtained from the District) that requests the name, age and verification of full-time Permanent Residents for each resident in the Household for which the additional Water Ration is requested. The information on the application shall be presented under penalty of perjury. The additional Water Ration request shall be submitted to the General Manager, who will approve or disapprove the request within 10 business days of submission of a completed application.
- b. If the application is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the General Manager, the Applicant may appeal the General Manager’s decision to the Board of Directors.

4. Procedure for Obtaining Additional Water Rations Where Two or More Households are Served by a Master Meter:

- a. The Applicant must fill out the required form that lists the number of Residences served by the Master Meter and submit a use permit issued by the Jurisdiction for the Multi-Residential Dwelling Units served by the Master Meter. The District shall retain the right to require Residency Affidavits to determine the appropriate Water Rations. The additional Water Ration request shall be submitted to the General Manager, who will approve or disapprove the request within 10 business days of submission of a completed application. The Application shall be submitted under penalty of perjury.

- b. If the application is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the General Manager, the Applicant may appeal the General Manager's decision to the Board of Directors.

- 5. Additional Water Ration for Special Needs. Where more water than allowed in Sections 3 or 4 above is necessary to preserve the health or safety of a Household, the General Manager may increase the Water Ration during the period of need according to the needs of the Applicant.
 - a. The Applicant or his or her representative may file a request for an additional Water Ration and shall state to the General Manager: (1) the amount of the requested additional Water Ration, and (2) a general statement in support of the need. Where appropriate, Applicant shall provide a letter from a medical doctor stating the need for additional water usage and projected amount and duration of that need, if possible, or other appropriate justification for the special need.
 - b. Additional Water Rations shall require the replacement of inefficient water fixtures to comply with Rule 142-E, Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards.
 - c. Additional Water Rations shall require the Connection have a working Pressure Regulating Device that maintains water pressure at a maximum of 60 psi.
 - d. If the General Manager does not approve an additional Water Ration, the Applicant may appeal to the Board. An appeal from the General Manager's decision must contain all of the following: (a) a copy of the original application; (b) a copy of the written explanation of the General Manager's decision; and (c) a written explanation of why the Applicant believes the decision should be changed.

- 6. Misrepresentation. Any Water User intentionally over-reporting the number of Permanent Residents in a Household may be charged with a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986, as well as fines

and penalties set forth in this Regulation. During this Stage 4, whenever there is a change in the number of Permanent Residents, the Water User shall notify the District.

F. Non-Residential Water Rations.

1. If Residential Water Rationing does not achieve measurable results as expected after a period of six (6) months, upon adoption of a Resolution by the Board for a specific reduction in Non-Residential water use, Non-Residential Water Rations shall be implemented at a level to achieve the necessary reduction in use.
2. Non-Residential Water Rations shall be determined by selection by the District of a previous year for which Stages 2, 3, or 4 Conservation or Rationing was not in place and then reducing each month's water use by a percentage determined by the District to achieve the Non-Residential reduction in use. Where a previous year history is deemed to be unavailable or inappropriate by the District, a Non-Residential Water Ration shall be established by the District based on type of Non-Residential water use, building design, and water fixtures.
3. Exemptions: In the Resolution to implement a level of Non-Residential Rationing, the Board shall include an exemption for compliance with District Rule 143 and an exemption for a Non-Residential establishment whose business requires water in the course of its business practice (e.g. laundromats, nurseries, among others.)
4. An Applicant or his or her representative may file a request for an additional Water Ration. The Applicant shall state in a letter to the General Manager: (1) the amount of the requested additional Water Ration, and (2) a general statement in support of the need.
5. Additional Water Rations shall require the Connection have a working Pressure Regulating Device that maintains water pressure at a maximum of 60 psi.
6. If the request for additional Water Ration is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the Board, the Applicant may appeal to the Board of Directors for a hearing.

