



# COLD SPRINGS WATER COMPANY

29820 Highway 108, Cold Springs, CA 95335, [office@coldspringwater.com](mailto:office@coldspringwater.com) 209-965-3716

July 15, 2021

Advice Letter No. 80-W

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cold Springs Water Company, Inc. (Cold Springs) hereby transmits for filing one digital copy of this Advice Letter (AL) 80-W and the following tariff sheets which are enclosed:

<u>NEW SHEET #</u>	<u>TITLE</u>	<u>CANCELLING SHEET #</u>
469-W-470W, 471-W-478W	Rule No. 14.1 Water Conservation and Rationing Plan	408-W
479-W-480-W 481-W	Preliminary Statement Table of Contents	390-W-391-W 468-W

## REQUEST

By AL 80-W, Cold Springs requests permission to implement Mandatory Rationing under Rule 14.1 Stage 2 to comply with the attached Water Board letter dated July 8, 2021, allowing Cold Springs to divert water for only Human Health and Safety reasons.

## BACKGROUND

On June 15, 2021, Cold Springs received a letter notice from the Water Boards regarding their Post-1914 Appropriative Water Right indicating the unavailability of water in the Sacramento-San Joaquin Delta until further notice. After receipt of this letter Cold Springs filed a **Delta Watershed Unavailability Certification Form** for Water Right (A021647) (Copy Attached), to obtain relief from this original order. Water Boards response to this request resulted in the July 8, letter above granting relief and the need for this filing.

Cold Springs has a hard rock well as emergency backup to its surface water right, however it has a limited long-term capacity and volume will decrease when pumped continuously. Earlier this year the well pump was pulled and replaced to make sure the pump itself would not fail as it has been over 30 years since it was last repaired. The flow in the creek is monitored to determine the availability of water as flow has diminished to exceptionally low levels.

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Specific restrictions in the July 8, 2021, Water Boards letter are that the customers are restricted to 55 gallons per person per day for health and safety reasons of the customers. Monitoring the 55 gallons per day is difficult for the following reasons:

1. The service area has seasonal water use and demand can be very high in the summertime.
2. Many of the residences (30 plus) are now operated by commercial rental agencies resulting in as many as 10 to 15 people per residence coming in for various time periods. To date these rental units have used many times the amount of water as full-time houses causing disparity between the various owners.
3. Full-time residents are generally occupied by 2-3 people and have been practicing good water conservation methods and the average water use per month is 5 HCF and has been the standard followed in the past.

Because of the above concerns the following is being requested to be approved in the attached revised Rule 14.1

- i. Maximum 500 cu/ft usage per month or 30 percent reduction in average water usage, whichever is less. Under no exception is water usage to exceed 55 gallons per day per person. The 55 gallon per day per person maximum applies to our full and part time residents only. Commercial businesses and/or residential properties being used as vacation rentals are not to exceed 500 cu/ft per month.
- ii. At Cold Springs discretion, violations of any of these prohibited or restricted water use activities may be punished by a fine of up to five hundred dollars (\$500.00) per month in which the violation occurs.
- iii. Where neglect or wasteful use of water exists on a customer's premises, the utility may discontinue service if such practices are not remedied within 5 days after Cold Springs has given the customer written notice.

## **TIER DESIGNATION AND REQUESTED EFFECTIVE DATE**

This AL and the enclosed tariff sheets are submitted pursuant to General Order (GO.) 96-B. AL 80-W is designated as a Tier 2 AL and the enclosed tariff sheets will become effective upon staff review and approval.<sup>1</sup>

## **NOTICE**

In compliance with Section 4.3 of General Order No. 96-B, a copy of this advice letter has been served to all parties listed on the enclosed service list. Customers have already been noticed in

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<sup>1</sup> GO. 96-B, Water Industry Rule 7.3.2

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accordance with Resolution W-5000 mandatory requirements. Additional customer notices are anticipated to provide status reports of conservation results in the future.

