

CERTIFICATION OF AUTHENTICITY

I, DONALD M. ZDEBA, Secretary of the Board of Directors of the Indian Wells Valley Water District, DO HEREBY CERTIFY, as follows:

The attached draft Ordinance No. 101 and draft 2017 Water Shortage Contingency Plan (“2017 WSCP”) are a full, true and correct copy of draft Ordinance No. 101 and draft 2017 WSCP, proposed for adoption at the Regular Board Meeting of the Board of Directors of said District on the 10th day of July, 2017.

I have reviewed draft Ordinance No. 101 and draft 2017 WSCP attached, and they are a full, true and correct copy of draft Ordinance No. 101 and draft 2017 WSCP, proposed for adoption at the Regular Board Meeting of the Board of Directors of said District on the 10th day of July, 2017.

Executed on the 28th day of June, 2017 at Ridgecrest, California.



DONALD M. ZDEBA, Secretary

ORDINANCE NO. 101

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING RESOLUTION NO. 92-08 AND ADOPTING THE 2017 WATER SHORTAGE CONTINGENCY PLAN.

WHEREAS, California Water Code (“CWC”) Section 10632 and CWC Sections 365 through 367 require urban water suppliers to prepare an analysis of the elements within a water shortage contingency plan and to set forth actions, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies.

WHEREAS, the Indian Wells Valley Water District (“District”) is an urban water supplier within the meaning of CWC Section 10632 and CWC Sections 365 through 367.

WHEREAS, the District prepared its initial Water Shortage Contingency Plan (“1992 WSCP”) and adopted same by Resolution No. 92-08 on April 27, 1992.

WHEREAS, the Board of Directors (“Board”) of the District has determined it is necessary to revise and update the 1992 WSCP.

WHEREAS, this Water Shortage Contingency Plan (“2017 WSCP”) has been prepared to coordinate the analysis of the elements required pursuant to CWC Section 10632, pertaining to water shortage contingency analyses, and the requirements of CWC Sections 365 through 367, pertaining to excessive residential water use during drought. The 2017 WSCP is intended to create a standard and uniform response to a water shortage or a catastrophic interruption of water supplies.

WHEREAS, this Ordinance 101, adopting the 2017 WSCP, will supersede and replace Resolution 92-08 and the 1992 WSCP.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the Indian Wells Valley Water District, as follows:

Section 1. District Resolution No. 92-08 and the 1992 WSCP are hereby rescinded.

Section 2. The purpose of Ordinance No. 101 is to coordinate the analysis of the elements required pursuant to CWC Section 10632, pertaining to water shortage contingency analyses, and the requirements of CWC Sections 365 through 367, pertaining to excessive residential water use during drought. The 2017 WSCP includes an analysis of the contingency plan and sets forth actions, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies to help ensure that the District can provide continuous service to its customers during a severe or extended water shortage in which the District has access to as little as 50% of its normal water supply.

Section 3. The Indian Wells Valley Water District 2017 Water Shortage Contingency Plan, attached hereto and incorporated herein by reference, is hereby adopted.

Section 4. Ordinance No. 101 will become effective on July 10, 2017.

Section 5. The General Manager is hereby authorized to file the 2017 Water Shortage Contingency Plan with the California Department of Water Resources, and/or any other State agency, as required by law.

Section 6. The Secretary is hereby directed to cause a summary of Ordinance No. 101 to be published once in a newspaper of general circulation, printed, published and circulated in the District within fifteen (15) day of adoption.

All the foregoing being on the motion of Director Kicinski seconded by Director Cortichiato, and authorized by the following vote, namely:

AYES: President Brown
Vice-President Cordell
Director Cortichiato
Director Kicinski


NOES: Director Griffin

ABSENT: None.

ABSTAIN: None.

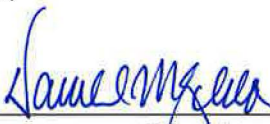
I HEREBY CERTIFY that all the foregoing ordinance is the ordinance of the Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the 10th day of July, 2017.

WITNESS my hand and the official seal of said Board of Directors this 10th day of July, 2017.



President, Board of Directors of the Indian Wells Valley Water District

ATTEST:



Secretary, Board of Directors of the Indian Wells Valley Water District

(SEAL)

STATE OF CALIFORNIA)
COUNTIES OF KERN)
AND SAN BERNARDINO)

I, DONALD M. ZDEBA, Secretary of the Board of Directors of the Indian Wells Valley Water District, DO HEREBY CERTIFY, as follows:


The foregoing Ordinance is a full, true and correct copy of Ordinance No. 101, duly adopted at a Regular Board Meeting of the Board of Directors of said District, duly and held at the regular meeting place of the Board on the 10th day of July, 2017, for which all of the members of said Board of Directors had due notice and at which a majority of the Board of Directors were present. All the foregoing being on the motion of Director Kicinski seconded by Director Cortichiato, and authorized by the following vote, namely:

AYES:	President Brown Vice-President Cordell Director Cortichiato Director Kicinski
NOES:	Director Griffin
ABSENT:	None.
ABSTAIN:	None.


I have carefully compared the foregoing with the original Minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original ordinance adopted at said Meeting and entered into said Minutes.

Ordinance No. 101 has not been amended, modified or rescinded since the date of its adoption on July 10th, 2017, and the same is now in full force and effect.

WITNESS my hand and the official seal of said Board of Directors this 10th day of July, 2017.



President, Board of Directors of the Indian Wells Valley Water District



Secretary, Board of Directors of the Indian Wells Valley Water District

(SEAL)



INDIAN WELLS VALLEY WATER DISTRICT
POST OFFICE BOX 1329
RIDGECREST, CA 93556-1329
(760) 375-5086

**INDIAN WELLS VALLEY WATER DISTRICT
2017 WATER SHORTAGE CONTINGENCY PLAN**

JUNE 2017

Adopted by Ordinance No. 101 on July 10, 2017

Prepared by



3602 University Avenue
Riverside, California 92501
(951) 684-6900



TABLE OF CONTENTS

	<u>PAGE</u>
SECTION I - INTRODUCTION.....	I-1
A. Purpose of WSCP.....	I-1
B. Background	I-1
C. Definitions	I-3
SECTION 2 - WATER SHORTAGE RESPONSE AND STAGES OF ACTION.....	II-1
A. Stages of Action and Water Shortage Contingency Response	II-1
1. Stages of Action	II-2
2. Actions to be Taken.....	II-2
B. Minimum Water Supply	II-6
C. Response to Catastrophic Interruption of Water Supply	II-7
1. Emergency Response	II-7
2. Water Allotments	II-10
D. Mandatory Prohibitions, Penalties, and Appeals.....	II-14
1. Ordinance No. 93	II-14
2. Ordinance No. 100	II-20
E. Consumption Reduction Methods	II-26
F. Fines and Penalties for Exceeding Allotments.....	II-28
G. Appeals Process.....	II-30
H. Impacts of Water Shortage Contingency Plan on Revenues and Expenditures	II-31
I. Draft Water Shortage Contingency Ordinance.....	II-33
J. Water Use Reduction Measuring Mechanisms	II-33
1. Normal Monitoring Conditions.....	II-34
2. Stage 1 Water Shortage Condition	II-34
3. Stage 2 Water Shortage Condition	II-34
4. Catastrophic Interruption of Water Supplies.....	II-34
K. Water Features.....	II-35
APPENDICES	
1. Ordinance No. 101	
2. Relevant Sections of the California Water Code	
3. Water Sales and Service Policy Manual (Ordinance No. 96)	
4. Ordinance Nos. 93, 98, 99, and 100	
5. Draft Water Shortage Contingency Resolution	
LIST OF TABLES	
Table 1 Water Rationing Stages and Reduction Goals	II-2
Table 2 Use Allotment per Tier in Hundred Cubic Feet.....	II-4
Table 3 Existing Storage Facilities	II-9
Table 4 Consumption Reduction Methods.....	II-27
Table 5 Actions and Conditions that Impact Revenues	II-32
Table 6 Actions and Conditions that Impact Expenditures.....	II-32
Table 7 Proposed Measures to Overcome Revenue Impacts.....	II-32
Table 8 Proposed Measures to Overcome Expenditures Impacts	II-32



SECTION I INTRODUCTION

A. PURPOSE OF WSCP

The primary purpose of the Water Shortage Contingency Plan (WSCP) is to comply with the requirements of California Water Code (CWC) Section 10632 and CWC Sections 365 thru 367, which will be discussed in more detail below. Importantly, the District has a civic and legal responsibility to provide for the water-related health and safety needs of the community. During a water shortage or a catastrophic interruption of water supplies, the District will take the actions described herein to minimize the interruption in water service to its customers to the extent possible, until normal service can be resumed. The WSCP includes an analysis of the contingency plan and sets forth actions, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies to help ensure that the District can provide continuous service to its customers during a severe or extended water shortage in which the District has access to as little as 50% of its normal water supply.

B. BACKGROUND

Indian Wells Valley Water District (the District) prepared its initial Water Shortage Contingency Plan in 1992 (1992 WSCP) and adopted same by Resolution No. 92-08 on April 27, 1992. The 1992 WSCP was prepared in response to the adoption of California Assembly Bill 11X (AB 11X) relating to drought contingency in California. AB 11X added Section 10656 to the CWC and amended CWC Sections 10620, 10631, and 10652. More recently, CWC Sections 365 through 367 were added by Senate Bill 814 on August 29, 2016 and relate to excessive residential water use during drought.

This current WSCP supersedes the 1992 WSCP and has been adopted pursuant to Ordinance No. 101, a copy of which is included in **Appendix 1** herein.

This WSCP has been prepared to coordinate the analysis of the elements required pursuant to CWC Section 10632, pertaining to water shortage contingency analyses, and the requirements of CWC Sections 365 through 367, pertaining to excessive residential water use during drought. This WSCP is intended to create a standard and uniform response to a water shortage or a catastrophic interruption of water supplies as required by CWC Section 10632 and CWC Sections 365 through



367. The subject CWC Sections and requirements imposed on the District are summarized below. Copies of these CWC Sections are included in **Appendix 2** herein.

CWC Section 10632 lists the following elements that shall be included in an urban water shortage contingency analysis ("Analysis"):

1. Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.
2. An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
3. Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
4. Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
5. Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.
6. Penalties or charges for excessive use, where applicable.
7. An analysis of the impacts of each of the actions and conditions described in paragraphs 1 through 6 above, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
8. A draft water shortage contingency resolution or ordinance.



9. A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.
10. For the purposes of developing the water shortage contingency analysis, the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the California Health and Safety Code.

CWC Sections 365-367 require each urban retail water supplier to establish a method to identify and discourage excessive water use by either (1) establishing a rate structure that includes block tiers, water budgets, or rate surcharges over and above base rates for excessive water use by a residential customer or (2) by establishing or amending an excessive water use ordinance, rule, or tariff condition addressing excessive water use by a residential customer. Water suppliers shall also establish penalties or fines for excessive water use and an appeals process to contest the penalty or fine levied.

C. DEFINITIONS

- **"Allotment"** means the quantity of water allocated (including increased allotments) to a District customer under mandatory rationing during a Water Supply Shortage, a Catastrophic Interruption of Water Supplies, a Drought State of Emergency, or a Local Water Supply Shortage.
- **"California Water Code"** or **"CWC"** means the California Water Code adopted by the State of California and available at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.
- **"Catastrophic Interruption of Water Supplies"** means a significant interruption of water supplies resulting from a disaster, such as earthquake, fire, or flood, or from any other sudden, unexpected event.
- **"Commercial Customer"** means a business or individual who provides a service or sells products for profit.
- **"District"** means the Indian Wells Valley Water District.



- **"Drought State of Emergency"** means either:
 - a. A period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on statewide drought conditions to an urban retail water supplier that has moved to a stage of action in response to a local water supply shortage condition under the District's contingency plan pursuant to CWC Section 10632(a)(1) that requires mandatory water use reductions; or
 - b. A period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on local drought conditions.
- **"Excessive Water Use"** means usage in excess of Tier 2 of the District's rate structure; i.e. usage in Tiers 3 and 4, which are defined below.
- **"Hundred Cubic Feet"** or **"HCF"**, means 748 gallons.
- **"Local Water Supply Shortage"** under CWC Section 367(a)(2) means a period in which the District has moved to a stage of action in response to a local water supply shortage condition under the District's contingency plan pursuant to CWC Section 10632(a)(1) that requires mandatory water use reductions.
- **"Residential Customer"** means a single-family residence or a customer in a multi-unit housing complex in which each unit is metered individually.
- **"Tier 2"** is the customer usage criterion that is described in the District's Water Sales and Service Policy Manual, Ordinance 96 (refer to **Appendix 3** herein).
- **"Tier 3"** is the customer usage criterion that is described in the District's Water Sales and Service Policy Manual Ordinance 96 (refer to **Appendix 3** herein).
- **"Tier 4"** is the customer usage criterion that is described in the District's Water Sales and Service Manual, Ordinance 96 (refer to **Appendix 3** herein).



- **"Urban Retail Water Supplier"** means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of water annually at retail for municipal purposes. The District is an Urban Retail Water Supplier.
- **"Water Supply Shortage"** means a period in which the District has moved to a stage of action in response to a water supply shortage under the District's contingency plan pursuant to CWC Section 10632(a)(1).
- **"Water Shortage Response Team"** consists of representatives of various District departments, as determined and appointed by the General Manager.



SECTION II URBAN WATER SHORTAGE CONTINGENCY ANALYSIS

This WSCP has been prepared to combine and coordinate the analysis of the elements required pursuant to CWC Section 10632 pertaining to the urban water shortage contingency analyses and the requirements of CWC Sections 365 through 367 pertaining to excessive residential water use during drought. To the extent CWC Section 10632 and CWC Sections 365 through 367 impose similar requirements, the District's WSCP has been prepared to address both requirements and create a uniform response to the various conditions of a water shortage.

A. STAGES OF ACTION AND WATER SHORTAGE CONTINGENCY RESPONSE

CWC Section 10632

- (a) *The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*
- (1) *Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.*

CWC Section 366

- (b) *Each urban retail water supplier shall establish a method to identify and discourage excessive water use, through one of the following options:*
- (1) *Establishing a rate structure, subject to applicable constitutional and statutory limitations, that includes block tiers, water budgets, or rate surcharges over and above base rates for excessive water use by a residential water customer.*
 - (2) (A) *Establishing an excessive water use ordinance, rule, or tariff condition, or amending an existing ordinance, rule, or tariff condition, that includes a definition of or a procedure to identify and address excessive water use by metered single-family residential customers and customers in multiunit housing complexes in which each unit is individually metered or submetered and may include a process to issue written warnings to a customer and perform a site audit of customer water usage prior to deeming the customer in violation.*



1. Stages of Action

The District has developed a two-stage rationing plan (refer to **Table 1**) to implement during a Water Supply Shortage which coincides with the actions to be taken during a Drought State of Emergency or a Local Water Supply Shortage. The rationing plan includes voluntary and mandatory rationing, which will be implemented based on factors, including but not limited to, the cause, severity, and anticipated duration of the Water Supply Shortage. Voluntary rationing occurs when the Stage 1 shortage condition (20-35% shortage) exists or a Drought State of Emergency has been declared by the Governor. Mandatory rationing will be implemented when the Stage 2 shortage condition (>35% shortage) exists or a Local Water Supply Shortage has been declared by the District.

A Water Supply Shortage may be triggered by a shortage in aquifer supply, equipment failure, catastrophe (such as earthquake or power outage), or other event that results in a Water Supply Shortage. Once a Water Supply Shortage is triggered, depending on the shortage condition, either voluntary or mandatory rationing will be implemented as described in **Table 1** below.

TABLE 1 WATER RATIONING STAGES AND REDUCTION GOALS			
Shortage Condition	Stage	Customer Reduction Goal	Type of Rationing Program
20 – 35%	1	25%	Voluntary*
>35%	2	40%	Mandatory

* In the event the State of California issues mandatory water conservation requirements, whether or not such requirements are accompanied by a Governor-declared Drought State of Emergency, the District will adopt an ordinance setting forth mandatory measures to comply with such mandatory water conservation requirements.

2. Actions to be Taken

The purpose of this **Section II.A.2** is to establish a method to identify and discourage Excessive Water Use by, among other things, defining local Excessive Water Use during a Water Supply Shortage, a Drought State of Emergency, or a Local Water Supply Shortage, as defined herein, establishing fines for violations of the WSCP, establishing a process for nonpayment of the fine, and establishing a process and conditions for the appeal of a fine imposed herein. The following discusses the actions to be taken by the District



during a Water Supply Shortage (arranged by shortage condition), a Drought State of Emergency, or a Local Water Supply Shortage.

a. Stage 1 Shortage Condition (20 to 35 percent)

In the event of a Stage 1 shortage condition, the District will implement the voluntary measures outlined in **Subsections (1) through (4)** below. These voluntary measures will also be implemented in the event of a Stage 2 shortage condition, a Local Water Supply Shortage, or a Drought State of Emergency.

- 1) The District will notify customers of the water shortage by mail, the District's website, various social media outlets, and email. Conservation information will be mailed to every customer, which will explain the importance of significant water use reductions.
- 2) Technical information will be provided to the District's customers regarding methods for improving water use efficiency.
- 3) The District will conduct a media campaign to remind consumers of the need to save water.
- 4) The District will publicize and expand appliances and fixtures efficiency programs, as appropriate.

Despite the voluntary nature of the Stage 1 shortage condition program, it does not waive the requirements of District Ordinance No. 100 or the penalties applicable to violations thereof. District Ordinance No. 100 is described in **Section IID.2** herein, and a copy of said ordinance is included in **Appendix 4**.

b. Stage 2 Shortage Condition (greater than 35 percent) or Local Water Supply Shortage

In the event of a Stage 2 shortage condition or a Local Water Supply Shortage, water use in excess of Tier 2 water use is considered Excessive Water Use and is subject to the penalties described below. The District's tiered usage Allotment,



listed in **Table 2** below, is based on the District's tiered rate structure, which is set forth in the *Indian Wells Valley Water District Water Sales and Service Policy Manual* (Ordinance No. 96), a copy of which is included in **Appendix 3** herein. The rate structure is organized into usage tiers based on quantity, meter size, and connection type.

