



- Board of Directors
Water Planning and Stewardship

4/14/2015 Board Meeting

8-3

Subject

Express support for Governor's Executive Order B-29-15; declare Water Supply Condition for 2015; approve implementation of Water Supply Allocation Plan; adopt supporting resolution; and conduct public hearing

Executive Summary

Based on the continuing drought conditions in California, Governor Brown's Executive Order calling for 25 percent reductions in water use, and a poor outlook for the final State Water Project Table A allocation, staff recommends the following actions:

1. Express support for the Governor's call for a 25 percent reduction in consumer water use and Executive Order B-29-15.
2. Declare a Condition 3 – Water Supply Allocation.
3. Implement Metropolitan's Water Supply Allocation Plan (WSAP) at a Level 3 Regional Shortage Level, effective July 1, 2015 through June 30, 2016.
4. Adopt the WSAP Level 3 allocation as a water conservation program pursuant to Water Code Section 375 et seq.
5. Adopt a resolution implementing the actions listed above.

Details

Background

On April 1, 2015, Governor Brown issued an Executive Order (Order) calling for a 25 percent reduction in consumer water use in response to the historically dry conditions throughout the state of California ([Attachment 1](#)). The Governor's Order also includes mandatory actions aimed at reducing water demands, with a particular focus on outdoor water use. In addition to the broad call for mandatory use reductions, the Order announces initiatives to:

- Remove and replace turf with drought tolerant landscape options
- Support rebate programs for water efficient devices
- Restrict water use on commercial, industrial, and institutional properties in order to achieve 25 percent reductions in potable water use
- Prohibit irrigation of ornamental turf on street medians with potable water supplies
- Prohibit irrigation of new construction with potable water unless drip or microspray systems are used
- Direct water suppliers to develop rate structures and pricing mechanisms to maximize water conservation consistent with statewide water restrictions

Metropolitan supports these efforts to respond to the historic drought conditions while taking actions that can have lasting benefits for the State of California in future years. Southern California has a proven track-record of aggressively implementing water conservation. Potable per capita water use in the region has declined by about 24 percent since 1990. These water use reductions have allowed the region to add an additional 5 million people while actually reducing reliance on imported supplies. Over the last 25 years, Metropolitan has invested more than \$750 million in water use efficiency matched by significant local and consumer funding. The Governor's Executive Order recognizes the significant effort made by certain regions and directs the State Water Resources Control Board (SWRCB) to take that into account in setting specific reduction goals. Clearly Southern California's actions merit consideration by the SWRCB and staff will work with the SWRCB to ensure final actions are appropriate.

Hydrologic Conditions

2014 was an historically dry year in the State of California. According to the U.S. Drought Monitor, an estimated 58 percent of California was in "Exceptional Drought Conditions," the worst category possible, with over 80 percent of California in "Extreme Drought Conditions."

Immediately following the Governor's Emergency Drought Declaration in January 2014, Metropolitan took a series of actions to address drought conditions. In February 2014, Metropolitan declared a "Condition 2 – Water Supply Alert" to provide public messaging and to urge local water agencies within the Metropolitan service area to adopt and enact water saving ordinances. Metropolitan followed with the creation of the Water Management Fund (Fund) which set aside \$232 million for financing drought-related projects and actions. Recognizing the importance of indoor and outdoor conservation in managing the ongoing drought and in establishing water efficiency for a sustainable future, the Board approved the addition of \$40 million from the Water Management Fund to the conservation budget, increasing Metropolitan's total conservation budget to \$100 million. Metropolitan also authorized additional expenditures from the Fund to improve storage withdrawal capabilities and acquire additional dry-year supplies through transfers and exchanges. In addition, Metropolitan conducted an enhanced public outreach program including an extensive radio and television advertising campaign that has greatly increased the public awareness of the water supply situation and has encouraged significant conservation savings.

The record dry and hot conditions of 2014 significantly impacted the water resources of both the State of California and Metropolitan. The California Department of Water Resources (DWR) limited supplies from the State Water Project (SWP) to only 5 percent of the contractors' SWP Table A amounts in 2014. This allocation was the lowest ever in the history of the SWP. Metropolitan was able to meet demands in 2014 by relying heavily on storage reserves to make up for the historically low allocation on the SWP. Metropolitan's dry-year storage reserves ended 2014 at approximately 1.2 million acre-feet (MAF).

