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Approved: 7/10/2014

Category:
Special Situation

Title:
Urgency Drought Conservation

When Used:

For consumptive water rights that rely on drought conditions to support the urgency or public interest findings involving either 1) a petition for temporary urgency change (Wat. Code, § 1435 et seq.) or 2) to obtain a temporary permit (Wat. Code, § 1425 et seq.). For the purpose of this term, drought conditions are defined as either of the following: 1) a critically dry year immediately preceded by two or more consecutive below normal, dry or critically dry years; or, 2) a period for which the Governor has issued a proclamation of a state of emergency (Gov. Code, § 8550 et seq.) based on drought conditions.

Background/Justification:

General Water Rights Administration (Wat. Code, §§ 348, subd. (b)(2), 1058, 1425 et seq., 1435 et seq.)
Urban Water Management Plans (Wat. Code, §§ 10631, 10632)

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For right holders with an existing water shortage contingency or drought plan that includes defined conservation stages and is acceptable to the Deputy Director for Water Rights for reducing water demand, use term U1:

Temporary Permit: No water shall be diverted under this right OR Temporary Urgency Change Petition: The temporary change(s) authorized by this Order are not effective unless right holder implements a program to reduce water demand by a minimum of 20% of its baseline water demand consistent with its [Date] *Name of Plan*. Right holder shall immediately implement its existing plan and submit sufficient evidence of its implementation to the Deputy Director for Water Rights within seven days of the date of implementation. Or *If right holder is not yet at a stage for 20% water demand reduction:* The Right holder shall adopt a program to reduce water demand by a minimum of 20% of its baseline water demand no later than [Date]; and then fully implemented this program no later than [Date]. Right holder shall submit sufficient evidence of its implementation of its adoption of the program to the Deputy Director for Water Rights within seven days of the date of adoption.

Right holder shall submit to the Deputy Director for Water Rights a written report within 15 days of the end of each month (monthly status update) that provides a summary of compliance with this term. The monthly status update shall, at a minimum, include a description of the right holder's actions to date to comply with the requirements of this term and the results of such actions, including but not limited to the amount of water demand reduction relative to baseline water demand.* *For Plans that do not define baseline water demand, add this sentence:* For the purpose of compliance with this term, baseline water demand is defined as the average water demand for *Use during 2014 drought: 2013 OR the previous year (excluding drought years)*. The data submitted for the amount of water demand reduction shall include both monthly and aggregate annual to date information and shall be compared to baseline water demand. When the monthly status update reflects that the right holder is not achieving the minimum water demand reduction the right holder shall also include additional actions the right holder has adopted and/or implemented to meet the demand reduction and identify the date when such additional actions will be fully implemented as part of the monthly status update.

Failure to achieve demand reduction may result in modification of this *Order OR Temporary Permit* to limit the extent of the approved action, at the discretion of the Deputy Director for Water Rights.

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**Note: Baseline water demand may be based on the right holder's situation and considerations such as weather, economy, wholesale supplier allocations or other relevant information.*

For right holders either (1) without an existing water management plan (2) or with an existing water management plan that lacks defined conservation stages or is otherwise unacceptable to the Deputy Director for Water Rights for reducing water demand, use term U2:

Temporary Permit: No water shall be diverted under this right OR Temporary Urgency Change Petition: The temporary change(s) authorized by this Order are not effective unless right holder is operating in accordance with a Water Demand Reduction Plan (Plan) satisfactory to the Deputy Director for Water Rights. The Plan shall be designed to ensure that all parties that beneficially use water diverted and/or stored under this right implement actions to meet a water demand reduction of a minimum of 20% of the baseline water demand. The Plan shall define baseline water demand as appropriate for the right holder's situation based on considerations such as weather, economy, wholesale supplier allocations or other relevant information. For the purpose of compliance with this term, if the Plan does not define baseline water demand, it is assumed to be the average water demand for *Use during 2014 drought: 2013 OR the previous year (excluding drought years).*

The Plan shall include, at a minimum, the following components:

1. All parties that beneficially use water diverted and/or stored under this right and/or parties otherwise subject to the temporary change(s) authorized by this Order;
2. Baseline water demand for all parties included in (1) above;
3. Existing actions and additional actions planned by each party included in (1) above to reduce water use in order to meet the water demand reduction required by this term, including a description of how such actions can be expected to meet the demand reduction. The Plan shall also identify additional actions to be implemented, in the event that the right holder does not attain the amount of water use demand reduction relative to baseline water demand.;

For right holders with municipal or domestic use: Additional actions to be considered include, at a minimum, those recommended in any applicable Governor's Drought Proclamation as applicable to the right holders operations, and determine if implementation of such action(s) may increase conservation of their water supply. If so, the right holder will either implement the recommendation(s) or provide documentation as to why such action is not reasonable for the right holders' situation. Actions to evaluate include, but are not limited to, 1) Avoid using water to clean sidewalks, driveways, parking lots and other hardscapes; 2) Turn off fountains and other decorative water features unless recycled or grey water is used for those water features, 3) Limit vehicle washing at home by patronizing local carwashes that use recycled water; 4) Limit outdoor watering of lawns and landscaping to no more than two times a week; 5) Recreational facilities, such as city parks and golf courses, and large institutional complexes, such as schools, business parks and campuses, should immediately implement water reduction plans to reduce the use of potable water for outdoor irrigation; 6) Commercial establishments such as hotel and restaurants should take steps to reduce water usage and increase public awareness of the drought through measures such as offering drinking water only upon request and providing customers with options to avoid daily washing of towels or sheets; 7) Professional sports facilities, such as basketball arenas, football, soccer, and baseball stadiums, and hockey rinks should reduce water usage and increase public awareness of the drought by reducing the use of potable water for outdoor irrigation and encouraging conservation by spectators.;

For right holders with irrigation use for commercial agriculture: Additional actions to be considered include, but are not limited to, those associated with on farm conservation, such as irrigation scheduling, tailwater recovery systems, and irrigation system improvements, and irrigation district system improvements, such as canal lining, canal structure improvements, and remote measurement, monitoring and control. Right holder shall determine if implementation of such action(s) may increase conservation of water supply. The right holder will either implement action(s) or provide documentation as to why such action is not reasonable for the right holders' situation.;

4. For parties included in (1) above over which the right holder has the authority or other ability to impose the listed water demand reduction actions, a list of such parties and a description of such authority or other ability over each party;
5. For parties included in (1) above over which the right holder does not have the authority or other ability to impose the listed water demand reduction actions, a list of such parties, a description of the efforts of the right holder to coordinate with each of the listed parties to ensure that each party take appropriate action to reduce water demand, and a description of such actions for each party;
6. A detailed schedule with planned completion dates for key events.

Right holder shall submit to the Deputy Director for Water Rights a written report within 15 days of the end of each month (monthly status update) that provides a summary of compliance with this term. The monthly status update shall, at a minimum, include a description of the right holder's actions to date to comply with the requirements of this term and the results of such actions, including but not limited to the amount of water demand reduction relative to baseline water demand. The data submitted for the amount of water demand reduction shall include both monthly and aggregate annual to date information and shall be compared to baseline water demand. When the monthly status update reflects that the right holder is not achieving the minimum water demand reduction of this term, the right holder shall also include additional actions the right holder has adopted and/or implemented to meet the demand reduction and identify the date when such additional actions will be fully implemented as part of the monthly status update.

Failure to achieve demand reduction may result in modification of this **Order OR Temporary Permit** to limit the extent of the approved action, at the discretion of the Deputy Director for Water Rights.

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