



# Desert Water Agency Water Shortage Contingency Plan

Final Draft

*prepared on behalf of*

**Desert Water Agency**  
1200 S Gene Autry Trail  
Palm Springs, California 92264

*prepared by*

**Rincon Consultants, Inc.**  
2060 Knoll Drive  
Ventura, California 93003

**May 11, 2026**



## Table of Contents

1	Introduction .....	1
2	Water Supply Reliability Analysis .....	2
3	Annual Water Supply and Demand Assessment Procedures .....	3
3.1	Decision Making Process .....	3
3.2	Data and Methodologies .....	4
3.2.1	Evaluation Criteria .....	4
3.2.2	Water Supply .....	4
3.2.3	Current Year Unconstrained Customer Demand .....	4
3.2.4	Current Year Supply .....	4
3.2.5	Infrastructure Considerations .....	4
3.2.6	Other Factors .....	4
4	Six Standard Water Shortage Levels .....	4
5	Shortage Response Actions .....	5
5.1	Supply Augmentation .....	5
5.2	Demand Reduction Actions and Mandatory Use Restrictions .....	6
5.3	Operational Changes .....	11
5.4	Additional Mandatory Restrictions .....	11
5.5	Emergency Response Plan .....	11
5.6	Seismic Risk Assessment and Mitigation Plan .....	11
5.7	Shortage Response Action Effectiveness .....	12
6	Communication Protocols .....	12
7	Compliance and Enforcement .....	14
7.1	Penalties .....	14
7.2	Appeals and Exemption Process .....	14
8	Legal Authorities .....	14
8.1	Declaration of Water Shortage .....	15
8.2	Proclamation of Local Emergency .....	15
9	Financial Consequences of WSCP Implementation .....	16
9.1	Financial Impacts and Mitigation Action .....	16
9.2	Reporting Cost of Compliance with Excessive Water Use Prohibition During Drought Emergency .....	16
10	Monitoring and Reporting .....	16
11	WSCP Refinement Procedures .....	17
12	Special Water Feature Distinction .....	17
13	Plan Adoption Submittal, and Availability .....	17
14	References .....	18

**Tables**

Table 1. Annual Assessment Decision-Making Process ..... 3  
Table 2. Water Shortage Contingency Plan Levels ..... 5  
Table 3. Supply Augmentation and Other Actions..... 6  
Table 4. Demand Reduction Actions..... 7  
Table 5. Communication Plan Outline.....13  
Table 6. Enforcement Actions ..... 14  
Table 7. City and County Coordination on Proclamation of Emergencies ..... 15

**Attachments**

Attachment A Desert Water Agency Ordinance No. 72

## 1 Introduction

This Water Shortage Contingency Plan (WSCP) describes how the Desert Water Agency (DWA) intends to predict and respond to foreseeable and unforeseeable water shortages, which occur when available water supplies are reduced to a level that cannot support typical demand at any given time. The WSCP serves as a planning document to guide the DWA Board of Directors, staff, and the public by identifying response actions that allow for efficient and accountable management of water shortages with predictability and transparency. While the WSCP does not provide absolute direction, it offers a range of response options to address varying water shortage conditions.

Water shortages may be triggered by hydrologic limitations in supply—such as prolonged periods of below-normal precipitation and runoff—failures or limitations in supply or treatment infrastructure, or a combination of both. Hydrologic or drought-related shortages typically develop and subside gradually, whereas infrastructure-related shortages tend to occur more suddenly and unpredictably. Water supplies may be interrupted or substantially reduced due to events such as drought, earthquakes that damage delivery or storage facilities, regional power outages, or toxic spills that affect water quality.

This WSCP describes the following:

1. **Water Supply Reliability Analysis.** Summarizes DWA's water supply analysis and reliability and identifies the key issues that may trigger a shortage condition.
2. **Annual Water Supply and Demand Assessment Procedures.** Describes the key data inputs, evaluation criteria, and methodology for assessing the system's reliability for the coming year and the steps to formally declare any water shortage levels and response actions.
3. **Six Standard Shortage Stages.** Establishes water shortage levels to clearly identify and prepare for shortages.
4. **Shortage Response Actions.** Describes the response actions that may be implemented or considered for each stage to reduce gaps between supply and demand as well as minimize social and economic impacts to the community.
5. **Communication Protocols.** Describes communication protocols under each stage to ensure customers, the public, and the DWA Board of Directors are informed of shortage conditions and requirements.
6. **Compliance and Enforcement.** Defines compliance and enforcement actions available to administer demand reductions.
7. **Legal Authority.** Lists the legal documents that grant DWA the authority to declare a water shortage and implement and enforce response actions.
8. **Financial Consequences of WSCP Implementation.** Describes the anticipated financial impact of implementing water shortage stages and identifies mitigation strategies to offset financial burdens.
9. **Monitoring and Reporting.** Summarizes the monitoring and reporting techniques to evaluate the effectiveness of shortage response actions and overall WSCP implementation. Results are used to determine if additional shortage response actions should be activated or if efforts are successful and response actions should be reduced.
10. **WSCP Refinement Procedures.** Describes the factors that may trigger updates to the WSCP and outlines how to complete an update.
11. **Special Water Features Distinctions.** Identifies exemptions for ponds, lakes, fountains, pools, and spas, etc.
12. **Plan Adoption, Submittal, and Availability.** Describes the process for the WSCP adoption, submittal, and availability after each revision.

DWA is one of six agencies in the Coachella Valley participating in the development of a 2025 Regional Urban Water Management Plan (RUWMP). Each agency is adopting the RUWMP to meet its reporting requirements under the Urban Water Management Planning Act (UWMP Act). Each agency is also adopting its own WSCP. The agencies have sought to align their shortage levels and shortage response actions to the extent possible, with the intent of reducing confusion for neighboring customers during a shortage. This document is compliant with the California Water Code (CWC) Section 10632 and incorporated guidance from the California Department of Water Resources (DWR) 2025 UWMP Guidebook (DWR 2026)

## 2 Water Supply Reliability Analysis

This section provides a summary of the supply reliability analysis presented in Chapter 4 of the RUWMP and highlights key issues that could create a shortage condition.

