

CASITAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 16-

**A RESOLUTION DECLARING AND IMPLEMENTING
A STAGE 3 WATER SUPPLY CONDITION
FOR ALL CASITAS CUSTOMERS**

WHEREAS, during the drought experienced in the Ventura River watershed during the period of 1987 through 1990, the annual water demands from Lake Casitas escalated and temporarily exceeded the safe yield of the Lake Casitas water supply and water stored in Lake Casitas diminished from a full condition to approximately 50.2 percent of full lake capacity; and

WHEREAS, in 1990, the Casitas Municipal Water District ("Casitas") concluded that the long-term demand upon Lake Casitas shall not exceed the safe yield of Lake Casitas and other Casitas sources of water supply; and

WHEREAS, in 1992, Casitas adopted Ordinance 92-7, the Water Efficiency and Allocation Program (WEAP), and Resolution 92-11, the Water Shortage Contingency Plan, which was implemented in the Casitas Rates and Regulations for Water Service for all Casitas customers; and

WHEREAS, the application of water allocations, water conservation measures and progressive restrictions on water use set forth by the adopted Ordinance 92-7, the Water Efficiency and Allocation Program (WEAP), and Resolution 92-11, the Water Shortage Contingency Plan, are intended to provide to the water consumer an effective and immediately available means of conserving water in a manner that is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare and to preserve valuable limited water supply, avoid depleting water storage to an unacceptably low level, and thereby lessen the possibility of experiencing severe critical water shortages if dry conditions continue or worsen; and

WHEREAS, in 2004, Casitas evaluated the safe yield of the Ventura River Project under the changed conditions imposed by the 2003 Biological Opinion, pursuant to the Federal Endangered Species Act, for the operations of the Robles Diversion and the inclusion of the change in water supply with the eventual removal of Matilija Dam, concluding that the safe yield of the Ventura River Project is significantly reduced as a result of these changing conditions and that alternative demand reduction measures may be required to balance long-term water supplies and water demands while meeting the needs of the environment; and

WHEREAS, in 2005, Casitas prepared and adopted the 2005 Urban Water Management Plan that summarized information on present and future water resources and demands, provided water supply planning, provided water shortage contingency planning, and described

Casitas efforts to implement water conservation and efficient water uses for all Casitas' water customers; and

WHEREAS, in 2006, Casitas implemented operational measures at the Robles Diversion and Fish Passage Facility to comply with the 2003 Biological Opinion for the restoration of the endangered steelhead trout in the Ventura River, and that the implementation of said operational measures lessened the quantities of water that could be diverted to and stored in Lake Casitas for beneficial uses, and thereby reducing the safe yield of the Ventura River Project; and

WHEREAS, in 2009, the State of California enacted the Urban Water Management Planning Act (SB7X X) that legislated requirements for long-term water resources planning to ensure adequate water supplies to meet existing and future demands for water; and

WHEREAS, on June 22, 2011, in accordance with California Water Code §10620–10656, Casitas adopted the 2010 Urban Water Management Plan that further defined stages of action to achieve the balance between water supplies and demand through an equitable distribution of the existing water supplies, and to establish consumption limits in its water shortage contingency plan that would reduce water use; and

WHEREAS, the Casitas 2010 Urban Water Management Plan established that a Level Two Alert may result with conditions that cause a lowering of water stored in Lake Casitas to be at or near the 50% full; and

WHEREAS, on January 17, 2014, the Governor of California proclaimed a State of Emergency to exist throughout California due to severe drought conditions that have persisted since 2012 and further proclaimed on April 25, 2014 that a Continued State of Emergency exists throughout California due to the ongoing drought; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, the Governor's proclamation called upon local urban water suppliers and municipalities to implement any local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

WHEREAS, on July 9, 2014, the Casitas Board proclaimed by Resolution 14-14 that drought conditions are stressing the groundwater and surface water supplies in western Ventura County to levels not seen in decades, and reaffirmed the Casitas 1992 Water Shortage Contingency Plan that sets a goal of a 20 percent voluntary reduction in water use; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted Resolution No. 2014-0038 that implemented emergency regulations and actions to further reduce water demands of urban customers by the implementation of specific water waste prohibitions and required the implementation of water supplier's approved Water Shortage Contingency Plan at a stage that requires mandatory water use restrictions on outdoor irrigation of ornamental landscapes or turf with potable water; and

WHEREAS, on August 13, 2014, Casitas adopted modifications to the Water Waste Prohibition Ordinance and the Casitas Water Shortage Contingency Plan to comply with the directives of the State Water Resources Control Board Resolution No. 2014-0038; and