- G. Irrigation required by the Mitigation Program adopted when the Water Allocation Program Environmental Impact Report was adopted in 1990, and as required by SWRCB Order No. WR 95-10, shall not be subject to reductions in use. Required irrigation of the Riparian Corridor shall be identified and reported by California American Water separately from other Non-Revenue Water.
- H. CAWD/PBCSD Wastewater Reclamation Project Recycled Water Users. Recycled Water Irrigation Areas receiving water from the CAWD/PBCSD Wastewater Reclamation Project shall be subject to Stage 4 for Potable water used during an Interruption or emergency, in accordance with contractual Agreements between the District and the respective Owners of the Recycled Water Irrigation Areas.
1. The Owners of the Recycled Water Irrigation Areas shall have the respective irrigation requirements thereof satisfied to the same degree as any non-Project Golf Course or open space which derives its Source of Supply from the California American Water system. The irrigation requirements of the Recycled Water Irrigation Areas will be determined based on the most-recent non-Rationed four-year average irrigation water demand, including both Recycled Water and Potable water, for each respective Recycled Water Irrigation Area.
 2. Each Recycled Water Irrigation Area shall be entitled to receive the average irrigation requirement determined above, reduced by the percentage reduction required by the current stage of Water Rationing. If the quantity of Recycled Water that is available is less than the quantity of water that the Recycled Water Irrigation Area is entitled to, Potable water shall be provided to make up the difference and satisfy the irrigation requirements of the Recycled Water Irrigation Areas to the same degree that the irrigation requirements of non-Project Golf Course and open space Users are being satisfied. The preceding sentence shall not apply to the extent that the irrigation requirements of any Recycled Water Irrigation Area are met with water legally available to Buyer from any source other than the Carmel River System or the Seaside Groundwater Basin, including percolating Groundwater underlying Buyer's Property, to make up any such difference.
 3. When Recycled Water (as defined in Rule 23.5) is available in sufficient quantities to satisfy the irrigation requirements of the Recycled Water Irrigation Areas, such irrigation shall not be subject to Stage 4, and neither Potable water nor any water described in the preceding sentence (whether or not it is Potable)

shall be used for irrigation of the Recycled Water Irrigation Areas except to the extent allowed in the circumstances described in the next two sentences.

4. If there is an Interruption in Recycled Water deliveries to any Recycled Water Irrigation Area (as the capitalized terms are defined in Rule 23.5), the temporary use of Potable water for irrigating each such Recycled Water Irrigation Area is authorized in the manner described in Rule 23.5, Subsection F.
5. If the District has adopted an ordinance in response to any emergency caused by drought, or other threatened or existing water shortage pursuant to section 332 of the Monterey Peninsula Water Management Law, said ordinance shall prevail over contrary provisions of this Rule. Notwithstanding the preceding sentence, Potable water shall be made available for irrigating tees and greens of the Recycled Water Irrigation Areas in sufficient quantities to maintain them in good health and condition during an Interruption, without any limitation on the duration.
6. The District shall have no obligation to furnish Potable water for irrigation of the Recycled Water Irrigation Areas except in the circumstances set forth above.
7. If (1) an emergency or major disaster is declared by the President of the United States, or (2) a “state of war emergency,” “state of emergency,” or “local emergency,” as those terms are respectively defined in Government Code section 8558, has been duly proclaimed pursuant to the California Emergency Services Act, with respect to all or any portion of the territory of MPWMD, the provisions of this section shall yield as necessary to respond to the conditions giving rise to the declaration or proclamation.

I. Sunset.

1. Without further action of the Board of Directors, Stage 4, when implemented due to non-compliance with regulatory targets, shall sunset for all California-American Water Company Water Distribution Systems and water use restrictions shall revert to Stage 1 when the 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
2. Physical Shortage Trigger: Without further action of the Board of Directors, Stage 4 shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is

greater than remaining Total Storage Required for two (2) consecutive months.

3. Regulatory Trigger: Without further action of the Board of Directors, Stage 4 shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request.
4. Emergency Trigger: Stage 4 shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a Water Supply Emergency no longer exists.
5. Restoration of Lower Stage. A Resolution causing the sunset of one or more provisions of Stage 4 may also activate any lower Stage as may be warranted for good cause by circumstances affecting a particular Water Distribution System, private Well, or Water User.

