

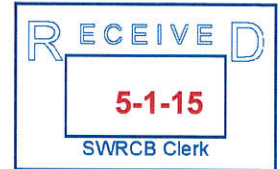


Phelan Piñon Hills Community Services District

4176 Warbler Road • P. O. Box 294049 • Phelan, CA 92329-4049 • (760) 868-1212 • Fax (760) 868-5072

April 22, 2015

Jeanie Townsend, Clerk of the Board and
Tom Howard, Executive Director
State Water Resources Control Board
PO BOX 100
Sacramento, CA 95812-0100



Subject: Supplemental Comments to MWA letter to the revised emergency drought regulations

Dear Ms. Townsend and Mr. Howard:

On behalf of the Board of Phelan Piñon Hills Community Services District (District) would like to attach a supplement to the facts outlined in the attached letter from Mojave Water Agency in response to the emergency drought regulations. The District would like to further comment on the potential regulations that may be imposed on the District. We would like to provide you with incite of our servicing area.

Service Area Location

The District is located in the High Desert area of the San Bernardino County between Palmdale and Victorville. In general, the area lies north and south of Highway 138 and west of Interstate 15 and the Cajon Pass. The western boundary is the San Bernardino/Los Angeles County line, and the eastern boundary is Caughlin Road and Baldy Mesa Road. The area runs north from the Angeles National Forest to just north of Highway 18. (See attachment A)

The District's water service area is approximately 118.7 square miles. It is located in the foothills to the north of the San Gabriel Mountains. Elevations in the service area range from approximately 3,200 feet at the northeast side, up to approximately 5,350 feet closer to the mountains on the southwest side. The District's customers are predominately residential; approximately 65 commercial and industrial businesses are in the service area.

Climate Characteristics

The District is located in an area known as the Mojave Desert Air Basin (MDAB). MDAB is classified as a dry-hot desert climate, with portions classified as dry-very hot desert climate. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions, and the blocking nature of the Sierra Nevada Mountains to the north. Air masses are pushed on shore in Southern California by differential heating and are channeled through the MDAB. Most desert moisture arrives from infrequent, warm, moist, and unstable air masses from the south.

The average annual temperature varies throughout the Basin, averaging approximately 61 degrees Fahrenheit where the District's service area is located. January and December are usually the coldest months while July and August are typically the hottest months of the year. Annual average relative humidity is 42 percent. Annual precipitation is typically 5 to 6 inches, occurring mostly between November and April.

Board of Directors

Al Morrissette, President Dan Whalen, Vice President
Mark Roberts, Director Cathy Pace, Director Alex Brandon, Director

Mojave Water Agency (MWA)

The Mojave Water Agency was founded July 21, 1960. It was created due to concerns over declining groundwater levels to ensure that sufficient water may be available to the people and land within its jurisdiction. MWA is one of 29 State Water project (SWP) contractors that provide Californians with drinking and irrigation water. MWA serves an area of approximately 4,900 square miles in San Bernardino County. MWA separates its service area into six management areas, including the previously described five subareas of the adjudicated Mojave Basin area (Alto, Baja, Centro, Este, and Oeste), and the Morongo Basin/Johnson Valley area, Mojave Water Agency's service area and its subareas.

MWA has five water supply sources: natural surface water flows, wastewater imports from outside the MWA service area, SWP imports, agricultural depletion from storage, and return flow from pumped groundwater not consumptively used. MWA considers agricultural depletion from storage as a supply to avoid showing demand from agriculture on imported water supplies. Return water includes water pumped from the ground that is returned to the groundwater aquifer, such as water used indoors that returns to the basin, either by percolation from septic tanks or treated wastewater effluent, or irrigation water that is unused by plant materials.

Water Resources and Conservation Measures

The District typically obtains all of its water supply from local groundwater in the Mojave River Basin. The District provides water to its customers by wells accessing the Oeste and the Alto Subareas. The basins are naturally recharged from the local San Gabriel Mountains and foothills from rain and snow melt. With a population of 25,000 and a total of approximately 6,800 service connections, the District has experienced an insignificant drop in its water table from the basins over the years. This is primarily due to the conservation efforts the District and Mojave Water Agency (MWA) have implemented over the last years 10 years.

