BEFORE THE BOARD OF SUPERVISORS
of the
SAN LUIS OBISPO COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Tuesday, August 24, 2021

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Dawn Ortiz-Legg, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

RESOLUTION NO. 2021-183

RESOLUTION ADOPTING CERTAIN POLICIES AND PROCEDURES IN THE LOW RESERVOIR RESPONSE PLAN (LRRP) FOR THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 3, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO IMPLEMENT THE LRRP; AND FINDING THAT THE PROJECT IS EXEMPT FROM SECTION 21000 ET SEQ. OF THE CALIFORNIA PUBLIC RESOURCES CODE (CEQA)

The following Resolution is hereby offered and read:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District ("District") constructed, owns and operates the Lopez Dam and Reservoir, the Lopez Water Treatment Facilities, and the Lopez Water Conveyance System; and

WHEREAS, the District and the City of Grover Beach, the City of Pismo Beach, the City of Arroyo Grande, the Oceano Community Services District and County of San Luis Obispo Service AreaNo. 12 (collectively, the "Zone 3 Contractors") entered into Water Supply Contracts in or around August 2000, providing that the District shall supply certain quantities of water to the Zone 3 Contractors, and providing that the Zone 3 Contractors shall make certain payments to the District, and setting forth the terms and conditions of such supply and payment (collectively, the "Water Supply Contracts"); and

WHEREAS, the Water Supply Contracts provide for the distribution of Entitlement water (a combined 4,530 acre-feet per year among the Zone 3 Contractors) and Surplus Water to the Zone 3 Contractors as well as for the distribution of certain downstream releases (not to exceed 4,200 acre-feet per year unless required by law) subject to the priorities, conditions and limitations set forth therein; and

WHEREAS, on July 13, 2021, the San Luis Obispo County Board of Supervisors ("Board") proclaimed a local emergency due to ongoing drought conditions; and

WHEREAS, Article 4 of the Water Supply Contracts provides that the District can curtail delivery of water to the Zone 3 Contractors in certain situations, including but not limited to, drought conditions; and

Resolution Page 1 of 21
WHEREAS, the District and the Zone 3 Contractors prepared a Low Reservoir Response Plan in 2014, attached hereto as Attachment 1 ("LRRP"), in consultation with local agricultural operations, for the purpose of providing some predictability regarding the quantities of water that will be delivered to the Zone 3 Contractors during droughts and other declared emergencies when less than twenty thousand (20,000) acre-feet of water is stored in the Lopez Reservoir; and

WHEREAS, on December 16, 2014, the District adopted a resolution similar to this Resolution, namely Resolution No. 2014-377 ("Prior Adoption Resolution"), adopting certain policies and procedures set forth in the LRRP in response to the last drought (proclamation of local emergency declared by the Board on March 11, 2014, and terminated on May 23, 2017); and

WHEREAS, on August 22, 2017 and notwithstanding the termination of the proclamation of local emergency and the fact that the LRRP was therefore no longer in effect by its terms, the District adopted Resolution No. 2017-218 ("2017 Resolution") pursuant to which it authorized the Director of Public Works to continue to implement the policies and procedures adopted in the Prior Adoption Resolution, particularly those provisions related to the availability of Emergency Drought Relief Water based on certain findings therein, and the District continued to make such water available until March 31, 2018; and

WHEREAS, consistent with the intent of LRRP as further described in the Prior Adoption Resolution, implementation of the initial prescribed actions and adaptive management approach together provided that the needs of the Zone 3 Contractors and the beneficiaries of downstream releases were met during the last drought; and

WHEREAS, all of the Zone 3 Contractors adopted resolutions supporting, endorsing, or approving the LRRP when it was originally developed in 2014 and the Zone 3 Advisory Committee did, at its July 15, 2021 meeting, approve a recommendation that the District again implement the LRRP due to the current drought.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, that:

1. Pursuant to the July 13, 2021 County of San Luis Obispo proclamation of a local emergency due to ongoing drought conditions and Article 4 of the Water Supply Contracts, the District plans to reduce water Entitlements (as defined in the Water Supply Contracts), as described in the initial prescribed actions set forth in the LRRP ("Initial Prescribed Actions"), subject to any adjustments made through implementation of the adaptive management provision contained in the LRRP in accordance with Paragraph 4 below, provided that Entitlement and Surplus Water deliveries do not vary more than ten percent (10%) from the amounts described in the Initial Prescribed Actions.

2. The District plans to use its authority pursuant to the July 13, 2021 County of San Luis Obispo proclamation of a local emergency due to ongoing drought conditions to make available “Emergency Drought Relief Water” as necessary to implement the Extended Delivery Provision described in Section 3.6 of the LRRP.
3. The District is relying on the commitments of the Zone 3 Contractors to request and accept only an amount of “Surplus Water” attributable to each agency’s unused Entitlement from the previous Water Year, and makes this Resolution based, in part, on these commitments.