The quantities of water designated in **Table 2** and Ordinance No. 96 are given in units of hundred cubic feet (HCF), which is the standard measurement for all District water deliveries and is indicated on the District's water bills and water meters. One HCF is equivalent to 748 gallons of water.

TABLE 2 USE ALLOTMENT PER TIER IN HUNDRED CUBIC FEET (HCF) PER ORDINANCE NO. 96 - WATER SALES AND SERVICE POLICY MANUAL				
RESIDENTIAL:				
Tier	All Meter Sizes			
Tier 1	0 - 7			
Tier 2	7.01 - 24			
Tier 3	24.01 - 45			
Tier 4	45.01 and Over			
COMMERCIAL:				
Tier	3/4" Meter	1" Meter	1-1/2" Meter	2" Meter
Tier 1	0 - 7	0 - 12	0 - 23	0 - 37
Tier 2	7.01 - 24	12.01 - 40	23.01 - 80	37.01 - 128
Tier 3	24.01 - 45	40.01 - 75	80.01 - 150	128.01 - 240
Tier 4	45.01 and Over	75.01 and Over	150.01 and Over	240.01 and Over
COMMERCIAL:				
Tier	3" Meter	4" Meter	6" Meter	8" Meter
Tier 1	0 - 75	0 - 117	0 - 233	0 - 373
Tier 2	75.01 - 256	117.01 - 400	233.01 - 800	373.01 - 1280
Tier 3	256.01 - 480	400.01 - 750	800.01 - 1500	1280.01 - 2400
Tier 4	480.01 and Over	750.01 and Over	1500.01 and Over	2400.01 and Over



During a Stage 2 shortage condition or a Local Water Supply Shortage, the following will apply:

- 1) Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle shall be considered Excessive Water Use.
- 2) A Residential Customer or Commercial Customer exceeding Tier 2 usage in a single billing cycle shall be assessed a fine of \$100 for the initial HCF of usage in Tier 3. An additional fine of \$10 for each HCF of usage over the initial Tier 3 HCF of usage shall be assessed in addition to the base rate.
- 3) For each consecutive billing cycle that a Residential Customer's or Commercial Customer's usage exceeds Tier 2 usage, the previous fine shall be increased by \$100 for the initial HCF of usage in Tier 3. The additional \$10 fine for each HCF of usage over the initial Tier 3 HCF of usage shall similarly increase \$10 in addition to the base rate. For example, a second consecutive billing cycle will result in an Excessive Water Use fine of \$200 for the initial HCF of Tier 3 usage. For each additional HCF of Tier 3 and 4 usage, a penalty of \$20 shall be assessed in addition to the base rate. A third consecutive billing cycle will result in an Excessive Water Use fine of \$300 for the initial HCF of Tier 3 usage. For each additional HCF of Tier 3 and 4 usage, a penalty of \$30 shall be assessed in addition to the base rate. The fines shall increase in increments of \$100 and \$10, respectively, up to a maximum of \$500 for the initial HCF of Tier 3 usage and \$50 for each additional HCF over the initial HCF of Tier 3 usage in addition to the base rate.
- 4) Any fine resulting from violation of this WSCP will be added to the customer's water bill and is due and payable with that water bill.
- 5) Non-payment of a fine shall be addressed with due process in mind.



c. Drought State of Emergency

During a period for which the Governor has issued a proclamation of a Drought State of Emergency, water use in excess of Tier 2 water use is considered Excessive Water Use and the following will apply:

- 1) Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle shall be considered Excessive Water Use.
- 2) Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle will be assessed a fine of 1% of the total Tier 3 and Tier 4 use during that billing cycle until the Drought State of Emergency is declared over by proclamation of the Governor or like action.
- 3) Any fine resulting from violation of this Ordinance will be added to the customer's water bill and is due and payable with that water bill.
- 4) Non-payment of a fine shall be addressed with due process in mind.

B. MINIMUM WATER SUPPLY

CWC Section 10632

(a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

- (2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.*

Based upon the maximum quantity of water that the District is capable of producing if all existing wells operate continuously for 24 hours per day, the District could provide up to 20,000 AF of water per year during each of the next three water years (2017-2019). This quantity takes into



account the region's driest 3-year historic sequence (2013-2015) during the period of 1901-2015. The District's annual water demand has typically been approximately 7,000 AF (2015 demand).

C. RESPONSE TO CATASTROPHIC INTERRUPTION OF WATER SUPPLY

CWC Section 10632

- (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*
 - (3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.*

1. Emergency Response

The water shortage contingency analysis includes the possibility of a catastrophic interruption of water supplies impacting the District's ability to deliver water. Events that can cause catastrophic outages include earthquakes, chemical spills, and power outages at treatment plants and pumping facilities. The *Emergency Response Plan for the Indian Wells Valley Water District*, referred to as the Emergency Response Plan, describes the actions to be taken in the event of a catastrophic interruption of water supplies. The Emergency Response Plan is reviewed regularly and updated as needed. The District's Emergency Response Plan is incorporated herein by reference and is kept on file at the District's office.

The Emergency Response Plan is coordinated with other emergency services, including police, fire, medical services, other utilities, as well as county, state, and federal agencies. The Emergency Response Plan includes procedures for reportable emergency incidents, notifications, boil water orders, unsafe water alerts, and emergency chlorination.



The following steps comprise the District's procedure for emergency situation response and evaluation of a catastrophic interruption of water supplies.

STEP 1: The priority response to any degree of disaster, prior to plant evaluation, is to shut and lock off the inlet and outlet valves of the Bowman #2 service-level storage tank on West Bowman Road. This tank is one of the three service-level storage tanks in the A-Zone, which can supply water to the District's main distribution grid. The isolation of this tank will have minimal effect on the hydraulics of the system and can be left off, pending evaluation of the distribution mains.

STEP 2: Evaluate the integrity of the District's remaining service-level storage tanks and the quantities of water still contained therein.

STEP 3: Coordinate the personnel available for use in the emergency and establish District communication. Next, establish communication with other local governmental and law enforcement agencies.

STEP 4: Evaluate the damage done to the rest of the District's facilities, including wells and distribution mains.

****** Damaged mains will be assumed contaminated, and therefore will not be put back into service until the District determines that they comply with all applicable federal and state laws and regulations. ******

If system evaluation shows a loss of capacity, then depending on the amount of capacity lost, it might be necessary to valve off additional service-level storage tanks to protect the system from loss of stored water. District staff maintains the ability to take any necessary action to maintain the integrity of all District facilities.

The general priorities for valving off additional service-level storage are:

1. R/C Heights Tank 3,000,000 gallons
2. Springer Tank 2,000,000 gallons
3. C-Zone Tanks 1,400,000 gallons



- 4. Gateway Tank 600,000 gallons

And in a drastic situation:

- 5. Salisbury Tanks 500,000 gallons
- 6. Kendall Tank 2,000,000 gallons
- 7. College Tank 600,000 gallons

As soon as the evaluation is complete, the District will communicate necessary information to other emergency services and to the public. If plant integrity is found to be good, any storage tanks that have been valved off can be put back online as determined by the District. The District's storage facilities are listed in **Table 3**.

TABLE 3 EXISTING STORAGE FACILITIES					
No.	Total Volume (gallons)	Number of Storage Tanks	Name	Zone	Location
1	2,000,000	1	Bowman # 1	A	West Bowman Road
2	5,000,000	1	Bowman # 2	A	West Bowman Road
3	2,000,000	1	Kendall	A	Kendall Street
4	3,000,000	1	R/C Heights	B	Kendall & Brady
5	2,000,000	1	Springer	B	Springer Street
6	600,000	1	Gateway	B	Gateway & Jarvis
7	1,400,000	2	C-Zone	C	Sunland, South of Jarvis
8	500,000	2	Salisbury	D	Belle Vista & Richmond
9	600,000	1	College	E	East of Cerro Coso College

The District maintains spare motors and pumping equipment for use at any of its pumping plants and has historically been able to return pumping plants to service within one week. Further, the District has adequate backup power (generators) to provide emergency water service (indoor domestic use only) to its customers in the event of a catastrophic interruption of water supplies. Refer to the water Allotments described in **Subsection 2** below.

The District has interconnection agreements with the China Lake Naval Air Weapons Center (the Navy) and Searles Valley Minerals (SVM). The District's interconnection with the Navy includes facilities with an estimated capacity of approximately 3,000 gallons per minute (gpm), to be used



for water transfers to or from the District during emergency conditions only. The District's interconnection with SVM consists of a single tie-in located in the northern half of the District's service area, and allows SVM to take up to approximately 750 gpm from the District under emergency conditions. Since SVM does not perform well-head disinfection, the District cannot currently accept water from SVM.

2. Water Allotments During a Catastrophic Interruption of Water Supplies

In the event of a catastrophic interruption of water supplies, the District will establish mandatory monthly Allotments for each connection. The water Allotment for a residential customer is based on the minimum quantity that is required for health and safety needs (e.g. drinking, personal hygiene). The District has established said minimum quantity as 68 gpcd, as described below. The water Allotment for commercial, industrial and landscape connections will be based on average use during a three-year base period that will supplement the voluntary measures outlined in **Section IIA.2**. Said base period will be selected by the District's Water Shortage Response Team, which is defined in **Section IC** herein.

a. Allotments by Customer Type

1) Single-Family Residential Connections

Each single-family residential connection will receive an Allotment, calculated as described below.

The Allotment for Single-Family Residential Connections is determined by the following equation:

68 Gallons per Capita per Day (gpcd)	x	3.1 Persons per Household	x	Number of Days in the Billing Month
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Each single-family residential connection will receive no more than 103 HCF per year (68 gpcd minimum water requirement x 3.1 persons per household x 365 days = 76,942 gallons ÷ 748 = 103 HCF) per dwelling



unit plus 20% of the Allotment. The 103 HCF per year equates to 0.2822 HCF per day. This daily figure will be used to calculate the monthly Allotments based on the number of days in the relevant month(s).

2) Multi-Family Residential Connections

Each multi-family residential connection will receive an Allotment, calculated as described below.

The Allotment for Multi-Family Residential Connections is determined by the following equation:

68 Gallons per Capita per Day (gpcd)	x	2.3 Persons per Household	x	Number of Days in the Billing Month
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Each multi-family residential connection will receive no more than 76 HCF per year (68 gpcd minimum water requirement x 2.3 persons per dwelling unit x 365 days = 57,086 gallons ÷ 748 = 76 HCF) per dwelling unit plus 20% of the Allotment. The 76 HCF per year equates to 0.2082 HCF per day. This daily figure will be used to calculate the monthly Allotments based on the number of days in the relevant month(s).

3) The Allotment for each commercial and industrial connection will be no more than 60% of average usage for said account for the same billing month over the selected three-year base period.

4) Each account that has been identified as a landscape connection will receive an Allotment consisting of 20% of the average water use of said account for the same billing month over the selected three-year base period, unless the specific account has been determined by District staff to meet the District's landscape guidelines for xeriscape design, irrigation, and maintenance, in which case it will receive 70% of the average water usage for said account for the billing month over the selected three-year base period.



- 5) No meters will be installed for new accounts during a Water Supply Shortage or a Drought State of Emergency.

b. Increased Customer Allotments

Increased Allotments may be approved for the following:

- 1) **Substantial Medical Requirements:** Increased Allotments to a residential customer may be established and approved when the residential customer has established to the satisfaction of the District that the Allotment would be dangerous to the health of the residential customer or a full-time resident of the residential customer's household. Certification from a licensed physician, public health nurse, or a social worker may be required by the District.
- 2) **Residential Connections with Four or More Residents in a Single-Family Household or Three or More Residents per Unit in a Multi-Family Residence:** These connections may, at the discretion of the District, receive additional Allotments based upon the same calculations used for Allotments. A census may be conducted to determine the actual number of residents per dwelling unit. Increased Allotments will be approved for permanent residents only. Permanent residents are defined as people who live in the specific residence a minimum of five days per week, nine months per year.
- 3) **Commercial Customers for which Water Supply Reductions Will Result in Unemployment or Decreased Production:** A District water auditor must first confirm that the Commercial Customer has implemented all applicable water efficiency improvements.
- 4) Non-commercial customers can appeal for additional or increased Allotments for a horse, cow, or other large non-domestic animal, and for each efficiently irrigated mature fruit tree.
- 5) Government agencies may have separate Allotments.



c. Appeals Procedure for Customer Allotments

Customers may appeal their Allotment in accordance with the procedure described below.

- 1) Any person who wishes to appeal their customer classification or Allotment must do so in writing, using forms and procedures to be provided by the District.
- 2) Appeals will be handled and decided by the Water Shortage Response Team. Site visits will be scheduled as determined by the Water Shortage Response Team.
- 3) One of the conditions of approval will be that all applicable plumbing fixtures or irrigation systems be replaced or modified to provide maximum water conservation.
- 4) The Water Shortage Response Team may enlist the services of a qualified consultant to assist in making the final decision of any appeal.
- 5) The Water Shortage Response Team will approve or deny all appeals.
- 6) If the applicant disagrees with the decision of the Water Shortage Response Team, the applicant may further appeal the decision which will then be heard by the District's Board of Directors, who will make the final determination.
- 7) The decision on all appeals will be reported monthly to the District's Board of Directors as a part of the District's Water Supply Report.



D. MANDATORY PROHIBITIONS, PENALTIES, AND APPEALS

CWC Section 10632

(a) *The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*

(4) *Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.*

The District currently has multiple ordinances in place that prohibit or restrict specific water use practices. Ordinance Nos. 93 and 100 impose water use prohibitions and restrictions, as summarized below. It is important to note that, as of the adoption of this WSCP, Ordinance No. 93 is currently superseded by Ordinance No. 100; however, Ordinance No. 93 will be put back into effect if Ordinance No. 100 is rescinded by the District. Copies of Ordinance Nos. 93 and 100 are included in **Appendix 4** herein.

1. Ordinance No. 93

a. Summary

The District adopted *Ordinance No. 93 Ordinance of the Board of Directors of the Indian Wells Valley Water District, Kern and San Bernardino Counties, California, Rescinding Ordinance No. 72 in its Entirety; and Adopting Voluntary and Mandatory Conservation Measures and Recommending and/or Requiring Certain Water Conservation Measures*, effective as of May 10, 2010, also referred to as the Water Efficient Landscape Ordinance.

Ordinance No. 93 sets forth landscape procedures for new development (including residential, commercial, industrial, and institutional development), including water features and new swimming pools. Additionally, Ordinance No. 93 includes certain mandatory water restrictions for all District customers.



Ordinance No. 93 is currently superseded by Ordinance No. 100, until such time that Ordinance No. 100 is rescinded by the District's Board of Directors. The water use restrictions, the associated penalties, and the appeal process pursuant to Ordinance No. 93 are described in **Subsections b through d** below.

b. Water Use Restrictions Pursuant to Ordinance No. 93

The following water use restrictions will be in effect in accordance with Ordinance No. 93, upon rescission of Ordinance No. 100:

- 1) All new single-family residential landscape projects are subject to District Ordinance No. 98, which imposes mandatory restrictions on landscaping and rescinded Ordinance No. 90. All existing single-family residential landscape projects which are not subject to Ordinance No. 98 are encouraged to abide by these recommendations. Existing landscape areas larger than one acre may be audited so recommendations can be made for water savings.
- 2) **Section II.D.1.b(4)** below cites the Approved Plant List. The Approved Plant List is the list formulated by District Staff and approved and/or modified by the District's Board of Directors. The Approved Plant List is a requirement for new development subject to District Ordinance Nos. 98 and 99. The Approved Plant List is a recommendation for existing single-family and multi-family dwellings, commercial, and/or institutional development.
- 3) The following is recommended for all single-family homes:
 - a) Turf landscaping should not exceed 2,000 square feet of single-family residential lots 10,000 square feet or smaller.
 - b) Turf landscaping should not exceed 3,000 square feet of single family residential lots 10,001 square feet or larger.



- c) Irrigation and Landscape Design. Homebuilders, developers, and/or landscape contractors should provide the residential customer with an irrigation design and landscape design that would, if installed, demonstrate compliance with Ordinance No. 93. Low volume irrigation systems will be demonstrated along with low water use plant material.
 - d) The irrigation design needs to show proper drainage to eliminate water waste.
 - e) Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is minimal or limited runoff from the area being irrigated, specifically onto sidewalks and streets.
- 4) All new landscape projects for multi-family residential, commercial, industrial, or institutional customers are subject to District Ordinance No. 99, which imposes mandatory restrictions on landscaping and rescinded Ordinance No. 91.
- a) Turf and/or any plants not on the Approved Plant List (defined in Ordinance No. 93 in **Appendix 4** herein) are limited up to 50% of the landscape area.
 - b) Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining landscape area.
 - c) The irrigation system in the remaining landscape area must be a Low Volume Irrigation System, as defined in Ordinance No. 93.
 - d) All of the landscape area shall be designed to eliminate any runoff.
 - e) An irrigation and landscape plan shall be submitted to the City of Ridgecrest Planning Department, containing low volume



irrigation systems and low water use plants. The irrigation plan shall demonstrate drainage to eliminate water waste. The plan must provide adequate water supply such that all of the water needed can be delivered every other day within the water window of 8:00 PM - 8:00 AM during the months of May, June, July, August, September, and October.

- f) Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is no runoff from the area being irrigated, specifically onto sidewalks and streets.
- 5) Public and private swimming pools and water bodies over 300 square feet shall adhere to the goal of water efficiency, as follows:
- a) New swimming pools shall have a swimming pool cover.
 - b) New swimming pools shall have a drainage plan.
 - c) Water features, including swimming pools, must have recycling or recirculation features.
- 6) No water user shall waste water, as described in the following **Subsections (a) through (d)**.
- a) Landscape irrigation to an extent which allows water to runoff the area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 - b) Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios, or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any



water used. General maintenance cleaning shall be performed by other means, such as by using a broom.