The region is predominately desert with Joshua Trees, Chollas, Junipers, and Piñon Pines which make up the vegetation. The majority of all residential parcels are covered with desert landscape. Landscape irrigation is made up of drip systems. Sprinkler systems are seldom used in the area due to its native landscape (see attachment B).

Conservation measures in our District are outlined in the Best Management Program in the 2010 Urban Water Management Plan. They consist of low flow shower heads, faucet aerators, and leak detection dye tablets which are provided free to the District's customers. The District, along with MWA, promote the use of high-efficient toilets to its customers with a rebate program through the District and MWA. Large landscape conservation programs and incentives include cash for grass. Because of the typical residential landscape that exists in the District, few cash for grass applications are processed through the District annually. A high-efficient washing machine rebate program is offered through MWA. The District has implemented tier pricing to encourage conservation. The District has also designated a Conservation Specialist in 2008 when the District was formed. Many of these measures, through MWA, have been in practice for many years. MWA, along with the District, has taken the proactive approach to conservation.

Recent District Actions

In 2013, the District purchased 460 acres consisting of an operational dairy and 2,335 acre feet of base annual water production right in the Oeste Subarea of the Mojave Groundwater Basin, as adjudicated in *City of Barstow, et al. v. City of Adelanto, et al.*, Riverside Superior Court Case No. 208568 ("Mojave Groundwater Basin Adjudication"), held in the name of Meadowbrook Dairy, as reflected on page 3 of Appendix B of the Eighteenth Annual Report of the Mojave Basin Area Watermaster for Water Year 2010-11, as "Base Annual Production" rights.

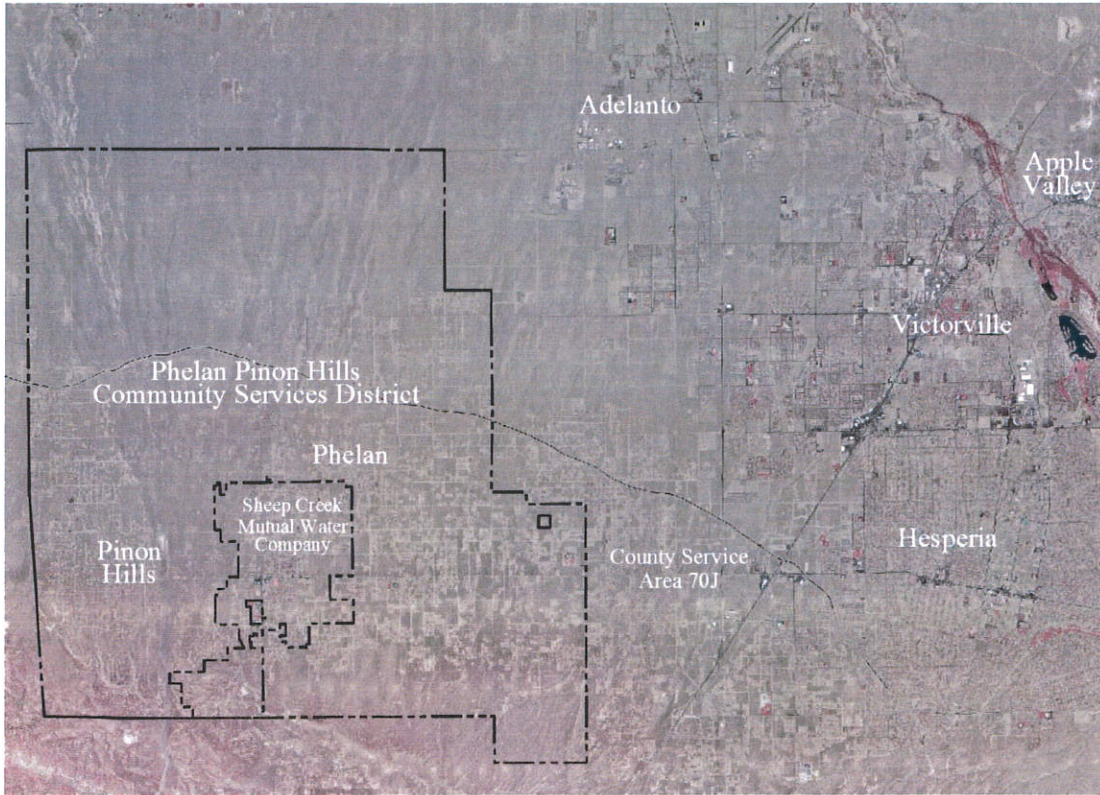
In the District's acquisition of the property, the dairy was decommissioned and the free allowance pumping 2,335 acre feet of production rights was no longer necessary. Therefore, since January 2013, 2,335 acre feet of water annually used by the dairy has been suspended allowing the basin to recover and reducing the amount of water pumped out of the basin.

