

June 2025

2021-2023 Drought Report

Bay Area Water Supply and Conservation Agency

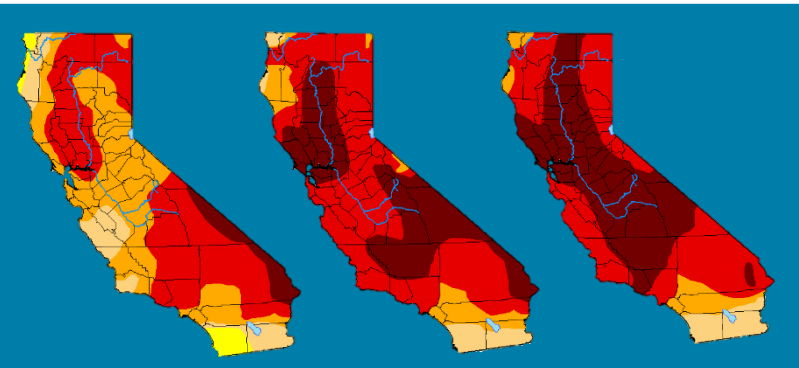
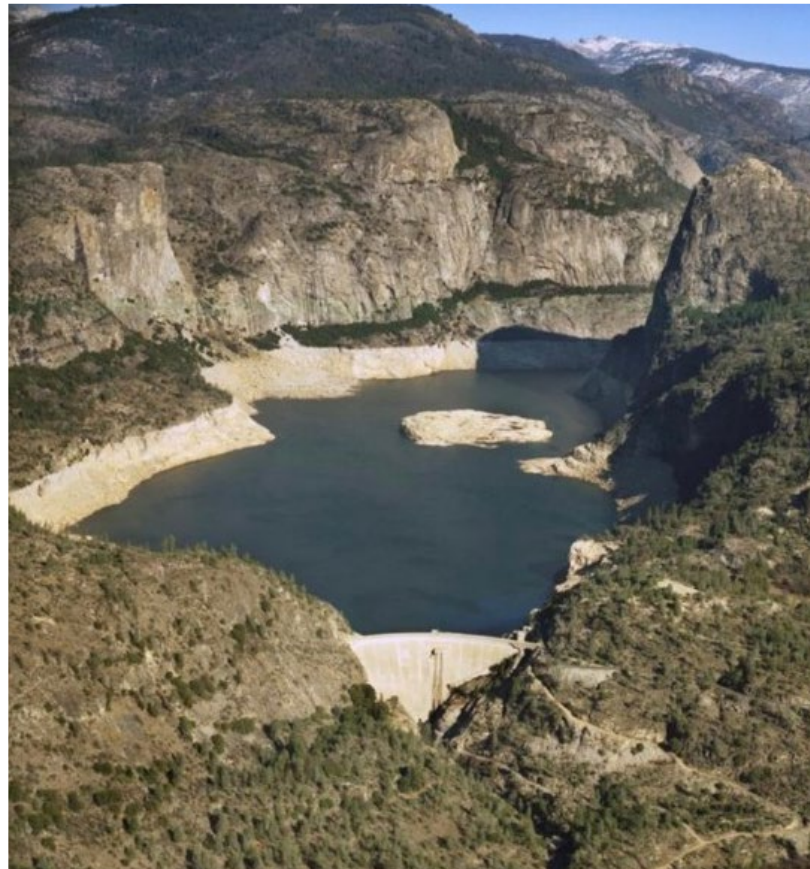


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2021 – 2023 DROUGHT REPORT

Bay Area Water Supply & Conservation Agency

June 2025
EKI C40073.00

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Bay Area Water Supply & Conservation Agency

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ABBREVIATIONS AND ACRONYMS

AB	Assembly Bill
ACWD	Alameda County Water District
AMI	advanced metering infrastructure
API	Application Programming Interfaces
Assessment	Effectiveness Assessment
BAWSCA	Bay Area Water Supply and Conservation Agency
ccf	cubic feet
CII	Commercial, industrial, and institutional
COVID-19	2019 Coronavirus
CSV	comma-separated values
DMA	District Metered Area
DRMs	drought response measures
Drought	California 2021-23 drought
Drought Report	2021-2023 Drought Report
DWR	Department of Water Resources
EKI	EKI Environment & Water, Inc.
EO	executive order
FTE	Full-Time Equivalent
FY	fiscal year
GPCD	per capita use in gallons per day
gph	gallons per hour
NO-DES	Neutral Output Discharge Elimination System
RFI	Request for Information
R-GPCD	residential per capita use in gallons per day
SFPUC	San Francisco Public Utilities Commission
SF RWS	San Francisco Regional Water System
SMCWPPP	San Mateo Countywide Water Pollution Prevention Program
SOE	State of Emergency
SWRCB	State Water Resources Control Board
Valley Water	Santa Clara Valley Water District
Tier 1 Plan	Tier 1 shortage allocation plan
Tier 2 Plan	Tier 2 shortage allocation plan
WCDB	Water Conservation Database
WMR	Water Management Representatives
WSA	Water Supply Agreement
WSCP	Water Shortage Contingency Plan
WUE	Water Use Efficiency
WY	Water Year

1 INTRODUCTION

On 21 April 2021, following months of continued high temperatures and a lack of precipitation, Governor Gavin Newsom issued the first proclamation declaring a Drought State of Emergency (SOE) in the Mendocino and Sonoma Counties. By 19 October 2021, all counties within the State were under the Drought SOE. Over the next two years, during the 2021-23 drought (Drought), the Bay Area Water Supply and Conservation Agency (BAWSCA) and its Member Agencies implemented drought response measures (DRMs) to reduce customer water use.

Compared to the 2014-17 drought, BAWSCA and its Member Agencies faced new challenges during the Drought, including:

- Varying effectiveness of drought actions across the region;
- Overall, less reduction in water use compared to what was observed during the 2014-17 drought;
- Differing shortage levels for agencies with multiple water supply sources, resulting in different drought response needs amongst the Member Agencies;
- Complexities associated with the timing of San Francisco Public Utilities Commission's (SFPUC's) shortage declaration and associated implementation of the Tier 2 Drought Allocation Plan for the first time since its adoption; and
- "Messaging fatigue" associated with back-to-back droughts and the 2019 Coronavirus (COVID-19) pandemic and associated impacts on drought response.

Given the more recent drought experience, the 2021-2023 Drought Report (Drought Report) updates and expands upon the documentation and analysis provided in the 2014-17 Drought Report. Specifically, the Drought Report documents and evaluates the drought actions (e.g., State and wholesaler shortage declarations) and DRMs (e.g., steps implemented to reduce customer water use) implemented during the Drought and identify lessons learned.

1.1 About BAWSCA

BAWSCA was created on May 27, 2003 to represent the interests of 24 cities and water districts, and two private utilities, in Alameda, Santa Clara and San Mateo counties that purchase water on a wholesale basis from the San Francisco Regional Water System (SF RWS).

BAWSCA was enabled by Assembly Bill (AB) 2058 (Authors: Assembly members Louis Papan, John Dutra and Joe Simitian). The Legislature's overwhelming support for the bill demonstrated the state's recognition of the need for local government to protect the health, safety and economic well-being of 1.8 million people, and over 40,000 businesses and community organizations in the three counties.

BAWSCA is the only entity that has the authority to directly represent the needs of the cities, water districts and private utilities (wholesale customers) that depend on the SF RWS. BAWSCA provides the ability for the customers of the regional system to work with San Francisco on an equal basis to ensure the water system gets fixed, and to collectively and efficiently meet local responsibilities. BAWSCA is also the only entity having the authority to perform regional water supply reliability planning for its Member Agencies.

1.2 Report Contents

The Report includes:

- The timeline of major drought actions by the State, SFPUC, Santa Clara Valley Water District (Valley Water), and BAWSCA (Section 2);
- The BAWSCA drought response activities, including DRMs, water supply actions, and regulatory and policy support provided (Section 3);
- The Member Agencies local drought response actions and Member Agency feedback on BAWSCA drought response activities (Section 4);
- The fiscal considerations, including fiscal impacts for BAWSCA, the SFPUC, and individual Member Agencies (Section 5);
- The water quality issues observed during the Drought and responses taken (Section 6);
- The water use reductions achieved for the SFPUC and individual Member Agencies (Section 7);
- The challenges encountered in attempt to collect Advanced Metering Infrastructure (AMI) data to support an Effectiveness Assessment (Assessment) of the DRMs and recommendations for AMI data management (Section 8); and
- A summary of lessons learned, as well as ongoing and future activities related to drought response and data management (Section 9).

2 DROUGHT ACTIONS AND TIMELINE

The Drought began in Water Year (WY) 2020 and was driven by high temperatures and a lack of precipitation. By the summer of 2020, drought conditions affected every state from the Great Plains to the West Coast. In California, while parts of Southern California received above-average rainfall, WY 2020 was notably dry in Northern California. The preceding year, WY 2019, was notably wet, which somewhat mitigated the impact of the dry conditions that followed (DWR, 2020).

Drought conditions worsened in WY 2021, which followed the warm and dry WY 2020. WY 2021 was characterized by extremely high temperatures and minimal precipitation, making it California's second driest year on record based on statewide runoff (DWR, 2021). WY 2022 continued the trend of dry years, though it was less extreme than WY 2021. The WY began with significant rainfall from a strong atmospheric river, but a dry spell from January through March prolonged the drought conditions, highlighting California's climatic variability (DWR, 2022b).

The period from WY 2019 to WY 2022 became the driest on record for California, with nearly 100% of the state experiencing moderate to exceptional drought conditions according to the U.S. Drought Monitor. Relief came in late December 2022 and early January 2023 with heavy rainfall and flooding. By 3 January 2023, significant improvements were noted, and by mid-March, all extreme and exceptional drought classifications were eliminated from California. In mid-April, the Department of Water Resources (DWR) announced it could meet 100% of State Water Project requested water allocations for the first time since 2006, indicating a recovery from the severe drought conditions of the preceding years. The Statewide drought levels from the U.S. Drought Monitor from April 2021 to January 2023 are illustrated in **Figure 2-1** (next page).

Between April 2021 and December 2023, Governor Newsom and the State agencies implemented a series of actions to reduce water use throughout the State in response to Drought conditions (**Appendix A** and **B**). During this same period, the SFPUC, Valley Water, and BAWSCA also issued calls for water use reductions in response to local water supply conditions (**Appendices C, D, and E**). **Figure 2-2** (pg. 2-3) shows a timeline noting some key actions taken by the Governor's Office and the State Water Resources Control Board (SWRCB), and the actions taken in response by SFPUC, Valley Water, and BAWSCA. The tables in Sections 2.1, 2.2, 2.3, and 3 offer more details on these actions.

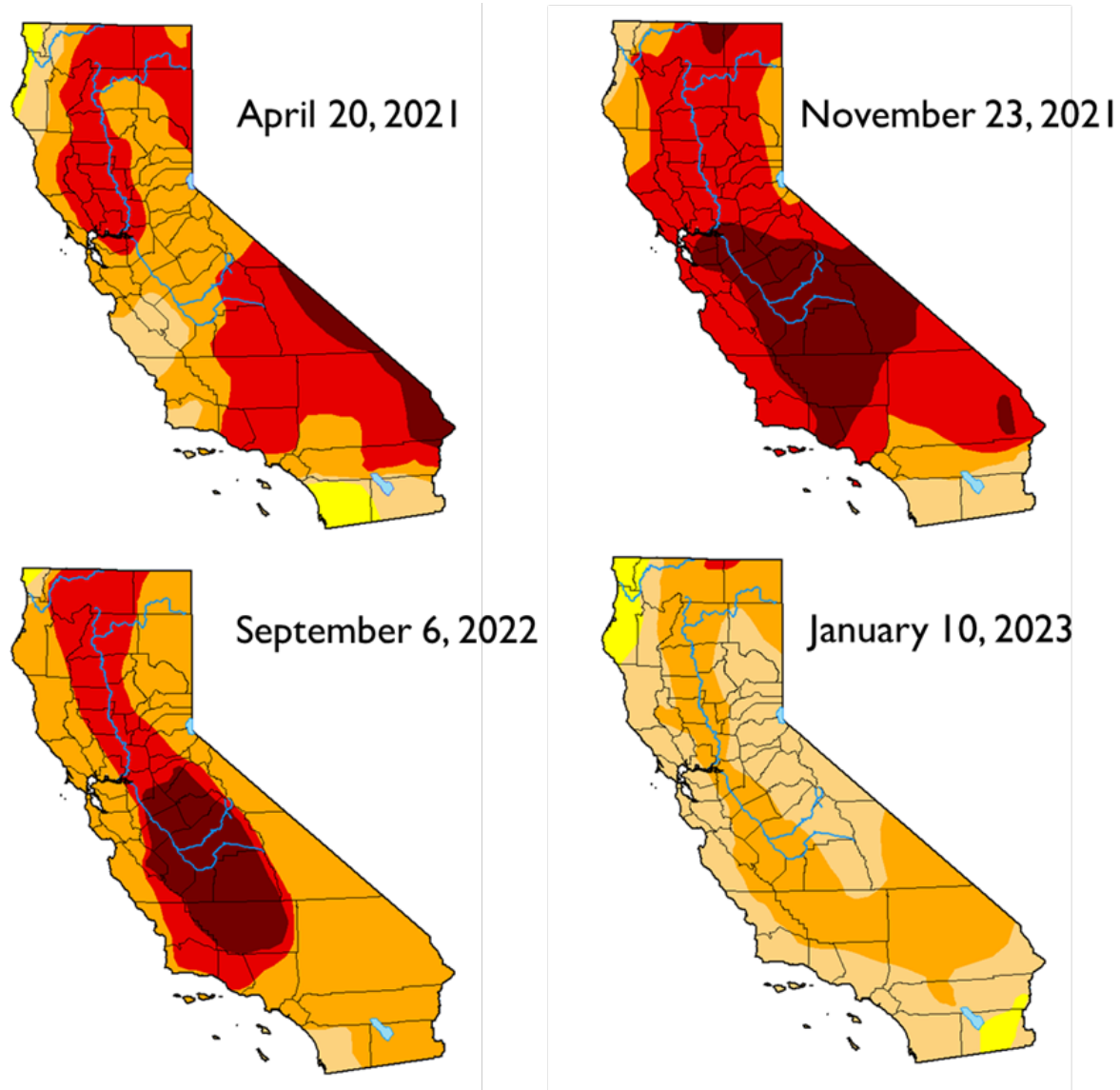
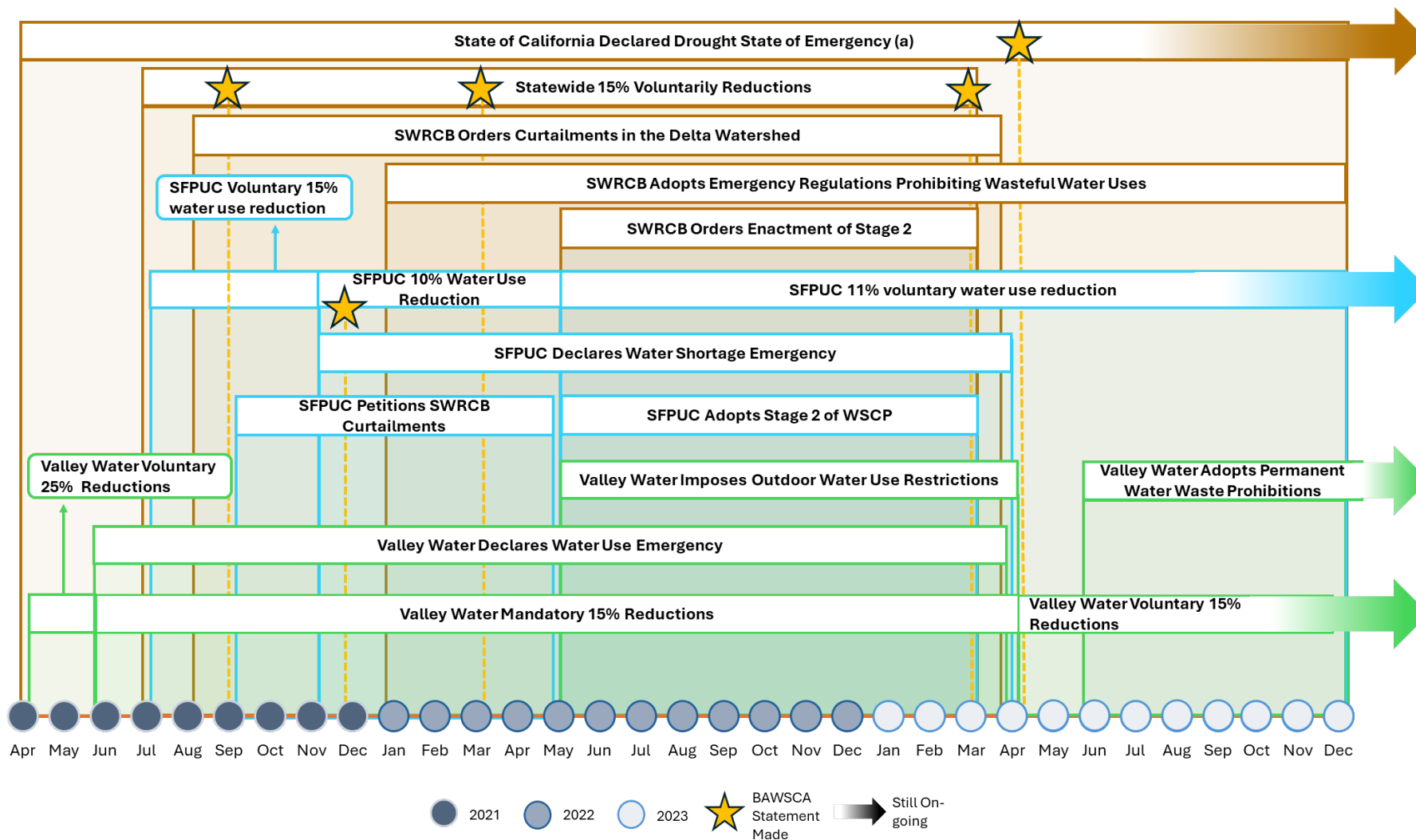


Figure 2-1 Statewide Drought Levels, 2021 through 2023



Note:

(a) On 4 September 2024, Governor Newsom terminated the drought SOE in 19 counties, including San Mateo and Santa Clara (**Appendix A**). However, the rest of the State remains in a drought SOE, including Alameda County.

Figure 2-2 Drought Response Actions Timeline

2.1 State Drought Actions

As summarized in **Table 2-1** and described below, the State issued proclamations and requirements throughout the 2021 – 2023 period due to the drought conditions statewide, watersheds throughout the State facing substantial water supply and ecosystem challenges, and experience from the last drought demonstrating the value of preparing earlier for potential sustained dry conditions. The State’s drought proclamations and regulations can be found in **Appendices A and B**.

2.1.1 2021 Actions

Governor Newsom issued a proclamation of a SOE on 21 April 2021 and directed state officials to take all necessary actions to prepare for drought. By October 2021, the SOE was in effect Statewide.

In July 2021, Governor Newsom issued executive order (EO) N-10-21 calling on a statewide voluntarily reduction in water use by 15% compared to 2020 levels, and in August 2021 the SWRCB ordered water diversion curtailment and reporting requirements for some water rights holders in the Delta Watershed, including Tuolumne River water rights.

2.1.2 2022 Actions

As the dry and drought conditions from 2021 continued through 2022, the State maintained the drought emergency and continued to issue EOs and requirements to help address the Drought. In January 2022, the SWRCB adopted an emergency drought regulation that prohibited specific water waste activities identified in the Governor’s October 2021 proclamation, including:

- The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard-surfaced areas, except in cases where health and safety are at risk;
- The use of potable water that results in flooding or runoff in gutters or streets;
- The use of potable water, except with the use of a positive shut-off nozzle, for the individual private washing of motor vehicles;
- The use of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain;
- The use of potable water for irrigation of ornamental turf on public street medians;
- The use of potable water for street cleaning or construction purposes, unless no other source of water or other method can be used or if necessary, to protect the health and safety of the public; and
- The use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds which utilize recycled water.

In March 2022, Governor Newsom issued EO N-7-22 that maintained drought emergency and directed the SWRCB to consider adopting emergency regulations that (1) require suppliers submit a preliminary annual supply and demand assessment, (2) require suppliers to enter Stage 2 of their Water Shortage Contingency Plan (WSCP), and (3) define and ban irrigation of "non-functional" turf. The SWRCB adopted emergency regulations pursuant to the March EO in May 2022 and defined the ban on irrigation of “non-functional” turf as prohibiting the use of potable water for the irrigation of non-functional turf at commercial, industrial, and institutional sites; however, the ban did not prohibit the use of water that is necessary to ensure the health of trees and other perennial non-turf plantings or necessary to address an immediate health and safety need.

In December 2022, the SWRCB extended the January 2022 drought emergency regulations prohibiting prohibited specific water waste activities through 21 December 2023.

2.1.3 2023 Actions

Although the SOE continued through 2023, drought conditions began to improve due to heavy rains in late December 2022 and early January 2023 and the State began easing water use restrictions and requirements. In February 2023, Governor Newsom issued EO N-3-33 that maintained the Statewide drought emergency and directed the SWRCB to consider modifying requirements for reservoir releases or diversion limitations in Central Valley Project or State Water Project facilities. However, EO N-3-33 also directed State agencies to recommend any further actions necessary for the ongoing emergency drought response, and whether proclamations and EOs related to the drought emergency are still needed.

In March 2023, Governor Newsom issued EO N-5-33 that terminated certain provisions from previous SOEs and EOs that were no longer needed considering improving drought conditions, such as requiring suppliers enact Stage 2 of their WSCPs.

In May 2023, the SWRCB readopted the ban on using potable water for watering non-functional turf in commercial, industrial and institutional areas throughout the state. On 21 December 2023, the SWRCB emergency regulation to prohibit wasteful water use expired.

2.1.4 2024 Actions

On 4 September 2024, Governor Newsom terminated the drought SOE in 19 counties, including San Mateo and Santa Clara. At the time of this report, Alameda County is still under the drought SOE.

Table 2-1 Timeline of State Drought Actions

Date	State Drought Action
2021	
21 April 2021	Governor Newsom proclaims a drought SOE in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed and directs State officials to take the necessary actions to prepare for drought conditions.
10 May 2021	Governor Newsom extends the Drought SOE proclamation to the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed counties, and directs State officials to take the necessary actions to prepare for drought conditions.
8 July 2021	Governor Newsom extends the Drought SOE proclamation to the counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. The Drought SOE is now in effect in 50 counties.
8 July 2021	Governor Newsom issues EO N-10-21 calling on a statewide voluntarily reduction in water use by 15% compared to 2020 levels.
20 August 2021	SWRCB orders water diversion curtailment and reporting requirements for some water rights holders in the Delta Watershed, including Tuolumne River water rights.
19 October 2021	Governor Newsom extends the Drought SOE proclamation to the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, making the Drought SOE in effect statewide. The proclamation also states that the SWRCB may adopt emergency regulations, as it deems necessary, to supplement voluntary conservation by prohibiting certain wasteful water practices.

Table 2-1 Timeline of State Drought Actions Continued

Date	State Drought Action
2022	
4 January 2022	SWRCB adopts emergency regulations prohibiting wasteful water uses pursuant to the 19 October 2021 SOE proclamation.
28 March 2022	Governor Newsom issues EO N-7-22 that maintained drought emergency and directed the SWRCB to consider adopting emergency regulations that (1) require suppliers submit a preliminary annual supply and demand assessment, (2) require suppliers to enter Stage 2 of WSCPs, and (3) define and ban irrigation of "non-functional" turf.
24 May 2022	SWRCB adopts emergency regulations pursuant to EO N-7-22 requiring suppliers to (1) submit a preliminary annual supply and demand assessment, (2) enter Stage 2 of their WSCPs, and (3) banning irrigation of non-functional turf with potable water.
7 December 2022	SWRCB extends the 4 January 2022 Drought Emergency Regulations prohibiting certain wasteful water use activities through December 21, 2023.
2023	
13 February 2023	Governor Newsom issues EO N-3-33 that maintained drought emergency and directed the SWRCB to consider modifying requirements for reservoir releases or diversion limitations in Central Valley Project or State Water Project facilities. EO N-3-33 also directed state agencies to recommend any further actions necessary for the on-going emergency drought response, and whether proclamations and EOs related to the drought emergency are still needed.
24 March 2023	Governor Newsom issues EO N-5-33 that maintained drought emergency but terminated certain provisions from previous SOEs and EOs that were no longer needed considering improving drought conditions, such as requiring suppliers enact Stage 2 of their WSCPs. The EO also ended the voluntary 15% water use reduction.
31 May 2023	SWRCB readopts an emergency regulation that bans using potable water for watering non-functional turf in commercial, industrial and institutional areas throughout the state.
21 December 2023	The 4 January 2022 SWRCB emergency regulation to prohibit wasteful water uses expires.
2024	
4 September 2024	Governor Newsom issues a proclamation terminating the drought SOE in 19 counties, including San Mateo and Santa Clara.

2.2 SFPUC Drought Actions

SFPUC's drought response actions with regard to Wholesale Customers included requesting voluntary reductions in water use and calls for conservation efforts. These actions are summarized below and in **Table 2-2** (next page) and documented in **Appendix C**.

2.2.1 2021 Actions

In April 2021, the SFPUC issued its Water Supply Availability Estimate for fiscal year (FY) 20-21 that indicated a goal to maintain water use systemwide below 2019 levels. In July 2021, SFPUC formally issued a request for customers of the SF RWS to voluntarily curtail water use by 15%, pursuant to the July 2021

EO. This request was intended to avert mandatory cutbacks and other water restrictions should drought conditions persist.

As mentioned in Section 2.1.1, in August 2021 SWRCB ordered water diversion curtailment and reporting requirements for some water rights holders in the Tuolumne River. In September 2021, SFPUC submitted a petition requesting the SWRCB reconsider the curtailment orders. SWRCB suspended curtailments for the SFPUC points of diversion on the Tuolumne River in October 2021.

As drought conditions worsened, the SFPUC declared a Water Shortage Emergency in November 2021 and called for a 10% voluntary reduction in water usage system-wide. SFPUC also set the effective date of 1 April 2022 for the mandatory temporary 5% drought surcharge.

2.2.2 2022 Actions

In response to the SWRCB's May emergency regulations, the SFPUC adopted a system-wide voluntary water use reduction of 11% associated with Stage 2 of the SFPUC's WSCP, in alignment with SWRCB requirements.

2.2.3 2023 Actions

In response to Governor Newsom's February 2023 EO requesting State agencies to recommend any further actions necessary for the ongoing emergency drought response, and whether proclamations and EOs related to the drought emergency are still needed, the SFPUC recommended to SWRCB that the State emergency drought regulations be modified to rescind requirements for WSCP Stage 2 response actions from water suppliers with demonstrated sufficient supplies that face no water shortages.

In April 2023, SFPUC rescinded its November 2021 Water Shortage Emergency Declaration and drought surcharge but continued the voluntary system-wide water use reduction of 11%.

Table 2-2 Timeline of SFPUC Drought Actions

Date	SFPUC Drought Action
2021	
15 April 2021	In response to state actions, the SFPUC issues its Water Supply Availability Estimate for FY 20-21 that indicates a goal to maintain water use systemwide below 2019 levels.
12 July 2021	SFPUC calls for a voluntary 15% water use reduction for all customers, pursuant to the 8 July 2021 EO.
20 September 2021	SFPUC submits a petition requesting the SWRCB reconsider the curtailment orders pursuant to the 20 August 2021 order.
19 October 2021	SWRCB suspends curtailments for the SFPUC points of diversion on the Tuolumne River.
23 November 2021	SFPUC declares a Water Shortage Emergency and calls for a 10% voluntary reduction in water usage system-wide, which triggers the implementation of Tier 1 and Tier 2 shortage allocation plans. SFPUC confirms the effective date of 1 April 2022 for the mandatory temporary 5% drought surcharge.
2022	
24 May 2022	SFPUC adopts a system-wide voluntary water use reduction of 11% associated with Stage 2 of the SFPUC's WSCP, in alignment with SWRCB requirements.

Table 2-2 Timeline of SFPUC Drought Actions Continued

Date	SFPUC Drought Action
2023	
16 March 2023	In response to Governor Newsom’s EO N-3-23, SFPUC recommends to SWRCB that the State emergency drought regulations be modified to rescind requirements for WSCP Stage 2 response actions from water suppliers with demonstrated sufficient supplies that face no water shortages.
11 April 2023	SFPUC rescinds their 23 November 2021 Water Shortage Emergency Declaration and drought surcharge but continues the voluntary system-wide water use reduction of 11%.

2.3 Valley Water Drought Actions

Similarly to SFPUC, Valley Water’s drought response actions included requesting voluntary reductions in water use and calls for conservation efforts. In addition, Valley Water called for specific water use restrictions for water customers within its service area. These actions are summarized below and documented in **Appendix D**. Similarly to SFPUC, Valley Water’s drought response actions included requesting voluntary reductions in water use and calls for conservation efforts. However, unlike SFPUC, Valley Water called for water use restrictions. These actions are summarized below and in **Table 2-3**.

2.3.1 2021 Actions

In response to the Governor’s April 2021 SOE, Valley Water adopted a system-wide voluntary water use reduction of 25%, an increase from 20% that had been in place since 2016 in April 2021. A month later in May 2021, Valley Water increased water rates for FY 21-22.

Valley Water declared a Water Shortage Emergency condition and required all customers to reduce their water use by 15% in June 2021, about 5 months before SFPUC declared its Water Shortage Emergency.

2.3.2 2022 Actions

As drought conditions continued, in May 2022, Valley Water imposed restrictions on outdoor water use, such as limiting the watering of ornamental lawns to no more than two days a week and prohibiting the watering of any landscape between 9 a.m. and 6 p.m. and included fines for those who ignore repeated notices of violation. In response to the March 2022 State action, Valley Water amended its existing water waste enforcement ordinance in September 2022 to allow Valley Water to enforce the State’s ban against watering non-functional turf on commercial, industrial, and institutional properties.

In June 2023 Valley Water adopted a resolution declaring that water conservation must be a way of life in Santa Clara County. The adopted ordinance includes permanent water waste prohibitions, even during non-drought periods.

Table 2-3 Timeline of Valley Water Drought Actions

Date	Valley Water Drought Action
2021	
27 April 2021	Valley Water adopts a system-wide voluntary water use reduction of 25%, an increase from 20% that had been in place since 2016.
11 May 2021	Valley Water increases water rates for FY 21-22.
9 June 2021	Valley Water declares a water shortage emergency condition and requires all customers to reduce their water use by 15%.

Table 2-3 Timeline of Valley Water Drought Actions Continued

Date	Valley Water Drought Action
2022	
24 May 2022	Valley Water approves Ordinance 22-02, which imposes restrictions on outdoor water use, such as limiting the watering of ornamental lawns to no more than two days a week and prohibiting the watering of any landscape between 9 a.m. and 6 p.m. and includes fines for those who ignore repeated notices of violation.
13 September 2022	Valley Water amends its existing water waste enforcement ordinance to allow Valley Water to enforce the State’s ban against watering decorative lawns on commercial, industrial, and institutional properties.
2023	
11 April 2023	Valley Water rescinds the water shortage emergency condition and some outdoor water use restrictions, but still calls for a 15% mandatory water-use reduction in Santa Clara County. Valley Water will continue enforcing restrictions for the following water-wasting activities: (1) outdoor watering more than two days per week of residential decorative lawns, (2) outdoor watering that causes runoff, (3) mid-day watering, (4) watering after rainfall, and (5) the State’s ban against watering decorative lawns on commercial, industrial, and institutional properties.
13 June 2023	Valley Water adopts a resolution declaring that water conservation must be a way of life in Santa Clara County. The adopted ordinance includes permanent water waste prohibitions, even during non-drought periods.

3 BAWSCA DROUGHT RESPONSE MEASURES

This section documents the actions taken by BAWSCA in response to the Drought.

3.1 Drought Statements

In response to ongoing drought conditions, BAWSCA issued a series of statements asking water customers to use water wisely and reduce their water usage. These statements, summarized in **Table 3-1** and documented in **Appendix E**, emphasized the need for voluntary reductions aligned with the Governor’s EOs and SFPUC’s Water Shortage Emergency declaration. Starting in June 2021, BAWSCA requested a 15% voluntary reduction, which was reiterated in subsequent statements as drought conditions persisted. BAWSCA’s statements consistently highlighted the importance of managing outdoor water use, fixing leaks, and adopting water efficient practices. In addition to these conservation calls, BAWSCA pointed water customers to resources, including rebates and educational programs, to support water-saving efforts.

Table 3-1 Timeline of BAWSCA Drought Statements

Date	BAWSCA Drought Statement
2021	
21 June 2021	Statement asking for Wise Water Use and voluntary water use reductions given ongoing drought conditions.
14 September 2021	Statement calling for a voluntary 15% water use reduction in response to Governor Newsom’s Drought Proclamation and curtailments on the Tuolumne River.
3 December 2021	Statement regarding SFPUC’s Water Shortage Emergency, which requests a 14% reduction from Wholesale Customers.
2022	
29 March 2022	Statement calling for a voluntary 15% water use reduction given ongoing drought conditions, in response to Governor Newsom’s EO N-7-22.
2023	
20 March 2023	Statement calling for a voluntary 15% water use reduction given ongoing drought conditions, in response to Governor Newsom’s EO N-3-33.
6 April 2023	Statement regarding Governor Newsom’s EO N-5-23 easing drought emergency provisions and the continued need for voluntary conservation.

3.2 Communication and Outreach

3.2.1 Regional Drought Messaging Campaign with SFPUC

Building upon the successes in 2014 and 2015, BAWSCA coordinated with SFPUC to implement a public information campaign between November 2021 and April 2023 (**Appendix F**). The SFPUC conservation staff implemented a public information campaign to educate the public about the importance of water conservation during the Drought. BAWSCA worked with the SFPUC to reach a consensus on the campaign themes as well as ensure that the message reached the Member Agencies, including extending media efforts throughout the BAWSCA service area.

The SFPUC’s outreach campaign encompasses a number of media types, including print, television, social media, radio, and signage/billboards. BAWSCA shared the cost responsibilities of the following outreach items:

- Media buys, ad monitoring and reporting, project management;
- Radio and TV commercials in Spanish, Chinese, and Filipino;
- Digital billboards (see discussion below);
- Google Ads targeted by zip code;
- Facebook and Instagram Ads targeted by zip code;
- Twitter; and
- Nextdoor Ads targeted by zip code.

The majority of the media outreach was covered by SFPUC’s contract with a media consultant. BAWSCA additionally secured digital billboards outside of the City of San Francisco as SFPUC’s procurement procedures prevented it from placing advertisements outside San Francisco at the time. The paid billboard advertisements ran from March 2022 through July 2022 at a total of seven locations along major highways. Four of the locations were within San Mateo County, two were in Santa Clara County, and one within Alameda County. In addition, BAWSCA secured access to free billboard locations in San Carlos and Hayward and advertised materials consistent with the Regional Media Campaign.¹

The total cost of the Regional Media Campaign was \$327,524. BAWSCA’s additional cost for billboards was \$71,750. Costs for the campaign and billboards were allocated to Wholesale Customers in accordance with the Water Supply Agreement (WSA).

3.2.2 BAWSCA Outreach Materials for Member Agencies

During the summer of 2021, while the Regional Drought Messaging Campaign was still in development, BAWSCA developed a catalog of drought outreach materials for Member Agencies to use in their customer reach. The materials were adapted from contents developed during the 2014-17 drought to promote unified messaging, notify the public about the water supply situation, and encourage efficient water use as soon as possible. The items included flyers, door hangers, postcards, and bill inserts and included information on BAWSCA’s Call to Conserve and its rebate programs. The materials and associated electronic documents were provided to all BAWSCA agencies.

3.2.3 Website Update

During the Drought, BAWSCA leveraged its website to provide general information to members of the public seeking information about water conservation. BAWSCA’s website and its water conservation portal at www.BayAreaConservation.org provided drought and conservation program information for the region, such as (1) a discussion of the Drought, (2) links to conservation programs, water saving tips, and additional water conservation information, and (3) “Find Rebates” map with links to agency websites and rebate information.

¹ A total of eight locations advertised materials consistent with the Regional Media Campaign outside of the City of San Francisco. The Hayward location had both paid and free advertisements.

3.2.4 Water Conservation Workshops and Townhalls

In response to the public and partnering agencies, BAWSCA provided water conservation workshops to other public entities during the course of the Drought. The purpose of the workshops was to provide the public, partner agencies, and elected officials with valuable information on water supply conditions and ways to reduce water use. The topics covered in the workshops included:

- Water sources and water supply conditions;
- Clarification on the BAWSCA’s “call to conserve water;”
- BAWSCA and Member Agencies’ response to the Drought; and
- BAWSCA’s conservation programs.

In FY 21-22, BAWSCA held three workshops and presented at two townhall meetings. The workshops and presentations ran for approximately one hour each, led by BAWSCA staff, and were offered free of charge.

3.2.5 Community Events

BAWSCA attended several community events throughout the Drought. Conservation items and information were shared during each event including shower timers, soil moisture meters, toilet tank bags, aerators and more. Additionally, BAWSCA was a signature sponsor for the Blue Gold: The Power & Privilege of Water event held at Filoli, a National Trust site located in the Bay Area, in the summer of 2022. This property-wide exhibition explored how water systems shaped the Bay Area and how controlling water resources was a path to power and wealth for Filoli’s families. Stories in the House and Garden connected California’s water history with the hope for a sustainable future. BAWSCA spoke with several members of the public during the event to promote water conservation and answer questions about the Drought.

3.3 Regional Water Conservation Programs

BAWSCA’s Regional Water Conservation Program is made up of several different programs and initiatives designed to support and augment Member Agency and customer efforts to use water efficiently. The Regional Water Conservation Program includes both core programs, implemented throughout the BAWSCA service area, and subscription programs, each of which is implemented within and funded by the specific BAWSCA Member Agencies that elect to participate. Particularly, the subscription programs include the following programs that involve direct participation by water use customers:

- Lawn Be Gone! Rebate Program;
- Rain Barrel Rebate Program;
- Smart Controller Rebate Program;
- Residential Landscape Education Program;
- Irrigation Hardware Rebate Program; and
- Residential Self-Audit Tool.

The Irrigation Hardware Rebate and the Residential Self Audit Tool Programs are new programs that began in FY 2021-22.

To support drought response, BAWSCA publicized these conservation rebate programs to water-use customers within its service areas via its website, workshops, and events as mentioned above. In addition, BAWSCA collaborated with the San Mateo County City/County Association of Governments to increase

rebates for the Rain Barrel Program within San Mateo County. The Rain Barrel Rebate Program is offered by BAWSCA through partnership with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) and offers rebates of up to \$200 for the purchase and installation of rain barrels. In FY 2022-23, SMCWPPP provided tiered rebates (based on capacity) of up to \$150 per rain barrel for installations with San Mateo County. Participating BAWSCA Member Agencies provided additional rebates of up to \$50 per rain barrel, for a total maximum customer rebate of \$200 in areas where both rebates were offered (BAWSCA, 2024c).

As a result of enhanced drought messaging and expanded rebates by BAWSCA and its Member Agencies, a significant increase in program expenditure for BAWSCA conservation rebate programs was observed during the Drought. **Figure 3-1** shows BAWSCA customer rebate program expenditures between FY 19-20 and FY 22-23. During this period, expenditure increased about five-fold from less than \$50,000 in FY 19-20 to approximately \$240,000 in FY 22-23. The Lawn Be Gone! Rebate and the Rain Barrel Rebate Programs were major contributors to the increase in program expenditures.

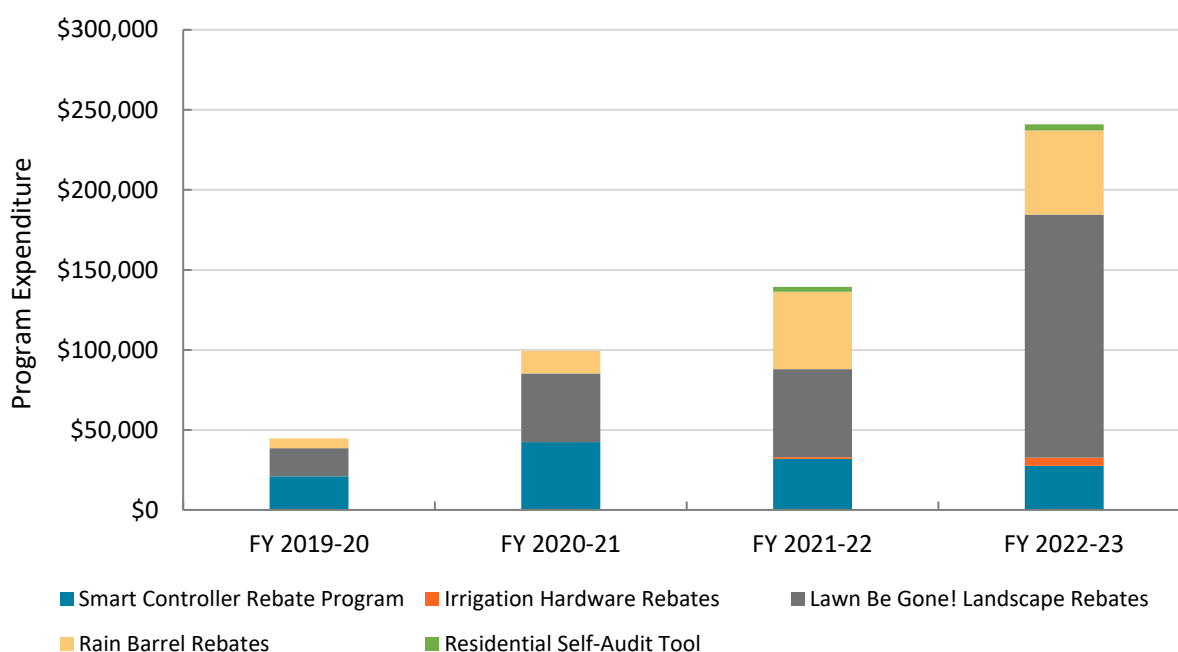


Figure 3-1 Program Expenditure for BAWSCA Conservation Rebate Programs, FY 19-20 through FY 22-23

3.4 Tier 2 Implementation

As discussed in Sections 2.1 and 2.2, the State issued curtailment orders on the Tuolumne River in August 2021 and later suspended the curtailments on 19 October 2021 in anticipation of a significant storm in California. In anticipation of SWRCB possibly reinstating the curtailment in the coming weeks or months, SFPUC declared a SOE in November 2021, and issued its call for a voluntary 10% reduction in water use from the previous year. This action triggered the implementation of the Tier 1 and Tier 2 shortage allocation plans (Tier 1 Plan and Tier 2 Plan) for the first time since either was adopted. The SFPUC did not implement the Tier 1 Plan during the 2014-17 drought due to State-mandated actions that superseded the Tier 1 and Tier 2 Plans.

The Tier 1 Plan, adopted as part of the 2009 WSA and updated as part of the 2018 WSA, defines the process and formula for allocating water from the SF RWS to San Francisco retail customers and the Wholesale Customers collectively during system-wide shortages caused by drought of 20% or less.

The Tier 1 Plan provides that excess use charges for water use above a Wholesale Customer's Tier 2 allocation are only applied during mandatory water use reductions. The Tier 2 Plan, adopted by each Wholesale Customer in 2011, provides the method for allocating the SF RWS water collectively available to the Wholesale Customers under the Tier 1 Plan among each individual Wholesale Customer.

BAWSCA executed its role as provided in the WSA and Tier 2 Plan during the SFPUC's calls for voluntary water use reductions, and performed the following:

- Presented to the Water Management Representatives (WMRs) and Water Resources Committee on the allocation process agreed upon in the adopted Tier 1 and Tier 2 Plans;
- Applied Tier 2 calculations to generate agency shortage allocations in response to SFPUC's November 2021 Water Shortage Emergency;
- Updated allocations in response to SFPUC's enactment of WSCP Stage 2 in May 2022 to reflect new allocations, including incorporating updated base period data from FY 20-21 which had not yet been available in November 2021; and
- Tracked monthly water use in comparison to monthly budgets provided by SFPUC (**Appendix G**).