WHEREAS, on April 1, 2015, the Governor of California issued Executive Order B-29-15, ordering that the State Water Resources Control Board impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, to lead a statewide initiative to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes, impose restrictions to require that commercial, industrial, and institutional properties immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the statewide 25% reduction in water use, prohibit irrigation with potable water of ornamental turf on public street medians, and prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems, and direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions; and

WHEREAS, on April 11, 2015, the volume of water stored in Lake Casitas had declined to 50 percent of total storage capacity and the Board of Directors declared that a Stage 2 condition exists at Lake Casitas; and

WHEREAS, on June 10, 2015, the Casitas Board of Directors adopted revisions to the Water Efficiency and Allocation Program and directed staff to implement the Program that sets a goal of a 20 percent mandatory reduction in water use during the Stage 2 water supply condition at Lake ; and

WHEREAS, the General Manager has reported to the Board of Directors by memorandum dated April 4, 2016, that during the winter months of 2016 the Ventura River watershed continued to experience below normal rainfall that is a continuation of drought conditions that are likely to extend through the remainder of calendar year 2016, and possibly into future years; and

WHEREAS, the releases of water from Lake Casitas to the Casitas main conveyance system totaled 17,246 acre-feet, which is less than the annual safe yield of Lake Casitas (20,850

Acre-feet per year), such that on April 22, 2016, the storage level of water in Lake Casitas has declined to 41.7 percent and will continue to decline to less than 40 percent during the summer of 2016, until adequate rainfall and runoff reoccur in the local watersheds; and

WHEREAS, as the drought continues, groundwater sources will become depleted and the remaining Lake Casitas water supply will become a primary source of water to supplement uses that otherwise rely on local groundwater sources; and

WHEREAS, the Casitas Water Efficiency and Allocation Program identifies a decline to forty (40) percent of storage available in Lake Casitas as the Stage 3 condition and subject to water demand reduction measures to preserve the Lake Casitas water supply during a continuation of the drought; and

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or unreasonable method of use of water be prevented and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, California Water Code, Section 375, authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve water supplies; and

WHEREAS, California Water Code, Section 71611 provides that a district may sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district.

WHEREAS, California Water Code Section 71640 authorizes the governing body of a municipal water district to restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary, and may prohibit use of district water during such periods for specific uses which it finds to be nonessential; and

WHEREAS, California Water Code Section 71642 authorizes the governing body of a municipal water district to find the existence or threat of a drought emergency or other threatened or existing water shortage, and that finding is prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding is made by the board by resolution or ordinance; and

WHEREAS, pursuant to Water Code section 71641 and Government Code section 6061, the [District] must publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined to be necessary under Water Code section 71640 within 10 days after its adoption; and

NOW, THEREFORE, BE IT RESOLVED that: by of the Casitas Municipal Water District as follows:

- 1) Pursuant to Water Code section 71642, and for the reasons set forth herein, the Board continues with the determination of the existence or threat of a drought emergency or other water shortage condition; and
- 2) Pursuant to California Water Code Section 71611 and under the authority of Water Code Section 71640, any water that is delivered from Lake Casitas and the Casitas distribution system that is used outside the District boundaries is considered an unreasonable use and an unreasonable method of use; and
- 3) Casitas hereby declares that a Stage 3 water supply condition exists within the service area of the Casitas Municipal Water District; and
- 4) The Board of Directors hereby directs staff to take the following actions that are described in the 2015 Water Efficiency and Allocation Program for a Stage 3 condition in Lake Casitas, in the specified time, that include:
 - a) Effective upon adoption of this Resolution:
 - i. Continue with the Stage 1 and Stage 2 measures; and
 - ii. Expand and intensify the public information campaign within Casitas Municipal Water District that a mandatory reduction in water use is required during Stage 3 water supply conditions.
 - iii. Implement measures to inform and educate all water users within Casitas Municipal Water District as to methods for achieving the reduction in water use.
 - iv. Increase the current level of public outreach.
 - v. Develop a budget to support water conservation and Public outreach efforts.
 - b) Prior to July 1, 2016, bring forward to the Board of Directors recommendations to consider a moratorium or controlled issuance of new water service connection and allocations.

- c) Effective July 1, 2016, implement the following Stage 3 actions and measures:
 - i. Reduce the initial allocation of every customer by an additional ten (10) percent; and
 - ii. Maintain the same conservation penalties as adopted by the Board of Directors on July 22, 2015; and
 - iii. Restrict landscape irrigation watering to one day a week, such day to be specified by Casitas.

5) The Stage 3 water supply condition shall be presumed to continue unchanged unless and until a contrary finding is made by the Board by resolution or ordinance.

ADOPTED this 27th day of April, 2016

Peter Kaiser, President
Casitas Municipal Water District

ATTEST:

Jim Word, Secretary
Casitas Municipal Water District