In closing we would like to thank you for taking the time to understand our challenges. The District stands behind all three requests as stated in MWA's letter attached. The District and many others are aware of the severity the drought we are in. The District, as well as the region as a whole, will continue to demonstrate our commitment to the importance of conservation.

Sincerely,

Don Bartz
General Manager
Phelan Piñon Hills Community Services District

**Infrared Map of the Region
Attachment A**



**Typical Residential Neighborhood
Attachment B**





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April 22, 2015

Jeanie Townsend, Clerk of the Board and
Tom Howard, Executive Director
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Subject: Comments on revised emergency drought regulations

Dear Ms. Townsend and Mr. Howard:

On behalf of the Mojave Water Agency (MWA), thank you for the opportunity to provide further comment on the latest draft of the proposed new emergency drought regulations. Developing equitable statewide regulations that address California's diverse geography, climate, legal constraints, and socio-economic factors is an arduous task when carried out in a customary public process. We recognize that the short time frame of this current effort poses further challenges to this process, and it is in the spirit of partnership that we offer additional comments for your consideration.

As one of 29 State Water Contractors, MWA's Board of Directors views our role not just as a participating contractor, but as a leader in resource management in our region. Located in the arid Mojave Desert, our service area encompasses 4,900 square miles with a population of 450,000. In a region that receives less than 5 inches of water per year, we live in perpetual drought conditions and therefore embrace conservation as a way of life. Additionally, MWA's territory is adjudicated and we are mandated by the courts to maintain a balance in our basins, and when required we ramp down production. The court's binding authority and our commitment to conservation ensures austere water management.

In our last correspondence, we provided data that demonstrated how we have worked with our cities and urban water suppliers to meet the conservation goals set out in SBx7-7 in 2008. While this important legislation appears to be moot, MWA offered historical context with information collected on DWR's Form 38 over the last 15 years with results of water consumption reductions as high as 51 percent. We asked that some consideration be given by allowing purveyors that have achieved the SBx7-7 goal

of a 20 percent reduction be placed in a reduced tier that would make their target efficiency realistic while recognizing their prior efforts.

Therefore, we were heartened to read information released on April 18, 2015 that indicated that changes were made to the regulations, and it appeared that there was acknowledgement of those communities that have achieved remarkable results, as well as consideration of geographical and climatic variances. Unfortunately, 8 out of 10 purveyors have now been placed in higher tiers. It certainly appears that there was no consideration given for communities that have already embraced a conservation ethos in response to previously established State conservation goals. To the contrary, the majority of the water purveyors in our region now face more aggressive conservation targets than originally published, putting them on equal footing with others in the State that have largely ignored previous calls for conservation made by the State. For example, Apple Valley Ranchos Water Company achieved a 51 percent reduction in residential per capita consumption over the last 15 years, and has now been moved from a tier 3 of 25% to the highest possible tier at 36%.