According to the "target schedule" outlined in the Tier 1 Plan, SFPUC's declaration of a Water Shortage Emergency would occur between April 15 and April 30 based upon water supply conditions. BAWSCA would subsequently calculate Tier 2 allocations, using the prior non-drought year as the basis for the Tier 2 Plan. However, in practical implementation, the onset of a drought can occur any time of the year. SFPUC's November 2021 shortage declaration was triggered by SWRCB curtailments. An unanticipated implication of this "off-cycle" drought declaration was the lack of available data from the prior fiscal year (FY 20-21) for use in the Tier 2 calculations.

Each Wholesale Customer's progress towards meeting its Tier 2 allocation was tracked using monthly water budgets. As described in the Tier 1 Plan, SFPUC provides each Wholesale Customer with a schedule of monthly water budgets by distributing the annual Tier 2 shortage allocation based on the pattern of monthly water purchases during the previous non-drought year. SFPUC provided monthly reports tracking actual use compared to the monthly budgets. Because SFPUC's water use reduction call was voluntary, no excess use charges were applied for water use above a Wholesale Customer's Tier 2 allocation.

3.5 Member Agency Feedback on BAWSCA Drought Support

The Member Agency Survey solicited feedback on two BAWSCA conservation programs, the Regional Media Campaign, and the BAWSCA Website Updates.

3.5.1 Feedback on Individual Programs

- **Irrigation Hardware Rebate Program:** The Irrigation Hardware Rebate Program was implemented by nine agencies during the Drought. The agencies saw minimal participation, however, the feedback from both customers and management was positive. City Councils and residents expressed appreciation for the program. Multiple agencies recommended including drip irrigation options in the rebate program, especially given the anticipated implementation of AB 1527.
- **Residential Self-Audit Program:** The Residential Self-Audit Program was implemented by five agencies. Suggestions for improvement included adding a comprehensive video tutorial and expanding the program to cover irrigation efficiency. These improvements could increase the program's utility and effectiveness for residents conducting self-audits.
- **Regional Media Campaign:** The Regional Media Campaign had significant awareness among the agencies. Feedback received from agencies' management and customers, while minimal, was

generally positive. The agencies appreciated the consistent messaging and the ability to repost materials on their own media platforms, supporting their outreach efforts. However, there was some confusion among the public regarding the drought messaging and the need to conserve water in early 2023, during the months of high precipitation. For future campaigns, suggestions included increasing the number of media advertisement pieces, enhancing coordination with Valley Water, and conducting focus or messaging group testing to refine and target the messages more effectively.

- **Website Updates:** The website updates were also well received by the agencies. The smaller agencies noted that referring customers to the BAWSCA website was crucial for their public outreach, given their limited resources. It was also noted that customers within the Valley Water service area would rely more on the Valley Water website. Recommendations for improvement included better collective messaging with agencies that have their own websites and ensuring the BAWSCA website is compatible with mobile devices to enhance accessibility and user experience.

3.5.2 Additional Support Actions

Member Agencies provided various suggestions for additional support that BAWSCA could offer in future droughts.

- **Continue to Facilitate Interagency Communication:** One reoccurring theme was the need for BAWSCA to continue its efforts in keeping Member Agencies well-informed. Agencies highly valued the regular drought updates from SFPUC, and guidance provided by BAWSCA when additional actions from agencies were required. Effective interagency communication facilitated by BAWSCA is crucial for consistent outreach and meeting conservation targets. There was interest in more frequent drought meetings and/or a secured section on BAWSCA's website to share updates and ideas, best practices, and experiences with various programs and outreach efforts.
- **Enhanced Communication and Outreach:** The agencies appreciated the media campaigns and suggested continuing these efforts in future droughts. They also identified areas for additional outreach activities, including:
 - Providing consultant support for additional media and outreach efforts, which could include sourcing graphic artists or public relations firms to help create tailored campaigns;
 - Coordinating with Valley Water on outreach and conservation programs;
 - Providing City Council presentations and shared staff report templates;
 - Providing conservation program handouts to distribute at public events to customers; and
 - Providing regional messaging related to the non-functional turf ban, which is applicable in both drought and non-drought periods.
- **Additional Conservation Programs:** One agency expressed interest in more Zoom classes beyond landscape education, focusing on drought education and conservation tips. It was suggested that these classes be made available on social media and their website. BAWSCA's expertise in finding and organizing webinars was seen as a valuable asset. Another agency highlighted the need for programs that support leak repairs, particularly for commercial customers. This could include surveys, drought-related materials translated into multiple languages, and lists of certified landscape professionals and plumbers. Enhanced outdoor water conservation messaging and rebate programs in coordination with the regional water suppliers were also recommended.

- **Advocacy for Localized Drought Management:** A preference was expressed for localized drought management. It was recommended that BAWSCA advocate for the ability of SFPUC and BAWSCA to manage the SF RWS and associated conservation requirements, rather than relying on a statewide, top-down approach tailored to the region’s specific needs.

4 DROUGHT RESPONSE BY MEMBER AGENCIES

4.1 Drought Response Actions Utilized by Member Agencies

In addition to the regional support provided by BAWSCA (Section 3), Member Agencies implemented a range of drought response actions within their individual service areas. **Table 4-1** summarizes the Drought response actions implemented by each Member Agency based on SWRCB Conservation Portal drought response data (SWRCB, 2024) and information provided to BAWSCA as part of the Request for Information (RFI), which received a 100% response rate from the Member Agencies.

In addition to participating in the regional BAWSCA drought response actions, the Member Agencies implemented additional actions focused specifically on their respective service areas. The most broadly implemented actions (those implemented by over half of the Member Agencies) included the following:

Demand Actions

- 1) Turf replacement/rebates (75% of agencies);
- 2) Residential water audits (72% of agencies);
- 3) Commercial, industrial, and institutional (CII) customer sector water audits (64% of agencies); and
- 4) Expanded existing rebate program (52% of agencies).

Water Restrictions

- 1) Weekly watering restrictions (96% of agencies);
- 2) Application of water to irrigate turf and ornamental landscapes during 48 hours after measurable rainfall (96% of agencies);
- 3) Excessive irrigation of outdoor landscapes (96% of agencies);
- 4) Application of potable water directly to driveways or sidewalks (92% of agencies);
- 5) Washing a motor vehicle with a hose not fitted with a shut-off nozzle (92% of agencies);
- 6) Use of potable water in decorative water features (88% of agencies);
- 7) Wasting water from broken or defective water systems (80% of agencies); and
- 8) Use type restrictions (56% of agencies).

Communication Actions

- 1) Website (100% of agencies);
- 2) Paper mail (88% of agencies);
- 3) Articles/news releases (80% of agencies);
- 4) E-mails (80% of agencies);
- 5) Social media (76% of agencies);
- 6) Community events (68% of agencies);
- 7) Notifications via customer app (60% of agencies);
- 8) Banners (56% of agencies); and
- 9) Door hanger (52% of agencies).

Water Waste Actions

- 1) Notification via door hanger (84% of agencies);
- 2) Notification via letter (72% of agencies); and
- 3) Notification via phone call (72% of agencies).

Other Actions

- 1) Not serving drinking water other than upon request in eating or drinking establishments (76% of agencies); and
- 2) Operators of hotels and motels providing guests with the option of choosing not to have towels and linens laundered daily (72% of agencies).

Additionally, approximately 36% of agencies implemented drought surcharge and/or raised rates as part of their drought response measures, and 28% of agencies implemented rationing and reduced allocations. Approximately 20% of agencies implemented fines, and 16% of agencies implemented creative public messaging endeavors, such as releasing emergency broadcast announcements, partnering with schools for drought messaging, giving water-efficient garden tours, hosting promotional giveaways with drought messaging, hosting media briefings, participating in onsite visits, and installing truck decals.

The overall number of drought response actions implemented by the Member Agencies varied quite substantially, ranging from the City of East Palo Alto, which reported implementing seven drought response actions and programs, to the City of Mountain View, which reported implementing 37 distinct drought response actions and programs, with the average number of drought response actions taken by a Member Agency being 25 actions. In general, larger Member Agencies implemented more drought response actions. However, the list presented in **Table 4-1** (next page) should not be considered all inclusive, as additional actions may have been implemented that were not captured by the RFI.

Table 4-1 Drought Response Implementation by Member Agency

Drought Action	Member Agencies																								Number of Agencies	Percent of Agencies	
	Alameda CWD	Brisbane/GVMID	Burlingame	Cal Water	Coastside CWD	Daly City	East Palo Alto	Estero MID	Hayward	Hillsborough	Menlo Park	Mid-Peninsula WD	Millbrae	Milpitas	Mountain View	North Coast CWD	Palo Alto	Purissima Hills WD	Redwood City	San Bruno	San Jose	Santa Clara	Stanford	Sunnyvale			Westborough WD
Demand Actions																											
Turf Replacement/Rebate	X	X	X	X				X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		20	80%
Residential Water Audits	X		X	X		X	X		X	X	X		X	X	X	X	X		X			X	X	X		17	68%
CII Water Audits	X		X	X		X		X	X		X		X	X	X	X	X			X		X	X	X		16	64%
Expanded Existing Rebate Program	X			X					X	X		X		X	X	X	X		X	X		X		X	X	14	56%
Raising Rates							X			X	X	X			X									X	X	7	28%
Rationing					X	X													X	X				X		5	20%
Apply Drought Surcharges	X										X	X														3	12%
Reduced Allocations (a)												X	X						X							3	12%
Other (b)	X													X												2	8%
Water Restrictions																											
Weekly Watering Restrictions	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	24	96%
Application of Water to Irrigate Turf and Ornamental Landscapes during 48 Hours after Measurable Rainfall	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	24	96%
Excessive Irrigation of Outdoor Landscapes	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	24	96%
Application of Potable Water Directly to Driveways or Sidewalks	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	23	92%
Washing a Motor Vehicle with a Hose Not Fitted with a Shut-Off Nozzle	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	23	92%
Use of Potable Water in Decorative Water Features	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X	X		X	X	X	X	22	88%
Wasting Water from Broken or Defective Water Systems	X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	22	88%
Use Type Restrictions (c)	X	X		X	X	X	X	X	X		X	X		X	X		X	X				X		X		16	64%
Using Potable Water for Construction											X			X	X	X	X	X		X	X	X				9	36%
Operating Single-Pass Cooling Systems	X				X				X		X				X							X	X	X		8	32%

Table 4-1 Drought Response Implementation by Member Agency (Continued)

Drought Action	Member Agencies																									Number of Agencies	Percent of Agencies
	Alameda CWD	Brisbane/GVMID	Burlingame	Cal Water	Coastside CWD	Daly City	East Palo Alto	Estero MID	Hayward	Hillsborough	Menlo Park	Mid-Peninsula WD	Millbrae	Milpitas	Mountain View	North Coast CWD	Palo Alto	Purissima Hills WD	Redwood City	San Bruno	San Jose	Santa Clara	Stanford	Sunnyvale	Westborough WD		
Communication Actions																											
Website	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	25	100%
Paper Mail	X		X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X	22	88%
Articles/News Releases	X	X		X	X			X	X	X	X	X	X	X	X	X	X		X		X	X	X	X	X	20	80%
E-mails	X	X		X	X		X	X	X	X	X	X		X	X	X	X	X	X		X	X	X	X		20	80%
Social Media	X	X	X	X	X			X	X	X	X		X	X	X	X	X		X	X	X	X		X		19	76%
Community Events	X	X	X			X		X	X	X	X	X	X	X	X	X	X	X	X			X		X		18	72%
Notifications via Customer App	X	X			X			X	X	X	X			X	X			X	X	X	X	X	X			15	60%
Banners	X				X					X		X	X		X	X	X	X	X	X		X		X	X	14	56%
Door Hanger		X						X		X	X			X	X	X	X		X	X		X		X	X	13	52%
Billboards				X				X	X	X	X	X	X			X				X		X		X		11	44%
Signs	X	X								X	X	X	X		X	X		X	X			X		X		11	44%
Workshops	X		X							X		X	X	X	X		X					X		X		10	40%
Paid Media Advertising	X			X									X			X			X	X	X	X		X		9	36%
Television	X	X		X									X			X				X				X		7	28%
Radio	X				X																X			X		4	16%
Other (d)	X												X			X		X								4	16%
Shuttle Decals										X	X				X											3	12%
Bus Shelter																					X					1	4%
Water Waste Actions																											
Notification via Door Hanger	X	X	X	X	X	X		X		X	X	X	X	X	X	X	X		X	X	X	X		X	X	21	84%
Notification via Letter	X	X	X		X				X	X	X	X	X	X	X	X	X	X	X		X	X		X	X	19	76%
Notification via Phone Call	X		X	X	X			X	X	X		X		X	X	X	X	X	X		X	X		X	X	18	72%
Notification via Customer App					X				X	X					X		X		X			X	X			8	32%
Other (e)	X	X							X					X	X	X										6	24%
Fine											X			X		X			X							4	16%
Assigned a Different Rate Tier																				X						1	4%

Table 4-1 Drought Response Implementation by Member Agency (Continued)

Drought Action	Member Agencies																									Number of Agencies	Percent of Agencies
	Alameda CWD	Brisbane/GVMID	Burlingame	Cal Water	Coastside CWD	Daly City	East Palo Alto	Estero MID	Hayward	Hillsborough	Menlo Park	Mid-Peninsula WD	Millbrae	Milpitas	Mountain View	North Coast CWD	Palo Alto	Purissima Hills WD	Redwood City	San Bruno	San Jose	Santa Clara	Stanford	Sunnyvale	Westborough WD		
Other Actions																											
Not Serving Drinking Water Other Than Upon Request in Eating or Drinking Establishments		X	X	X	X	X		X	X		X	X	X	X	X	X	X				X	X		X	X	18	72%
Operators of Hotels and Motels Providing Guests with the Option of Choosing not to Have Towels and Linens Laundered Daily		X	X	X	X	X		X	X		X	X	X		X	X	X				X	X		X	X	17	68%
Requiring Water-Efficient and Drought-Tolerant Landscaping		X		X	X			X	X			X				X			X		X	X		X		11	44%
Constructing or Installing and Operating New Commercial Car Washes and Commercial Laundry Systems That Do Not Use Water-Recirculating Technologies	X		X			X		X	X			X			X						X	X				9	36%
Water-Conserving Restaurant Dishwashing Spray Valves are Required						X		X				X			X	X					X		X			7	28%

Abbreviations:

AMI = Advanced Metering Infrastructure
BAWSCA = Bay Area Water Supply and Conservation Agency
Cal Water = California Water Service
CII = commercial, industrial, institutional
CWD = County Water District

GVMID = Guadalupe Valley Municipal Improvement District
MID = Municipal Improvement District
WD = Water District
WUE = water use efficiency

Notes:

- (a) For agencies with budget-based rates, if applicable.
- (b) Other Demand Actions include but are not limited to: adding leak measures to low-income direct installation programs, adding rebate programs, hosting office hours with a water use efficiency (WUE) specialist, launching an AMI customer portal, and launching direct installation lawn conversion programs.
- (c) Other Use Type Restrictions include but are not limited to: irrigating ornamental turf on public street medians with potable water, filling/refilling pools and ornamental lakes and ponds with potable water, irrigating non-functional turf at CII sites with potable water, allowing excessive runoff from washing surfaces and vehicles, cleaning buildings with potable water except when preparing for repair, and vehicle washing.
- (d) Other Communication Actions include but are not limited to: developing outreach campaigns, releasing emergency broadcast announcements, partnering with schools for drought messaging, giving water-efficient garden tours, hosting promotional giveaways with drought messaging, hosting media briefings, participating in onsite visits, and installing truck decals.
- (e) Other Water Waste Actions include but are not limited to: offering technical assistance, offering education and outreach programs, installing flow restricting devices, terminating water service, requiring leaks be fixed within a certain amount of time, prohibiting runoff onto hard surfaces or irrigated areas, requiring covers for pools and spas, and decreasing line flushing.

4.1.1 Timelines of Drought Response Actions

As mentioned in Section 2.1, on 24 May 2022 the State required all urban water suppliers to enact Stage 2 of their WSCP. However, as shown in **Figure 4-1** below, many agencies had already begun implementing DRMs before the May 2022 requirement. The agencies enacted stages of their WSCP or simply implemented administrative measures outside of their WSCP, noted as Stage 0 below, based on their water supply situations and management decisions.

Between the onset of the Drought in April 2021 and May 2022, there was a continuous trend of agencies enacting the WSCP and moving to higher stages of their WSCP. By November 2021, five agencies (20%) implemented administrative measures (Stage 0), 11 agencies (44%) enacted Stage 1, and four (16%) agencies enacted Stage 2; five agencies (20%) took no action. By May 2022, three agencies (12%) implemented Stage 0, 10 agencies (40%) enacted Stage 1, and 12 (48%) agencies enacted Stage 2. By June 2022, all agencies² were in Stage 2.

All agencies rescinded their WSCPs after September 2023. The Cities of Burlingame and San Bruno rescinded to Stage 1 as their non-drought stage.

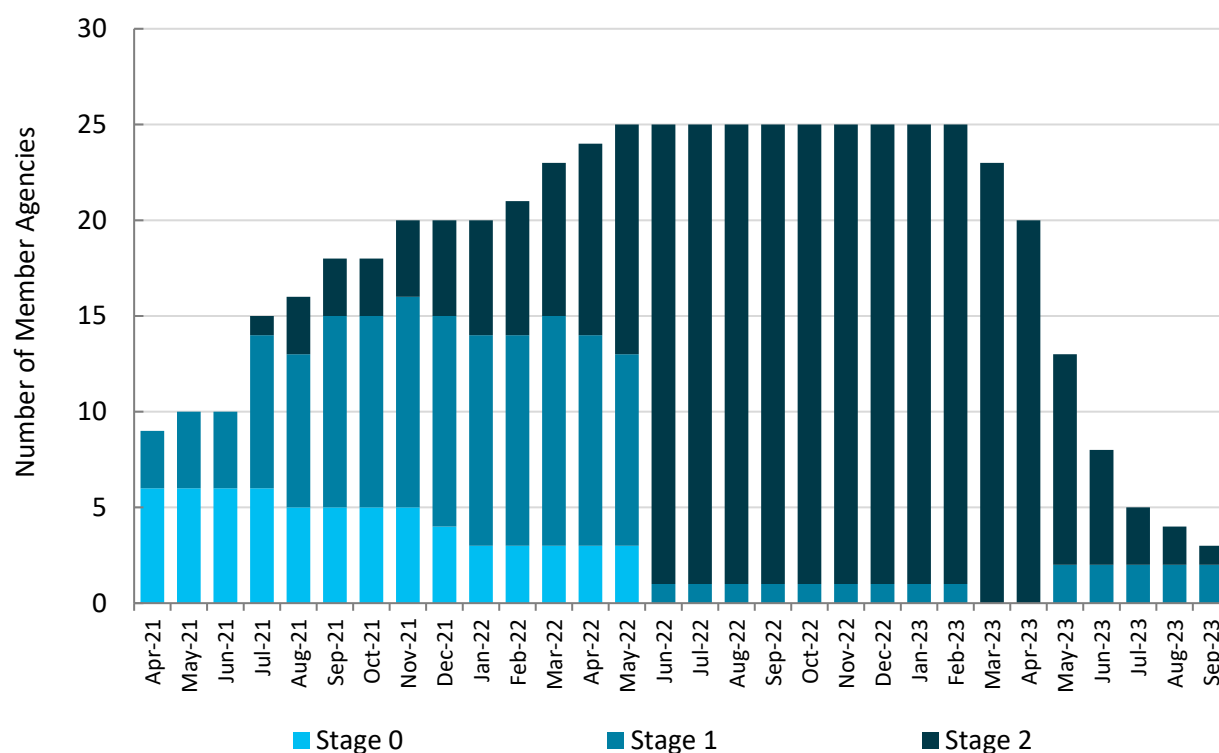


Figure 4-1 WSCP Enactment Timeline for all Member Agencies

The timeline of WSCP stage enactments was examined on the local level. The Member Agencies and the enactments of their WSCPs were analyzed in three groups: (1) San Mateo County agencies for Member Agencies located along the Peninsula in which their only purchased water is from SFPUC

² The City of Brisbane/Guadalupe Valley Municipal Improvement District, Purissima Hills Water District, and Stanford University serve fewer than 3,000 connections and less than 3,000 acre-feet per year of water; therefore, the agencies do not meet the California Water Code §10617 definition of an “urban water supplier” and thus were not required to enact Stage 2 of their WSCP, if available, in accordance with the May 2022 State action. However, these three agencies did implement actions similar to what is expected in Stage 1 and 2 of WSCPs during this time period.

(Figure 4-2), (2) Santa Clara County agencies for Member Agencies located in Valley Water’s service area (Figure 4-3, next page), and (3) Alameda County Water District (ACWD), which was analyzed as its own group as its location and supply portfolio is unique compared to the other Member Agencies (Figure 4-4, next page). The City of Hayward, although located within the County of Alameda, is analyzed with the San Mateo County agencies as its supply portfolio is more similar to the San Mateo County agencies.

As seen on Figure 4-2, San Mateo County agencies quickly responded to the Drought, with seven agencies (44%) already implementing Stage 0 or Stage 1 by April 2022. A growing number of agencies enacted their WSCPs or advanced to higher stages between April and October 2021, and again between January and June 2022. By November 2021, a large majority of San Mateo County agencies (81%) had implemented some form of DRMs and by April 2022, all San Mateo County agencies had implemented measures. However, the escalation to higher stages (i.e. Stage 2) was more gradual, with only two agencies enacting Stage 2 by November 2021 and seven by May 2022.

While the Santa Clara County agencies were slower in initiating their response, they escalated responses more aggressively. This is likely due to Valley Water’s earlier declaration of a Water Shortage Emergency in June 2021. Valley Water required that all customers reduce their water use by 15%, which generally aligns with the shortage level percentage seen in Stage 2 of the WSCPs. As seen below in Figure 4-3, by November 2021, five Santa Clara County agencies (63%) had implemented DRMs, however, two of the agencies had already enacted Stage 2 of their WSCP. By May 2022, all Santa Clara County agencies had taken action, with four agencies advanced to Stage 2.

As seen in Figure 4-4, ACWD demonstrated earlier action among the Member Agencies. The agency initiated Stage 1 of its WSCP before April 2021, before most Member Agencies and escalated to Stage 2 by January 2022.

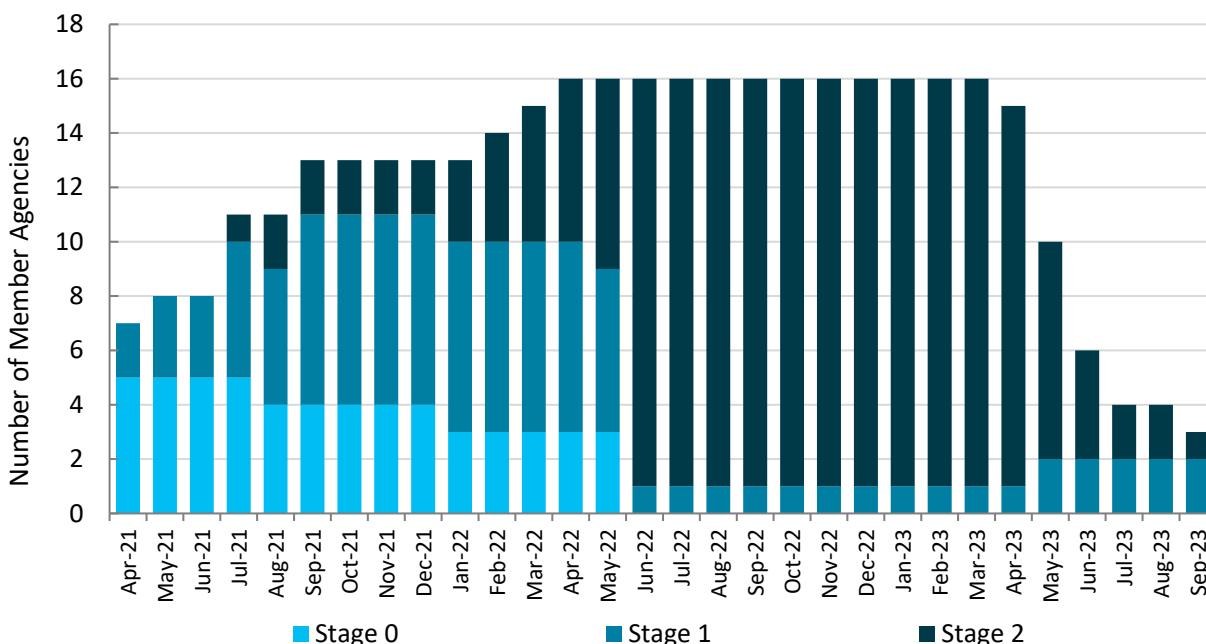


Figure 4-2 WSCP Enactment Timeline for all San Mateo County Agencies

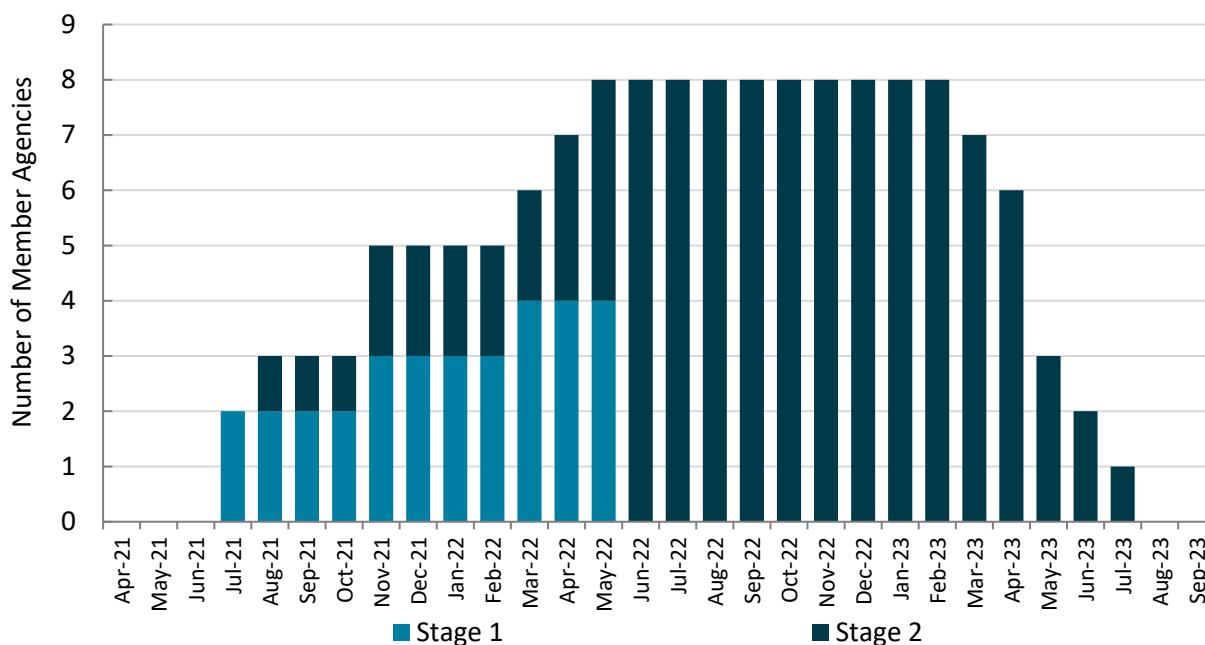


Figure 4-3 WSCP Enactment Timeline for all Santa Clara County Agencies

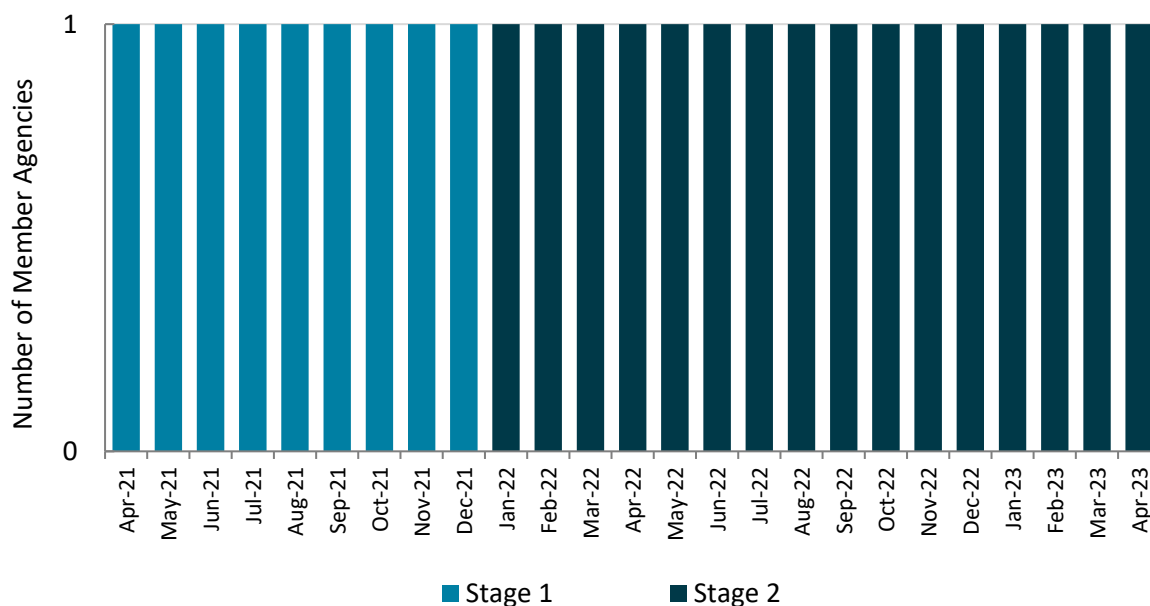


Figure 4-4 WSCP Enactment Timeline for ACWD

4.2 Policy Changes

Seven agencies indicated that the Drought prompted policy changes within their agency. Notably:

- Coastside County Water District and the City of Burlingame indicated that the Drought reinforced the need for local water sources and accelerated planning and implementation of alternative water source Capital Improvement Plans;

- City of Brisbane added additional automatic flushing units to help with moving water out of the system during peak nitrification season;
- Purissima Hills Water District created stronger communication with the Town of Los Altos Hills who is the land use regulator; and
- Cities of Milpitas and Santa Clara are permanently implementing water use restrictions that were first implemented or enforced during the Drought.

5 FISCAL CONSIDERATIONS

5.1 BAWSCA Fiscal Impacts

To support BAWSCA Member Agencies in drought response, adjustments to BAWSCA’s work plan and budget were required to provide staff support for drought response activities.

In anticipation of dry conditions for the next year, BAWSCA included drought response activities in its work plan development for FY 21-22, FY 22-23, and FY 23-24. BAWSCA planned for staff drought support to Member Agencies and their customers, as well as expanded administration of BAWSCA conservation programs including the two new subscription programs. Conservation and drought response tasks accounted for approximately 10% of BAWSCA’s operating budget for FY 21-22, and approximately 13% for FY 22-23 and FY 23-24.

During the Drought, the increased focus on drought-related activities impacted BAWSCA’s staff resources. The Water Resources Manager and Water Resources Specialist supported increased drought activities including managing drought action surveys, coordinating presentations, supporting Member Agencies, and leading media campaigns and website updates. The BAWSCA Chief Executive Officer additionally faced demands associated with workshops, town hall meetings, and presentations. As a result of these increased responsibilities, work on other projects was delayed. An estimated half of BAWSCA’s Full-Time Equivalent (FTE) positions were dedicated to drought response activities during the Drought.

5.2 SFPUC Fiscal Impacts

5.2.1 Minimum Purchase Requirements

The WSA includes minimum purchase requirements for four Wholesale Customers that have the ability to purchase imported water supplies from third parties (e.g. Valley Water and State Water Project). These agencies are subject to a requirement to buy a minimum quantity of water from SFPUC. The purpose of the minimum purchase requirement is to promote system-wide financial stability. The four Wholesale Customers that have minimum purchase requirements are ACWD and the Cities of Milpitas, Mountain View, and Sunnyvale.

SFPUC issued a waiver of minimum purchase requirements of the four agencies during FY 21-22 and FY 22-23 as a result of its Water Shortage Emergency. The waiver was provided via letters from SFPUC management on 12 July 2021 and 15 April 2022 (**Appendix H**).

5.2.2 Wholesale Rate Impacts

In order to meet operating costs and maintain revenue in the face of surplus and shortfall, SFPUC implements rate changes for Wholesale Customers based on projected changes to wholesale water use in response to drought conditions. **Table 5-1** shows the increase in the wholesale water rates each year during the Drought. From FY 21-22 to FY 22-23, wholesale water rates increased by 15.8%.

Table 5-1 Wholesale Water Rate Changes During Drought, FY 21-22 to FY 22-23

	FY 21-22	FY 22-23
Wholesale Water Rate (\$/ccf)	\$4.10	\$4.75
Change from Prior Year (%)	0.0%	15.8%

Abbreviations:

ccf = hundred cubic feet

FY = fiscal year

The extent of rate increases was primarily determined by SFPUC’s revenue surplus or shortfall in the prior year, caused by the difference between the actual water sales and the projected water sales for rate setting purposes. **Table 5-2** shows the projected water sales for rate setting purposes compared with actual water sales for FY 21-22 and FY 22-23.

Table 5-2 Wholesale Water Change Projections vs. Actual Sales, FY 21-22 to FY 22-23

	FY 21-22	FY 22-23
Projected Water Sales (ccf)	65,352,528	55,485,782
Actual Wholesale Water Use (ccf)	62,647,759	57,803,567
Difference (ccf)	(2,704,769)	2,317,785
Difference (%)	-4.1%	4.2%

Abbreviations:

ccf = hundred cubic feet

FY = fiscal year

5.3 Member Agency Fiscal Impacts

In addition to fiscal impacts from SFPUC wholesale rate increases, Member Agencies also faced fiscal impacts during the Drought due to the reduction in water sales and additional drought-related expenses.

Based upon the data provided by the Member Agencies in the Annual Survey, average monthly water use for single family households decreased by 17% from FY 19-20 to FY 22-23, from 10 hundred cubic feet (ccf) to 8.3 ccf monthly. Over the same period, single family residential water bills remained generally stable with a decrease of 2% on average, from \$88.92 per month in FY 19-20 to \$87.01 in FY 22-23 (BAWSCA, 2021; 2022). Therefore, water rates increase appear to offset most financial impacts of the Drought. However, it is likely that agencies still experienced revenue shortfalls due to increases in additional drought-related expenses.

From the Member Agency surveys, four agencies (16%) reported that they hired additional staff during the Drought. The hires included a variety of permanent or temporary, part-time or full-time positions ranging from 0.5 to 2 FTEs.

Seventeen agencies (68%) reported that they increased rebate amounts or funding for rebate programs. These included various programs offered by BAWSCA or Valley Water, or local conservation programs. In addition, agencies increased funding to support educational materials, drought assistance, and water use trackers. Agencies implemented unique programs such as the Low-Income Water Savings Assistance Program by ACWD.

Additionally, ten agencies (40%) increased rebates for BAWSCA conservation programs, with the “Lawn Be Gone!” program being the most popular program for increased rebates.

Twenty agencies (80%) reported that they issued more excessive water use warning as an expended effort to implement their WSCP.

6 WATER QUALITY IMPACTS

This section documents the drought-related water quality issues experienced by Member Agencies during the Drought, and their actions taken to address these issues. 40% of the Member Agencies experienced some kind of water quality issue during 2021-23, with nitrification being the most common concern, similar to what was observed during the 2014-17 drought.

Nitrification is a microbial process that results in nitrogen compounds (especially ammonia) being oxidized to nitrite and then nitrate. Ammonia is present in our drinking water supply due to the addition of chloramine (formed in a reaction of free chlorine and ammonia) as a residual disinfectant. Nitrification occurs in chlorinated systems with otherwise harmless bacteria called nitrifying bacteria. Due to the oxidation of the ammonia, total chlorine residual also decreases which can lead to the risk of bacterial contamination of the distribution system.

Because there was lower water use during a drought, water remained in pipes for longer than usual operations. In addition, agencies typically reduce the frequency of unidirectional flushing programs to conserve water. Both factors contributed to increased nitrification and loss of total chlorine residual in Member Agencies' water systems. Elevated temperatures often associated with droughts can further accelerate this process.

Agencies experienced nitrification issues in their storage tanks due to low water demands. The agencies reported using various mixing techniques to prevent stagnation, including deep tank cycling, utilizing passive mixing systems, and tank cleaning. Some agencies utilized a residual control system to monitor and maintain disinfectant residuals and control nitrification. One agency reported taking reservoirs offline to reduce storage, decrease water age, and prevent nitrification.

One agency noted that aging infrastructure contributed to worsening water quality issues. For portions of its service area, the distribution system was originally designed to meet high fire flow demands rather than typical consumption patterns. These larger pipes in combination with low demand and increased water age led to nitrification concerns during the Drought.

Agencies reported taking preventative measures to manage these water quality issues during the Drought. Despite aiming to avoid performing system flushing due to public perception of water waste, agencies resumed flushing protocols, especially during the winter, as needed to ensure adequate water quality. One agency proactively drained and cleaned storage reservoirs, and another agency redefined its nitrification response criteria to delay and/or reduce the frequency of spot flushing and utilized Neutral Output Discharge Elimination System (NO-DES) for systemwide flushing. Other agencies took similar preventative measures and ended up not needing to increase the frequency of water system flushing and reservoir cleaning during the Drought compared to normal years.

The Drought and resulting water quality issues led some agencies to develop additional actions to address future water quality issues. For example, one agency is adding an additional automatic flushing unit to help with flushing the system during the peak nitrification season.

7 WATER USE REDUCTIONS

This section documents the water use reductions achieved by the Member Agencies during the Drought, including: 1) reduction of purchases from the SF RWS (**Appendix G**; BAWSCA, 2024b) and 2) overall water use reductions (BAWSCA, 2020; 2021; 2022; 2023; 2024a).

The primary reporting periods used for evaluating water use reductions during the Drought are:

- January 2020 to December 2020 – the pre-drought Baseline period;
- May 2022 to March 2023 – the period in which the State required suppliers to enact Stage 2 of their WSCPs;
- November 2021 to April 2023 – the period in which Tier 2 monthly budgets were in place; and
- April 2021 to June 2023 – the period from which Governor Newsom first issued the SOE to which a majority of the Member Agencies rescinded their WSCP.

7.1 RWS Water Use Reductions

Figure 7-1 depicts monthly SF RWS deliveries from November 2021 through April 2023, the period during which Tier 2 monthly allocations were in place. As discussed in Section 3.4, because SFPUC’s water use reduction call during the Drought was voluntary, no excess use charges were applied for water use above a Wholesale Customer’s Tier 2 allocation. During this period, total monthly SF RWS deliveries were generally greater than the Tier 2 allocations, especially between January 2022 and October 2022.

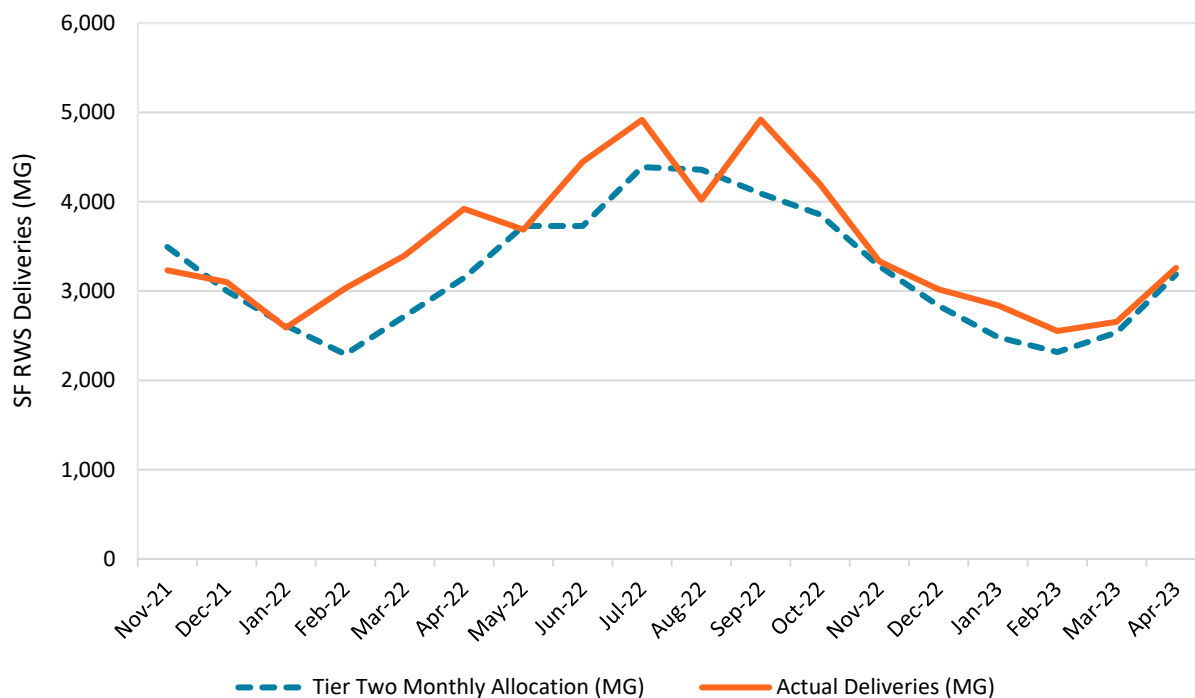


Figure 7-1 Member Agencies’ Monthly Deliveries vs Tier 2 Monthly Allocations

7.2 Total Cumulative Water Use Reductions

Figure 7-2 (next page) shows Member Agencies’ monthly and cumulative water use reductions compared to calendar year 2020 from April 2021 through June 2023.

As shown, the water savings did not appear until June 2021, with the first two months of the period experiencing negative monthly savings. This was likely due to the lower baseline 2020 water use in April and May 2020 influenced by COVID-19 stay-at-home orders.

As the Drought progressed, monthly and cumulative savings began to improve. The maximum monthly water savings were 19% during 2021, and cumulative water savings reached 4.8% by December 2021. However, this trend was temporarily reversed during the winter of 2021-22, when a combination of higher temperatures, lower precipitation, reduced outdoor water savings potential, and a lower 2020 baseline due to COVID-19 led to an increase in water use.

A significant increase in water savings was observed starting May 2022 due to the State’s requirement that all urban water suppliers enact Stage 2 of their WSCP. This led to higher levels of savings throughout the summer of 2022 and continued into the winter of 2022-23. Cumulative water use reductions reached 7.8% by the end of the Drought.

The overall level of water savings during this Drought was lower compared to the 2014-17 drought, where a maximum cumulative savings of 22% was achieved. This is likely due to a combination of factors, including differing State restrictions, the effects of demand hardening, and drought messaging fatigue.