Water Rationing Exemptions and Variances (MPWMD Rule 166)

- A. Special Needs Exemptions. The following needs shall be given additional Rations:
1. Medical and/or sanitation needs certified by a doctor;
 2. Hospital and/or health care facilities that have achieved all BMPs for those uses;
 3. Riparian irrigation using water efficient irrigation technology when required as a condition of a River Works Permit issued by the District;
 4. Non-Residential Users that can demonstrate compliance with all District regulations appropriate for the type of use and where there is minimal exterior water use on the Water Meter or water supply serving the use.
- B. Hardship Variances. The following shall be given consideration of additional Rations to meet extraordinary needs:
1. Health and safety situations on a case-by-case basis;
 2. Drinking water for large livestock;
 3. Commercial laundromats with signs advising full loads only;
 4. Business in a home on a case-by-case basis;
 5. Emergency, extreme, or unusual situations on a case-by-case basis.
- C. No Exemption or Variance. The following categories of water use shall not qualify for an additional Ration:
1. Short-Term Residential Housing as defined in Rule 11 (Definitions);
 2. Guests and short-term visitors;
 3. Irrigation, other than variances allowed for required riparian irrigation or safety;
 4. Filling pools, spas, ponds, fountains, etc;

5. Leaks that are not repaired within 72 hours of notice.
- D. Mandatory Conditions of Approval. Prior to approving any variance, the Site must be in compliance with all applicable District Rules and Regulations and the water conservation standards. Verification by District inspection may be conducted prior to granting a variance.

Definitions Used in the 2016 Monterey Peninsula Water Conservation and Rationing Plan (MPWMD Rule 167)

Acre-Foot – “Acre-Foot” shall mean an amount of water equal to 325,851 gallons.

Administrative Compliance Order – “Administrative Compliance Order” shall mean a written order issued by the General Manager directing any Person responsible for serious, continuing or recurring violations to take affirmative action to remedy consequences of those violations. Administrative Compliance Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. An Administrative Compliance Order may be issued in conjunction with a Cease & Desist Order.

Applicant – “Applicant” shall mean the Person or Persons responsible for completing the requirements of an application.

Best Management Practices (BMPs) – “Best Management Practices” shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

Bishop Water Distribution System – “Bishop Water Distribution System” or “Bishop” shall mean the California American Water subsystem as described in the purchase agreement between Bishop Water Company and California American Water dated September 1, 1996.

California-American Water Company Water Distribution System – “California-American Water Company Water Distribution System” shall mean all California-American Water Company Water Distribution Systems that rely, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas.

Carmel River System – “Carmel River System” shall mean water from the Carmel River and underlying alluvial aquifer.

CAWD/PBCSD Wastewater Reclamation Project Recycled Water Users – “CAWD/PBCSD Wastewater Reclamation Project Water Users” shall mean those Users of the wastewater reclamation project undertaken by the Carmel Area Wastewater District and the Pebble Beach Community Services District that supplies Reclaimed Water to the Golf Courses and certain open space areas within Pebble Beach.

Cease & Desist Order – “Cease & Desist Order” shall mean an order issued by the General Manager prohibiting a Person from continuing a particular course of conduct. Cease & Desist Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. A Cease & Desist Order may be issued in conjunction with an Administrative Compliance Order.

CCF– “CCF” (or one-hundred cubic feet) is equivalent to 748 gallons.

Conservation Rates – “Conservation Rates” shall mean the increase in the water rates for California American Water customers at levels of either 25 percent (Level 1 Conservation Rates) or 40 percent (Level 2 Conservation Rates). Conservation Rates do not apply to Residential Tier 1 water use.

Conveyor Car Wash – “Conveyor Car Wash” shall mean a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle.

District – See Monterey Peninsula Water Management District.

Dwelling Unit – “Dwelling Unit” shall mean single or multiple residences suitable for single household occupancy but shall not refer to non-permanent student or transient housing, the occupancy of which is projected to average 24 months or less.

Extractor – “Extractor” shall mean a user, or consumer of water delivered by a water Well or Water-Gathering Facility, which is not a part of any Water Distribution System.

Flagrant Violation – “Flagrant Violation” shall mean any willful or wanton disregard of the Rules and Regulations of the District which results in unreasonable waste, contamination, or pollution of District waters by any Extractor, User, or by the Owner or Operator of a Well, Water-Gathering Facility or Water Distribution System.

Flow Restrictor – “Flow Restrictor” shall mean a device placed into the Water Distribution System by the distribution system Operator, or put into the output of a private Well, that restricts the volume of flow to the User.

