

From: [Ryan Grisso](#)
To: [DWR Water Use Efficiency: Frame.Kent@DWR](#)
Cc: [cdegabriele@nmwd.com](#); [Drew McIntyre](#)
Subject: Drought Planning for Small Water Suppliers and Rural Communities
Date: Thursday, October 20, 2016 2:43:50 PM
Attachments: [West Marin Water Shortage Contingency Plan 2016.pdf](#)
[WM Emergency Ordinance032814.pdf](#)

Kent,

North Marin Water District (NMWD) currently has an adopted Water Shortage Contingency Plan (WSCP) in place for the West Marin Service area (Attached), a water system with less than 3,000 connections delivering less than 3,000AF/yr. It is in Draft status since we have no mandatory West Marin water restrictions in place at this time. The WM Emergency Water Conservation Ordinance which was in effect during the dry year of 2014 is also attached for your information as a pdf. Note that the WSCP triggers 1 & 2 are based on Lagunitas Creek Water Right Order 95-17 which defines dry year criteria and in stream flow requirements for Lagunitas Creek. NMWD's West Marin water supply is diverted from the underflow of Lagunitas Creek. Lagunitas Creek is a fully appropriated, flow regulated stream. Marin Municipal is required to maintain the in stream flow requirements based on water year type and time of year pursuant to WR 95-17. NMWD holds one water right license and two water right permits which also reflect limitations based on WR 95-17 requirements. Furthermore, when NMWD perfected its' water right license, settlement provisions with environmental groups were agreed upon such that when dry year conditions occur during summer months, and in stream flow obligations of Marin Municipal are reduced by 25% pursuant to WR 95-17, that NMWD diversion would commensurately be reduced by 25%. Additionally, trigger 3 (also a settlement provision) limits NMWD to no more than 0.67cfs diversion in any 30 day period, the numerical diversion limit in our water right license. There is no water supply interconnection between NMWD's Novato and West Marin water systems service territories.

We recommend that flexibility be allowed for implementation of a previously adopted WSCP instead of being rolled into a countywide WSCP. For NMWD, the countywide proposal cannot be implemented based on our water right limitations and prior legal settlement agreements. Most other small water systems in Marin County are smaller than NMWD's West Marin system and rely on underflow from streams not tributary to Lagunitas Creek (Coast Springs, Stinson Beach, Muir Beach), or surface water (Bollinas, Inverness), or very limited ground water (Estero Mutual).

Sincerely,
Ryan Grisso
Water Conservation Coordinator
North Marin Water District

DRAFT

**NORTH MARIN WATER DISTRICT'S
WATER SHORTAGE CONTINGENCY PLAN
FOR WEST MARIN SERVICE AREA**

April 29, 2016

**NORTH MARIN WATER DISTRICT
WATER SHORTAGE CONTINGENCY PLAN
FOR WEST MARIN SERVICE AREA**

April 2016

Customer Notification

- I. January 1 water year classification “dry”
 - A. NMWD notifies customer by bill message.

“There are dry year conditions on Lagunitas Creek which may trigger implementation of water shortage contingency measures. Final determination will be made on April 1. Please use water wisely.”
 - B. NMWD issues press release in February and March informing that potential dry year conditions exist and promoting customer participation in NMWD water conservation programs.
- II. April 1 water year classification “normal”
 - A. Spring edition of NMWD West Marin “Water Line” promotes conservation measures.
- III. April 1 water year classification “dry”
 - A. Spring edition of NMWD West Marin “Water Line” informs customers of “Water Shortage Emergency,” public hearing and contingency measures. Water conservation programs and giveaways to be on display.
 - B. Stages of Action published as required in Point Reyes Light and posted at Point Reyes Station post office.

Specific Triggers

- Stage 1 Trigger:** When the total precipitation that occurs from October through April 1 of the following year is less than 28” as measured at the MMWD Kent precipitation gage and the period is April 1 through June 30, or when the NMWD Board of Directors determines that Dry Conditions prevail based on advice from NMWD staff or the State Water Resources Control Board.
- Stage 2 Trigger:** When the total precipitation that occurs from October through April 1 of the following year is less than 28” as measured at the MMWD Kent precipitation gage and the period is July 1 through November 1, or when the NMWD Board of Directors determines that Dry Conditions prevail based on advice from NMWD staff or the State Water Resources Control Board.
- Stage 3 Trigger:** When the total precipitation that occurs from October through April 1 of the following year is less than 28” as measured at the MMWD Kent precipitation gage and water demands in any preceding thirty-day period exceed an average of 433,000 gpd, or when the NMWD Board of Directors determines that Critical Dry Conditions prevail based on advice from NMWD staff or State Water Resources Control Board.