4. The Director of Public Works has the exclusive authority to make adjustments to the Entitlement and Surplus Water deliveries described in the Initial Prescribed Actions in accordance with the adaptive management provision of the LRRP and in coordination with the Zone 3 Technical Advisory Committee and the Zone 3 Advisory Committee provided that Entitlement and Surplus Water deliveries do not vary more than ten percent (10%) from the amounts described in the Initial Prescribed Actions.

5. If the Zone 3 Advisory Committee submits a request to the District and the Director of Public Works determines based on documented findings that conditions warrant a grant of the request (similar to those findings included in the 2017 Resolution), the Director of Public Works may continue to make available or credit Emergency Drought Relief Water or carryover water to the Zone 3 Contractors as necessary to implement the Extended Delivery Provision described in Section 3.6 of the LRRP for up to three (3) years after termination of the LRRP by its terms (i.e. either termination of the proclamation of local emergency or the volume of water in the Lopez Reservoir exceeds twenty thousand (20,000) acre feet). Notwithstanding any action by the Director of Public Works, once the LRRP terminates, the District will calculate and declare the amount of Surplus water available in accordance with the Water Supply Contracts.

6. Nothing contained herein modifies the District’s duty or power to meet downstream release requirements.

7. In the event of a conflict between the terms of this Resolution and the policies and procedures set forth in the LRRP, the terms of this Resolution shall control.

8. The action of adopting policies and procedures set forth in the LRRP for San Luis Obispo County Flood Control and Water Conservation District Zone 3 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Section 21080(b)(4) and CEQA Guidelines Section 15269(c) in that adopting policies and procedures set forth in the LRRP is a specific action necessary to prevent or mitigate an emergency and CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that permitting the Director of Public Works to continue to make water available for a limited time after termination of the LRRP may have a significant effect on the environment.
Upon motion of Supervisor ___Ortiz-Legg___, seconded by Supervisor ___Gibson___, and on the following roll call vote, to wit:

AYES: Supervisors Ortiz-Legg, Gibson, Peschong, Arnold and Chairperson Compton

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted on the ___24th___ day of ___August___, 2021.

Lynn Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: T'Ana Christiansen
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

rita l. neal
county counsel

by: /s/ erica stueckey
deputy county counsel

dated: July 27, 2021

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Resolution Page 4 of 21
ATTACHMENT 1

Low Reservoir Response Plan
for the
San Luis Obispo County Flood Control and Water Conservation District Zone 3

December 16, 2014
Table of Contents

1 Introduction, Purpose and Plan Adoption .............................................................................. 7
2 Background .......................................................................................................................... 7
3 LRRP Elements .................................................................................................................. 8
   3.1 Enacting the LRRP and Initial Prescribed Actions ......................................................... 8
   3.2 Adaptive Management ................................................................................................. 9
   3.3 Reduction & Recovery Triggers .................................................................................... 9
   3.4 Municipal Diversion Reductions .................................................................................. 10
   3.5 Downstream Release Reductions ................................................................................. 10
       3.5.1 HCP Reduction Strategy ...................................................................................... 13
   3.6 Extended Delivery Provisions ...................................................................................... 13
       3.6.1 Evaporation Losses .............................................................................................. 14
Appendix A. LRRP Enactment & Adaptive Management Flow Chart .................................. 13
Appendix B. Reduction Strategy Evaluation ........................................................................... 15
1 INTRODUCTION, PURPOSE AND PLAN ADOPTION

The Low Reservoir Response Plan (LRRP) describes a set of actions that the San Luis Obispo County Flood Control and Water Conservation District (District) Zone 3 will implement when the amount of water in storage within the Lopez Reservoir drops below 20,000 Acre-Feet (AF) provided that the District’s Board of Supervisors has declared an emergency related to Zone 3. The purpose of the LRRP is to limit downstream releases and municipal diversions from Lopez Reservoir during periods of low reservoir storage (i.e. less than 20,000 AF) to preserve water within the reservoir, above the minimum pool level, for a minimum of 3 to 4 years under continuing drought conditions. The criteria for reducing municipal diversions and downstream releases are summarized in Section 3.

Droughts have unpredictable impacts on water supplies. The duration of droughts and the actual amount of rainfall and run-off during droughts can differ significantly. As a result, the LRRP has been developed to provide an initial set of prescribed actions combined with an adaptive management approach. The purpose of the LRRP is to act as the guiding document during drought emergencies, as outlined in the Interim Downstream Release Schedule (IDRS). The initial prescribed actions establish baseline actions, and several adaptive management scenarios are included so that actual hydrological conditions can be evaluated during a drought. In summary, ongoing evaluation of actual hydrological conditions is needed during a drought, and through the adaptive management approach, prescribed actions can be modified, if needed, so that the 3-4 year target can be achieved.