- c) Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets, or plumbing fixtures.
 - d) Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.
- 7) Landscape shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM - 8:00 PM during the months of May, June, July, August, September, and October, unless a special permit is issued to accommodate newly planted material.
- 8) No water shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.
- c. Notice and Penalties for Violation of Water Use Restrictions Pursuant to Ordinance No. 93
- 1) Upon confirmation by the District of any violation of Ordinance No. 93, if in effect, the District shall provide written notice, along with educational materials to the owner of record and/or occupant. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with Ordinance No. 93 and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the



owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

- 2) If the owner/occupant fails to comply with the requirements of the notice pursuant to Section **II.D.1(c)(1)** above, within a reasonable amount of time, a second violation shall occur and a second notice containing the information specified in Section **II.D.1(c)(1)** shall be issued. The second violation shall impose a fine in an amount not to exceed fifty dollars (\$50) and will be charged to and billed on the water user's account. If, under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

- 3) If the owner/occupant fails to comply with the requirements of the notice pursuant to Section **II.D.1(c)(2)** above, within a reasonable amount of time, a third violation shall occur and a third notice containing the information specified in Section **II.D.1(c)(1)** shall be issued. The third violation shall impose a fine in an amount not to exceed two hundred dollars (\$200) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated within thirty (30) calendar days unless the owner/occupant is in compliance with the provisions of Ordinance No. 93. If the owner/occupant fails to comply with the provisions of Ordinance No. 93, the final notice of service termination shall be posted at the entrance to the dwelling/property, which indicates that water service shall be terminated in forty-eight (48) hours.

The District's General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in Ordinance No. 93.



d. Appeal Process Under Ordinance No. 93

Should a property owner/occupant determined to be in violation of the provisions of Ordinance No. 93 dispute the findings of staff or if said property owner/occupant believes they have sufficient justification for said violation, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's regularly scheduled Board Meeting. The property owner/occupant may then make his or her petition to the Board of Directors. The Board's determination shall be final.

2. Ordinance No. 100

a. Summary

On January 11, 2016, the District adopted *Ordinance No. 100 Ordinance of the Board of Directors of the Indian Wells Valley Water District, Kern and San Bernardino Counties, California, Rescinding Ordinance Number 97 in its Entirety and Adopting Emergency Water Conservation Mandatory Restrictions*, a copy of which is included in **Appendix 4** herein. Ordinance No. 100 includes provisions for compliance with the mandatory restrictions imposed by the SWRCB's emergency water conservation regulations. Ordinance No. 100 supersedes Ordinance No. 93 until such time that Ordinance No. 100 is rescinded by the District's Board.

The water use restrictions set forth in Ordinance No. 100 are described in **Section II.D.2(b)** below and are in effect at the time of the adoption of this WSCP.



Water use restrictions are subject to change at any time by ordinance of the District's Board of Directors.

b. Water Use Restrictions Pursuant to Ordinance No. 100

The following water use restrictions are in effect in accordance with Ordinance No. 100 (until rescinded by the District's Board of Directors):

- 1) No water user shall waste water. For the purposes of this section, "waste" includes the following and is prohibited:
 - a) Landscape irrigation to an extent which allows water to runoff the landscape area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 - b) Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of handheld bucket or similar container, a handheld hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means, such as by using a broom.
 - c) Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets, or plumbing fixtures.
 - d) Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a handheld bucket or similar container or a handheld hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.



- 2) During the months of April, May, June, July, August, September, and October, all customers of the District (including residential, commercial, public, and industrial) with even-numbered addresses may only operate irrigation systems on Tuesday, Thursday, and Saturday, and odd-numbered addresses may only operate irrigation systems on Wednesday, Friday, and Sunday. Irrigation systems may not be operated on Mondays. Landscape Areas shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM - 8:00 PM, unless a special permit is issued to accommodate newly planted material.

During the months of November, December, January, and February, all customers of the District (including residential, commercial, public, and industrial) with even-numbered addresses may only operate irrigation systems on Saturday and odd-numbered addresses may only operate irrigation systems on Sunday. Irrigation systems may not be operated on Mondays, Tuesdays, Wednesdays, Thursdays, or Fridays. There will be no daytime watering restrictions during these months.

- 3) Turf or ornamental landscapes shall not be irrigated during the 48 hours following measurable precipitation.
- 4) Restaurants and other food service establishments shall only serve water to customers upon request by customer.
- 5) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
- 6) Operating a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.



- 7) No water service shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to the requirements of law as to flow capacity.
- 8) The District's General Manager or designee may provide health and safety exceptions with regards to mandatory measures on a case by case basis.

c. Notice and Penalties for Violation of Water Use Restrictions Pursuant to Ordinance No. 100

Upon confirmation by the District of any violation of Ordinance No. 100, the District shall provide written notice (warning) to the owner of record, and/or occupant, and/or property manager (owner/occupant/manager). The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with the water use restrictions, and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant/manager that termination of water service may result from continued non-compliance. These provisions are for a first violation of the water use restrictions.

Once a warning has been issued to any owner/occupant/manager, they shall be considered duly informed of the District's mandatory restrictions pursuant to Ordinance 100, and any future violations shall be subject to the provisions in **Subsections (1) through (4)** below.

- 1) If the owner/occupant/manager fails to comply with the requirements of the written notice described above, within a reasonable amount of time but not less than two weeks, a second violation shall occur and the District shall provide a second written notice to the owner/occupant/manager. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with the water use restrictions, how to obtain educational water conservation materials electronically, and the name and telephone number of a District staff person that can provide additional information including hard copies of



educational water conservation materials. In addition, the notice shall advise the owner/occupant/manager that a monetary fine in the amount of fifty dollars (\$50) shall be imposed for a third violation of the water use restrictions and that termination of water service may result from continued non-compliance.

- 2) If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to **Subsection (1)** above, within a reasonable amount of time but not less than two weeks, a third violation shall occur and a third notice containing the date, the address, the nature of the violation, and the steps that must be taken to comply with the water use restrictions shall be issued. The third notice shall further advise the owner/occupant/manager that a fine in the amount of two hundred dollars (\$200) shall be imposed for a fourth violation of the water use restrictions. The third violation shall impose a fifty dollar (\$50) fine charged to and billed on the water user's account. This fine shall be subject to the District's delinquent charges section, as described in the current Water Sales and Service Policy Manual (refer to **Appendix 3** herein). If, in the sole discretion of the District, satisfactory progress is being made on steps to correct the violation, a third notice will not be issued.

- 3) If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to **Subsection (2)** above, within a reasonable amount of time but not less than two weeks, a fourth violation shall occur and a fourth notice containing the date, the address, the nature of the violation, and the steps that must be taken to comply with the water use restrictions shall be issued. The fourth violation shall impose a two hundred dollar (\$200) fine charged to and billed on the water user's account on a monthly basis until the violation(s) ceases. This fine shall be subject to the District's delinquent charges section as described in the current Water Sales and Service Policy Manual (refer to **Appendix 3** herein).



- 4) If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to **Subsection (3)** above, resulting in repeated and significant water loss as determined by the District, the District may terminate water service within ten (10) calendar days unless the owner/occupant/manager is in compliance with the water use restrictions. If the owner/occupant/manager fails to comply with the water use restrictions, then the final notice of service termination, subject to the District's current 48-hour notice of termination charge, shall be posted at the entrance to the dwelling/property stating that water service shall be terminated in forty-eight (48) hours.

Service may only be restored if the violation has been corrected. Owner/occupant/manager will be required to pay all fines and penalties previously assessed, plus a service reinstatement charge per the Customer Service Charges section of the current Water Sales and Service Policy Manual (refer to **Appendix 3** herein).

d. Appeal Process Under Ordinance No. 100

Should an owner/occupant/manager determined to be in violation of the water use restrictions set forth in Ordinance No. 100 dispute the findings of staff or if said owner/occupant/manager believes they have sufficient justification for said violation, said owner/occupant/manager may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

The District's General Manager or a designated representative of the General Manager shall mail the owner/occupant/manager a written decision within ten (10) calendar days of the hearing. If the owner/occupant/manager is dissatisfied with the outcome of the hearing, the owner/occupant/manager may request the matter be placed on the agenda of the District's regularly scheduled Board Meeting. The owner/occupant/manager may then make his or her petition to the Board of Directors. The Board's determination shall be final.



e. Administrative Exceptions Under Ordinance No. 100

The General Manager of the District or District's designee may provide administrative exceptions to the landscape and irrigation plan requirements of Ordinance No. 100 on a case by case basis.

The General Manager of the District or designee will notify the City Manager of any administrative exemption granted pursuant to Ordinance No. 100 prior to the date the exception becomes effective.

The City Manager or designee after consultation with and approval from the General Manager of Indian Wells Valley Water District may grant an administrative exception.

E. CONSUMPTION REDUCTION METHODS

CWC Section 10632

(a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

The consumption reduction methods listed in **Table 4** below may be implemented by the District in its discretion in order to reduce water use by District customers. The stages referenced in **Table 4**, when each method takes effect, are the same as those stages listed in **Table 1** in **Section II.A.1** herein.



TABLE 4 CONSUMPTION REDUCTION METHODS	
Consumption Reduction Method	Stage When Method Takes Effect
Best Management Practices	All Stages
Reduce pressure in water lines	2
Flow restriction	2
Restrict for only priority uses	2
Use prohibitions	All Stages
Water shortage pricing	All Stages
Per capita allotment by customer type	2
Plumbing fixture replacement	All Stages
Voluntary rationing	1
Mandatory rationing	2
Incentives to reduce water consumption	All Stages
Education Program	All Stages
Percentage reduction by customer type	2
Use non-potable water for construction purposes	All Stages



F. FINES AND PENALTIES FOR EXCEEDING ALLOTMENTS

CWC Section 10632

(a) *The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*

(6) *Penalties or charges for excessive use, where applicable.*

CWC Section 366

(b)(C)(i) *A violation of an excessive use ordinance, rule, or tariff condition established pursuant to subparagraph (A) shall result in an infraction or administrative civil penalty. The penalty for a violation may be based on conditions identified by the urban retail water supplier and may include, but is not limited to, a fine of up to five hundred dollars (\$500) for each hundred cubic feet of water, or 748 gallons, used above the excessive water use threshold established by the urban retail water supplier in a billing cycle.*

(ii) *Any fine imposed pursuant to this subparagraph shall be added to the customer's water bill and is due and payable with that water bill.*

(iii) *Each urban retail water supplier shall have a process for nonpayment of the fine, which shall be consistent with due process and reasonably similar to the water supplier's existing process for nonpayment of a water bill.*

The District has established fines and penalties for water use in excess of Tier 2 of the District's rate structure. Depending on whether a Stage 2 shortage condition exists, the Governor declares a



Drought State of Emergency, or a Local Water Supply Shortage has been declared by the District, the fines and penalties described below will be implemented.

Stage 2 Shortage Condition or Local Water Supply Shortage

During a Stage 2 shortage condition or a Local Water Supply Shortage, the following will apply:

- 1.. Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle shall be considered Excessive Water Use.
- 2.. A Residential Customer or Commercial Customer exceeding Tier 2 usage in a single billing cycle shall be assessed a fine of \$100 for the initial HCF of usage in Tier 3. An additional fine of \$10 for each HCF of usage over the initial Tier 3 HCF of usage shall be assessed in addition to the base rate.
- 3.. For each consecutive billing cycle that a Residential Customer's or Commercial Customer's usage exceeds Tier 2 usage, the previous fine shall be increased by \$100 for the initial HCF of usage in Tier 3. The additional \$10 fine for each HCF of usage over the initial Tier 3 HCF of usage shall similarly increase \$10 in addition to the base rate. For example, a second consecutive billing cycle will result in an Excessive Water Use fine of \$200 for the initial HCF of Tier 3 usage. For each additional HCF of Tier 3 and 4 usage, a penalty of \$20 shall be assessed in addition to the base rate. A third consecutive billing cycle will result in an Excessive Water Use fine of \$300 for the initial HCF of Tier 3 usage. For each additional HCF of Tier 3 and 4 usage, a penalty of \$30 shall be assessed in addition to the base rate. The fines shall increase in increments of \$100 and \$10, respectively, up to a maximum of \$500 for the initial HCF of Tier 3 usage and \$50 for each additional HCF over the initial HCF of Tier 3 usage in addition to the base rate.
4. Any fine resulting from violation of this WSCP will be added to the customer's water bill and is due and payable with that water bill.
5. Non-payment of a fine shall be addressed with due process in mind.



Drought State of Emergency

During a period for which the Governor has issued a proclamation of a Drought State of Emergency, the following will apply:

- 1.. Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle shall be considered Excessive Water Use.
2. Residential and Commercial water use in excess of Tier 2 of the District's rate structure in a single billing cycle will be assessed a fine of 1% of the total Tier 3 and Tier 4 use during that billing cycle until the Drought State of Emergency is declared over by proclamation of the Governor or like action.
3. Any fine resulting from violation of this WSCP will be added to the customer's water bill and is due and payable with that water bill.
4. Non-payment of a fine shall be addressed with due process in mind.

G. APPEALS PROCESS

CWC Section 366

- (b)(D)(i) *Consistent with due process, an urban retail water supplier shall establish a process and conditions for the appeal of a fine imposed pursuant to subparagraph (C) whereby the customer may contest the imposition of the fine for excessive water use*
- (ii) *As part of the appeal process, the customer shall be provided with an opportunity to provide evidence that there was no excessive water use or of a bona fide reason for the excessive water use, including evidence of a water leak, a medical reason, or any other reasonable justification for the water use, as determined by the urban retail water supplier.*
- (iii) *As part of the appeal process, the urban retail water supplier shall provide documentation demonstrating the excessive water usage.*



A Residential Customer or Commercial Customer determined to have Excessive Water Use may appeal the imposition of the fine for same either by submitting a written appeal or by requesting a hearing with the Administrative and Executive Committee of the Board of Directors, within thirty (30) days of receipt of the billing statement on which the fine was first imposed. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager and/or a designated representative of the General Manager.

The Residential Customer or Commercial Customer shall be provided with an opportunity to provide evidence that there was no excessive use of water or of a bona fide reason for the excessive use, as determined by the District. The District will provide the Residential Customer or Commercial Customer with documentation demonstrating the excessive water use.

The District's General Manager or a designated representative of the General Manager shall mail the Residential Customer or Commercial Customer a written decision within ten (10) calendar days of the hearing. If the Residential Customer or Commercial Customer is dissatisfied with the outcome of the hearing, the Residential Customer or Commercial Customer may request the matter be placed on the agenda of the District's regularly scheduled Board meeting, by submitting such request in writing within fifteen (15) days of the date of the decision. The Residential Customer or Commercial Customer may then present his or her position to the Board of Directors. The Board of Director's Determination shall be final.

H. IMPACTS OF WATER SHORTAGE CONTINGENCY PLAN ON REVENUES AND EXPENDITURES

CWC Section 10632

(a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.



Surplus revenues from water sales are placed in the District's reserve, which is used to fund emergency repairs, water system capital improvements, conservation, alternative water supply and other needs. The District maintains a financial reserve that is adequate to address the costs of multiple plant repairs. The District does not project a substantial impact on water revenues due to a Water Supply Shortage and is adequately funded to respond to emergencies. **Tables 5 through 8** summarize actions and conditions that impact revenues and expenditures, as well as proposed measures to overcome the impacts of such actions and conditions.

TABLE 5 ACTIONS AND CONDITIONS THAT IMPACT REVENUES	
Type	Anticipated Revenue Reduction
Natural Disaster	Dependent on severity
Plant Failure	Minimum revenue reduction
Contamination	Dependent on severity

TABLE 6 ACTIONS AND CONDITIONS THAT IMPACT EXPENDITURES	
Category	Anticipated Cost
Natural Disaster	Increased staff costs; facility repair costs
Plant Failure	Facility repair costs
Water Supply Contamination	Increased costs of supply and treatment

TABLE 7 PROPOSED MEASURES TO OVERCOME REVENUE IMPACTS	
Names of Measures	Summary of Effects
Rate adjustment or assessment	Increased revenue
Development of reserves	IWVWD has a reserve fund
FEMA/Cal EMA ⁽¹⁾	Funding assistance during a disaster

⁽¹⁾ United States Department of Homeland Security Federal Emergency Management Agency/California Emergency Management Agency

TABLE 8 PROPOSED MEASURES TO OVERCOME EXPENDITURE IMPACTS	
Names of Measures	Summary of Effects
Rate adjustment or assessment	Increased revenue
Maintain reserve fund	IWVWD currently maintains a reserve fund
FEMA/Cal EMA ⁽¹⁾	Funding assistance during a disaster

⁽¹⁾ United States Department of Homeland Security Federal Emergency Management Agency/California Emergency Management Agency



In the event of a short-term Water Supply Shortage lasting six months or less, the District has established an emergency reserve equal to six months of operating expenses less depreciation. The use of this reserve is intended to guard the District from the temporary effects of reduced revenues and increased expenses. Should the Water Supply Shortage be expected to extend past six months, a change to the regular rate structure, or similar measure, would be considered to responsibly budget for the District's continued operations during the Water Supply Shortage.

I. DRAFT WATER SHORTAGE CONTINGENCY ORDINANCE

CWC Section 10632

- (a) *The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*
- (8) *A draft water shortage contingency resolution or ordinance.*

A copy of the District's draft resolution declaring a Stage 1 shortage condition, Stage 2 shortage condition, or Local Water Supply Shortage is included in **Appendix 5** herein.

J. WATER USE REDUCTION MEASURING MECHANISMS

CWC Section 10632

- (a) *The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:*
- (9) *A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.*

All of the District's service connections are metered, and metered data is used to monitor quantities of water used. The monitoring data will be used to determine actual reductions in water use pursuant to this WSCP. Monthly reports will be provided to the District's Board of Directors, to the Customer Accounts Department, and to the District's Water Shortage Response Team. If reduction goals are not met, the Water Shortage Response Team will examine individual customer usages, and corrective action will be taken.