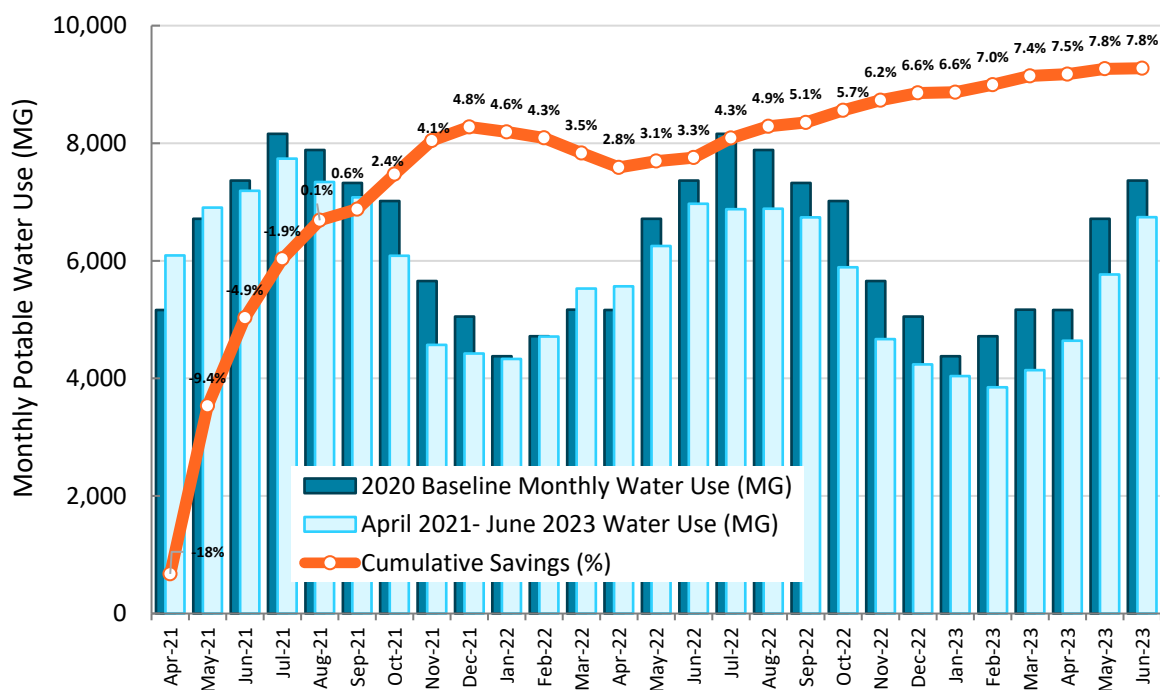


Figure 7-2 Member Agencies’ Cumulative Water Use Reduction and Monthly Potable Water Use from April 2021 to June 2023

Figure 7-3 (next page) shows total water use reductions for each of the Member Agencies from April 2021 to June 2023. As shown, water use reductions for individual Member Agencies ranged between -5.6% to 19% as compared to 2020. The low or negative water savings for agencies such as Stanford University and the City of Palo Alto were due to their lower water use during spring 2020, impacted by students living on or near campus that had been vacated due to COVID-19. During the Drought period, the water use for the agencies increased compared to 2020 use due to the lifting of COVID-19 restrictions and the return of students to campus, resulting in a negative or lower cumulative savings value.

Calendar year 2020 was not a “perfect” baseline due to the unique impact of COVID-19 stay-at-home orders. The lower water demand between March and May made it difficult to measure water savings

during the subsequent Drought (see **Appendix I** for an illustration of monthly water use by Member Agencies). Despite these issues, 2020 was selected as the baseline for this analysis as the total water use during 2019 was even lower than that in 2020.

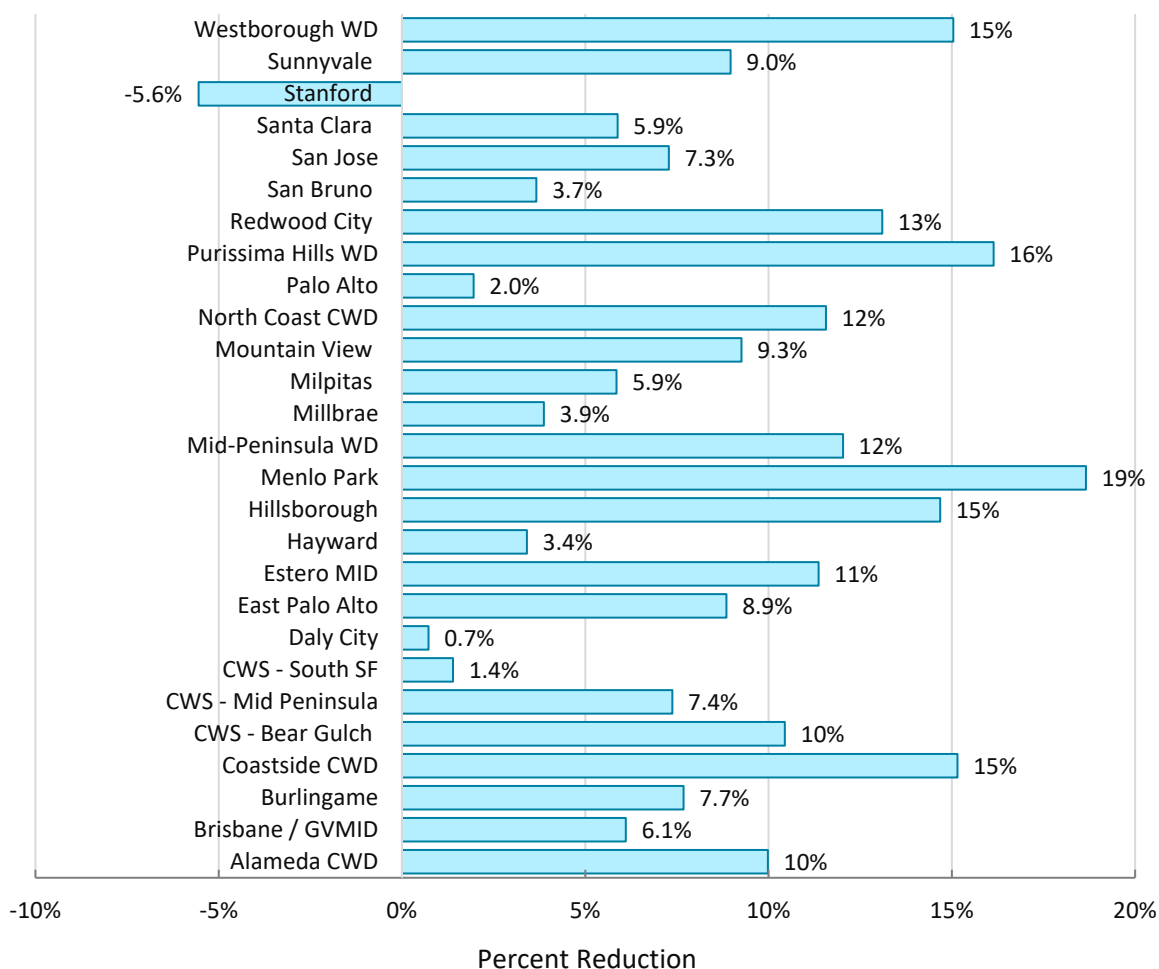


Figure 7-3 Member Agency Water Use Reduction from April 2021 to June 2023³

Figure 7-4 (next page) compares the annual total gross per capita use in gallons per day (gross GPCD) and residential per capita use in gallons per day (R-GPCD) between the 2014 17 drought and the more recent Drought for all Member Agencies. Between the two drought periods, the R-GPCD and gross GPCD were relatively stable and did not rebound to pre-2014-17 drought levels. The lowest R-GPCD and gross GPCD were observed in the more recent Drought, but those levels were approximately the same as in the 2014-17 drought, further demonstrating demand hardening as a potential reason for the insignificant response in water use reductions in the more recent Drought compared to the 2014-17 drought.

³ As discussed above, the low or negative water savings for Stanford University and the City of Palo Alto were due to lower water use during spring 2020, impacted by students living on or near campus who vacated it due to COVID-19. During the Drought period, the water use for these agencies increased compared to 2020 use due to the lifting of COVID-19 restrictions, resulting in a negative or lower cumulative savings value.

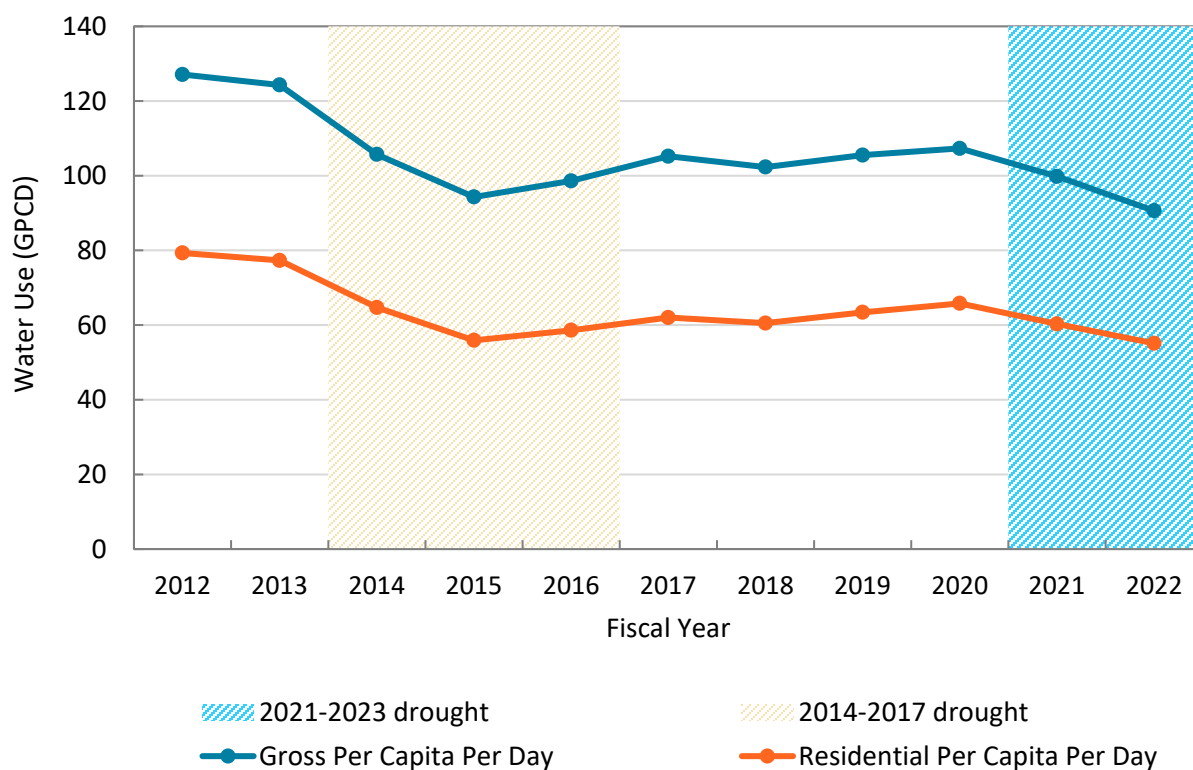


Figure 7-4 Member Agencies' Residential Per Capita vs Gross Per Capita Water Use from FY 12-13 to FY 21-22

7.2.1 Water Use Reductions by Sector

Using water use data available from the BAWSCA Water Conservation Database (WCDB), monthly and cumulative water savings are further evaluated by (1) residential, (2) CII, and (3) irrigation sectors. The results are shown on **Figure 7-5** (next page) through **Figure 7-7** (pg. 7-6).

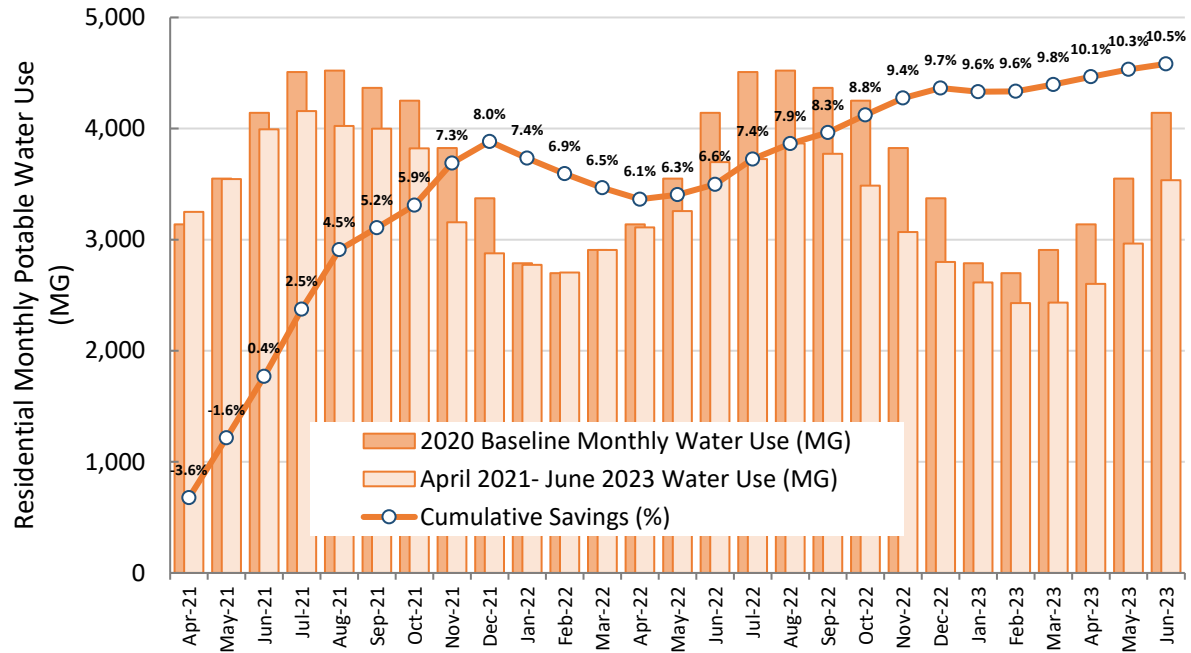


Figure 7-5 Residential Water Use and Cumulative Water Use Reduction, April 2021 to June 2023

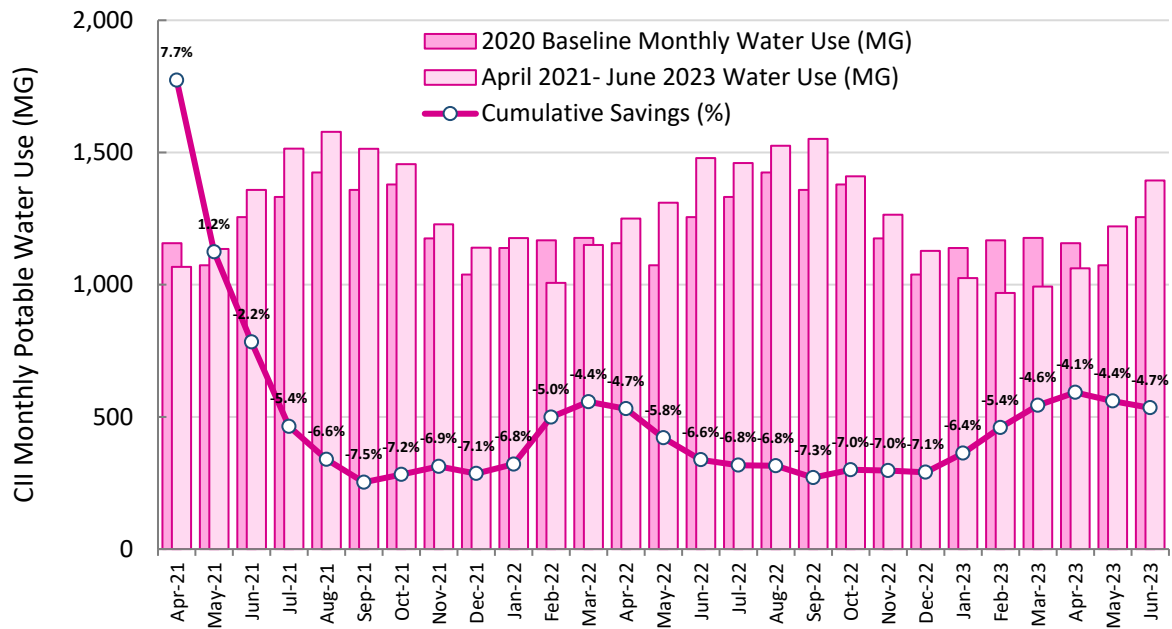


Figure 7-6 CII Water Use and Cumulative Water Use Reduction, April 2021 to June 2023

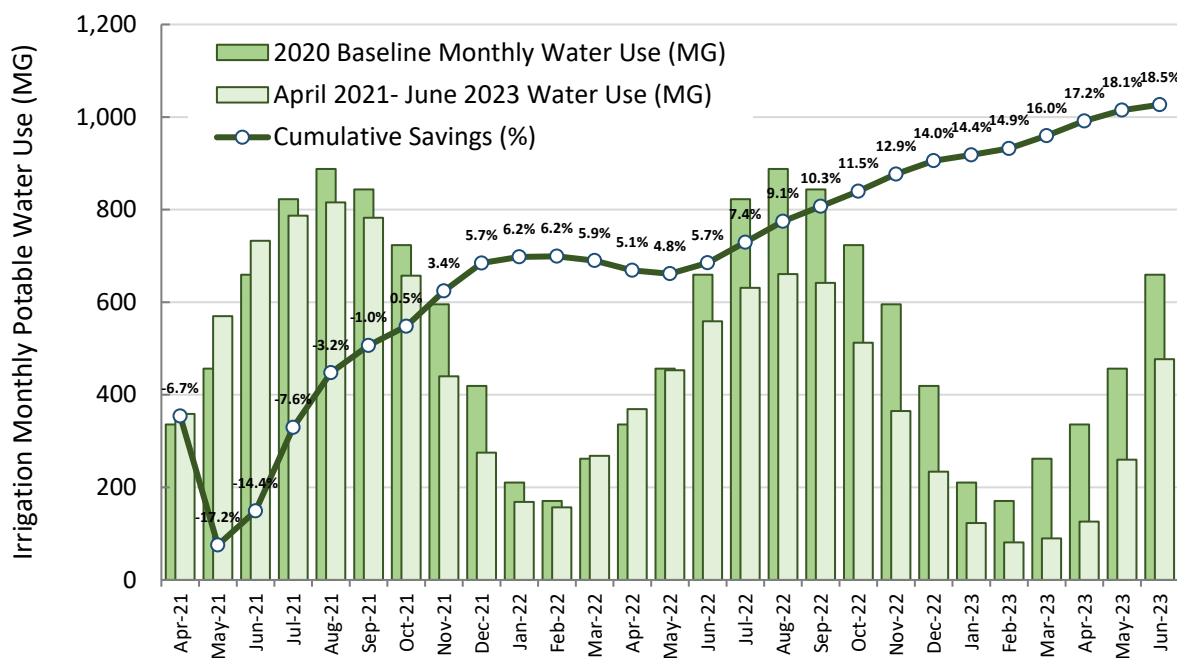


Figure 7-7 Dedicated Irrigation Water Use and Cumulative Water Use Reduction, April 2021 to June 2023

The influence of COVID-19 shelter-in-place orders on baseline 2020 water use is more evident when water use is examined by sector. Demand patterns between the residential and CII sectors shifted rapidly in response to the Governor’s emergency orders issued in March 2020. The CII sector saw marked declines in water use due to temporary business closures, reduced operations, and reduction in office building occupancy. At the same time, residential water use increased as more people remained at home during work hours and schools transitioned to remote learning. The net effect of increased residential demand and reduced CII demand large offset each other and the collective effect on total water use is not as evident as shown on **Figure 7-2**.

The shifts in baseline water use resulted in a cumulative 10.5% water use reduction in the residential sector over the drought period and a 4.7% water use increase in the CII sector. Outdoor water use, as illustrated by the dedicated irrigation sector, shows no or minimal impact from COVID-19 shelter-in-place orders. The cumulative water use reduction in the irrigation sector was 18.5% during the drought period.

The pandemic caused both immediate changes in water use and potentially lasting changes, as demographic and employment patterns evolved in response to the public health crisis. As such, it is difficult to quantify the exact magnitude of water use increases or decreases attributable to the pandemic, as the demographic and behavioral shifts (e.g., remote working) may have lasted through the drought period and beyond.

7.3 Water Use Reductions in Comparison of Outdoor Water Use and Residential Per Capita Use

This section provides a preliminary assessment of water use reductions compared to the Member Agencies’ seasonality (an indicator of outdoor water use) and residential per capita water use. As discussed in Section 7.4, the upcoming Assessment is anticipated to provide additional insight into the drivers of water use reductions during the Drought.

As discussed in Sections 2, 3, and 4, many of the drought response actions implemented by the State, BAWSCA, and the Member Agencies were designed to encourage a reduction in outdoor water use such as landscape irrigation, which is generally considered as a “discretionary water use.”

The San Francisco Bay Area has many microclimates, meaning that Member Agencies experience significantly different climatic conditions (e.g., temperature, humidity, and rainfall) based on the location of their service area, and therefore can have significant differences in typical landscape irrigation water demands. These differences in landscape irrigation water demands mean that there is a difference in opportunity and capacity for water savings through drought response actions targeting outdoor water use. Therefore, Member Agencies with higher outdoor water use would be expected to achieve a higher percentage of water savings from these drought response actions.

7.3.1 Water Use Reductions vs Seasonal Variability (Representing Outdoor Water Use)

Outdoor water use tends to be much higher in warm, dry summer months than in the winter months, while indoor water use remains relatively constant throughout the year. A measure of seasonal variability is used as an indicator of outdoor water use by Member Agencies, where a higher ratio of summer to winter water use suggests a higher portion of water being used outdoors. The seasonal water use variability for each Member Agency was calculated as the ratio of monthly water use in summer and fall months (i.e., July through November) to monthly water use in winter months (i.e., December through March) for the 2020 baseline period, and compared to the water use reductions (reported as the percent total cumulative water savings as shown on **Figure 7-3**, of each Member Agency during the Drought period.

This relative seasonal variability ranged from the cooler northern Member Agencies such as Westborough Water District, California Water Service (CWS) - South San Francisco District, and the Cities of Daly City and San Bruno (seasonal variability of 1 to 1.8), to Member Agencies in warmer areas with larger typical lot sizes, such as Purissima Hills Water District, the Town of Hillsborough, and CWS - Bear Gulch District (seasonal variability of over 3).

Figure 7-8 (next page) shows the cumulative water savings achieved by each Member Agency relative to the degree of seasonal variability in water use. There is a general correlation between the water savings achieved during the Drought and relative seasonal variability in water use observed during non-drought years for most Member Agencies, indicating agencies with higher outdoor water use also achieved higher outdoor water use savings - with outliers being Palo Alto and Stanford as discussed earlier, and the warmer area agencies with large lot sizes who still achieved significant savings but not in proportion to their level of seasonal variation. Reductions in outdoor water use appear to have been a major contributor to the amount of water savings achieved by a Member Agency.

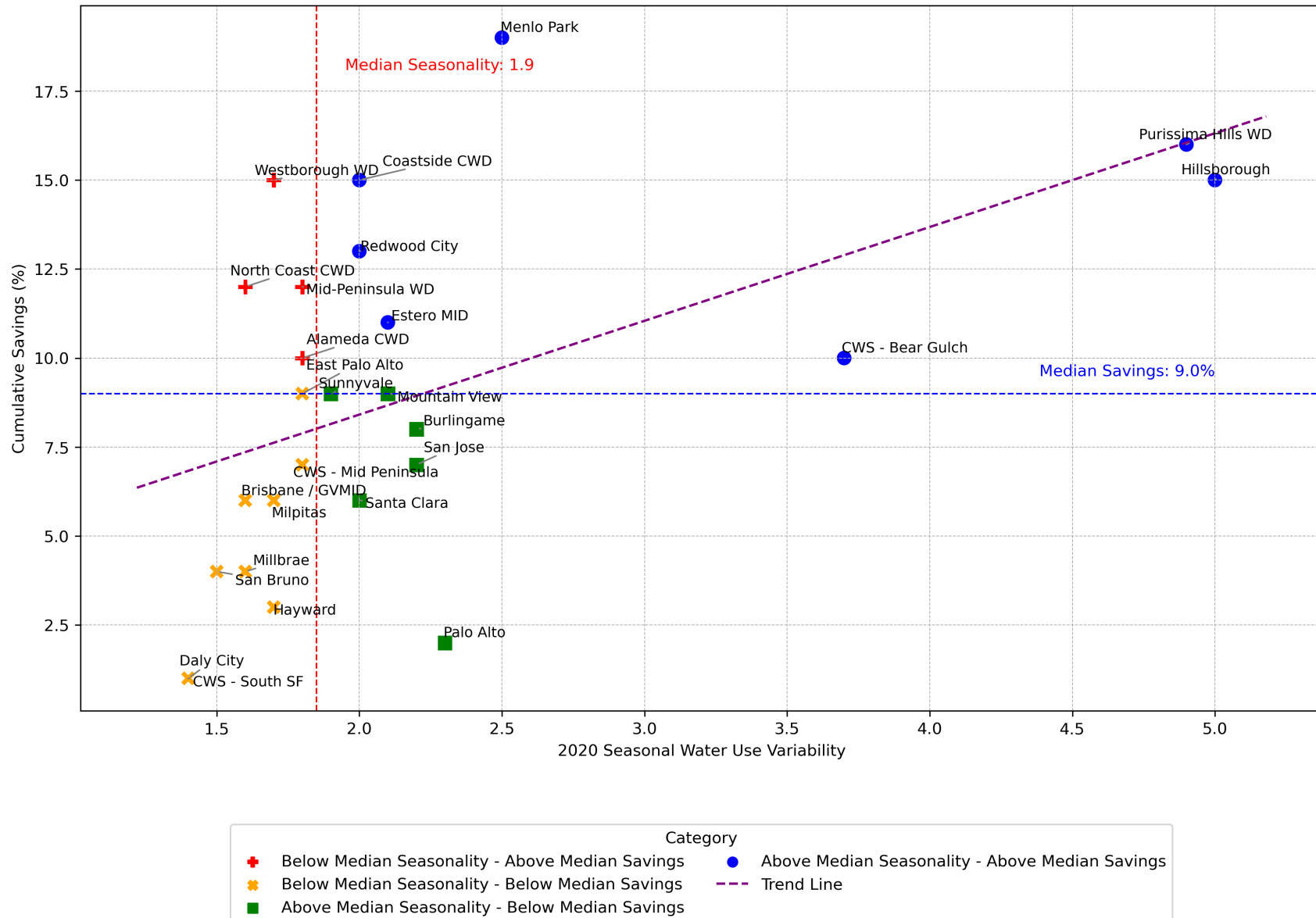


Figure 7-8 Member Agencies' Seasonal Water Use Variability vs Cumulative Water Savings Through June 2023³

7.3.2 Water Use Reductions vs Residential Per Capita Water Use

Residential water use accounts for the majority of demand within each of the Member Agencies' service areas and can include a substantial amount of water use for landscape irrigation purposes. As such, residential per capita water use can be another indicator for outdoor water use and thus the water savings potential from drought response actions.

Figure 7-9 (next page) compares the R-GPCD for each Member Agency during the pre-drought baseline period to the cumulative savings achieved from April 2021 to June 2023.⁴ There was a general trend of water use reductions observed during the Drought compared to pre-drought R-GPCD. However, the trend was less significant in comparison to the analysis of seasonal variability. As shown in **Figure 7-9**, Member Agencies had a pre-drought R-GPCD that ranged from 38 to 249 and achieved cumulative water savings ranging from 1% to 18%. A general trend shows the agencies with a higher R-GPCD during the baseline period achieved higher savings during the most recent Drought period. The agencies with significantly higher pre-drought R-GPCD, such as Purissima Hills Water District, the Town of Hillsborough, and CWS - Bear Gulch District, achieved higher than median savings, although savings are not proportional to the high degree of R-GPCD compared to the other Member Agencies.

⁴ Stanford University is not shown on **Figure 7-9** as the agency's R-GPCD is not reported in the BAWSCA Annual Surveys due to its unique service area and customer portfolio.

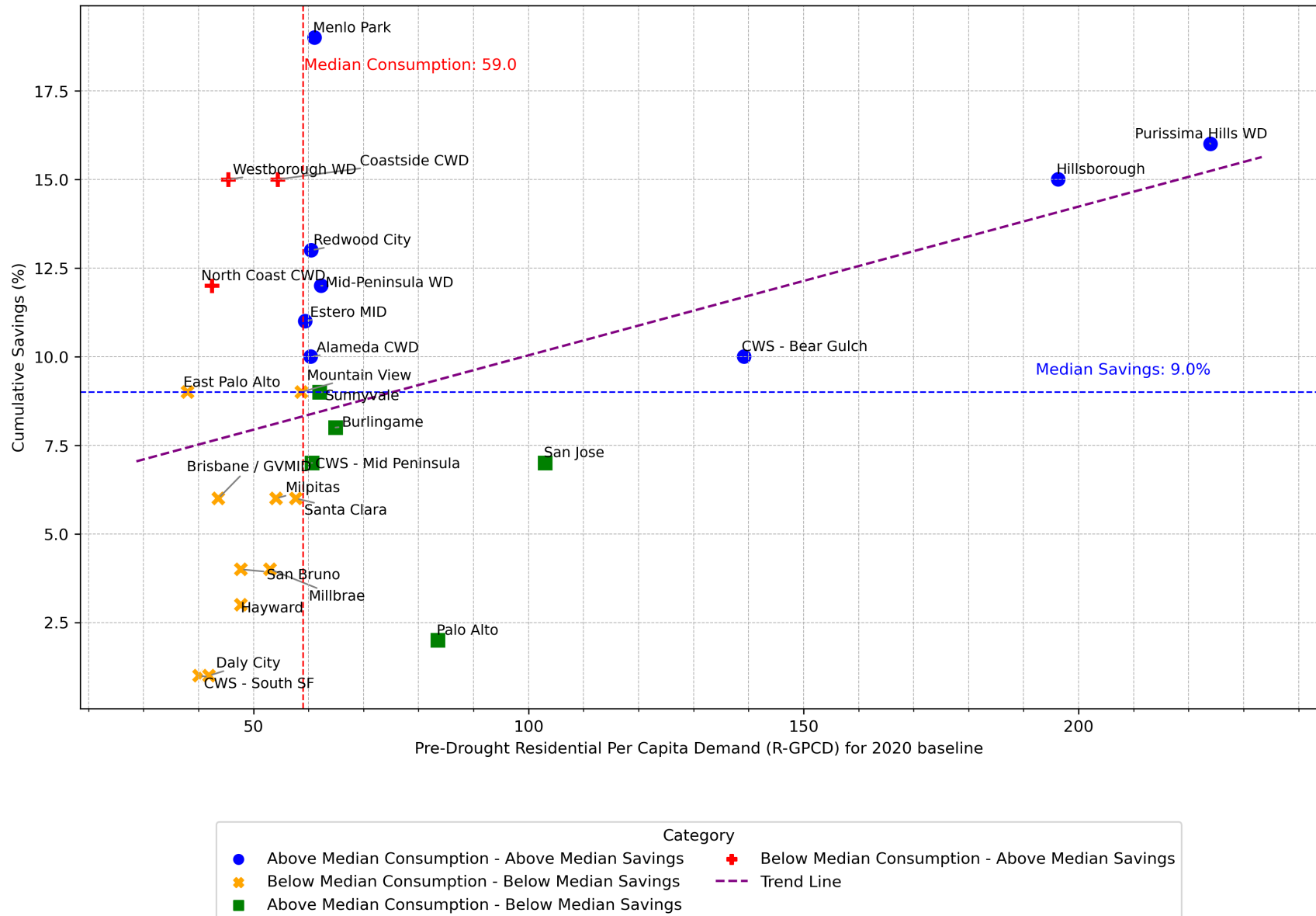


Figure 7-9 Member Agencies' Residential Per Capita Consumption vs Cumulative Water Savings through June 2023³

7.4 Effectiveness of Regional Messaging and DRMs

During early phases of the Drought, Member Agencies were under the influence of similar regional DRMs from the State, SFPUC, BAWSCA, and Valley Water as described in Sections 2 and 3. The Member Agencies also enacted their WSCPs, but the timing of WSCP enactment varied among agencies. To assess the water use reductions achieved by implementation of regional DRMs versus local DRMs (WSCPs), a comparative analysis is conducted between two groups: (1) agencies that enacted their WSCP (“WSCP Group”) and (2) agencies that did not enact their WSCP or only enacted administrative actions (“Control Group”).

This analysis aims to evaluate whether WSCPs enactment contributed to significant additional water use reductions beyond those achieved through regional DRMs alone.

Monthly water use data from the WCDB was analyzed for two periods:

- June through October 2021 (summer of 2021), compared to the same period in baseline year 2020 (i.e. June 2020 through October 2020). The WSCP Group includes agencies that implemented a WSCP stage before July 2021; the Control Group includes agencies with no WSCP implementation before November 2021; and
- June 2021 through May 2022 (full 12-month period) compared to calendar year 2020. The WSCP Group includes agencies that implemented a WSCP stage for over nine months of the 12-month period; the Control Group includes agencies with WSCP stages in place for fewer than three months.

The agencies were assigned based on both WSCP enactment status and 2020 seasonal water use variability to help account for inherent differences in baseline water use behavior. The agencies selected for each of the analyses are included in **Appendix J**. Water use reductions were calculated at the agency level by sector (Residential, CII, and Irrigation).

This analysis is based on a relatively small sample size, and most agencies began implementing their WSCPs within a few months of each other. As such, the analysis reflects only a short comparative period, and the strength and generalizability of conclusions are limited. Furthermore, factors other than outdoor water use may also influence observed water use trends and obscure potential findings.

Results are summarized statistically on **Figure 7-10** and **Figure 7-11** (next page) using box plots. Box plots are visual representations showing the distribution of a set of data and include the following elements:

- Quartiles: a box is drawn between the first and third quartiles;
- Median: a line is drawn at the median (second quartile);
- Average: an “X” is drawn at the average; and
- Minimum and maximum: vertical lines outside the first and third quartile indicate the range of values outside the quartiles.

The results on **Figure 7-10** and **Figure 7-11** show no significant difference in water savings between the WSCP Group and the Control Group in all sectors. In fact, the water savings achieved by WSCP Group agencies were generally comparable to, or even lower than, those observed in the Control Group. Notably, agencies in the Control Group achieved average residential sector water saving of 9% during both the summer of 2021 and the full June 2021-May 2022 annual period with no or minimal formal WSCP action. These findings suggest regional DRMs, along with neighboring agency actions, drove significant voluntary water savings in residents across the BAWSCA service area regardless of individual agency WSCP implementation status. Data distribution of the WSCP Group and the Control Group results are included in **Appendix J**.

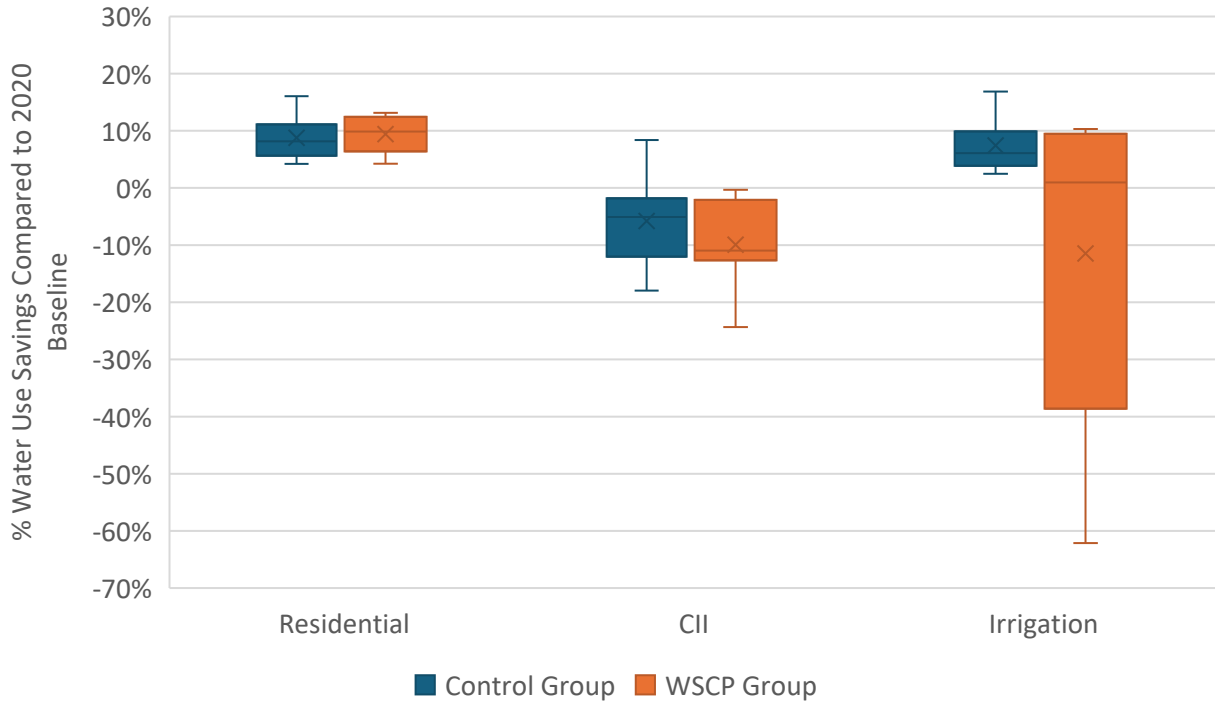


Figure 7-10 Comparison of June-October 2021 Water Use Reductions Between the WSCP Group and the Control Group

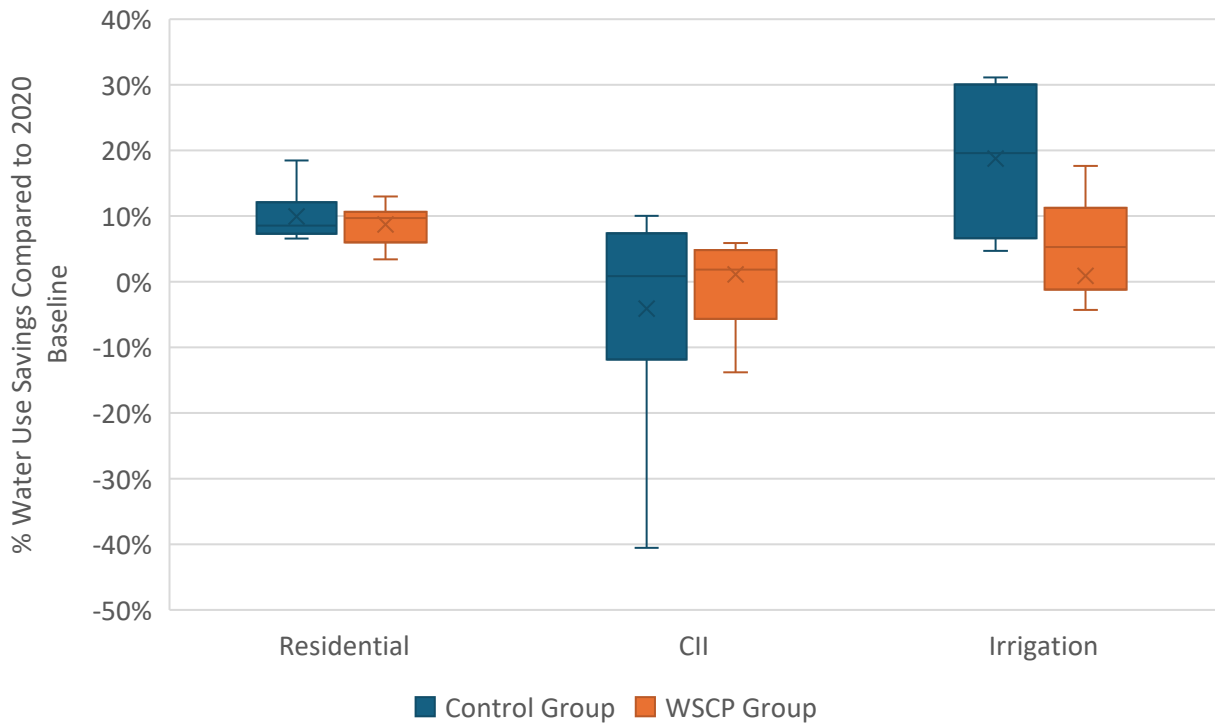


Figure 7-11 Comparison of June 2021-May 2022 Water Use Reductions Between the WSCP Group and the Control Group

8 AMI DATA COLLECTION AND LESSONS LEARNED

As part of the Drought Report project, BAWSCA intended to conduct a detailed Assessment of the effectiveness of local and regional DRMs using high-resolution data from AMI. The Assessment also aimed to evaluate the effect of socio-economic factors on drought water savings. To support this task, EKI Environment & Water, Inc. initiated AMI data collection from selected Member Agencies in August 2024. However, after six months, the effort did not yield the necessary datasets due to various data access challenges. In light of these challenges, BAWSCA determined that it would be valuable to document the lessons learned from the attempted AMI data collection process. In place of presenting a quantitative Assessment, this section aims to:

- Provide a brief background to AMI data management in BAWSCA Member Agencies;
- Summarize challenges encountered during the AMI data collection process;
- Provide data management recommendations; and
- Illustrate the potential value of high-resolution AMI data in supporting water use analysis, conservation and drought planning.

8.1 Challenges Encountered with AMI Data Collection

8.1.1 Overview of AMI Data and Data Access

AMI refers to an integrated system of smart water meters, two-way communication networks, and data management systems that enable utilities to collect high-frequency and real-time (or near real-time) water use data. These systems support a range of functions, including near real-time leak detection, monitoring of system performance (e.g., pressure and flow), and customer engagement through online portals. AMI plays a critical role in modernizing utility operations, supporting accurate billing, and enhancing operational efficiency, water resources planning, and customer service.

Many AMI meter vendors provide cloud-based platforms for their utility customers. These platforms store large volumes of high-frequency meter data and offer build-in analytics, customizable event alerts, and reporting dashboards. Utilities typically access AMI data through one or more of the following methods:

- Manual exports of raw data files from the vendor’s online platform;
- Custom querying, report generation, and data retrieval through the vendor’s platform; and
- Programmatic access via Application Programming Interfaces (APIs) for automated and scheduled data extraction.

8.1.2 Request for High-Resolution AMI Data

The Assessment was planned to include analyzing AMI data from selected agencies for water savings of the DRMs, identifying customer behavioral changes, and assessing the influence of socio-economic factors on water use reductions. Based on their service characteristics and willingness to participate, four agencies were selected for potential analysis, including Alameda County Water District, City of Redwood City, the Mid-Peninsula Water District, and the Purissima Hills Water District. While the City of Redwood City was able to provide raw AMI data, various challenges were encountered when attempting to access AMI data from the remaining three agencies.

The requested dataset comprised hourly water use records for each customer account over a five-year period (2019–2023). This timeframe was selected to encompass both pre-Drought and Drought conditions. Hourly data over such a long duration represents a substantial data volume, far exceeding what is typically

collected by the agencies for billing or routine reporting. For context, a water utility with approximately 5,000 metered accounts would generate over 220 million data points across a five-year period (i.e., 5,000 meters × 24 hours/day × 365 days/year × 5 years). Depending on the data format and structure, this equates to approximately 12 gigabytes of raw data. As discussed in the next section, this scale of data underlines the logistical and technical challenges for extraction and transfer from the AMI vendors and data management within the individual agencies.

8.1.3 Challenges Encountered

The four selected agencies use industry-standard AMI vendors such as Badger Meter⁵ and Xylem Sensus Analytics⁶. While these vendors provide platforms that are widely adopted for meter data management, they are primarily designed for operational monitoring, customer billing, and engagement, not for large-scale external analysis. Access to raw, high-resolution data collected from each meter is limited or not available. In some cases, agencies must pay vendors for access to their own raw AMI data. The two representative examples below show the nature and extent of the challenges.

Scenario 1 Limited Data Access through Vendor Platforms	Scenario 2 Indirect Access with High Costs
<ul style="list-style-type: none"> Agencies can access limited high-resolution data through vendor platforms with significant challenges Vendor platform limits the amount of data on each retrieval (e.g., can only download a single day for a limited number of meters at a time) Downloading one day's worth of data with 15-minute intervals took approximately 45 minutes; hourly interval data required 15 minutes per day There are no automation tools available, making it a labor-intensive process to retrieve data over longer periods The time and effort required to retrieve the full dataset is impractical 	<ul style="list-style-type: none"> Vendor platform generates routine reports but does not provide direct access to underlying meter data The agency user had no direct capability to export raw AMI data The vendor required payment to generate data exports, with fees depending on the volume of the request and can be costly (e.g., \$7,500 for an agency of approximately 2,000 connections over five years) Long response time of fulfilling such data requests by the vendor

Beyond the limitations of the vendor platforms themselves, some vendor contracts limited data availability to the most recent three years, meaning that pre-Drought data may have been deleted. Some vendors provided options to extend the contract to allow for additional years of data storage; however, this extra storage could be costly and unaffordable for many agencies.