Consumption Limits (do not apply where private well or recycled water supply is used)

Stage 1: (Request for up to _____% voluntary reduction)

Residential: _____% voluntary reduction in water use from a prior year for similar billing period to be determined by the NMWD Board of Directors depending on circumstances in place at the time of enactment.

Commercial and Industrial: _____% voluntary reduction in water use from a prior year for similar billing period (exceptions may be granted in order to preserve jobs) to be determined by the NMWD Board of Directors depending on circumstances in place at time of enactment.

Stage 2: (Mandatory water use restrictions to enable reduction in water use up to _____%)

Residential: Water use for certain purposes are restricted as determined by the NMWD Board of Directors depending on circumstances in place at time of enactment.

Commercial and Industrial: Water use for certain purposes are restricted as determined by the NMWD Board of Directors depending on circumstances in place at time of enactment (exceptions may be granted in order to preserve jobs).

Stage 3: (Up to 50% mandatory reduction)

Residential: _____% mandatory reduction in water use from a prior year for similar billing period or maximum gallons per person per day allowance to be determined by the NMWD Board of Directors depending on circumstances in place at time of enactment.

Commercial and Industrial: _____% mandatory reduction in water use from a prior year for similar billing period to be determined by the NMWD Board of Directors depending on circumstances in place at time of enactment (exceptions may be granted to preserve jobs).

Stages of Action

Stage 1 Voluntary - achieve _____% reduction¹ in water use by implementation of any of the following

- a. Encourage voluntary rationing;
- b. Pursue vigorous enforcement of water wasting regulations and provisions of District's Water Conservation Regulation 17 which requires water saving devices in new construction, prohibits installation of certain wasteful types of turf configurations, and encourages turf avoidance;
- c. Request customers to make conscious efforts to conserve water;
- d. Request other governmental agencies to demonstrate leadership and implement restrictive water use programs;
- e. Distribute water saving kits upon customer request, to assure availability to existing and new customers (Note: Similar kits were distributed system wide to all customers

¹Exact amount and District wide measurement of goal and method of achievement to be established by Board of Directors after examining projected supplies and after holding water shortage emergency public hearing.

during the 1976-77 California drought);

- f. Encourage private sector to use alternate water sources such as recycled water or use of private wells;
- g. Encourage the non-commercial washing of privately owned motor vehicles, trailers and boats only from a bucket and except that a hose equipped with a shut-off nozzle may be used for a quick rinse.;
- h. Encourage nighttime irrigation;
- i. Request restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served/purchased to serve water only upon request;
- j. Implement detailed measures from other stages to meet desired objective;
- k. Any use of potable water from a fire hydrant except for fighting fire, human consumption, essential construction needs or use in connection with animals;
- l. Navy style showering will be promoted (e.g., turn on water to wet person or persons, turn off water, lather up, scrub, then turn on water for a quick rinse, then turn off shower with free push button showerhead control valves available to customers upon request);
- m. Customers will be urged not to regularly flush their toilets for disposal of urine only;
- n. Request hotel and motel operators to provide guests with the option of choosing not to have towels and linens laundered daily;
- o. Prohibit use of potable water for dust control at construction sites or other locations;

Stage 2 Mandatory - achieve a ____% reduction¹ in water use by declaring a water shortage emergency and implementing Stage 1 (voluntary) and Stage 2 (mandatory) restrictions on water use for the following certain purposes

- a. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except by the Marin County Fire Department or other public agency for the purpose of public safety;
- b. Refilling a completely drained swimming pool and/or initial filling of any swimming pool;
- c. Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used for a quick rinse;
- d. Watering of any lawn, garden, landscaped area, tree, shrub or other plant except from a hand-held hose or container or drip irrigation system except sprinklers can be used if customer maintains the volume or percent reduction pursuant to the NMWD Board of Directors determination compared to a prior year's use in same billing period;
- e. Any non-residential use by a vehicle washing facility in excess of the volume percent or reduction pursuant to the NMWD Board of Directors determination;
- f. Irrigating landscape other than between the hours of 7pm and 9am the following day;
- g. Irrigating landscape more than _____ days per week;
- h. Irrigating landscape during or within 48 hours of measureable precipitation;
- i. Irrigating with potable water of lawn area on public street medians.

- j. Intertie deliveries through the intertie to Inverness Public Utility District (IPUD), except for critical needs as determined by the General Manager.