Monitoring and reporting of water use within the District varies depending on the current water supply conditions, as described in the following:

1. Normal Monitoring Conditions

In normal water supply conditions, production figures are recorded daily in the District's computerized database. Total production and consumption by all categories of customers are reported monthly to District management and incorporated into a monthly water supply report. The monthly water supply report is presented to the Board of Directors at regularly scheduled board meetings. Tank levels and pumping plants are monitored on a continuous basis by telemetry at the District's headquarters, with alarms for abnormal conditions.

2. Stage 1 Water Shortage Condition

During a Stage 1 Water Supply Shortage, daily production figures will be reported to the Operations Manager, who will compare the weekly production to the target weekly production to verify that the reduction goal is being met. Weekly reports will be forwarded to the District's General Manager.

3. Stage 2 Water Shortage Condition

During a Stage 2 Water Supply Shortage, the same procedure for a Stage 1 water shortage will be followed, with the addition of a daily production report to the District's General Manager.

4. Catastrophic Interruption of Water Supplies

During a catastrophic interruption of water supplies, production figures will be reported to the Operations Manager hourly, and to the General Manager and the Water Shortage Response Team daily. Reports will also be provided to the Indian Wells Valley Emergency Services Council.



K. WATER FEATURES

CWC Section 10632

(b) Commencing with the urban water management plan update due July 1, 2016, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of section 115921 of the Health and Safety Code.

Water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains are analyzed separately from swimming pools and spas by the District. Further, pursuant to Section 5F of Ordinance No. 100, "Operating a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system."

APPENDIX 1

ORDINANCE NO. 101

ORDINANCE NO. 101

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING RESOLUTION NO. 92-08 AND ADOPTING THE 2017 WATER SHORTAGE CONTINGENCY PLAN.

WHEREAS, California Water Code (“CWC”) Section 10632 and CWC Sections 365 through 367 require urban water suppliers to prepare an analysis of the elements within a water shortage contingency plan and to set forth actions, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies.

WHEREAS, the Indian Wells Valley Water District (“District”) is an urban water supplier within the meaning of CWC Section 10632 and CWC Sections 365 through 367.

WHEREAS, the District prepared its initial Water Shortage Contingency Plan (“1992 WSCP”) and adopted same by Resolution No. 92-08 on April 27, 1992.

WHEREAS, the Board of Directors (“Board”) of the District has determined it is necessary to revise and update the 1992 WSCP.

WHEREAS, this Water Shortage Contingency Plan (“2017 WSCP”) has been prepared to coordinate the analysis of the elements required pursuant to CWC Section 10632, pertaining to water shortage contingency analyses, and the requirements of CWC Sections 365 through 367, pertaining to excessive residential water use during drought. The 2017 WSCP is intended to create a standard and uniform response to a water shortage or a catastrophic interruption of water supplies.

WHEREAS, this Ordinance 101, adopting the 2017 WSCP, will supersede and replace Resolution 92-08 and the 1992 WSCP.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the Indian Wells Valley Water District, as follows:

Section 1. District Resolution No. 92-08 and the 1992 WSCP are hereby rescinded.

Section 2. The purpose of Ordinance No. 101 is to coordinate the analysis of the elements required pursuant to CWC Section 10632, pertaining to water shortage contingency analyses, and the requirements of CWC Sections 365 through 367, pertaining to excessive residential water use during drought. The 2017 WSCP includes an analysis of the contingency plan and sets forth actions, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies to help ensure that the District can

provide continuous service to its customers during a severe or extended water shortage in which the District has access to as little as 50% of its normal water supply.

Section 3. The Indian Wells Valley Water District 2017 Water Shortage Contingency Plan, attached hereto and incorporated herein by reference, is hereby adopted.

Section 4. Ordinance No. 101 will become effective on July 10, 2017.

Section 5. The General Manager is hereby authorized to file the 2017 Water Shortage Contingency Plan with the California Department of Water Resources, and/or any other State agency, as required by law.

Section 6. The Secretary is hereby directed to cause a summary of Ordinance No. 101 to be published once in a newspaper of general circulation, printed, published and circulated in the District within fifteen (15) day of adoption.

All the foregoing being on the motion of _____ seconded by _____
, and authorized by the following vote, namely:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that all the foregoing ordinance is the ordinance of the Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the 10th day of July, 2017.

WITNESS my hand and the official seal of said Board of Directors this 10th day of July, 2017.

President, Board of Directors of the Indian Wells Valley Water District

ATTEST:

Secretary, Board of Directors of the Indian
Wells Valley Water District

(SEAL)

STATE OF CALIFORNIA)

COUNTIES OF KERN)
AND SAN BERNARDINO)

I, DONALD M. ZDEBA, Secretary of the Board of Directors of the Indian Wells Valley Water District, DO HEREBY CERTIFY, as follows:

The foregoing Ordinance is a full, true and correct copy of Ordinance No. 101, duly adopted at a Regular Board Meeting of the Board of Directors of said District, duly and held at the regular meeting place of the Board on the 10th day of July, 2017, for which all of the members of said Board of Directors had due notice and at which a majority of the Board of Directors were present. All the foregoing being on the motion of _____ seconded by _____, and authorized by the following vote, namely:

AYES:

NOES:

ABSENT:

ABSTAIN:

I have carefully compared the foregoing with the original Minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original

ordinance adopted at said Meeting and entered into said Minutes.

Ordinance No. 101 has not been amended, modified or rescinded since the date of its adoption on July 10th, 2017, and the same is now in full force and effect.

WITNESS my hand and the official seal of said Board of Directors this 10th day of July, 2017.

Secretary, Board of Directors of the Indian
Wells Valley Water District

President, Board of Directors of the Indian
Wells Valley Water District

(SEAL)

APPENDIX 2

RELEVANT SECTIONS OF THE CALIFORNIA WATER CODE



WATER CODE - WAT

DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999] (*Heading of Division 6 amended by Stats. 1957, Ch. 1932.)*

PART 2.6. URBAN WATER MANAGEMENT PLANNING [10610 - 10656] (*Part 2.6 added by Stats. 1983, Ch. 1009, Sec. 1.)*

CHAPTER 3. Urban Water Management Plans [10620 - 10645] (*Chapter 3 added by Stats. 1983, Ch. 1009, Sec. 1.)*

ARTICLE 2. Contents of Plans [10630 - 10634] (*Article 2 added by Stats. 1983, Ch. 1009, Sec. 1.)*

10632. (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

- (1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.
 - (2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
 - (3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
 - (4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
 - (5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.
 - (6) Penalties or charges for excessive use, where applicable.
 - (7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
 - (8) A draft water shortage contingency resolution or ordinance.
 - (9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.
- (b) Commencing with the urban water management plan update due July 1, 2016, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

(Amended by Stats. 2014, Ch. 463, Sec. 4. Effective January 1, 2015.)


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WATER CODE - WAT

DIVISION 1. GENERAL STATE POWERS OVER WATER [100 - 540] (*Division 1 enacted by Stats. 1943, Ch. 368.*)

CHAPTER 3.3. Excessive Residential Water Use During Drought [365 - 367] (*Chapter 3.3 added by Stats. 2016, Ch. 230, Sec. 1.*)

365. (a) The Legislature finds and declares that this chapter furthers important state policies of encouraging water conservation and protecting water resources in the interest of the people and for the public welfare.

(b) For the purposes of this chapter, "urban retail water supplier" has the same meaning as provided in Section 10608.12.

(*Added by Stats. 2016, Ch. 230, Sec. 1. Effective January 1, 2017.*)

366. (a) During periods described in subdivision (a) of Section 367, excessive water use is prohibited by a residential customer in a single-family residence or by a customer in a multiunit housing complex in which each unit is individually metered or submetered by the urban retail water supplier.

(b) Each urban retail water supplier shall establish a method to identify and discourage excessive water use, through one of the following options:

(1) Establishing a rate structure, subject to applicable constitutional and statutory limitations, that includes block tiers, water budgets, or rate surcharges over and above base rates for excessive water use by a residential water customer.

(2) (A) Establishing an excessive water use ordinance, rule, or tariff condition, or amending an existing ordinance, rule, or tariff condition, that includes a definition of or a procedure to identify and address excessive water use by metered single-family residential customers and customers in multiunit housing complexes in which each unit is individually metered or submetered and may include a process to issue written warnings to a customer and perform a site audit of customer water usage prior to deeming the customer in violation.

(B) For the purposes of subparagraph (A), excessive water use shall be measured in terms of either gallons or hundreds of cubic feet of water used during the urban retail water supplier's regular billing cycle. In establishing the definition of excessive use, the urban retail water supplier may consider factors that include, but are not limited to, all of the following:

(i) Average daily use.

(ii) Full-time occupancy of households.

(iii) Amount of landscaped land on a property.

(iv) Rate of evapotranspiration.

(v) Seasonal weather changes.

(C) (i) A violation of an excessive use ordinance, rule, or tariff condition established pursuant to subparagraph (A) shall result in an infraction or administrative civil penalty. The penalty for a violation may be based on conditions identified by the urban retail water supplier and may include, but is not limited to, a fine of up to five hundred dollars (\$500) for each hundred cubic feet of water, or 748 gallons, used above the excessive water use threshold established by the urban retail water supplier in a billing cycle.

(ii) Any fine imposed pursuant to this subparagraph shall be added to the customer's water bill and is due and payable with that water bill.

(iii) Each urban retail water supplier shall have a process for nonpayment of the fine, which shall be consistent with due process and reasonably similar to the water supplier's existing process for nonpayment of a water bill.

(D) (i) Consistent with due process, an urban retail water supplier shall establish a process and conditions for the appeal of a fine imposed pursuant to subparagraph (C) whereby the customer may contest the imposition of the fine for excessive water use.

(ii) As part of the appeal process, the customer shall be provided with an opportunity to provide evidence that there was no excessive water use or of a bona fide reason for the excessive water use, including evidence of a water leak, a medical reason, or any other reasonable justification for the water use, as determined by the urban retail water supplier.

(iii) As part of the appeal process, the urban retail water supplier shall provide documentation demonstrating the excessive water usage.

(c) (1) The provisions of subdivision (b) do not apply to an urban retail water supplier that is not fully metered in accordance with Section 527. An urban retail water supplier shall comply with the provisions of subdivision (b) when all of the water supplier's residential water service connections are being billed based on metered water usage.

(2) An urban retail water supplier that is not fully metered shall prohibit water use practices by an ordinance, resolution, rule, or tariff condition that imposes penalties for prohibited uses of water supplied by the water supplier. The urban retail water supplier may include a process to issue written warnings prior to imposing penalties as well as increased penalty amounts for successive violations.

(Added by Stats. 2016, Ch. 230, Sec. 1. Effective January 1, 2017.)

367. (a) This chapter applies only as follows:

(1) During a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on statewide drought conditions to an urban retail water supplier that has moved to a stage of action in response to a local water supply shortage condition under the water supplier's contingency plan pursuant to paragraph (1) of subdivision (a) of Section 10632 that requires mandatory water use reductions.

(2) To an urban retail water supplier during a period in which the water supplier has moved to a stage of action in response to a local water supply shortage condition under the water supplier's contingency plan pursuant to paragraph (1) of subdivision (a) of Section 10632 that requires mandatory water use reductions.

(3) To an urban retail water supplier affected during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on local drought conditions.

(b) The provisions of this chapter are in addition to, and do not supersede or limit, any other measures or remedies implemented by an urban retail water supplier.

(Added by Stats. 2016, Ch. 230, Sec. 1. Effective January 1, 2017.)

APPENDIX 3

**WATER SALES AND SERVICE POLICY MANUAL
(ORDINANCE NO. 96)**

Indian Wells Valley Water District

WATER SALES & SERVICE POLICY MANUAL



Approved: March 9, 2015

Ordinance No. 96

Effective Date: April 1, 2015

Table of Contents

	<u>Page</u>
General Provisions - Conditions of Service	3
Metered and Flat Rates and Charges - General	5
Monthly Ready-to-Serve Charges	6
Monthly Arsenic Compliance Charges	6
Zone Charge	7
Metered Monthly Quantity Rates Based upon Meter Sizes – Single Family Residence	7
Metered Monthly Quantity Rates Based upon Meter Sizes – Non-Single Family Residence	8
Construction Meter Charges, Rates and Provisions	11
Bulk Water Station Charges, Rates and Provisions	13
Private Fire Protection Service Rates/Provisions	14
Delinquent Charges	15
Backflow Prevention Device Test	16
Returned Payment Charges	16
Disputed Bills	16
Customer Deposits	17
Customer Service Charges	18
Water Theft	18
Customer Complaints	19
Meter Exchanges	19
Continuity of Service Agreement	20
Capital Facility Fee	20
Distribution System Fee	22
Master Meters	23
Service Installation Charges	24
Concept/Plan Checking Fees/Inspection Deposits	26
Will-Serve Letters	27
Refund Agreements	27
Continuity/Special Conditions/Severability	28

GENERAL PROVISIONS - CONDITIONS OF SERVICE

For conditions of service applicable to new connections to the District's system, see the various fee and charge provisions included within this manual and the District's Standard Construction Specifications, which is under separate cover.

New service is when an applicant 1) would like to start service with the District but does not have an active account, 2) has an active account and would like to open another active account at a new address, or 3) would like to close the active account and start service at a new address.

Before new service is started, applicants shall pay the refundable deposit and service charge.

Before new service is started, applicants and/or others in the residence or business benefitting from the new water service who have existing delinquent accounts shall pay the balance in full including interest. Lease agreements listing all tenants may be required before starting new service.

The District will at all times attempt to deliver to its customers a continuous and sufficient supply of water at adequate pressure at the meter to meet reasonable service demands. However, the District is not and will not be liable for any loss, damage, or inconvenience to any person by reason of shortage, insufficiency, suspension, or discontinuance of water service, or for increases or decreases in water pressure. Additionally, partial or total interruptions in service are sometimes necessary for the repair, maintenance, alteration, or extension of the District's facilities and the District shall not be liable or responsible for such interruptions.

The District reserves the right at any and all times to shut off water delivery for the purpose of maintenance or for making repairs and alterations to its system. Whenever possible, advance notice of interruption of service will be given to all affected water users; however, the District cannot guarantee complete freedom from service interruption at all times.

The District will endeavor to provide potable water (water meeting the applicable water quality requirements of the California State Water Resources Control Board) to its customers. The District does not and shall not accept liability or responsibility for water that meets such applicable standards at the meter but reacts or interacts with non-District owned facilities causing damage or harm.

All water sold or dispensed by the District shall be metered or measured. By applying for and/or receiving water service from the District, each consumer irrevocably licenses the District and its authorized employees and agents to enter upon the consumer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining, or replacing the District's meters, customer's backflow prevention devices, and other facilities. Meters and service laterals shall be located in dedicated easements that allow entry for reading, repair and other necessary District activity by District personnel, without limitation. When the meter and service lateral are not located in a dedicated easement, the same irrevocable license provisions shall apply.

If a meter cannot be accessed due to a customer-caused obstruction or situation that prevents the reading of a meter and said obstruction/situation cannot be easily remedied by the District, the

customer will be notified to correct the obstruction/situation in a timely manner. If the obstruction/situation prevents the meter from being read, the usage will be estimated for billing purposes until the meter can be properly read by District personnel. At the District's sole discretion, the customer may be billed for expenses incurred by the District to remedy the obstruction/situation, including time and materials plus an overhead and administrative charge of 15%.

District service facilities including meters, boxes and service laterals from the District's water main to and through the meter and customer service valve shall belong to and be maintained by the District. It is the customer's responsibility for installation and maintenance of the customer service line, including all service piping, valves and appurtenances on the discharge side of the meter after the customer service valve. A customer service valve shall be installed on the discharge side of a new meter by the District to allow the customer to turn on/off the supply of water to his/her service line. In the event the customer service valve has been removed from an existing meter, the District may install the valve for the cost of time and materials plus an overhead and administrative charge of 15%. The meter valve (angle stop) on the street side of the meter shall be operated by District personnel only. If a meter valve (angle stop) is damaged by non-District personnel, the customer will be responsible for all repair charges including the cost of time and materials plus an overhead and administrative charge of 15%. If an angle stop has been locked by the District and the lock is damaged or broken, the customer shall be charged \$100.

Title to water furnished by the District, the risk of loss thereof, and full responsibility for the carriage, handling, storage, disposal and use thereof, shall pass from the District to the water user at the outlet of the District meter, the control valve of a fire hydrant, or the control valve for a fire service.

For liability reasons, the District shall not repair leaks nor loan equipment or material for repairs on the customer's side of the meter, unless the installation was done by District personnel, such as in the case of a District installed change over, and then only within one year of installation.

A meter shall not be used to service any parcel or unit other than as assigned by the District. A service line may not cross a parcel or lot to reach another parcel or lot for service. Customers shall not serve water to neighboring properties via a garden hose, similar device or any other method.

Water that has been sold by the District shall not be resold, unless the customer is a local purveyor or water system, and then only in case of an emergency water shortage, and only with written consent of the Board of Directors of the District or General Manager.

In accordance with State Code, a customer's water service may be discontinued for nonpayment of a bill for water service. The District may also discontinue service to any customer for violation of its rules and regulations, or where safety of the water supply is endangered. If an unsafe or hazardous condition is found or is reasonably likely to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment, or otherwise is found and is reasonably suspected to be detrimental or damaging to the District or to its customer, the service may be shut off without notice.

In the event of unusual or other circumstances deemed appropriate by the District's Board of Directors, any of the rules, regulations, rates, fees, or charges, contained herein, are subject to review and or modification as the Board of Director's may determine, in its sole and absolute discretion, on a case by case basis.