Request 1:

Therefore, we kindly request consideration of an alternative methodology that incorporates rainfall, temperature, evaporation rates, and previous conservation to ensure a more equitable distribution of required conservation.

Additionally, MWA is asking for consideration for our disadvantaged communities. Based on methodology employed by the California Department of Water Resources used in the current Integrated Regional Water Management Plan process, the majority of communities in MWA territory are primarily disadvantaged. (See attachment A). One of our purveyors, Hi-Desert Water District, is located in the Town of Yucca Valley which is located some 30 miles north of the lower desert communities including Palm Springs and Palm Desert, which are not disadvantaged communities. The Town of Yucca Valley is a mix of large lots and some tract homes. It is served by Hi-Desert Water District that has achieved a 90 GPCD for the months of July-September. Turf is nearly non-existent in residential properties throughout the community of Yucca Valley, which provides little room for additional reduction in outdoor water use. (See attachment B)

In contrast, Yucca Valley's neighbor, the City of Palm Desert is not a disadvantaged community. Its water purveyor, Myoma Dunes, has a GPCD for the months of July-September of 612.5. Unlike Yucca Valley, the Palm Desert residential neighborhoods have lush, turf landscapes. (See attachment C)

Yucca Valley, a disadvantaged community, has nearly eliminated outdoor water usage through aggressive water conservation. Indoor water conservation efforts such as low-flow efficiency toilets and showerhead replacement programs, funded through MWA secured grants, as well as water education programs have been successfully implemented. Currently, the community's water purveyor is seeking the formation of an assessment district to pursue a Wastewater Reclamation Project. This will require already disadvantaged residents to approve a new tax further stressing the community's resources.

Request 2:

Therefore, MWA requests that the tier process incorporate reduced tier determinations for disadvantaged communities, as defined by the DWR methodology that have demonstrated progress toward greater conservation and are currently at low GPCD with little potential for additional conservation.