The water supplies of the agencies in the Coachella Valley generally have a high degree of reliability. The RUWMP participating agencies meet most of their urban demands with groundwater produced from the Indio and Mission Creek Subbasins of the Coachella Valley Groundwater Basin. The groundwater basin is large enough to provide storage that allows continued production during dry periods. Because production exceeds the recharge provided by precipitation and return flows, the agencies use imported water to recharge the groundwater basin. These sources of imported water for recharge include:

- **Colorado River water** that CVWD receives primarily through the Coachella Canal for replenishment at Thomas E. Levy Groundwater Replenishment Facility (GRF) and Palm Desert GRF, and a small portion through Metropolitan Water District of Southern California's (MWD's) Colorado River Aqueduct for replenishment at Whitewater River GRF.
- **State Water Project (SWP) water** that CVWD and Desert Water Agency (DWA) have rights to receive. Because the SWP infrastructure does not extend into the Coachella Valley, CVWD and DWA have an exchange agreement with MWD to receive Colorado River water from its Colorado River Aqueduct to for replenishment at Whitewater River GRF. In return, MWD receives SWP water through the SWP infrastructure based on the annual SWP allocations to CVWD and DWA.

Drought conditions are not expected to affect CVWD's Colorado River water supply due to the agency's high priority allocation, though post-2026 negotiations are ongoing. Colorado River water is not a direct source of urban water supply; it is used for groundwater replenishment and non-potable irrigation uses. If a reduction in Colorado River water supply occurred, CVWD would initially reduce deliveries to groundwater replenishment projects. Subsequent reductions in delivery would be applied by the CVWD Board of Directors as provided in CVWD's Canal Water Shortage Contingency Plan, Chapter 3.10, Article XII of CVWD's administrative code (CVWD 2026).

Drought conditions in the Sierra Nevada would influence the SWP water allocation; thus reducing the SWP Exchange water received by CVWD and DWA. Reductions in SWP allocations have occurred during prior droughts and SWP reliability is forecasted by DWR to continue declining with future climate changes (DWR 2025). SWP exchange water is used for replenishment of the Indio and Mission Creek Subbasins and is not a direct source of urban water supply. Consequently, water use restrictions due to drought involving the SWP water supply would likely be implemented only during a prolonged drought.

During dry periods when less imported water is available, groundwater production will exceed the amount of recharge, and the volume of groundwater in storage will be reduced. However, these reductions can be reversed in wet years when additional imported water is available. The Coachella Valley Groundwater Basin is a large basin which provides a buffer during dry periods, thus allowing the agencies to develop long-term plans and programs to manage regional water supplies. The Indio Subbasin Alternative Plan Update (Indio Subbasin GSAs 2021) and Mission Creek Subbasin Alternative Plan Update (Mission Creek Subbasin Management Committee 2021) both address groundwater sustainability considering hydrologic variability of replenishment supplies and other local water sources.

The reliability analysis for DWA is presented in Section 6.7 of DWA’s chapter of the RUWMP. Although that analysis demonstrates that the region’s urban water supply is reliable, there are potential issues that could create a shortage condition. These include:

- An extended drought more severe than historic events, possibly exacerbated by climate change.
- A natural disaster or a malevolent act that leads to prolonged disruption of imported water delivery from the Colorado River or the SWP.
- Reductions in imported water supply due to environmental restrictions related to endangered species or habitat protection.
- Identification of a currently unregulated contaminant that has widespread effects on the region’s groundwater supply.
- Regulatory mandates to reduce water use.

Water shortage contingency planning provides a way to plan for these risks and anticipate actions that can be implemented to manage the impacts. This plan describes how DWA intends to respond to such shortage events. The responses have been aligned with those of other RUWMP participating agencies to the extent possible.

### 3 Annual Water Supply and Demand Assessment Procedures

DWA is required to prepare an Annual Water Supply and Demand Assessment (Annual Assessment) and submit it to DWR each year. The Annual Assessment is intended to meet requirements of Water Code Section 10632.1 and present an assessment of the likelihood of a water shortage occurring during the next 12 months. This section of the WSCP outlines the procedures that DWA will use to prepare the Annual Assessment. The procedures defined in this section will allow DWA to follow a consistent annual procedure for making the determination of whether to activate the WSCP.

#### 3.1 Decision Making Process

DWR requires a defined decision-making process for performing the Annual Assessment. The process and anticipated timeline are presented in Table 1.

**Table 1. Annual Assessment Decision-Making Process**

Anticipated Timeline of Each Year	Activities
February	DWA staff review available data related to anticipated supplies and demands.
March	The six agencies participating in the Coachella Valley RUWMP review the data and determine whether a consistent region-wide determination on water supply reliability can be made. If needed, individual agencies may elect to activate their WSCP at different shortage levels than other participating agencies.
April	DWA staff will make a determination whether to recommend implementation of shortage response actions.
May	If shortage response actions are to be implemented, DWA management will present the recommendation to the governing board for consideration. If the governing board decides to implement the WSCP, it will provide public notice of a hearing to consider changes in the implementation of the shortage response actions.
June	DWA staff prepares the Annual Assessment and submits to DWR by July 1.

## 3.2 Data and Methodologies

This section describes the data and methodologies that will be used to evaluate water system reliability for the Annual Assessment.

### 3.2.1 Evaluation Criteria

DWA will rely on locally applicable criteria for each Annual Assessment. This includes findings of the annual reports prepared for the Indio Subbasin and the Mission Creek Subbasin for compliance with the Sustainable Groundwater Management Act. The annual Engineer's Report on Water Supply and Replenishment Assessment will also be incorporated along with both applicable reports and data.

### 3.2.2 Water Supply

DWA's anticipated supplies will be quantified for the near-term future, and descriptive text will be used to note any anticipated reductions in supply.

### 3.2.3 Current Year Unconstrained Customer Demand

DWA will prepare an estimate of unconstrained demand (as the term is used in Water Code Section 10632(a)(2)(B)(i)). The estimated demand will be calculated using the demand projection approach described in Section 4 of each agency's chapter of the RUWMP, in combination with updated data for connections, climate, changes in land use, and recent water usage history.

### 3.2.4 Current Year Supply

DWA will describe the anticipated use of water supplies for the coming year, with the anticipation that the following year will be dry. The supplies will be characterized in a manner consistent with the RUWMP, in combination with updated data for climate and recent observations.

### 3.2.5 Infrastructure Considerations

DWA will describe any potential infrastructure constraints on the ability to deliver adequate supplies to meet expected customer demands in the coming year. DWA will verify that its system of wells, pipelines, pump stations, storage tanks and related infrastructure have adequate capacity to deliver the anticipated demands. DWA will describe any anticipated capital projects that are intended to address constraints in production, treatment, or distribution.

### 3.2.6 Other Factors

DWA will describe any specific locally applicable factors that could influence or disrupt supplies. DWA will also describe unique local considerations that are considered as part of the Annual Assessment.

## 4 Six Standard Water Shortage Levels

The RUWMP participating agencies have elected to use the six standard shortage levels included in guidance documents prepared by DWR. The six standard water shortage levels correspond to progressively increasing estimated shortage conditions (up to 10-, 20-, 30-, 40-, 50- percent, and greater than 50-percent shortage compared to the normal reliability condition). These levels are identified in Table 2.