METERED AND FLAT RATES AND CHARGES - GENERAL

Flat rate bulk water accounts and flat rate private fire protection accounts shall be billed on a monthly basis. All other categories of rates shall be read and billed on a monthly basis. Since it is not always possible to read meters at exactly the same intervals every month, the period between reading dates may vary slightly. Meters will be read as nearly as possible on the same day of each month. Special readings will be made on commencement and termination of service for purposes of pro-rating opening and closing bills.

If a meter fails to register correctly or cannot be read due to a malfunction, the usage may be estimated at 75% of the customer's historical consumption for the same period of time for the previous year, if available, or estimated by taking into consideration seasonal water demand, or any other factors that are material and significant to arriving at fair usage, or the District may use any other reasonable usage deemed appropriate after consultation with the customer. The District will endeavor to correct in a timely manner those situations that prevent a meter from being read so that the meter reading will not have to be estimated for a second consecutive billing period.

If a meter is not registering water usage, through no fault of the customer, the non-working meter will be repaired or replaced by the District by the next scheduled meter reading date, or the customer will be billed the minimum rate only until such time as repairs are made except in circumstances where prompt repair or replacement may be impossible, including circumstances such as natural disasters.

Meter boxes will be scheduled for cleanout or meters will be replaced, as circumstances dictate, in a prompt manner.

To increase the operating efficiency of the District and provide better service to customers, the 3/4-inch meter is the standard size meter for the District's smallest sized water service. All new single family residential services will use the 3/4-inch meter.

The following rates and charges are listed for a monthly billing schedule. All meter connections, excepting Private Fire Protection Service, will be charged the monthly Ready-to-Serve charge, the Arsenic Compliance charge plus metered monthly quantity rates and a zone charge if applicable. Landscape meter usage shall be billed at the Non-Single Family Residence rates.

MONTHLY READY-TO-SERVE CHARGES

The Monthly Ready-to-Serve Charge is generally intended to cover the fixed expenses of the District, excluding interest expense.

<u>Meter Size</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
5/8" x 3/4"	\$23.99	\$27.20	\$30.48
3/4"	\$29.99	\$30.22	\$30.48
1"	\$49.99	\$50.37	\$50.80
1-1/2"	\$99.97	\$100.75	\$101.60
2"	\$159.96	\$161.20	\$162.56
3"	\$319.92	\$322.39	\$325.11
4"	\$499.87	\$503.74	\$507.99
6"	\$999.75	\$1,007.48	\$1,015.97
8"	\$1,599.60	\$1,611.96	\$1,625.55
10"	\$2,299.42	\$2,317.20	\$2,336.73

MONTHLY ARSENIC COMPLIANCE CHARGES

The Monthly Arsenic Compliance Charge is intended to cover the District's total arsenic compliance costs, including both debt principal and operations expenses.

<u>Meter Size</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
5/8" x 3/4"	\$8.61	\$9.76	\$10.93
3/4"	\$10.76	\$10.84	\$10.93
1"	\$17.93	\$18.07	\$18.22
1-1/2"	\$35.87	\$36.14	\$36.45
2"	\$57.39	\$57.83	\$58.32
3"	\$114.77	\$115.66	\$116.64
4"	\$179.33	\$180.72	\$182.24
6"	\$358.67	\$361.44	\$364.49
8"	\$573.86	\$578.30	\$583.18
10"	\$824.93	\$831.31	\$838.32

ZONE CHARGE

The Zone Charge is intended to recover from customers all the variable direct costs of power to supply water to the higher zones. Other variable direct costs could be charged to these customers when there is a reasonable way to identify and quantify them.

The Zone Charge is assessed as a multiple of the customer’s zone against their usage. Each zone represents a difference of approximately 100 feet in elevation. The zones are designated A (lowest), B, C, D, and E (highest). Zone Charges are applied to customers in zones B, C, D, and E.

The zone charges are, per 100 cubic feet:

	<u>Effective</u> <u>04/01/2015</u>	<u>Effective</u> <u>02/01/2016</u>	<u>Effective</u> <u>02/01/2017</u>
B-Zone	\$0.122	\$0.130	\$0.139
C-Zone	\$0.242	\$0.259	\$0.276
D-Zone	\$0.364	\$0.389	\$0.415
E-Zone	\$0.485	\$0.518	\$0.553

METERED MONTHLY QUANTITY RATES BASED UPON METER SIZE

SINGLE FAMILY RESIDENCE RATES

All Meter Sizes

Rate per Hundred Cubic Feet (HCF)

	<u>Hundred Cubic</u> <u>Feet (HCF)</u>	<u>Effective</u> <u>04/01/2015</u>	<u>Effective</u> <u>02/01/2016</u>	<u>Effective</u> <u>02/01/2017</u>
Tier 1	0 - 7	\$0.52	\$0.54	\$0.56
Tier 2	7.01 - 24	\$0.82	\$0.85	\$0.88
Tier 3	24.01 - 45	\$2.23	\$2.31	\$2.39
Tier 4	45.01 and Over	\$4.34	\$4.49	\$4.65
		+ zone charge		

NON-SINGLE FAMILY RESIDENCE RATES
Rate per Hundred Cubic Feet (HCF)

5/8" X 3/4" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 7	\$0.52	\$0.54	\$0.56
Tier 2	7.01 - 24	\$0.82	\$0.85	\$0.88
Tier 3	24.01 - 45	\$2.23	\$2.31	\$2.39
Tier 4	45.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

3/4" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 7	\$0.52	\$0.54	\$0.56
Tier 2	7.01 - 24	\$0.82	\$0.85	\$0.88
Tier 3	24.01 - 45	\$2.23	\$2.31	\$2.39
Tier 4	45.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

1" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 12	\$0.52	\$0.54	\$0.56
Tier 2	12.01 - 40	\$0.82	\$0.85	\$0.88
Tier 3	40.01 - 75	\$2.23	\$2.31	\$2.39
Tier 4	75.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

1-1/2" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 23	\$0.52	\$0.54	\$0.56
Tier 2	23.01 - 80	\$0.82	\$0.85	\$0.88
Tier 3	80.01 - 150	\$2.23	\$2.31	\$2.39
Tier 4	150.01 and Over	\$4.34	\$4.49	\$4.65
		+ zone charge		

2" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 37	\$0.52	\$0.54	\$0.56
Tier 2	37.01 - 128	\$0.82	\$0.85	\$0.88
Tier 3	128.01 - 240	\$2.23	\$2.31	\$2.39
Tier 4	240.01 and Over	\$4.34	\$4.49	\$4.65
		+ zone charge		

3" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 75	\$0.52	\$0.54	\$0.56
Tier 2	75.01 - 256	\$0.82	\$0.85	\$0.88
Tier 3	256.01 - 480	\$2.23	\$2.31	\$2.39
Tier 4	480.01 and Over	\$4.34	\$4.49	\$4.65
		+ zone charge		

4" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 117	\$0.52	\$0.54	\$0.56
Tier 2	117.01 - 400	\$0.82	\$0.85	\$0.88
Tier 3	400.01 - 750	\$2.23	\$2.31	\$2.39
Tier 4	750.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

6" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 233	\$0.52	\$0.54	\$0.56
Tier 2	233.01 - 800	\$0.82	\$0.85	\$0.88
Tier 3	800.01 - 1500	\$2.23	\$2.31	\$2.39
Tier 4	1500.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

8" Meter
Rate per HCF

	<u>Hundred Cubic Feet (HCF)</u>	<u>Effective 04/01/2015</u>	<u>Effective 02/01/2016</u>	<u>Effective 02/01/2017</u>
Tier 1	0 - 373	\$0.52	\$0.54	\$0.56
Tier 2	373.01 - 1280	\$0.82	\$0.85	\$0.88
Tier 3	1280.01 - 2400	\$2.23	\$2.31	\$2.39
Tier 4	2400.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

10" Meter
Rate per HCF

	<u>Hundred Cubic Feet</u> <u>(HCF)</u>	<u>Effective</u> <u>04/01/2015</u>	<u>Effective</u> <u>02/01/2016</u>	<u>Effective</u> <u>02/01/2017</u>
Tier 1	0 - 537	\$0.52	\$0.54	\$0.56
Tier 2	537.01 - 1840	\$0.82	\$0.85	\$0.88
Tier 3	1840.01 - 3450	\$2.23	\$2.31	\$2.39
Tier 4	3450.01 and Over	\$4.34	\$4.49	\$4.65

+ zone charge

CONSTRUCTION METER CHARGES, RATES & PROVISIONS

ACCOUNT SETUP CHARGES

A \$20.00 processing charge will be applied each time a construction meter permit, including permit extensions, is approved.

The construction meter applicant shall submit a deposit in the amount of \$1,550.00. This deposit amount represents the value of replacing a construction meter. The deposit is refundable provided the meter is returned in working condition determined by a District inspection before the account is closed and the meter is returned to service. The inspection results will be documented on the Temporary Construction Meter Use Permit. The final bill, which includes Monthly Service Charge, Metered Monthly Usage Rates, and any cost to repair damages to the construction meter, shall be deducted from the deposit.

The District may hold a deposit for up to five days for immediate return to the permittee if the meter is returned within the designated timeframe and passes a District inspection.

MONTHLY SERVICE CHARGE

Construction meters will be charged a monthly service charge and metered monthly usage rates.

\$36.10 effective April 1, 2015
\$38.65 effective February 1, 2016
\$41.41 effective February 1, 2017

METERED MONTHLY USAGE RATES

(Rate per HCF)
(All Usage)

\$2.70 effective April 1, 2015
\$2.90 effective February 1, 2016
\$3.10 effective February 1, 2017
+ zone charge

GENERAL PROVISIONS - CONDITIONS OF SERVICE

Construction Meter Water Service means service provided through a temporary construction water meter that is installed on a fire hydrant generally for construction and other legitimate non-potable water use as determined by the General Manager.

Fire hydrants are for use by Water District personnel or by organized fire protection agencies, pursuant to contract with the Water District. Other parties desiring to use fire hydrants for any purpose must first obtain a permit from the District prior to the use and shall operate said fire hydrants according to the regulations set forth herein and as otherwise directed by the Water District. The permittee must furnish said permit for inspection if requested to do so by a District employee or by a law enforcement officer. Unauthorized use of fire hydrants shall be prosecuted according to law.

Construction meters may only be connected to District facilities.

Construction meters may be portable or locked onto a fire hydrant by the District.

Each permit will allow for temporary metered water usage from a specific hydrant for up to 90 consecutive days. Permits may be extended up to 270 additional consecutive days at no less than 30-day increments at the discretion of the District. Meters may be returned prior to the permit expiration date.

The permittee must use a wrench specifically designed for opening and closing fire hydrant valves and said opening and closing shall be done slowly to prevent damage to the valve and distribution system. Pipe wrenches or crescent wrenches shall not be used, as these will damage valve stems. The District will furnish a proper fire hydrant wrench for use by the customer and may charge a deposit or a fee for its use. The permittee shall be responsible and solely liable for any damage to said fire hydrant, the wrench, valves or the system for failing to exercise proper care in the opening and closing of any fire hydrant valve.

The permittee is responsible for closing the hydrant and removing any portable construction meter at the completion of each day. If there is water loss over night or over a weekend from a hydrant that was recently opened for construction meter use, the permittee shall be charged the estimated usage at the current construction meter monthly metered usage rates if the loss is due to the permittee's action or inaction as determined by the District.

If a meter becomes damaged or fails to record the water usage properly, it must be returned immediately to the Water District for repair and/or replacement. The permittee is responsible for any and all labor and material costs associated with repair or replacement of a lost or damaged construction meter.

If the calibration vane, calibration screen, register pin and/or seal pin is missing from the meter or there is other evidence the meter has been tampered with, damaged or removed from the hydrant for the purpose of receiving water without paying the full lawful charge, the permittee shall be charged for estimated usage at the current construction meter monthly metered usage rates plus any and all

labor and material costs associated with repair or replacement of the damaged construction meter. These costs are subject to an overhead and administrative charge of 15%. No further service will be allowed until all fees and charges are paid in full.

All construction meters must be read by District personnel at approximately 30 day intervals for billing purposes. Locked-on meters will routinely be read in the field by District personnel. Permittees with portable construction meters shall return portable construction meters to District Headquarters for a reading by the due date set by the District. Permittees of portable construction meters who do not bring in the meter by the due date will be charged a minimum of \$73.00 for all costs associated with dispatching District personnel to locate and read a portable construction meter, including the cost of time and materials plus an overhead and administrative charge of 15%. Failure of the permittee to make the meter available for reading on a monthly basis or failure to pay charges when due may result in cancellation of said permit in which case the meter will be subject to immediate confiscation.

At the expiration date of the permit or upon completion of use, if sooner, the permittee shall return the permit, and if applicable, the portable meter to the Water District for inspection and final billing. Monthly service charges will not be pro-rated for meters returned prior to the billing due date. The deposit, minus any charges for water use and applicable meter repair, will be returned to the permittee by mail, or the permittee may be billed for any applicable charges exceeding the deposit. If the permit and/or the portable meter is not returned as set forth herein, or within ten days after District provides written or telephone communication to do so, the permit shall be deemed revoked, however the construction meter shall still be deemed property of the District subject to immediate return.

Smaller angle-stop construction meters are prohibited. When permanent service is paid for in advance, construction water may be taken from the permanent meter and service connection intended to serve the parcel. District facilities damaged during construction will be repaired by the District and charged to the developer on a time and material basis plus an overhead and administrative charge of 15%.

Additional terms and conditions of the construction meter agreement are listed in the permit agreement. The District reserves the right to amend the permit agreement.

Consult Ordinance Number 87 and successor agreements for the backflow prevention requirements for construction meters.

BULK WATER STATION CHARGES, RATES & PROVISIONS

FLAT MONTHLY SERVICE RATE

\$33.90 effective April 1, 2015
\$36.25 effective February 1, 2016
\$38.80 effective February 1, 2017

Bulk water is water obtained by the customer from the District's bulk water station facility.

Bulk water customers shall submit a security deposit as specified under the Customer Deposits section.

Bulk water accounts shall pay an additional \$10.00 deposit for each key to the bulk water facility.

If the bulk water account holder does not haul their own water, the name, address and phone number of the account holder's designated agent must be on file with the District.

From time to time it is necessary for the District to change the locks and issue new keys for the bulk water stations due to nonpayment by some bulk water station customers. Those Bulk Water Station customers at that time who are 90 days or more delinquent must pay the cost to re-key the bulk water station (in total or in part) on a time and material basis plus an overhead and administrative charge of 15% in addition to all past due amounts, late charges, and required deposits before they are issued new keys.

It is the responsibility of any applicant who proposes to utilize hauled water as the source of domestic supply to satisfy the requirements of the Indian Wells Valley Water District. Applicants are advised that there may be California State Water Resources Control Board regulations that applicant may need to comply with as well.

PRIVATE FIRE PROTECTION SERVICE CHARGES, RATES & PROVISIONS

FLAT MONTHLY SERVICE RATE

Connection Size	Effective <u>04/01/2015</u>	Effective <u>02/01/2016</u>	Effective <u>02/01/2017</u>
1"	\$ 8.05	\$ 8.60	\$ 9.20
2"	\$ 25.80	\$ 27.60	\$ 29.55
3"	\$ 51.45	\$ 55.05	\$ 58.90
4"	\$ 80.35	\$ 85.95	\$ 91.95
6"	\$ 160.75	\$ 172.00	\$ 184.05
8"	\$ 257.35	\$ 275.35	\$ 294.60
10"	\$ 369.85	\$ 395.75	\$ 423.45

A Private Fire Protection Service consists of facilities serving building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection purposes.

The applicant for private fire protection service shall pay the actual cost of installation of the service from the distribution main to the customer's premises, including the cost of a detector check meter or other suitable and equivalent device, valve, and meter box. The District may also require a check valve of a type approved by the National Board of Fire Underwriters or similar organization, and the District may also require that said check valve be equipped with a bypass meter, at the expense of the property owner. The District may agree to install the connection and meter on a time and material basis plus an overhead and administrative charge of 15%.

There shall be no connections between a fire protection service or system and any other water distribution system on the premises except when the service or system requires a remote fixture connection. There shall be no water used through a non-remote fixture connection fire protection service except to extinguish fires and for testing firefighting equipment. A fire protection service with a remote fixture connection may use up to one hundred cubic feet of water per month at the current metered monthly quantity rate based on meter type and size. If water consumption exceeds one hundred cubic feet in a month or if any consumption is recorded on a non-remote fixture connection meter, the private fire protection service customer shall be charged double the regular flat monthly service rates, except that no charge shall be made for water used to extinguish fires where such fires were reported to the fire department. If the District does not require a meter and if water is used through a fire service connection for any other purpose than extinguishing of fires, the District shall have the right to place a meter on the fire service connection at the owner's expense. If water is used from a private fire service in violation of these regulations, the District may, at its option, discontinue the service. The District assumes no responsibility for loss or damage due to lack of water or pressure, and merely agrees to endeavor to furnish such water quantities and pressures that are available at the time of use. The service is subject to shutdowns and variations required by the operation of the system.

DELINQUENT CHARGES

WATER SALES

All charges for water furnished are due and payable when billed. A late charge of \$2.00 plus five percent (5%) will be assessed on unpaid amounts outstanding at the time of the next billing (typically 30 days). Those customers who have entered into payment arrangements prior to the next billing will not be assessed a delinquent fee on amounts subsequently paid according to the arrangement terms. Other exceptions deemed worthy and appropriate may be granted on a case by case basis by the General Manager or the General Manager's designate.

Whenever an account becomes delinquent, prior to termination of water service:

- The District shall issue a 10-Day Notice of Termination letter to the customer.
- The District shall issue a 10-Day Notice of Termination letter to the actual user prior to the date of termination of service. The notice shall further inform the actual users that under certain circumstances they have the right to become customers of the District without being required to pay the amount due on the delinquent account.
- The District shall issue a 48-Hour Notice of Termination to the premises.