## **RESPONSE OR PROTEST<sup>2</sup>**

Anyone may respond to or protest this AL. A response supports the filing and may contain information that proves useful to the Commission in evaluating the AL. A protest objects to the AL in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

1. The utility did not properly serve or give notice of the AL;
2. The relief requested in the AL would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
3. The analysis, calculations, or data in the AL contain material error or omissions;
4. The relief requested in the AL is pending before the Commission in a formal proceeding; or
5. The relief requested in the AL requires consideration in a formal hearing, or is otherwise inappropriate for the AL process; or
6. The relief requested in the AL is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require re-litigating a prior order of the Commission.

A protest may not rely on policy objections to an AL where the relief requested in the AL follows rules or directions established by statute or Commission order applicable to the utility.

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. The Water Division must receive a response or protest via email (**or** postal mail) within 20 days of the date the AL is filed. The addresses for submitting a response or protest are:

**Email Address:**

[Water.Division@cpuc.ca.gov](mailto:Water.Division@cpuc.ca.gov)

**Mailing Address:**

California Public Utilities Commission  
Water Division, 3rd Floor  
505 Van Ness Avenue  
San Francisco, CA 94102

On the same day the response or protest is submitted to Water Division (WD), the respondent or protestant shall send a copy of the protest to Pete Kerns at: Cold Springs Water Company, Inc.

**Email Address:**

[office@coldspringwater.com](mailto:office@coldspringwater.com)

**Mailing Address:**

Cold Springs Water Company

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<sup>2</sup> GO. 96-B, General Rule 7.4.1

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29820 Highway 108  
Cold Springs, CA 95335

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform DWA, within the 20-day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

## **REPLIES**

The utility shall reply to each protest and may reply to any response. Any reply must be received by DWA within five business days after the end of the protest period, and shall be served on the same day on each person who filed the protest or response to the AL.<sup>3</sup>

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<sup>3</sup> GO. 96-B, General Rule 7.4.3

# COLD SPRINGS WATER COMPANY

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## SERVICE LIST

Recipient 1 Del Oro Water Company  
Attn: Bob Fortino  
[robert@corporatecenter.us](mailto:robert@corporatecenter.us)

Recipient 2 Bruce Ramsden, P.E.  
Associate Sanitary Engineer  
State Water Resources Control Board  
Division of Drinking Water – Merced District (11)  
(559) 447-3314 [Bruce.Ramsden@waterboards.ca.gov](mailto:Bruce.Ramsden@waterboards.ca.gov)

Recipient 3 Tuolumne Utilities District  
Attn: Don Perkins  
18885 Nugget Road  
Sonora, CA 95370  
[don.perkins@tudwater.com](mailto:don.perkins@tudwater.com)

I hereby certify that the above service list has been served a copy of AL 80-W on Thursday, July 15, 2021.

Executed in Santa Paula, California on July 15, 2021.

Cold Springs Water Company

By: /s/Frank Brommenschenkel  
Pete Kerns  
President

Enclosures

**RULE 14.1  
WATER CONSERVATION AND RATIONING PLAN**

**GENERAL INFORMATION**

1. If water supplies are projected to be insufficient to meet normal customer demand, and are beyond the control of the utility, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule, after notifying the Director of the Commission’s Division of Water and Audits of its intent, via a letter in both hard-copy and emailed formats.
2. Prior to declaration of mandatory rationing, a utility may request authorization of a Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff, via a Tier 2 advice letter.
3. If, in the opinion of the utility, more stringent water measures are required, the utility shall request Commission authorization to implement the staged mandatory conservation and rationing measures set forth in Sections B through E.
4. The utility shall file a Tier 1 advice letter to request activation of a particular stage of Scheduled 14.1 – Staged Mandatory Water Conservation and Rationing tariff.
  - a. If a Declaration of Mandatory Rationing is made by utility or governing agency, or
  - b. If the utility is unable to address voluntary conservation levels set by itself or governing agency, or
  - c. If the utility chooses to subsequently activate a different stage
5. When Schedule 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands, and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval via a Tier 1 advice letter to de-activate the particular stage of mandatory rationing that had been authorized.

