

From: Kelley Geyer k.geyer@bbid.org
Subject: FW: Byron Bethany and Mountain House Follow-up
Date: June 22, 2015 at 5:56 PM
To: Dan Kelly dkelly@somachlaw.com, Rick Gilmore r.gilmore@bbid.org



From: O'Hagan, John@Waterboards [mailto:John.O'Hagan@waterboards.ca.gov]
Sent: Monday, June 22, 2015 5:09 PM
To: Kelley Geyer (k.geyer@bbid.org); epattison@sjgov.org
Cc: Evoy, Barbara@Waterboards; Trgovcich, Caren@Waterboards; Mrowka, Kathy@Waterboards; Burton, Bruce@Waterboards; George, Michael@Waterboards
Subject: Byron Bethany and Mountain House Follow-up

To: Mountain House General Manager, Ed Pattison and Bethany Byron Irrigation District, Kelley Geyer

Following up on the email that Mr. Kelley Geyer just received from Director Tom Howard (below), I want to clarify that the State Water Resources Control Board's (State Water Board's) steps to address continuing health and safety needs were also discussed during our phone call of Friday June 19 with Mr. Pattison and Mr. Shields of the South San Joaquin Irrigation District. During that conversation, we discussed a potential transfer of water.

The State Water Resources Control Board's Division of Water Rights will use enforcement discretion in evaluating compliance with a notice of curtailment, if there is a demonstrated health and safety need. As a public water system under the jurisdiction of the State Water Resources Control Board's Division of Drinking Water, Mountain House CSD is obligated to provide health and safety water. You, Mr. Pattison, as General Manager of Mountain House, and a contractor for BBID's water, stated that BBID is the sole provider of Mountain House's water supply. If this is the case, the State Water Resources Control Board would expect BBID to pump water to Mountain House for minimal health and safety needs of the community. This amount is generally estimated at 50 gallons per person per day.

BBID, as the water right holder is responsible to complete the compliance certification form and document this and other health and safety needs, and verify that diversions under the curtailed water right is the sole source of water. Web access to this form was transmitted with the curtailment notice of June 12 to BBID and a copy of the form was transmitted to Mr. Pattison of Mountain House on June 19th. As of 4:00 today, no form identifying Mountain House's needs has been received via the State Water Board's online reporting system. This form should be immediately returned for State Water Board's analysis. The State Water Board will exercise enforcement discretion while BBID continues to serve Mountain House water at 50 gallons per person per day, or whatever minimum health and safety need is documented and justified in the response, until alternate supplies can be obtained.

Should Mountain House obtain water from alternate sources in a timely way that adequately supplies basic health and safety needs (such as South San Joaquin Irrigation district), we would expect BBID or Mountain House to inform the State Water Board of this supply, and BBID would then stop diversion to be in compliance, or use water it has acquired via other means during the drought.

If you have any questions, please let me know.

John O'Hagan
Assistant Deputy Director for Water Rights

-----Original Message-----

From: Howard, Tom

Sent: Monday, June 22, 2015 3:18 PM

To: Kelley Geyer; 'Steve Callahan'; Marcus, Felicia@Waterboards; Dadamo, Dorene@Waterboards; Doduc, Tam@Waterboards; Spivy-Weber, Frances@Waterboards; Moore, Steven@Waterboards; marian.norris@sen.ca.gov; Baird, Anne@ASM; Trgovcich, Caren@Waterboards

Subject: RE: Byron Airport

Mr. Geyer,

We have discussed this issue with BBID representatives in detail. As I have already explained, the State Water Board expects that a community that receives its source of supply from a surface water source that is subject to curtailment will continue to receive the amount of water that is necessary to meet the health and safety needs of the community while they are looking for an alternate supply. That includes 50 gallons per person per day which should be sufficient to meet indoor, and some outdoor needs; water for fire prevention and suppression, etc. The curtailment notice received by BBID explained that a health and safety form needed to be submitted to us so we are aware of the necessity for continued diversion.

John O'Hagan
Assistant Deputy Director, Water Rights
State Water Resources Control Board
916-341-5368