Upon failure to remit payment within the specified time per a 48-hour notice, service shall be terminated until payment in full is made, which includes payment of Notice of Termination charges, Service Reinstatement charge, and payment of a security deposit, if one is not already on file. Other outstanding account charges may also be collected. Delinquent charges are as follows:

10-Day Notice of Termination	\$ 6.00 per letter to customer or actual user
48-Hour Notice of Termination	\$ 13.00 per meter
Service Reinstatement Charge	\$ 38.00 per meter/\$195.00 per meter after hours
Damaged or Broken Lock	\$100.00

(Reference: Government Code Section 60370 through 60375)

If an account becomes uncollectible as determined by the District, the total balance will be turned over to a Collection Agency. The customer must pay the total balance, plus interest, before service is resumed.

BACKFLOW PREVENTION DEVICE TEST

All backflow prevention devices, which are required by the District, must be tested on an annual basis according to District Ordinance 87 or succeeding ordinances. An additional fee of \$6.00 will be charged when a 10-Day Notice of Termination letter is issued and a fee of \$13.00 will be charged when a 48-hour notice is issued to the customer's premises. Upon failure to provide successful test results within the time specified in a final notice, service shall be discontinued until the device is tested and passes, and a \$38.00 Service Reinstatement charge is paid.

RETURNED PAYMENT CHARGES

If a check, credit card transaction or automatic payment service is used for payment of District fees, rates or charges and the payment is declined by the bank upon which it is drawn, for whatever reason, the customer will be charged the amount payable to cover the returned check, credit card transaction or automatic payment; the actual Non-Sufficient Funds (NSF) bank fees assessed to the District; and a Returned Payment Charge of \$20.00. Payment to cover these charges must be made in cash or with certified funds. Customers having more than two returned payment transactions within six months may be required to pay future bills in cash or with certified funds and may be removed from Auto-Pay at the discretion of the District.

DISPUTED BILLS

In the event of a disputed reading, the meter shall be reread. If the accuracy of the meter is questioned by a customer, the customer shall be given the option of placing a \$75.00 deposit with the District for a meter registration accuracy test. The District recommends that the customer be present to watch the meter being removed from the meter box and to record the serial number. The meter will then be shipped to a third party tester.

If the results of the test show the meter is greater than 101.5% accurate, the meter is over-reading usage, the meter will be replaced, a pro-rated adjustment will be made on previous bills up to a maximum of six months and the \$75.00 deposit will be returned to the customer.

If the meter is less than 98.5% accurate, the meter is under-reading usage, the meter will be replaced, the \$75.00 deposit will be forfeited and no further action will be taken.

If the results of the test show that the meter is at least 98.5% to 101.5% accurate, the customer shall forfeit the \$75.00 deposit to cover the District's expense to perform the meter accuracy test.

CUSTOMER DEPOSITS

Applicants for metered and bulk rate water service shall deposit with the District, an amount equal to the estimated average monthly water bill, fixed as follows:

<u>METER SIZE</u>	<u>DEPOSIT</u>
5/8" X 3/4"	\$70.00
3/4" & Bulk Customers	\$70.00
.....	
1"	\$90.00
1-1/2"	\$160.00
2"	\$230.00
3"	\$460.00
4"	\$570.00
6"	\$805.00
8"	\$1,145.00
10"	\$2,290.00

Security deposits are required of all applicants for water service.

Any service discontinued for nonpayment shall require a security deposit, if said deposit is not already on file, in addition to payment of all other applicable fees and charges, before water service is resumed. The amount of the security deposit for reinstatement of discontinued service will be the estimated average monthly water bill, but in no case less than the fixed deposit schedule stated above.

Any account having three or more delinquencies within the past twelve months will be required to pay and maintain a deposit according to the schedule stated above, even though water service may not have actually been disconnected, if said deposit is not already on file.

A security deposit will be refunded on any account that has remained in good standing for twelve consecutive months. Accounts will be reviewed for potential refund on an annual anniversary basis. Any security deposits on file when service is discontinued will be applied towards the final billing.

Developers/Customers may be required to provide the District with a deposit when applying for a new service. The amount will be determined on a case by case basis. The deposit will be returned upon final approval by the District's Field Service Department of the meter, meter box installation and all other connection facilities. In the event the meter, meter box and other connection facilities do not meet the time and/or other requirements of the District, the deposit will be used to pay for District labor, materials and/or outside contracts to remedy the situation plus an overhead and administrative charge of 15%.

CUSTOMER SERVICE CHARGES

New Account Charge (Regular hours turn-on)	\$20.00
New Account Charge (After hours turn-on)	\$195.00
Service Reinstatement Charge (Regular hours)	\$38.00
Service Reinstatement Charge (After hours)	\$195.00

In addition to the above, other customer service visits may include, but are not limited to, emergency turn-offs, turn-ons and meter re-readings and may be subject to a \$38.00 charge during regular working hours or a \$195.00 charge during non-working hours. Other applicable fees, charges and security deposits may also be required for customer service visit requests.

These Customer Service Charges are not applicable to Continuity of Service Agreements to accounts that are in good standing.

WATER THEFT

California law, including but not limited to Penal codes 498, 624 and 625, defines various methods of water theft. In the event that a suspected water theft is discovered, District personnel will contact law enforcement personnel. Water theft can result in the District pressing charges.

To prevent further water delivery from occurring, the District may remove or lock the meter or confiscate the equipment or materials that allow the unauthorized connection. The customer/individual will be charged all costs incurred by the District associated with reporting the incident including but not limited to labor, materials and equipment used to report the incident and all costs incurred by the District to replace or repair any District facilities or other items that were tampered with, damaged or removed for the purpose of receiving water without paying the full lawful charge. These costs are subject to an overhead and administrative charge of 15%. No further service will be allowed at the address until all fees and charges are paid in full.

When the District has discovered that a customer has obtained water service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be discontinued without notice. The District shall not restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the actual cost to the District incurred by reason of the said fraudulent use. For additional information on the District's unauthorized service policy, refer to Ordinance No. 82 adopted August 23, 1993, and any successor ordinances.

Tampering, altering, modifying, reconnecting, bypassing, or any otherwise unauthorized or fraudulent control of water meters and appurtenances are violations of the California Penal Code. Breaking or obstructing water pipes or meters, diverting flow or drawing water from any stopcock or faucet by which the flow of water is controlled, after the service has been closed or shut off for a specific cause, is also a violation of the California Penal Code and will be addressed according to the "Procedure for Suspected Water Theft" adopted on June 12, 2006.

Any violation that causes the District to repair, restore, replace, or relocate a District-owned facility will be billed on a time and material basis plus an overhead and administrative charge of 15%. Nonpayment of such amounts may result in termination of service or collection action.

CUSTOMER COMPLAINTS

Should Customer Accounts staff be unable to satisfy a customer's billing complaint, the customer may file a complaint with the Chief Financial Officer. Should the Chief Financial Officer be unable to satisfy the customer's complaint, the customer may file a complaint with the General Manager. Should the General Manager be unable to satisfy the customer's complaint, the customer may file a complaint with the Board of Directors by submitting the complaint in writing. The decision of the Board of Directors shall be final.

METER EXCHANGES

A customer, upon request, may exchange an existing meter for a meter of lesser or greater size, subject to District approval. Installation of the new meter and service lateral, if required, for a 2" or smaller service, will be billed on a time and material basis plus an overhead and administrative charge of 15%. New meters, 3" or larger, or compound meters, shall be purchased and installed at the sole cost of the applicant. Once installed, the meter and service connection becomes the property and maintenance responsibility of the District; however, the applicant must warrant the installation for a period of two years.

Customers shall only be allowed to exchange meters with the approval of the District, and the meter and installation charge shall be computed on an individual basis.

Inasmuch as Capital Facility Fees are based solely upon meter size, any customer/developer who requests a larger meter, whether domestic or landscape, will be responsible for payment of the Capital Facility Fee (aka Basic Facility Fee) differential between the current meter size originally paid and the larger meter Capital Facility Fee in existence at the time of the exchange, in addition to payment of time and material costs plus an overhead and administrative charge of 15% associated with the actual meter and service installation change.

In the event that a customer requests a meter exchange for the purpose of downsizing his/her service, the District will not refund the Capital Facility Fees differential between the current meter size originally paid and the smaller meter Capital Facility Fee. The District will issue a letter to the customer that can be remitted anytime within ten years to permit the service to be restored to the original size without having to pay an additional Capital Facilities Fee. This letter is transferrable to a future property owner.

Single family residential customers will not generally be permitted to exchange an existing meter for a meter size greater than 3/4-inch, since such request shall constitute a significant change in water demand and service. If the District requests the change in meter size, charges, if any, will be determined on an individual basis.

CONTINUITY OF SERVICE AGREEMENT

In order to accommodate interim water service for "clean and show" purposes, an owner or agent may have water service for specific water meter(s) automatically placed in the owner's or agent's name at the time a tenant requests discontinuance of service, if the owner or agent applies for and executes an Application for Continuity of Service Agreement.

Please note that the District reserves the right to disconnect water service to a tenant for nonpayment of water bills, regardless of whether or not a Continuity of Service Agreement is on file. The District will not require that the owner or agent pay the standard Customer Service Charges and/or deposits for establishing a new account for any meter for which there is a Continuity of Service Agreement on file and if the account is in good standing.

When responsibility for a meter reverts to an owner or agent under a Continuity of Service Agreement, the meter must remain on until a new tenant or a new owner applies for the water service or until the Continuity of Service Agreement is canceled with ten days' written notice.

CAPITAL FACILITY FEE

Connection fees are composed of Capital Facility Fees and Distribution System Fees.

<u>Meter Size</u>	<u>Capital Facility Fee</u>
3/4"	\$ 5,068.00
1"	\$ 8,463.00
1-1/2"	\$ 16,875.00
2"	\$ 27,011.00
3"	\$ 54,072.00
4"	\$ 84,478.00
6"	\$ 168,905.00
8"	\$ 270,258.00
10"	\$ 388,537.00

Capital Facility Fees and all other Rates, Charges and Fees associated with new service can only be accepted on behalf of a parcel that has an adjacent District water main that extends completely across one or more sides of the parcel to be served, and only if said main is of adequate size, age and service pressure to serve the development proposed, and for which a meter will be installed within 90 days, or as otherwise allowed or required by the District's Board of Directors in unusual circumstances. Payment of all other Rates, Charges and Fees applicable to the proposed parcel must accompany the payment of Capital Facility Fees.

If an applicant or developer desires to serve a parcel or lot that has had no previous authorized service from the District, and said parcel or lot is not adjacent to an existing water main of a size, condition, and service pressure deemed necessary by the District to serve the proposed development or property, the applicant or developer shall be required to construct all necessary water system facilities including a water main line extension to and across the entire frontage of the parcel(s) to be served, at the applicant or developer's sole expense, in accordance with District specifications,

rules, and regulations. In such case, the applicant or developer shall bear the entire cost of all design, construction, and inspection.

An applicant for service from a main through which prevailing water pressure will be lower than the normal operating limit of 40 psi must apply for a low pressure agreement, and if granted, shall be responsible for installation and maintenance of privately owned pressure equipment, or other devices, as required.

District staff will notify applicants for service from a main through which prevailing water pressure will be higher than the normal operating limit of 90 psi. To mitigate the potential problems/damages from high water service pressure, Customer is recommended to provide and install, at his or her own cost, a pressure regulator on Customer's side of the meter on the service line to Customer's Property. Customer may elect to have the District provide and install said pressure regulator on Customer's side of the meter on the service line to the Customer's Property. District will warranty the installation of the pressure regulator only for one year at which time the pressure regulator will become the sole responsibility of Customer to be maintained by Customer in accordance with District Regulations.

In a parcel split situation, only one division of the original parcel will be given credit for the residential service originally paid for. The remaining newly-formed parcels shall be subject to payment of all applicable Water District rates currently in effect for obtaining water service. In addition, in order to receive water service, the newly-created parcels must be completely fronted on at least one side by a Water District pipeline of a size and pressure adequate to service the newly-created parcels. If additional distribution pipelines are required to reach remote parcel locations, the labor and materials to install such pipelines, to District specifications, will be at the owner's or developer's sole expense.

All residential, commercial, public, industrial and agricultural connections shall be levied a Capital Facility Fee based upon their meter size. Capital Facility Fees are a one-time charge and are used to finance the upgrading and/or rehabilitation or replacement of existing water supply, storage, and transmission facilities as well as the construction of new water supply, water treatment, storage, and transmission facilities in order to service the demand caused by the new development, and must be paid in advance of any service connection to the benefited parcel. It is a charge for facilities in existence at the time a charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged. It is appropriate and necessary to provide for system facilities that have not been constructed, or that have been constructed, but for which new development has not contributed its fair share of the cost. The Capital Facility Fees collected shall be used to cover the cost of the source of supply, storage, major transmission and distribution lines, and any additional related facilities as required to service the demand load caused by the new development.

The Fee shall be solely used to pay (1) for public facilities constructed or to be constructed by the District, (2) for reimbursing the District for the development's fair share of those capital improvements already constructed by the District and/or (3) to reimburse other developers who have constructed basic facilities, where those facilities were beyond those needed for the other developer's project(s).

Certain properties may not be subject to Capital Facility Fees due to an agreement or memorandum of understanding covering the tract or property.

When a customer desires to individually meter a multiple unit building (residential or commercial) that is master metered and where the Capital Facility Fee or Basic Facility Fee was paid for the master metered service, and where individual meters would not constitute a material increase in capacity or demand, as determined by the District, no additional Capital Facility Fee will be charged.

The District reserves the right to determine the appropriate meter size for the development or proposed development from information provided by the applicant and as investigated by the District. Applicants for water service shall have the right to appeal to the Board of Directors a determination made by staff. The decision of the Board of Directors shall be final and binding.

A customer must notify the District of any new construction upon a parcel with existing water service. Any new construction will be evaluated by the District to determine whether a larger meter or other system modifications would be required to accommodate increased capacity or demand needs caused by new or additional improvements. If the District determines that an additional capacity or demand need will be placed upon the District’s water production, transmission, and storage facilities as a result of the new construction, the District reserves the right to charge and collect from the customer an additional Capital Facility Fee to be determined on a case by case basis.

Except in unusual circumstances, as determined by the District, Private Fire Service shall be exempt from the payment of Connection Fees (Capital Facility Fees and Distribution System Fees). Landscape-only meters may be exempt from Connection Fees (Capital Facility Fees and Distribution Fees), at the sole discretion of the District, provided the landscape-only meter serves no facility whatsoever and is no larger than the meter used to monitor domestic water for which appropriate connection fees have been paid, or for which no structure whatsoever is involved, such as a meter for street island landscaping. All landscape-only meters are subject to engineering analysis by the District.

DISTRIBUTION SYSTEM FEE

The Distribution System Fee is a charge for the water distribution system typically located between transmission lines and service laterals. The applicant shall pay the following Distribution System Fee where a water main abuts applicant's benefited parcel, provided, however, that the applicant shall be exempted from such Distribution System Fee whenever water service is provided from a water main constructed and installed at the sole cost of said applicant or the applicant’s predecessor-in-interest:

<u>Meter Size</u>	<u>Distribution System Fee</u>
3/4"	\$ 3,724.00
1"	\$ 6,206.00
1-1/2"	\$ 12,412.00
2"	\$ 19,860.00
3"	\$ 39,719.00
4"	\$ 62,061.00
6"	\$ 124,122.00
8"	\$ 198,595.00
10"	\$ 285,480.00

An additional fee may also be imposed to include the estimated cost of modifications or additions to infrastructure that may become necessary to bring existing infrastructure up to current District standards or due to unusual or exceptional circumstances related to a customer's application for service.

An applicant shall not be required to pay any Distribution System Fee if the applicant can prove to the satisfaction of the District that the same or a similar charge was imposed upon applicant's predecessor-in-interest and was paid within twenty years of the date of applicant's request for water service from a steel main, or within thirty years of the date of applicant's request for water service from an asbestos cement or polyvinyl chloride pipe main. A predecessor-in-interest shall be deemed to exist where the subject lot is within a subdivision of land in which the developer has installed and dedicated to the District a distribution system which provides service to the lot. A predecessor-in-interest shall be deemed to exist where the property to be served is within Assessment District No. 14 (a city assessment district), 82-1, 87-1, 91-1, or within the Bradley Tract No. 2460.

If an applicant or developer desires to serve a parcel or lot that has had no previous service from the District, and is not adjacent to an existing water main of a size, condition, and service pressure deemed necessary by the District to serve the proposed development or property, the applicant or developer shall be required to construct all necessary water system facilities including a water main line extension to and across the entire frontage of the parcel(s) to be served, at the applicant or developer's sole expense, in accordance with District Specifications, Rules, Regulations and General Plan. The applicant or developer shall bear the entire cost of all design, construction and inspection. Please also see REFUND AGREEMENTS.

As with Capital Facility Fees, Distribution System Fees must be paid in advance of any service connection to the benefited parcel.

Distribution System Fees may also be required from an applicant not otherwise covered by the above, if in the discretion of the District, such charge is reasonably necessary to ensure the applicant pays an equitable fee or charge associated with the District's distribution system.

MASTER METERS

Generally, all residential units must be individually metered, and multiple meters are encouraged for conservation purposes; however, master metering may, at the sole discretion of the District, be allowed with respect to residential developments, under the following circumstances:

1. The property served is a single parcel, owned by a single person, entity, or organization and consisting of more than three residential units.
2. All master meters permitted shall be in the owner's name and all bills shall be the primary responsibility of and shall be paid by said owner. Any agent of the owner shall have their name on file with the District.

3. The master meter shall be located at the property line adjacent to the street or easement.
4. The District reserves the right to require additional meters or to impose conditions in special or unusual circumstances, such as for heavy landscaping or for widely separated buildings on large parcels.
5. An approved backflow prevention device(s) will be required for all master meters, installed and maintained by the owner, at the owner's expense.