Hydrologic conditions in 2015 have continued this severe dry trend. 2015 is the fourth consecutive drought year and the seventh dry year out of the last eight in California. The water year started with improved conditions, but the latter half of the winter has produced little additional snowpack. In fact, for the year to date, statewide snowpack is currently at its lowest level in recorded history. DWR announced an initial 2015 SWP allocation of 10 percent in December. Since then, the 2015 SWP allocation has only increased to 20 percent. DWR's recent SWP analysis indicates that an additional increase in the 2015 SWP allocation is possible, but the final allocation is unlikely to be more than 25 percent. Additionally, any increase in the 2015 SWP allocation is likely to occur later in the year, after DWR is able to assess the results of spring and summer SWP operations. Under these conditions, further withdrawals from Metropolitan's dry-year storage reserves will be necessary in order to meet demands. Although water demands in Southern California have reduced somewhat through ongoing conservation efforts and outreach, implementation of the WSAP to support the Governor's call for additional demand reductions and reduce withdrawals from Metropolitan's dry-year storage reserves is now necessary.

Potential Shortage Allocation Scenarios

By implementing the WSAP, Metropolitan places limits on the amount of water member agencies can purchase without facing a surcharge. Surcharges are from \$1,480 per acre-foot up to \$2,960 per acre-foot for water use in excess of a given member agency's allocation limit. Any revenues collected from these surcharges would be used to fund the implementation of Metropolitan's turf removal program or other similar programs designed to conserve water and reduce future demands. Once implemented, the WSAP would be in place from July 1, 2015 through June 30, 2016. Metropolitan estimates that the baseline deliveries plus losses under the WSAP would be approximately 2.2 MAF. However, current deliveries in Metropolitan's system are trending to be 2.1 MAF with losses. These lower deliveries reflect the positive response consumers have already shown to help manage with the drought conditions. Deliveries are expected to drop approximately 100 thousand acre-feet (TAF) with each level of allocation that is declared, unless member agencies exceed their allocations. While the numbers will vary among agencies based on their local supply conditions, each level of allocation is roughly a 5 percent reduction in wholesale water use on a regional level.

Staff considered the following objectives in developing the recommendation to implement the WSAP:

Set WSAP Level in 2015/16 while:

- a. Supporting the Governor's April 1, 2015 Executive Order
- b. Avoiding use of Emergency storage
- c. Managing storage for the following years
- d. Allowing for supply uncertainties
- e. Avoiding steep increases in WSAP levels in future years, if dry conditions persist

The following table shows the balances of water supply and demand and the estimated impacts on regional storage through June 30, 2016, under two possible scenarios. A more detailed description of the supplies available to Metropolitan in calendar year 2015 is available in the April 2015 Water Surplus and Drought Management Report. Staff projects that approximately 128 TAF will be withdrawn from dry-year storage reserves in the first six months of 2015, leaving 1.057 MAF in dry-year storage reserves as of July 1. In Scenario A, a SWP Table A allocation of 25 percent is assumed. In Scenario B, a SWP Table A allocation of 20 percent is assumed. Both scenarios assume approximately 165 TAF of transfer/exchange supplies. Under Scenario A, staff estimates that a maximum of 459 TAF of dry-year storage could be withdrawn during the allocation period given projected capacity constraints. Under Scenario B, approximately 442 TAF of dry-year storage can be accessed due to the lower SWP allocation, which reduces the amount of storage that can be accessed via exchange.

SUPPLY DEMAND BALANCE	SCENARIO A (25% SWP Allocation)	SCENARIO B (20% SWP Allocation)
SWP Supply	478,000	382,000
CRA Supply	925,000	925,000
Transfers/Exchanges	165,000	165,000
Total Supply	1,568,000	1,472,000

WSAP Level 2 Option:

Deliveries* (July 1, 2015 – June 30, 2016)	1,900,000	1,900,000
Dry-Year Storage (Take)	(332,000)	(428,000)
Dry-Year Storage Remaining For 2016/17	725,000	629,000

WSAP level 3 Option:

Deliveries* (July 1, 2015 – June 30, 2016)	1,800,000	1,800,000
Dry-Year Storage (Take)	(232,000)	(328,000)
Dry-Year Storage Remaining for 2016/17	825,000	729,000

WSAP level 4 Option:

Deliveries* (July 1, 2015 – June 30, 2016)	1,700,000	1,700,000
Dry-Year Storage (Take)	(132,000)	(228,000)
Dry-Year Storage Remaining for 2016/17	925,000	829,000

*Includes aggregate deliveries to member agencies available without an Allocation Surcharge, including losses.