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 80-W

Pete Kerns

Date Filed \_\_\_\_\_

Decision No. \_\_\_\_\_

President

Effective \_\_\_\_\_

Resolution No. W-4976 & W-5000

**RULE 14.1  
WATER CONSERVATION AND RATIONING PLAN (Continued)**

- a. Utility shall comply with all requirements of Sections 350-359 of the California Water Code. (N)
- b. The Tier 2 advice letter requesting institution of a Schedule 14.1 shall include but not be limited to:
  - i. Proposed Schedule 14.1 tariff, which shall include but not be limited to:
    - 1. Applicability,
    - 2. Territory applicable to,
    - 3. A detailed description of each Stage of Rationing,
    - 4. A detailed description of the Trigger that Activates each Stage of rationing.
    - 5. A detailed description of each water use restriction for each Stage of rationing,
    - 6. Water use violation levels, written warning levels, associated fines, and exception procedures,
    - 7. Conditions for water service disconnection,
    - 8. Charges for water service disconnection,
    - 9. Special Conditions.
  - ii. Justification for, and documentation and calculations in support of plan, including but not limited to each item in B.1.d.i above. (N)

(D)

(continued)

(To be inserted by utility)

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**RULE 14.1  
STAGED MANDATORY WATER CONSERVATION AND RATIONING**

A. APPLICABILITY

(N)

Applicable to all water customers served under Cold Springs Water Company (CSWC) tariffs. This Schedule is only effective in times of mandatory conservation and rationing, as required by Rule No. 14.1 and only for the period noted in the Special Conditions section below. The penalty charges listed in this Schedule are in addition to the regular water use charges under the water customer’s otherwise applicable tariff.

B. TERRITORY

Applicable to all services as shown on the Service Area Map.

C. STAGED MANDATORY WATER CONSERVATION AND RATIONING

1. The State Water Resources Control Board issued a Notice to Public Drinking Water Systems on June 8, 2021 requiring water conservation measures be implemented immediately.
2. Activation of the following Stages of Mandatory Water Conservation and Rationing will be determined based on total available water supplies in the CSWC service area. CSWC’s priority has been, and continues to be, providing an adequate supply of water for both Domestic and Fire Protection use. The respective stages for mandatory conservation and rationing trigger points are as follows:
  - a. Stage 1: Is always in effect for normal conditions up to 10 percent water shortages. It is necessary that customers always use as little water as possible. Stage 1 applies when supplies are normal up to a shortage of 10 percent.
  - b. Stage 2: Outside watering for landscape, potted plants, turf, shrubs, trees, and/or gardens is limited to twice per week. Stage 2 applies when supplies are short 10 – 20 percent.
    - i. No watering between 11:00 a.m. through 6:00 p.m.

(N)

(continued)

(To be inserted by utility)

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(To be inserted by Cal. P.U.C.)

Advice Letter No. 80-W

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Resolution No. W-4976 & W-5000

**RULE 14.1**  
**STAGED MANDATORY WATER CONSERVATION AND RATIONING**  
**(Continued)**

- ii. Even numbered address water on Tuesdays and Saturdays. (N)
- iii. Odd numbered address water on Wednesdays and Sundays.
- iv. No watering on Mondays, Thursdays, or Fridays.
- v. Outside handheld hosed for watering must have a positive shut off valve.
- vi. No washing of vehicles, boats, trailers, ATV's, R.V.'s, patios, decks, sidewalks, driveways, or houses.
- vii. No filling of pools, hot tubs or portable plastic/blow up children's pools.
- c. Stage 3: All outside water use is prohibited. Basic health and safety water usage only. Stage 3 applies when supplies are short in excess of 20 percent or water right curtailments are issued by the State of California.
  - i. No outside watering for landscape, potted plants, turf, shrubs, trees, gardens, and/or any other exterior landscaping.
  - ii. No washing of vehicles, boats, trailers, ATV's, R.V.'s, patios, decks, sidewalks, driveways, or houses.
  - iii. No filling of pools, hot tubs, portable plastic/blow up children's pools, ponds or fountains.
  - iv. Service of water by any restaurant except up request of a patron;
  - v. Customers are required to reduce water usage to basic health & safety needs only.
    1. Do not leave water running brushing teeth;
    2. Take short showers.
    3. Wash full loads of dishes and laundry; (N)

(continued)

(To be inserted by utility)

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(To be inserted by Cal. P.U.C.)