Additionally, communicating and coordinating with AMI vendors to access an agency's AMI data proved to be a challenge. For one agency, gaining access to its AMI data took approximately nine months from the initial request. The process included numerous follow-up communications with the vendor and scope

⁵ <https://www.badgermeter.com/>

⁶ <https://www.xylem.com/en-us/products--services/software/sensus-analytics/>

and/or contract negotiations. For some agencies, accessing AMI data was not as straightforward as working with just the vendor. One agency had to communicate and coordinate with three separate companies to determine how to access its data. These companies included the group that installed and maintains the AMI system, another that owns and manages the AMI database, and a third that is a vendor distribution partner that the agency ultimately contracted with to obtain its AMI data. Overall, coordinating with AMI vendors and associated support companies to access AMI data proved to be a time consuming and labor-intensive effort for some agencies.

The City of Redwood City (Redwood City) was the only of the four selected agencies able to successfully transfer a complete AMI dataset for the period requested. The success was because they had established a backdoor process to download and store raw AMI data on a daily basis beginning before 2019. However, Redwood City was only able to download raw AMI data that comes in a complex format and requires a significant effort to clean, process, and analyze. The dataset contained over 120 million records for hourly data between 2019 and 2023 for all Redwood City customer accounts. The data was stored in approximately 50,000 individual comma-separated values (CSV) files. Redwood City staff indicated that while the data has been archived, Redwood City is not actively using it for operational and planning purposes.

High-resolution AMI datasets containing hundreds of millions of records cannot be stored and processed efficiently by standard computing infrastructure. Additionally, analyzing AMI data requires database skills to join AMI records with corresponding attributes such as meter information and customer account data, which are typically stored in separate tables. In some cases, agencies such as the Alameda County Water Agency staffed a dedicated data analyst position specifically to manage and analyze water system data. These agencies have also started to recognize the need to invest in building their own cloud-based data systems to store, process, and analyze AMI and other compute-intensive data. The section below details recommended actions in face of the AMI data access, infrastructure, and expertise challenges.

8.2 Recommended Best Management Practices and Actions

The challenges encountered by this project highlight the need for early planning, proactive data management and clear contractual terms when implementing AMI systems. As more agencies invest in AMI, the following recommendations are offered to enhance the value of these systems.

8.2.1 Contractual Considerations for Data Ownership and Access

Agencies should ensure that their AMI vendor contracts explicitly provide long-term access to raw AMI data collected within their system. Key elements to include in future agreements include:

- Clear data ownership terms, specifying that the agencies retain full ownership of all raw and processed AMI data collected during the contract period;
- Data portability requirements, including vendor obligation to provide complete historical data in an accessible format to the agency upon contract termination or transition to a new system;
- Retention of raw meter data, requiring that collected AMI data will be stored for the full duration of the contract and not be purged without notice;
- Vendors must guarantee agency access to high-resolution, meter-level data in a format suitable for independent analysis, and not limit access to aggregated or summarized reports;
- Data requests from the agencies must be fulfilled within a reasonable timeframe (to be agreed on), and access should not be time-bound—agencies must be able to request any and all historical data at any time during the contract period; and

- Vendors must provide bulk data downloads upon request within a defined and reasonable time frame, without prohibitive costs or manual effort.

8.2.2 Data Access and Retrieval Strategies

Given that many agencies are already under contract with AMI vendors, renegotiation of data access terms may not be immediately possible. In the meantime, agencies should implement a proactive strategy to avoid future access limitations. Member Agencies should consider:

- Automating data exports by working with the vendor to establish regular (e.g., daily or weekly) data download routines through APIs, secure file transfers, or other available methods. If automation is not feasible, discuss with the vendor a streamlined manual process (e.g., schedule for periodic bulk data transfer);
- Setting up an internal storage and archiving system to organize and store retrieved data in a format suitable for future querying, analysis, or migration. Agencies should consider cloud-based database solutions (e.g., snowflake) to manage large volumes of data;
- Investing in staff training and professional development and assign data responsibility to a staff member to monitor AMI flags and ensure data completeness and accuracy (e.g., check periodically for gaps and outliers);
- Documenting data retrieval protocols, including procedures for data requests, vendor contacts, expected turnaround times, and contingency plans for data portal outages or changes in access; and
- Developing and maintaining a library of data processing scripts (e.g., SQL, Python, or R) to support routine analysis. These should include queries to extract and filter meter data, join it with relevant attribute tables (e.g., customer class, meter location), create analytical flags (e.g., leak indicators, zero usage), detect outliers or anomalies, and automate common reporting or dashboarding tasks.

8.3 Examples of AMI Data Analyses

Water consumption data collected at high spatial and temporal resolutions offer advanced analytical opportunities for water management and conservation. As described earlier, AMI vendors provide services that alert customers to unusual water use patterns, such as potential leaks, and enable real-time monitoring of system pressure and flow. Beyond operational use, high-resolution data has been leveraged to support demand management, near real-time water system modeling, and enhanced hydraulic and water quality models.

This section highlights how hourly and sub-hourly AMI data can be applied to support demand management by assessing water use patterns, detecting customer behavior changes, and evaluating the impacts of conservation and drought response measures. A preliminary analysis using the dataset provided by Redwood City is also presented below.

8.3.1 Residential End Use Analysis

Traditionally, indoor and outdoor residential water use has been estimated using the “minimum winter month” method, which assumes that water use during the lowest-demand winter month is entirely attributable to indoor consumption. However, winter irrigation is common in California and this assumption tends to overestimate indoor water use (DWR, 2022).

AMI data offers an alternative and more precise method for distinguishing between indoor and outdoor water uses. Prior studies have found that residential water use rarely exceed 100 gallons per hour (gph) (DeOreo et al., 2011). In more recent evaluations of high-efficiency homes in the Sacramento Valley,

indoor consumption was shown to average below 45 gph (DWR, 2022a). These findings support using a consumption threshold to differentiate outdoor from indoor water use.

Figure 8-1 shows hourly consumption from one example residential account in Redwood City over the course of one week. As shown on the figure, most hourly water use events remained well below 50 gph, with two high consumption events peaking at over 600 gph. While the actual flow rate for irrigation events may vary based on household size, lot characteristics, and irrigation system type, a uniform filter was applied to identify hours where consumption exceeded a predetermined threshold to broadly classify irrigation activity across a large customer base. For this demonstration, a conservative threshold of 100 gph was selected. In applied analysis, this threshold can be defined iteratively to find the delineation between indoor and outdoor water use based on seasonal trends.

Figure 8-2 (next page) shows the resulting estimated indoor and outdoor water use in 2021, defined as hourly consumption under and over 100 gph, respectively.

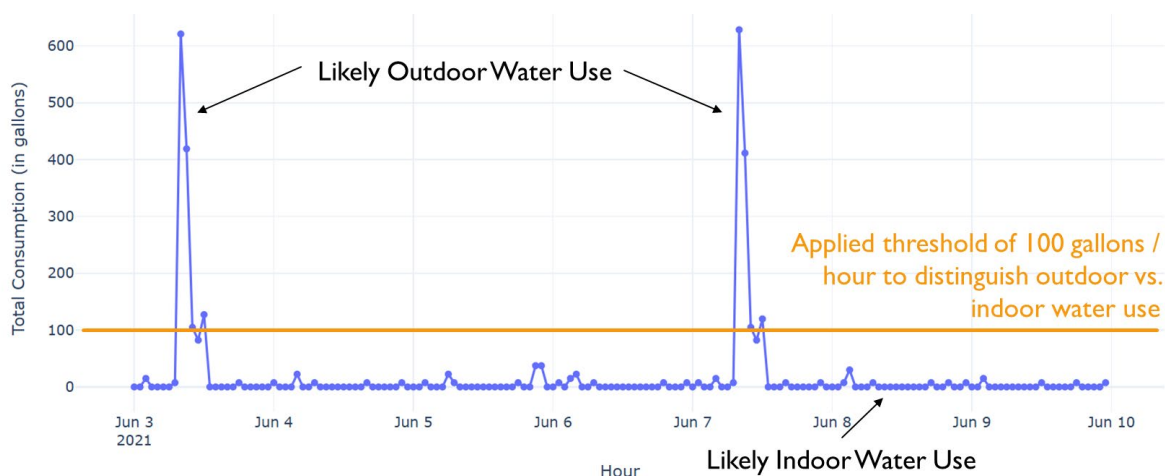


Figure 8-1 Example Hourly Water Use from One Residential Account

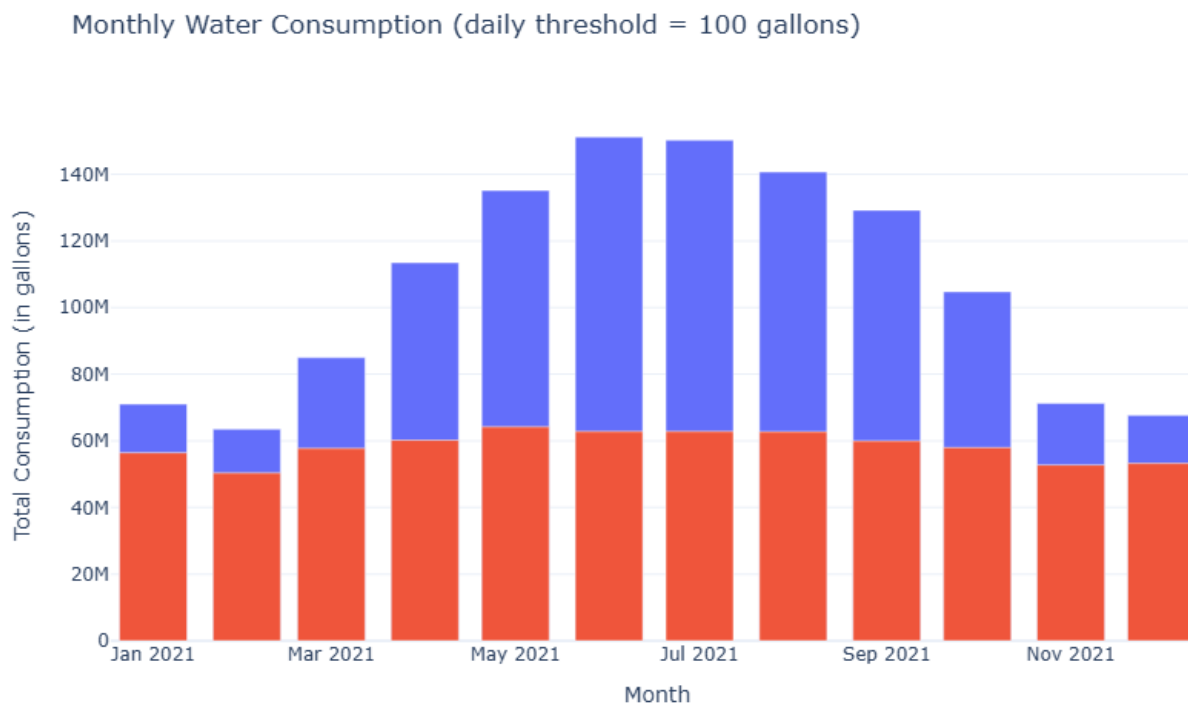


Figure 8-2 Estimated Indoor and Outdoor Water Use in 2021, Redwood City

For research and advanced planning purposes, AMI data captured on the order of 5 to 10 seconds from high-precision meters enable even more detailed analysis of residential end-use. These datasets allow researchers and utilities further disaggregate indoor end uses like showers, taps, and dishwashers based on their flow signatures (Beal and Stewart, 2014; Cardell-Oliver, et al., 2016; Carragher, et al., 2022; DWR, 2022a; Gurung et al., 2015; Makki et al., 2012; Nguyen et al., 2014; Nyugen et al., 2025).

By disaggregating water use into indoor and outdoor use, or into more specific activities, utilities can:

- Identify where efficiency improvements could be made at the end-use level, such as replacing showerheads or improving irrigation systems;
- Link end-use data to conservation program participation or DRMs to evaluate end-use-specific water savings; and
- Identify excessive irrigation frequency or peak use and tailor communication and/or drought enforcement.

End-use data can be further assessed for spatial socio-economic trends. Using the hourly AMI data from Redwood City and the filtering method described above, estimated outdoor water use by each single family account during 2021 is mapped on **Figure 8-3** (next page). Utilities can further aggregate this data by neighborhood or demographics data to examine areas or household types with notably high outdoor water use. These targeted applications of AMI data will allow for more efficient implementation of conservation programs.

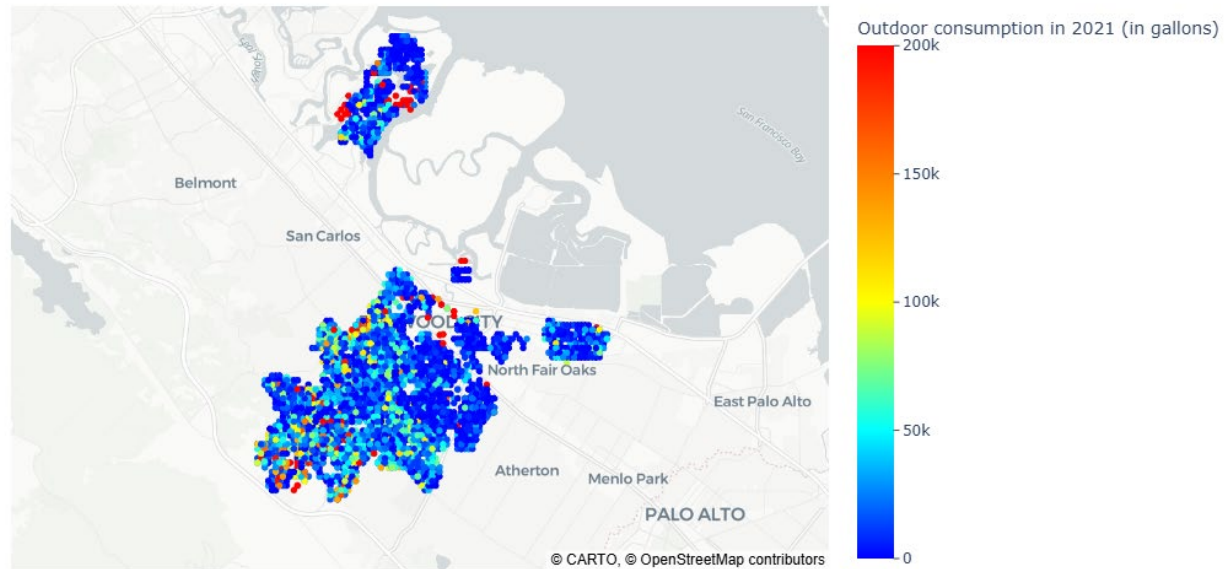


Figure 8-3 Outdoor Water Use in 2021 by Account Location, Redwood City

8.3.2 Peak Demand and Demand Patterns Analysis

Hourly AMI data allows for the detailed analysis of daily consumption profiles and peak demand, which are critical for system operations and infrastructure sizing. Historically, utilities have relied on monthly or bi-monthly billing records supplemented by data from master meters at key infrastructure, e.g., tanks, pumps, or zonal connections. AMI data captures short-term demand fluctuations that can be used to evaluate diurnal demand patterns at the account, sector, zonal, or system-wide scale.

Figure 8-4 (next page) illustrate total hourly demand for all customers in the City of Redwood City during a typical summer week (July 1–7, 2021) and a typical winter week (December 1–7, 2021). Both weeks exhibit diurnal patterns but the magnitude of peaks different significantly between the seasons. This type of data can provide essential inputs for hydraulic modeling and improve calibration.

Emerging research has demonstrated that AMI data can also be integrated with short-term forecasting models to predict water consumption at the next time step. Such models have been applied in systems using smart meters installed at District Metered Areas (DMAs) or at main pipes, with sub-minute reporting frequencies (Brentan et al., 2018; Donkor et al., 2014). These predictive tools can enhance operational planning and optimize pump scheduling.

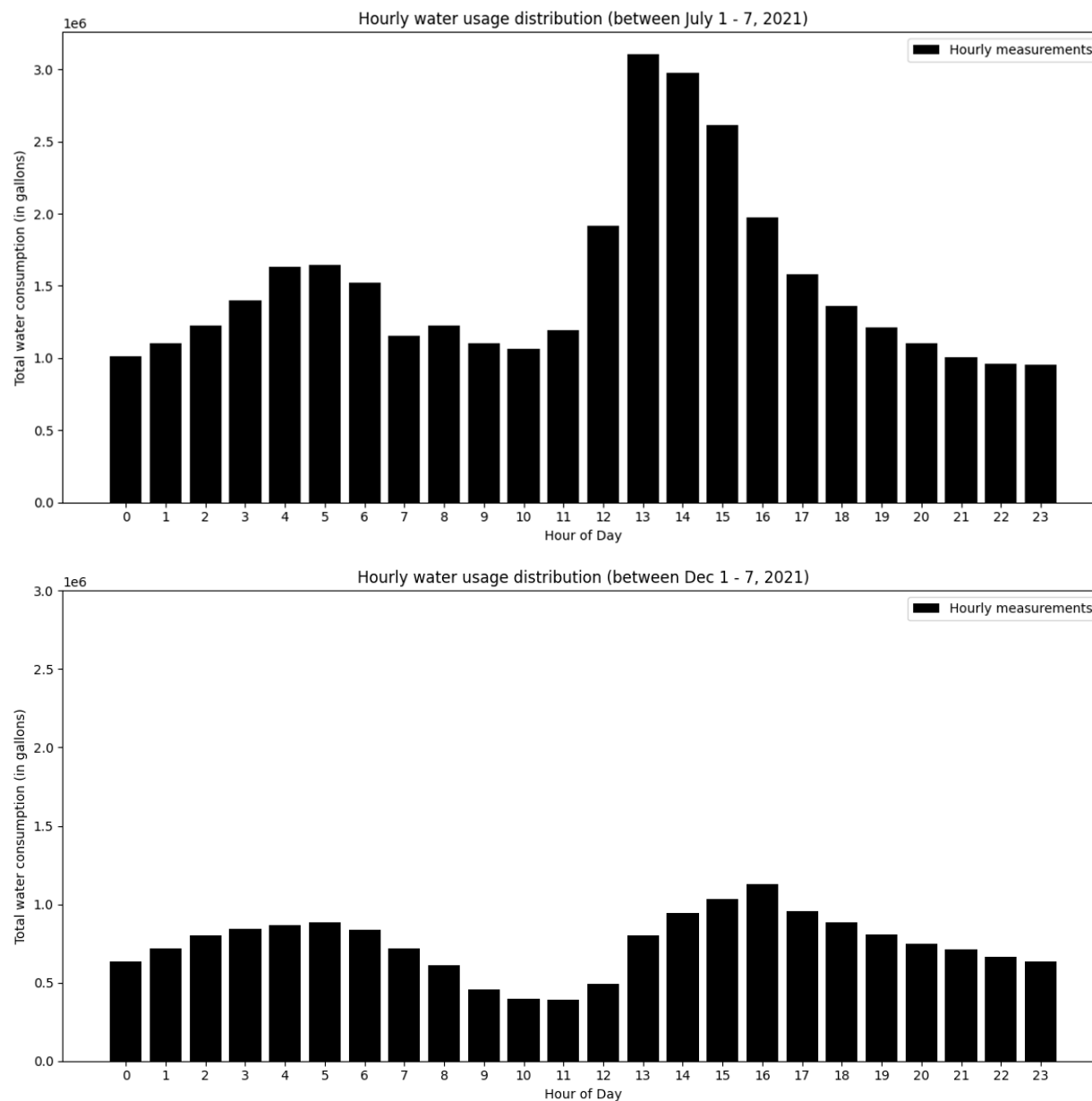


Figure 8-4 Hourly Demand within Redwood City During Typical Summer and Winter Weeks

9 PREPARING FOR THE NEXT DROUGHT

This section summarizes (1) Activities and lessons learned from the 2014-17 drought report that were then implemented in response to the Drought, (2) key lessons learned in responding to the Drought, and (3) BAWSCA’s current and potential actions to prepare for future droughts.

9.1 Review of 2014-17 Drought Report Recommendations

Section 8 of the 2014-17 Drought Report included a discussion of lessons learned from the 2014-17 drought and a list of drought preparedness actions taken to improve preparedness for future droughts. A majority of those activities and lessons learned were implemented in response to the Drought, including:

- BAWSCA facilitated an amendment to the WSA to address the Tier 1 Plan to incorporate a minimum cutback for SFPUC retail service area;
- BAWSCA led the development of a new Tier 2 Plan to incorporate a minimum residential indoor allocation for and address other identified challenges with the prior plan;
- BAWSCA makes drought support for Member Agencies a high priority action and planned for the resources needed in its annual work plans;
- BAWSCA implemented a joint messaging campaign in coordination with SFPUC, which was preferred from both a consistency and resource perspective;
- Waivers of minimum purchase requirements were promptly issued by SFPUC;
- Many Member Agencies implemented preventative measures to address potential water quality impacts;
- Financial planning and rate adjustments were implemented by SFPUC and Member Agencies to mitigate fiscal impacts of the Drought; and
- BAWSCA improved planning and resilience for future droughts through efforts including regional reliability modeling, Making Conservation a California Way of Life regulation support, and research partnership on drought response.

9.2 Lessons Learned

The experience in responding to the Drought provided valuable insights for BAWSCA and the Member Agencies on best practices for drought response and considerations for long-term water supply planning. Key insights gained by BAWSCA and the Member Agencies include:

- The Tier 1 and Tier 2 plans were triggered for the first time during the Drought. The onset of an actual drought, and as such SFPUC’s drought declarations, may not align with the “target schedule” outlined in the Tier 1 Plan. The “off-cycle” drought declaration resulted in lack of water use data for use in the Tier 2 calculations. The approach for addressing data gaps in future Tier 2 Plan implementation was specifically addressed in the revised Tier 2 Plan;
- The joint Regional Media Campaign launched by BAWSCA and SFPUC had significant awareness among Member Agencies. The BAWSCA website also played a crucial role in outreach, especially for smaller Member Agencies with limited resources;
- Effective communication led by BAWSCA was instrumental in maintaining consistent messaging and reaching conservation goals. Regular drought coordination meetings and a secure online platform for sharing information and best practices were suggested to strengthen this capability;

- Water savings during the Drought were notably lower (7.8%) than in the 2014-17 period (22%). Contributing factors included demand hardening, drought messaging fatigue, and the effects of COVID-19 on water use patterns;
- Member Agencies that did not formally enact their WSCPs but followed regional DRMs still achieved an average of 9% reduction in water use. This suggests that consistent regional messaging and DRMs supplemented by local administrative measures can be effective even in the absence of formal local action;
- Member Agencies experienced water quality issues similar to those of the 2014-17 drought, particularly due to increased water age and nitrification. Mitigation strategies such as tank mixing and targeted system flushing proved essential; and
- Although AMI provided high-resolution consumption data, limited access to raw datasets and inadequate transfer mechanisms from vendors posed challenges for advanced analysis.

9.3 Drought Preparedness Actions

Building on the findings and experiences of the recent Drought, BAWSCA and its Member Agencies are positioned to refine and expand their preparedness strategies. This section outlines recommended initiatives and improvements that will guide BAWSCA's approach to drought resilience and water management moving forward.

9.3.1 BAWSCA Actions

- Complete annual review of Tier 2 Plan including: (1) calculation of each Wholesale Customer's Allocation Factor for regional shortages of 10% and 20% for the current Base Period, based upon the most recent published BAWSCA Annual Survey, and (2) review of Base Period data used to develop the calculations;
- Continue to enhance the value of the joint Regional Media Campaign, BAWSCA website update, outreach support services, and interagency communications during future droughts. Suggestions from the Member Agencies regarding these actions include:
 - **Regional Media Campaign:** increasing the number of media advertisement pieces, enhancing coordination with Valley Water, and conducting focus or messaging group testing to refine and target the messages more effectively;
 - **BAWSCA Website Update:** better collective messaging with agencies that have their own websites and ensuring the BAWSCA website is compatible with mobile devices to enhance accessibility and user experience;
 - **Outreach Support Services:** providing consultant support for additional media and outreach efforts, providing presentation and staff report templates for City Council meetings, and providing conservation program handouts to distribute at public events; and
 - **Interagency communication:** more frequent drought meetings and/or a secured section on BAWSCA's website to share updates and ideas, best practices, and experiences with various programs and outreach efforts.
- Continue to include drought response staffing and program expansion within annual work plans in anticipation of and during a drought;

- Advocate for the ability of SFPUC and BAWSCA to manage the SF RWS and associated conservation requirements, rather than relying on a statewide, top-down approach tailored to the region's specific needs;
- Continue to enhance BAWSCA conservation programs to improve overall water use efficiency and drought preparedness, including:
 - More Zoom classes beyond landscape education, focusing on drought education and conservation tips;
 - Providing regional messaging related to the non-functional turf ban, which is applicable in both drought and non-drought periods;
 - Programs that support leak repairs, particularly for commercial customers, and can include surveys, drought-related materials translated into multiple languages, and lists of certified landscape professionals and plumbers; and
 - Enhancing outdoor water conservation messaging and rebate programs in coordination with regional water suppliers.
- Expand capabilities and partnerships surrounding AMI data management and advanced analysis actions, including facilitating dialogue on best practices and considering partnership opportunities.

9.3.2 Member Agency Actions

- Continue financial monitoring and planning to offset the impacts of reduced water sales and increased administrative expenses;
- Demand hardening and drought messaging fatigue significantly affected the magnitude of water use savings achieved during the Drought. Member Agencies should reevaluate the effectiveness of their WSCP in comparison to their water use savings achieved during the Drought;
- Consider AMI data storage and reporting terms in AMI contract negotiations and updates; and
- Understand data storage parameters within existing AMI system and establish AMI data management and storage parameters, along with analytical capabilities, to support efficient use of key data.

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June 2025

2021-2023 Drought Report

Bay Area Water Supply and Conservation Agency

Attachments

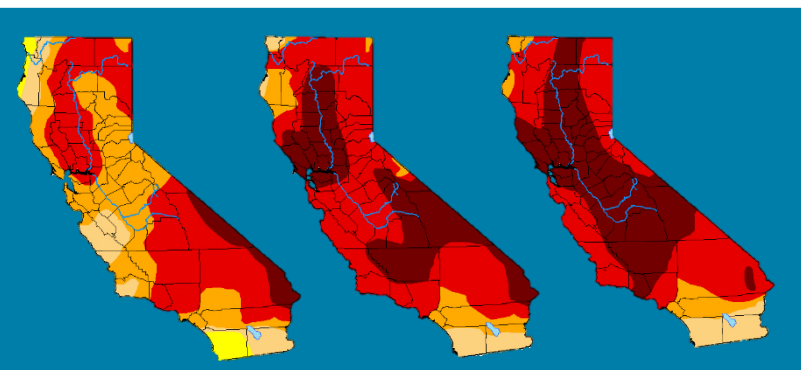


Image sources: <https://bawasca.org/>; <https://droughtmonitor.unl.edu/>

Attachment A

Major Drought-Related Governor Newsom Executive Orders

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

State of Emergency Proclamation

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment and economy, and California must therefore improve drought resiliency and prepare to respond to more frequent, prolonged, and intense dry periods; and

WHEREAS much of the West is experiencing severe to exceptional drought and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS these drought conditions can result in degraded water quality, fallowing of productive farmland, setbacks to vulnerable and rural communities through job losses and longer-lasting recoveries, significant impacts to tribal, commercial, and recreational salmon fisheries, constraints on access to traditional lifeways, loss of aquatic and terrestrial biodiversity, and ecosystem impacts; and

WHEREAS drought conditions vary across the State and some watersheds, including the Russian River and Klamath Basin, are extremely dry and are facing substantial water supply and ecosystem challenges; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment; and

WHEREAS experience in the last drought has demonstrated the value of preparing earlier for potential sustained dry conditions, the need to improve our monitoring and forecasting capabilities, and many other lessons that are captured in the Administration's *Report to the Legislature on the 2012-2016 Drought*; and

WHEREAS the State and its many partners have strengthened drought resilience since the last drought including state investments in water management systems, implementation of the Sustainable Groundwater Management Act, establishment of the Safe and Affordable Fund for Equity and Resilience Program, development of the Administration's *Water Resilience Portfolio*, and continued water conservation by Californians whose current statewide urban water use is 16% lower than at the beginning of the last drought; and

WHEREAS state agencies have been actively responding to current drought conditions and preparing for the possibility of a third dry year including through convenings of the interagency drought team, which was established at my direction, to organize, focus, and track changing conditions, coordinate state agency responses, and work closely with partners across the State; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions within the Russian River Watershed, and under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions of the Russian River Watershed, located within Mendocino and Sonoma counties.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed.

IT IS HEREBY ORDERED THAT:

1. To further the success of California's water conservation efforts and increase our drought preparedness, state agencies shall partner with local water districts and utilities to make all Californians aware of drought, and encourage actions to reduce water usage by promoting the Department of Water Resources' Save Our Water campaign (<https://saveourwater.com>) and other water conservation programs.
2. To continue coordination with partners across the State for the potential of prolonged drought impacts, the Department of Water Resources, the State Water Resources Control Board (Water Board), the Department of Fish and Wildlife, and the Department of Food and Agriculture shall work with regional and local governments, including groundwater sustainability agencies, to identify watersheds, communities, public water systems, and ecosystems that may require coordinated state and local actions to address issues stemming from continued dry conditions, to ensure that we can respond to water shortages and protect people, natural resources and economic activity.
3. To continue partnership and coordination with Californian Native American tribes, state agencies shall engage in consultation, collaboration, and communication with California Native American tribes to assist them in necessary preparation and response to drought conditions on tribal lands and potential impacts to cultural and traditional resources within ancestral lands.
4. To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:
 - a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
 - b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
 - c. Recommend additional financial support for water resilience infrastructure projects and actions for potential inclusion in the upcoming May Revision.

5. To increase resilience of our water supplies during drought conditions, the Department of Water Resources shall:
 - a. Work with counties to encourage reporting of household water shortages, such as dry residential wells, on the website the Department maintains for that purpose, to enable tracking of drought impacts.
 - b. Work with counties, and groundwater sustainability agencies as appropriate, to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner.
 - c. Work with agricultural water suppliers and agricultural water users to provide technical assistance, including implementation of efficient water management practices and use of technology such as the California Irrigation Management Information System.
 - d. Work with urban and agricultural water suppliers to encourage timely submittal by water districts and public posting of urban water management and water shortage contingency plans and agricultural water management and drought plans.
 - e. Accelerate updating the land subsidence data it is providing to support implementation of the Sustainable Groundwater Management Act.
6. To increase resilience of our water systems during drought conditions, the Water Board shall:
 - a. Use its authority, provide technical assistance, and where feasible provide financial assistance, to support regular reporting of drinking water supply well levels and reservoir water levels where the Water Board determines that there is risk of supply failure because of lowering groundwater levels or reservoir levels that may fall below public water system intakes.
 - b. Prioritize the permitting of public water systems that anticipate the need to activate additional supply wells where water quality is a concern and treatment installation needs to proceed to relieve a system's potential supply concerns.
 - c. Provide annual water demand data, information on water right priority, and other communications on water availability on its website.
 - d. Identify watersheds where current diversion data is insufficient to evaluate supply impacts caused by dry conditions, and take actions to ensure prompt submittal of missing data in those watersheds.
7. To address the acutely dry conditions in the Russian River Watershed, the Water Board shall consider:
 - a. Modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes.
 - b. Adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water.

For purposes of carrying out this directive, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are suspended in the counties of Mendocino and Sonoma to the extent necessary to address the impacts of the drought in the Russian River Watershed. The Water Board shall identify the projects

eligible for the suspensions pursuant to this paragraph and maintain on its websites a list of the activities or approvals for which these provisions are suspended.

8. To ensure that equipment and services necessary for drought response in the Russian River Watershed can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Russian River Watershed, located within Mendocino and Sonoma counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
9. To increase the resilience of our natural habitats to protect vulnerable species during drought conditions, the Department of Fish and Wildlife shall:
 - a. Evaluate and take actions to protect terrestrial and aquatic species and, wherever possible, work with water users and other parties on voluntary measures to protect species.
 - b. Work to improve State hatcheries and increase water use efficiency on State wildlife areas and ecological reserves to maintain habitat for vulnerable species.
 - c. Respond to human-wildlife interactions related to ongoing dry conditions and increase public messaging and awareness.
 - d. Work with commercial and recreational salmon fishing and tribal representatives to anticipate and develop strategies to mitigate and respond to salmon fishery impacts, with particular emphasis on addressing impacts to salmon fisheries in the Klamath Basin.
10. To support our agricultural economy and food security during drought conditions, the Department of Food and Agriculture shall:
 - a. Provide technical assistance to support conservation planning, on-farm water and energy conservation practices and technologies, including augmenting the State Water Efficiency and Enhancement Program.
 - b. Conduct an economic analysis of drought impacts to agriculture, including land use, jobs, and rural food economies, expanding on existing research done in the last drought to include thorough regional analysis especially in the Central Valley, and in the implementation of the Sustainable Groundwater Management Act and alternative land uses for fallowed land.
 - c. Maintain a web page with drought resources for farmers and ranchers, including the United States Department of Agriculture and other federal and state resources.
 - d. Work with federal agencies to assist Klamath Basin farmers and ranchers contending with reduced water supplies.
11. To ensure the potential impacts of drought on communities are anticipated and proactively addressed, the Department of Water Resources, in coordination with the Water Board, shall develop groundwater management principles and strategies to monitor, analyze, and minimize impacts to drinking water wells.
12. To provide critical information on the different drought conditions across the State, the Department of Water Resources, in consultation with the Department of Fish and Wildlife, the Department of Food and Agriculture,

and the Water Board, shall develop a California Drought Monitor by December 31, 2021, as recommended in the Administration's Report to the Legislature on the 2012-2016 Drought.

13. To prepare for potential salinity issues in the Delta, the Department of Water Resources, in consultation with the Water Board, the Department of Fish and Wildlife, the Delta Stewardship Council, and the Central Valley Flood Protection Board, shall initiate actions necessary to prepare for and address potential Delta salinity issues during prolonged drought conditions.

14. To prepare for potential impacts of drought conditions on species, the Water Board and the Department of Fish and Wildlife shall work with federal agency partners to manage temperature conditions for the preservation of fish in the Sacramento River downstream of Shasta Dam while balancing water supply needs.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21st day of April 2021




GAVIN NEWSOM
Governor of California

ATTEST:


DR. SHIRLEY WEBER
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS recent warm temperatures and extremely dry soils have further depleted the expected runoff water from the Sierra-Cascade snowpack, resulting in a historic and unanticipated estimated reduction of 500,000 acre feet of water – or the equivalent of supplying water for up to one million households for one year – from reservoirs and stream systems, especially in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watersheds; and

WHEREAS the extreme drought conditions through much of the State present urgent challenges, including the risk of water shortages in communities, greatly increased wildfire activity, diminished water for agricultural production, degraded habitat for many fish and wildlife species, threat of saltwater contamination of large fresh water supplies conveyed through the Sacramento-San Joaquin Delta, and additional water scarcity if drought conditions continue into next year; and

WHEREAS Californians have saved water through conservation efforts, with urban water use approximately 16% below where it was at the start of the last drought years, and I encourage all Californians to undertake actions to further eliminate wasteful water practices and conserve water; and

WHEREAS on April 21, 2021, I issued a proclamation directing state agencies to take immediate action to bolster drought resilience and prepare for impacts on communities, businesses, and ecosystems, and proclaiming a State of Emergency to exist in Mendocino and Sonoma counties due to severe drought conditions in the Russian River Watershed; and

WHEREAS additional expedited actions are now needed in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watersheds; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Klamath River Watershed Counties (Del Norte, Humboldt, Modoc, Siskiyou, and Trinity counties), the Sacramento-San Joaquin Delta Watershed Counties (Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba counties), and the Tulare Lake Watershed Counties (Fresno, Kern, Kings, and Tulare counties) to ensure the protection of health, safety, and the environment; and

WHEREAS under Government Code Section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under Government Code Section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions statewide, and under Government Code Section 8571, I find that strict compliance with various statutes and regulations specified in this proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties due to drought.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021 Proclamation remain in full force and effect, except as modified. State agencies shall continue to implement all directions from that proclamation and accelerate implementation where feasible.
2. To ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
3. To support voluntary approaches where hydrology and other conditions allow, the Department of Water Resources and the State Water Resources Control Board (Water Board) shall expeditiously consider requests to move water, where appropriate, to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means. Specifically, the Department of Water Resources and Water Board shall prioritize transfers that retain a higher percentage of water in upstream reservoirs on the Sacramento, Feather, and American Rivers for release later in the year. If necessary, the Department of Water Resources shall request that the Water Board consider changes to water rights permits to enable such voluntary movements of water. For actions taken in the Klamath River and Sacramento-San Joaquin Delta Watershed Counties pursuant to this paragraph, the following requirements of the Water Code are suspended:
 - a. Section 1726(d) requirements for written notice and newspaper publication, provided that the Water Board shall post notice on its website and provide notice through electronic subscription services where interested persons can request information about temporary changes; and

- b. Section 1726(f) requirement of a 30-day comment period, provided that the Water Board shall afford a 15-day comment period.
- 4. To ensure adequate, minimal water supplies for purposes of health, safety, and the environment, the Water Board shall consider modifying requirements for reservoir releases or diversion limitations—including where existing requirements were established to implement a water quality control plan—to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. For actions taken in the Sacramento-San Joaquin Delta Watershed Counties pursuant to this paragraph, Water Code Section 13247 is suspended.
 - 5. To ensure protection of water needed for health, safety, and the environment in the Klamath River and Sacramento-San Joaquin Delta Watershed Counties, the Water Board shall consider emergency regulations to curtail water diversions when water is not available at water right holders' priority of right or to protect releases of stored water. The Department of Water Resources shall provide technical assistance to the Water Board that may be needed to develop appropriate water accounting for these purposes in the Sacramento-San Joaquin Delta Watershed.
 - 6. To ensure critical instream flows for species protection in the Klamath River and Sacramento-San Joaquin Delta Watersheds, the Water Board and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and work with water users and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum drought instream flows.
 - 7. Operative paragraph 4 of my April 21, 2021 Proclamation is withdrawn and superseded by the following, which shall apply to the Russian River Watershed identified in my April 21, 2021 Proclamation as well as the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties:

To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife, and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:

- a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
- b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
- c. Recommend additional financial support for groundwater substitution pumping to support Pacific flyway habitat needs in the lower Sacramento River and Feather River portions of the Central Valley in the Fall of 2021.

8. Consistent with operative paragraph 13 of my April 21, 2021 Proclamation, the Department of Water Resources shall take actions, if necessary, to implement plans that address potential Delta salinity issues. Such actions may include, among other things, the installation and removal of, Emergency Drought Salinity Barriers at locations within the Sacramento-San Joaquin Delta Estuary. These barriers shall be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for human health and safety uses. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals needed to install Emergency Drought Salinity Barriers. For actions taken pursuant to this paragraph, Section 13247 and the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code are suspended.
9. To support the movement of water from areas of relative plenty to areas of relative scarcity in the Sacramento-San Joaquin Delta and Tulare Lake Watershed Counties, the Department of Water Resources shall expedite the consideration and, where appropriate, the implementation of pump-back delivery of water through the State Water Project on behalf of local water agencies.
10. To proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies in identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
11. For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 3, 4, 5, 6, 8, and 9, the environmental review by state agencies required by the California Environmental Quality Act in Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought in the Klamath River, Sacramento-San Joaquin Delta and Tulare Lake Watershed Counties. For purposes of carrying out the directive in operative paragraph 10, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought in counties where the Governor has proclaimed a drought state of emergency. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
12. To ensure transparency in state agency actions, the Water Board and Department of Water Resources will maintain on their websites a list of the activities or approvals by their agencies for which provisions of the Water Code are suspended under operative paragraphs 3, 4, or 8 of this proclamation.

13. To ensure that posting and dissemination of information related to drought emergency activities is not delayed while accessible versions of that information are being created, Government Code Sections 7405 and 11546.7 are hereby suspended as they pertain to the posting of materials on state agency websites as part of responding to the drought emergency, provided that any state agencies failing to satisfy these code sections shall make and post an accessible version on their websites as soon as practicable.

This proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10th day of May 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State and extreme or exceptional drought in most of the State; and

WHEREAS in response to climate change and worsening drought conditions, I issued proclamations on April 12 and May 10, 2021, proclaiming drought emergencies in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, which have faced the most dire and severe drought conditions; and

WHEREAS since my May 10, 2021 Proclamation, California's water supplies continue to be severely depleted, and high temperatures are now increasing water loss from reservoirs and streams (especially north of the Tehachapi Mountains), and thus demands by communities and agriculture have increased, supplies of cold water needed for salmon and other anadromous fish that are relied upon by tribal, commercial, and recreational fisheries have been reduced, and risk has increased of drought impacts continuing in 2022 because of continued water loss from climate change-driven warming temperatures and less water available in reservoirs and streams from two years of below average precipitation; and

WHEREAS the counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz are now experiencing emergency drought conditions as well; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions to ensure the protection of health, safety, and the environment; and

WHEREAS under Government Code Section 8558(b), I find that the conditions caused by the drought, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under Government Code Section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code Section 8571, I

find that strict compliance with various statutes and regulations specified in this proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist due to drought in the additional nine counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz, such that a drought state of emergency is now in effect in 50 counties (collectively, "Proclaimed Drought Counties").

IT IS HEREBY ORDERED THAT:

- 1) All agencies of the state government are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
- 2) The orders and provisions contained in my April 21, 2021 and May 10, 2021 Proclamations remain in full force and effect, except as modified herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
- 3) Consistent with the policies stated in Water Code Section 1011.5(a), local agencies are encouraged to take actions to coordinate use of their available supplies and to substitute an alternate supply of groundwater from existing groundwater wells for the unused portion of surface water that the local agency is otherwise entitled to use. For actions taken pursuant to this paragraph in the Proclaimed Drought Counties, the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are suspended for any (a) actions taken by state agencies pursuant to this paragraph, (b) actions taken by a local agency where the state agency with primary responsibility for implementing the directive concurs that local action is required, and (c) permits or approvals necessary to carry out actions under (a) or (b). The entities implementing this paragraph shall maintain on their websites a list of all activities or approvals that rely on the suspension of the foregoing Water Code provisions.
- 4) To ensure adequate, minimal water supplies in the Proclaimed Drought Counties for purposes of health, safety, and the environment, the State Water Resources Control Board (Water Board) shall consider modifying requirements for reservoir releases or diversion limitations to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, enhance instream conditions for fish and wildlife, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. Nothing in this paragraph limits the effect of operative paragraph 4 of my May 10, 2021 Proclamation.

- 5) To support voluntary approaches where hydrology and other conditions allow, the Water Board shall expeditiously consider water transfers requests with respect to the Proclaimed Drought Counties. For purposes of carrying out this paragraph, the following requirements of the Water Code are suspended:
- a. Section 1726(d) requirements for written notice and newspaper publication, provided that the Water Board shall post notice on its website and provide notice through electronic subscription services where interested persons can request information about temporary changes; and
 - b. Section 1726(f) requirement of a 30-day comment period, provided that the Water Board shall afford a 15-day comment period.
- 6) Operative paragraph 8 of my April 21, 2021 Proclamation and operative paragraph 2 of my May 10, 2021 Proclamation are withdrawn and superseded by the following which shall apply in the Proclaimed Drought Counties.

As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the drought. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the drought. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.