Assuming a WSAP Level 2 is implemented with supplies shown in Scenarios A or B above, it is possible that a sizable amount of Metropolitan’s dry-year storage reserves could be required to meet demands; however, no use of emergency storage would be required. Staff also analyzed the potential WSAP levels that might be necessary to avoid any draws on emergency storage in 2016/17 should Scenario A or Scenario B be repeated. Under these conditions, if a WSAP Level 2 is implemented in 2015/16, then a Level 2 might be necessary in 2016/17 under Scenario A and an allocation as deep as a Level 5 might be necessary under Scenario B.

Assuming a WSAP Level 3 is implemented with supplies shown in Scenarios A or B above, a lesser amount of Metropolitan’s dry-year storage reserves would be required to meet demands. Should Scenario A occur again in 2016/17, then a WSAP Level 3 could be implemented again without any draw on emergency storage. Under a repeat of Scenario B, the WSAP Level would need to drop from Level 3 in 2015/16 to Level 4 in 2016/17 in order to eliminate any draw on emergency storage.

Implementing a WSAP Level 4 under the same scenarios would reduce the need for withdrawals from storage and allow Metropolitan to maintain or even reduce the allocation level in the subsequent year, should the same conditions repeat. Of the three options, WSAP Level 4 is the most protective of regional storage.

Supply Uncertainties

Scenario A and B both make assumptions about the supplies that will be available to Metropolitan. If dry conditions persist, some risks to these assumptions are possible. Base supplies available to Metropolitan on the Colorado River Aqueduct could be reduced if higher priority users have high Colorado River water use this year. It is also possible that the Lower Basin of the Colorado River could be in shortage conditions as early as 2016, which could limit Metropolitan’s ability to access Intentionally Created Surplus reserves currently stored in Lake Mead. Under certain conditions, the 2015 SWP allocation may not increase from 20 to 25 percent. It is also possible that some member agencies would actually exceed their allocation limits, which would result in higher deliveries than shown in Scenario A and B. On the other hand, consumer reductions could exceed the requirements of the allocation resulting in lesser draws from dry-year storage. Both scenarios assume the benefits of transfers and exchanges. While it is likely that some transfer supplies may be affected by curtailments to water districts in Northern California, staff is pursuing transfer supplies on both the SWP and Colorado River to achieve approximately 165 TAF in total supplies across both systems. Actual supply availability may end up being higher or lower than this assumption.

In general, a deeper WSAP Level provides more protection against supply risks as compared to a lower WSAP Level.

Recommendation on WSAP Implementation

Staff recommends that the Board express support for the Governor’s call for a 25 percent reduction in consumer water use and declare a water supply “Condition 3 – Water Supply Allocation”. Metropolitan would implement surcharges on agencies should their deliveries exceed limits at a WSAP Level 3 Regional Shortage Level. A WSAP Level 3 will implement surcharges on member agencies that don’t reduce their deliveries in order to

achieve a roughly 15 percent reduction in regional deliveries. In addition to this action, Metropolitan staff will bring to the Board additional tools that can be used to help retail agencies reduce water use further, in support of the Governor's call for greater reductions. These tools will include:

- A focused expanded outreach and media strategy geared at achieving greater consumer awareness and knowledge on how to reduce water use
- Additional budget approval to continue regional conservation incentives through FY 2015/16
- Partnering with the State on funding of rebate and outreach programs
- Modifications to the turf removal program to maintain and encourage broad participation while focusing on a long-term transition toward drought tolerant landscapes
- Monthly tracking and reporting of member agency water use and enforcement actions to achieve greater reductions in consumer water use
- Working with the State on accelerating funding from Proposition 1 for local projects
- Recommendations on key elements of local water use landscape ordinances, and tiered rate structures that can help achieve long-term changes in water use throughout the region

Based on the analysis provided in the previous section, a WSAP Level 3 meets the objectives outlined in this letter. Staff believes that implementing a WSAP Level 3 along with the additional actions listed above will help Southern California meet the Governor's outlined goals. However, a WSAP Level 4 is certainly more protective of regional water storage levels. While a WSAP Level 2 could be adequate to meet regional demands in combination with draws from storage, it is less supportive of the Governor's call for broad water use reductions.