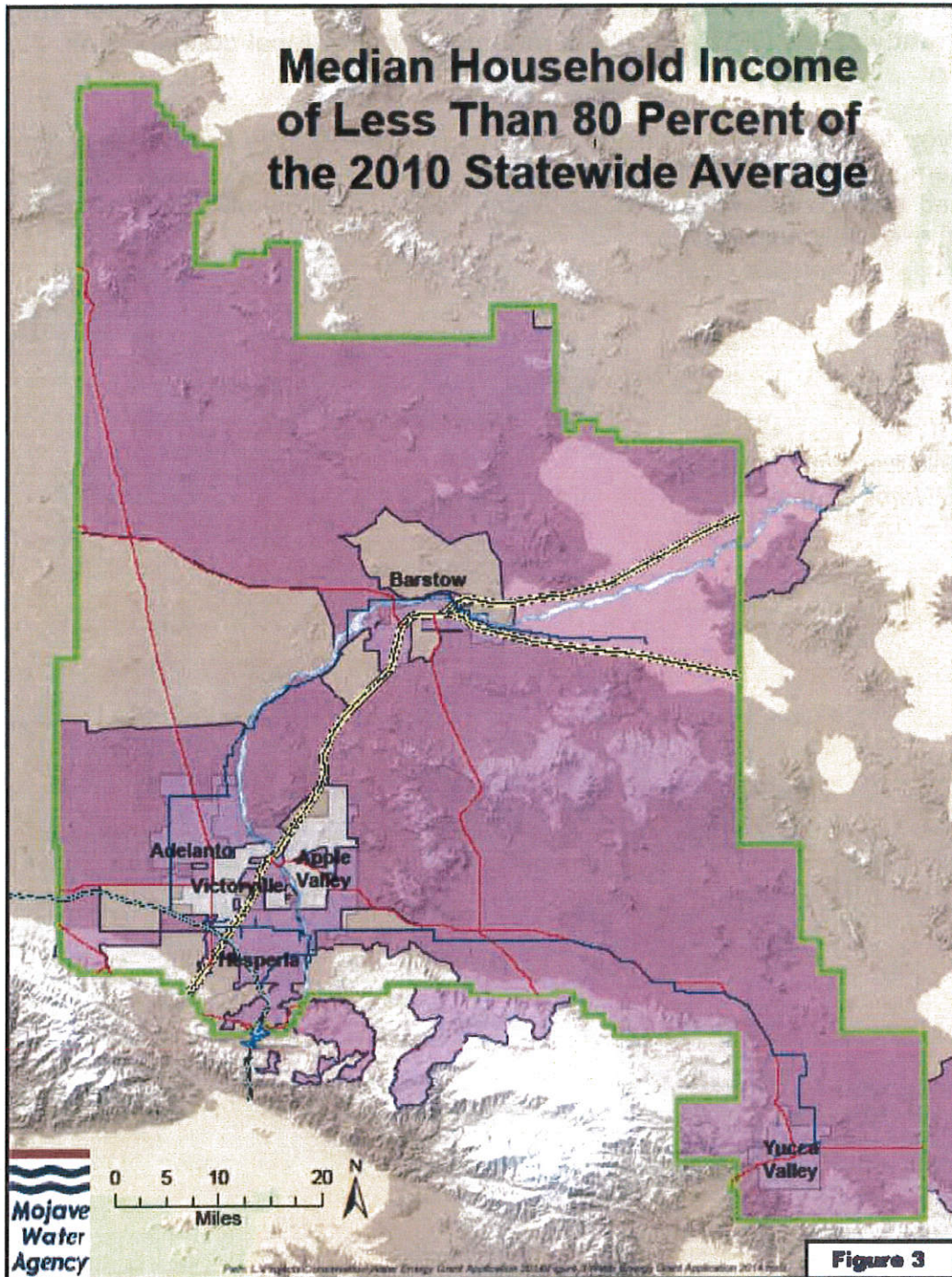
Thank you for your careful consideration of our requests. We believe as a region we have demonstrated our commitment to water conservation. We look forward to our continued partnership with the State Water Resources Control Board in these efforts during these challenging times.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', is positioned above the typed name.

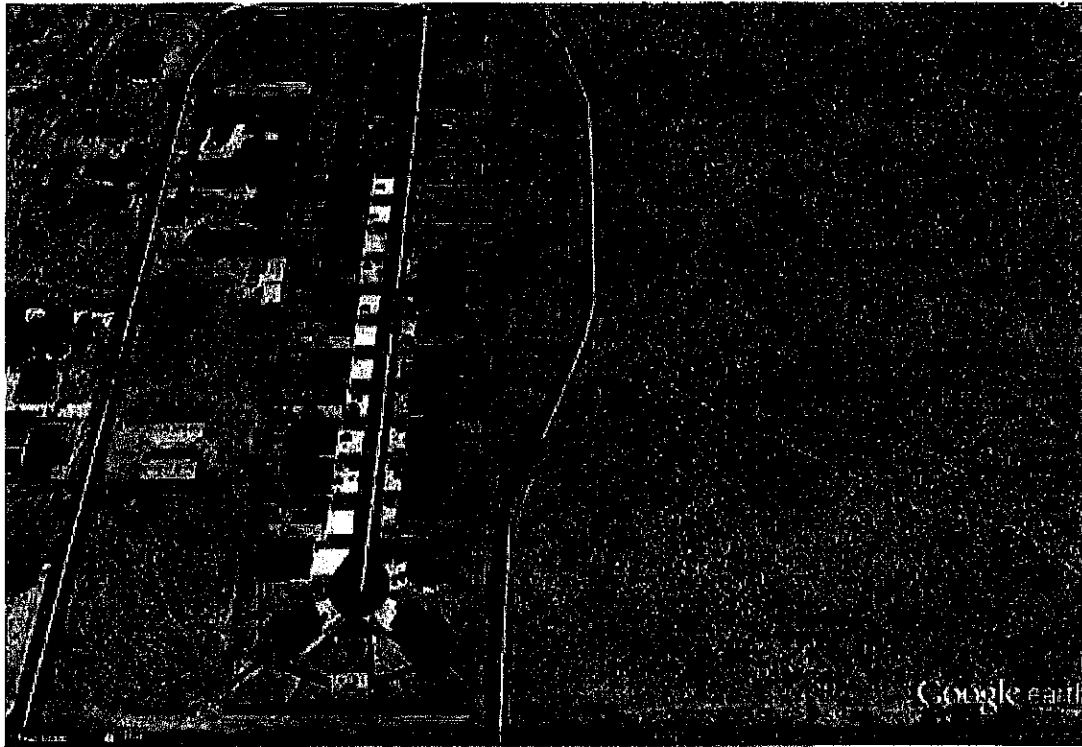
Kirby Brill, General Manager
Mojave Water Agency