**Table 2. Water Shortage Contingency Plan Levels**

Shortage Level	Percent Shortage Range	Description	Shortage Response Actions
1	Less than 10%	Normal water supplies	Mandatory prohibitions defined by the state, ongoing rebate programs
2	Up to 20%	Slightly limited water supplies	Outdoor water use restrictions on time of day, increased water waste patrols
3	Up to 30%	Moderately limited water supplies	Outdoor water use restrictions on days per week, restrictions on filling swimming pools
4	Up to 40%	Limited water supplies	Limits on new landscaping, expanded public information campaign
5	Up to 50%	Significantly limited water supplies	Limits on watering of parks or school grounds
6	Greater than 50%	Severe shortage or catastrophic incident	No potable water use for outdoor purposes

Each level in Table 2 represents an anticipated reduction in the supplies that would normally be available to DWA. These supply reductions could be the result of a variety of potential causes including natural forces, system component failure or interruption, regulatory actions, contamination, or any combination of factors. DWA may need to activate shortage levels across its entire service area or within certain areas that are impacted by an event.

The levels involve voluntary and mandatory conservation measures and restrictions, depending on the causes, severity, and anticipated duration of the water supply shortage. The locally appropriate shortage response actions that would be taken at each level to address the resulting gap between supplies and demands are described in the following section.

## 5 Shortage Response Actions

This section describes the shortage response actions that would be taken by DWA at each shortage level. These actions have been grouped into categories including:

- Supply Augmentation Actions
- Demand Reduction Actions and Mandatory Use Restrictions
- Operational Changes

### 5.1 Supply Augmentation

For long-range planning, DWA continues to evaluate opportunities for transfers, exchanges, and other purchases of imported water to increase supply reliability. CVWD and DWA collaborate to replenish the Indio and Mission Creek Subbasins with imported water, creating a stored supply that can be used for emergencies or longer-term shortages. CVWD and DWA are also making investments in increasing supply reliability from the SWP through the Delta Conveyance Facility and in securing new supplies like Sites Reservoir.

Additionally, the RUWMP participating agencies continue to implement water conservation measures and increase use of recycled water usage to reduce groundwater demand. DWA’s demand management programs are described in DWA’s chapter of the RUWMP.

In its WSCP, DWA has the option of identifying short-term supply augmentation actions that would be taken during a shortage. These actions are intended to be separate from the long-range planning efforts to sustainably manage the groundwater basin. The short-term supply augmentation measures that could be implemented are presented in Table 3.

**Table 3. Supply Augmentation and Other Actions**

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	How much is this going to reduce the shortage gap?		Additional Explanation or Reference
		Volume or Percentage	Shortage Gap Reduction Value	
1 - 6	Exchanges	Volume	Medium	Emergency connections with neighboring agencies could be activated or constructed to help exchange water with adjoining systems.
5	Other Actions	Volume	Medium	In areas where recycled water or other non-potable supply is available, customers could be mandated to use these supplies and cease use of potable water.
6	Other Actions	Volume	Medium	Additional non-potable water sources such as new shallow groundwater wells.

### 5.2 Demand Reduction Actions and Mandatory Use Restrictions

The RUWMP participating agencies have aligned their demand reduction actions to the greatest extent possible, while allowing each agency flexibility needed to address unique characteristics. The agencies conducted public workshops to gather input on actions that could be taken during a water shortage. The input from stakeholders was used to select and prioritize actions that reflected the values of the community. Key elements of the input included:

- The importance of recognizing the conservation efforts that many customers have already made and not imposing requirements for all customers to meet the same percentage reduction in water use.
- The importance of involving Homeowner Associations (HOAs) to help implement and communicate response actions to individuals.
- A balanced program should include rebates (such as expanded rebates for turfgrass removal) as well as penalties (such as drought rates).
- A range of approaches is needed to communicate with customers and end users, including social media, web sites, bill inserts, presentations, and virtual tours, ideally in multiple languages.

The demand reduction actions that could be implemented at each shortage level are shown in Table 4. During a shortage, DWA may implement some or all of the actions as needed, depending on actual conditions. As described in Section 6.9 of DWA's chapter of the RUWMP, DWA implements demand management measures (DMMs) to increase water use efficiency which includes details regarding water waste prevention ordinances, metering, conservation pricing, and public education and outreach programs for conservation.

DWA implements mandatory restrictions on water use through Ordinance No. 72 as reflected in Attachment A. This ordinance includes regulations restricting the use of water during threatened or existing water shortage conditions. Through this ordinance, water conservation levels are established and detail prohibitions of waste and unreasonable use of water for each level as described in Table 4, including penalties and enforcement of violation.

**Table 4. Demand Reduction Actions**

Shortage Level	ID	Demand Reduction Actions	How much is this going to reduce the shortage gap?		Penalty or Enforcement
			Volume or Percentage	Shortage Gap Reduction Value	
1	1.1	Applying any water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.	Volume	Low	No
	1.2	Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.	Volume	Low	No
	1.3	Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.	Volume	Low	No
	1.4	Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.	Volume	Low	No
	1.5	Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.	Volume	Low	No
	1.6	Broken sprinklers shall be repaired within five business days of notification by agency, and leaks shall be repaired as soon as practical.	Volume	Low	No
	1.7	Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or leak repair.	Volume	Low	No
	1.8	Hotels will provide guests the option of choosing not to have towels and linens laundered daily.	Volume	Low	No
	1.9	Agency shall discourage overseeding.	Volume	Low	No
	1.10	Agency shall provide rebates for landscape efficiency.	Volume	High	No
	1.11	Agency shall offer water use surveys/audits.	Volume	Medium	No
	1.12	Agency shall provide rebates on plumbing fixtures and devices.	Volume	Medium	No

Water Shortage Contingency Plan

Shortage Level	ID	Demand Reduction Actions	How much is this going to reduce the shortage gap?		Penalty or Enforcement
			Volume or Percentage	Shortage Gap Reduction Value	
2	2.1	Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.	Volume	Medium	Yes
	2.2	Restaurants can serve water only on request.	Volume	Low	Yes
	2.3	Agency shall encourage use of non-potable water for construction, if available.	Volume	Low	No
	2.4	Agency shall actively discourage overseeding.	Volume	Medium	No
	2.5	Agency shall reduce outdoor water budget by 10%	Volume	Medium	Yes
	2.6	Agency shall expand public information campaign.	Volume	Medium	No
	2.7	Agency shall increase water waste patrols.	Volume	Medium	Yes
	2.8	Agency shall reduce hydrant and dead-end line flushing.	Volume	Low	No
3	3.1	Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday, and Friday).	Volume	High	Yes
	3.2	Drip or subterranean irrigation is allowed seven days per week, during non-daylight hours.	Volume	Medium	Yes
	3.3	Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.	Volume	Low	Yes
	3.4	Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.	Volume	Low	Yes
	3.5	No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.	Volume	Low	Yes
	3.6	Commercial car washes must use recycled water or recirculating water systems.	Volume	Medium	Yes
	3.7	Spray irrigation of medians and parkways is prohibited.	Volume	Medium	Yes
	3.8	Agency shall encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.	Volume	Low	No