The meter size, as required for any particular development, shall be determined by the District, at the District's sole discretion, based upon information provided by the applicant and investigation by the District. In the case of more than one service to the same development, the total charge shall be the sum of the appropriate individual charges. The District reserves the right to require an increase in meter size at any time. The owner-applicant must, at that time, pay any additional fees due, including but not limited to Capital Facility Fees.

Generally, all commercial, public, industrial, and agricultural units must be individually metered, and multiple meters are encouraged for conservation and safety purposes; however, master metering may, at the sole discretion of the District, be allowed with respect to commercial, public, industrial, and agricultural developments in circumstances where separate meters would be impractical, such as hotels and motels or facilities of common use such as common bathrooms or washrooms. If master metering is allowed, an approved backflow prevention device(s) must be installed and maintained by the owner, at the owner's expense. There shall be at least one separate meter for each separate sewer lateral. There shall be a separate meter to each customer for which a backflow prevention device is required. There shall be a separate meter for each culinary establishment, each commercial/industrial establishment which uses water as a part of its commercial or industrial business or process, each medical and dental office, each veterinary clinic and animal grooming or boarding or sales establishment, each grocery and food handling or sales establishment, and as otherwise required by the District in its sole discretion; whether or not such establishments are in separate freestanding buildings and whether or not such establishments require backflow prevention devices. There shall also be a separate meter for all commercial and industrial establishments which contains fifty or more fixture units per Uniform Plumbing Code.

SERVICE INSTALLATION CHARGES

Service Installation Charges cover the cost of a water service lateral (from the water main to the customer's meter location) and the installation of a water meter, meter box, valves, and other appurtenances up to the discharge side of the customer valve. Service Installation Charges are collected at the time application for service is made. Where the premises to which water is to be furnished does not have a meter for use on said premises, the applicant shall pay an installation charge based on all costs of installation, including meters, appurtenances, and appurtenant work and shall make a deposit of the estimated amount. Said charge shall be paid in advance of water service. Once installed, the water service lateral, water meter, meter box, valves, and appurtenances become the property of the District.

Payment for meter installation, in addition to all other usual and regular charges of the District, is as follows:

<u>Meter Size</u>	<u>Amount</u>
3/4"	\$ 382.00
1"	\$ 506.00
1-1/2"	\$ 920.00
2"	\$ 1,056.00

For most meter installations, the above amounts are payment in full. However, when District costs exceed the deposit amount due to special circumstances (such as a non-plastic meter box and lid) the customer shall be billed the additional costs on a time and materials basis plus an overhead and administrative charge of 15%. When it is also necessary for the District to install the service lateral from the main to the meter location, an additional charge of \$757.00 for 3/4" and 1" meters (1" lateral) or \$1,013.00 for 1-1/2" and 2" meters (2" lateral) must be paid by the customer. This charge does not include excavation, backfill and street repair, which must be performed by the developer/customer and inspected by the District to ensure the District's installation specifications are met. Meter and service connections must be installed by the District; however, a service connection may be installed by a California licensed contractor, with the District's prior approval, and in such event, the applicant must warrant the installation for a period of two years.

At the discretion of the District, prior to installation, the developer must provide the final grade and curb stake information placed by a California licensed surveyor or California licensed Professional Civil Engineer.

Meter and service connections larger than two-inches in size, or any size compound meter, shall be installed by a California licensed contractor at the sole cost of the applicant. Once installed, the meter and service connection becomes the property and maintenance responsibility of the District; however, the applicant must warrant the installation for a period of two years.

Upon receipt of an application, a deserted or inactive service may be activated, provided the applicant pays actual time and materials costs plus an overhead and administrative charge of 15% required to locate the service, restore it, and/or upgrade it to current District standards. If the service cannot be located, it will be classified as abandoned. Abandoned services may be considered as new services for purposes of collection of some or all rates, charges and fees for obtaining service.

An existing service connection may be relocated on the same property, or upgraded, with the approval of the District; however, it may not be moved to a new property. All work by the District will be done on a time and material basis plus an overhead and administrative charge of 15%.

If the meter and service installation requires a backflow prevention device, the costs associated with the installation and maintenance of the backflow prevention device are the sole responsibility of the applicant. (Refer to Ordinance No. 87 and any other successor ordinances.)

CONCEPT/PLAN CHECKING FEES/INSPECTION DEPOSITS

An applicant will be required to provide waterworks plans designed by a California licensed Professional Engineer and to adhere to the District's Standard Construction Specifications and Drawings, which are provided under separate cover and available through the District's Engineering Department. Please refer to the Standard Construction Specifications and Drawings for details on requirements for project bonding, insurance, environmental impact reports, and easements. In addition, an applicant and/or developer must follow the procedure outlined in District's Water Main Extension Procedures, also provided under separate cover and available through the District's Engineering Department. The District reserves the right to provide its own engineering plans for any and all waterworks improvements.

1. Concept Plan Approval: Applicant must make an advance payment of a Concept Plan Fee in the amount of \$100.00 to cover facility design requirements review and approval. When required, the applicant must also pay all costs for the District engineering staff, District engineering consultant and/or legal counsel related to the applicant's request plus an overhead and administrative charge of 15%. Any Concept Plan Approval granted is valid for a period of one year from the date of said approval. If construction plans are not submitted to the District during such 12 months, the applicant must resubmit a new concept plan and pay an additional Concept Plan Fee.

A Concept Plan Fee is also required for those variance requests where a conceptual plan or drawing needs to be reviewed by District engineering staff.

2. Plan Checking: Applicant must pay a fee, as follows, in advance, to cover engineering review and approval of construction plans and specifications submitted for each proposed water system improvement project:

<u>Engineer's Cost Estimate</u>	<u>Fee</u>
\$0 - \$200,000	2% (minimum \$500)
> \$200,000	1% (minimum \$4,000)

Applicant must also pay (if applicable) actual costs incurred by the District for engineering consultant and/or legal counsel review plus an overhead and administrative charge of 15%.

Any plan approval is good for a period of one year from the date of said approval. If actual construction work is not initiated during such one year, the applicant must revert back to the Concept Plan or Plan Check approval stage for the proposed project, whichever is determined to be appropriate by the District. At that time, additional Concept Plan and/or Plan Checking fees may be required.

3. Inspection: Applicant must pay a deposit before construction begins to cover the cost of District inspection of water system improvements. The applicant must deposit 3% of the actual construction cost of the water system improvement work (\$180.00 minimum). Inspections or tests shall be charged on an actual time basis, calculated at \$120.00 per hour with a minimum

one hour charge for each official inspection. All construction work necessitating the District Inspector to appear at the construction site before or after normal working hours (8:00 am – 5:00 pm M-F excluding District holidays) may require the applicant to pay an after hour rate of \$155.00 per hour subject to a minimum charge of \$265.00 per after-hours inspection. Any after-hours inspection must be pre-paid and pre-arranged with the District Inspector.

Any refund of the unused portion of the 3% deposit will not be granted until all water system improvements have been completed and dedicated to the District with approval by the Board of Directors.

WILL-SERVE LETTERS

The City of Ridgecrest, as well as other public and governmental agencies, financial entities and private individuals frequently require developers to obtain "Will-Serve" letters from the Water District to establish that the District water service is available for the developer's proposed project. In order to facilitate this process, the developer will supply the District with a tentative project map or site plan for review and pay a "Will-Serve" fee of \$25.00. The District may require submittal and/or approval of a concept/plan prior to issuance of a will-serve letter.

The developer will pay all costs for the District engineering staff, District engineering consultant and or legal/counsel plus an overhead and administrative charge of 15% exceeding \$25.00 related to the developer's request for a "Will-Serve" letter.

The District will review the proposed project to determine if the project lies within the District's boundaries and the extent of the impact on District facilities.

If appropriate, as determined in its sole discretion and upon terms and conditions it deems appropriate, the District will send the requesting agency a "Will-Serve" letter on behalf of the developer's proposed project. Generally this letter will state that the District can provide service, upon demand, to any location within its boundaries, subject to all District Ordinances, Rules and Policies, and upon construction by the developer of any water system facility extensions; relocation of any existing water lines and/or existing fire hydrants; and/or additional improvements or requirements which may be found necessary, and the deposit of applicable charges and fees for obtaining water service. All such offers of service shall be valid for a period of one year.

REFUND AGREEMENTS

Developers may be required, at their sole expense, to install or replace or upgrade existing water system facilities, including, but not limited to, water mains, valves, fire hydrants, backflow prevention devices and service connections, as a condition to receiving water service. If required, developers must furnish all labor and materials necessary to install or replace the water system facilities, in accordance with District-approved plans and specifications.

If the District requires the installation or replacement of a water main to service an applicant's benefited parcel as a condition to receiving water service, and said water main, once installed, may provide water service to neighboring parcels other than those benefiting the applicant, the applicant may be entitled to receive partial reimbursement for eligible costs of improvements. Developers

may request such a reimbursement by applying for a Refund Agreement, at or prior to the time of dedication.

The District may, under the terms and conditions elsewhere described, impose a Distribution System Fee to be paid by new connections where the property owner requesting service or predecessor-in-interest has not participated in the costs of the water main abutting said property. During the term of the Refund Agreement, the District shall credit the developer with 100% of said Distribution System Fees collected on said eligible water line.

The Refund Agreement shall expire ten years from the date of said agreement, or when the developer has been repaid 100% of the eligible costs of said improvements, whichever occurs first. Eligible costs include, but are not limited to, construction, engineering and surveying. Refund Agreements must be approved by the Board of Directors.

Developers may also be eligible for partial reimbursement if required to install water lines larger than would normally be needed for their proposed development alone, and larger than 12" in diameter. Each District requirement for such an "oversized" line will be negotiated with the developer on an individual basis.

CONTINUITY/SPECIAL CONDITIONS/SEVERABILITY

Continuity – Adoption of these rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract or commitment.

Special Conditions – In the event that conditions arise which are not specifically covered by these rules, the Board may take whatever action which, in its sole discretion, is warranted.

Severability – If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this regulation, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this regulation, or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

APPENDIX 4

ORDINANCE NOS. 93, 98, 99, AND 100

ORDINANCE 93

ORDINANCE NO. 93

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NO. 72 IN ITS ENTIRETY; AND ADOPTING VOLUNTARY AND MANDATORY CONSERVATION MEASURES AND RECOMMENDING AND/OR REQUIRING CERTAIN WATER CONSERVING MEASURES

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000 *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable watersaving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

WHEREAS, a Memorandum of Understanding was made and entered into by and between the District and the City of Ridgecrest (City) for the mutual goal of conserving groundwater and adopting a water efficient landscape ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. TITLE

This Section shall be known and may be cited as the Water Efficient Landscape Ordinance.

SECTION 2. PURPOSE AND INTENT

- A. Promote the values and benefits of landscaping while recognizing the need to utilize water and other resources as efficiently as possible;
- B. establish a water conservation plan to reduce water consumption in the residential and commercial landscape environment by encouraging single-family residential water conservation, and, in multi-family, commercial and manufacturing zone districts, limiting the use of turf and requiring the utilization of low water use plant materials in new projects;
- C. establish provisions for water management practices and water waste prevention for new development;
- D. establish a plan for designing, installing and maintaining water efficient landscapes in new projects; and
- E. implement a more efficient use of water through swimming pool and water body design by the use of efficient water body management and proper recirculation of water.

SECTION 3. DEFINITIONS

Approved Plant List shall mean the list formulated by District staff and approved and/or modified by the District Board of Directors.

Drainage system shall mean a landscape or irrigation system design to drain the water to be reused on the property or to channel the water off the property.

Drip Irrigation System shall mean the use of a drip emitter system that permits no more than 5 gallons of water per hour from each emitter.

Emitter shall mean a drip irrigation component that dispenses water to plants at a predictable rate, measured in gallons or liters per hour.

Hand Watering shall mean the actual watering of landscape by a person who remains present and holds onto and directs the watering device.

Irrigation Systems shall mean appropriately designed system that utilizes water sprinklers, emitters and bubblers.

Landscape area shall mean all permeable area located on the property and land set aside exclusively for shrubs, flowers, trees, water features and other landscape material to enhance the natural beauty of an area.

Low volume irrigation systems shall mean appropriately designed irrigation systems that utilize low volume sprinklers appropriate to the climatic and site factors. Such heads include low volume sprinkler heads, drip emitters and bubbler emitters.

Low water use plants shall mean trees, shrubs and ground covers that survive with a limited amount of supplemental water as recommended by the Approved Plant List or as identified in the booklet "*Landscape Plants for the California High Desert*" published by the Indian Wells Valley Water District, Rosamond Community Services District, Palmdale Water District, City of Palmdale, Kern County Water Agency and Naval Air Weapons Station China Lake. A copy of the Approved Plant List and booklet shall be on file and available for inspection in the City Planning Department and Indian Wells Valley Water District Offices. Other plant material that is believed to be low water use may be added to the Approved Plant List by special application to the Indian Wells Valley Water District or City Planning Commission.

Recirculation shall mean the reuse of water in a pool or pond in such a way that the water would enter from one point and be reused in another portion in such a way that the water is not wasted or lost by reuse in the pool or pond.

Recycling shall mean the reuse of water in a pool or pond through a series of pumps and filters.

Runoff shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Turf shall mean a surface layer of earth containing mowed or un-mowed grass with its roots.

SECTION 4: APPLICABILITY

All new developer, homeowner and/or commercial installed landscape projects within the boundaries of the District shall be subject to this Ordinance as well as Ordinances No. 90 and/or 91 adopted by the District Board of Directors on December 14, 2009. All water users within the boundaries of the District shall be subject to Section 9 of this Ordinance

SECTION 5: SINGLE-FAMILY RESIDENTIAL LANDSCAPE PROCEDURE

- A. All new single-family residential landscape projects are subject to District Ordinance No. 90 which imposes mandatory restrictions on landscaping. All existing single-family residential landscape projects which are not subject to Ordinance No. 90 are encouraged to abide by these recommendations. Existing landscape areas larger than one acre may be audited so recommendations can be made for water savings.
- B. The following is recommended for all single-family residential homes:
1. Turf landscaping should not exceed 2,000 square feet of single-family residential lots 10,000 square feet or smaller.
 2. Turf landscaping should not exceed 3,000 square feet of single-family residential lots 10,001 square feet or larger.
 3. Irrigation and Landscape Design. Homebuilders, developers and/or landscape contractors should provide the residential customer an irrigation design and landscape design that would, if installed, demonstrate compliance with this Ordinance. Low volume irrigation systems will be demonstrated along with low water use plant material.
 4. The irrigation design needs to show proper drainage to eliminate water waste.
 5. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is minimal or limited runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 6. MULTI-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL LANDSCAPE PROCEDURE

- A. All new landscape projects for multi-family residential, commercial, industrial or institutional are subject to District Ordinance No. 91.

- B. The following limitations apply:
 - 1. Turf and/or any plants not on the Approved Plant List are limited up to 50% of the landscape area.
 - 2. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
 - 3. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
 - 4. All of the Landscape Area shall be designed to eliminate any runoff.
 - 5. An irrigation and landscape plan shall be submitted to the City of Ridgecrest Planning Department, containing low volume irrigation systems and low water use plants. The irrigation plan shall demonstrate drainage to eliminate water waste. The plan must provide adequate water supply such that all of the water needed can be delivered every other day within the water window of 8:00 PM – 8:00 AM during the months of May, June, July, August, September and October.
 - 6. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is no runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 7. SWIMMING POOLS AND WATER BODIES

- A. Public and private swimming pools and water bodies over 300 square feet shall adhere to the goal of water efficiency as set forth in this Section.
 - 1. New swimming pools shall have a swimming pool cover.
 - 2. New swimming pools shall have a drainage plan.

3. Water features including swimming pools must have recycling or recirculation features.

SECTION 8. APPROVED PLANT LIST

The Approved Plant List is a recommendation for existing single-family and multi-family dwellings, commercial and/or institutional development. The Approved Plant List is a requirement for new development subject to District Ordinances No. 90 and 91.

SECTION 9. MANDATORY MEASURES

The General Manager of the Indian Wells Valley Water District or designee may provide health and safety exceptions with regards to mandatory measures on a case by case basis.

- A. No water user shall waste water. For the purposes of this section enforcement shall be to that degree necessary to prevent the waste of water. "Waste" means the following:
 1. Landscape irrigation to an extent which allows water to runoff the area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 2. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
 3. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
 4. Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.

- B. Landscape shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM during the months of May, June, July, August, September and October unless a special permit is issued to accommodate newly planted material.
- C. No water shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.

SECTION 10. NOTICE AND PENALTIES

- A. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record and/or occupant. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.
- B. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.A above, within a reasonable amount of time, a second violation shall occur and a second notice containing the information specified in Section 10.A above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

- C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.B above, within a reasonable amount of time, a third violation shall occur and a third notice containing the information specified in Section 10.A shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated within thirty (30) calendar days unless the owner/occupant is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the dwelling/property which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 11. EXTENSION

The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 12. APPEAL

1. Should a property owner/occupant determined to be in violation of this Ordinance dispute the findings of staff or if said property owner/occupant believes they have sufficient justification for said violation, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.
2. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner/occupant may then make his or her petition to the Board of Directors. The Board's determination shall be final.

SECTION 11. ADMINISTRATIVE EXCEPTIONS

The General Manager of the District or designee may provide administrative exceptions to the landscape and irrigation plan requirements of this Ordinance on a case by case basis.

The General Manager of the District or designee will notify the City Manager of any administrative exemption granted pursuant to this Section prior to the date the exception becomes effective.

The City Manager or designee after consultation with the General Manager of Indian Wells Valley Water District may grant an administrative exception.

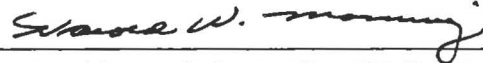
SECTION 12. EFFECTIVE DATE

1. The foregoing Ordinance shall become effective upon adoption of same by the Board of Directors of the Indian Wells Valley Water District.

SECTION 13. PUBLICATION

1. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 10th day of May, 2010.