Graywater Irrigation System – “Graywater Irrigation System” shall mean an onsite wastewater treatment system designed to collect Graywater and transport it out of the structure for distribution in an Irrigation System.

Hidden Hills System – “Hidden Hills System” shall mean the California American Water subsystem as described in the purchase agreement between Carmel Valley Mutual Water Company and California American Water recorded July 8, 1994, Document #49389, Reel 3125, Page 696.

Household – “Household” shall mean all the people who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other people in the building and that have direct access from the outside of the building or through a common hall.

In-Bay Car Wash – “In-Bay Car Wash” shall mean a commercial car wash where the driver pulls into bay, parks the car, and the vehicle remains stationary while either a machine moves over the vehicle to clean it or one or more employees of the car wash clean the vehicle, instead of the vehicle moving through a tunnel.

Interruption – “Interruption” shall mean an interruption for longer than 12 hours in the supply of Recycled Water to a Recycled Water Irrigation Area.

Laguna Seca Subarea – “Laguna Seca Subarea” shall mean one of the subdivisions of the Southern Seaside Subbasin. Its boundary is shown on a map maintained at the offices of the Water Management District, as that map may be amended from time to time.

Landscaping – “Landscaping” shall mean the arrangement of plants and other materials that may result in outdoor water use.

Lawn – “Lawn” shall mean an area of land planted with live, healthy grass which is regularly maintained, irrigated and groomed at a low, even height.

Main California American Water System – “Main California American Water System” shall mean the California American Water’s Water Distribution System that derives its Source of Supply from the Carmel River System and the Seaside Coastal Subareas of the Seaside Groundwater Basin.

Master Meter – “Master Meter” shall mean a single Water Meter that supplies water to more than one Water User.

Measurable Precipitation – “Measureable Precipitation” shall mean rainfall of 0.1 inch or more.

Minimum Daily Water Ration – “Minimum Daily Water Ration” shall mean a minimum Water Ration of 90 gallons per day per Household.

Mobile Water Distribution System – “Mobile Water Distribution System” shall mean any Potable or Sub-potable Water delivery that originates at a location apart from the Site of use and that is delivered via a truck or other movable container. This definition includes, but is not limited to, trucked water. This definition shall not apply to deliveries of water by commercial companies in volumes less than or equal to 55 gallons per container.

Model Water Efficient Landscape Ordinance – “Model Water Efficient Landscape Ordinance” shall mean the ordinance found at California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7.

Monterey Peninsula Water Management District (District) – “Monterey Peninsula Water Management District” (“District”) is a public agency created by the California State Legislature in 1977 and approved by the voters on June 6, 1978. The enabling legislation is found at West's California Water Code, Appendix Chapters 118-1 to 118-901.

Monterey Peninsula Water Resource System (MPWRS) – “Monterey Peninsula Water Resource System” (“MPWRS”) shall mean the surface water in the Carmel River and its tributaries, Groundwater in the Carmel Valley Alluvial Aquifer which underlies the Carmel River, and Groundwater in the Seaside Groundwater Basin.

MPWMD– See Monterey Peninsula Water Management District.

Multi-Family Household – “Multi-Family Household” shall mean a Household where two or more Dwelling Units receive water from a Master Meter.

Non-Essential Water Use – “Non-Essential Water Use” shall mean uses of water that are acceptable during times of normal water availability, as long as proper procedures to maximize efficiency are followed. However, when water is in short supply, Non-Essential Water Uses must be curtailed to preserve limited water resources for essential

uses. Non-Essential Water Uses do not have health or safety impacts, are not required by regulation, and are not required to meet the core functions of a Non-Residential use.

Non-Residential – “Non-Residential” shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

Non-Revenue Water – “Non-Revenue Water” shall mean those components of system input volume that are not billed and produce no revenue; equal to unbilled authorized consumption, plus apparent losses, plus real losses.

Open Space – “Open Space” shall mean public land area left in an un-built state as defined in the California Government Code, Section 65560. Open Space includes plazas, parks, and cemeteries.

Owner or Operator – “Owner or Operator” shall mean the Person to whom a Water-Gathering Facility is assessed by the County Assessor, or, if not separately assessed, the Person who owns the land upon which a Water-Gathering Facility is located.