Water Shortage Contingency Plan

Shortage Level	ID	Demand Reduction Actions	How much is this going to reduce the shortage gap?		Penalty or Enforcement
			Volume or Percentage	Shortage Gap Reduction Value	
	3.9	Agency shall strengthen customer billing messages with use comparisons.	Volume	Medium	No
	3.10	Agency shall implement water use audits targeted to key customers to ensure compliance with directives.	Volume	Medium	No
	3.11	Agency shall expand rebate programs.	Volume	Medium	No
4	4.1	Turfgrass landscapes may not be watered except where subterranean or non-potable water systems are used.	Volume	High	Yes
	4.2	No new turf landscaping shall be installed.	Volume	N/A	Yes
	4.3	Agency shall implement or modify drought rate surcharge.	Volume	High	Yes
	4.4	Agency shall reduce outdoor water budget by up to 25%.	Volume	High	Yes
	4.5	Agency shall expand public information campaign.	Volume	Medium	No
5	5.1	Watering turfgrass is prohibited.	Volume	High	Yes
	5.2	The use of misting systems is prohibited.	Volume	Medium	Yes
	5.3	Turfgrass at parks and school grounds are to be watered with recycled water, if available, or not at all.	Volume	Medium	Yes
	5.4	Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water, or not at all.	Volume	Medium	Yes
	5.5	Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.	Volume	High	Yes
	5.6	Outdoor water use for grading or development is prohibited.	Volume	High	Yes
	5.7	Agency shall reduce outdoor water budget by up to 50%.	Volume	High	Yes
	5.8	Agency shall impose moratorium or net zero demand on new connections.	Volume	N/A	Yes
	5.9	Agency shall not issue new construction meters, and water service through construction meters will not be available.	Volume	N/A	Yes

Water Shortage Contingency Plan

Shortage Level	ID	Demand Reduction Actions	How much is this going to reduce the shortage gap?		Penalty or Enforcement
			Volume or Percentage	Shortage Gap Reduction Value	
6	6.1	The Agency will implement mandatory rationing.	Volume	High	Yes
	6.2	Outdoor water use is prohibited.	Volume	High	Yes
	6.3	Restaurants must use disposable cups, plates, and utensils.	Volume	Low	Yes
	6.4	Commercial nurseries shall discontinue all watering and irrigation.	Volume	Low	Yes
	6.5	Watering of livestock is permitted as necessary.	Volume	N/A	Yes

### 5.3 Operational Changes

DWA has identified potential operational changes that could be made to help address a short-term gap between demands and available supplies. These include improved monitoring and analysis of customer water usage, reductions in flushing of hydrants and dead-end lines, and use of emergency connections with neighboring water agencies. Some of the potential actions are included in Table 4. DWA may also expedite planned system improvement projects that include reduction in water loss (e.g., replacement of water mains that are experiencing higher rates of leaks and breaks).

### 5.4 Additional Mandatory Restrictions

DWA has identified a series of restrictions that could be implemented at different shortage levels. These restrictions are included in the demand reduction actions in Table 4.

### 5.5 Emergency Response Plan

The Water Code requires that an agency's WSCP address catastrophic water shortages and plans to address them. This information can be addressed in the agency's Emergency Response Plan (ERP). DWA's ERP contains sensitive information related to potential vulnerabilities or impacts of natural disasters or malevolent acts. Therefore, these documents are not typically made publicly available. DWA's plan outlines specific disaster-related procedures to guide staff in responding efficiently to catastrophic interruptions of water supply.

DWA collaborates on planning efforts, including emergency response, through the Coachella Valley Regional Water Management Group (CVRWWMG). In addition, CVWD, DWA, Indio, and MSWD are members of the California Water/Wastewater Agency Response Network (CalWARN), which supports and promotes emergency preparedness. More information about CalWARN is available at their web site at [www.calwarn.org](http://www.calwarn.org).

The region's imported water supplies from the Colorado River and the SWP could be disrupted by an earthquake. Because the agencies use local groundwater to meet urban demands, the agencies could continue to meet short term urban demands with groundwater production. DWA has portable generators that can be deployed to allow continued operation during a power outage.

DWR has plans in place to make emergency repairs to the SWP, and MWD has plans in place to make emergency repairs to the CRA.

RUWMP participating agencies participate in Incident Command System (ICS) training through the Federal Emergency Management Agency (FEMA), and regularly monitor key water facilities remotely.

If imported water supplies were disrupted for an extended period, it would reduce the water supply available for replenishment of the groundwater basin. DWA would implement levels of this WSCP, as needed, if pumping needed to be decreased while imported water supplies were interrupted.

### 5.6 Seismic Risk Assessment and Mitigation Plan

Water Code Section 10632.5 requires the agencies to assess seismic risk to water supplies as part of their WSCP. The code also requires a mitigation plan for managing seismic risks. In lieu of conducting their own seismic risk assessment, which can be a lengthy process, suppliers can comply with the Water Code requirement by submitting the relevant local hazard mitigation plan or multi-hazard mitigation plan.

The Riverside County Multi-Jurisdiction Local Hazard Mitigation Plan (MJLHMP) which was updated in 2025 (Riverside County 2023). The Riverside County MJLHMP includes an assessment of the region's vulnerability to a broad range of hazards, including earthquakes. It also describes mitigation strategies and actions to reduce the impacts of a seismic event. The RUWMP participating agencies continue to include seismic risk assessment in their planning process for system improvements.

## 5.7 Shortage Response Action Effectiveness

As a standard operating procedure, water is tracked through the production, distribution, and billing systems. During water shortage conditions, water use can be measured in comparison to what is considered to be a normal year demand (i.e., current customer base with approximately average rainfall), or in reference to a specific base year as may be dictated by Statewide requirements.

The effectiveness of actions initiated at each shortage response is challenging to measure and can vary significantly. Effectiveness is also impacted by successful communication and outreach efforts. It is also difficult to assess the effectiveness of each activity separately as each stage implements several activities at once. For the purpose of WSCP implementation, it is assumed that the upper end of the water savings would come from the use of multiple demand reduction actions in a stage. Reduction in the shortage gap for Stages 2-6 assume all measures in the previous stage(s) are implemented and those savings are counted toward the total reduction in the shortage gap.

