



2015-2016

Madera County Grand Jury

Final Report

1516-06 Madera County

Special District MD-95

Publication Date: June 22, 2016

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Final Report  
1516-06 Madera County Special District MD-95**

**Introduction:**

The Madera County Grand Jury received a complaint regarding the large amount of water used by Special District MD-95, Ranchos West. With California in a serious drought that includes Madera County, it is essential that the County's water resources be conserved and shared by all of its residents. During our investigation, we found the water usage per residence varied greatly among the twenty-eight Special Districts that provide water to Madera County residents. Our investigation also found that Special District CSA-16, Sumner Hill used a large amount of water.

**Facts:**

1. Chapter 13.55 – Water Conservation of the Madera County Code establishes stages that the County Engineer can enforce in an effort to conserve water (see Attachment 1.).
2. The Board of Supervisors declared that all Special Districts were under a Stage 3 water conservation measure effective March 4, 2014 which limited outside watering and established fines for violation of these water-use restrictions.
3. Special District MD-95 is located approximately one-half mile north of Avenue 12 and east of Road 35. Special District CSA-16 is located on Killarney Drive, east of State Highway 41 and south of Road 204.
4. Special District MD-95 provides water to 26 homes out of 29 homes at full build-out. Special District CSA-16 provides water to 34 of a potential 49 homes.
5. The five-year (2010 to 2014) average water use per residence for Special District MD-95 was 1,050,363 gallons per year. Special District CSA-16 used 997,363 gallons per residence per year. The average usage per residence for the remaining Special Districts combined was 223,150 gallons per year (see Attachment 2).
6. Since the implementation of the Stage 3 water restrictions, Special District MD-95 used 920,267 gallons per residence and Special District CSA-16 used 730,145 gallons per residence through the first eleven months of 2015.
7. Enforcement of outdoor water use restrictions is not done on a regular basis.

**Findings:**

1. The water use per residence for both Special District MD-95 (1,050,363 gallons per year) and Special District CSA-16 (997,363 gallons per year) are very disproportionate compared to the remaining special districts.
2. The County does not have staff whose specific duty is to enforce the County’s outdoor water use restrictions. Maintenance staff is used on an overtime basis to enforce the watering restrictions.

**Recommendations:**

The Grand Jury recommends that the Board of Supervisors:

1. Provide the staff necessary to effectively enforce the County’s water conservation efforts.

**Respondents:**

Madera County Board of Supervisors  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

Madera County Office of Development Services  
Director  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

**Information Only:**

Department of Water and Natural Resources  
Director  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

**Attachments:**

1. Madera County Code Chapter 13.55 – Water Conservation
2. Special District’s Annual Water Production Comparison

[https://www2.municode.com/library/ca/madera\\_county/codes/code\\_of\\_ordinances?nodeId=TIT13WASE\\_IISEDICH13.55WACO](https://www2.municode.com/library/ca/madera_county/codes/code_of_ordinances?nodeId=TIT13WASE_IISEDICH13.55WACO)

Chapter 13.55 - WATER CONSERVATION

Sections:

13.55.010 - Purpose of regulations.

The board of supervisors of the County of Madera finds that conservation of water is a prudent and desirable goal necessary for the public health and safety. The board further finds that it is timely for the County of Madera to take those steps necessary for the public health and safety. The board further finds that it is timely for the County of Madera to take those steps necessary to ensure an adequate local supply of water, and that a water conservation program will assist in meeting that goal.

(Ord. No. 532B, 3-1-16; Ord. No. 667, § 1, 10-8-13; Ord. 532 § 1(part), 1990).

13.55.020 - Rules and regulations.

The following water conservation program within that portion of the unincorporated area of the county which is served by county service area or county maintenance district operated community water systems is adopted as follows:

- A. No outdoor water use between eleven a.m. and seven p.m. on any day.
- B. Dwellings or establishments with even number street addresses shall water only on Wednesdays, Fridays and Sundays subject to the time restrictions set forth above.
- C. Dwellings or establishments with odd number street addresses shall water only on Tuesdays, Thursdays and Saturdays subject to the time restrictions set forth above.
- D. No outdoor watering on Mondays.
- E. Hosing down paved driveways, sidewalks, or paved parking lots is prohibited.
- F. Restaurants and other food service establishments can only serve water to customers upon request.
- G. No person shall allow water to run or waste from his or her property onto a county street to such an extent that water shall flow in the street gutter excessively beyond the frontage of the property occupied by such person; nor to flow excessively off of the occupied property into the street gutter; nor to continuously fall upon a public right-of-way or adjoining property such as to significantly contribute to the gutter flow; nor to excessively flow onto, or continuously fall upon, adjoining properties or an alley.
- H. Using potable water to irrigate ornamental turf on public street medians is prohibited
- I. Each consumer of water shall keep all connections, faucets, hydrants, pipes, outlets, and plumbing fixtures tight and free from leaking, dripping, or wasting water.
- J. No person shall use water through any hose, pipe, or other discharge for the purpose of watering gardens, trees, lawns, flowers, or plants or for other irrigation or agricultural purposes

without the use of a restricting nozzle or sprinkling device or unless such use is manually controlled and attended.