Stage 3 Mandatory – achieve up to a _____%² reduction in water use by declaring a water emergency and implementing Stage 1 (Voluntary), Stage 2 (Mandatory) and the following additional Stage 3 (Mandatory) requirements.

- a. Watering any residential lawn, or any commercial or industrial area lawn maintained for aesthetic purposes, at any time day or night during the period of July 1, through October 31. (These designated lawns will be allowed to dry up for the summer). Affected customers will be advised on tested methods for re-greening the lawns at minimum expense beginning on November 1, during a Stage 3 mandatory period if operating conditions permit. By following the prescribed instructions, the affected customers will likely avoid the cost of replacing lawns.
- b. Planting any new landscaping, except for designated drought resistant landscaping authorized by NMWD.
- c. Public groups may apply to the General Manager for exemptions for watering specific public lawns used extensively for community wide recreation. Such public area lawn watering shall only be done under methods and time periods prescribed by the General Manager. Such exemptions will only be given by the General Manager, if the mandatory _____% reduction in water can otherwise be achieved on a service area basis.
- d. All day and nighttime sprinkling will be discontinued. Any and all outside watering will be done only with a hand held nozzle. An exception will be made to permit drip irrigation for established perennial plants and trees using manual or automatic time controlled water application sufficient only for assured plant survival.
- e. No new annual plants, vegetables, flowers or vines may be planted until the Stage 3 mandatory period is over. An exception will be considered on a case by case basis for customers who are eliminating existing thirsty landscaping and replacing same with drought resisting landscaping prescribed by NMWD, as in b. above.
- f. Limit deliveries of water to outside service area customers to that needed for human consumption, sanitation and public safety only or as stipulated in outside service agreements.
- g. Discontinue all water deliveries through the intertie to IPUD.

<u>Plan Preparation</u>	This plan has been coordinated with County, State and Federal Emergency Services Offices.
<u>Adoption of Plan</u>	The Stage of Action will be enacted after public hearing required by the District's Emergency Water Conservation Ordinance and a determination by the District's Board of Directors that a West Marin Water Shortage Emergency exists.
<u>Monitoring of Actual Water Use</u>	Monitoring of water use will be by meters with data analysis using the District's computers.
<u>Mandatory Prohibitions</u>	Wasting of water is prohibited by Regulation 17 of the North Marin Water District. Stage 2 and Stage 3 of the Water Shortage Contingency Plan contain specific mandatory provisions.
<u>Revenue and Expenditure Analysis</u>	Temporary Drought Revenue Recovery Surcharge In the event that mandatory water use restrictions or mandatory reduction in water use is triggered (Stage 2 or Stage 3 herein), a Temporary Drought Revenue Recovery Surcharge may be implemented. The Temporary Drought Revenue Recovery Surcharge will serve to mitigate the revenue loss resulting from a reduction in water use. The Temporary Drought Revenue Recovery Surcharge shall be a quantity charge for each 1,000 gallons as specified in District Regulation 54.

**NORTH MARIN WATER DISTRICT
WEST MARIN SERVICE AREA
EMERGENCY WATER CONSERVATION ORDINANCE NO. 29**

April 1, 2014

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EMERGENCY WATER CONSERVATION ORDINANCE

ORDINANCE NO. 29

AN ORDINANCE OF NORTH MARIN WATER DISTRICT DECLARING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY CONDITION WITHIN THE WEST MARIN SERVICE AREA OF THE DISTRICT, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE DISTRICT

BE IT ORDAINED by the Board of Directors of North Marin Water District as follows:

Section 1. Declaration of a Water Shortage Emergency

This Board of Directors does hereby find and declare as follows:

(a) A public hearing was held on April 1, 2014, on the matter of whether this Board of Directors should declare a water shortage emergency condition exists within the West Marin water service area of this District which is served by wells adjacent to Lagunitas Creek.

(b) Notice of said hearing was published in the Point Reyes Light and West Marin Citizen, newspapers of general circulation printed and published within said West Marin water service area of the District.

(c) At said hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.

(d) Said hearing was called, noticed and held in all respects as required by law.

(e) This Board heard and has considered each protest against the declaration and all evidence presented at said hearing.