Vice-President of the Indian Wells Valley Water
District Board of Directors

ATTEST



Secretary of the Indian Wells Valley Water
District Board of Directors

(SEAL)

ORDINANCE 98

ORDINANCE NO. 98

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NUMBER 90 IN ITS ENTIRETY; AND REQUIRING WATER EFFICIENT LANDSCAPE AS A CONDITION OF RECEIVING NEW SINGLE FAMILY DWELLING WATER SERVICE.

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000, *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable water saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to conserve water by requiring all Front Yards of Single Family Dwellings to at all times comply with the provisions herein as a condition of receiving District water service.

SECTION 2. REPEAL, RESCISION AND AMENDMENT.

Ordinance No. 90 is hereby rescinded in its entirety.

SECTION 3. DEFINITIONS

- A. “**Approved Plant List**” means the list formulated by staff and approved and/or modified by the District Board of Directors.

- B. **“Front Yard”** means the Landscape Area that is between the Single Family Dwelling and any street or road, including any Landscape Area between the sidewalk and the street/road that is the responsibility of the property owner.
- C. **“Landscape Area”** means all non-hardscape or non-building area located on the Front Yard.
- D. **“Low Volume Irrigation System”** means appropriately designed irrigation systems that utilize low volume watering devices appropriate to the climatic and site factors including microsprinkler heads, drip emitters, and bubbler emitters.
- E. **“Master Shutoff Valve”** is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system.
- F. **“Runoff”** means water from irrigation that leaves the Landscape Area and flows onto sidewalks, streets, or roads.
- G. **“Single Family Dwelling”** means a newly constructed single family residential dwelling or existing single family residential dwelling whose owner/occupant is making application to the District for new water service on a property where District water service did not previously exist.
- H. **“Turf”** means a surface layer of earth containing mowed or unmowed living grass with its roots.

SECTION 4. RESTRICTIONS ON LANDSCAPE

- A. There shall be no Turf allowed in the Landscape Area of the Front Yard.
- B. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the Landscape Area of the Front Yard.
- C. The irrigation system in the Landscape Area of the Front Yard must be a Low Volume Irrigation System.
- D. All irrigation devices must use high efficiency sprinkler heads.
- E. All irrigation systems must have pressure regulators and master shut-off valves.
- F. The Landscape Area shall be designed to eliminate any runoff.

SECTION 5. NOTICE

A. District shall record a Covenant of Landscape Restrictions on each Single Family Dwelling that is subject to this Ordinance with the Kern County Recorder as notice to each and every owner of said Single Family Dwelling of the provisions of this Ordinance.

B. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record of the Single Family Dwelling and the occupant of the Single Family Dwelling. The notice shall be dated and shall specify the address of the Single Family Dwelling, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 5(A) above, within thirty (30) calendar days, a second violation shall occur and a second notice containing the information specified in Section 5(B) above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If, under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

D. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 5(C) above, within thirty (30) calendar days, a third violation shall occur and a third notice containing the information specified in Section 5(B) above shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated in thirty (30) calendar days unless the Single Family Dwelling is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the Single Family Dwelling which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 6. EXTENSION

A. The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 7. APPEAL

A. Should a property owner/occupant of a Single Family Dwelling determined to be in violation of this Ordinance dispute the findings of staff, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

B. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner may then make his or her petition to the Board of Directors. The Board's determination shall be final.


SECTION 8. EFFECTIVE DATE

A. The foregoing Ordinance shall become effective on December 1, 2015 upon adoption of same by the Board of Directors of the District.

SECTION 9. PUBLICATION

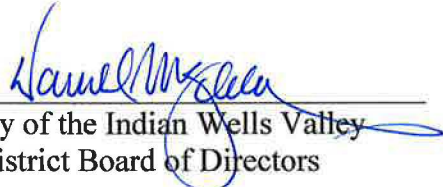
A. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 14th day of December, 2015.



President of the Indian Wells Valley
Water District Board of Directors

ATTEST



Secretary of the Indian Wells Valley
Water district Board of Directors

(SEAL)

ORDINANCE 99

ORDINANCE NO. 99

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NUMBER 91 IN ITS ENTIRETY; AND REQUIRING WATER EFFICIENT LANDSCAPE AS A CONDITION OF RECEIVING NEW MULTI-FAMILY DWELLINGS, COMMERCIAL AND/OR INSTITUTIONAL WATER SERVICE.

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000, *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable water saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to conserve water by requiring all Landscape Areas of Multi-Family Dwellings, Commercial and/or Institutional buildings/facilities to at all times comply with the provisions herein as a condition of receiving District water service.

SECTION 2. REPEAL, RESCISSION AND AMENDMENT.

Ordinance No. 91 is hereby rescinded in its entirety.

SECTION 3. DEFINITIONS

- A. **“Approved Plant List”** means the list formulated by staff and approved and/or modified by the District Board of Directors.

- B. **“Landscape Area”** means all non-hardscape or non-building area.
- C. **“Low Volume Irrigation System”** means appropriately designed irrigation systems that utilize low volume watering devices appropriate to the climatic and site factors including microsprinkler heads, drip emitters, and bubbler emitters.
- D. **“Master Shut-off Valve”** is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system.
- E. **“Multi-Family Dwellings, Commercial and/or Institutional”** means a newly constructed or existing multi-family residential dwelling, commercial and/or institutional building/facility whose owner/occupant is making application to the District for new water service on a property where District water service did not previously exist (collectively referred to herein as “Multi-Family Dwelling”).
- F. **“Plant Factor”** or “plant water use factor” is a factor, when multiplied by evapotranspiration (ET_o), estimates the amount of water needed by plants.
- G. **“Runoff”** means water from irrigation that leaves the Landscape Area and flows onto sidewalks, streets, or roads.
- F. **“Turf”** means a surface layer of earth containing mowed or unmowed living grass with its roots.

SECTION 4. RESTRICTIONS ON LANDSCAPE

- A. Turf and/or any plants not on the Approved List are limited up to 50% of the Landscape Area.
- B. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.
- C. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
- D. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
- E. All irrigation devices must use high efficiency sprinkler heads.
- F. All irrigation systems must have pressure regulators and master shut-off valves.
- G. All of the Landscape Area shall be designed to eliminate any runoff.

- H. Areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

SECTION 5. NOTICE

A. District shall record a Covenant of Landscape Restrictions on each Multi-Family Dwelling that is subject to this Ordinance with the Kern County Recorder as notice to each and every owner of said Multi-Family Dwelling of the provisions of this Ordinance.

B. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record of the Multi-Family Dwelling and the occupant of the Multi-Family Dwelling. The notice shall be dated and shall specify the address of the Multi-Family Dwelling, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 5(A) above, within thirty (30) calendar days, a second violation shall occur and a second notice containing the information specified in Section 5(B) above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If, under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

D. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 5(C) above, within thirty (30) calendar days, a third violation shall occur and a third notice containing the information specified in Section 5(B) above shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated in thirty (30) calendar days unless the Multi-Family Dwelling is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the Multi-Family Dwelling which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 6. EXTENSION

A. The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 7. APPEAL

A. Should a property owner/occupant of a Multi-Family Dwelling determined to be in violation of this Ordinance dispute the findings of staff, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

B. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner may then make his or her petition to the Board of Directors. The Board's determination shall be final.


SECTION 8. EFFECTIVE DATE

A. The foregoing Ordinance shall become effective on December 1, 2015 upon adoption of same by the Board of Directors of the District.

SECTION 9. PUBLICATION

A. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 14th day of December, 2015.



President of the Indian Wells Valley
Water District Board of Directors

ATTEST



Secretary of the Indian Wells Valley
Water district Board of Directors

(SEAL)

ORDINANCE 100

ORDINANCE NO. 100

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NUMBER 97 IN ITS ENTIRETY AND ADOPTING EMERGENCY WATER CONSERVATION MANDATORY RESTRICTIONS

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000 *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31026, the District may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district and may prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible;

WHEREAS, the State Water Resources Control Board adopted emergency regulations to safeguard the state's remaining water supplies by imposing mandatory water restrictions more stringent than those of the District's Ordinance No. 93;

WHEREAS, this Ordinance will supersede Ordinance No. 93 until rescinded by the District's Board of Directors.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. TITLE

This Section shall be known and may be cited as the Emergency Water Conservation Regulation.

SECTION 2. PURPOSE AND INTENT

- A. Establish a drought water conservation plan to reduce water consumption in residential, commercial, public and industrial landscape, and the hotel/motel, and restaurant industry; and
- B. implement a more efficient use of water.

SECTION 3. REPEAL, RECISSION AND AMENDMENT

Ordinance 97 is hereby rescinded in its entirety.

SECTION 4. DEFINITIONS

Drip Irrigation System shall mean the use of a drip emitter system that permits no more than 5 gallons of water per hour from each emitter.

Hand Watering shall mean the actual watering of landscape by a person who remains present and holds onto and directs the watering device.

Irrigation System shall mean an irrigation system that utilizes water sprinklers, emitters and/or bubblers.

Recirculation shall mean the reuse of water in a pool or pond in such a way that the water would enter from one point and be reused in another portion in such a way that the water is not wasted or lost by reuse in the pool or pond.

Runoff shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Landscape Area means all non-hardscape or non-building area on the property.

Turf shall mean a surface layer of earth containing mowed or un-mowed grass with its roots.

SECTION 5. MANDATORY RESTRICTIONS

A. No water user shall waste water. For the purposes of this section “waste” includes the following and is prohibited:

1. Landscape irrigation to an extent which allows water to runoff the Landscape Area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
2. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
3. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
4. Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.

B. During the months of April, May, June, July, August, September and October, all customers of the District (residential/commercial/public/industrial) with even-numbered addresses may only operate irrigation systems on Tuesday, Thursday and Saturday and odd numbered addresses may only operate irrigation systems on Wednesday, Friday and Sunday. Irrigation systems may not be operated on Mondays. Landscape Areas shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM, unless a special permit is issued to accommodate newly planted material.

During the months of November, December, January and February, all customers of the District (residential/commercial/public/industrial) with even-numbered addresses may only operate irrigation systems on Saturday and odd numbered addresses may only operate irrigation systems on Sunday. Irrigation systems may not be operated on

Mondays, Tuesdays, Wednesdays, Thursdays or Fridays. There will be no daytime watering restriction during these months.

- C. Turf or ornamental landscapes shall not be irrigated during the 48 hours following measurable precipitation.
- D. Restaurants and other food service establishments shall only serve water to customers on their request.
- E. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
- F. Operating a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
- G. No water service shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.

The General Manager of the Indian Wells Valley Water District or designee may provide health and safety exceptions with regards to mandatory measures on a case by case basis.

SECTION 6. NOTICE AND PENALTIES

- A. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice (warning) to the owner of record, and/or occupant and/or property manager (owner/occupant/manager). The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant/manager that termination of water service may result from continued non-compliance. These provisions are for a first violation of the provisions of this Ordinance 100 by the owner/occupant/manager.
 - 1. Once a warning has been issued to any owner/occupant/manager, they shall be considered duly informed of the District's Mandatory Restrictions pursuant to this Ordinance 100 and any future violations shall be subject to Sections 6.B through E below.

- B. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.A above, within a reasonable amount of time but not less than two weeks, a second violation shall occur and the District shall provide a second written notice to the owner/occupant/manager. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance, how to obtain educational water conservation materials electronically, and the name and telephone number of a District staff person that can provide additional information including hard copies of educational water conservation materials. In addition, the notice shall advise the owner/occupant/manager that a monetary fine in the amount of Fifty Dollars (\$50.00) shall be imposed for a third violation of this Ordinance and that termination of water service may result from continued non-compliance.
- C. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.B above, within a reasonable amount of time but not less than two weeks, a third violation shall occur and a third notice containing the date, the address, the nature of the violation and the steps that must be taken to comply with this Ordinance shall be issued. The third notice shall further advise the owner/occupant/manager that a fine in the amount of Two Hundred Dollars (\$200.00) shall be imposed for fourth violation of this Ordinance and that termination of water service may result from continued non-compliance. The third violation shall impose a Fifty Dollar (\$50.00) fine charged to and billed on the water user's account. This fine shall be subject to the District's Delinquent Charges section as described in the current Water Sales and Service Policy Manual.

If, in the sole discretion of the District, satisfactory progress is being made on steps to correct the violation, a third notice will not be issued.

- D. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.C above, within a reasonable amount of time but not less than two weeks, a fourth violation shall occur and a fourth notice containing the date, the address, the nature of the violation and the steps that must be taken to comply with this Ordinance shall be issued. The fourth violation shall impose a Two Hundred Dollar (\$200.00) fine charged to and billed on the water user's account on a monthly basis until the violation(s) ceases. This fine shall be subject to the District's Delinquent Charges section as described in the current Water Sales and Service Policy Manual.
- E. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.D above resulting in repeated and significant water loss as determined by the District, the District may terminate water service within ten (10) calendar days unless the owner/occupant/manager is in compliance with the provisions of

this Ordinance. If the owner/occupant/manager fails to comply with the provisions of this Ordinance, the final notice of service termination, subject to the District's current 48-Hour Notice of Termination charge, shall be posted at the entrance to the dwelling/property stating that water service shall be terminated in forty-eight (48) hours

Service may only be restored if the violation has been corrected. Owner/occupant/manager will be required to pay all fines and penalties previously assessed pursuant to this Ordinance plus a Service Reinstatement Charge per the Customer Service Charges section as described in the current Water Sales and Service Policy Manual.

SECTION 7. EXTENSION

The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 8. APPEAL

1. Should an owner/occupant/manager determined to be in violation of this Ordinance dispute the findings of staff or if said owner/occupant/manager believes they have sufficient justification for said violation, said owner/occupant/manager may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.
2. The District's General Manager or a designated representative of the General Manager shall mail the owner/occupant/manager a written decision within ten (10) calendar days of the hearing. If the owner/occupant/manager is dissatisfied with the outcome of the hearing, the owner/occupant/manager may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The owner/occupant/manager may then make his or her petition to the Board of Directors. The Board's determination shall be final.

SECTION 9. ADMINISTRATIVE EXCEPTIONS

The General Manager of the District or designee may provide administrative exceptions to the landscape and irrigation plan requirements of this Ordinance on a case by case basis.

The General Manager of the District or designee will notify the City Manager of any administrative exemption granted pursuant to this Section prior to the date the exception becomes effective.

The City Manager or designee after consultation with and approval from the General Manager of Indian Wells Valley Water District may grant an administrative exception.

SECTION 10. EFFECTIVE DATE

1. The foregoing Ordinance shall become effective upon adoption of same by the Board of Directors of the Indian Wells Valley Water District.

SECTION 11. PUBLICATION

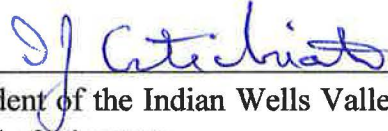
1. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District within ten (10) days after adoption.

All the foregoing being on the motion of Vice-President Brown seconded by Director Corlett, and authorized by the following vote, namely:

AYES:	President Cortichiato Vice-President Brown Director Cordell Director Corlett
NOES:	Director Griffin
ABSENT:	None.
ABSTAIN:	None.

I HEREBY CERTIFY that all the foregoing ordinance is the ordinance of the Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the 11th day of January, 2016.

WITNESS my hand and the official seal of said Board of Directors this 11th day of January, 2016.



President of the Indian Wells Valley Water District
Board of Directors

ATTEST



Secretary of the Indian Wells Valley Water
District Board of Directors

(SEAL)

APPENDIX 5

DRAFT WATER SHORTAGE CONTINGENCY RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, DECLARING A [STAGE 1, STAGE 2, OR LOCAL] WATER SUPPLY SHORTAGE OR A CATASTROPHIC INTERRUPTION OF WATER SUPPLIES

WHEREAS, the Indian Wells Valley Water District ("District") is the water supplier for the property owners and inhabitants of portions of Kern and San Bernardino Counties, situated within the District's boundary.

WHEREAS, on July 10, 2017, the Board of Directors ("Board") of the District adopted Ordinance No. 101 approving the 2017 Water Shortage Contingency Plan ("WSCP") establishing actions, water allotments, prohibitions, and penalties to be implemented during the various stages of a water shortage or a catastrophic interruption of water supplies.

WHEREAS, due to the present circumstances, the ordinary demands and requirements of District water customers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

WHEREAS, pursuant to California Water Code Section 350 *et seq*, the Board of Directors of the Indian Wells Valley Water District conducted a duly noticed public hearing to provide District customers with the opportunity to be heard to and to present their respective needs to the District's Board.

NOW, THEREFORE, BE IT RESOLVED by the District Board of Directors of the Indian Wells Valley Water District as follows:

1. Due to the present circumstances, the District's water supply is not adequate to meet the ordinary demands and requirements of District water customers without depleting the District's water supply to the extent that there may be insufficient water for human consumption, sanitation and fire protection.

2. The Board finds and declares that due to the present circumstances, the water shortage conditions established in the District's WSCP exist, necessitating this Board to declare a [Stage 1, Stage 2, or Local] Water Supply Shortage or a Catastrophic Interruption of Water Supplies.
3. The Board hereby directs the General Manager to implement the District's Water Supply Shortage Response, as set forth in the District's Water Shortage Contingency Plan and any other measures that may be adopted by this Board in response to the water supply shortage.
4. The Board may periodically conduct proceedings to determine additional restrictions and regulations which may be necessary to safeguard the adequacy of the District's water supply for domestic, sanitation, and fire protection.

All the foregoing being on the motion of _____ seconded by _____, and authorized by the following vote, namely:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing resolution is the resolution of Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the _____th day of _____, 20____.

WITNESS my hand and the official seal of said Board of Directors this _____th day of _____, 20____.

ADOPTED AND APPROVED this _____th day of _____, 20____.

[Name]

President, Board of Directors
INDIAN WELLS VALLEY WATER DISTRICT

ATTEST:

[Name]
Secretary, Board of Directors
INDIAN WELLS VALLEY WATER DISTRICT

(SEAL)

DRAFT