- 7) Operative paragraph 7 of my May 10, 2021 Proclamation is withdrawn and superseded by the following which shall apply in the Proclaimed Drought Counties:

To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife, and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:

- a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
- b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
- c. Recommend additional financial support for groundwater substitution pumping to support Pacific flyway habitat needs in the lower Sacramento River and Feather River portions of the Central Valley in the Fall of 2021.

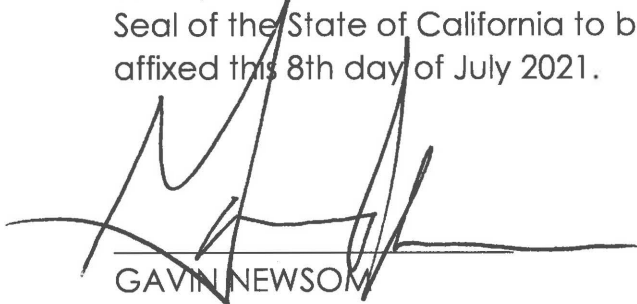
- 8) To ensure protection of water in the Proclaimed Drought Counties needed for health, safety, and the environment, the Water Board shall consider emergency regulations to curtail water diversions when water is not available at water right holders' priority of right or to protect releases of stored water.
- 9) To ensure critical instream flows for species protection, the Water Board and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and work with water users and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum drought instream flows in the Proclaimed Drought Counties.
- 10) To proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies in the Proclaimed Drought Counties with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
- 11) The Department of Fish and Wildlife, in consultation with the Department of Water Resources and the Water Board, shall identify and coordinate actions to mitigate drought-related fisheries impacts in critical stream systems and identify possible mechanisms for accomplishing those actions.
- 12) For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 4 through 9, in the Proclaimed Drought Counties, the environmental review by state agencies required by the California Environmental Quality Act in Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought.

For purposes of carrying out the directives in operative paragraph 3 and 10, in the Proclaimed Drought Counties, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of July 2021.



GAVIN NEWSOM
Governor of California

ATTEST:



SHIRLEY WEBER
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-10-21

WHEREAS communities across California are experiencing more frequent, prolonged, and severe impacts of climate change including catastrophic wildfires, extreme heat and unprecedentedly dry conditions that threaten the health of our people, habitat for species and our economy; and

WHEREAS severe drought afflicts the American West and increasingly warming temperatures driven by climate change exacerbate harmful drought effects including disruption of drinking water and irrigation supplies, degradation of fish and wildlife habitat, and heightened flammability of wildland vegetation; and

WHEREAS on April 21 and May 10, 2021, I issued proclamations that a state of emergency exists in a total of 41 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment; and

WHEREAS today, I issued a further proclamation of a state of emergency due to drought conditions in nine additional counties (Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz), and directed state agencies to take further actions to bolster drought resilience and prepare for impacts on communities, businesses, and ecosystems; and

WHEREAS drought conditions present urgent challenges, including the risk of drinking water shortages in communities, greatly increased wildfire activity, diminished water for agricultural production, adverse impacts on fisheries, and additional water scarcity if drought conditions continue into next year; and

WHEREAS agriculture is an important economic driver in California that has made significant investments in irrigation efficiencies such that nearly 70 percent of the nation's farmland using drip and micro-irrigation is located in California, and despite that investment, many agricultural producers are experiencing severe reductions in water supplies and are fallowing land in response to current dry conditions; and

WHEREAS action by Californians now to conserve water and to extend local groundwater and surface water supplies will provide greater resilience if the drought continues in future years; and

WHEREAS during the 2012-2016 drought, Californians did their part to conserve water, with many taking permanent actions that continue to yield benefits; per capita residential water use statewide declined 21 percent between the years 2013 and 2016, and has remained on average 16 percent below 2013 levels as of 2020; and

WHEREAS local water suppliers and communities have made strategic and forward-looking investments in water recycling, stormwater capture and reuse, groundwater storage and other strategies to improve drought resilience; and

WHEREAS there is now a need to augment ongoing water conservation and drought resilience investments with additional action to extend available supplies, protect water reserves in case drought conditions extend to a third year and maintain critical flows for fish and wildlife.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following order to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1) To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, and to join existing efforts by agricultural water users, public water systems, and governmental agencies to respond to water shortages, I call on all Californians to voluntarily reduce their water use by 15 percent from their 2020 levels. Commonsense measures Californians can undertake to save water and money include:
 - a. Irrigating landscapes more efficiently. As much as 50 percent of residential water use goes to outdoor irrigation, and much of that is wasted due to evaporation, wind, or runoff caused by inefficient irrigation methods and systems. Watering one day less per week, not watering during or immediately after rainfall, watering during the cooler parts of the day and using a weather-based irrigation controller can reduce irrigation water use, saving nearly 8,800 gallons of water per year.
 - b. Running dishwashers and washing machines only when full. Full laundry loads can save 15–45 gallons per load. Full dishwasher cycles can save 5–15 gallons per load.
 - c. Finding and fixing leaks. A leaky faucet that drips at the rate of one drip per second can waste nearly 3,200 gallons per year.
 - d. Installing water-efficient showerheads and taking shorter showers. Keeping showers under five minutes can save 12.5 gallons per shower when using a water-efficient showerhead.
 - e. Using a shut-off nozzle on hoses and taking cars to commercial car washes that use recycled water.

The State Water Resources Control Board (Water Board) shall track and report monthly on the State's progress toward achieving a 15-percent reduction in statewide urban water use as compared to 2020 use.

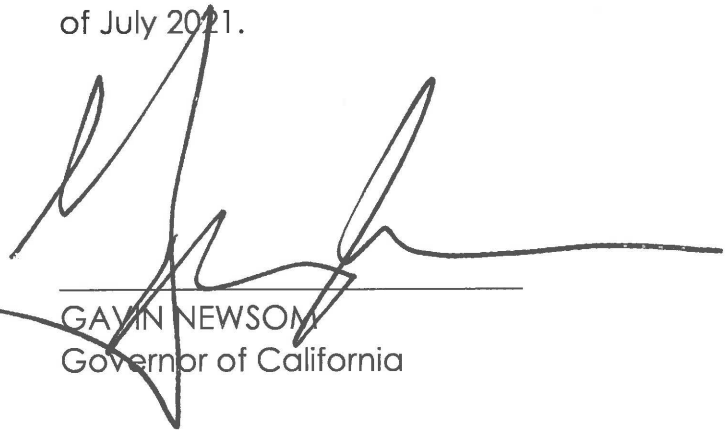
- 2) State agencies, led by the Department of Water Resources and in coordination with local agencies, shall encourage actions by all Californians, whether in their residential, industrial, commercial, agricultural, or institutional use, to reduce water usage, including through the statewide Save Our Water conservation campaign at SaveOurWater.com, which provides simple ways for Californians to reduce water use in their everyday lives.
- 3) The Department of Water Resources shall monitor hydrologic conditions such as cumulative precipitation, reservoir storage levels, soil moisture and other metrics, and the Water Board shall monitor progress on voluntary

conservation as ongoing indicators of water supply risk that may inform future drought response actions.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of July 2021.



GAVIN NEWSOM
Governor of California



ATTEST:



SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State and extreme or exceptional drought in most of the State; and

WHEREAS the meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS on April 12, 2021, May 10, 2021, and July 8, 2021, I proclaimed states of emergency to exist in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Marin, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, due to severe drought conditions; and

WHEREAS since my July 8, 2021 Proclamation, sustained and extreme high temperatures have increased water loss from reservoirs and streams, increased demands by communities and agriculture, and further depleted California's water supplies; and

WHEREAS the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura are now experiencing severe drought conditions; and

WHEREAS long-term weather forecasts for the winter rainy season, dire storage conditions of California's largest reservoirs, low moisture content in native vegetation, and parched soils, magnify the likelihood that drought impacts will continue in 2022 and beyond; and

WHEREAS the increasing frequency of multiyear droughts presents a significant risk to California's ability to ensure adequate water supplies for communities, agriculture, and fish and wildlife; and

WHEREAS the most impactful action Californians can take to extend available supplies is to re-double their efforts to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of my July 8, 2021 Executive Order N-10-21; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions to ensure the protection of health, safety, and the environment; and

WHEREAS under Government Code Section 8558(b), I find that the conditions caused by the drought, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under Government Code Section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code Section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State due to drought in the remaining counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, such that the drought state of emergency is now in effect statewide.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The orders and provisions contained in my April 21, 2021, May 10, 2021, and July 8, 2021 Proclamations remain in full force and effect, except as modified herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
3. Operative paragraphs 3, 5, 6, and 10 of my July 8, 2021 Proclamation are withdrawn and replaced with paragraphs 4 through 8 below.
4. Consistent with the policies stated in Water Code Section 1011.5(a), local agencies are encouraged to take actions to coordinate use of their available supplies and to substitute an alternate supply of groundwater from existing groundwater wells for the unused portion of surface water that the local agency is otherwise entitled to use. For actions taken pursuant to this paragraph, the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are suspended for any (a) actions taken by state agencies pursuant to this paragraph, (b) actions taken by a local agency where the state agency with primary responsibility for implementing the directive concurs that local action is required, and (c) permits or approvals necessary to carry out actions under (a) or (b). The entities implementing this paragraph shall maintain on their websites a list of all activities or approvals that rely on the suspension of the foregoing Water Code provisions.

5. To support voluntary approaches where hydrology and other conditions allow, the State Water Resources Control Board (Water Board) shall expeditiously consider water transfer requests. For purposes of carrying out this paragraph, the following requirements of the Water Code are suspended:
 - a. Section 1726(d) requirements for written notice and newspaper publication, provided that the Water Board shall post notice on its website and provide notice through electronic subscription services where interested persons can request information about temporary changes; and
 - b. Section 1726(f) requirement of a 30-day comment period, provided that the Water Board shall afford a 15-day comment period.
6. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the drought. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the drought. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
7. To proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
8. To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, local water suppliers are directed to execute their urban Water Shortage Contingency Plans and agricultural Drought Plans at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year. Suppliers shall ensure that Urban and Agricultural Water Management Plans are up to date and in place.
9. The Water Board may adopt emergency regulations, as it deems necessary, to supplement voluntary conservation by prohibiting certain wasteful water practices. Wasteful water uses include:
 - a. The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard-surfaced areas, except in cases where health and safety are at risk.
 - b. The use of potable water that results in flooding or runoff in gutters or streets.

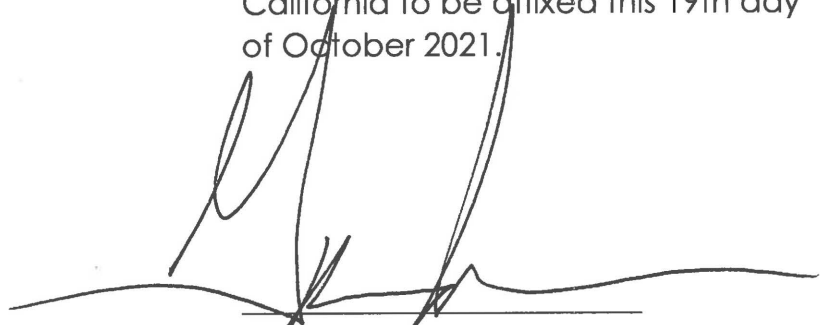
- c. The use of potable water, except with the use of a positive shut-off nozzle, for the individual private washing of motor vehicles.
 - d. The use of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.
 - e. The use of potable water for irrigation of ornamental turf on public street medians.
 - f. The use of potable water for street cleaning or construction purposes, unless no other source of water or other method can be used or if necessary, to protect the health and safety of the public.
 - g. The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds which utilize recycled water.
10. The California Department of Food and Agriculture, in collaboration with other relevant state agencies, shall evaluate water efficiency measures implemented in California agriculture over the past several years and develop a report with recommendations on how to further increase efficiencies.
11. The Office of Emergency Services shall provide assistance under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, title 19, section 2900 et seq., as appropriate to provide for, or in support of, the temporary emergency supply, delivery, or both of drinking water or water for sanitation purposes.
12. For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 5, 6, and 9, the environmental review by state agencies required by the California Environmental Quality Act in Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought.

For purposes of carrying out the directive in operative paragraph 4 and 7, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of October 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

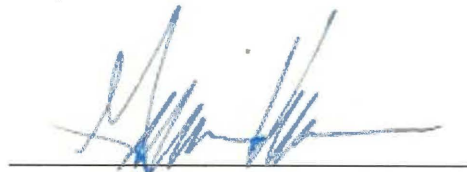
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-23

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency due to drought conditions that continue today and exist across California; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and these impacts continue to affect groundwater basins, local water supplies, and ecosystems, resulting in continuing drought in the State; and

WHEREAS the ongoing drought continues to have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS early, substantial rains in October and December 2021 gave way to the driest January-February-March period in over 100 years in California, leading the October 2021 to September 2022 water year to end with statewide precipitation at 76 percent of average, with statewide reservoir storage at 69 percent of average, and with Lake Oroville—the State Water Project's largest reservoir—at 64 percent of average; and

WHEREAS in January 2023, the State experienced one of the wettest three-week periods on record, yielding a snowpack that was at 205 percent of average on February 1, 2023, yet to date February has been drier than average; and

WHEREAS the current snowpack has not reduced stresses upon the State's water resources, including low storage levels, depleted aquifers, and diminished local water supplies; and

WHEREAS the State can expect continued swings between extreme wet and extreme dry periods that can present risks of severe flooding and extreme drought in the same year; and

WHEREAS California must adapt to a hotter, drier future in which a greater share of rain and snowfall during the wetter months will be absorbed by dry soils, consumed by plants, and evaporated into the air, leaving less water for communities, species, and agriculture; and

WHEREAS the frequency of hydrologic extremes experienced in the State is indicative of an overarching need to continually reexamine policies to promote resiliency in a changing climate; and

WHEREAS Californians continue to make progress conserving water, with urban water users conserving 17.1 percent statewide in December 2022 compared to December 2020 and agricultural producers continuing to invest in more efficient irrigation; and

WHEREAS despite this progress, the uncertainty of precipitation during the remainder of the winter and spring, and the potential of dry conditions next

winter and of drought conditions extending to a fifth year, make it necessary for the State to continue water-conservation measures and drought-resilience actions to extend available supplies, protect water reserves, and maintain critical flows for fish and wildlife; and

WHEREAS as directed in "California's Water Supply Strategy: Adapting to a Hotter, Drier Future," the State plans to stretch water supplies by storing, recycling, de-salting, and conserving the water it will need to keep up with the increasing pace of climate change; and

WHEREAS multiple regions of the State, such as the Klamath Basin and the Colorado River system, face severe water shortage conditions, and groundwater basins in the Central Valley continue to be depleted from years of drought and overdraft; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS capturing and storing storm and snowpack runoff underground to recharge aquifers is an important strategy to help regions stabilize water supplies in the face of hydrologic extremes; and

WHEREAS state agencies have created streamlined permitting pathways to enable groundwater recharge that augments natural aquifer recharge, while protecting the environment and other water users, but more opportunities exist to facilitate groundwater recharge; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-10-21 (July 8, 2021) and N-7-22 (March 28, 2022), remain in full force and effect, except as modified by those proclamations and orders and herein. State agencies shall

continue to implement all directions from those proclamations and orders and accelerate implementation where feasible.

2. To maximize the extent to which winter precipitation recharges underground aquifers, the Department of Water Resources, the State Water Resources Control Board (Water Board), and the Department of Fish and Wildlife shall continue to collaborate on expediting permitting of recharge projects and shall work with local water districts to facilitate recharge projects.
3. Paragraph 4 of my State of Emergency Proclamation dated May 10, 2021 and Paragraph 4 of my State of Emergency Proclamation dated July 8, 2021 are withdrawn, and each is replaced with the following text:

To ensure adequate water supplies for purposes of health, safety, the environment, or drought resilient water supplies, the Water Board shall consider modifying requirements for reservoir releases or diversion limitations in Central Valley Project or State Water Project facilities to: (i) conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, (ii) enhance instream conditions for fish and wildlife, (iii) improve water quality, (iv) protect carry-over storage, (v) ensure minimum health and safety water supplies, or (vi) provide opportunities to maintain or to expand water supplies north and south of the Delta. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. For any actions taken pursuant to this paragraph and any approvals granted in furtherance of this paragraph, Water Code Section 13247 and Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken or ongoing under Paragraph 4 of my May 10, 2021 Proclamation or Paragraph 4 of my July 8, 2021 Proclamation.

4. Paragraph 9 of Executive Order N-7-22 is withdrawn and replaced with the following text:

To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

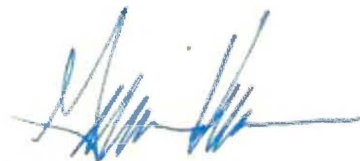
This Paragraph shall not apply to permits for wells (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.

5. No later than April 28, 2023, state agencies shall send me their recommendations for what further actions, if any, are necessary for on-going emergency drought response, and their views on whether any existing provisions in my proclamations and executive orders related to the drought emergency are no longer needed to prepare for and mitigate the effects of the drought conditions.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 13th day
of February 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-5-23

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency to exist due to drought conditions; and

WHEREAS the multi-year nature of the current drought, which began three years after the record-setting drought of 2012-2016, continues to have significant, immediate impacts on communities across California with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the March 3, 2023, snow survey conducted by the Department of Water Resources and partner agencies found that most regions of the Sierra Nevada are above average for snow water content, and some regions are nearing record amounts of snow, and snow and rain has fallen across many regions of the state since then, with more precipitation forecasted; and

WHEREAS improved conditions have helped rehabilitate surface water supplies, but have not abated the severe drought conditions that remain in some parts of the State, including the Klamath River basin and the Colorado River basin, and many groundwater basins throughout the State remain depleted from overreliance and successive multi-year droughts; and

WHEREAS continued action by the State is needed to address ongoing consequences of the drought emergency, including groundwater supply shortages, domestic well failures, and drought-related harm to native fishes in the Klamath River and Clear Lake watersheds; and

WHEREAS the drought emergency has required a dynamic and flexible response from the State, and several provisions in my prior Proclamations and Orders have been terminated or superseded already, specifically Paragraphs 4 and 8 of my State of Emergency Proclamation dated April 21, 2021, Paragraphs 2, 4, and 7 of my State of Emergency Proclamation dated May 10, 2021, Paragraphs 3, 4, 5, 6, and 10 of my State of Emergency Proclamation dated July 8, 2021, and Paragraph 9 of Executive Order N-7-22; and

WHEREAS improved conditions warrant an even more targeted State response to the ongoing drought emergency and certain provisions in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and in Executive Orders N-10-21, N-7-22, and N-3-23 provide authority that is no longer needed to mitigate the effects of the drought conditions or direct actions by state agencies, departments, and boards that have already been completed; and

WHEREAS notwithstanding the rescission of certain emergency authorities for emergency drinking water action, state agencies have existing legal authority and funding to continue expedited work to advance the human right to water, and state agencies will continue all ongoing drought resilience planning work, including through coordination with local agencies and tribes; and

WHEREAS next winter's hydrology is uncertain and the most efficient way to preserve the State's improved surface water supplies is for Californians to continue their ongoing efforts to make conservation a way of life; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-7-22 (March 28, 2022), N-3-23 (February 13, 2023), and N-4-23 (March 10, 2023), remain in full force and effect, except as modified by those Proclamations and Orders and herein. State agencies shall continue to implement all directions from those Proclamations and Orders and accelerate implementation where feasible.
2. The following provisions of my State of Emergency Proclamation dated April 21, 2021, are terminated:
 - a. Paragraph 2;
 - b. Paragraphs 5-7; and
 - c. Paragraphs 9-14.
3. The following provisions of my State of Emergency Proclamation dated May 10, 2021, are terminated:
 - a. Paragraph 1;
 - b. Paragraph 3;
 - c. Paragraph 5; and
 - d. Paragraphs 9-10.
4. The following provisions of my State of Emergency Proclamation dated July 8, 2021, are terminated:
 - a. Paragraph 2;
 - b. Paragraphs 7-8, except those portions of paragraph 7 withdrawing provisions of prior orders;
 - c. Paragraphs 11-12.

5. The following provisions of my State of Emergency Proclamation dated October 19, 2021, are terminated:

- a. Paragraph 2;
- b. Paragraphs 4-5;
- c. Paragraph 8; and
- d. Paragraph 10.

6. The following provisions of Executive Order N-10-21 are terminated:

- a. Paragraph 1; and
- b. Paragraph 3

7. The following provisions of Executive Order N-7-22 are terminated:

- a. Paragraphs 1-3;
- b. Paragraph 6; and
- c. Paragraphs 14-15.

8. The following provisions of Executive Order N-3-23 are terminated:

- a. Paragraph 1; and
- b. Paragraph 3, except those portions of the paragraph withdrawing provisions of prior orders.

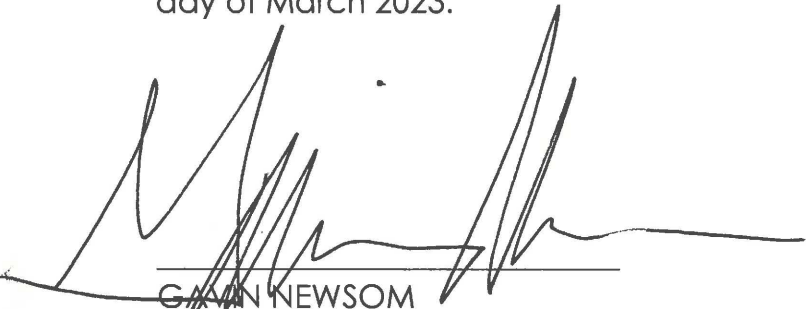
9. Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, and Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021, are withdrawn and replaced with the following text:

To ensure critical instream flows for species protection in the Klamath River and Clear Lake watersheds, the State Water Resources Control Board (Water Board) and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, the Clear Lake Hitch, and other native fishes in critical streams systems in these watersheds and work with water users, tribes, and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum instream flows to mitigate the effects of the drought conditions. For purposes of state agencies carrying out or approving any actions contemplated by this paragraph, Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken in the Klamath and Clear Lake watersheds or ongoing under Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, or Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th day of March 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA
TERMINATING STATES OF EMERGENCY

I, **GAVIN NEWSOM**, Governor of the State of California, having found pursuant to Government Code section 8629 that the conditions of extreme peril to the safety of persons and property declared in the State of Emergency proclamations listed below no longer exist in the following jurisdictions, therefore proclaim that the States of Emergency proclaimed on the following dates no longer exist in those jurisdictions, effective immediately. Accordingly, any Executive Order provisions related to the terminated States of Emergency are no longer in effect in the following jurisdictions.

PROCLAMATIONS		
Emergency	Date Proclaimed	Jurisdictions
Drought	10/19/2021	Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, Ventura Counties
Drought	7/8/2021	Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz Counties
Drought	4/21/2021	Mendocino, Sonoma Counties

I **FURTHER DIRECT** that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of September 2024.


GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State



Attachment B

SWRCB Drought Regulations

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Attn: Steve Richie

525 Golden Gate Ave, 13th Fl

San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S018734. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S018734 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S018734

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S018734 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

The following credentials are needed to access the Survey Portal:

Login: S018734
Password: 280862

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S018734

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S018734

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S018734 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority, except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.
7. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
8. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

9. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: **S018734** and Password: **280862** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is

subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.

4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S018734, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at:
www.waterboards.ca.gov/drought/delta/
5. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
6. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
7. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Attn: Steve Richie

525 Golden Gate Ave, 13th Fl

San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S018735. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S018735 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S018735

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S018735 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

The following credentials are needed to access the Survey Portal:

Login: S018735
Password: 983598

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S018735

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S018735

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S018735 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority, except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.
7. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
8. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

9. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: **S018735** and Password: **983598** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is

subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.

4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S018735, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at:
www.waterboards.ca.gov/drought/delta/
5. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
6. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
7. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
Attn: Steve Richie
525 Golden Gate Ave, 13th Fl
San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S002636. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S002636 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S002636

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S002636 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form and Monthly Reporting

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

In addition, the regulation includes provisions for requiring enhanced reporting of water diversion information to inform future curtailment decisions. For water rights and claims with a face value or reported annual diversion amount of 5,000 acre-feet or greater in 2018 and/or 2019, the enclosed Order requires: 1) monthly reporting of water diversion and use information for prior months, and 2) monthly reporting of projected demand data. As the right holder, claimant, or agent of record, you must submit the form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" on the Board's Survey Portal by **September 10, 2021**. A new version of this form will be made available every month and must be submitted no later than the 10th of each month.

The following credentials are needed to access the Survey Portal:

Login: S002636
Password: 824327

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or

claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S002636

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S002636 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 879, subdivision (d)(2) of the regulation authorizes the Deputy Director for the Division of Water Rights or authorized designee (Deputy Director) to require water right holders and claimants who have been issued an initial order under section 876.1 and whose water right or claim has a total authorized face value or recent annual reported diversion amount of one thousand acre-feet or more to report the following information by the date specified: (1) prior diversions, including direct diversions and diversions to storage, and (2) demand projections for subsequent months through October 1, 2022, including direct diversions and diversions to storage.

In order to refine projections of demands for use in curtailment decisions, this Order imposes enhanced reporting requirements on water right holders or claimants whose water right or claim has a total authorized face value or recent annual reported diversion amount of five thousand acre-feet or more. This information is not currently in the State Water Board's possession. These water rights and claims encompass the majority of water demand and use in the Delta watershed. Having up-to-date, refined demand data for these rights will improve curtailment decisions. With respect to the requirements imposed by this Order on water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster, as required by the regulation. In addition, the Deputy Director and the Delta Watermaster have considered the need for the information to inform curtailment decisions and the burden of producing it.

7. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority,

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.

8. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
9. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

10. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except

to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: S002636 and Password: 824327 on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.
4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by the 10th day of every month commencing in September 2021, to submit an online form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" in accordance with section 879, subsection (d)(2) of the Regulation. The "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" form must be accessed using the Login: **S002636** and Password: **824327** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
5. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S002636, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at: www.waterboards.ca.gov/drought/delta/
6. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of

any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.

7. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
8. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
Attn: Steve Richie
525 Golden Gate Ave, 13th Fl
San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S002635. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S002635 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S002635

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S002635 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form and Monthly Reporting

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

In addition, the regulation includes provisions for requiring enhanced reporting of water diversion information to inform future curtailment decisions. For water rights and claims with a face value or reported annual diversion amount of 5,000 acre-feet or greater in 2018 and/or 2019, the enclosed Order requires: 1) monthly reporting of water diversion and use information for prior months, and 2) monthly reporting of projected demand data. As the right holder, claimant, or agent of record, you must submit the form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" on the Board's Survey Portal by **September 10, 2021**. A new version of this form will be made available every month and must be submitted no later than the 10th of each month.

The following credentials are needed to access the Survey Portal:

Login: S002635
Password: 248955

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or

claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,



Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S002635

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S002635 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

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2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 879, subdivision (d)(2) of the regulation authorizes the Deputy Director for the Division of Water Rights or authorized designee (Deputy Director) to require water right holders and claimants who have been issued an initial order under section 876.1 and whose water right or claim has a total authorized face value or recent annual reported diversion amount of one thousand acre-feet or more to report the following information by the date specified: (1) prior diversions, including direct diversions and diversions to storage, and (2) demand projections for subsequent months through October 1, 2022, including direct diversions and diversions to storage.

In order to refine projections of demands for use in curtailment decisions, this Order imposes enhanced reporting requirements on water right holders or claimants whose water right or claim has a total authorized face value or recent annual reported diversion amount of five thousand acre-feet or more. This information is not currently in the State Water Board's possession. These water rights and claims encompass the majority of water demand and use in the Delta watershed. Having up-to-date, refined demand data for these rights will improve curtailment decisions. With respect to the requirements imposed by this Order on water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster, as required by the regulation. In addition, the Deputy Director and the Delta Watermaster have considered the need for the information to inform curtailment decisions and the burden of producing it.

7. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority,

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www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.

8. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
9. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

10. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except

to the extent that water released from storage is reddiverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: S002635 and Password: 248955 on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.
4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by the 10th day of every month commencing in September 2021, to submit an online form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" in accordance with section 879, subsection (d)(2) of the Regulation. The "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" form must be accessed using the Login: **S002635** and Password: **248955** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
5. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S002635, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at: www.waterboards.ca.gov/drought/delta/
6. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of

any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.

7. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
8. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Attn: Steve Richie

525 Golden Gate Ave, 13th Fl

San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S002637. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S002637 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S002637

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S002637 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

The following credentials are needed to access the Survey Portal:

Login: S002637
Password: 022595

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S002637

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S002637

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S002637 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority, except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.
7. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
8. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:
www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

9. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: **S002637** and Password: **022595** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is

subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.

4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S002637, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at:
www.waterboards.ca.gov/drought/delta/
5. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
6. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
7. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Attn: Steve Richie

525 Golden Gate Ave, 13th Fl

San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S002638. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S002638 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S002638

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S002638 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form and Monthly Reporting

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

In addition, the regulation includes provisions for requiring enhanced reporting of water diversion information to inform future curtailment decisions. For water rights and claims with a face value or reported annual diversion amount of 5,000 acre-feet or greater in 2018 and/or 2019, the enclosed Order requires: 1) monthly reporting of water diversion and use information for prior months, and 2) monthly reporting of projected demand data. As the right holder, claimant, or agent of record, you must submit the form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" on the Board's Survey Portal by **September 10, 2021**. A new version of this form will be made available every month and must be submitted no later than the 10th of each month.

The following credentials are needed to access the Survey Portal:

Login: S002638
Password: 449785

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or

claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

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You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

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Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S002638

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S002638 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

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3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 879, subdivision (d)(2) of the regulation authorizes the Deputy Director for the Division of Water Rights or authorized designee (Deputy Director) to require water right holders and claimants who have been issued an initial order under section 876.1 and whose water right or claim has a total authorized face value or recent annual reported diversion amount of one thousand acre-feet or more to report the following information by the date specified: (1) prior diversions, including direct diversions and diversions to storage, and (2) demand projections for subsequent months through October 1, 2022, including direct diversions and diversions to storage.

In order to refine projections of demands for use in curtailment decisions, this Order imposes enhanced reporting requirements on water right holders or claimants whose water right or claim has a total authorized face value or recent annual reported diversion amount of five thousand acre-feet or more. This information is not currently in the State Water Board's possession. These water rights and claims encompass the majority of water demand and use in the Delta watershed. Having up-to-date, refined demand data for these rights will improve curtailment decisions. With respect to the requirements imposed by this Order on water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster, as required by the regulation. In addition, the Deputy Director and the Delta Watermaster have considered the need for the information to inform curtailment decisions and the burden of producing it.

7. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority,

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.

8. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
9. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

10. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except

to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: S002638 and Password: 449785 on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.
4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by the 10th day of every month commencing in September 2021, to submit an online form titled "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" in accordance with section 879, subsection (d)(2) of the Regulation. The "Delta Watershed Enhanced Reporting of Actual Diversions and Projected Demand" form must be accessed using the Login: **S002638** and Password: **449785** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
5. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S002638, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at: www.waterboards.ca.gov/drought/delta/
6. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of

any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.

7. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
8. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Attn: Steve Richie

525 Golden Gate Ave, 13th Fl

San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S014379. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S014379 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S014379

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S014379 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

The following credentials are needed to access the Survey Portal:

Login: S014379
Password: 324596

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S014379

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S014379

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT ID S014379 OF CITY AND COUNTY OF SAN
FRANCISCO PUC AGM WATER ENTERPRISE**

**ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING
REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED**

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority, except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.
7. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
8. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

9. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: **S014379** and Password: **324596** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is

subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.

4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S014379, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at:
www.waterboards.ca.gov/drought/delta/
5. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
6. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
7. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

State Water Resources Control Board

August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
Attn: Steve Richie
525 Golden Gate Ave, 13th Fl
San Francisco, CA 94102

INITIAL ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

This letter and the enclosed Order contain important information regarding the curtailment status for the PRE-1914 APPROPRIATIVE CLAIM owned by CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE, associated with Water Right ID S015858. This letter also describes a certification that is required to be submitted by **September 3, 2021**.

Enclosed with this letter is an Order imposing water diversion curtailment and reporting requirements issued pursuant to an emergency regulation adopted by the State Water Resources Control Board (State Water Board or Board) that became effective on August 19, 2021. The enclosed Order specifies the steps that you, or your agent of record, must follow to curtail water diversions when water is determined to be unavailable for this water right or claim of right and to comply with reporting requirements. You or your agent of record are responsible for immediately notifying all parties that divert water under the Water Right ID S015858 of the enclosed Order.

Please note that you will receive a similar letter and Order for each water right or claim of right in the Sacramento-San Joaquin Delta (Delta) watershed for which you are the designated mail receiver.

Emergency Regulation

In response to ongoing drought conditions and associated water supply shortages in the Delta watershed, on August 3, 2021, the State Water Board adopted an emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876–879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The regulation will remain in effect for up to one year but could be repealed if water supply conditions improve. The State Water Board may readopt the regulation if drought conditions continue through next year. The regulation is available on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Curtailed Water Rights and Claims of Right in the Delta Watershed

The following priorities of water rights and claims of right are curtailed, meaning water diversions are required to cease under these rights and claims, **for the remainder of August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed (including the Sacramento River and San Joaquin River watersheds and the Legal Delta);
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later; and
4. Some pre-1914 appropriative water right claims on specific tributaries to the Sacramento River with a priority date earlier than 1883.

Due to changes in available water supplies and demands following the irrigation season, the curtailments listed above change in the month of September. In the Sacramento River watershed, drainage from rice fields temporarily increases available water supplies and results in the suspension of curtailments for rights and claims on the Sacramento Valley floor in September. However, water rights and claims on some Sacramento River tributaries will remain curtailed, and some rights and claims that were not curtailed in August are curtailed in September due to limited local supplies. In the San Joaquin River watershed where no increase in available water supplies occurs in September, curtailments implemented in August will remain in effect unless water supply conditions improve (precipitation events occur) and the State Water Board changes its curtailment determinations accordingly. The following priorities of water rights and claims are curtailed **for the month of September 2021, unless the State Water Board advises that this determination has been updated**:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;
3. All riparian water right claims in the American River watershed upstream of Folsom Reservoir;
4. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
5. Some pre-1914 appropriative water right claims and post-1914 appropriative rights on specific tributaries to the Sacramento River.

On a weekly basis, or more frequently if warranted due to precipitation and runoff events, updates will be provided regarding applicable curtailments, including any curtailments that may apply after September 2021 as discussed further below.

Action Required: Monitoring of Curtailment Status

Water right holders and claimants are required to monitor for changes in curtailments by signing up for email updates or frequently visiting the State Water Board's website where regular updates will be posted. **All future curtailment orders, including the suspension or reimposition of curtailment, will be issued electronically.** Hard copy notices will not be provided. Notice of new or changed curtailment orders and the

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S015858

bases for curtailment decisions will be provided through updates to the Board's Delta Watershed Curtailment Status List (Status List) and through notices issued electronically using the Delta Drought email subscription list. The Status List will be updated at least weekly and more often if needed as hydrologic conditions evolve to reflect changes to water availability.

It is the responsibility of the water right holder, claimant, or agent of record to:

1. Determine if Water Right ID S015858 is currently curtailed by regularly checking the Status List posted on the State Water Board's Delta Drought webpage at: www.waterboards.ca.gov/drought/delta/ or
2. Subscribe to the Delta Drought email subscription list at: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

Response Required: Compliance Certification Form

Water right holders, claimants, or agents of record who receive the enclosed Order are required to submit, under penalty of perjury, an online Compliance Certification Form for each water right or claim of right by **September 3, 2021**. Your online submittal will be used to assess compliance with the enclosed Order and relevant provisions of the emergency regulation, as well as inform the Board whether you plan to seek an exception to curtailment. The Compliance Certification Form must be accessed on the State Water Board's Survey Portal at: <https://public.waterboards.ca.gov/>

The following credentials are needed to access the Survey Portal:

Login: S015858
Password: 559008

State Water Board staff will hold a webinar to explain the reporting requirements associated with the enclosed Order. Notice of this webinar will be posted on the Delta Drought webpage and sent via the Delta Drought email list.

Exceptions to Curtailment

An exception to curtailment may be authorized if: (1) the water right or claim is used only for a non-consumptive use (i.e., all water is returned to the stream) as described in section 878 of the emergency regulation; or (2) water diverted under the water right or claim is the diverter's only source of water and it is needed for minimum human health and safety needs, as described in section 878.1 of the regulation.

If you wish to seek an exception to curtailment now or possibly in the future in order to continue diversions for non-consumptive uses or to meet minimum human health and safety needs, you must submit your request by **September 10, 2021**, regardless of the current curtailment status of this right. Submit your exception request(s) using the form(s) available on the Board's Survey Portal at: <https://public.waterboards.ca.gov/> (Login credentials are provided above.)

Consideration of Additional Information

You may submit additional information if you believe that: (1) a correction to the water right priority date for this water right or claim should be made; or (2) curtailment of this water right or claim is not appropriate as demonstrated by verifiable circumstances, such as the right authorizes diversion from a stream system that has been adjudicated and is disconnected, and therefore curtailment would not make water available to serve senior downstream water rights and claims (see section 876.1, subdivision (e) of the regulation). Proposals and supporting information should be submitted to the Deputy Director as specified below within **14 days of receipt of the enclosed Order**.

Water users may also propose alternative water sharing agreements that would achieve the purposes of the curtailment process pursuant to section 878.2 of the regulation. Proposed alternative agreements may be submitted to the Deputy Director at any time, but they may not be implemented instead of complying with a curtailment order unless all potentially affected water right holders and claimants concur with the proposal, or it has been approved by the Deputy Director.

Proposals and supporting information for changes to water right priorities, applicability of curtailments, and alternative water sharing agreements should be submitted to the Deputy Director at Bay-Delta@waterboards.ca.gov. The Deputy Director and Delta Watermaster as appropriate will review timely submitted information as soon as practicable and inform the affected water right holder or claimant of the determination or decision.

Potential Enforcement

The enclosed Order includes enforceable requirements regarding a water right or claim of right that require your immediate attention due to current and possible future limitations in water supplies.

A water right holder or claimant who diverts water that is not legally available, or violates the enclosed Order or the regulation, may be subject to administrative fines, a cease and desist order, or prosecution in court. The State Water Board has enforcement discretion and decisions related to enforcement and associated penalties are based on the specific circumstances of the violation. Fines may be up to \$1,000 per day of violation and up to \$2,500 for each acre-foot diverted or used in excess of a valid water right. (Wat. Code, §§ 1052, 1055, 1846.)

Request for Reconsideration

You may submit a petition within 30 days to request that the State Water Board reconsider the enclosed Order. The process and grounds for reconsideration are provided by California Code of Regulations, title 23, sections 768 through 771. Any petition requesting reconsideration of an order that requires enhanced reporting or curtailment must be filed with the State Water Board no later than **September 20, 2021**. To ensure timely consideration, any petition for reconsideration should be sent by email to Bay-Delta@waterboards.ca.gov.

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S015858

If you have any questions, please review the Frequently Asked Questions (FAQs) on the Delta Drought webpage (www.waterboards.ca.gov/drought/delta/). You may also contact staff at Bay-Delta@waterboards.ca.gov or (916) 319-0960. Please be aware that calls and emails will be answered as soon as possible in the order received. Depending on volume, responses may take a day or longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

Erik Ekdahl, Deputy Director
State Water Resources Control Board

Enclosure: Order Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed for Water Right ID S015858

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE
WATER RIGHT ID: S015858

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

IN THE MATTER OF WATER RIGHT ID S015858 OF CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

ORDER IMPOSING WATER RIGHT CURTAILMENT AND REPORTING REQUIREMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

ISSUED AUGUST 20, 2021

FINDINGS:

1. On May 10, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency (Proclamation) for 41 counties, including those within the Sacramento-San Joaquin Delta (Delta) watershed in response to drought conditions. The Proclamation finds that it is necessary to act expeditiously to mitigate the effects of drought conditions in the Delta watershed, both to ensure the protection of health, safety, and the environment and to prepare for potential sustained drought conditions.
2. On June 15, 2021, the State Water Resources Control Board (State Water Board or Board) issued a Notice of Water Unavailability (June 15 Notice) to all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice advised that water appeared to be unavailable for diversion as of at least June 15, 2021, for all post-1914 appropriative water right holders in the Delta watershed. The June 15 Notice also warned water users with more senior water right claims that information indicated that water was expected to be unavailable this summer for some pre-1914 appropriative and riparian claimants and that the State Water Board planned to issue further notices of water unavailability. The June 15 Notice also informed water right holders and claimants that development of an emergency curtailment regulation was under consideration.
3. On July 23, 2021, the State Water Board issued a Notice of Water Unavailability (July 23 Notice) for senior water right claims in the Delta watershed, which advised diverters that, based on the best information available to the Board, water supply appeared to be insufficient to support lawful diversion under some pre-1914 appropriative water right claims and to support full diversions by some riparian claims in the Delta watershed. The July 23 Notice also notified water right holders and claimants that a draft emergency regulation was available for public review and comment.
4. On August 3, 2021, the State Water Board adopted an emergency curtailment and reporting regulation in response to ongoing drought conditions and

associated water supply shortages in the Delta watershed. (Cal. Code Regs., tit. 23, §§ 876–879.2.) State Water Board Resolution No. 2021-0028¹ adopting the emergency regulation describes the need for the regulation and its intent and is incorporated by reference into this Order. The regulation was approved by the Office of Administrative Law and became effective upon filing with the Secretary of State on August 19, 2021.

5. Section 879, subdivision (d)(1) of the regulation requires all recipients of initial curtailment or reporting orders to submit a certification regarding actions needed to comply with section 876.1.
6. Section 876.1 of the regulation establishes the process by which curtailment of water rights and claims of right in the Delta watershed may take place. When natural and abandoned flows are insufficient to support all diversions, the Deputy Director or authorized designee may issue curtailment orders to water right holders and claimants in the Delta watershed, requiring the curtailment of water diversion under designated water rights and claims in order of water right priority, except as provided in sections 878, 878.1, and 878.2. Before issuing curtailment orders in the Legal Delta, as defined by the regulation, the Deputy Director must consult with and obtain the concurrence of the Delta Watermaster.
7. Section 876.1, subdivision (d) of the regulation specifies the information that the Deputy Director must consider in determining whether water is unavailable under a water right holder's or claimant's priority of right, and whether to order curtailment of water diversions under specific rights or claims. The regulation also authorizes the Deputy Director to evaluate water unavailability using the Water Unavailability Methodology for the Delta Watershed (Methodology), which was developed by the State Water Board for this purpose, or a comparable tool. Demand data used in the Methodology is based on annual water use reports submitted to the Division of Water Rights for 2018 and 2019 as described in the Methodology. Supply data used in the Methodology is derived from estimates of full natural flow, which were then adjusted to account for abandoned instream flows as described in the Methodology. Evaluation of available supplies against demands is performed at the Sacramento and San Joaquin River watershed scale and at the subwatershed scale.
8. This curtailment is based on consideration of the information described in section 876.1, subdivision (d) of the regulation and evaluation of available supply and demand data using the most recent version of the Methodology, documented by a summary report dated August 20, 2021.

¹ Resolution 2021-0028 is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0028_regs.pdf

The most recent version of the Methodology includes updates to the treatment of the San Joaquin River Exchange Contractors within the Methodology's spreadsheet in keeping with the description of their treatment within the summary report, and the removal of demand from the disconnected Goose Lake watershed, in accordance with section 876.1, subdivision (d) of the regulation. The summary report has also been updated to address certain comments received on the Methodology, including comments concerning the unique hydrology of the Legal Delta. The results of the Methodology that are used to inform these curtailments are available in both spreadsheet and graphical form on the Board's Water Unavailability Methodology for the Delta Watershed webpage at:

www.waterboards.ca.gov/drought/drought_tools_methods/delta_method.html

The Delta Watershed Curtailment Status List (Status List) reflects the water rights and claims for which natural and abandoned flows have been determined to be currently unavailable as a result of this evaluation.