Staff recommends a WSAP Level 3 based on current supply conditions, the recent DWR assessment of SWP allocations for 2015, and the Governor's Executive Order. Given the unprecedented drought occurring statewide, it is recognized that local and regional supply conditions still remain dynamic over the next several months. As a result, these conditions and response to the WSAP will be closely monitored and reported to the Board. If any significant changes in supply and demand conditions occur, staff will provide options on water use efficiencies and supply management for board consideration, if necessary.

Staff also recommends the Board adopt the WSAP allocation as a water conservation program pursuant to Water Code section 375 *et seq.* ([Attachment 2](#)). In addition to the general authorities provided under the MWD Act, Water Code section 375 specifically authorizes public agencies to adopt and enforce programs and rate structures aimed at encouraging water conservation. Adopting the WSAP allocation as a water conservation program is consistent with actions taken by our member agencies and retail agencies and will assist in public outreach efforts to communicate the severity of the current drought and the need for conservation in managing through the drought.

A resolution ([Attachment 3](#)) describing the water supply conditions in California and Metropolitan's service area and implementing the actions recommended above is attached.

Key Implementation Items and Timelines

Staff has been coordinating directly with member agencies to reconcile local supply and consumptive use estimates. Initial Member Agency WSAP allocations of supply will be provided to the member agencies for their use in implementing their local actions. Final member agency allocation limits are dependent on certified local supply production during the Allocation Year. There are several key implementation items to note following the Board's action to implement the WSAP.

- WSAP Effective Date – July 1, 2015, through June 30, 2016
- Member Agency Initial Allocations – May 15, 2015
- Water Use Tracking and reporting – May 2015 through June 2016

- Local Supply Certification – July 2016
- Allocation Surcharge assessment and billing – August 2016 through September 2016
- Member Agency Appeals – Process available throughout Allocation Year

Staff will report on a monthly basis the tracking of member agency deliveries during the allocation period and key updates to member agency data that affect the allocation limits.

Policy

By Minute Item 47393, dated February 12, 2008, the Board adopted the Water Supply Allocation Plan

By Minute Item 48376, dated August 17, 2010, the Board approved adjustments to the Water Supply Allocation Plan

By Minute Item 48803, dated September 12, 2011, the Board approved adjustments to the Water Supply Allocation Plan

By Minute Item 74526, dated February 11, 2014, the Board adopted the Water Supply Alert Resolution

By Minute Item 49979, dated December 9, 2014, the Board approved adjustments to the Water Supply Allocation Plan

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

Adoption of the WSAP previously was determined to be categorically and statutorily exempt under the provisions of CEQA and State CEQA Guidelines. Specifically, the WSAP was found to be exempt under Sections 15301 (Class 1), 15307 (Class 7), 15308 (Class 8) and 15378(b)(4) of the State CEQA Guidelines. In addition, the WSAP was found to be exempt pursuant to Water Code Section 10652, to the extent this plan serves as the basis for the urban water shortage contingency analysis required under Water Code Section 10632 and is incorporated into Metropolitan's RUWMP.

Similarly, the proposed actions are exempt from or otherwise not covered by CEQA. Specifically, implementation of the WSAP is statutorily exempt from CEQA under Water Code section 10652, which expressly exempts actions listed in and taken pursuant to a RUWMP's urban water shortage contingency analysis. Likewise, implementation of a WSAP allocation and its adoption as a water conservation program under Water Code section 375 are intended to promote conservation of scarce water supplies during a period of extreme drought. As such, these actions are categorically exempt from CEQA under Sections 15307 (Class 7) and 15308 (Class 8) of the State CEQA Guidelines. In addition, implementation of a WSAP allocation merely involves the potential application of a surcharge to those member agencies whose deliveries of water from Metropolitan exceed their allocations, but it does not otherwise prohibit or restrict such deliveries. As such, the proposed action is not defined as project under Section 15378(b)(4) of the State CEQA Guidelines, because it involves government fiscal activities that do not involve a commitment to any specific project that may result in a potentially significant impact. Finally, where it can be seen with certainty that there is no possibility that the proposed actions may have a significant impact on the environment, those actions are not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