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**RULE 14.1  
STAGED MANDATORY WATER CONSERVATION AND RATIONING  
(Continued)**

- 4. Minimize toilet flushing;
- 5. Repair leaks immediately.
- vi. Maximum 500 cu/ft usage per month or 30 percent reduction in average water usage, whichever is less. Under no exception is water usage to exceed 55 gallons per day per person. The 55 gallon per day per person maximum applies to our full and part time residents only. Commercial businesses and/or residential properties being used as vacation rentals are not to exceed 500 cu/ft per month.
- vii. At CSWC discretion, violations of any of these prohibited or restricted water use activities may be punished by a fine of up to five hundred dollars (\$500.00) per month in which the violation occurs.
- viii. Where neglect or wasteful use of water exists on a customer’s premises, the utility may discontinue service if such practices are not remedied within 5 days after CSWC has given the customer written notice.

**D. SPECIAL CONDITIONS**

- 1. The State Water Resources Control Board issued a 100 percent curtailment on CSWC water right June 16, 2021.
- 2. Stage 3 became effective June 16, 2021 and will expire when water supplies return to Stage 1 conditions and after the PUC has been notified with a Tier 1 advice letter.
- 3. Violation of mandatory water conservation and rationing Stages will be enforced as necessary in accordance with CSWC’s Rule 11, – Discontinuance and Restoration of Service, “Section B.2 for Noncompliance with Rules”.
  - a. To protect the CSWC system against serious and unnecessary waste or misuse of water, the utility may perform daily or weekly meter readings where the customer continues to misuse or waste water beyond five days after it has given the customer notice.

(continued)

(To be inserted by utility)

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**RULE 14.1**  
**STAGED MANDATORY WATER CONSERVATION AND RATIONING**  
**(Continued)**

- b. Where neglect or wasteful use of water exists on a customer’s premises, CSWC may fine the customer up to \$500.00 per month in which the violation occurs if such practices are not remedied within five days after CSWC has given the customer written notice. (N)
- c. Where neglect or wasteful use of water exists on a customer’s premises, the utility may discontinue service if such practices are not remedied within five days after CSWC has given the customer written notice. (N)

(End of Staged Mandatory Water Conservation and Rationing)

(To be inserted by utility)

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Effective \_\_\_\_\_

Resolution No. W-4976 & W-5000

**RULE 14.1  
STAGED WATER RATIONING**

**A. APPLICABILITY**

(N)

- 1. This schedule applies to all water customers serviced under all tariff rate schedules authorized by the Commission. It is only effective in times of mandatory rationing, as required by Rule 14.1, and only for the period noted in the Special Conditions section below.
- 2. This schedule shall remain dormant until a specific Stage is activated by Commission authorization of a Tier 2 advice letter.
- 3. When a particular Stage of this schedule is activated, CSWC shall file an updated tariff which shall remain in effect until the utility files a Tier 1 advice letter to deactivate a specific Stage of mandatory conservation and rationing and such is authorized by the Commission.

**B. TERRITORY**

Applicable to all services as shown on the Service Area Map.

**C. STAGES**

Activation of the following Stages of Mandatory Water Conservation and Rationing will be determined based on total available water supplies in the CSWC service area. CSWC's priority has been, and continues to be, providing an adequate supply of water for both Domestic and Fire Protection use. The respective stages for mandatory conservation and rationing trigger points are as follows:

- 1. Stage 1: Is always in effect for normal conditions up to 10 percent water shortages. It is necessary that customers always use as little water as possible. Stage 1 applies when supplies are normal up to a shortage of 10 percent.
- 2. Stage 2: Outside watering for landscape, potted plants, and/or gardens is limited to twice per week. Stage 2 applies when supplies are short 10 – 20 percent.