- K. Using outdoor irrigation during and forty-eight hours following measurable precipitation is prohibited.
- L. Using potable water to irrigate landscapes of new homes and buildings inconsistent with California Building Standards Commission (CBSC) and Department of Housing and Community Development (DHCD) requirements is prohibited.

(Ord. No. 532B, 3-1-16; Ord. No. 667, § 1, 10-8-13; Ord. 532 § 1(part), 1990).

13.55.025 - Additional rules and regulations during periods of water shortage.

If the county public works director determines that the water conservation measures set forth in Section 13.55.020 are inadequate or are likely to be inadequate to prevent water shortages from occurring in a particular county service area or maintenance district, the county public works director may take any or all of the following additional temporary measures to protect the health and safety of the persons within the service area or maintenance district:

- A. Stage 1 Conditions. Defined as the currently existing conditions under the average water year, where there is continuous decrease of the water table due to weather conditions and overdraft pumping or the system is subject to further regulations mandated by the state. The following prohibitions are in effect during Stage 1:
  - 1. All the water conservation provisions indicated in Section 13.55.020.
  - 2. Violations of the water conservation provisions indicated in Section 13.55.020 shall be enforced as indicated in Section 13.55.040.
  - 3. Water leaks must be repaired as soon as possible. Water leaks that adversely affect the water system may require the service to be shut off until the repair is made.
  - 4. Using portable water in decorative water features that does not recirculate the water is prohibited.
  - 5. Voluntary water conservation measures are requested.
  - 6. Special districts staff will respond to and enforce violations of water conservation ordinance.
  - 7. The board of supervisors hereby sets the penalties for violations at: Warning for first violation; fifty dollars for second violation; and one hundred dollars for third violation and each consecutive violation thereafter.
- B. Stage 2 Conditions. Defined as potential moderate water shortage, where weather forecasts predict a long period of drought conditions accompanied by deteriorating ground water conditions or the system is subject to further regulations mandated by the state. The following prohibitions are in effect during Stage 2:
  - 1. All the Stage 1 prohibitions, described above, which are not modified for Stage 2 conditions.
  - 2. Outdoor water use limited to two days per week based on street addresses.
  - 3. Even number street addresses shall water only on Wednesdays and Sundays subject to the time restrictions set forth above.
  - 4. Odd number street addresses shall water only on Tuesdays and Saturdays subject to the time restrictions set forth above.
  - 5. No outdoor watering allowed Mondays, Thursdays or Fridays.
  - 6. The board of supervisors hereby sets the penalties at fifty dollars, one hundred dollars, and one hundred fifty dollars respectively.

Agency Actions:

7. Increased enforcement of the water conservation ordinance, hire additional extra help staff to increase enforcement of the water conservation ordinance.
  8. Eliminate water use for fire hydrant flushing, other than absolutely necessary for maintenance.
  9. Reduce outdoor water use and irrigation at selected county parks and facilities, which would not create hazards to users.
- C. Stage 3 Conditions. Defined as serious water shortage where, in addition to prolonged drought conditions, ground water table has declined to the point where existing municipal wells may potentially break suction, or the system is subject to further regulations mandated by the State. The following prohibitions are in effect during Stage 3:
1. All the Stage 2 prohibitions, described above, which are not modified for Stage 3 conditions.
  2. Outdoor water use limited to one day per week based on street addresses
  3. Even number street addresses shall water only on Wednesdays subject to the time restrictions set forth above.
  4. Odd number street addresses shall water only on Saturdays subject to the time restrictions set forth above.
  5. Hot tubs and pools shall be filled only with water transported from outside the service area or maintenance district.
  6. The board of supervisors hereby sets the penalties at seventy-five dollars, one hundred twenty-five dollars, and one hundred seventy-five dollars respectively.
  7. Discontinue irrigation of outdoor areas at county parks and facilities.
- D. Stage 3.5 Conditions. Defined as a very serious shortage, where customer demands and minimum water system pressures may not be met or the system is subject to further regulations mandated by the state. The following prohibitions are in effect during Stage 3.5:
1. All of the Stage 3 prohibitions described above, which are not modified for Stage 3.5 conditions.
  2. Outdoor water use shall be prohibited except that irrigation of trees and bushes by means of drip irrigation is allowed two days per week. No watering of lawns/turf is allowed.
  3. Even number street addresses may drip irrigate only on Wednesdays and Sundays subject to the time restrictions set forth above.
  4. Odd number street addresses may drip irrigate only on Tuesdays and Saturdays subject to the time restrictions set forth above.
  5. No outdoor watering on Mondays, Thursdays and Fridays.
  6. Hot tubs and pools shall be filled only with water transported from outside the service area or maintenance district.
  7. The board of supervisors hereby sets the penalties at eighty-five dollars, one hundred thirty-five dollars, and one hundred eighty-five dollars respectively.
- E. Stage 4 Conditions. Defined as a very serious shortage, where customer demands and minimum water system pressures cannot be met or the system is subject to further regulations mandated by the state. The following prohibitions are in effect during Stage 4:
1. All the Stage 3 prohibitions, described above, which are not modified for Stage 4 conditions.