9. In accordance with section 876.1 of the regulation, the Deputy Director has determined that natural and abandoned flows are insufficient to satisfy the needs of all diverters in the Delta watershed. The Deputy Director has determined that water is unavailable for direct diversions and diversions to storage in the Delta watershed for those water rights and claims specified on the Status List, except to the extent that water released from storage is rediverted as authorized by a water right or contract. With respect to the curtailment orders issued to water right holders and claimants in the Legal Delta, the Deputy Director has consulted with and obtained the concurrence of the Delta Watermaster. Therefore, the Deputy Director has concluded that issuance of curtailment orders pursuant to the regulation is necessary and appropriate.

IT IS HEREBY ORDERED:

1. In accordance with section 876.1, subdivision (c) of the regulation, water right holders or agents of record who receive this Order are responsible for immediately providing notice of this Order to all diverters exercising the water right or claim covered by this Order.
2. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE or agent is required, by September 3, 2021, to submit under penalty of perjury an online Compliance Certification Form in accordance with section 879, subsection (d)(1) of the regulation. The online Compliance Certification Form must be accessed using the Login: **S015858** and Password: **559008** on the Water Right Form and Survey Submittal Portal located at: <https://public.waterboards.ca.gov>
3. Effective August 20, 2021, diversion of water pursuant to water rights and claims specified as curtailed on the Status List shall cease unless the diversion is

subject to an authorized exception to curtailment as described by section 878, section 878.1, or section 878.2 of the regulation.

4. CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE shall receive all subsequent modifications to this Order, including communications that may change the curtailment status of PRE-1914 APPROPRIATIVE CLAIM S015858, through electronic notification via the State Water Board's Delta Drought email distribution list or as posted on the Status List on the State Water Board's Delta Drought website at:
www.waterboards.ca.gov/drought/delta/
5. Pursuant to section 879.2 of the regulation, failure to comply with the regulation or this Order, including diversion or use in violation of curtailment, is subject to enforcement action, including the imposition of any applicable penalties pursuant to Water Code sections 1052, 1058.5, 1831, 1845, and 1846. To the extent of any conflict between the requirements of this Order and any other applicable orders or conditions of approval, the diverter must comply with the requirements that are most stringent.
6. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.
7. Nothing in this Order shall excuse individual water right holders and claimants from meeting any more stringent requirements that may be imposed by applicable legally binding legislation, regulations, or a water right permit requirement. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the diverter shall obtain authorization for an incidental take. Diverter shall be responsible for meeting all requirements of the applicable Endangered Species Act(s) for actions authorized under this Order.

STATE WATER RESOURCES CONTROL BOARD



Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: August 20, 2021

CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

Water Right ID: S015858

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CITY AND COUNTY OF SAN FRANCISCO PUC AGM WATER ENTERPRISE

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**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0002**

**TO ADOPT AN EMERGENCY REGULATION
TO SUPPLEMENT VOLUNTARY WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

(A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0018**

**TO ADOPT AN EMERGENCY REGULATION
TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
9. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled May 24, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state’s housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. The State Water Board directs staff to, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.
7. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

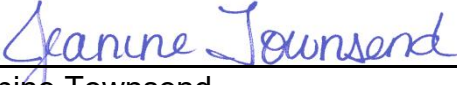
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Sean Maguire
 Board Member Laurel Firestone

NAY: None

ABSENT: Board Member Nichole Morgan

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED EMERGENCY REGULATION TEXT

Version: May 24, 2022

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Plant factor” has the same meaning as in section 491.

(7) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(8) “Turf” has the same meaning as in section 491.

(9) “Urban water supplier” has the same meaning as Water Code section 10617.

(10) “Water shortage contingency plan” means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section

10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
- (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:
- (i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.
- (ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.
- (iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:
- (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
- (2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.
- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0054**

**TO READOPT THE PROHIBITED WASTEFUL WATER USES EMERGENCY
REGULATION FOR WATER CONSERVATION**

WHEREAS:

1. Over the course of the spring and summer of 2021, Governor Newsom proclaimed a drought state of emergency for most counties in California, culminating with his October 19, 2021, proclamation of a drought state of emergency that expanded the state of emergency to all California counties
2. These proclamations urge Californians to reduce their water use.
3. On January 4, 2022, the State Water Board adopted an emergency regulation that prohibits certain wasteful water use practices statewide and encourages Californians to monitor their water use more closely while building habits to use water wisely. On January 18, 2022, the emergency regulation went into effect and is in effect for one year from the effective date, unless the State Water Board renews or rescinds it before then.
4. On March 28, 2022, in Executive Order N-7-22, the Governor affirmed that the orders and provisions contained in the four drought-related Proclamations from 2021 remain in full force and effect, except as otherwise modified by those Proclamations. The Governor in that Executive Order also called on all Californians to reduce water use and directed specific State agencies to take actions in support of water conservation.
5. On August 11, 2022, the Governor announced California's latest actions to increase water supply and adapt to more extreme weather patterns caused by climate change in a document called, "California's Water Supply Strategy, Adapting to a Hotter, Drier Future." The strategy recognizes that the American West is experiencing extreme, sustained drought conditions caused by hotter, drier weather.
6. Immediate action is needed to ensure water suppliers and all Californians are taking sufficient actions to conserve water and preserve the State's

water supply, including the readoption of the Board's January 4, 2021 emergency regulation prior to its expiration.

7. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
8. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
9. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.
10. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (saveourwater.com) is an excellent resource for conservation information and messaging that is integral to effective drought response.
11. [Savewater.ca.gov](https://savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
12. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.

13. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
14. On November 23, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled December 7, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
15. The emergency regulation sets a minimum standard that many communities are already doing more than, but prior to these rules initially being put in place not everyone was taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.
16. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier’s service area, such as in newspaper advertisements, bill inserts, website homepage, social media, billboards, and notices in public libraries.
17. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
18. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 17. Nothing in the regulation or in the enforcement

provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.
4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 7, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Board Member Sean Maguire

ABSTAIN: None

 for
Jeanine Townsend
Clerk to the Board



Media Release

State Water Board readopts decorative grass watering ban on business and government properties

Conserving and storing water remains critical for communities recovering from multi-year drought conditions, preparing against climate change

May 31, 2023

Contact: [Edward Ortiz](#), Information Officer

SACRAMENTO – The State Water Resources Control Board has readopted an [emergency regulation](#) that bans using drinking water for watering decorative grass (also referred to as non-functional turf) in commercial, industrial and institutional areas throughout the state.

The State Water Board's readoption of this regulation signals the real need for Californians to continue using water wisely, and it aligns with Gov. Gavin Newsom's March 2023 executive order affirming that the multi-year drought continues to have significant, immediate impacts on communities with vulnerable water supplies across California. Although conditions have improved, they have not abated severe drought conditions that remain in some parts of the state, including those with groundwater basins that are depleted.

The regulation bans watering non-functional turf, which generally is mowed grass that is not used for recreational or other community activities, at commercial, industrial and institutional properties. This applies to areas like grass in front of or next to large commercial buildings, and some common areas managed by homeowners' associations. In addition to not applying to grass used for recreational or other community activities, the ban does not affect or prohibit watering residential lawns or trees. In fact, the state encourages people to keep watering trees because of their many environmental benefits. The ban also does not prohibit using recycled water for irrigating non-functional turf.

"We all have a shared responsibility to continue to limit non-essential outdoor water use while the state grapples with extreme weather and plans for possible dry conditions this summer and into the next wet season," said Joaquin Esquivel, chair of the State Water Board. "This readopted regulation will help us continue to protect California's water resources in hotter, drier conditions."

The regulation was initially adopted by the board in May 2022 and went into effect in June 2022. Once approved by the Office of Administrative Law and filed with the



C A L I F O R N I A E N V I R O N M E N T A L P R O T E C T I O N A G E N C Y

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Secretary of State, the extension of the ban will go into effect for one additional year. It would have expired in June 2023, if not readopted.

With this readoption, there are two State Water Board water conservation emergency regulations in place. The other is an emergency regulation prohibiting wasteful water uses. That regulation, readopted in December 2022 and still in effect, prohibits outdoor watering causing substantial water to run onto sidewalks and other areas, and the use of potable water for washing hard surfaces like driveways or sidewalks. Violations of these prohibitions or of the newly extended non-functional turf watering ban are considered infractions.

Agencies already authorized to enforce the existing water regulations, like water suppliers and local governments, still are empowered to address violations of the non-functional turf watering regulation. In some areas, similar prohibitions are required by local plans or ordinances.

For more information on this and other statewide water restrictions, go to the [State Water Board's Water Conservation Emergency Regulation page](#).

#

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper resource allocation and efficient use for the benefit of present and future generations.

Attachment C

SFPUC Drought Response Actions and Requests for Water Use Reductions



TO: SFPUC Wholesale Customers

FROM: Steven R. Ritchie, Assistant General Manager, Water *Steven R. Ritchie*

DATE: July 12, 2021

RE: Governor Newsom's July 8, 2021 Drought Executive Order

On April 15, 2021 the SFPUC sent out our Water Supply Availability Estimate for the 2021-22 Water Year. As stated in that memo, our goal was to maintain water use system-wide below 2019 levels. Since that time, Governor Newsom has issued two drought Executive Orders, the most recent of which was on July 8, 2021 (copy attached). The July 8 Executive Order did three things:

1. It expanded the emergency declarations to include San Mateo and Santa Clara Counties. (Alameda County was included in the first executive order.)
2. It called on all Californians to voluntarily reduce water use by 15 percent from their 2020 levels.
3. It tasked the State Water Board with tracking and reporting monthly on the State's progress toward achieving a 15-percent reduction in statewide urban water use as compared to 2020 use.

With this memo, we are conveying that call for a voluntary 15 percent water use reduction to all of our customers, both Wholesale and Retail. Consistent with our approach to reductions in water availability under the Water Supply Agreement, we will measure our success by the reduction in Regional Water System-wide water use. Of course, all agencies will be reporting their water use to the State Water Board individually, but we will be tracking and reporting data to you and to our Commission on overall Regional Water System water use.

We know that achieving the reduction compared to 2020 demands will present unique challenges. As in the last drought, outdoor irrigation reductions and aggressive leak controls may present the best opportunities for water use reduction.

By separate letter we will be acting to waive the minimum purchase requirements for the Cities of Milpitas, Mountain View, and Sunnyvale, and Alameda County Water District consistent with Section 3.07 of the Water Supply Agreement.

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



We appreciate all of our customers' commitments to water conservation. Increased reductions in water use will help ensure our ability to carryover water in our reservoirs to next year. This results in improved water supply reliability and reduces the risk of water shortages in the event that next year is also dry.

cc: Governor Gavin Newsom
SFPUC Commissioners
Michael Carlin, Acting General Manager, SFPUC
Nicole Sandkulla, CEO/General Manager, BAWSCA

Attachment: Governor Newsom July 8, 2021 Drought Executive Order

Sent: Tuesday, October 19, 2021 4:26 PM
To: delta_drought@swrcb18.waterboards.ca.gov

Subject: TEMPORARY SUSPENSION OF CURTAILMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA (DELTA) WATERSHED

All curtailments under the August 20, 2021 curtailment orders ([Order for water rights/claims under 5,000 acre-feet](#) and [Order for water rights/claims over 5,000 acre-feet](#)) issued pursuant to the Sacramento-San Joaquin Delta (Delta) Watershed Emergency Reporting and Curtailment Regulation are temporarily suspended at this time. The reporting requirements remain in place, as do other curtailment requirements pursuant to Standard Water Right Term 91. The temporary suspension of curtailments is subject to change. Water supply forecasts will continue to be evaluated regularly to determine if, when, and to what extent re-imposition of curtailments is appropriate, and updates will continue to be provided by email and web posting.

Current forecasts call for notable precipitation in the Delta watershed over the next seven days, particularly in the Sacramento River watershed. Precipitation is also anticipated in the San Joaquin River watershed, though to a less significant extent.

The decision to temporarily suspend curtailments is based in part on the Water Unavailability Methodology for the Delta Watershed, together with consideration of a range of precipitation forecasts from the California Nevada River Forecast Center (CNRFC), low water demand for direct diversions in October, the importance of allowing reservoirs to refill when water becomes available due to storm events, and existing instream flow requirements. However, dry soil conditions in the Delta watershed may limit the immediate impact of early precipitation. Additional precipitation events are expected to result in more dynamic changes to observed runoff. As such, the State Water Board will continue to closely monitor forecasted precipitation and hydrologic conditions and may re-evaluate curtailment statuses within the next week if appropriate.

Suspension of curtailments should not be construed as a validation of water right claims or an authorization to divert. Existing constraints on water right permits and licenses, such as seasonal diversion restrictions and bypass flow requirements, remain in effect. In addition, all water right holders and claimants may only divert under valid water rights and are not authorized to divert if it would result in injury to other water users.

Water right holders and claimants are responsible for monitoring their curtailment status online on the [Delta Watershed Curtailment Status List](#). Notice of changes to curtailment status will not be mailed. For those with limited internet access, a pre-recorded curtailment summary can be heard on the Delta Curtailment Status phone line at (916) 323-4643.

For more information about drought in the Delta watershed, please visit the [Delta Drought webpage](#). For more information about curtailment compliance and responses

to the August 20 Orders, please visit the [Curtailment Compliance and Responses webpage](#). The Curtailment Compliance and Responses tracker is updated every Friday and can be filtered to see the latest changes. If you have any questions, you may send an email to Bay-Delta@waterboards.ca.gov or call the Delta Drought phone line at (916) 319-0960.

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Visit San Francisco's new website, [SF.gov](https://sf.gov)

Office of the Mayor

News Releases

The latest news and announcements from Mayor London N. Breed

San Francisco Declares Water Shortage Emergency in Response to Statewide Drought

Posted Date: Tuesday, November 23, 2021

Voluntary action calls for 10 percent reduction in water usage system-wide

San Francisco, CA — Mayor London N. Breed and the San Francisco Public Utilities Commission (SFPUC) today declared a water shortage emergency and approved measures aimed at further conserving and reducing water usage across the SFPUC's service territory in response to exceptionally dry weather conditions that have affected the entire state over the past two years.

As a result of the emergency measure, which the SFPUC unanimously approved, San Francisco has declared a 10 percent reduction in water usage across its regional system. The 10 percent reduction will be compared to water use from July 2019 to June 2020 and will be applied to all of the SFPUC's 2.7 million customers, which include customers in San Francisco, Alameda, Santa Clara, and San Mateo counties. The call for voluntary water reduction will go into effect immediately.

"With California still experiencing devastating drought and the uncertainty around this rainy season, we need to make tough decisions that will ensure that our water source continues to be reliable and dependable for the future," said Mayor London N. Breed. "Year after year, San Franciscans step up to conserve our most precious resource, resulting in one of the lowest water usage rates in California, and during this critical time, I know that our City will once again meet the call to reduce water use. I applaud the SFPUC Commission for declaring a water shortage emergency and urging our customers to be mindful of their water usage.

"We are in a drought with far-reaching consequences, and it has become clear we all need to do even more to address it," SFPUC General Manager Dennis Herrera said. "San Franciscans have been doing their part and have some of the lowest water usage in the state. This emergency water shortage declaration will help all of our customers pull together and move in the same direction. We know we can rely on each other. I'm confident that everyone will do their part so we can all get through this."

With the declaration of the emergency water shortage, the City is poised to launch a water conservation public awareness campaign that will include the SFPUC's outreach channels and strategically targeted paid media advertising. The messages will be conveyed in multiple languages and will include tips and resources on actions that customers can take to reduce their water usage.

to help achieve the 10 percent reduction system-wide, such as fixing leaky toilets, installing low-flow fixtures, reducing outdoor irrigation, and receiving water usage audits from SFPUC professionals.

The average San Franciscan uses 42 gallons of water per day at home—one of the lowest rates in California and less than half of the statewide average of about 90 gallons per person per day. In April, the SFPUC called upon its 1,600 irrigation customers and City departments to reduce water use and asked all customers to reduce water waste, which helped lead to an overall reduction of water use in San Francisco through November 2021.

However, with the state continuing to experience extremely dry weather overall, the SFPUC is expanding on those efforts by declaring a water shortage emergency, which will help the agency access water reserves and resources available only during emergencies.

The SFPUC has about 360,000 acre-feet of reserve water in its water bank. An acre-foot is enough water for about two California households annually on average. However, the State Water Board's curtailment orders, emergency regulations issued in August 2021 that restrict diversions from the Tuolumne River watershed, effectively prevent the SFPUC from accessing that water bank. Due to the Water Board's curtailment orders, the SFPUC and its retail and wholesale customers are less prepared to address drought conditions moving forward.

"We need everyone to take action to preserve and stretch our limited water supplies," SFPUC Commission President Anson Moran said. "San Franciscans and our wholesale customers have been doing a good job when it comes to being efficient with their water use. We can all do better. We look forward to working with all of our customers to further reduce water use."

Declaring a water shortage emergency carries with it the requirement that the SFPUC institute a temporary drought surcharge for retail water and wastewater customers of up to 5% on part of their bill. The SFPUC Commission voted to introduce the surcharge on April 1, 2022. The effect on the average residential customer's bill is estimated to be a little over \$6 per month if they made no reductions to their water use. The temporary drought surcharge will automatically end when the SFPUC Commission rescinds the water shortage emergency declaration.

Earlier this year, Governor Gavin Newsom declared a Drought Emergency for 50 of the 58 counties in California and called on all Californians to voluntarily reduce water use by 15 percent. The state's ongoing drought has increased the significance of water reuse, recycling, and conservation programs, measures SFPUC has long championed.

The SFPUC has been a national leader in [onsite water reuse](#), which requires the collection, treatment, and use of alternate water sources for non-potable applications in individual buildings. Recently, the SFPUC granted [San Francisco's oldest brewery](#), Anchor Brewing Co., \$1 million to install the latest water reuse technology, giving the brewery the capacity to recycle up to 20 million gallons of water annually—the yearly equivalent of some 1,300 San Francisco residents. The grant was part of the SFPUC's Onsite Water Reuse Grant Program, which so far has provided five grants totaling \$2.25 million, resulting in nearly 38 million gallons of water saved annually. The SFPUC is expanding its [water recycling programs](#), encouraging water reuse for non-drinking purposes such as landscape irrigation, toilet flushing, and street-cleaning.

The agency recently expanded its automated [Leak Alert program](#) and has imposed permanent [water waste restrictions](#) in San Francisco. Restrictions include avoiding runoff from irrigation and outdoor cleaning and limiting the hosing of sidewalks and hardscapes to only address health and safety needs.

Additionally, the [agency offers many resources](#) to encourage efficient water use for customers. These include free onsite irrigation checkups and landscape evaluations and extensive indoor water-saving assistance, including a free replacement of old residential toilets, rebates for efficient clothes washers and other equipment, and home and business conservation consultations. More information is available at www.sfpuc.org/savewater.

About the San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) is a department of the City and County of San Francisco. It delivers drinking water to 2.7 million people in the San Francisco Bay Area, collects and treats wastewater for the City and County of San Francisco, and generates clean power for municipal buildings, residential customers, and businesses. Our mission is to provide our customers with high quality, efficient and reliable water, power, and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care. Learn more at www.sfpuc.org.

###



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

NEWS RELEASE

SFPUC Contact:

John Côté

JCote@sfgwater.org

FOR IMMEDIATE RELEASE

May 24, 2022

The San Francisco Public Utilities Commission Urges Customers to Reduce Outdoor Water Use

Agency takes action to enter level 2 of drought plan

San Francisco, CA – The San Francisco Public Utilities Commission (SFPUC) moved today to further reduce systemwide water use to align with calls for conservation by Governor Gavin Newsom and the State Water Quality Control Board. In doing so, agency leaders emphasized that customers must reduce outdoor water use this summer to maintain water supplies. The SFPUC's action moves the agency into Level 2 of its Water Shortage Contingency Plan at an 11% systemwide use reduction, highlighting the continued need for water conservation throughout the Bay Area, particularly outdoor use. More than 2.7 million residents and businesses in Alameda, Santa Clara, San Mateo and San Francisco counties rely on the Hetch Hetchy Regional Water System for their drinking water.

"It's critical that all of our customers reduce outdoor water use this summer," SFPUC General Manager Dennis Herrera said. "Even though our customers are among the lowest water users in the state, we are in year three of a drought, and no one knows how long it will last. We must all take action to continue to ensure that we have sufficient water supplies."

The SFPUC declared a Water Shortage Emergency in November 2021, which included a call for a 10% reduction of water use among all SFPUC customers, both in San Francisco and in the wider Bay Area it serves. At that time, San Francisco highlighted continued conservation efforts, including permanent mandatory [water waste restrictions](#), already in effect since the 2015 drought. The November action also enacted a temporary 5% drought surcharge on SFPUC retail customers, which took effect April 1, 2022.

Today, the SFPUC Commission adopted a systemwide water use reduction of 11% compared to baseline water use during Fiscal Year 2019-2020. The voluntary 11% reduction is associated with Shortage Level 2 of the agency's Water Shortage Contingency Plan (WSCP), in alignment with State requirements. The reduction will be effective July 1, 2022.

The SFPUC and its regional customers continue to raise awareness about the drought and encourage water conservation. This continuing outreach campaign includes digital advertisements on multiple channels in English, Spanish, Chinese, and Tagalog, electronic billboards along Bay Area Highways, SFMTA bus placards, bill inserts and newsletters, and collaborations with our Bay Area partners. Water use for irrigation typically increases during warm summer months. To meet our savings goals, reducing outdoor water use will be crucial this summer.

“The members of the Bay Area Water Supply and Conservation Agency (BAWSCA), representing water users in Alameda, San Mateo, and Santa Clara counties under state law, supports the SFPUC'S request for further water use reductions and Governor Newsom's continuing water-conservation leadership in California,” said Nicole Sandkulla, BAWSCA CEO. “BAWSCA is committed to continued conservation to ensure preservation of the precious supply the Bay Area relies upon.”

The SFPUC provides free resources to its customers to reduce their water use, including free water wise evaluations indoors and outdoors; free water efficient fixtures such as faucet aerators and showerheads; and rebates on water efficient appliances. Learn more at sfpuc.org/savewater. Customers within the wholesale

region can find water conservation resources at <https://bawsca.org/community/drought>.

About the San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) is a department of the City and County of San Francisco. It delivers drinking water to 2.7 million people in the San Francisco Bay Area, collects and treats wastewater for the City and County of San Francisco, and generates clean power for municipal buildings, residential customers, and businesses. Our mission is to provide our customers with high quality, efficient and reliable water, power, and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care. Learn more at www.sfpuc.org.

communications@sfwater.org

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525 Golden Gate Avenue 12th Floor
San Francisco, CA | 94102 US

This email was sent to nsandkulla@bawsca.org.
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March 16, 2023

Joaquin Esquivel, Chair
State Water Resources Control Board
1001 I Street Sacramento, CA 95814

Karla Nemeth, Director
California Department of Water Resources
1416 Ninth Street, Sacramento, CA 95814

Dear Chair Esquivel and Director Nemeth,

The San Francisco Public Utilities Commission (SFPUC) is submitting this letter for your consideration of recommended changes to the Governor's emergency drought proclamations and executive orders currently in effect.

The Governor's February 2023 Executive Order N-3-23 extended the duration of existing emergency drought proclamations and orders and requested State agencies to provide recommendations for what further actions, if any, are necessary for ongoing emergency drought response, and whether any existing provisions are no longer needed to prepare for and mitigate the effects of the drought conditions.

Given the dramatic improvement in water supply conditions in much of California, we recommend State emergency drought regulations be modified to rescind requirements for Water Shortage Contingency Plan Level 2 response actions from water suppliers with demonstrated sufficient supplies that face no water shortages.

The SFPUC's regional system serves 2.7 million people in four Bay Area counties. Starting in 2021, to align with the State's escalating drought response actions, the SFPUC adopted a local declaration of drought emergency, seeking systemwide reductions and imposing a drought surcharge on our retail customers and water budgets on our wholesale customers. In 2022, we modified our local declaration to reflect the Governor's March 2022 Executive Order N-7-22, that among other things, directed urban water suppliers to implement Level 2 shortage response actions. We also conducted a major drought outreach campaign across our system and provided extensive conservation assistance through our ongoing programs. Our customers responded positively, and we met our systemwide 11 percent reduction goal.

London N. Breed
Mayor

Newsha K. Ajami
President

Sophie Maxwell
Vice President

Tim Paulson
Commissioner

Anthony Rivera
Commissioner

Kate H. Stacy
Commissioner

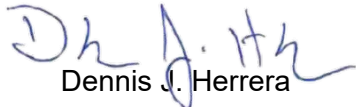
Dennis J. Herrera
General Manager



We expect our regional water system to fill this year. Extremely wet conditions since December 2022 show that hydrologically we are in good shape. Through March 12, 2023 our Sierra precipitation index was 52.86 inches compared to an annual average total of 36.68 inches. Similarly, our Bay Area precipitation index was 37.44 inches compared to an annual average total of 22.80 inches. Our reservoirs, including our Water Bank in Don Pedro Reservoir, after snowmelt will be 100% full this year. But rain or shine, we continue to implement a robust conservation program for our retail service area and across our regional system through the Bay Area Water Supply and Conservation Agency that represents our wholesale customers.

We hope you will consider our recommendation that the State's emergency drought regulations be modified to rescind requirements for Level 2 response actions from suppliers like the SFPUC with ample supplies, no foreseeable water shortages, and ongoing comprehensive demand management programs.

Sincerely,



Dennis J. Herrera
General Manager

cc: Nicole Sandkulla, CEO and General Manager, BAWSCA



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



DEPARTMENT Water Enterprise AGENDA NO. 6
MEETING DATE April 11, 2023

Lift Water Shortage Emergency Declaration and Drought Surcharge and Continue Systemwide Water Use Reduction

Project Manager: Paula Kehoe

Public Hearing: Lift Water Shortage Emergency Declaration and Drought Surcharge and Continue Voluntary Systemwide Water Use Reduction of 11%

Summary of Proposed Commission Action:	Public hearing to consider and possible action to (1) rescind the declaration of a local Water Shortage Emergency adopted by the San Francisco Public Utilities Commission (SFPUC) on November 23, 2021, by Resolution No. 21-0177, that also imposed a mandatory temporary drought surcharge for SFPUC retail customers, and (2) continue the voluntary system-wide water use reduction of 11% compared to baseline water use during Fiscal Year 2019-2020 to remain consistent with State Water Resources Control Board emergency drought regulations still in effect.
Background:	<p>On November 23, 2021, by Resolution No. 21-0177, the Commission approved the declaration of a local Water Shortage Emergency pursuant to the California Water Code (Division 1, Chapter 3, Sections 350-359). In the same action, the Commission: (1) called for a voluntary system-wide 10% reduction in water use compared to baseline water use during Fiscal Year 2019-2020; (2) authorized the General Manager to implement actions consistent with Shortage Level 1 of the SFPUC's 2020 Water Shortage Contingency Plan (WSCP), adopted by the Commission on June 11, 2021, by Resolution No. 21-0100; and (3) implemented a drought surcharge of up to 5% on all retail water and wastewater volumetric rates as of April 1, 2022, in accordance with the Schedule of Retail Water Rates and Wastewater Rates adopted by the Commission on April 10, 2018, by Resolution Nos. 18-0053 and 18-0054, respectively. Per the Schedule of Rates, the drought surcharge remains in effect until the Commission adopts a resolution to rescind the local Water Shortage Emergency declaration.</p> <p>On May 24, 2022, by Resolution No. 22-0098, the Commission adopted an increased system-wide water use reduction of 11% compared to baseline water use during Fiscal Year 2019-2020, consistent with Shortage Level 2 of the SFPUC's WSCP and authorized the General Manager to implement</p>

APPROVAL: _____

COMMISSION
SECRETARY

Donna Hood

	<p>actions under Shortage Level 2 of the WSCP, effective July 1, 2022. This Commission action was taken in response to emergency regulations adopted by the State Water Resources Control Board (State Water Board) by State Water Board Resolution No. 2022-0018, at the direction of the Governor in Executive Order N-7-22 dated March 28, 2022. On February 13, 2023, the Governor issued Executive Order N-3-23, which continued the statewide drought emergency and regulations in effect, but also directed state agencies to provide recommendations on whether any existing provisions in the Governor’s drought proclamations and executive orders are no longer needed to mitigate drought conditions.</p> <p>As of today’s Commission meeting, based on system-wide hydrologic conditions and water storage in the SFPUC’s reservoirs, the SFPUC has determined that a water shortage condition no longer exists. Accordingly, Staff recommends that the Commission rescind the SFPUC’s Water Shortage Emergency declaration and the temporary drought surcharge that the Commission adopted on November 23, 2021, by Resolution No. 21-0177.</p> <p>The voluntary system-wide water use reduction of 11% that the Commission adopted on May 24, 2022, by Resolution No. 22-0098, must remain in effect consistent with State Water Board regulations (Cal. Code of Regulations, title 23, section 996), which continue to require the SFPUC to remain in Level 2 of its drought response in its WSCP. If and when the State Water Board modifies its regulations to no longer require the SFPUC to implement Level 1 or Level 2 actions of its WSCP, the SFPUC may rescind its resolution adopting Level 2 of its WSCP, including the 11% voluntary system-wide reduction. Also, the minimum annual purchase requirements that apply to certain SFPUC wholesale water customers that have other sources of water supply available to them, under Section 3.07.C of the Water Supply Agreement between the SFPUC and its wholesale customers, as amended and restated on January 26, 2021, by Resolution No. 21-0009, with subsequent approval by the wholesale customers, will continue to be waived until the State Water Board modifies or ends its regulations requiring Level 2 implementation, because the State Water Board’s regulations were developed at the direction of the Governor in Executive Order N-7-22 and result in impacts to water supply deliveries from the Regional Water System.</p> <p>The SFPUC believes it is no longer necessary for the State to maintain a statewide requirement that all agencies with a WSCP remain in Shortage Level 2 of their drought response plans. On March 16, 2023, in response to the greatly improved local and statewide hydrologic conditions, the SFPUC submitted a letter to the Chair of the State Water Board and Director of the California Department of Water Resources, requesting they advise the Governor to modify the current drought proclamation to lift requirements for WSCP Level 2 actions from water agencies with sufficient, demonstrated supplies. (See Attachment 1). On March 24, 2023, in response to these improved conditions, the Governor issued Executive Order N-5-23, which rescinded the relevant portions of Executive Order N-7-22 that prompted the State Water Board to require urban water suppliers to implement Level 2 of</p>
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	<p>their drought response plans. While it is likely that the State Water Board will act in response to the Governor's March 24, 2023 termination, the State Water Board has not indicated if or when it plans to lift this requirement in its regulations.</p> <p>The SFPUC's temporary water waste restriction on use of potable water to irrigate non-functional, ornamental commercial turf during drought, which the Commission adopted on June 28, 2022, by Resolution No. 22-0126, to align with the State Water Board's drought requirements, also remains in effect.</p> <p>Pursuant to San Francisco Charter Section 4.104(a)(1), a Notice of Public Hearing was posted at the San Francisco Main Library and on the SFPUC's website on March 20, 2023.</p>
Description of Action:	<p>This item seeks Commission approval to rescind Resolution No. 21-0177, thereby (1) ending the local Water Shortage Emergency declaration and (2) ending the retail customer drought surcharge effective May 1, 2023, and to rescind the voluntary system-wide water use reduction of 11% (Resolution No. 22-0098) when the State Water Board modifies or ends its drought emergency regulations to no longer require the SFPUC to implement the drought response actions of its WSCP.</p>
Result of Inaction:	<p>A delay in adopting this Action will hinder the SFPUC's ability to lift its Water Shortage Emergency declaration and end the temporary drought surcharge on retail customers, actions which are no longer needed due to greatly improved systemwide hydrologic conditions.</p>
Schedule:	<p>The local Water Shortage Emergency declaration will end effective immediately upon Commission approval. The retail customer drought surcharge will end effective May 1, 2023. The voluntary system-wide water use reduction of 11% and corresponding waiver of the minimum annual purchase requirements that apply to certain wholesale water customers of the SFPUC will end effective immediately upon State Water Board action to end implementation of Level 1 or Level 2 actions and the SFPUC rescinding its Resolution No. 22-0098.</p>
Environmental Review:	<p>On November 23, 2021, by Resolution No. 21-0177, this Commission declared a Water Shortage Emergency. Prior to this, on November 12, 2021, the Planning Department determined that authorization of the SFPUC General Manager to implement the SFPUC's WSCP in response to the emergency is statutorily exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Section 21080(b)(4) and CEQA Guidelines Section 15269(c) (Case Number 2021-011567ENV), which exempt specific actions necessary to prevent or mitigate an emergency. The continued voluntary system-wide water use reduction, consistent with State Water Resources Control Board emergency drought regulations, remains within the scope of the project authorized under the Statutory Exemption. The exemption can be found here: https://sfpuc.sharefile.com/share/view/sb0240d712b4f4131aac974730e184b67</p>

Agreement: Rescind Water Shortage Emergency Declaration
Commission Meeting Date: April 11, 2023

Recommendation:	SFPUC staff recommends that the Commission adopt the attached resolution.
Attachments:	<ol style="list-style-type: none">1. SFPUC Letter to State Water Board and Department of Water Resources2. Governor's Executive Order N-5-23 to Ease Drought Restrictions

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. _____

WHEREAS, On November 23, 2021, by Resolution No. 21-0177, the San Francisco Public Utilities Commission (SFPUC) declared a local Water Shortage Emergency and adopted a 10% systemwide water use reduction compared to baseline water use during Fiscal Year 2019-2020, which called for a 5% water use reduction by the SFPUC's retail customers and 13.7% water use reduction by the SFPUC's wholesale customers, to collectively achieve a systemwide water use reduction of 10%, consistent with Shortage Level 1 of the SFPUC's Water Shortage Contingency Plan (WSCP), adopted by the Commission on June 11, 2021, by Resolution No. 21-0100, and the Water Shortage Allocation Plan (WSAP), which is Attachment H of the Water Supply Agreement between the City and County of San Francisco and its Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County, as amended and restated on January 26, 2021, by Resolution No. 21-0009, with subsequent approval by the wholesale customers (Water Supply Agreement); and

WHEREAS, On March 28, 2022, the Governor issued Executive Order N-7-22, which directed the State Water Resources Control Board (State Water Board) to adopt emergency regulations requiring each urban water supplier that has submitted a WSCP to the California Department of Water Resources to implement, at a minimum, shortage response actions adopted under Section 10632 of the California Water Code for a shortage level of up to 20% (Shortage Level 2); and

WHEREAS, On May 24, 2022, the State Water Board adopted such regulations by State Water Board Resolution No. 2022-0018, Resolution to Adopt an Emergency Regulation to Reduce Demand and Improve Water Conservation, 23 Cal. Code of Regulations § 996 (State Water Board Regulations); and

WHEREAS, In response to the State Water Board Regulations, on May 24, 2022, by Resolution No. 22-0098, the Commission adopted an increased system-wide water use reduction of 11% compared to baseline water use during Fiscal Year 2019-2020, consistent with Shortage Level 2 of the SFPUC's WSCP, and authorized the General Manager to implement actions under Shortage Level 2 of the WSCP, effective July 1, 2022; and

WHEREAS, On February 13, 2023, the Governor issued Executive Order N-3-23, which continued the statewide drought emergency and regulations in effect, but also directed state agencies to provide recommendations on whether any existing provisions in the Governor's drought proclamations and executive orders are no longer needed to mitigate drought conditions; and

WHEREAS, on March 24, 2023, the Governor issued Executive Order N-5-23, which among other actions terminated the portion of Executive Order N-7-22 that prompted the State Water Board to adopt Resolution No. 22-0018 and require urban water suppliers to implement, at minimum, Level 2 of their water shortage contingency plans; and

WHEREAS, Based on systemwide hydrologic conditions and water storage in the SFPUC's reservoirs as of the date of this Commission meeting and as projected through the rest of the year, the SFPUC has determined that a water shortage condition no longer exists, and therefore a declaration of a local Water Shortage Emergency is no longer needed; and

WHEREAS, The voluntary system-wide water use reduction of 11% that the Commission adopted on May 24, 2022, by Resolution No. 22-0098, remains in effect, consistent with the State Water Board Regulations that were adopted May 24, 2022, at the direction of the Governor in Executive Order N-7-22, and Resolution No. 22-0098 should be rescinded if and when the State Water Board modifies those regulations to no longer require the SFPUC to implement at Level 1 or Level 2 of its WSCP; and

WHEREAS, The minimum annual purchase requirements that apply to certain SFPUC wholesale water customers under Section 3.07.C of the Water Supply Agreement will continue to be waived until the State Water Board modifies its regulations to no longer require the SFPUC to implement Level 2 of its WSCP implementation, because the State Water Board Regulations were developed at the direction of the Governor in Executive Order N-7-22 and result in impacts to water supply deliveries from the Regional Water System; and

WHEREAS, On November 12, 2021 the San Francisco Planning Department Environmental Review Officer issued a statutory exemption determination under California Environmental Quality Act ("CEQA") Section 21080(b)(4) and CEQA Guidelines Section 15269(c), under Case Number 2021-011567ENV and the continued voluntary system-wide water use reduction, consistent with State Water Resources Control Board emergency drought regulations, remains within the scope of the project authorized under the Statutory Exemption; and

WHEREAS, Pursuant to San Francisco Charter Section 4.104(a)(1), a Notice of Public Hearing regarding the action to rescind the local declaration of a Water Shortage Emergency was posted at the San Francisco Main Library and on the SFPUC website on March 20, 2023, now, therefore, be it

RESOLVED, That the Commission rescinds Resolution No. 21-0177, thereby ending the local water shortage emergency declaration (Cal. Water Code §§ 350-359), and ending the 5% retail customer drought surcharge effective May 1, 2023; and be it

FURTHER RESOLVED, That Resolution No. 22-0098, which adopted a voluntary system-wide water use reduction of 11% and directed the General Manager to take other actions consistent with Level 2 of the WSCP, shall be rescinded effective upon the termination, rescission, or amendment of the State Water Board Regulations to no longer require SFPUC to implement Level 1 or Level 2 actions of the SFPUC's WSCP.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of April 11, 2023.

Secretary, Public Utilities Commission



March 16, 2023

Joaquin Esquivel, Chair
State Water Resources Control Board
1001 I Street Sacramento, CA 95814

Karla Nemeth, Director
California Department of Water Resources
1416 Ninth Street, Sacramento, CA 95814

Dear Chair Esquivel and Director Nemeth,

The San Francisco Public Utilities Commission (SFPUC) is submitting this letter for your consideration of recommended changes to the Governor's emergency drought proclamations and executive orders currently in effect.

The Governor's February 2023 Executive Order N-3-23 extended the duration of existing emergency drought proclamations and orders and requested State agencies to provide recommendations for what further actions, if any, are necessary for ongoing emergency drought response, and whether any existing provisions are no longer needed to prepare for and mitigate the effects of the drought conditions.

Given the dramatic improvement in water supply conditions in much of California, we recommend State emergency drought regulations be modified to rescind requirements for Water Shortage Contingency Plan Level 2 response actions from water suppliers with demonstrated sufficient supplies that face no water shortages.

The SFPUC's regional system serves 2.7 million people in four Bay Area counties. Starting in 2021, to align with the State's escalating drought response actions, the SFPUC adopted a local declaration of drought emergency, seeking systemwide reductions and imposing a drought surcharge on our retail customers and water budgets on our wholesale customers. In 2022, we modified our local declaration to reflect the Governor's March 2022 Executive Order N-7-22, that among other things, directed urban water suppliers to implement Level 2 shortage response actions. We also conducted a major drought outreach campaign across our system and provided extensive conservation assistance through our ongoing programs. Our customers responded positively, and we met our systemwide 11 percent reduction goal.

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Mayor

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President

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Tim Paulson
Commissioner

Anthony Rivera
Commissioner

Kate H. Stacy
Commissioner

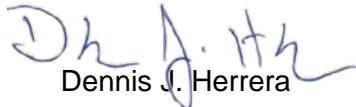
Dennis J. Herrera
General Manager



We expect our regional water system to fill this year. Extremely wet conditions since December 2022 show that hydrologically we are in good shape. Through March 12, 2023 our Sierra precipitation index was 52.86 inches compared to an annual average total of 36.68 inches. Similarly, our Bay Area precipitation index was 37.44 inches compared to an annual average total of 22.80 inches. Our reservoirs, including our Water Bank in Don Pedro Reservoir, after snowmelt will be 100% full this year. But rain or shine, we continue to implement a robust conservation program for our retail service area and across our regional system through the Bay Area Water Supply and Conservation Agency that represents our wholesale customers.

We hope you will consider our recommendation that the State's emergency drought regulations be modified to rescind requirements for Level 2 response actions from suppliers like the SFPUC with ample supplies, no foreseeable water shortages, and ongoing comprehensive demand management programs.

Sincerely,



Dennis J. Herrera
General Manager

cc: Nicole Sandkulla, CEO and General Manager, BAWSCA

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-5-23

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency to exist due to drought conditions; and

WHEREAS the multi-year nature of the current drought, which began three years after the record-setting drought of 2012-2016, continues to have significant, immediate impacts on communities across California with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the March 3, 2023, snow survey conducted by the Department of Water Resources and partner agencies found that most regions of the Sierra Nevada are above average for snow water content, and some regions are nearing record amounts of snow, and snow and rain has fallen across many regions of the state since then, with more precipitation forecasted; and

WHEREAS improved conditions have helped rehabilitate surface water supplies, but have not abated the severe drought conditions that remain in some parts of the State, including the Klamath River basin and the Colorado River basin, and many groundwater basins throughout the State remain depleted from overreliance and successive multi-year droughts; and

WHEREAS continued action by the State is needed to address ongoing consequences of the drought emergency, including groundwater supply shortages, domestic well failures, and drought-related harm to native fishes in the Klamath River and Clear Lake watersheds; and

WHEREAS the drought emergency has required a dynamic and flexible response from the State, and several provisions in my prior Proclamations and Orders have been terminated or superseded already, specifically Paragraphs 4 and 8 of my State of Emergency Proclamation dated April 21, 2021, Paragraphs 2, 4, and 7 of my State of Emergency Proclamation dated May 10, 2021, Paragraphs 3, 4, 5, 6, and 10 of my State of Emergency Proclamation dated July 8, 2021, and Paragraph 9 of Executive Order N-7-22; and

WHEREAS improved conditions warrant an even more targeted State response to the ongoing drought emergency and certain provisions in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and in Executive Orders N-10-21, N-7-22, and N-3-23 provide authority that is no longer needed to mitigate the effects of the drought conditions or direct actions by state agencies, departments, and boards that have already been completed; and

WHEREAS notwithstanding the rescission of certain emergency authorities for emergency drinking water action, state agencies have existing legal authority and funding to continue expedited work to advance the human right to water, and state agencies will continue all ongoing drought resilience planning work, including through coordination with local agencies and tribes; and

WHEREAS next winter's hydrology is uncertain and the most efficient way to preserve the State's improved surface water supplies is for Californians to continue their ongoing efforts to make conservation a way of life; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-7-22 (March 28, 2022), N-3-23 (February 13, 2023), and N-4-23 (March 10, 2023), remain in full force and effect, except as modified by those Proclamations and Orders and herein. State agencies shall continue to implement all directions from those Proclamations and Orders and accelerate implementation where feasible.
2. The following provisions of my State of Emergency Proclamation dated April 21, 2021, are terminated:
 - a. Paragraph 2;
 - b. Paragraphs 5-7; and
 - c. Paragraphs 9-14.
3. The following provisions of my State of Emergency Proclamation dated May 10, 2021, are terminated:
 - a. Paragraph 1;
 - b. Paragraph 3;
 - c. Paragraph 5; and
 - d. Paragraphs 9-10.
4. The following provisions of my State of Emergency Proclamation dated July 8, 2021, are terminated:
 - a. Paragraph 2;
 - b. Paragraphs 7-8, except those portions of paragraph 7 withdrawing provisions of prior orders;
 - c. Paragraphs 11-12.