(N)

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Resolution No. W-4976 & W-5000

**RULE 14.1  
STAGED WATER RATIONING  
(Continued)**

- a. No watering between 11:00 a.m. through 6:00 p.m. (N)
  - b. Even numbered address water on Tuesdays and Saturdays.
  - c. Odd numbered address water on Wednesdays and Sundays.
  - d. No watering on Mondays, Thursdays, or Fridays.
  - e. Outside handheld hose for watering must have a positive shut off valve.
  - f. No washing of vehicles, boats, trailers, ATV's, R.V.'s, patios, decks, sidewalks, driveways, or houses.
  - g. No filling of pools, hot tubs, portable plastic/blow up children's pools, ponds or fountains.
- 3. Stage 3: All outside water use is prohibited. Basic water usage only. Stage 3 applies when supplies are short in excess of 20 percent or water right curtailments are issued by SWRCB.**
- a. No outside watering for landscape, potted plants, and/or gardens.
  - b. No washing of vehicles, boats, trailers, ATV's, R.V.'s, patios, decks, sidewalks, driveways, or houses.
  - c. No filling of pools, hot tubs, portable plastic/blow up children's pools, ponds or fountains.
  - d. Service of water by any restaurant except up request of a patron.
  - e. Customers are required to reduce water usage to basic needs only.
  - i. Do not leave water running while brushing teeth; (N)

(continued)

(To be inserted by utility)

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**RULE 14.1  
STAGED WATER RATIONING  
(Continued)**

- ii. Take short showers;
- iii. Wash full loads of dishes and laundry;
- iv. Minimize toilet flushing;
- v. Repair leaks immediately.
- vi. Maximum 500 cu/ft usage per month or 30 percent reduction in water usage, whichever is less. Under no exception is water usage to exceed 55 gallons per day per person. The 55 gallon per day per person maximum applies to our full and part time residents only. Commercial businesses and/or residential properties being used as vacation rentals are not to exceed 500 cu/ft per month.
- vii. At CSWC discretion, violations of any of these prohibited or restricted water use activities may be punished by a fine of up to five hundred dollars (\$500.00) per month in which the violation occurs.
- viii. Where neglect or wasteful use of water exists on a customer’s premises, the utility may discontinue service if such practices are not remedied within 5 days after CSWC has given the customer written notice.

(N)

**D. SPECIAL CONDITIONS**

1. The State Water Resources Control Board issued a 100 percent curtailment on CSWC water right June 16, 2021.
2. Stage 3 became effective June 16, 2021 and will expire when water supplies return to Stage 1 conditions and after the PUC has been notified with a Tier 1 advice letter.

(N)

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**RULE 14.1  
STAGED WATER RATIONING**

**(Continued)**

(N)

- 3. Violation of mandatory water conservation and rationing Stages will be enforced as necessary in accordance with CSWC’s Rule 11, – Discontinuance and Restoration of Service, “Section B.2 for Noncompliance With Rules”.
  - a. To protect the CSWC system against serious and unnecessary waste or misuse of water, the utility may perform daily or weekly meter readings where the customer continues to misuse or waste water beyond five days after it has given the customer notice.
  - b. Where neglect or wasteful use of water exists on a customer’s premises, CSWC may fine the customer up to \$500.00 per month in which the violation occurs if such practices are not remedied within five days after CSWC has given the customer written notice.
  - c. Where neglect or wasteful use of water exists on a customer’s premises, the utility may discontinue service if such practices are not remedied within five days after CSWC has given the customer written notice.

(N)

(End of Staged Water Rationing)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

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Resolution No. W-4976 & W-5000



PRELIMINARY STATEMENT  
(Continued)

G. MEMORANDUM ACCOUNTS

The company has established the following memorandum accounts. The purpose of these accounts is to recover costs not anticipated in rates. The balance in these accounts will be recovered in rates after COUC review and audit of the reasonableness of the costs recorded therein. The accounts are listed with the authorizing CPUC Resolution, Decision or Public Utilities Code (PU Code). Additional description can be found in the authorizing document (s).