2. Outdoor water use shall be prohibited.
3. Hot tubs and pools shall be filled only with water transported from outside the service area or maintenance district.
4. The board of supervisors hereby sets the penalties to ninety-five dollars, one hundred forty-five dollars, and one hundred ninety-five dollars respectively.
5. Discontinue irrigation of outdoor areas at county parks and facilities.

Board of supervisors may consider establishing water shortage committee comprised of the public works director, county administrative officer, board chairman, environmental health director, public health director, and sheriff.

(Ord. No. 532B, 3-1-16; Ord. No. 667C, § 1, 12-2-14; Ord. No. 667B, § 1, 8-26-14; Ord. No. 667A, § 1, 3-4-14; Ord. No. 667, § 1, 10-8-13; Ord. 532A § 1(part), 1995).

13.55.030 - Exceptions.

Any provisions of this chapter shall not apply to prohibit agricultural, commercial or industrial use of water.

(Ord. No. 532B, 3-1-16; Ord. No. 667, § 1, 10-8-13; Ord. 532 § 1(part), 1990).

13.55.040 - Violations.

Any person willfully violating any provisions of this chapter is guilty of a violation as hereinafter provided and subject to the penalties therefore as provided by law. In addition to the issuance of a citation for violation of this chapter, the following sanctions shall also apply: upon determination of a violation of this chapter, the county shall issue to the user or consumer a notice of violation and penalty as described in subsections 13.55.025(A)—(D) and direction to correct the condition and discontinue the prohibited practice. Every person who willfully violates any provision of this chapter, or who verbally abuses, threatens, harasses, or in any manner interferes with county code enforcement officers or any county employees investigating or enforcing the water regulations is guilty of a misdemeanor, any reference to infractions referred to therein being expressly declared inapplicable.

(Ord. No. 532B, 3-1-16; Ord. No. 667, § 1, 10-8-13; Ord. 532A § 1(part), 1995; Ord. 532 § 1(part), 1990).