The CEQA determination is: Determine that the proposed actions are statutorily and categorically exempt, are not defined as a project and are not subject to CEQA, pursuant to Water Code section 10652 and Sections 15307, 15308, 15378(b)(4) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #3:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed actions are statutorily and categorically exempt, are not defined as a project, and are not subject to CEQA, and

- a. Express support for the Governor's call for a 25 percent reduction in consumer water use and Executive Order B-29-15;
- b. Declare a "Water Supply Condition 3 – Water Supply Allocation";
- c. Implement the Water Supply Allocation Plan at a Level 3 Regional Shortage Level, effective July 1, 2015, through June 30, 2016;
- d. Adopt the WSAP Level 3 allocation as a water conservation program pursuant to Water Code Section 375 et seq.; and
- e. Adopt the resolution shown in [Attachment 3](#) implementing the actions listed above.

Fiscal Impact: None directly related to the declaration of a water supply condition or to the implementation of the WSAP. Future water sales may be impacted due to any regional reductions in water use as a result of the implementation of the WSAP.

Business Analysis: Implementing a WSAP Level 3 would result in the delivery of supplies at a level that likely avoids the use of emergency storage, allows for some supply uncertainties during the allocation year, and helps avoid steep increases in the WSAP Level in future years, should dry conditions persist.

Option #2

Adopt the CEQA determination that the proposed actions are statutorily and categorically exempt, are not defined as a project, and are not subject to CEQA, and

- a. Express support for the Governor's call for a 25 percent reduction in consumer water use and Executive Order B-29-15;
- b. Declare a "Water supply Condition 3 – Water Supply Allocation";
- c. Implement the Water Supply Allocation Plan at a Regional Shortage Level to be determined by the Board, effective July 1, 2015 through June 30, 2016;
- d. Adopt the WSAP Level as a water conservation program pursuant to Water Code Section 375 et seq.; and
- e. Adopt the resolution shown in [Attachment 3](#), revised to implement the actions listed above.

Fiscal Impact: None directly related to the declaration of a water supply condition or to the implementation of the WSAP. Future water sales may be impacted due to any regional reductions in water use as a result of the implementation of the WSAP.

Business Analysis: Implementing a WSAP Level will help Metropolitan manage regional storage levels given current drought conditions. It may be more difficult for member and local water agencies to reduce water use in order to avoid surcharges under deeper WSAP Levels. However, a deeper WSAP Level in 2015/16 could be more protective of regional storage levels and could reduce the need for potential deeper allocations in a future year, if drought conditions persist. A lower WSAP level could be less supportive of the Governor's call for broad water use reductions.

Option #3

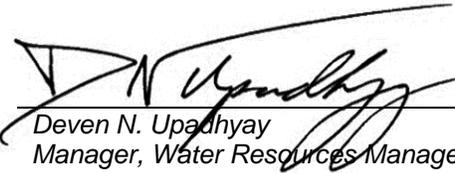
Direct staff to return to the Board at a later date to revisit WSAP implementation.

Fiscal Impact: None

Business Analysis: Delaying the decision to implement the WSAP would allow for more certain information on water supply conditions to be entered into the decision on the appropriate level for the WSAP. However, a later decision date would also delay communication and coordination needed to make an implementation of the WSAP effective region-wide and potentially impact storage resources.

Staff Recommendation

Option #1



Deven N. Upadhyay
Manager, Water Resources Management

4/7/2015
Date



Jeffrey Knightlinger
General Manager

4/7/2015
Date

Attachment 1 – Governor Brown’s Executive Order B-29-15

Attachment 2 – California Water Code Section 375

Attachment 3 – Resolution of the Board of Directors of the Metropolitan Water District of Southern California supporting the Governor’s Executive Order B-29-15, implementing its Water Supply Allocation Plan for 2015, establishing the Regional Shortage Level, and implementing a water conservation plan pursuant to California Water Code Section 375

Ref# wrm12636036

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats 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 combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, 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.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.



IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. 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.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will 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 essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order 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 state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive 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.

I FURTHER DIRECT 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 to 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 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



WATER CONSERVATION PROGRAMS WATER CODE SECTIONS 375-378

Section 375

(a) Notwithstanding any other provision of the law, any public entity which supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity.

(b) With regard to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices which are designed to reduce water consumption. The ordinance or resolution may also encourage water conservation through rate structure design.

(c) For the purposes of this section, "public entity" means a city, whether general law or chartered, county, city and county, special district, agency, authority, any other municipal public corporation or district, or any other political subdivision of the state.

Section 375.5

a) A public entity, as defined by Section 375, may undertake water conservation and public education programs in conjunction with school districts, public libraries, or any other public entity.

(b) (1) A public entity may undertake water conservation and public education programs using an information booklet or materials for use in connection with the use or transfer of real estate containing up to four residential units. For the purposes of this subdivision, the public entity may use water conservation materials prepared by the department.

(2) It is the intent of the Legislature that on or before December 31, 2007, a review of the program be conducted to obtain information on both of the following matters:

(A) The extent to which public entities have undertaken water conservation and public education programs referred to in paragraph (1).

(B) The extent to which water conservation may be attributable to the implementation of water conservation and public education programs referred to in paragraph (1).

(c) A public entity may take into account any programs undertaken pursuant to this section in a rate structure design implemented pursuant to Section 375.

(d) The Legislature finds and declares that a program undertaken pursuant to this section is in the public interest, serves a public purpose, and will promote the health, welfare, and safety of the people of the state.

Section 376

(a) Any ordinance or resolution adopted pursuant to Section 375 is effective upon adoption. Within 10 days after its adoption, the ordinance or resolution shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated

in the public entity. If there is no such newspaper, the ordinance or resolution shall be posted within 10 days after its adoption in three public places within the public entity.

(b) The publication of ordinances or resolutions, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The public entity may publish a summary of a proposed ordinance, resolution, or proposed amendment to an existing ordinance or resolution. The summary shall be prepared by an official designated by the governing body. A summary shall be published and a certified copy of the full text of the proposed ordinance, resolution, or amendment shall be posted in the office of the governing body at least five days prior to the governing body's meeting at which the proposed ordinance, resolution, or amendment is to be adopted. Within 15 days after adoption of the ordinance, resolution, or amendment, the governing body shall publish a summary of the ordinance, resolution, or amendment with the names of those members voting for and against the ordinance, resolution, or amendment and the official shall post in the office of the governing body a certified copy of the full text of the adopted ordinance, resolution, or amendment along with the names of those members voting for and against the ordinance, resolution, or amendment.

(2) If the official designated by the governing body determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance, resolution, or amendment, and if the governing body so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the governing body meeting at which the proposed ordinance, resolution, or amendment is to be adopted. Within 15 days after adoption of the ordinance, resolution, or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance, resolution, or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance, resolution, or amendment, and the names of those members voting for and against the ordinance, resolution, or amendment.

Section 377

From and after the publication or posting of any ordinance or resolution pursuant to Section 376, violation of a requirement of a water conservation program adopted pursuant to Section 376 is a misdemeanor. Upon conviction thereof such person shall be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both.

Section 378

A public entity may enter into agreements with other public entities, businesses, community associations, or private entities to provide water conservation services and measures and materials for implementing water conservation programs adopted pursuant to this chapter.

RESOLUTION _____

RESOLUTION OF THE BOARD OF DIRECTORS**OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA SUPPORTING THE GOVERNOR'S CALL FOR A 25 PERCENT REDUCTION IN CONSUMER WATER USE AND EXECUTIVE ORDER B-29-15,****IMPLEMENTING ITS WATER SUPPLY ALLOCATION****PLAN, ESTABLISHING THE****REGIONAL SHORTAGE LEVEL, AND IMPLEMENTING AN ALLOCATION SURCHARGE****PURSUANT TO CALIFORNIA WATER CODE SECTION 375**

WHEREAS, on January 17, 2014, the Governor proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions ; and

WHEREAS, on April 25, 2014, the Governor issued a second proclamation declaring a continuing State of Emergency and noting that drought conditions had persisted for the last three years; and