1. Unanticipated Repair Cost Memorandum Account (URCMA), Decision 92-03-093, dated March 31, 1992.
2. Catastrophic Event Memorandum Account (CEMA), Resolution E-3238, dated July 24, 1991 and PU Code 454.9 Note: Should a disaster or emergency occur, the utility will inform the Division of Water and Audit of the CPUC, within 30 days after the catastrophic event, that the utility has started booking costs to its CEMA.
3. Infrastructure Act Memorandum Account (IAMA), Decision 06-05-041, dated May 25, 2006 and PU Code 789 Note: This account is established to track gains on real property.
4. Water Contamination Litigation Expense Memorandum Account, Resolution W-4094, dated March 26, 1998.
5. Water Conservation, Rationing, and Service Connection Moratoria, based on Standard (N) Practice U-40, Resolution dated February 27, 2014. (N)

(Continued)

(To be inserted by utility)

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PRELIMINARY STATEMENT  
(Continued)

H. BALANCING ACCOUNTS

The company has established the following balancing accounts. The purpose of these accounts is to track changes in costs for the named expense category. The balance in these accounts will be recovered in rates after COUC review and audit of the reasonableness of the costs recorded therein. The accounts are listed with the authorizing CPUC Resolution, Decision or Public Utilities Code (PU Code). Additional description can be found in the authorizing document (s).

1. Purchased Power, Resolution W-4467, April 22, 2004.
2. Purchased Water, Resolution W-4467, April 22, 2004.
3. Pump Tax, Resolution W-4467, April 22, 2004.
4. Payroll, Resolution W-4467, April 22, 2004.
5. Payroll Taxes, Resolution W-4467, April 22, 2004.
6. Contract Labor, Resolution W-4467, April 22, 2004, Note: Restricted to the Operational and Maintenance portion of contract labor.
7. Water Quality Balancing Account (WQBA), Resolution W-4698, July 31, 2008.
8. California Department of Public Health User Fees Balancing Account (UFBA), Resolution W-4698, July 31, 2008, Notes: Pertains to fees that are billed under Section 4019.10 of the California Health and Safety Code.
9. Water Conservation, Rationing, and Service Connection Moratoria, based on Standard (N) Practice U-40, dated February 27, 2014, Notes: Pertains to tracking of lost revenues associated with reduced sales as a result of activation of either voluntary or mandatory conservation plus costs related to providing information to the customers and rationing through Rule 14.1 and Schedule 14.1. (N)

(To be inserted by utility)

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Resolution No. W-4976 & W-5000

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information.

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Advice Letter No. 80-W

Decision No. \_\_\_\_\_

Issued by

Pete KernsPresident

(To be inserted by Cal. P.U.C.)

Date Filed \_\_\_\_\_

Effective \_\_\_\_\_

Resolution No. W-4976 & W-5000

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## State Water Resources Control Board

July 8, 2021

VIA ELECTRONIC MAIL

### **RESPONSE TO CLAIMED NEED TO CONTINUE DIVERTING FOR HUMAN HEALTH AND SAFETY NEEDS**

You are receiving this letter because your email address is associated with the State Water Resources Control Board's (State Water Board) Delta Watershed Unavailability Certification Form (form) that was submitted for a water right in response to the June 15, 2021 notice of water unavailability for right holders in the Sacramento-San Joaquin Delta (Delta) watershed. The form submitted for your water right indicates that you plan to continue diverting water under this right because there is no alternative water source available to supply basic human health and safety needs. The purpose of this letter is to acknowledge receipt of your form and provide you with additional information related to your claimed need for continued diversions.

The State Water Board has received your form indicating a need to continue diverting for human health and safety needs and does not intend to pursue enforcement with regard to continued diversions needed for human health and safety at this time. The State Water Board may request further information regarding your human health and safety needs, or to verify evidence that: (1) there are no feasible alternative sources of water available, (2) continued diversions are solely used to meet minimum human health and safety needs, and (3) diversions do not occur in excess of what is required for minimum human health and safety. Please respond promptly if additional information is requested.