Permanent Resident – “Permanent Resident” shall mean a Person who resides continuously in a Dwelling Unit for more than 30 days or a resident that can submit such other evidence to clearly and convincingly demonstrate permanent residency.

Positive Action Shut-Off Nozzle – “Positive Action Shut-Off Nozzle” shall mean a device that completely shuts off the flow of water from a hose when released.

Potable – “Potable” shall mean water that is suitable for drinking.

Pressure Regulating Device – “Pressure Regulating Device” shall mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.

Production Limit – “Production Limit” shall mean the maximum production permitted for a Water Distribution System.

Reclaimed Water – “Reclaimed Water” shall mean wastewater that has been treated to the tertiary level, including disinfection. Reclaimed Water is a form of Recycled Water.

Recycled Water – “Recycled Water” shall mean water that originates from a Sub-potable Source of Supply such as wastewater treated to the tertiary level.

Recycled Water Irrigation Areas – “Recycled Water Irrigation Areas” shall mean the golf courses and other vegetated areas located within the Del Monte Forest that are being irrigated with Recycled Water.

Residency Affidavit – “Residency Affidavit” shall mean a document attesting to the number of Permanent Residents in a Household.

Residential – “Residential” shall mean water used for Household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single-Family and Multi-Family Dwellings.

Responsible Party – “Responsible Party” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit. “Responsible Party,” when used in the context of the 2016 Monterey Peninsula Water Conservation and Rationing Plan, shall mean the Person who is responsible for paying the water bill. When a property is served by a private Well or a small Water Distribution System, the “Responsible Party” shall be the Water Users of the Well and the small distribution system Operator.

Riparian Corridor – “Riparian Corridor” shall mean all that area which comprises the Riverbed and riverbanks of the Carmel River which lies within the boundaries of the Carmel River Management Zone (Zone No. 3), and all those areas which lie within 25 lineal feet of the Riverbank Assessment Line, excepting however, all lands which lie outside of the Zone No. 3 boundary, and exempting Lawns, Landscaping and cultivated areas as shown on the spring 1983 aerial photographs taken by California American Water pursuant to the agreement with the District in accord with MPWMD Rule 123 A.

Ryan Ranch Water Distribution System – “Ryan Ranch Water Distribution System” or “Ryan Ranch” shall mean the California American Water subsystem as described in the purchase agreement between Neuville Co. N.V. (a Delaware Corporation) and California American Water dated April 30, 1990.

Seaside Basin Adjudication Decision – “Seaside Basin Adjudication Decision” or “Seaside Decision” shall mean the March 27, 2006 court adjudication, as amended, determining water rights in the Seaside Groundwater Basin that restrict California American Water production from the Coastal Subareas and Laguna Seca Subarea of the basin.

Seaside Groundwater Basin – “Seaside Groundwater Basin” shall mean the set of geologic formations that stores, transmits, and yields water in the Seaside area, comprising of the Northern Seaside Subbasin and the Southern Seaside Subbasin. The Seaside Groundwater Basin also includes those areas known as the Northern Coastal Subarea, the Northern Inland Subarea, the Southern Coastal Subarea and the Laguna Seca Subarea.

Short-Term Residential Housing – “Short-Term Residential Housing” shall mean one or more Residential Dwelling Units on a property that are occupied by Visitors, are operated as a business and for which a fee is charged to occupy the premises.

Single Residential Household – “Single Residential Household” shall mean a Household that receives its water supply through a Water Meter that is not shared with other Households.

Site – “Site” shall mean any unit of land which qualifies as a Parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement); and (2) which have identical owners; and (3) which have an identical present use. The term “Site” shall be given the same meaning as the term “Parcel.”

Smart Controller – “Smart Controller” shall mean a weather-based device (typically a “timer”) that automatically controls an outdoor Irrigation System. Smart Controllers use weather, site or soil moisture data as a basis for determining an appropriate watering schedule. Smart Controllers (commonly referred to as ET controllers, Weather Based Irrigation Controllers, smart sprinkler controllers, and water smart controllers) are a new generation of irrigation controllers that utilize prevailing weather conditions, current and historic Evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the actual needs of the plants.