(f) A water shortage emergency condition exists and prevails within the portion of the territory of this District served by wells adjacent to Lagunitas Creek. Said portion of this District is hereinafter referred to as the West Marin area and consists in all the territory of this District generally known as Point Reyes Station, Inverness Park, Olema, Bear Valley and Paradise Ranch Estates. Said water shortage exists by reason of the fact that the ordinary demands and requirements of the water consumers in the West Marin area cannot be met and satisfied by the water supplies available to this District in the West Marin Service Area without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

(g) On April 1, 2014 the Board of Directors enacted the North Marin Water District Water Shortage Contingency Plan for the West Marin Service Area (Plan) and said Plan defines specific triggers for stages of action applicable to District customers, and pursuant to this ordinance. The specific triggers for stages of action vary and are determined based on rainfall measured at the Marin Municipal Water District Kent precipitation gage, calendar period and water demands in the West Marin Service Area.

Section 2. Purpose and Authority

The purpose of this ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage emergency condition to reduce water use fairly and equitably. This ordinance is adopted pursuant to Water Code Section 350 to and including 358, and Sections 31026 to and including

Section 3. Effect of Ordinance

This ordinance shall take effect on April 1, 2014, shall be effective only in the West Marin service area, shall supersede and control over any other ordinance or regulation of the District in conflict herewith, and shall remain in effect until the Board of Directors declares that the water shortage emergency has ended.

Section 4. Suspension of New Connections to the District's Water System

(a) From July 1, 2014 until, the Board of Directors by resolution declares that the water shortage has ended, which period is hereinafter referred to as the suspension period, no new or enlarged connection shall be made to the District's water system except the following:

- (1) connection pursuant to the terms of connection agreements which prior to July 1, 2014, had been executed or had been authorized by the Board of Directors to be executed;
- (2) connections of fire hydrants;
- (3) connections of property previously supplied with water from a well which runs dry.
- (4) connection of property for which the Applicant agrees to defer landscape installation until after the suspension period.

(b) During the suspension period applications for water service will be processed only if the Applicant acknowledges in writing that such processing shall be at the risk and expense of the Applicant and that if the application is approved in accordance with the District's regulations, such approval shall confer no right upon the Applicant or anyone else until the suspension period has expired, and that the Applicant releases the District from all claims of damage arising out of or in any manner connected with the suspension of connections.

(c) Upon the expiration of the suspension period, the District will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the District will be apportioned equitably among all the customers then being served by the District without discrimination against services approved during the suspension period.

(d) Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the District's system if the General Manager determines that the demand upon the District's water supply will not be increased thereby.

Section 5. Waste of Water Prohibited

No water furnished by the District shall be wasted. Waste of water includes, but is not limited to, the following:

- (a) permitting water to escape down a gutter, ditch or other surface drain;
- (b) failure to repair a controllable leak of water;
- (c) failure to put to reasonable beneficial use any water withdrawn from the District's system.

Section 6. Prohibition of Non-Essential Use of Water

(a) No water furnished by the District shall be used for any purpose declared to be non-essential by this ordinance for the following stages of action as determined by the Board of Directors

after considering specific triggers consistent with the Water Shortage Contingency Plan for the West Marin Service Area.

Stage 1 - Voluntary Stage (15% reduction). Achieve 15% reduction in water usage compared to the corresponding billing period in 2013 by encouraging voluntary rationing, enforcement of water wasting regulations and water conservation Regulation 17, requesting customers to make conscious efforts to conserve water, request restaurants to serve water only upon request, encourage private sector to use alternate source and encourage night irrigation.

Stage 2 - Mandatory Stage (25% reduction)

(b) The following uses are declared to be non-essential from and after July 1, 2014:

- (1) washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except by the Marin County Fire Department or other public agency for the purpose of public safety;
- (2) refilling a swimming pool drained after July 1, 2014;
- (3) non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used for a quick rinse.
- (4) Request restaurants to serve water only upon request.

(c) The following additional uses are declared to be non-essential from and after July 1, 2014:

- (1) any use of water from a fire hydrant except for fighting fires, human consumption, essential construction needs or use in connection with animals;
- (2) watering of any lawn, garden, landscaped area, tree, shrub or other plant except from a handheld hose equipped with an automatic shut-off nozzle, container or drip irrigation system except overhead sprinkler irrigation can be used if customer maintains an overall 25% reduction in water use compared to the corresponding billing period in 2013, (customers using less than 200 gallons per day are permitted to water their landscape without a 25% reduction) and properly operates the irrigation system in a non-wasteful manner between the hours of 7:00 p.m. and 9:00 a.m the next day. If sprinkler water is used in a wasteful manner, the General Manager may prohibit sprinkling by that customer.
- (3) use of water for dust control at construction sites;
- (4) initial filling of any swimming pool for which application for a building permit was made after April 1, 2014;
- (5) use by a vehicle washing facility in excess of 25% less than the amount used by it during the corresponding billing period in 2013. If the facility was not operating in 2013, an assumed amount shall be computed by the District from its records.
- (6) any non-residential use in excess of 25% less than the amount used by the customer during the corresponding billing period in 2013. If connection to the District system was not in existence or use in 2013, an assumed amount will be computed from the District's records.
- (7) Intertie deliveries to Inverness Public Utilities District (IPUD), except for critical needs as determined by the General Manager
- (8) Deliveries to customers outside the service area except as needed for human

consumption, sanitation and public safety or as stipulated in outside service agreements.