1516-06  
ATTACHMENT 2

### Special District's Annual Water Production Comparison

Active Connections	2010 Production			2011 Production			2012 Production			2013 Production			2014 Production		5-yr avg; Annual consumption per dwelling	Use Ranking: Most to Least
	Total Consumption	Avg per Connection		Total Consumption	Avg per Connection		Total Consumption	Avg per Connection		Total Consumption	Avg per Connection		Total Consumption	Avg per Connection		
MD-01	9,275,767	189,301	8,843,700	180,484	9,487,600	193,624	11,071,800	225,955	11,023,237	224,964	202,866	16				
MD-05	3,196,100	138,961	4,279,280	186,056	2,928,200	127,313	2,696,200	117,226	2,301,200	100,052	133,922	23				
MD-06	5,975,700	132,793	5,355,000	119,000	5,190,672	115,348	5,433,500	120,744	4,502,250	100,050	117,587	25				
MD-07	6,127,720	74,728	6,630,900	80,865	6,014,620	73,349	7,591,350	92,577	6,338,150	77,295	79,763	28				
MD-8A	11,284,000	100,750	12,166,600	108,630	17,653,298	157,619	17,195,200	153,529	15,283,000	136,455	131,397	24				
MD-10A	352,370,300	375,261	342,377,400	364,619	415,005,154	441,965	383,879,064	408,817	281,162,500	299,428	378,018	4				
MD-19	147,168,000	232,493	132,132,000	208,739	139,933,000	221,063	151,996,800	240,121	114,809,825	181,374	216,758	15				
MD-24	6,336,910	96,014	5,998,344	90,884	7,178,500	108,765	7,361,800	111,542	6,448,100	97,698	100,981	27				
MD-28	5,592,890	328,994	6,318,870	371,698	5,415,200	318,541	5,698,350	335,197	4,606,670	270,981	325,082	5				
MD-33	49,889,300	278,711	69,774,192	389,800	58,839,500	328,712	57,045,300	318,689	41,246,500	230,427	309,268	7				
MD-36	4,069,912	239,407	4,083,000	240,176	3,299,900	194,112	5,953,888	350,229	4,243,000	249,588	254,702	12				
MD-37	46,914,000	268,080	47,366,400	270,665	49,996,500	285,694	51,113,000	292,074	47,704,000	272,594	277,822	10				
MD-40	5,282,197	195,637	4,832,083	178,966	5,458,833	202,179	5,526,170	204,673	5,371,521	198,945	196,080	17				
MD-42	10,454,215	307,477	7,932,485	233,308	7,919,096	232,915	7,260,740	213,551	5,511,560	162,105	229,871	13				
MD-43	3,772,806	145,108	4,163,185	160,123	4,538,360	174,552	4,790,461	184,249	5,446,096	209,465	174,699	19				
MD-46	18,734,030	197,200	20,003,020	210,558	23,363,360	245,930	24,200,480	254,742	22,421,376	236,014	228,889	14				
MD-58	6,289,184	251,567	5,666,737	226,669	6,982,053	279,282	6,729,755	269,190	7,426,564	297,063	264,754	11				
MD-60	10,316,980	271,499	11,132,510	292,961	13,465,400	354,353	12,390,031	326,053	9,541,354	251,088	299,191	8				
MD-63	9,968,520	123,068	10,919,920	134,814	12,344,700	152,404	11,644,900	143,764	10,770,700	132,972	137,404	22				
MD-73	19,469,612	153,304	19,415,839	152,881	23,431,020	184,496	22,379,550	176,217	16,855,718	132,722	159,924	21				
MD-85	5,234,250	275,487	6,047,742	318,302	6,290,384	331,073	6,287,302	330,911	4,454,956	234,471	298,049	9				
MD-95	30,592,508	1,133,056	26,326,800	975,067	28,358,800	1,050,326	30,110,200	1,115,193	26,410,700	978,174	1,050,363	1				
CSA-1	92,871,263	198,020	74,003,334	157,790	76,868,300	163,898	86,167,850	183,727	54,584,770	116,385	163,964	20				
CSA-2B/C	7,247,160	95,357	10,356,319	136,267	8,713,190	114,647	8,593,840	113,077	5,773,092	75,962	107,062	26				
CSA-3	212,505,412	315,290	211,098,000	313,202	242,901,674	360,388	204,483,108	303,387	180,859,304	268,337	312,121	6				
CSA-14	5,890,400	190,013	4,834,900	155,965	5,984,598	193,052	8,150,788	262,929	5,397,600	174,116	195,215	18				
CSA-16	36,094,978	975,540	35,391,980	956,540	37,426,408	1,011,525	41,835,740	1,130,696	33,763,000	912,514	997,363	2				
CSA-19	178,875,528	535,555	162,326,769	486,008	178,292,703	533,810	186,284,636	557,738	140,097,800	419,454	506,513	3				

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\*\*\*MD-95 = Highest annual consumption per connection with a 5-year average of 1,050,363 gallons per residence, per year.

\*\*\*MD-07 = Lowest annual consumption per connection with a 5-year average of 79,763 gallons per residence, per year.

#### MCC Chapter 13.55 - Water Conservation

- = Existing conditions under the average water year.
- = Target reduction is 5% - 10%
- = Target reduction is 10% - 25%
- = Target reduction is 20% - 35%
- = Target reduction is 25% - 50%