## 6 Communication Protocols

Timely and effective communication is a key element of WSCP implementation. DWA will need to inform customers, the general public, and other government entities of WSCP actions taken during a water shortage (either one determined by the Annual Assessment, an emergency, catastrophic, or other event). An overview of planned communication approaches is provided in Table 5. These protocols have been aligned between the RUWMP participating agencies where possible, but some are tailored to the needs of DWA's service area. DWA will adjust its communication strategy as needed to address issues that are impacting the entire service area or limited areas.

**Table 5. Communication Plan Outline**

<b>At all times</b>	<b>Level 1 Up to 10% Voluntary Conservation</b>	<b>Level 2 Up to 20% Mandatory Conservation</b>	<b>Levels 3 and 4 Up to 30% or 40% Mandatory Conservation</b>	<b>Levels 5 and 6 Up to 50% or Over 50% Mandatory Conservation</b>
Standard outreach efforts in effect (media relations, social media, website)	Update message platform to reflect conditions, DWA's response, and needed actions from public	Update campaign and messages to generate immediate actions/behaviors by public, include information on enforcement actions	Update campaign and messages to raise awareness for more severe water-saving actions/behaviors by public, highlight need for reduced outdoor water use	Update campaign and messages to reflect extreme or emergency condition and likely need to focus water use on health/safety needs
Promote ongoing Water Use Efficiency (WUE) programs and tools and partnerships designed to achieve long-term water management goals	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce emergency status to key stakeholders and general public (e.g., News release, social media, etc.)
Standard coordination with MWD and regional partners	Include increased conservation messages on website and in standard outreach efforts; provide regular condition updates to stakeholders/media	Supplement Level 1 activities with additional tactics as needed; provide regular condition updates to stakeholders/media	Supplement Level 2 outreach with additional tactics as needed; provide regular updates to stakeholders/media on conditions	Supplement Level 3-4 outreach with additional tactics as needed; provide regular condition updates to stakeholders/media on conditions
Board reports on public communication and water-use efficiency outreach activities at least annually	Enhance promotion of ongoing WUE programs/tools; deploy targeted advertising	Conduct issue briefings with elected officials, other key civic and business leaders	Conduct specialized outreach to HOAs and local organizations	Suspend promotion of long-term WUE programs/tools to focus on imminent needs
	Initiate regular Board reports on campaign efforts	Increase promotion of ongoing WUE programs/tools	Promote available water assistance resources for vulnerable populations; specialized outreach to impacted industries	Continue enhanced coordination with neighbor agencies and local/state/federal policy makers as needed (e.g., daily or weekly briefings or email updates, etc.)

## 7 Compliance and Enforcement

This section describes how DWA will ensure compliance with and enforce provisions of the WSCP. The RUWMP participating agencies have worked together to align their policies where possible, but each agency implements its compliance and enforcement actions within its service area.

### 7.1 Penalties

The penalties that could be imposed for non-compliance are summarized in Table 6.

**Table 6. Enforcement Actions**

Water Shortage Level	First Violation	Second Violation (within 12 months)	Third Violation (within 12 months)	Subsequent Violations	Additional Information
1-6	Single-family residence: \$50 civil penalty	Single-family residence: \$100 civil penalty	Single-family residence: \$250 civil penalty	Single-family residence: \$250 civil penalty	DWA staff is authorized to discontinue water service for water waste violations.
	All others: \$100 civil penalty First penalties may be removed through participation in an incentive program at staff discretion.	All others: \$200 civil penalty	All others: \$500 civil penalty	All others: \$500 civil penalty	DWA could pursue criminal charges for violation. Severe or persistent violations may be considered a misdemeanor. Conviction of a violation of could result in imprisonment in the County jail for up to 30 days, a fine of up to \$1000, or both such fine and imprisonment.

### 7.2 Appeals and Exemption Process

This section describes the appeals and exemption processes.

Any water user violating the regulations and restrictions on water use may receive a written notice for the violation. The water user shall have seven days from receipt of the notice to submit a written request for a hearing. If no hearing is requested, or at the hearing it is determined that the water user has committed a violation, a civil penalty may be levied.

The government codes and ordinances that are used to implement these policies and processes are discussed in Section 7.

## 8 Legal Authorities

This section describes the legal authorities that DWA relies upon to implement the shortage response actions and the associated enforcement actions.

DWA's Ordinance No. 72 establishes its Water Conservation Plan and was adopted June 15, 2021. A copy of the legal authority is included in Attachment A.

### 8.1 Declaration of Water Shortage

In accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provisions regarding water shortage emergencies, DWA shall declare a water shortage emergency in the event of a catastrophic interruption in supply.

### 8.2 Proclamation of Local Emergency

DWA shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558). Table 7 contains a list of contacts for all cities or counties for which the RUWMP participating agencies provide service in the WSCP. Along with developed coordination protocols, this can facilitate compliance with this section of the Water Code in the event of a local emergency as defined in subpart (c) of Government Code Section 8558.

**Table 7. City and County Coordination on Proclamation of Emergencies**

City or County	Contact	CVWD	CWA	DWA	Indio	MDMWC	MSWD
Imperial County	Office of Emergency Services	X					
Riverside County	Emergency Management Department	X	X	X	X	X	X
City of La Quinta	Emergency Management Division	X			X	X	
City of Indio	Emergency Services Coordinator	X	X		X		
City of Coachella	Emergency Services Coordinator	X	X		X		
City of Palm Desert	Emergency Services Coordinator	X					
City of Cathedral City	Emergency Manager	X		X			
City of Indian Wells	Emergency Services Coordinator	X					
City of Rancho Mirage	Emergency Services Coordinator	X					
City of Palm Springs	Emergency Management Coordinator			X			X
City of Desert Hot Springs	Emergency Services Coordinator			X			X

## 9 Financial Consequences of WSCP Implementation

This section describes the anticipated financial consequences to DWA of implementing the WSCP. The description includes potential reductions in revenue due to lower water sales and increased expenses associated with implementing the shortage response actions.

### 9.1 Financial Impacts and Mitigation Action

Potential financial impacts of implementing the WSCP could include:

- Reduced revenue from reduced water use
- Increased staff costs for tracking, reporting, patrolling, and enforcing restrictions
- Economic impacts associated with water-dependent businesses in the service area

Potential mitigation measures include:

- Triggering of drought rate structures or surcharges
- Using financial reserves
- Reducing operation and maintenance expenses (expenses related to source of supply and pumping will fall due to reduced water production)
- Deferring capital improvement projects
- Reducing future projected operation and maintenance expenses
- Increasing fixed readiness-to-serve charge
- Increasing commodity charge and water adjustment rates to cover revenue shortfalls
- Seeking alternative sources of funding, such as state or federal grants or loans
- Other financial management mechanisms

DWA will monitor financial conditions during a water shortage and take appropriate actions, as needed. DWA maintains financial reserves that can be used to continue operations during a period of reduced water sales. DWA has the ability to increase water rates or implement a surcharge to increase revenues from water sales.