5. The following provisions of my State of Emergency Proclamation dated October 19, 2021, are terminated:

- a. Paragraph 2;
- b. Paragraphs 4-5;
- c. Paragraph 8; and
- d. Paragraph 10.

6. The following provisions of Executive Order N-10-21 are terminated:

- a. Paragraph 1; and
- b. Paragraph 3

7. The following provisions of Executive Order N-7-22 are terminated:

- a. Paragraphs 1-3;
- b. Paragraph 6; and
- c. Paragraphs 14-15.

8. The following provisions of Executive Order N-3-23 are terminated:

- a. Paragraph 1; and
- b. Paragraph 3, except those portions of the paragraph withdrawing provisions of prior orders.


9. Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, and Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021, are withdrawn and replaced with the following text:

To ensure critical instream flows for species protection in the Klamath River and Clear Lake watersheds, the State Water Resources Control Board (Water Board) and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, the Clear Lake Hitch, and other native fishes in critical streams systems in these watersheds and work with water users, tribes, and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum instream flows to mitigate the effects of the drought conditions. For purposes of state agencies carrying out or approving any actions contemplated by this paragraph, Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken in the Klamath and Clear Lake watersheds or ongoing under Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, or Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th day of March 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Attachment D

Valley Water Drought Response Actions and Calls for Water Use Reductions



voluntary reduction in water use

May 04, 2021



Valley Water's Board of Directors voted Tuesday, April 27, to ask Santa Clara County residents and businesses to conserve more water in light of worsening drought conditions.

The Board of Directors increased its call for a voluntary reduction in water use from 20% to 25%, compared to 2013. Since the 20% voluntary call was put into place in 2017, residents and businesses have reduced water use by an average of 20%.

"With the current drought conditions, Santa Clara County's water supply outlook for the remainder of the year requires Valley Water to take action," Valley Water Board Chair Tony Estremera said. "Having enough clean water is crucial for our economy and our environment, so it is critical that all our residents do their part to make conservation a way of life."



County, about half the water used in a typical home is for outdoor use. Converting lawns to drought-resistant landscapes will help residents save water and money.

Valley Water is also working on expanding a partnership with Our City Forest, a local nonprofit organization. If approved, additional funding would help residents convert their lawns into drought-tolerant landscapes as part of the Lawn Buster Program. This program is designed for people who otherwise couldn't afford to replace their lawn and is available to low-income community members, veterans, people with disabilities, and residents age 60 and over.

Vice Chair Gary Kremen is leading the effort to spread the word on [Valley Water's conservation programs](https://www.valleywater.org/water-conservation-programs) (<https://www.valleywater.org/water-conservation-programs>) and the impact they can have on our water supply.

"Valley Water has many programs and rebates to help residents and businesses save water and money," Kremen said. "Making sure you are drought ready now will make a big difference for our region if we see another dry winter."

You can schedule a Speakers Bureau event with Vice Chair Kremen or a board member for your group or organization by emailing us at info@valleywater.org (mailto:info@valleywater.org).

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statement on unanimous approval by Board of Directors on FY22 water rates

May 11, 2021



Valley Water's main priority remains providing Santa Clara County with a reliable supply of safe, clean water for public health and the economy, especially as we face extreme drought.

The modest increase in water rates that was unanimously approved by my fellow Board Members and I will help pay for emergency water needed this year to meet demand and keep groundwater at normal levels. It will also allow our community to prepare for droughts and other natural disasters by bolstering our water conservation programs, expanding the use of recycled water and starting work on the Anderson Dam Seismic Retrofit Project, which will protect public safety and increase water storage capacity in the county.



\$4.30 to \$4.82 per month in their water bill.

A lot of discussion has taken place recently regarding the proposed Pacheco Reservoir Expansion Project. The Board feels it's important to do our due diligence and move forward with completing the Draft Environmental Impact Report in 2021. This will allow us to decide whether to move forward with the project at a later time based on all the facts. The water bill impact of including the Pacheco project in the FY 22 budget is about .28 cents per month for the average household.

Also, my fellow Board Members and I approved the development of a one-year, Low-Income Residential Water Rate Assistance Program to help low-income Santa Clara County households pay their water bills during the COVID-19 pandemic.

We've seen the devastating effects on communities across the country when water supply infrastructure is not prioritized. My fellow Board Members and I know how important it is to invest in technology and infrastructure to make sure Valley Water can provide safe, clean water to Santa Clara County.

Valley Water manages an integrated water resources system that includes the supply of clean, safe water, flood protection and stewardship of streams on behalf of Santa Clara County's 2 million residents. The district effectively manages 10 dams and surface water reservoirs, three water treatment plants, an advanced recycled water purification center, a state-of-the-art water quality laboratory, nearly 285 acres of groundwater recharge ponds and more than 294 miles of streams. We provide wholesale water and groundwater management services to local municipalities and private water retailers who deliver drinking water directly to homes and businesses in Santa Clara County.

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Valley Water

Water conservation is a way
of life in Santa Clara County.

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VALLEY WATER BOARD CHAIR STATEMENT ON DECLARATION OF WATER SHORTAGE EMERGENCY
CONDITION

VALLEY WATER BOARD CHAIR STATEMENT ON DECLARATION OF WATER SHORTAGE EMERGENCY CONDITION

16 Jun 2021

Santa Clara County is in extreme drought. We can't afford to wait to act as our water supplies are being threatened locally and across California. We are in an emergency and Valley Water must do everything we can to protect our groundwater resources and ensure we can provide safe, clean water to Santa Clara County residents and businesses.

To better deal with these threats and the emergency they are causing, today my fellow Board Members and I unanimously declared a water shortage emergency condition in Santa Clara County. This declaration, which is among the strongest actions we can take under law, allows Valley Water to work with our retailers, cities and the county to implement regulations and restrictions on the delivery and consumption of water. We also are urging the County of Santa Clara to proclaim a local emergency and join us in underscoring the seriousness of the threats posed by the extreme drought.

Increased conservation is also necessary to protect local water supplies and guard against groundwater overdraft, subsidence, and dry domestic wells, especially if the drought extends into next year. That's why my fellow Board Members and I also are

calling for a mandatory 15% reduction in water use compared to 2019.

These actions are necessary as we face further challenges to our local water supply. The Federal Energy Regulatory Commission ordered Anderson Reservoir to be drained for public safety as we strengthen the dam. This means the largest surface reservoir in Santa Clara County is out of service while performing this critical work.

Our imported water supplies are decreasing because of the historic dry season. About 50% of our water supply comes from outside our county, and the depleted Sierra Nevada snowpack caused a significant reduction in the amount of imported water we will receive this year.

Valley Water is addressing this by working to withdraw previously banked supplies and purchasing emergency water from our partners.

We thank the many people who acted during the last drought and beyond to reduce their water use significantly. Water saved through the years is water we can use now. We urge the community to keep up that great work.

I ask our residents, businesses, and farmers to do your part to help us weather this extreme drought by taking part in our many rebate and conservation programs. Valley Water offers robust conservation programs that can help you save water and money, including an increase in our Landscape Rebate Program beginning July 1. Learn about all our rebate programs, conservation tips and how to get free water-saving tools at watersavings.org.

A reliable supply of safe, clean water is crucial for public health and the economy. We can't predict how long this drought will last. But we know now is the time for action to protect our groundwater basins and make sure there is enough water for all our communities. Thank you for doing your part.



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statement on adoption of water use reduction enforcement program

May 25, 2022



As Santa Clara County endures a third consecutive year of drought, we must consider every action possible to reduce water use, especially outdoors.

On May 24, my fellow Board Members and I took the unprecedented step of adopting a program to enforce [restrictions](https://scvwd.legistar.com/View.ashx?M=F&ID=10707109&GUID=BF0C4BA3-3C66-40AE-94D9-644E2F97692F) on outdoor water use by residents and businesses — the first time we have done so in our agency's history. This new program includes fines for those who ignore repeated notices to correct the violation and complements the existing enforcement programs of our water retailers.




reduce water use and protect our current and future water supplies.

The easiest way to reduce water use is by cutting back on outdoor watering. We need everyone to follow the restrictions in place and limit the watering of ornamental lawns to no more than two days a week. Also, watering any landscape between 9 a.m. and 6 p.m. or watering in a way that causes runoff is not allowed.

Please consider letting your lawn go brown this summer — or even better, replacing it with a drought-resistant landscape. Valley Water offers substantial rebates through our Landscape Rebate Program. Residents and businesses can take advantage of our robust conservation programs by visiting watersavings.org.

Last June, my fellow board members and I declared a drought emergency and called for mandatory water conservation. We have more work to do to get to our goal of a 15% reduction, so it is critical that everyone do their part to find ways to use less water.

Let's say yes to saving water and together we can protect our current and future water supply.

For more information about the enforcement program, read our latest [blog post](https://valleywaternews.org/2022/05/25/valley-water-board-of-directors-adopts-program-to-enforce-restrictions-on-outdoor-watering/)  (<http://valleywaternews.org/2022/05/25/valley-water-board-of-directors-adopts-program-to-enforce-restrictions-on-outdoor-watering/>).

Valley Water manages an integrated water resources system that includes the supply of clean, safe water, flood protection and stewardship of streams on behalf of Santa Clara County's 2 million residents. The district effectively manages 10 dams and surface water reservoirs, three water treatment plants, an advanced recycled water purification center, a state-of-the-art water quality laboratory, nearly 285 acres of groundwater recharge ponds and more than 294 miles of streams. We provide wholesale water and groundwater management services to local municipalities and private water retailers who deliver drinking water directly to homes and businesses in Santa Clara County.

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ordinance to include state ban on watering of commercial, industrial and institutional lawns

September 14, 2022



SAN JOSE – As Santa Clara County endures the third year of drought, the Valley Water Board of Directors unanimously voted to strengthen existing rules aimed at reducing outdoor watering.

On Sept. 13, 2022, the Board of Directors amended the existing [water waste enforcement ordinance](https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Amended%20Water%20Waste%20Enforcement%20Ordinance%202022.pdf) [to allow Valley Water to enforce the State of California's ban against watering decorative lawns on commercial, industrial and institutional properties](https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Amended%20Water%20Waste%20Enforcement%20Ordinance%202022.pdf) [to allow Valley Water to enforce the State of California's ban against watering decorative lawns on commercial, industrial and institutional properties](https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Handout%20for%20Non-Functional%20Turf%20Definition.pdf).

Valley Water also streamlined its coordination with water retailers to speed up the time it takes to address water waste cases in Santa Clara County and avoid duplication of enforcement processes.



The updated water waste enforcement ordinance goes into effect immediately. The following restrictions previously approved by the Board of Directors on April 12, 2022, remain in place:

- Watering ornamental lawns no more than two days a week
- Watering any outdoor landscape between 9 a.m. and 6 p.m.
- Any outdoor watering that results in runoff
- Watering outdoors during and within 48 hours of rainfall

In June 2021, the Valley Water Board of Directors established a 15% water use reduction goal for Santa Clara County compared to 2019. After months of steady progress, Santa Clara County reached this goal in July, saving 16% compared to July 2019.

Santa Clara County also exceeded Gov. Gavin Newsom's call for a reduction of 15% compared to 2020. Santa Clara used 19% less water in July when compared to July 2020, well above the statewide average of a 10% savings.

"I'd like to thank everyone who has taken steps to reduce their water use during this drought and encourage you to keep up the great work" Chair Pro Tem Varela said. "We don't know how much rain and snow this winter will bring us. We must continue to reduce our water use, especially if this drought carries into 2023. We owe it to our kids, family and community not to waste water."

Video explaining Valley Water's Water Waste Enforcement Ordinance



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shortage emergency condition, calls for 15% voluntary water-use reduction

April 12, 2023



SAN JOSE – The Valley Water Board of Directors voted unanimously to rescind the water shortage emergency condition calling for a 15% mandatory water-use reduction in Santa Clara County.

In an effort to keep the community's water saving momentum, the Board of Directors also called for a 15% voluntary water-use reduction.

"Water conservation must be a way of life," Valley Water Chair John L. Varela said. "California has experienced two multi-year droughts in the past decade. We can't predict when the next drought will arrive. That's why it's so important that we continue our water saving ways."



- Outdoor watering that causes runoff
- Mid-day watering
- Watering after rainfall
- The State of California's ban against watering decorative lawns on commercial, industrial, and institutional properties, including homeowners' associations

The Board of Directors also requested Valley Water Chief Executive Officer Rick Callender to bring a recommendation for the Board's consideration for additional actions to support water conservation as a way of life in our county and state.

Valley Water is committed to continuing to work with stakeholders across Santa Clara County to develop approaches for making water conservation a way of life. Since July 2021, residents, businesses, farms and others reduced water use by 12% compared to 2020.

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June 16, 2023



SAN JOSE – On June 13, 2023, Valley Water's Board of Directors unanimously adopted a resolution declaring that water conservation must be a way of life in Santa Clara County. The Board also unanimously passed an ordinance with permanent water waste prohibitions to ensure that water as a precious resource is not misused, even during non-drought periods.

Making water conservation a way of life is critical to the long-term economic and environmental sustainability of Santa Clara County. Our region is prone to multi-year droughts and resulting water shortages.


"Our residents and businesses showed a commitment to water conservation by saving more than 10 billion gallons of water during the drought emergency," Chair John L. Varela said. "Now, we are asking the community to work with us to make water conservation a way of life."



despite repeated notifications to address the waste. During periods when Valley Water's Board has not called for mandatory water use reduction, the ordinance provides an enforcement process that includes notifications and education for those reported to have violated water waste restrictions and refers repeated complaints to water retailers for further enforcement action.

As part of the ordinance approved by the Board, the following water-wasting actions are now permanently prohibited in Santa Clara County:

- Using sprinklers between 9:00 a.m. and 6:00 p.m.
- Causing runoff while watering any outdoor landscape.
- Watering outdoors within 48 hours of measurable rainfall.
- Using leaking plumbing fixtures, sprinklers, or irrigation systems without repairing them after written notification from a retailer or Valley Water.
- Watering non-functional turf at commercial, industrial, and institutional properties, including common areas of homeowner's associations and multi-family residential properties.
- Washing cars, except by handwashing, by a hose with an automatic shut-off nozzle, or at a car washing facility.
- Washing building exteriors or mobile homes with a hose without an automatic shut-off nozzle.
- Washing sidewalks, walkways, driveways, patios, parking lots, or other hard-surfaced, non-porous ground areas except in cases where health and safety are at risk. Power washing of sidewalks or other outdoor surfaces for health and safety reasons is not considered a violation of this provision.

Valley Water's water waste inspectors respond to reports of water waste and violations of local water use restrictions. Reports of water waste in Santa Clara County can be reported through our webpage at access.valleywater.org, emailing WaterWise@valleywater.org  (<mailto:WaterWise@valleywater.org>), or by calling (408) 630-2000.

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Attachment E

BAWSCA Drought Statements



Statement from Nicole Sandkulla, Chief Executive Officer, about the Need for Water Customers to Use Water Wisely and Voluntarily Reduce Water Use Given Ongoing Drought Conditions

June 21, 2021

BAWSCA and its member agencies are encouraging wise water use as summer begins, especially after a dry and warm winter season. Water customers are asked to use water wisely and to remain vigilant. The efficient management of outdoor water use is a particularly effective means to conserve water.

As of May 10, 2021, Governor Newsom expanded his [Drought Proclamation](#) to include Klamath River, Sacramento-San Joaquin Delta and Tulare Lake Watershed counties. There are now a total of 41 counties under a targeted State of Emergency due to drought. As California enters its second dry year and conditions within the state shift, more counties may be added to the proclamation.

BAWSCA represents the 26 water suppliers that purchase water on a wholesale basis from the San Francisco (Hetch Hetchy) Regional Water System (System) to meet the water supply needs of 1.8 million residents and over 40,000 businesses in Alameda, Santa Clara and San Mateo counties. The San Francisco Public Utilities Commission (SFPUC), which operates the Hetch Hetchy System is also asking all water customers to voluntarily reduce their water use.

Ways residents can reduce water use during the summer include routinely cutting irrigation time and reducing frequency of irrigation days, fixing leaks, and addressing irrigation problems like overspray.

BAWSCA offers a wide range of programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, low-flow fixture replacement rebates, and much more!

Please visit www.BAWSCA.org for more information regarding conservation programs, drought information, and water supply conditions. Visit <https://sfpuc.org/learning/conserve-water> for more information regarding SFPUC's programs and resources.

###



**Statement from Nicole Sandkulla, Chief Executive Officer, Calling for a Voluntary
15 Percent Water Use Reduction Given Ongoing Drought Conditions**

September 14, 2021

Earlier this summer, Governor Newsom issued a [Drought Proclamation](#) calling on all Californians to voluntarily reduce their water use by 15 percent compared to 2020 water use.

In support of the Governor's Proclamation, BAWSCA, its member agencies, and the San Francisco Public Utilities Commission (SFPUC), are asking all customers for a voluntary 15 percent water use reduction. Water customers are asked to use water wisely and to remain vigilant, especially during the coming months of hot weather when water use is normally at its peak. The efficient management of outdoor water use is a particularly effective means to conserve water.

On August 20, 2021, the State of California issued orders for San Francisco to curtail its water diversions in the Tuolumne River watershed including diversions into Hetch Hetchy Reservoir. San Francisco has already taken the first steps towards compliance in filing the required certificates of compliance on September 2nd. SFPUC is reviewing these orders, which include an exemption provision to protect human health and safety.

BAWSCA continues to coordinate with San Francisco to understand the impacts of the curtailment orders on the San Francisco (Hetchy Hetchy) Regional Water System (System) and its ability to deliver water supply. BAWSCA represents the 26 water suppliers that purchase water on a wholesale basis from the System to meet the water supply needs of 1.8 million residents and over 40,000 businesses in Alameda, Santa Clara and San Mateo counties.

Residents can reduce water use during the summer months by cutting routine irrigation time and reducing frequency of irrigation days, addressing irrigation problems like overspray, and fixing leaks.

BAWSCA offers a wide range of programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, and low-flow fixture replacement rebates, to name a few.

Visit www.BAWSCA.org for more information regarding conservation programs, drought information, and water supply conditions. Visit <https://sfpuc.org/learning/conserves-water> for more information regarding SFPUC's programs and resources.

###



Statement from Nicole Sandkulla, Chief Executive Officer, Calling for a Voluntary 15 Percent Water Use Reduction Given Ongoing Drought Conditions

December 3, 2021

On November 23, 2021, the San Francisco Public Utilities Commission (SFPUC) declared a water shortage emergency and a request for 10 percent system-wide reductions by its water customers compared to 2019-2020 water use levels.

Effective immediately, this system-wide reduction target translates to a 14 percent reduction request for the 26 water suppliers that purchase water on a wholesale basis from the San Francisco (Hetch Hetchy) Regional Water System (System) and deliver that water to 1.8 million residents and over 40,000 commercial, industrial, and institutional accounts in San Mateo, Santa Clara, and Alameda Counties. These 26 water suppliers are represented by BAWSCA.

SFPUC's action follows Governor Newsom's October 19, 2021 [Drought Proclamation](#), expanding the drought emergency to all 58 counties in California and calling on all Californians to voluntarily reduce their water use by 15 percent compared to 2020 levels.

Water customers are asked to use water wisely and take actions to reduce their water usage, such as fixing leaky toilets, installing low-flow fixtures, and reducing outdoor irrigation. The efficient management of outdoor water use is a particularly effective means to conserve water.

BAWSCA offers a wide range of programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, low-flow fixture replacement rebates, and much more.

Please visit www.BAWSCA.org/drought for more information regarding conservation programs, drought information, and water supply conditions.

###



Statement from Nicole Sandkulla, Chief Executive Officer, Calling for a Voluntary 15 Percent Water Use Reduction Given Ongoing Drought Conditions

March 29, 2022

On March 28, 2022, Governor Newsom issued an Executive Order reaffirming the State's call for 15 percent voluntary water use reduction from all Californians and directing State and local water agencies to consider enacting shortage response actions consistent with local drought contingency plans.

On November 23, 2021, the San Francisco Public Utilities Commission (SFPUC) declared a water shortage emergency and a request for 10 percent system-wide reductions by its water customers compared to 2019-2020 water use levels.

Effective immediately, this system-wide reduction target translates to a 14 percent reduction request for the 26 water suppliers that purchase water on a wholesale basis from the San Francisco (Hetch Hetchy) Regional Water System (System) and deliver that water to 1.8 million residents and over 40,000 commercial, industrial, and institutional accounts in San Mateo, Santa Clara, and Alameda Counties. These 26 water suppliers are represented by BAWSCA.

Governor Newsom issued the first of a four Executive Orders in April 2021 declaring a drought emergency in critically dry counties. Each successive Executive Order expanded the drought emergency to additional counties, with the final Executive Order establishing a drought emergency in all 58 counties across California.

Water customers are asked to use water wisely and take actions to reduce their water usage, such as fixing leaky toilets, installing low-flow fixtures, and reducing outdoor irrigation. The efficient management of outdoor water use is a particularly effective means to conserve water.

BAWSCA offers a wide range of programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, low-flow fixture replacement rebates, and much more.

Please visit www.BAWSCA.org/drought for more information regarding conservation programs, drought information, and water supply conditions.

###



Statement from Nicole Sandkulla, Chief Executive Officer, Calling for a Voluntary 15 Percent Water Use Reduction Given Ongoing Drought Conditions

March 20, 2023

So far, this winter has brought historic rainfall and snowpack. However, much of the State remains in some level of drought. It is still too early in the water year to declare the drought is over for our region.

On February 13, 2023, Governor Newsom issued an Executive Order reaffirming the State's call for a 15 percent voluntary water use reduction from all Californians. Governor Newsom also directed state agencies to provide to him, no later than April 28, 2023, recommendations for what further actions, if any, are necessary for ongoing emergency drought response and whether any existing provisions in his proclamations or executive orders related to the drought emergency are no longer needed.

San Francisco's request for an 11 percent voluntary system-wide reduction remains in place as well. San Francisco will make a final water supply availability determination by mid-April.

This system-wide reduction target translates to a 16 percent reduction request for the 26 water suppliers that purchase water on a wholesale basis from the San Francisco (Hetch Hetchy) Regional Water System and deliver that water to 1.8 million residents and over 40,000 commercial, industrial, and institutional accounts in San Mateo, Santa Clara, and Alameda Counties. These 26 water suppliers are represented by BAWSCA.

Thanks to the efforts of the water customers, overall water use is down significantly. Water customers are asked to continue to use water wisely and take actions to reduce their water usage, such as fixing leaky toilets, installing low-flow fixtures, and reducing outdoor irrigation.

BAWSCA offers a wide range of programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, low-flow fixture replacement rebates, and much more.

Please visit www.BAWSCA.org/drought for more information regarding conservation programs, drought information, and water supply conditions.

###



Statement from Nicole Sandkulla, Chief Executive Officer, Regarding Governor's Recent Executive Order and Continued Need for Voluntary Conservation

April 6, 2023

This winter brought historic rainfall and snowpack. As of March 28, 2023, more than half the state was no longer in any stage of drought. On March 24, 2023, Governor Newsom issued an Executive Order (N-5-23) easing drought emergency provisions that are no longer necessary while maintaining certain requirements that are still needed in parts of the state that remain in low to moderate levels of drought.

The Governor's recent action also eliminated his directive that water agencies implement level 2 of their drought contingency plans. However, the State Water Resources Control Board's (State Water Board) drought emergency regulations requiring implementation of level 2 drought contingency plans remain in effect.

On April 11, 2023, the San Francisco Public Utilities Commission (SFPUC) will consider rescinding its drought emergency declaration while retaining its call for voluntary system-wide water use reduction of 11% compared to fiscal year 2019-2020 water use in order to remain compliant with the State Water Board's emergency drought regulations that are still in effect. SFPUC staff will seek Commission approval to rescind the voluntary system-wide water use reduction of 11% when the State Water Board modifies or ends its drought emergency regulations.

The Governor and BAWSCA continue to encourage ongoing water customer efforts to make water conservation a California way of life. Additionally, wasteful practices prohibited by the State Water Board's drought emergency regulations also remain in effect until they expire or are rescinded. These prohibited actions include, but are not limited to, the use of potable water for washing hard surfaces and filling decorative fountains and ponds, irrigating landscapes within 48 hours after measurable rainfall, and irrigating non-functional turf with potable water on commercial and institutional properties.

Thanks to the efforts of BAWSCA member agencies and their water customers, significant progress was made towards the BAWSCA region's conservation targets.

BAWSCA continues to offer a wide range of conservation programs, rebates, and water conservation tips to help water customers reduce outdoor and indoor water use including turf replacement incentives, water efficient landscaping classes, low-flow fixture replacement rebates, and more.

Please visit www.BAWSCA.org/drought for more information regarding conservation programs, drought information, and water supply conditions.

###

Attachment F

BAWSCA-SFPUC Regional Joint Drought Messaging and Campaign Artwork

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **Agreement with Outfront Media for Billboard Advertisements
Associated with a Drought Messaging Campaign**

Summary:

This memorandum details a proposed purchase of digital billboard advertisement space by BAWSCA in support of a media campaign to promote water conservation and efficient water use practices. If approved, advertisements would commence shortly after the Board's March 17, 2022 meeting and run through mid-July 2022.

Billboard advertisements are part of a larger media campaign developed by the SFPUC regarding the current drought. The SFPUC, for contractual and procurement reasons, cannot pay for billboard placements outside of San Francisco at this time. For the message to reach BAWSCA member agencies and their customers, it is necessary to have BAWSCA enter into an agreement directly with the billboard advertisement vendor, Outfront Media.

Digital billboards are more cost-effective than print billboards. The SFPUC prepared the images for use in the digital billboard advertisements. BAWSCA engaged in the review and approval of the digital images. Both the SFPUC and BAWSCA logos appear on each digital image. Each image will appear every 64 seconds, for an 8 second duration, and will cycle through multiple images during a 24-hour period. Cycles may be adjusted based on future decisions BAWSCA may make with advanced notice to Outfront Media. The ads were produced in four languages (English, Spanish, Chinese and Tagalog). Outfront will take direction from BAWSCA regarding the frequency that ads with text in languages other than English will be displayed.

Fiscal Impact:

Outfront Media has provided BAWSCA a quote of \$71,750 for the digital billboard advertisements in the BAWSCA region for the period stipulated. These expenses were not anticipated or included in the adopted FY 2021-22 budget. To fund this effort, it is recommended that BAWSCA request a transfer from the Water Supply Agreement Balancing Account. Use of the Balancing Account for this purpose is consistent with the financial impact on the Wholesale Customers that would occur if the SFPUC was able to enter into this contract itself and fund it through the regular Wholesale Revenue Requirement process. The discussion below presents the necessary findings required by the Board's policy for use of the Balancing Account.

Policy Committee Action:

The Policy Committee voted unanimously to recommend the proposed Board Action.

In response to the Committee's request, further information regarding physical location of the billboards (e.g., street addresses), finalized images used in the advertisements, and cost breakdown for the SFPUC's media campaign is provided as exhibits to this memorandum.

Recommendation:

That the Board authorize the CEO/General Manager to:

- 1. Approve the agreement with Outfront Media for billboard advertisements at a total cost of \$71,750, subject to legal counsel's final review; and**
- 2. Authorize a request for a transfer of \$71,750 from the Balancing Account in accordance with BAWSCA's Balancing Account Policy, Res. No. 2020-02, and increase the FY 2021-22 BAWSCA Operating Budget accordingly.**

Discussion:

The SFPUC's conservation staff have been working on a drought messaging campaign since fall of 2021. With the declaration of a water shortage emergency by the SFPUC on November 23, 2021, the SFPUC's conservation staff accelerated efforts to implement a significant campaign to educate the public about the importance of water conservation during the drought. Beginning in November 2021, the SFPUC has worked with BAWSCA to coordinate this outreach campaign with the goal of reaching a consensus on the campaign themes as well as to ensure that the message reaches the Wholesale Customers, including extending media efforts throughout the BAWSCA service area. Proposed outreach materials and outreach approach were shared with the Water Management Representatives (WMR) at their December 6, 2021 meeting. The WMRs reacted favorably to both the materials and the approach shared.

The SFPUC's outreach campaign encompasses a number of media types, including print, television, social media, radio, and signage / billboards. While the majority of the media outreach will be covered under a contract that the SFPUC has entered into with a media consultant, Next Steps Marketing, the SFPUC indicated that BAWSCA's assistance is needed to secure billboard placement outside of San Francisco. The SFPUC media budget for the drought outreach campaign is shown in Exhibit A. Costs for the campaign will be allocated to the Wholesale Customers in accordance with the Water Supply Agreement (WSA) and will be subject to confirmation by BAWSCA as part of its annual review of the Wholesale Revenue Requirement.

On December 15, 2021, BAWSCA and SFPUC staff, together with the SFPUC's media consultant, met virtually to discuss the approach suggested for billboard advertisement. At that meeting, the SFPUC's media consultant shared details of the images proposed for the ads (see Exhibit B) as well as the locations of the billboards selected (see Exhibit C). Images, when finalized, will include both the BAWSCA and SFPUC logos, along with links to the respective drought pages on each agency's website. There are seven billboard locations proposed, and at each location there are two billboards (one for each direction of traffic). All billboards are digital. The SFPUC's media consultant has selected Outfront Media as the preferred billboard vendor because it owns electronic billboards at strategic locations throughout the BAWSCA service area and its advertisement costs are competitive. BAWSCA will need to contract with Outfront Media to secure the billboard space.

On December 23, 2021, Outfront Media sent BAWSCA a proposed agreement that covers the cost and the commitments associated with the contemplated digital advertisement. With Board approval, digital ads would begin following agreement execution after the BAWSCA Board's March 17, 2022 meeting and run for a period of 14 weeks, terminating in mid-July 2022. The total cost of these advertisements is \$71,750.

Assuming BAWSCA enters into the above noted agreement, advertisements would be visible for 8 seconds, with a repeat cycle every 64 seconds, for a 24-hour period each day. Images would vary over the course of the day, cycling through the range of images that will be finalized prior to the contract commencement. BAWSCA and SFPUC staff have the ability to exclude images, focus on certain images, or replace images over the course of the advertisement period. The ads have been produced in four languages (English, Spanish, Chinese and Filipino). Outfront will

take direction from BAWSCA regarding the frequency that ads with text in languages other than English will be displayed.

BAWSCA's legal team has supported staff throughout this process, including recommending that BAWSCA enter into an indemnification letter agreement with the SFPUC to protect BAWSCA from copyright claims due to SFPUC's use of third-party images. That indemnification letter will be in place prior to executing the agreement with Outfront Media. At legal counsel's direction, staff has also obtained further documentation from the SFPUC related to its agreement with its media consultant.

SFPUC's Contracting and Procurement Limitations

The SFPUC has strict procurement procedures that prevent it from entering into an agreement with Outfront Media for the placement of advertisements outside of the City / County of San Francisco at this time. The SFPUC's Water Conservation Division has just one contract vehicle with adequate capacity to procure the selected drought outreach campaign elements. That contract has a required Local Business Enterprise goal that would not be met if it were to be used outside of the SFPUC's geographic limits. While the SFPUC's Water Enterprise has a number of active contracts in place with various consultants and contractors, none have the ability or the capacity to expend funds for this type of communications/outreach procurement.

BAWSCA understands that the SFPUC's Water Enterprise anticipates executing new contracts this spring for general consultant services. BAWSCA has asked the SFPUC to consider having a contract provision or process in place such that their new agreements provide the SFPUC with an ability to procure billboard advertisements within the BAWSCA service area.

Findings Related to the Use of the Balancing Account:

Pursuant to Section 6.05.B.2.a of the WSA, if the Balancing Account maintains a positive balance for three successive years and represents 10 percent or more of the Wholesale Revenue Requirement for the most recent fiscal year, the Board may direct the SFPUC to apply the positive balance to "water conservation or water supply projects administered by or through BAWSCA," among other uses. As of June 30, 2021 there was \$86 Million in the Balancing Account.

Although the adopted FY 2021-22 funding plan included a line item regarding possible efforts BAWSCA may need to undertake in the event of a drought occurring during the fiscal year, no funding was set aside at that time. The use of the Balancing Account to fund billboard advertisements is nevertheless an eligible activity, as such advertisements support BAWSCA's conservation efforts and it is a cost that the SFPUC would otherwise expend itself if it weren't for its current contract limitations.

This recommended action proposes a \$71,750 increase in the FY 2021-22 budget to be funded by the Balancing Account.

In accordance with Resolution No. 2020-02, before appropriating funds from the Balancing Account, the Board must make written findings that reasonably demonstrate that applying all or a portion of the positive balance to the selected purpose(s) is in the best interests of the Wholesale Customers and the ultimate water customers.

Per the Balancing Account Policy, the findings must address the following:

- a) Projected annual Wholesale Rates for the next five fiscal years;

- b) Wholesale Revenue Coverage Reserve;
- c) Existing unpaid asset balance(s) under Section 5.03 of the WSA;
- d) Funding requirements and sources for water conservation or water supply projects administered by the Agency and an analysis comparing the use of the Balancing Account funds compared to implementing a Water Management Charge per WSA Section 3.06.A; and
- e) Any other factor(s) the Board of Directors determines compels application of all or part of the positive balance to a purpose specified in 6.05.B.2.a of the WSA.

An evaluation of the proposed use of the Balancing Account funds results in the following findings:

- The proposed appropriation of \$71,750 will not have a discernible impact on the wholesale rates in the next five years (a) or the need for funds for a Wholesale Revenue Coverage Reserve (b).
- Finding (c) is no longer relevant as all asset balances have been paid.
- A Water Management Charge is not a preferred method of raising funds at this time given the size of the positive balance in the Balancing Account and the budget needs (d).
- If the SFPUC was able to enter into this contract itself, the fiscal impact on the Wholesale Customers would be the same because the contract would be funded through the regular Wholesale Revenue Requirement process. At this time, there is no other competing interest that requires the Balancing Account to be reserved in its entirety. Therefore, the Board may make the determination that it is in the best interest of the Wholesale Customers and the ultimate water customers to apply a portion of the positive balance of the Balancing Account for these budget items (e).

Exhibit A

**SFPUC Drought Messaging Campaign
Media Budget**

Cost	Work Description	Responsibility¹
\$125,000	Project management, media buys, ad monitoring and reporting	Regional Cost
\$40,000	Radio and TV commercials in Spanish, Chinese and Filipino. Univision (Spanish), KTSF (Chinese), Sing Tao (Chinese), FilAM (Filipino channel)	Regional Cost
\$71,750	Digital Billboards - each placement will include multiple ads, including Chinese, Spanish and Filipino ads	Regional Cost (BAWSCA to Buy Directly)
\$60,000	Google Ads targeted by zip code	Regional Cost
\$10,000	Facebook & Instagram Ads targeted by zip code	Regional Cost
\$12,000	Twitter	Regional Cost
\$2,000	Muni PSA Car Cards (space pro bono, printing 1000 cards)	SF Retail Cost
\$16,000	NextDoor Ads targeted by zip code	Regional Cost
\$336,750	Total Drought Outreach²	

Notes:

1. “Regional Costs” are the responsibility of both BAWSCA and the SFPUC
2. Total Drought Outreach Costs, aside from those identified as having a “SF Retail Cost” are to be shared by the SF Retail and BAWSCA Member Agencies in accordance with the Water Supply Agreement such that the appropriate cost share between the SF Retail and BAWSCA based on the Wholesale Revenue Requirement is applied

Exhibit B

Sample Billboard Advertisements (English Language Versions)

Turn off the faucet while you lather

Don't waste a gallon a minute

We're in a drought, cut waste out.

bawasca.org/conserve

BAWSCA
Bay Area Water Supply & Conservation Agency

Hetch Hetchy Regional Water System
Division of the San Francisco Public Utilities Commission

Turn off the faucet while you brush

We're in a drought, cut waste out.

bawasca.org/conserve

BAWSCA
Bay Area Water Supply & Conservation Agency

Hetch Hetchy Regional Water System
Division of the San Francisco Public Utilities Commission

Water plants no more than twice a week

Not the pavement

We're in a drought, cut waste out.

bawasca.org/conserve

BAWSCA
Bay Area Water Supply & Conservation Agency

Hetch Hetchy Regional Water System
Division of the San Francisco Public Utilities Commission

Water plants no more than twice a week

Never when it's raining

We're in a drought, cut waste out.

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Bay Area Water Supply & Conservation Agency

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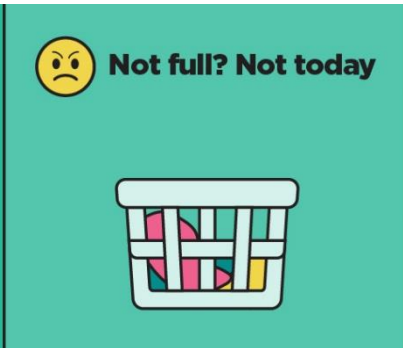
 <p>Catch rain for irrigation</p>	 <p>Don't water when it rains</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency</p> <p>Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Use a nozzle on your hose</p>	 <p>Don't drown your daisies</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency</p> <p>Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Check for leaks</p>	 <p>Don't soil your water savings</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency</p> <p>Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Fix leaks</p>	 <p>Big drips make bad guests</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency</p> <p>Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Replace your lawn with a water-wise landscape</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Only wash when the hamper's full</p>	 <p>Not full? Not today</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Water plants between 6pm and 10am</p>	 <p>Don't let sun and wind steal your water</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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 <p>Newer toilets save water</p>	 <p>Old toilets belong in a museum</p>	<p>We're in a drought, cut waste out.</p> <p>bawasca.org/conserv</p> <p>BAWSCA Bay Area Water Supply & Conservation Agency Hetch Hetchy Regional Water System Division of the San Francisco Public Utilities Commission</p>
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Exhibit C

Billboard Locations



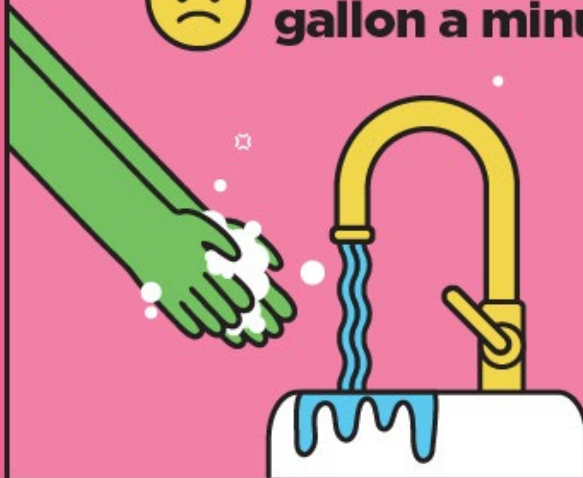
Billboard #	Highway	Address
1, 2	101	116 S Airport Blvd. South San Francisco, CA (San Mateo County)
3, 4	101	401 E Millbrae Ave. Millbrae, CA (San Mateo County)
5, 6	101	1119 Industrial Road. San Carlos, CA (San Mateo County)
7, 8	101	1700 E. Bayshore Road. East Palo Alto, CA (San Mateo County)
9, 10	101	941 Laurelwood Road. Santa Clara, CA (Santa Clara County)
11, 12	880	920 Thompson Street. Milpitas, CA (Santa Clara County)
13, 14	92	7125 Breakwater Ave. Hayward, CA (Alameda County)



**Turn off the faucet
while you lather**



**Don't waste a
gallon a minute**



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency



Hetch Hetchy
Regional Water System
Service of the San Francisco Public Utilities Commission

bawasca.org/conserve



Turn off the faucet while you brush



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency



Hetch Hetchy
Regional Water System
Service of the San Francisco Public Utilities Commission

bawasca.org/conserve



Water plants no more than twice a week



Not the pavement



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency



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Water plants no more than twice a week



Never when it's raining



We're in a drought, cut waste out.

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Bay Area Water Supply & Conservation Agency



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**Water plants
between 6pm
and 10am**



**Don't let sun and
wind steal your water**



We're in a drought, cut waste out.

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Regional Water System
Services of the San Francisco Public Utilities Commission

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**Only wash when
the hamper's full**



Not full? Not today



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency



Hetch Hetchy
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 **Replace your lawn with a water-wise landscape**



We're in a drought, cut waste out.

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Regional Water System
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bawasca.org/conserve

 **Fix leaks**



 **Big drips make bad guests**



We're in a drought, cut waste out.

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Check for leaks



Don't soil your water savings



We're in a drought, cut waste out.

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Use a nozzle on your hose



Don't drown your daisies



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bawasca.org/conserve

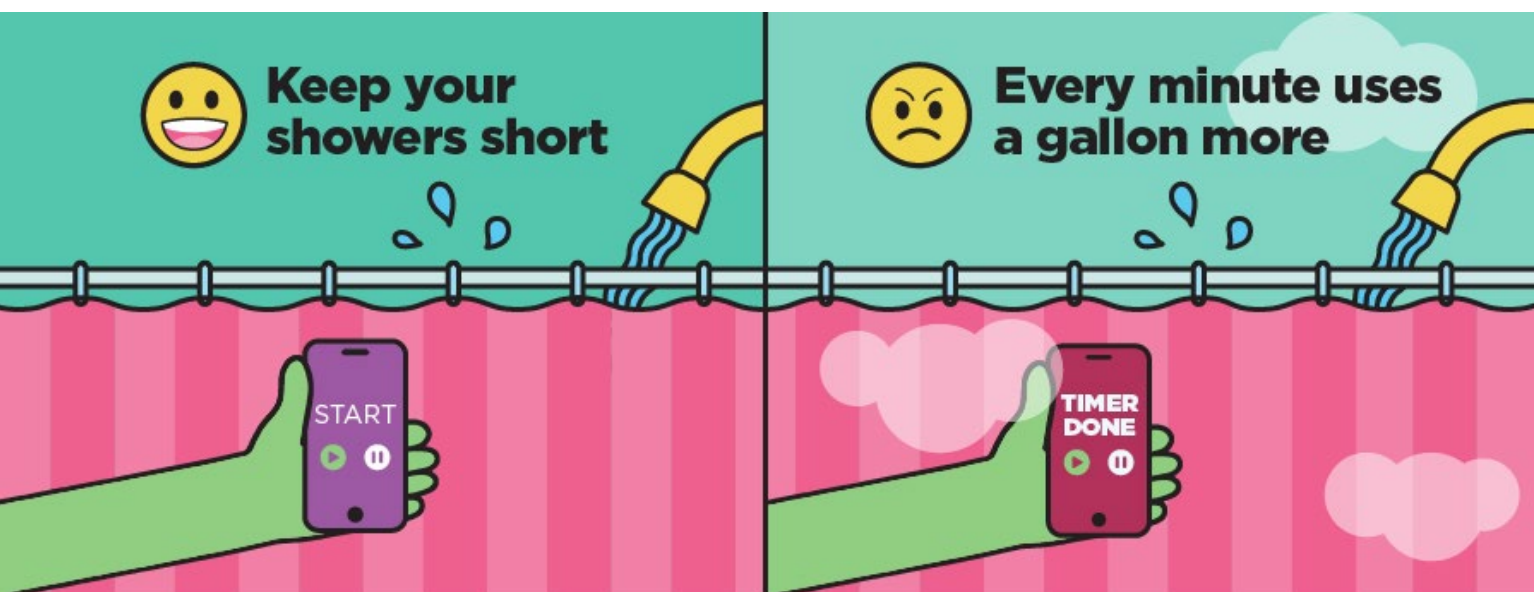


We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency

 **Hetch Hetchy**
Regional Water System
Services of the San Francisco Public Utilities Commission

bawsca.org/conserve



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency

 **Hetch Hetchy**
Regional Water System
Services of the San Francisco Public Utilities Commission

bawsca.org/conserve



**Newer toilets
save water**



**Old toilets
belong in
a museum**



We're in a drought, cut waste out.