As indicated in the June 15 notice of water unavailability, current information indicates that water supplies in the Delta watershed are insufficient to support lawful diversion under any post-1914 appropriative water right. Before relying on continued surface water diversions under your post-1914 appropriative water right to meet minimum health and safety needs, you should diligently pursue an alternative source of water, such as purchased water or voluntary water transfers, and implement more stringent demand management and conservation. As a water right holder, it is your obligation to secure alternative sources of water that are consistent with the water right priority system as needed to continue your use(s) when water is not available under your right. The water right priority system is particularly important in times of limited supplies like those currently being experienced.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you are unable to secure alternative sources of water, continued diversions should be limited to only minimum human health and safety needs, such as human consumption, cooking, or sanitation, and should not be applied to uses that are not necessary for human health and safety. To do your part in helping conserve water, the State Water Board urges you to limit any continued diversions for human health and safety to no more than 55 gallons per person per day.

If continued diversions are necessary for compliance with health or drinking water regulations, the Division of Water Rights will refer your case to the State Water Board's Division of Drinking Water or an appropriate county agency for further assistance.

To stay informed of water unavailability for your water right, **you are strongly encouraged to subscribe to the Delta Drought email subscription list** on the State Water Board's Email Lists webpage at:

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

If you have any questions, you may send an email to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov), or call the Delta Drought phone line at (916) 319-0960. For more information on drought in the Delta watershed, visit: <https://www.waterboards.ca.gov/drought/delta/>

Sincerely,

*ORIGINAL SIGNED BY*

Erik Ekdahl  
Deputy Director, Division of Water Rights  
State Water Resources Control Board

## Summary

# Delta Watershed Unavailability Certification Form for Water Right (A021647)

You completed the survey on 06/21/2021 16:49:21

[Return to Dashboard](#)

## Introduction

**Do you need help completing this form?** Call (916) 319-0960 or email [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov)

**Do you have multiple water rights?** If the State Water Board has informed you that its best available information indicates water is unavailable for more than one of your water rights, you should complete the Certification Form using the Water Right ID and Password associated with each right. After you complete the form for this Water Right ID, please log out and log back in using the Water Right ID and Password for the other water right(s). At this time, you cannot submit a certification form for multiple water rights under one login.

**Water Right ID Login and Password:** If you received a notice of water unavailability for one or more pending water right applications without a Water Right ID Login and Password, please download a Certification Form from the State Water Board's website at: <http://www.waterboards.ca.gov/drought/delta/>. Please complete the form and submit it to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov) or mail it to the following address:

State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000

**Drought Information and Updates:** For more information and additional drought-related resources, please visit: <https://www.waterboards.ca.gov/drought/>

**Incorrect Address:** If the Notice of Water Unavailability did not go to the correct address or you are no longer the owner, please submit a change of address or change of ownership form: [https://www.waterboards.ca.gov/water\\_issues/programs/ewrims/ownership/](https://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/)

**Alternative Source of Water:** If you are still diverting water under an alternative source of water, you will be asked to provide more information on a subsequent page.

## Ownership Information

Water Right Owner Name \*

Cold Springs Water Con

Form Response Completed By  
(Insert Your Name) \*

Jeff Kerns



Agent Name (if applicable)

Contact Phone Number

209-768-0496

Contact Email

[jkerns@yotitle.com](mailto:jkerns@yotitle.com)

## Unavailability Certification

Please select one \*

- I have already or will cease all diversions under this water right until water is available for diversion under its priority of right.
- I have already ceased all diversions under this water right pursuant to a Standard Water Right Term 91 Curtailment Notice or the Cannabis Policy dry season

forbearance period.

- I will continue to divert under this water right. I am aware that unauthorized diversion of water, including diversion of water that is determined to be unavailable under my priority of right, may be subject to formal enforcement action.

**Explain below. Please note that if you plan to continue diverting under this right, the following page will ask you to explain whether these diversions are for the purpose of meeting minimum health and safety needs, fire suppression, air quality, or for a non-consumptive use such as hydroelectric generation.**

We plan on diverting to meet minimum health & safety needs and fire suppression. We had a structure fire in our service area just yesterday. Our water right is for 106 acre/year, we will reduce our diversion to 35 acre ft for 2021. We have implemented water saving protocols with our customers and they are 100% metered.