### 9.2 Reporting Cost of Compliance with Excessive Water Use Prohibition During Drought Emergency

To ensure customers comply with the restrictions implemented in a water shortage emergency, additional costs may be incurred to monitor and enforce response actions. The incurred cost may vary depending on the shortage stage and duration of the water shortage emergency. The cost of compliance may be tracked when a shortage is declared. DWA may track staff time and resources used to implement the WSCP, including reduced revenue, implementing and enforcing shortage response actions, and communication and outreach efforts.

## 10 Monitoring and Reporting

This section describes how DWA will monitor and report on implementation of the WSCP. DWA will gather data on key water use metrics and use the data to evaluate the effectiveness of response actions in achieving their intended water use reduction purposes. DWA will also gather data on customer compliance to evaluate the effectiveness of enforcement actions. DWA will gather and report data at frequencies adequate to meet reporting requirements established by the State Water Resources Control Board and other government agencies as needed.

DWA will monitor water use by customers using billing systems and operational control systems to monitor production and consumption. Each customer is metered, and billing records will be compiled and used to observe trends in water consumption. Each groundwater well and water connection point is also

metered, and production records will be used to observe trends in water production. Levels in reservoirs can be monitored using the operational control systems to help identify potential high usage or leaks.

DWA staff may also perform field visits and record observations to monitor water use and identify potential issues for follow-up.

The consumption records will be aggregated by customer class to evaluate response actions and identify potential additional measures.

## **11 WSCP Refinement Procedures**

DWA will monitor the implementation of this plan to evaluate its effectiveness as an adaptive management tool. The monitoring and reporting program described in Section 9 will provide information on the effectiveness of the shortage response actions during any shortage levels that may be invoked. If DWA determines that the shortage response actions are not effective in producing the desired results, DWA will initiate a process to refine the WSCP. DWA will consider the addition of new shortage response actions or changing the levels when shortage response actions are implemented. Suggestions for refinements will be collected from DWA staff, customers, industry experts, and the general public. The RUWMP participating agencies will share data and suggestions for refinement to identify opportunities to increase the effectiveness of the WSCP while maintaining alignment with other agencies in the region when possible.

## **12 Special Water Feature Distinction**

The RUWMP participating agencies have distinguished swimming pools and spas as recreational water features, while non-pool and non-spa water features are considered decorative water features. This distinction is used in the shortage response actions because decorative water features have the potential to use recycled water, while most pools and spas (recreational water features) use potable water for health and safety considerations. However, this distinction does not apply to the hot mineral spring pools and spas throughout the Desert Hot Springs area; while they are recreational, they also do not rely on potable water.

As identified in DWA Ordinance No. 72 and reflected in Table 4, additional restrictions associated with water fountains, decorative water features, swimming pools, decorative ponds, waterscape features, and landscaping ponds are defined and may be subject to restrictions as described in the ordinance. For example, under Level No. 1 Normal Conditions, draining and refilling of private swimming pools is discouraged, unless necessary for health and safety repairs.

## **13 Plan Adoption Submittal, and Availability**

This 2025 WSCP was presented for adoption at the DWA public meeting on June 2, 2026. Notifications were sent to the cities and counties described in the 2025 RUWMP. To comply with the notice to the public, DWA published notices in the local newspaper at least two weeks in advance with 5 days between publications. The WSCP was also made available prior to the public hearing.

The WSCP was formally adopted on June 2, 2026, by DWA Ordinance, included in the 2025 UWMP. The WSCP was made available to all staff, customers, and any affected cities, counties, or other members of the public at DWA's office and online within 30 days of the adoption date.

The WSCP was submitted to DWR via the Water Use Efficiency Data Portal at the same time as the 2025 UWMP, but no later than July 1, 2026. A hard copy of the 2025 UWMP and WSCP were submitted to the California State Library within 30 days of adoption. Electronic and/or hard copies were provided to all cities and counties within DWA's service area within 30 days of adoption.

Based on DWR's review of the WSCP, DWA will make any amendments in its adopted WSCP, as required and directed by DWR. If DWA revises its WSCP, then an electronic copy of the revised WSCP will be submitted to DWR within 30 days of its adoption.

## 14 References

- Coachella Valley Water District (CVWD). 2024. *2024 Local Hazard Mitigation Plan Update*. Available: <https://www.cvwd.org/611/Local-Hazard-Mitigation-Plan>. Accessed: March 2026.
- \_\_\_\_\_. 2026. *Coachella Valley Water District Code, Chapter 3.10 Canal Irrigation and Drainage System Rules and Regulations*. Available: <https://cvwd.district.codes/CVWDC/3.10>. Accessed: March 2026.
- Riverside County, Emergency Management Department. 2023. *County of Riverside Operational Area, Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP)*. Revised May 2025. Available: <https://rivcoready.org/sites/g/files/aldnop181/files/users/user41/MJLHMP%205.1.25a.pdf>. Accessed: March 2026.
- California Department of Water Resources (DWR). 2025. *The State Water Project Draft Delivery Capability Report 2025*. Available: [https://s3.amazonaws.com/og-production-open-data-cnra-892364687672/resources/5d238ff5-899b-4357-8835-5b043f61f5da/draft\\_dcr25\\_mainreport\\_final\\_2025-12-17.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAJJIENTAPKHZMIPXQ%2F20260326%2Fus-east-1%2Fs3%2Faws4\\_request&X-Amz-Date=20260326T153526Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=e566cc11139e9b5f7a637211d7d4c9398103a10178af68066d0fce98ee10b431](https://s3.amazonaws.com/og-production-open-data-cnra-892364687672/resources/5d238ff5-899b-4357-8835-5b043f61f5da/draft_dcr25_mainreport_final_2025-12-17.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAJJIENTAPKHZMIPXQ%2F20260326%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20260326T153526Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=e566cc11139e9b5f7a637211d7d4c9398103a10178af68066d0fce98ee10b431). Accessed: March 2026.
- \_\_\_\_\_. 2026. *2025 Urban Water Management Plan Guidebook*. Available: [water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans/Final-2025-UWMP-Guidebook/Final-2025-UWMP-Guidebook-Accessible.pdf](http://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans/Final-2025-UWMP-Guidebook/Final-2025-UWMP-Guidebook-Accessible.pdf). Accessed: February 2026.
- Indio Subbasin Groundwater Sustainability Agencies (GSAs). 2021. *2022 Indio Subbasin Water Management Plan Update: Sustainable Groundwater Management Act Alternative Plan*. Available: <https://www.indiosubbasinsgma.org/alternative-plan-update/>. Accessed: February 2026.
- Mission Creek Subbasin Management Committee. 2021. *2022 Mission Creek Subbasin Alternative Plan Update*. Available: <http://www.missioncreeksubbasinsgma.org/alternative-plan-update/>. Accessed: February 2026.