WHEREAS, Governor Brown issued Executive Order B-29-15 on April 1, 2015 instituting emergency actions and mandatory water use reductions for the State of California; and

WHEREAS, State snowpack levels, as indicated by manual surveys and automatic gauge measurements throughout the Sierra Nevada, have been below normal for four consecutive years; and

WHEREAS, the official projections for the State of California show well below normal runoff for the fourth consecutive year, with the runoff from the Sierra snowpack being below the amounts needed to fill California's storage reservoir system or support delivery of supplies requested by Metropolitan and other export contractors; and

WHEREAS, State runoff that replenishes the state's reservoir system, as indicated by the Department of Water Resources, have been below normal levels eight of the last nine years; and

WHEREAS, rainfall levels locally, as indicated by the measurement at the Los Angeles Civic Center, have been below normal for three consecutive years; and

WHEREAS, the dry year storage available to Metropolitan has been reduced by approximately 55 percent since January 2012; and

WHEREAS, storage in the state's reservoir system is well below normal levels, with Lake Oroville at 50 percent of capacity; and

WHEREAS, runoff in the Colorado River system, as indicated by the Bureau of Reclamation, have been below normal levels 13 of the last 16 years; and

WHEREAS, storage in the Colorado River system is well below normal levels, with Lake Mead at 40 percent of capacity; and

WHEREAS, Biological Opinions issued to protect Delta smelt, Central Valley salmon, longfin smelt and other species have continued to contribute to reduced water supplies available for delivery from the State Water Project; and

WHEREAS, the Department of Water Resources' current allocation of State Water Project water available to Metropolitan and the other state water contractors is only 20 percent of contracted supply as of the date of this resolution; and

WHEREAS, in February 2008, Metropolitan's Board of Directors adopted its Water Supply Allocation Plan under which the Board may determine that a regional shortage exists, establish a regional shortage level and implement an Allocation Surcharge for water use in excess of a member agency's annual allocation under the Water Supply Allocation Plan; and

WHEREAS, the Water Supply Allocation Plan is intended to be implemented during periods of regional water shortages in order to promote conservation of scarce water supplies; and

WHEREAS, pursuant to the Water Supply Allocation Plan, the Board may establish a regional shortage level and assess an allocation surcharge on water use in excess of a member agency's annual allocation under the plan; and

WHEREAS, in light of the extreme drought and poor water supply conditions noted above, the Board believes it is necessary and in the best interests of Metropolitan and its member agencies to implement the Water Supply Allocation Plan at a Level 3 Regional Shortage Level and to assess an allocation surcharge on any member agency whose use exceeds its Level 3 allocations; and

WHEREAS, California Water Code section 375 authorizes public agencies to adopt programs and rate structures aimed at encouraging water conservation after holding a public hearing and making appropriate findings of necessity; and

WHEREAS, adopting the Water Supply Allocation Plan Level 3 allocations and surcharges as a water conservation program is consistent with actions taken by our member agencies and other retail agencies and will assist Metropolitan and its member agencies in public outreach efforts to communicate the severity of the current drought and the need for conservation; and

WHEREAS, on April 13, 2015 Metropolitan conducted a public hearing and made appropriate findings of necessity for the adoption of the Water Supply Allocation Plan Level 3 allocations and surcharges as a water conservation program.

NOW, THEREFORE, the Board of Directors of Metropolitan does hereby resolve, determine and order as follows:

Section 1. Metropolitan's Board of Directors declare Metropolitan's support for the Governor's Executive Order B-29-15.

Section 2. Metropolitan's Board of Directors declare that the regional water shortage in Metropolitan's service area continues and declare a Water Supply Condition 3 – Water Supply Allocation.

Section 3. The Water Supply Allocation Plan shall be implemented, effective July 1, 2015 through June 30, 2016.

Section 4. The Water Supply Allocation Plan shall be set at Regional Shortage Level 3.

Section 5. The Allocation Surcharge, as part of the Water Supply Allocation Plan, shall be the means enabled by Section 375 of the California Water Code to encourage the regional conservation of water supplies.

Section 6. The General Manager is hereby authorized and directed to take all necessary action to implement the Water Supply Allocation Plan, consistent with its terms.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on April 14, 2015.

Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California