BAWSCA
Bay Area Water Supply & Conservation Agency



Hetch Hetchy
Regional Water System
Services of the San Francisco Public Utilities Commission

bawasca.org/conserve

Attachment G

Tier 2 Plan Allocations and SFPUC Deliveries

Table A
Tier 2 Monthly Budgets in Hundred Cubic Feet from November 2021 to April 2023

Wholesale Customer	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22 (a)	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23
Alameda County WD	179,087	152,442	227,005	236,785	159,243	479,846	554,958	452,317	443,354	427,884	375,689	304,710	217,779	177,594	176,136	275,465	265,250	594,638
CWS - Total	926,033	786,439	632,972	567,975	671,024	813,004	1,076,672	1,089,546	1,212,996	1,213,068	1,138,975	1,135,290	877,158	744,933	599,565	537,998	635,609	770,095
City of Brisbane/GVMID	29,627	21,317	20,590	17,357	16,814	19,180	23,095	24,106	24,937	29,042	26,065	24,535	28,258	20,332	19,639	16,555	16,037	18,293
City of Burlingame	128,652	121,690	94,351	83,419	100,394	105,408	136,883	136,561	146,621	153,353	143,120	130,757	120,026	113,530	88,025	77,826	93,663	98,341
Coastside County WD	54,860	42,908	11,310	9,931	9,547	9,970	46,032	53,565	73,303	93,849	70,951	76,451	78,756	61,598	16,237	14,256	13,706	14,313
City of Daly City	146,148	108,655	133,086	102,221	101,272	112,274	122,724	112,724	131,876	163,274	122,991	124,677	130,912	97,328	119,212	91,564	90,714	100,569
City of East Palo Alto	54,257	51,249	53,311	43,975	47,795	54,238	64,750	61,757	87,994	63,154	63,154	62,484	50,825	48,007	49,938	41,193	44,771	50,806
EMID	139,538	127,825	109,423	93,019	106,727	119,835	167,027	161,584	198,040	187,831	175,882	187,409	134,187	122,923	105,227	89,452	102,634	115,239
City of Hayward	487,395	484,766	395,503	378,173	415,483	500,046	511,198	573,662	676,355	609,650	639,511	594,364	489,567	486,927	397,266	379,859	417,335	502,275
Town of Hillsborough	97,491	68,040	43,095	26,784	55,128	60,523	106,431	112,980	148,934	136,614	137,006	127,942	95,730	66,811	42,316	26,300	54,132	59,430
City of Menlo Park	100,000	75,000	65,000	57,000	65,000	85,000	110,000	133,000	147,130	145,000	137,000	124,000	100,000	72,000	57,000	57,000	60,000	76,000
Mid-Peninsula WD	76,000	72,000	75,000	72,000	77,000	84,000	110,000	118,000	118,270	119,304	110,144	103,861	99,110	67,342	62,067	61,124	72,769	80,221
City of Millbrae	66,885	67,545	55,597	50,538	58,822	58,736	74,284	75,258	87,133	89,174	82,356	72,143	63,829	64,460	53,057	48,229	56,135	56,053
City of Milpitas	249,928	190,374	198,791	158,975	159,218	185,313	219,696	215,560	242,821	277,449	244,204	236,165	235,183	179,142	187,063	149,596	149,825	174,380
City of Mountain View	320,608	243,996	239,419	197,695	196,166	237,874	307,102	305,449	345,316	347,398	357,920	318,149	295,046	261,357	256,455	211,763	210,124	254,800
North Coast County WD	84,819	94,609	80,099	73,802	86,483	83,487	93,328	93,204	97,463	105,552	97,684	87,254	87,555	97,660	82,683	76,182	89,272	86,180
City of Palo Alto	329,140	280,052	263,573	216,895	264,048	347,608	445,760	438,841	493,672	449,796	432,587	419,682	329,520	280,375	263,877	217,145	264,353	348,009
Purissima Hills WD	61,051	35,916	29,664	19,896	21,624	31,573	51,670	56,981	71,269	78,609	67,311	65,151	63,600	37,416	30,903	20,727	22,527	32,891
City of Redwood City	280,743	258,313	209,958	195,227	238,353	271,022	299,407	328,211	347,445	357,157	304,467	271,620	231,350	209,295	191,364	229,023	234,647	291,043
City of San Bruno	33,604	32,415	21,608	15,668	20,640	19,407	40,565	44,799	52,868	46,464	53,240	31,063	30,889	29,795	19,862	14,402	18,972	17,839
City of San José	129,573	104,279	105,413	85,160	83,186	104,212	122,976	120,131	131,700	143,986	126,419	119,428	122,516	98,600	99,671	80,522	78,655	98,536
City of Santa Clara	98,980	87,900	98,526	82,752	80,988	81,772	100,108	97,514	81,589	88,954	79,220	85,268	94,121	83,585	93,689	78,690	77,013	77,758
City of Sunnyvale	322,000	290,000	270,000	264,000	274,000	282,000	310,000	340,000	400,000	400,000	390,000	360,000	340,000	300,000	250,000	245,000	260,000	270,000
Westborough WD	25,909	33,282	25,785	24,612	24,192	29,579	26,443	29,794	39,559	32,077	34,063	36,188	24,635	31,646	24,518	23,402	23,003	28,126
Stanford University	46,647	40,260	37,143	38,630	40,795	45,554	58,788	57,211	64,531	67,665	60,967	57,721	42,315	36,521	33,694	33,071	37,006	41,323
Total	4,669,513	4,011,765	3,492,999	3,063,484	3,635,683	4,207,013	4,984,871	4,983,176	5,865,176	5,826,304	5,470,926	5,156,312	4,382,867	3,789,177	3,319,464	3,096,344	3,388,152	4,257,158

Abbreviations:

"CWS" = California Water Service

"EMID" = Estero Municipal Improvement District

"GVMID" = Guadalupe Valley Municipal Improvement District

"SFPUC" = San Francisco Public Utilities Commission

"WD" = Water District

"WSCP" = Water Shortage Contingency Plan

Note:

(a) The Tier 2 monthly budgets were updated in July 2022 in response to SFPUC's enactment of WSCP Stage 2 in May 2022 and to incorporate updated base period data from fiscal year 20-21 which had not yet been available in November 2021.

Table B
SFPUC Deliveries in Hundred Cubic Feet from November 2021 to April 2023 (a)

Wholesale Customer	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23
Alameda County WD	176,418	330,555	185,003	254,080	334,260	618,380	534,044	574,115	458,946	334,064	419,635	391,934	267,143	347,959	343,574	295,575	340,532	771,944
CWS - Total	873,684	874,283	559,401	1,142,523	1,026,245	1,114,942	1,049,343	1,287,280	1,540,608	1,245,622	1,640,279	1,255,187	997,000	855,229	789,198	703,027	728,329	793,439
City of Brisbane/GVMID	23,727	21,079	22,963	17,995	19,696	26,480	21,543	25,419	30,151	24,248	23,542	23,500	24,638	18,445	19,838	16,238	16,251	20,110
City of Burlingame (b)	121,904	105,557	98,892	97,784	106,326	135,255	124,030	157,097	144,326	136,732	157,578	148,162	113,422	103,217	101,245	90,828	94,381	101,363
Coastside County WD	57,937	12,573	12,637	4,157	6,286	11,907	18,193	39,011	57,694	49,302	84,118	40,212	48,251	17,508	12,454	3,007	4,461	3,748
City of Daly City	119,738	120,445	140,639	133,679	145,544	170,045	145,282	163,762	187,714	135,457	180,539	148,610	132,739	123,893	100,860	102,764	106,827	116,775
City of East Palo Alto	47,255	49,420	52,530	48,426	55,708	65,252	53,530	60,647	68,155	56,845	67,923	57,795	50,829	46,119	55,287	47,146	47,837	54,329
EMID	113,624	118,048	114,705	105,481	130,379	166,797	150,127	179,565	210,942	190,457	212,735	162,983	132,664	108,404	105,440	95,542	93,094	103,636
City of Hayward	465,807	506,952	455,529	455,293	558,768	532,964	514,874	673,809	723,982	516,509	700,278	550,889	475,319	462,782	446,664	406,399	453,995	451,616
Town of Hillsborough	59,609	49,126	36,510	46,495	71,080	86,335	80,112	112,479	149,710	135,665	160,304	113,399	82,898	50,075	35,472	30,379	32,733	34,149
City of Menlo Park	70,813	72,663	62,122	71,944	85,256	114,294	97,175	129,419	142,121	122,249	135,613	153,982	79,215	118,032	66,897	58,454	60,070	67,361
Mid-Peninsula WD	82,934	76,410	69,496	81,640	84,705	94,986	92,985	112,103	122,334	91,942	126,103	103,376	82,471	82,114	67,895	61,471	64,796	130,919
City of Millbrae (b)	67,309	60,167	59,638	55,896	60,851	62,511	70,113	81,024	89,865	78,146	91,483	80,268	65,208	61,650	60,609	55,203	63,589	60,697
City of Mountain View	294,048	230,062	225,954	200,654	236,319	293,640	291,732	327,642	369,816	336,942	355,535	342,616	277,000	231,099	213,831	189,152	196,343	227,809
North Coast County WD	84,889	103,700	95,805	74,292	64,490	68,760	66,110	78,440	85,920	68,120	80,479	84,743	75,540	71,016	96,054	72,949	68,531	81,222
City of Palo Alto	283,707	291,370	262,802	270,761	333,869	403,953	340,266	474,506	546,455	437,467	530,930	426,928	310,274	254,353	250,619	213,050	216,248	257,997
Purissima Hills WD	65,075	37,492	29,477	27,953	47,237	55,203	56,582	80,738	91,592	79,096	88,326	85,954	66,804	36,899	27,343	20,118	20,577	22,177
City of Redwood City	279,018	250,808	224,260	264,984	312,421	285,523	298,133	376,951	386,676	339,995	413,044	340,824	268,719	232,895	245,704	205,766	217,796	227,022
City of San Bruno	53,223	35,553	29,116	27,064	26,806	33,345	27,251	40,452	41,949	46,952	53,787	35,959	33,413	35,595	38,394	38,464	50,732	39,829
City of San José	171,371	135,071	128,659	120,702	139,582	166,859	161,695	176,431	219,269	165,856	191,333	194,632	161,522	142,369	115,329	116,154	120,746	133,942
City of Santa Clara	140,185	129,602	133,453	113,710	100,544	112,451	110,570	110,564	114,796	111,812	116,883	129,446	115,660	114,356	121,863	107,402	106,394	118,420
City of Sunnyvale	384,199	297,854	261,216	226,949	364,438	359,739	353,026	391,977	479,682	366,188	421,416	414,202	338,902	287,609	261,697	267,184	224,423	286,978
Westborough WD	29,802	22,948	8,935	23,881	25,242	29,452	28,053	25,196	29,495	32,533	28,439	32,245	31,934	40,364	21,732	21,726	27,075	25,058
Stanford University	51,444	47,267	48,164	46,369	52,570	51,192	63,576	69,316	74,621	59,222	75,133	79,510	54,244	41,679	35,562	42,088	42,473	46,716
Total	4,469,135	4,275,971	3,613,359	4,197,839	4,670,708	5,367,272	5,079,777	6,141,433	6,778,549	5,530,135	6,759,472	5,751,492	4,584,633	4,160,593	3,903,836	3,518,754	3,678,181	4,449,560

Abbreviations

"CWS" = California Water Service

"GVMID" = Guadalupe Valley Municipal Improvement District

"WD" = Water District

"EMID" = Estero Municipal Improvement District

"SFPUC" = San Francisco Public Utilities Commission

"WSCP" = Water Shortage Contingency Plan

Note:

(a) Data in this table is derived from SFPUC sales records, and since local agency customer meters are read throughout the month, figures reported here may not match agency purchase numbers or represent actual monthly use for the month shown (i.e., June figures could include partial May purchases depending on when meters are read).

(b) Considers the SFPUC transfers from City of Burlingame to City of Millbrae from March 2022 - May 2023.

Attachment H

SFPUC Minimum Purchase Waivers



July 12, 2021

Tony Ndah
Public Works Director
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95034-5479

Lisa Au
Assistant Director of Public Works
City of Mountain View
500 Castro Street
P.O. Box 7540
Mountain View, CA 94039-7540

Mansour Nasser
Water & Sewer Division Manager
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

Leonard Ash
Water Resource Planning Engineer
Alameda County Water District
P.O. Box 5110
Fremont, CA 94537

Re: Waiver of Minimum Purchase Requirements During Drought (Water Supply Agreement Section 3.07)

Dear Tony, Lisa, Mansour, and Leonard:

The Governor's July 8, 2021 Drought Executive Order included two significant actions relevant to consideration of whether or not to waive the Water Supply Agreement (WSA) Minimum Purchase Requirements for the Cities of Milpitas, Mountain View, and Sunnyvale, and Alameda County Water District. The two significant actions were:

1. Expanding the emergency declarations to include San Mateo and Santa Clara Counties. (Alameda County was included in the first Executive Order.)
2. Calling on all Californians to voluntarily reduce water use by 15 percent from their 2020 levels.

Section 3.07.C of the WSA states that Minimum Purchase Requirements "may be waived during a state of emergency declared by the Governor of California that impacts water supply use or deliveries from the Regional Water System." The Governor's July 8 Executive Order extends the emergency declaration to all of the Wholesale Customers and calls for a 15 percent water use reduction that applies to all Californians including the minimum purchase customers.

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



Those customers may not be able to purchase their full take or pay amounts without violating the call for a 15 percent reduction.

Therefore, we are waiving the Minimum Purchase Requirements for the Cities of Milpitas, Mountain View, and Sunnyvale, and Alameda County Water District for Fiscal Year 2021-22. Of course, our expectation is that the minimum purchase customers will abide by the spirit of the purpose of the Minimum Purchase Requirement by not purchasing extra supplies from other sources instead of purchasing water from the Regional Water System.

Please let me know if you have any questions.

Sincerely,

Steven R. Ritchie

Steven R. Ritchie
Assistant General Manager for Water

cc: SFPUC Commissioners
Michael Carlin, Acting General Manager, SFPUC
Eric Sandler, CFO, SFPUC
Nicole Sandkulla, CEO, BAWSCA



TO: SFPUC Wholesale Customers
FROM: Steven R. Ritchie, Assistant General Manager, Water *Steven R. Ritchie*
DATE: April 15, 2022
RE: Minimum Purchase Waiver for Fiscal Year 2022-2023

Today, April 15, 2022, the SFPUC sent out our final Water Supply Availability Estimate for the 2022-23 Water Year. As stated in that memo, our goal remains a 10% systemwide reduction below Fiscal Year 2019-20 levels. Dry conditions and Governor Newsom's March 28th, 2022 Executive Order continue the need for conservation systemwide, and dependent on final emergency regulations pending from the State Water Resources Control Board in response to the Executive Order, additional conservation measures may be necessary.

Given continued drought conditions and expected additional requirements from the State, we are hereby informing the Wholesale Customers of our continued waiver of the minimum purchase requirements for the Cities of Milpitas, Mountain View, and Sunnyvale, and Alameda County Water District consistent with Section 3.07 of the Water Supply Agreement for Fiscal Year 2022-2023. This waiver has been confirmed to the individual agencies by separate letter.

We continue to appreciate all of our customers' commitments to water conservation. Our combined conservation efforts in the coming months will help ensure our ability to carryover water in our reservoirs to next year and reduce the need for further cuts in water allocations. Our efforts this year will assist in maintaining supplies should the coming year also be dry.

cc: SFPUC Commissioners
Dennis J. Herrera, General Manager, SFPUC
Nicole Sandkulla, CEO/General Manager, BAWSCA

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Dennis J. Herrera
General Manager



Attachment I

Calendar Year 2020 Monthly Water Use by BAWSCA Member Agencies

Table A

BAWSCA Member Agencies Total Water Use (Calendar Year 2020) in Hundred Cubic Feet (a)

BAWSCA Member Agency	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Alameda County Water District	1,128,383	1,206,393	1,367,988	1,358,014	1,712,966	1,925,995	2,072,063	2,078,755	1,862,438	1,811,849	1,464,193	1,309,263
California Water Service - Bear Gulch	200,925	243,572	346,794	348,176	568,317	625,656	663,844	736,774	632,396	589,320	412,793	303,571
California Water Service - Mid Peninsula	371,820	419,652	457,681	421,801	583,317	619,593	678,041	675,247	602,632	593,194	477,988	435,224
California Water Service - South San Francisco	204,769	210,349	222,427	204,862	244,568	263,865	283,479	278,297	271,547	272,307	223,070	207,371
City of Brisbane/Guadalupe Valley Municipal Improvement District	19,949	20,956	20,254	21,930	24,069	28,118	32,745	29,389	27,664	31,861	22,925	22,143
City of Burlingame	114,523	127,812	113,146	122,505	162,037	171,061	223,040	162,616	148,570	136,376	128,996	100,016
Coastside County Water District	47,273	57,139	59,853	54,332	79,679	94,599	90,134	93,610	83,088	85,521	63,930	59,532
City of Daly City	253,932	218,724	242,697	255,496	236,584	256,904	296,844	242,662	249,257	260,095	213,179	245,659
City of East Palo Alto	59,772	52,817	56,410	57,093	69,606	59,610	96,056	72,355	65,525	69,516	55,914	53,109
Estero Municipal Improvement District	128,415	114,709	153,697	133,463	162,510	222,932	239,857	227,492	213,021	226,981	162,521	148,879
City of Hayward	494,707	445,933	500,323	514,799	531,788	550,096	764,150	688,786	722,523	671,516	553,116	550,113
Town of Hillsborough	35,331	74,698	54,518	100,841	131,793	177,757	163,052	163,520	152,702	114,256	79,741	50,506
City of Menlo Park	69,592	90,032	94,389	94,213	137,741	158,976	171,989	160,728	140,393	135,069	95,721	79,836
Mid-Peninsula Water District	76,445	85,252	92,468	94,648	119,363	132,038	137,560	133,220	122,978	121,506	93,058	82,686
City of Millbrae	64,358	62,549	68,362	61,742	64,552	86,992	96,843	99,110	91,532	80,181	70,941	71,642
City of Milpitas	315,833	285,677	307,655	304,882	378,259	409,427	479,370	447,493	433,927	428,965	341,178	336,655
City of Mountain View	253,438	282,870	295,741	330,729	428,525	476,210	529,265	464,337	430,938	419,841	324,068	309,351
North Coast County Water District	77,577	96,816	90,906	89,987	110,445	120,215	121,872	120,511	100,744	107,204	96,936	82,062
City of Palo Alto	275,768	288,829	353,922	291,156	430,345	493,801	636,291	581,199	544,435	533,754	410,119	340,378
Purissima Hills Water District	25,006	44,897	43,887	53,879	89,650	110,081	121,419	103,968	100,631	98,236	57,793	47,732
City of Redwood City	245,624	336,470	293,736	379,719	486,836	502,422	501,549	480,003	432,521	365,611	329,333	258,808
City of San Bruno	98,019	120,091	123,114	108,453	139,407	146,713	144,507	149,252	126,517	125,513	124,467	114,047
City of San José	160,794	146,123	182,555	155,023	238,394	213,819	321,878	205,968	310,274	202,631	237,656	166,280
City of Santa Clara	541,365	619,731	631,527	637,517	894,713	935,721	897,359	1,068,791	936,289	902,415	750,092	681,160
City of Sunnyvale	510,458	568,719	618,987	629,359	828,525	886,150	970,796	881,062	814,624	829,705	647,789	606,503
Westborough Water District	27,274	24,668	32,700	31,088	34,315	43,157	34,995	37,162	39,480	26,876	34,525	26,748
Stanford University	49,154	59,250	85,005	44,712	88,477	134,018	139,989	157,245	135,557	137,809	88,021	62,157
Total	5,850,504	6,304,729	6,910,743	6,900,418	8,976,780	9,845,926	10,908,987	10,539,551	9,792,203	9,378,109	7,560,064	6,751,430

Note:

(a) Inclusive of non-revenue water and supplemental purchases.

Table B

BAWSCA Member Agencies Total Water Use (Drought Period April 2021 - June 2023) in Million Gallons (a)

BAWSCA Member Agency	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
Alameda County Water District	1,178	1,342	1,407	1,455	1,435	1,323	1,170	891	851	859	895	1,053	1,032
California Water Service - Bear Gulch	371	437	469	512	494	470	356	166	147	164	239	293	287
California Water Service - Mid Peninsula	371	434	463	484	470	439	393	298	291	301	313	361	349
California Water Service - South San Francisco	176	193	200	206	203	192	182	154	152	155	159	180	175
City of Brisbane/Guadalupe Valley Municipal Improvement District	19	19	22	23	22	22	18	16	17	13	15	20	16
City of Burlingame	109	108	118	122	121	111	94	82	77	76	82	110	114
Coastide County Water District	59	65	64	66	62	60	50	36	38	35	40	45	44
City of Daly City	172	204	179	196	188	197	176	158	173	171	189	201	192
City of East Palo Alto	42	50	48	54	48	49	50	36	37	40	37	42	49
Estero Municipal Improvement District	104	146	141	164	149	152	140	85	88	86	79	98	125
City of Hayward	424	434	487	549	475	532	457	348	379	341	341	418	399
Town of Hillsborough	93	99	125	112	117	108	45	37	27	35	53	65	60
City of Menlo Park	79	97	106	111	104	94	79	55	48	48	60	56	77
Mid-Peninsula Water District	78	91	91	93	92	85	76	57	56	58	58	69	72
City of Millbrae	47	59	60	65	66	64	57	47	45	45	42	48	54
City of Milpitas	286	302	313	337	321	307	278	225	212	204	216	256	257
City of Mountain View	302	312	335	354	326	312	259	197	191	171	206	256	256
North Coast County Water District	76	77	78	71	83	71	59	69	60	60	59	64	61
City of Palo Alto	316	405	399	466	412	407	382	236	242	221	225	274	329
Purissima Hills Water District	62	69	77	82	76	73	49	28	22	21	35	41	42
City of Redwood City	277	322	344	320	349	304	231	192	172	200	243	239	241
City of San Bruno	94	100	97	104	105	102	90	84	84	80	81	98	78
City of San José	140	175	150	242	149	234	139	135	101	105	108	150	130
City of Santa Clara	557	648	664	733	705	652	628	465	478	407	449	515	537
City of Sunnyvale	574	608	636	673	637	585	511	407	377	376	423	493	500
Westborough Water District	21	23	26	21	25	22	22	20	14	18	19	22	21
Stanford University	65	87	93	121	106	112	95	46	42	39	46	60	67
Total	6,090	6,904	7,192	7,738	7,340	7,079	6,086	4,569	4,422	4,330	4,711	5,527	5,565

Note:

(a) Inclusive of non-revenue water and supplemental purchases.

Table B Continued

BAWSCA Member Agencies Total Water Use (Drought Period April 2021 - June 2023) in Million Gallons (a)

BAWSCA Member Agency	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
Alameda County Water District	1,180	1,251	1,246	1,272	1,184	1,126	890	812	799	726	799	880	1,100	1,200
California Water Service - Bear Gulch	373	410	461	442	399	365	219	159	141	136	146	224	345	409
California Water Service - Mid Peninsula	408	436	427	436	392	381	303	278	267	248	270	310	375	407
California Water Service - South San Francisco	191	195	196	194	199	183	152	144	148	139	181	162	184	190
City of Brisbane/Guadalupe Valley Municipal Improvement District	19	23	18	18	18	18	14	15	12	12	15	14	20	20
City of Burlingame	142	132	101	118	111	85	77	76	68	70	76	79	100	120
Coastside County Water District	47	54	48	54	51	44	36	36	29	27	29	36	43	48
City of Daly City	227	237	204	239	213	187	165	143	143	143	156	169	166	184
City of East Palo Alto	40	46	51	43	52	43	39	35	42	35	36	41	41	50
Estero Municipal Improvement District	112	134	168	151	168	128	105	87	84	77	76	85	104	137
City of Hayward	389	508	552	397	531	419	357	347	334	305	340	340	364	485
Town of Hillsborough	84	112	101	120	85	62	37	27	23	24	26	51	86	107
City of Menlo Park	64	98	99	98	75	59	56	48	47	44	47	58	79	91
Mid-Peninsula Water District	79	82	78	91	78	73	57	56	49	49	51	58	70	78
City of Millbrae	54	87	60	68	60	49	46	45	41	48	46	46	59	67
City of Milpitas	282	296	311	313	303	261	219	208	199	187	222	209	258	282
City of Mountain View	296	335	321	318	307	249	196	180	162	166	189	208	278	329
North Coast County Water District	73	80	64	80	64	53	68	68	54	56	57	64	74	78
City of Palo Alto	291	392	448	367	432	352	257	214	198	168	170	215	283	385
Purissima Hills Water District	60	69	59	66	64	50	28	20	15	15	17	31	49	64
City of Redwood City	305	322	288	342	282	218	182	187	156	167	171	209	296	327
City of San Bruno	102	100	103	101	93	93	81	81	81	77	84	76	98	109
City of San José	187	175	190	151	221	127	137	95	102	92	114	100	147	149
City of Santa Clara	594	641	610	677	647	640	455	463	434	418	405	488	508	690
City of Sunnyvale	560	625	542	615	574	510	405	361	346	333	358	418	536	590
Westborough Water District	19	22	24	21	24	24	30	16	16	20	19	16	21	22
Stanford University	73	110	106	94	113	89	56	36	48	66	43	56	83	124
Total	6,252	6,971	6,878	6,887	6,739	5,889	4,668	4,238	4,038	3,849	4,140	4,641	5,767	6,742

Note:

(a) Inclusive of non-revenue water and supplemental purchases.

Table C

Baseline (2020) BAWSCA Member Agencies Total Water Use and Corresponding Drought Month in Million Gallons (a)

Corresponding Drought Month	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
BAWSCA Member Agency 2020 Water Use	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-20	Feb-20	Mar-20	Apr-20
Alameda County Water District	1,016	1,281	1,441	1,550	1,555	1,393	1,355	1,095	979	844	902	1,023	1,016
California Water Service - Bear Gulch	260	425	468	497	551	473	441	309	227	150	182	259	260
California Water Service - Mid Peninsula	316	436	463	507	505	451	444	358	326	278	314	342	316
California Water Service - South San Francisco	153	183	197	212	208	203	204	167	155	153	157	166	153
City of Brisbane/Guadalupe Valley Municipal Improvement District	16	18	21	24	22	21	24	17	17	15	16	15	16
City of Burlingame	92	121	128	167	122	111	102	96	75	86	96	85	92
Coastide County Water District	41	60	71	67	70	62	64	48	45	35	43	45	41
City of Daly City	191	177	192	222	182	186	195	159	184	190	164	182	191
City of East Palo Alto	43	52	45	72	54	49	52	42	40	45	40	42	43
Estero Municipal Improvement District	100	122	167	179	170	159	170	122	111	96	86	115	100
City of Hayward	385	398	412	572	515	540	502	414	412	370	334	374	385
Town of Hillsborough	75	99	133	122	122	114	85	60	38	26	56	41	75
City of Menlo Park	70	103	119	129	120	105	101	72	60	52	67	71	70
Mid-Peninsula Water District	71	89	99	103	100	92	91	70	62	57	64	69	71
City of Millbrae	46	48	65	72	74	68	60	53	54	48	47	51	46
City of Milpitas	228	283	306	359	335	325	321	255	252	236	214	230	228
City of Mountain View	247	321	356	396	347	322	314	242	231	190	212	221	247
North Coast County Water District	67	83	90	91	90	75	80	73	61	58	72	68	67
City of Palo Alto	218	322	369	476	435	407	399	307	255	206	216	265	218
Purissima Hills Water District	40	67	82	91	78	75	73	43	36	19	34	33	40
City of Redwood City	284	364	376	375	359	324	273	246	194	184	252	220	284
City of San Bruno	81	104	110	108	112	95	94	93	85	73	90	92	81
City of San José	116	178	160	241	154	232	152	178	124	120	109	137	116
City of Santa Clara	477	669	700	671	800	700	675	561	510	405	464	472	477
City of Sunnyvale	471	620	663	726	659	609	621	485	454	382	425	463	471
Westborough Water District	23	26	32	26	28	30	20	26	20	20	18	24	23
Stanford University	33	66	100	105	118	101	103	66	46	37	44	64	33
Total	5,162	6,715	7,365	8,160	7,884	7,325	7,015	5,655	5,050	4,376	4,716	5,170	5,162

Note:

(a) Inclusive of non-revenue water and supplemental purchases.

Table C Continued

BAWSCA Member Agencies Total Water Use (Drought Period April 2021 - June 2023) in Million Gallons (a)

Corresponding Drought Month	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
BAWSCA Member Agency 2020 Water Use	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
Alameda County Water District	1,281	1,441	1,550	1,555	1,393	1,355	1,095	979	844	902	1,023	1,016	1,281	1,441
California Water Service - Bear Gulch	425	468	497	551	473	441	309	227	150	182	259	260	425	468
California Water Service - Mid Peninsula	436	463	507	505	451	444	358	326	278	314	342	316	436	463
California Water Service - South San Francisco	183	197	212	208	203	204	167	155	153	157	166	153	183	197
City of Brisbane/Guadalupe Valley Municipal Improvement District	18	21	24	22	21	24	17	17	15	16	15	16	18	21
City of Burlingame	121	128	167	122	111	102	96	75	86	96	85	92	121	128
Coastside County Water District	60	71	67	70	62	64	48	45	35	43	45	41	60	71
City of Daly City	177	192	222	182	186	195	159	184	190	164	182	191	177	192
City of East Palo Alto	52	45	72	54	49	52	42	40	45	40	42	43	52	45
Estero Municipal Improvement District	122	167	179	170	159	170	122	111	96	86	115	100	122	167
City of Hayward	398	412	572	515	540	502	414	412	370	334	374	385	398	412
Town of Hillsborough	99	133	122	122	114	85	60	38	26	56	41	75	99	133
City of Menlo Park	103	119	129	120	105	101	72	60	52	67	71	70	103	119
Mid-Peninsula Water District	89	99	103	100	92	91	70	62	57	64	69	71	89	99
City of Millbrae	48	65	72	74	68	60	53	54	48	47	51	46	48	65
City of Milpitas	283	306	359	335	325	321	255	252	236	214	230	228	283	306
City of Mountain View	321	356	396	347	322	314	242	231	190	212	221	247	321	356
North Coast County Water District	83	90	91	90	75	80	73	61	58	72	68	67	83	90
City of Palo Alto	322	369	476	435	407	399	307	255	206	216	265	218	322	369
Purissima Hills Water District	67	82	91	78	75	73	43	36	19	34	33	40	67	82
City of Redwood City	364	376	375	359	324	273	246	194	184	252	220	284	364	376
City of San Bruno	104	110	108	112	95	94	93	85	73	90	92	81	104	110
City of San José	178	160	241	154	232	152	178	124	120	109	137	116	178	160
City of Santa Clara	669	700	671	800	700	675	561	510	405	464	472	477	669	700
City of Sunnyvale	620	663	726	659	609	621	485	454	382	425	463	471	620	663
Westborough Water District	26	32	26	28	30	20	26	20	20	18	24	23	26	32
Stanford University	66	100	105	118	101	103	66	46	37	44	64	33	66	100
Total	6,715	7,365	8,160	7,884	7,325	7,015	5,655	5,050	4,376	4,716	5,170	5,162	6,715	7,365

Note:

(a) Inclusive of non-revenue water and supplemental purchases.

Table D

BAWSCA Member Agencies Cumulative Water Savings (Drought Period April 2021 - June 2023)

BAWSCA Member Agency	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
Alameda County Water District	-16%	-9.7%	-5.0%	-1.8%	0.4%	1.2%	2.9%	4.6%	5.3%	4.8%	4.5%	4.0%	3.6%
California Water Service - Bear Gulch	-42%	-18%	-11%	-8.4%	-3.7%	-2.9%	0.2%	4.4%	6.3%	5.7%	4.0%	3.0%	2.2%
California Water Service - Mid Peninsula	-18%	-7.1%	-4.4%	-1.7%	0.2%	0.6%	2.1%	3.7%	4.3%	3.4%	3.2%	2.5%	1.7%
California Water Service - South San Francisco	-15%	-10%	-6.6%	-4.0%	-2.6%	-1.2%	0.6%	1.4%	1.4%	1.2%	1.0%	0.3%	-0.7%
City of Brisbane/Guadalupe Valley Municipal Improvement District	-13%	-10%	-7.3%	-3.5%	-2.3%	-3.3%	1.4%	2.1%	1.5%	2.2%	2.5%	0.2%	0.3%
City of Burlingame	-18%	-1.9%	1.8%	10.0%	8.2%	7.1%	7.1%	8.0%	7.2%	7.5%	8.0%	5.5%	3.5%
Coastside County Water District	-44%	-24%	-9.9%	-6.5%	-2.4%	-1.3%	2.1%	4.2%	5.0%	4.7%	4.9%	4.6%	3.8%
City of Daly City	10%	-2.0%	1.0%	4.0%	2.5%	1.2%	2.4%	2.3%	2.7%	3.4%	1.9%	0.9%	0.8%
City of East Palo Alto	2.1%	3.4%	0.2%	8.5%	9.2%	7.7%	7.2%	8.0%	7.9%	8.2%	8.1%	7.5%	6.0%
Estero Municipal Improvement District	-4.5%	-13%	-0.6%	2.2%	4.6%	4.7%	6.7%	9.1%	10%	10%	10%	10%	8.3%
City of Hayward	-10%	-9.7%	-12.6%	-7.3%	-3.9%	-2.8%	-1.0%	0.8%	1.5%	2.1%	1.8%	0.8%	0.5%
Town of Hillsborough	-24%	-10.5%	-3.3%	0.0%	0.9%	1.8%	7.0%	9.3%	10.1%	8.9%	8.6%	5.8%	6.9%
City of Menlo Park	-12%	-1.3%	3.5%	6.7%	8.2%	8.6%	10%	12%	12%	12%	12%	12%	11%
Mid-Peninsula Water District	-11%	-5.6%	-0.5%	2.2%	3.5%	4.1%	5.8%	7.0%	7.2%	6.7%	6.8%	6.3%	5.8%
City of Millbrae	-0.9%	-12%	-3.6%	0.5%	3.0%	3.7%	3.7%	4.6%	5.8%	5.9%	6.2%	6.2%	4.8%
City of Milpitas	-25%	-15%	-10%	-5.2%	-3.1%	-1.6%	0.6%	1.8%	3.1%	4.0%	3.6%	2.6%	1.6%
City of Mountain View	-22%	-8.2%	-2.7%	1.3%	2.3%	2.5%	4.5%	5.9%	6.8%	7.0%	6.7%	5.3%	4.7%
North Coast County Water District	-12%	-1.6%	4.1%	9.2%	8.8%	8.2%	11%	10%	9.4%	8.4%	9.2%	9.0%	9.0%
City of Palo Alto	-45%	-34%	-23%	-15%	-9.9%	-8.1%	-6.2%	-3.1%	-2.5%	-2.8%	-2.8%	-2.9%	-5.5%
Purissima Hills Water District	-54%	-22%	-9.7%	-3.5%	-2.1%	-1.1%	3.9%	6.4%	8.3%	7.7%	7.0%	5.4%	4.8%
City of Redwood City	2.4%	7.6%	7.9%	9.8%	8.3%	8.0%	8.8%	10%	10%	9.0%	8.6%	7.5%	8.0%
City of San Bruno	-16%	-4.6%	1.3%	1.9%	2.8%	1.1%	1.6%	2.5%	2.4%	1.5%	2.2%	1.6%	1.7%
City of San José	-21%	-7.1%	-2.4%	-1.7%	-0.8%	-0.8%	0.3%	3.3%	4.5%	5.1%	4.8%	3.8%	2.9%
City of Santa Clara	-17%	-5.1%	-1.2%	-3.4%	0.3%	1.5%	2.2%	3.8%	4.0%	3.7%	3.7%	2.9%	1.9%
City of Sunnyvale	-22%	-8.3%	-3.6%	-0.4%	0.4%	1.0%	3.3%	4.6%	5.6%	5.4%	5.0%	4.2%	3.5%
Westborough Water District	12%	11%	14%	16%	15%	17%	14%	15%	16%	16%	15%	14%	14%
Stanford University	-93%	-52%	-22%	-20%	-12%	-12%	-8.4%	-4.7%	-3.8%	-4.0%	-4.0%	-3.3%	-6.8%
Total	-18%	-9.4%	-4.9%	-1.9%	0.1%	0.6%	2.4%	4.1%	4.8%	4.6%	4.3%	3.5%	2.8%

Table D Continued

BAWSCA Member Agencies Cumulative Water Savings (Drought Period April 2021 - June 2023)

BAWSCA Member Agency	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
Alameda County Water District	4.0%	4.7%	5.9%	6.8%	7.3%	7.8%	8.3%	8.6%	8.5%	8.9%	9.3%	9.5%	9.7%	10%
California Water Service - Bear Gulch	3.1%	3.9%	4.2%	5.5%	6.2%	6.8%	7.7%	8.4%	8.3%	8.7%	9.8%	9.9%	10%	10%
California Water Service - Mid Peninsula	2.1%	2.4%	3.4%	4.2%	4.7%	5.3%	5.7%	6.0%	6.0%	6.5%	7.0%	6.9%	7.2%	7.4%
California Water Service - South San Francisco	-0.9%	-0.8%	-0.2%	0.3%	0.4%	1.0%	1.3%	1.6%	1.6%	2.0%	1.6%	1.4%	1.3%	1.4%
City of Brisbane/Guadalupe Valley Municipal Improvement District	-0.1%	-0.6%	1.5%	2.8%	3.5%	4.7%	5.4%	5.6%	6.0%	6.6%	6.4%	6.8%	6.2%	6.1%
City of Burlingame	1.8%	1.4%	5.0%	4.9%	4.6%	5.2%	5.8%	5.6%	6.2%	6.9%	7.1%	7.3%	7.8%	7.7%
Coastside County Water District	5.2%	6.8%	8.5%	9.5%	10%	11%	12%	12%	12%	13%	14%	14%	14%	15%
City of Daly City	-1.2%	-2.7%	-1.9%	-3.6%	-4.2%	-3.7%	-3.7%	-2.5%	-1.3%	-0.7%	-0.1%	0.4%	0.6%	0.7%
City of East Palo Alto	7.2%	6.6%	8.7%	9.4%	8.6%	9.1%	9.0%	9.1%	9.0%	9.0%	9.3%	9.1%	9.6%	8.9%
Estero Municipal Improvement District	8.2%	9.2%	9.0%	9.1%	8.2%	9.2%	9.4%	9.9%	10%	10%	11%	11%	11%	11%
City of Hayward	0.6%	-0.9%	-0.6%	1.0%	1.1%	2.0%	2.5%	3.1%	3.4%	3.5%	3.7%	4.0%	4.2%	3.4%
Town of Hillsborough	7.5%	8.4%	9.1%	8.6%	9.8%	11%	12%	12%	12%	13%	14%	14%	14%	15%
City of Menlo Park	13%	14%	14%	15%	16%	17%	17%	17%	17%	18%	18%	18%	18%	19%
Mid-Peninsula Water District	6.2%	7.1%	8.4%	8.4%	8.9%	9.5%	9.8%	9.8%	9.9%	10%	11%	11%	12%	12%
City of Millbrae	3.8%	0.9%	2.3%	2.7%	3.3%	4.1%	4.5%	5.0%	5.3%	5.1%	5.3%	5.1%	4.2%	3.9%
City of Milpitas	1.5%	1.7%	2.6%	2.9%	3.1%	4.0%	4.4%	5.0%	5.4%	5.6%	5.6%	5.6%	5.8%	5.9%
City of Mountain View	4.9%	5.0%	6.2%	6.3%	6.3%	7.1%	7.5%	8.1%	8.3%	8.7%	8.9%	9.2%	9.3%	9.3%
North Coast County Water District	9.3%	9.4%	11%	11%	11%	12%	12%	11%	11%	12%	12%	12%	11%	12%
City of Palo Alto	-4.4%	-4.5%	-3.6%	-2.1%	-2.4%	-1.5%	-0.7%	-0.1%	0.0%	0.6%	1.8%	1.8%	2.2%	2.0%
Purissima Hills Water District	5.3%	6.4%	9.1%	9.5%	9.9%	11%	12%	13%	13%	14%	15%	15%	16%	16%
City of Redwood City	8.8%	9.2%	10.3%	9.9%	10%	11%	11%	11%	11%	12%	12%	13%	13%	13%
City of San Bruno	1.7%	2.3%	2.5%	3.0%	2.9%	2.8%	3.3%	3.4%	2.9%	3.4%	3.6%	3.7%	3.8%	3.7%
City of San José	2.2%	1.4%	3.3%	3.2%	3.3%	3.9%	5.0%	5.6%	5.9%	6.2%	6.6%	6.8%	7.3%	7.3%
City of Santa Clara	2.7%	3.1%	3.5%	4.4%	4.6%	4.7%	5.3%	5.5%	5.1%	5.2%	5.5%	5.3%	6.1%	5.9%
City of Sunnyvale	4.0%	4.2%	5.9%	5.9%	5.9%	6.6%	7.0%	7.5%	7.6%	8.1%	8.6%	8.7%	8.9%	9.0%
Westborough Water District	15%	16%	16%	16%	16%	15%	13%	13%	14%	13%	13%	14%	14%	15%
Stanford University	-7.1%	-7.3%	-6.8%	-4.4%	-4.9%	-3.6%	-2.8%	-2.1%	-2.7%	-3.9%	-2.7%	-3.8%	-4.6%	-5.6%
Total	3.1%	3.3%	4.3%	4.9%	5.1%	5.7%	6.2%	6.6%	6.6%	7.0%	7.4%	7.5%	7.8%	7.8%

Attachment J

Supplemental Tables of the Regional Messaging and DRMs Analysis

Table A
Agencies Included in the Regional Messaging and DRMs Analysis

BAWSCA Member Agency	June-October 2021 Water Use Savings	June 2021-May 2022 Water Use Savings
Alameda County Water District	Control Group	--
City of Brisbane	WSCP Group	WSCP Group
City of Burlingame	Control Group	Control Group
CWS - Bear Gulch	WSCP Group	WSCP Group
CWS - Mid-Peninsula	WSCP Group	WSCP Group
CWS - South San Francisco	WSCP Group	WSCP Group
Coastside County Water District	WSCP Group	WSCP Group
City of Daly City	WSCP Group	WSCP Group
City of East Palo Alto	Control Group	Control Group
Estero Municipal Improvement District	Control Group	Control Group
City of Hayward	--	--
City of Hillsborough	--	--
City of Menlo Park	Control Group	Control Group
City of Millbrae	--	WSCP Group
City of Milpitas	--	WSCP Group
City of Mountain View	Control Group	--
Mid-Peninsula Water District	--	WSCP Group
North Coast County Water District	WSCP Group	WSCP Group
City of Palo Alto	--	--
Purissima Hills Water District	--	--
City of Redwood City	Control Group	--
City of San Bruno	WSCP Group	WSCP Group
City of San Jose	Control Group	--
City of Santa Clara	--	Control Group
Stanford University	--	--
City of Sunnyvale	Control Group	Control Group
Westborough Water District	--	WSCP Group

Abbreviation:

CWS = California Water Service

Table B*Distribution of Agency Water Use Reductions, June-October 2021*

Sectors	Residential		CII		Irrigation	
	Control Group	WSCP Group	Control Group	WSCP Group	Control Group	WSCP Group
Average	9%	9%	-6%	-10%	7%	-11%
Median	8%	10%	-5%	-11%	6%	1%
Min	4%	4%	-18%	-24%	2%	-62%
Max	16%	13%	8%	0%	17%	10%
StdDev	4%	3%	7%	7%	4%	27%

Table C*Distribution of Agency Water Use Reductions, June 2021-May 2022*

Sectors	Residential		CII		Irrigation	
	Control Group	WSCP Group	Control Group	WSCP Group	Control Group	WSCP Group
Average	10%	9%	-4%	1%	19%	1%
Median	9%	10%	1%	2%	20%	5%
Min	7%	3%	-41%	-14%	5%	-46%
Max	18%	13%	10%	30%	31%	18%
StdDev	4%	3%	17%	10%	11%	18%



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