**Attachment A. Desert Water Agency Ordinance No. 72**

## ORDINANCE NO. 72

### AN ORDINANCE OF DESERT WATER AGENCY ESTABLISHING A WATER SHORTAGE CONTINGENCY PLAN INCLUDING REGULATIONS RESTRICTING THE USE OF WATER DURING THREATENED OR EXISTING WATER SHORTAGE CONDITIONS

WHEREAS, Desert Water Agency (hereinafter “Agency”) is a public agency organized under the Desert Water Agency Law, California Water Code Appendix Section 100-1 et seq., to provide water service among other purposes to water users within the boundaries of the Agency; and

WHEREAS, the Agency is authorized by Water Code Appendix Section 100-15 (13) to restrict the use of Agency water during an emergency caused by a drought, or other threatened or existing water shortage, and during such periods to prohibit the waste or the use of Agency water for any purpose other than household uses or such other restricted uses as may be determined by the Agency to be necessary; and

WHEREAS, the Agency is further authorized by Water Code Sections 375-377 to adopt water conservation programs; and

WHEREAS, after the historic 2012-2016 drought, the California Legislature enacted several laws in 2018 to advance long-term water use efficiency as a way to demonstrate conservation as a way of life; and

WHEREAS, urban water suppliers are required to prepare, adopt and submit to the California Department of Water Resources a Water Shortage Contingency Plan and conduct a Drought Risk Assessment every five years; and

WHEREAS, the Agency wishes to adopt a Water Shortage Contingency Plan that meets requirements set forth in the regulations adopted by the Department of Water Resources and State Water Resources Control Board in implementation of long-term water-use efficiency, and which will provide a framework for managing supplies in shortage conditions; and

WHEREAS, the Agency finds and determines that the adoption of the Water Shortage Contingency Plan set forth herein is necessary to (1) comply with State mandates, (2) protect the health, safety and welfare of the inhabitants of the Agency, (3) assure the maximum beneficial use of the water supplies within the Agency, and (4) ensure that there will be sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Desert Water Agency as follows:

Section 1: DEFINITIONS.

- 1.1 “Agency” means Desert Water Agency.
- 1.2 “Board” means the Board of Directors of Desert Water Agency.
- 1.3 “General Manager” means the General Manager of Desert Water Agency.
- 1.4 “Measurable rainfall” means rainfall of 1/10 inch or more during any 24-hour period.
- 1.5 “Waste” means any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.
- 1.6 “Water user” means any person, firm, partnership, association, corporation or political entity using water obtained from the water system of Desert Water Agency.
- 1.7 “Water” means water supplied by Desert Water Agency.

Section 2: NOTICED PUBLIC HEARING PRIOR TO MANDATORY CONSERVATION, LEVELS 2 THROUGH 6.

Except when an emergency is caused by the breakage or failure of Agency infrastructure or by a malevolent act, a noticed public hearing shall be conducted prior to the adoption of Level 2, 3, 4, 5 or 6 of the Water Shortage Contingency Plan as set forth in Sections 3.2, 3.3, 3.4 and 3.5 below. Notice of the time and place of hearing shall be published at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published and circulated in the County of Riverside.

Section 3: WATER CONSERVATION PLAN LEVELS.

3.1 Level No. 1: Normal Conditions

Level 1 shall apply whenever normal conditions are in effect. Normal conditions shall be in effect when the Agency is able to meet all the water demands of its customers in the immediate future, and when the State Water Resources Control Board or other regulatory body has not imposed restrictions on the use of water within the Agency. During normal conditions, all water users must continue to use water wisely. The waste or unreasonable use of water is prohibited.

(1) Water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or parking structures is prohibited.

(2) Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.

(3) Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.

(4) Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.

(5) Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.

(6) Broken sprinklers shall be repaired within five business days of notification by the Agency, and leaks shall be repaired as soon as practical.

(7) Hotels will provide guests the option of choosing not to have towels and linens laundered daily.

(8) Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or repairs.

(9) The Agency will discourage overseeding.

(10) The Agency will provide rebates for landscape efficiency.

(11) The Agency will provide rebates on indoor water use efficiency.

(12) The Agency will offer water use surveys/audits.

3.2 Level 2: Alert

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event of a threatened or existing water supply shortage that could prevent the Agency from meeting the water demands of its water users, the Board shall conduct a public hearing to consider declaring a Level 2 Alert, during which water users shall have the opportunity to present their

protests and respective needs to the Board. Upon such declaration the following restrictions shall take effect immediately, in addition to those specified in Section 3.1:

- (1) Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an Agency-approved conservation alternative plan.
- (2) Restaurants and other eating establishments shall not provide drinking water to patrons, except upon request.
- (3) The Agency will discourage overseeding.
- (4) The Agency will expand its public information campaign.
- (5) The Agency will increase water waste patrols.
- (6) The Agency will reduce hydrant and dead-end line flushing.

### 3.3 Level 3: Warning

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition in fact will prevent the Agency from meeting the demands of its water users, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 3 Warning condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1 and 3.2:

- (1) Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday and Friday).
- (2) Drip or subterranean irrigation is allowed seven days a week, during non-daylight hours.
- (3) Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.
- (4) Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.
- (5) No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.
- (6) Commercial car washes must use recycled water or a recirculating water systems.
- (7) Spray irrigation of medians and parkways is prohibited.
- (8) The Agency will encourage counties, cities, Homeowners Associations (HOAs) and other entities to suspend code enforcement and fines for brown turfgrass areas.
- (9) The Agency will strengthen customer billing messages with the use of comparisons.
- (10) The Agency will implement water use audits targeted to key customers to ensure compliance with directives.
- (11) The Agency will expand rebate programs.

### 3.4 Level 4: Critical

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 4 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2 and 3.3:

- (1) Turfgrass landscapes may not be watered except with subterranean irrigation or recycled water.
- (2) No new turfgrass landscaping shall be installed.

- (3) The Agency shall consider implementing its drought rate surcharge.
- (4) The agency will expand its public information campaign.