Source of Supply – “Source of Supply” shall mean the Groundwater, surface water, Reclaimed Water sources, or any other water resource where a Person, Owner or Operator gains access by a Water-Gathering Facility.

Sub-potable Water – “Sub-potable Water” shall mean water which is not fit for human consumption without treatment and shall include Reclaimed Water as that term is used in the Water Reclamation Law, and particularly in Section 13550 of the Water Code.

Total Storage Available – “Total Storage Available” shall mean the usable water as measured by the District on May 1 in any year that is contained in the Carmel Valley Alluvial

Aquifer plus usable water in the Seaside Groundwater Basin and the usable water in the Los Padres Reservoir.

Total Storage Required – “Total Storage Required” shall mean the combination of demand remaining from May 1 to September 30 and carryover storage for the next Water Year that is required to meet the following Water Year production limit for California American Water from Carmel River sources set by State Water Resources Control Board Order WR 2009-0060, plus the production limit for California American Water from the Seaside Groundwater Basin set by the Court in its March 27, 2006 Seaside Basin Adjudication Decision and the production limit specified for non-California American Water Users from the Monterey Peninsula Water Resource System set in the District’s Water Allocation Program.

User – “User” shall mean a customer or consumer of water delivered by a Water Distribution System. User does not include any Owner or Operator of a Water Distribution System. Each residence, commercial enterprise, or industrial enterprise shall be deemed a separate and distinct User.

Visitor-Serving Facility – “Visitor-Serving Facility” shall include all hotels, motels, restaurants, convention/meeting facilities, and service stations within the Monterey Peninsula Water Management District. Other facilities may be designated as a Visitor- Serving Facility by the General Manager upon finding that such facility exists primarily for the use of tourists and the traveling public. Short term rentals of private property are not included under this definition.

Water Broom – “Water Broom” shall mean a water efficient broom-like cleaning device that uses a combination of water and air to clean hard surfaces with no runoff.

Water Credit – “Water Credit” shall mean a record allowing reuse of a specific quantity of water upon a specific Site. A Water Credit differs from a Water Use Credit in that it is not characterized by a Permanent Abandonment of Use, but may be the result of a temporary cessation of use.

Water Distribution System – “Water Distribution System” shall mean all works within the District used for the collection, storage, transmission or distribution of water from the Source of Supply to the Connection of a system providing water service to any Connection including all Water-Gathering Facilities and Water-Measuring Devices. In systems where there is a Water Meter at the point of Connection, the term “Water

Distribution System” shall not refer to the User’s piping; in systems where there is no Water Meter at the point of Connection, the term “Water Distribution System” shall refer to the User’s piping.

Water Distribution System Operator – “Water Distribution System Operator” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

Water-Gathering Facility – “Water-Gathering Facility” shall mean any device or method, mechanical or otherwise, for the production of water from dams, Groundwater, surface water, water courses, Reclaimed Water sources, or any other Source of Supply within the Monterey Peninsula Water Management District or a zone thereof. Water-Gathering Facilities shall include any water-production facility as defined in the Monterey Peninsula Water Management District Law. This definition shall not apply to On-Site Cisterns that serve an existing single-Connection Residential situations where rainwater is captured for On-Site Landscape irrigation use.

Water Ration – “Water Ration” shall mean a specific amount of water available to each Water User during Stage 4 Water Rationing.

Water Supply Emergency – “Water Supply Emergency” shall mean a declaration pursuant to Regulation XV, The 2016 Monterey Peninsula Water Conservation and Rationing Plan, that a water shortage emergency condition prevails within one or more Water Distribution Systems.

Water Use Credit – “Water Use Credit” shall mean a limited entitlement by a Person to use a specific quantity of water upon a specific Site. Water Use Credits shall be limited by time, and by other conditions as set forth in the District’s Rules and Regulations.

Water User – “Water User” shall mean Users of water for domestic or other uses from any Water Distribution System or private Well.

Water Waste – “Water Waste” shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water as defined in Rule 162.

Water Year – “Water Year” shall mean the period from October 1 of one year to September 30 of the succeeding year.

Well – “Well” shall mean any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

Water Meter – “Water Meter” shall mean any measuring device intended to measure water usage. The term “Water Meter” shall have the same meaning as the term “Water Measuring Device.”