2015 District Production

District	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg Annual Consumption per Connection	Use Ranking: Most to Least
MD-01	705,258	704,048	836,993	866,029	1,045,742	1,114,570	1,158,693	1,217,981	900,469	803,246	483,089	0	200,737	11
MD-05	181,800	148,900	179,500	145,400	162,700	185,200	275,100	249,800	206,100	156,500	96,800	0	86,426	26
MD-06	88,500	102,300	313,000	255,100	208,000	628,200	714,700	1,218,500	1,003,200	1,097,100	251,100	0	130,660	17
MD-07	242,920	170,360	253,950	300,190	345,040	584,530	737,600	633,300	774,640	833,890	751,490	0	68,633	28
MD-8A	759,300	702,500	761,900	902,600	877,000	1,627,700	1,850,700	2,008,800	1,278,700	1,194,900	1,169,500	0	117,264	20
MD-10A	8,861,600	8,587,240	12,638,400	18,533,000	19,023,600	26,093,600	27,646,936	29,389,719	25,339,500	17,264,317	12,012,189	0	218,946	10
MD-19	5,368,433	6,891,645	8,464,844	7,171,000	8,260,000	9,123,000	11,096,000	9,712,000	8,624,000	6,880,000	6,462,000	0	139,104	16
MD-24	252,200	186,800	346,900	432,400	477,500	735,800	871,200	991,400	910,000	700,100	335,400	0	94,541	25
MD-28	128,100	181,140	342,620	315,820	440,930	549,130	757,800	641,220	550,000	356,710	164,630	0	260,476	7
MD-33	1,261,536	1,188,210	1,298,620	3,293,000	2,447,000	3,625,000	4,762,600	3,936,000	3,425,000	2,613,000	1,444,000	0	163,653	14
MD-36	204,000	238,000	549,240	256,000	1,998,440	466,000	564,000	478,000	396,000	311,000	156,000	0	330,393	4
MD-37	2,398,000	2,590,000	3,585,000	3,996,000	4,917,000	4,675,000	5,874,000	5,019,000	4,617,000	3,538,000	2,415,000	0	249,280	8
MD-40	199,377	160,232	195,781	222,568	244,478	451,432	373,841	492,734	383,522	365,624	239,220	0	123,289	18
MD-42	244,890	236,960	355,300	379,160	381,490	635,820	710,810	660,240	651,510	528,510	333,410	0	150,532	15
MD-43	219,730	140,490	187,540	236,190	243,220	396,300	431,230	479,550	339,190	198,970	238,159	0	119,637	19
MD-46	655,030	552,240	1,040,040	1,160,820	1,260,360	2,854,090	2,672,493	2,508,970	2,133,130	1,555,810	638,170	0	179,275	12
MD-58	224,699	149,450	433,466	375,646	299,948	739,922	1,040,318	996,411	689,880	548,060	198,518	0	227,853	9
MD-60	418,130	429,920	415,780	523,260	608,650	818,970	809,070	841,100	689,960	729,380	371,280	0	175,145	13
MD-63	463,800	467,200	590,200	736,400	683,100	1,214,300	1,357,100	1,225,900	1,037,800	867,200	464,400	0	112,437	24
MD-73	634,890	609,430	1,072,710	1,236,340	1,267,600	1,966,350	2,080,590	1,869,020	1,626,210	1,326,380	703,980	0	113,335	22
MD-85	302,865	307,395	482,838	393,079	379,490	480,664	783,995	838,506	672,894	458,134	267,873	0	282,512	5
MD-95	828,216	782,900	1,543,100	2,618,100	2,502,500	3,338,700	3,635,800	3,574,100	3,112,000	2,144,300	767,500	0	920,267	1
CSA-1	1,859,900	2,505,740	3,960,670	4,530,020	4,798,840	8,549,070	6,829,410	6,006,710	6,029,840	4,817,300	2,902,360	0	112,558	23
CSA-2B/C	515,364	270,520	376,150	517,290	428,190	662,730	1,113,560	636,540	630,250	479,190	533,660	0	81,098	27
CSA-3	9,781,600	9,049,000	13,649,000	17,048,000	17,752,000	23,612,000	25,011,000	24,594,000	20,660,000	16,025,000	10,126,000	0	277,904	6
CSA-14	205,600	199,400	315,700	304,700	359,300	264,200	489,600	409,300	443,300	344,000	229,500	0	114,987	21
CSA-16	1,038,880	977,890	1,813,460	2,019,970	2,455,740	3,073,950	3,567,070	4,160,956	3,530,900	2,886,520	1,490,030	0	730,145	2
CSA-19	4,235,600	3,956,100	3,731,000	10,261,100	11,811,000	18,924,700	15,231,500	18,953,200	15,536,400	11,868,900	4,529,500	0	356,404	3
Cumulative Totals	42,280,218	42,486,010	59,733,702	79,029,182	85,678,858	117,390,928	122,446,716	123,742,957	106,391,395	80,892,041	49,774,758	0		
R-GPCD	98.45	105.10	140.46	218.45	228.51	255.37	270.20	273.06	242.60	178.50	113.50			