### 3.5 Level No. 5: Urgent

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 5 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2, 3.3 and 3.4:

- (1) Watering turfgrass is prohibited.
- (2) The use of misting systems is prohibited.
- (3) Turfgrass at parks and school grounds may water with recycled water or not at all.
- (4) Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water or not at all.
- (5) Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.
- (6) Outdoor water use for grading or development is prohibited.
- (7) The Agency will impose a moratorium or net zero demand on new connections.
- (8) The Agency will not issue new construction meters, and service through construction meters will not be available.

### 3.6 Level No. 6 – Emergency Rationing

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 6 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2, 3.3, 3.4 and 3.5:

- (1) The Agency will implement mandatory rationing.
- (2) Outdoor water use is prohibited.
- (3) Restaurants must use disposable cups, plates, and utensils.
- (4) Commercial nurseries shall discontinue all watering and irrigation.
- (5) Watering of livestock is permitted as necessary.

In addition, as set forth in Water Code Sections 350 et seq., the Board may consider adoption of a resolution or ordinance that allocates water deliveries among the Agency's water users, and that imposes penalties for consumption in excess of the allocated amounts. The resolution or ordinance may also, or instead, impose a limit on new water service connections. Violation of the provisions of such resolution or ordinance shall be deemed a violation of this Ordinance, and shall be subject to the enforcement provisions set forth herein.

## Section 4: MODIFICATION OF WATER CONSERVATION MEASURES.

The specific requirements of each mandatory conservation Level identified in this Ordinance shall be effective upon adoption by the Board following a public hearing; provided that the Board may modify or amend such requirements at the time of adoption upon a showing of the need for such modification or amendment.

## Section 5: IMPLEMENTATION AND TERMINATION OF MANDATORY COMPLIANCE LEVELS.

The General Manager of the Agency shall monitor the supply and demand for water on a regular basis to determine the level of conservation required by the implementation or termination of the Water Shortage Contingency Plan Levels set forth in this Ordinance, and shall notify the Board of the necessity for the implementation or termination

of each Level. Each declaration of the Board implementing a Water Shortage Contingency Plan Level shall be published at least once in a newspaper of general circulation, and shall remain in effect until the Board otherwise declares, as provided herein.

Section 6:           EXCEPTIONS.

The General Manager of the Agency is hereby authorized to allow exceptions from the application of any provision of this Ordinance, due to exceptional circumstances, if the General Manager determines that the application of a provision would either: (a) cause an unnecessary and undue hardship to the water user or to the public; or (b) jeopardize the health, sanitation, fire protection or safety of the water user or of the public. Such exceptions may be granted only upon application therefor. Upon granting any such exception, the General Manager may impose any conditions the General Manager determines to be appropriate in the circumstance.

Section 7:           CRIMINAL PROCEEDINGS FOR VIOLATION.

The Board hereby determines that, pursuant to Water Code Section 377, it shall be a misdemeanor for any water user to use or apply water contrary to or in violation of any mandatory restriction or requirement established by this Ordinance and, upon conviction thereof, that water user shall be punished by imprisonment in the County jail for not more than 30 days or by a fine of not more than \$1,000, or by both such fine and imprisonment.

Section 8:           CIVIL PENALTIES AND ENFORCEMENT.

In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil penalties and enforcement action by the Agency staff, as follows:

8.1       First Violation.

For a first violation, the Agency staff may serve a written complaint to impose civil penalties to the water user or account holder who is violating the provisions of this Ordinance or violating the water use restrictions imposed by the State Water Resources Control Board. Upon receipt of the complaint for civil penalty, the water user or account holder shall have seven days to request, in writing, a hearing. If no hearing is requested or at the hearing it is determined that the water user or account holder has committed a violation, a civil penalty of \$50 for a first violation at a single family residence and \$100 for a first violation at a multi-family residential, commercial or institutional establishment may be levied.

8.2       Second Violation.

For a second violation of this Ordinance or water use restrictions imposed by the State Water Resources Control Board within any 12-month period, the Agency staff may serve a written complaint to impose civil penalties on the water user or account holder with written notice thereof, and the water user or account holder shall have the same period of time set forth in Section 8.1 to request a hearing. For a second violation within any 12-month period the civil penalty shall be \$100 at a single family residence and \$200 at a multi-family residential, commercial or institutional establishment.

8.3       Third Violation.

For a third violation of this Ordinance and for each subsequent violation within any 12-month period, the water user or account holder shall be subject to civil penalties and shall have the same opportunity to request a hearing in the manner set forth in Section 8.1. For a third and each subsequent violation within any 12-month period, the civil penalty shall be \$250 at a single family residence and \$500 at a multi-family residential, commercial or institutional establishment.

8.4       Collection of Civil Penalties.

Civil penalties may be billed to the violating water user by separate invoice, or may be added to the water user's invoice for water service as a separately itemized charge as determined by Agency staff. Civil penalties that are not paid may become a lien on the affected property in a manner provided by law to secure payment for water service. In addition, the Agency staff shall be authorized to discontinue water service for any violation of this Ordinance and for failure to pay a civil penalty within the period of time provided by the Agency staff for payment of invoices for water service. In the

event that service is terminated, such service shall remain terminated for a period of at least 48 hours, unless such period is extended by action of the Board of Directors. A charge shall be imposed for reconnection and restoration of service in the amount normally charged by the Agency for restoration of service. Such restoration of service shall not be made until the General Manager has determined that the water user has provided adequate assurances that future violations of this Ordinance by such water user will not occur.

8.5 Service of Complaint.

The complaint for civil penalties may be served personally, by mail or by affixing a copy of the complaint to the front entry of the property. The complaint shall contain, in addition to the facts of the violation, a statement of the possible civil penalties for the violation and a statement informing the water user of his or her right to a hearing.

8.6 Hearing and Appeal.

Within seven days of receipt of a complaint for civil penalties, the water user may request a hearing to present evidence that a violation did not occur. Within seven days after receipt of a written request for a hearing, the Executive Committee of the Board will schedule a hearing for the water user to present evidence that a violation did not occur. The hearing shall take place no sooner than 30 days after the complaint has been issued to the violator, unless requested at an earlier date by the violator. The decision of the Executive Committee following the hearing shall be final.

Section 9: CUMULATIVE REMEDIES.

The remedies for violations set forth in this Ordinance shall be cumulative to any other remedies available to the Agency according to law.

Section 10: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 11: PUBLICATION.

The Secretary of the Board of Directors of the Agency shall attest to the adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation which is printed, published and circulated in the Agency within ten days after its adoption.


Section 12: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and shall supersede the provisions of Ordinance No. 65.

ADOPTED this 15th day of June, 2021.

  
Kristin Bloomer, President

ATTEST:

  
Joseph K. Stuart, Secretary-Treasurer