Stage 3 - Severe Mandatory Rationing (50% reduction)

(d) From and after the date that the Board of Directors, by resolution, determines that the water shortage emergency requires severe rationing, the following additional uses are declared to be non-essential:

- (1) Watering any residential lawn, or any commercial or industrial area lawn maintained for aesthetic purposes, at any time of the day or night during the period of August 1, through October 31, when a Stage 3 is in progress.
- (2) Planting any new landscaping, except for designated drought resistant landscaping prescribed by the District.
- (3) All day and nighttime sprinkling will be discontinued. Any and all outside watering will be done only with a hand held nozzle. An exception will be made for carefully timed drip irrigation for established perennial plants and trees. Only sufficient water for assured plant survival may be applied.
- (4) No new annual plants, vegetables, flowers or vines may be planted during the Stage 3 emergency period. An exception will be made for customers who are eliminating existing thirsty landscaping and replacing same with drought resisting landscaping prescribed by the District, as in (2) above.

The combined rationing including Stage 1, 2, and 3 is designed to achieve a minimum reduction of 50% or more in West Marin service territory water consumption as compared with normal year annual usage.

(e) The percentages stipulated in Stage 2 and Stage 3 may be increased by the General Manager for any class of customer if the General Manager determines that such increase is necessary to protect the public health, safety and welfare or to spread equitably among the water users of the District the burdens imposed by the drought and the shortage in the District's water supply.

Section 7. Variances

Applications for a variance from the provisions of Section 6 of this ordinance may be made to the General Manager. The General Manager may grant a variance to permit a use of water otherwise prohibited by Section 6 if the General Manager determines that the variance is reasonably necessary to protect the public health and safety and/or economic viability of a commercial operation. Any decision of the General Manager under this section may be appealed to the Board of Directors.

Section 8. Violations

(a) If and when the District becomes aware of any violation of any provision of Section 5 or 6 of this ordinance, a verbal warning will be given, then if the violation continues or is repeated, a written notice shall be placed on the property where the violation occurred and mailed to the person who is regularly billed for the service where the violation occurs and to any other person known to the District who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured and abated immediately or within such specified time as the General Manager determines is reasonable under the circumstances. If said order is not complied with, the District may forthwith disconnect the service where the violation occurs.

(b) For the first offense, a fee of \$50 shall be paid for the reconnection of any service disconnected pursuant to subsection (a) during the suspension period. For each subsequent violation of Section 8 (a), the fee for reconnection shall be \$75.

(c) No service which is disconnected twice because of a violation of Section 5 or 6 of this ordinance during the suspension period, shall be reconnected unless a device supplied by the District which will restrict the flow of water to said service is installed. Furthermore, the fee for reconnection of such a service during the suspension period shall be \$100 in lieu of the fee required by subsection (b) hereof.

Section 9. Signs on Lands Supplied from Private Wells

The owner or occupant of any land within the West Marin water service area that is supplied with water from a private well shall post and maintain in a conspicuous place thereon a sign furnished by the District giving public notice of such supply.

Section 10. Drought Surcharge

In the event a mandatory reduction in water use is triggered under the District's Water Shortage Contingency Plan for the West Marin Service Area, a Drought Surcharge will be implemented simultaneous with enactment of the mandatory stage. The Drought Surcharge will serve to mitigate the revenue loss resulting from a reduction in water use, as well as to offset the cost for water purchased from Marin Municipal Water District (MMWD) under the Interconnection Agreement between North Marin Water District and MMWD triggered by dry year conditions. The Drought Surcharge shall be a quantity charge for each 1,000 gallons as specified in District Regulation 54.

* * * * *

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the Board of Directors of North Marin Water District at a regular meeting thereof held on April 1, 2014 by the following vote:

AYES: Directors Baker, Fraites, Petterle, Rodoni, Schoonover
NOES: None
ABSENT: None
ABSTAINED: None

(SEAL)



Katie Young
District Secretary
North Marin Water District