(5000 character max.)

## Human Health and Safety, Fire Suppression, Air Quality, or Non-Consumptive Use

If you plan to continue diverting under this water right, please answer the following questions to inform the State Water Board of your specific water supply situation. **If you plan to cease diverting under this water right, please select N/A and move on to the next page.**

**HUMAN HEALTH AND SAFETY -**  
I hereby certify that there is no alternative source available to supply basic human health and safety needs and ceasing diversion under this water right would preclude compliance with state or local health or drinking water regulations. \*

Yes     No     N/A

**FIRE SUPPRESSION –** I hereby certify that there is no alternative source available for a fire suppression use required by CA Department of Forestry and Fire Protection or other appropriate authority. \*

Yes     No     N/A

**AIR QUALITY –** I hereby certify that there is no alternative source available to address critical air quality impacts, as required by CA Air Resources Board or other appropriate authority. \*

Yes     No     N/A

**NON-CONSUMPTIVE USE –** I hereby certify that there is no alternative source available for my non-consumptive use, and all water diverted will return to the stream within a span of time that will not affect availability for other users. \*

Yes     No     N/A

## Continued Diversion for Human Health and Safety (if applicable)

The questions on this page only apply if you are continuing to divert to meet Human Health and Safety needs. **If this does not apply to you, please enter and select N/A and move on to the next page.**

How many connections are served under this right and any other associated water rights? (Enter N/A if this does not apply.) \*

How many individuals are served under this right and any other associated water rights? (Enter N/A if this does not apply.) \*

Is the right holder a Public Water System permitted by the State Water Board's Division of Drinking Water or a County Local Primacy Agency? \*

Yes  No  N/A

Has the subject water system been issued an order from the Division of Drinking Water requiring technical reporting in response to drought? \*

Yes  No  N/A

Is the right holder a State Small Water System regulated by a county? \*

Yes  No  N/A

List any associated water rights that may contribute to your Health and Human Safety needs. (Enter N/A if this does not apply.) \*

We have a very unreliable ground source that is a poor producer in dry years. This ground source will not suffice for our customers this year.

(5000 character max.)

## Alternative Source of Water

Do you serve the place of use associated with this water right with an alternative source of water? Select all that apply. \*

- Yes, with groundwater
- Yes, with one or more pre-1914 appropriative water right claim(s)
- Yes, with one or more riparian water right claims(s)
- Yes, with purchased/hailed water
- Yes, with contract water
- Yes, with a different source of water not listed above
- No

If the alternative source of water is groundwater, please provide the name of the Groundwater Sustainability Agency (GSA) for the basin from which groundwater is pumped. Does planned groundwater pumping align with your GSA's Groundwater Sustainability Plan (GSP) and Sustainable Groundwater Management Act (SGMA) sustainability goals? Would planned groundwater pumping take place in the same county as your place of use (POU)?



No GSA

(5000 character max.)

**If the alternative source of water is diversion under a pre-1914 appropriative water right claim or a riparian water right claim, please provide the Statement of Water Diversion and Use number (e.g., S012345) that you use to report these diversions to the State Water Board.**

N/A

(5000 character max.)

**If the alternative source of water is purchased, contract, or hauled water, please provide the name of the water provider and any other relevant information (contract number, date, etc.).**

N/A

(5000 character max.)

**If the alternative source of water is different from the sources listed above, please provide the source and any additional relevant information.**

N/A

(5000 character max.)

## Signature and Additional Information

By checking this box, I understand that submission of this form does not constitute acceptance or approval by the State Water Board of the validity of any indicated bases for continued diversions, and that voluntary agreements or alternative compliance plans should be approved by the State Water Board prior to commencing or continuing diversions pursuant to such an agreement or plan. \*

By checking this box, I acknowledge that California water law provides that I am not authorized to divert when water is unavailable under my priority of right, and actual or threatened diversions under those circumstances may subject me to formal enforcement action. \*

**By typing in my name, I certify that the information in this certification is true to the best of my knowledge. \***

Jeff Kerns