Attachment A



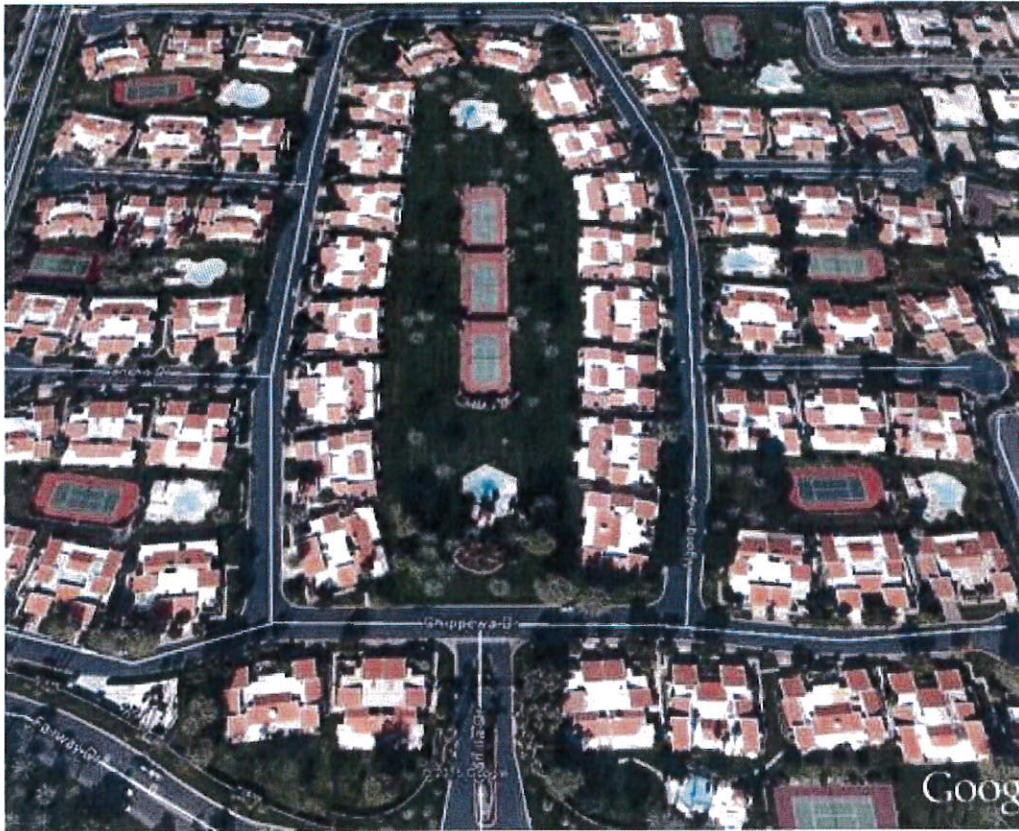
MWA Disadvantaged Communities as identified by DWR methodology

Attachment B



Yucca Valley Neighborhood
Google Earth Map: 34° 7'20.28"N 116°24'19.26"W

Attachment C



Palm Desert Neighborhood
Google Earth Map: 33°42'58.78"N 116°21'14.19"W