The District’s Board of Supervisors (BOS) is responsible for final adoption of the LRRP. Prior to adoption by the Board of Supervisors, the following steps are necessary:

1. Development of the draft LRRP guided by the Zone 3 Technical Advisory Committee (TAC).
2. Review of the draft LRRP with Zone 3 agricultural stakeholders.
3. Consideration of policy direction that may be provided by any of the governing boards of the Zone 3 agencies as the draft LRRP is being developed.
4. Review and approval by the Zone 3 Advisory Committee (AC).
5. Formal approval by the governing boards of the Zone 3 member agencies, by resolution, with appropriate findings to address the following:
   a. The California Environmental Quality Act (CEQA).
   b. Emergency provisions that are unique and necessary to the LRRP, but which may differ from contract provisions that control Zone 3 operations and deliveries during normal operating conditions.
6. Final approval by the BOS.
7. Enacting the LRRP as described in this document and outlined in Appendix A.

2 BACKGROUND

Since completion of its construction in 1969, the Lopez reservoir has experienced extended periods of low reservoir inflow that have led to decreased storage levels within the lake. Analysis of historical storage data from Lopez Reservoir identified that the lowest storage water level (16,455 AF) within the reservoir
occurred in November of 1992. Figure 1 shows monthly storage levels within Lopez Reservoir since April 1969. Since 1992, there have been significant changes in dam operations, (e.g. Interim Downstream Release Schedule (IDRS) implementation) that affect the amount of water that is released and diverted from the reservoir on an annual basis. Modified operations and historic drought conditions have highlighted the need for evaluation of LRRP reduction scenarios.

![Figure 1. Lopez Reservoir Storage](image)

### 3 LRRP ELEMENTS

#### 3.1 ENACTING THE LRRP AND INITIAL PRESCRIBED ACTIONS

The LRRP is automatically enacted if the total volume of water in the Lopez Reservoir falls below 20,000 AF and the BOS has declared an emergency related to Zone 3. The initial prescribed actions, once the LRRP is enacted, are as follows:

- Reductions in entitlement water deliveries as set forth in Table 1; and
- Reductions in downstream releases as set forth in Table 2, with actual releases timed to best meet the needs of agricultural stakeholders and to address environmental requirements; and
- No new allocations of Surplus Water from unreleased downstream releases; and
• Extension of time that agencies can take delivery of existing unused water; throughout the duration that the Drought Emergency is in effect, subject to evaporation losses if the water is not used in the year originally allocated.

3.2 ADAPTIVE MANAGEMENT
To provide the District, the Zone 3 agencies and agricultural stakeholders with sufficient flexibility to adapt to changing drought conditions and to address the environmental requirements, the LRRP includes an adaptive management component that allows the initial prescribed actions to be modified and adapted to the specific drought conditions. The steps for modifying the initial prescribed actions are outlined below and are show in Appendix A.

1. The TAC will review several factors including the time of year that the LRRP is enacted, when the reservoir level drops to lower triggers, and Hydrologic Conditions including but not limited to: predicted climatic conditions; anticipated reservoir inflow; and the availability of the Zone 3 agencies’ other water supplies.

2. If determined to be necessary, the TAC will make a recommendation to the AC on a strategy for modifying the initial prescribed actions, hereafter referred to as an Adaptive Management Strategy.

3. Upon review of the TAC’s recommendation, the AC will vote to approve, deny, modify or continue consideration of the Adaptive Management Strategy for a period not to exceed 30 days, at which time the AC will act to approve, deny or modify. If approved by the AC, the Adaptive Management Strategy will be implemented 14 days following its approval. If the Adaptive Management Strategy is approved, denied, or modified by the AC, AC members, Zone 3 member agencies, and other 3rd parties in interest may appeal to the BOS, within 14 days. If no appeal is made to the BOS, the AC action will be final.

4. If appealed to the BOS, the BOS action shall be final.

3.3 REDUCTION & RECOVERY TRIGGERS
To provide the District, Zone 3 agencies and the agricultural stakeholders with an initial framework for water supply planning, Reduction & Recovery Triggers, tied to the amount of water within the reservoir, were developed for the LRRP. Under the initial prescribed actions the Reduction & Recovery Triggers were set for the following storage levels: 20,000; 15,000; 10,000; 5,000; and 4,000 AF. As the amount of water in the reservoir drops below or rises above these triggers, the TAC will review the hydrologic condition and if necessary, utilize adaptive management to modify municipal diversions and downstream releases to meet the objectives of the LRRP.

Example scenarios provided in Appendix B show how the reservoir would respond to the implementation of the initial prescribed actions and an alternate reduction strategy under various historical hydrological patterns.
3.4 MUNICIPAL DIVERSION REDUCTIONS

Upon enactment of the LRRP, the initial prescribed actions dictate that municipal diversions are to be reduced according to the reduction strategy described in Table 1, which includes Reduction Triggers, reduction percentages and resulting municipal diversions. This municipal diversion reduction strategy may be modified through adaptive management, following the protocol outlined in Section 3.2.

Table 1. Initial Prescribed Municipal Diversion Reduction Strategy

<table>
<thead>
<tr>
<th>Amount of Water in Storage (AF)</th>
<th>Municipal Diversion Reduction</th>
<th>Municipal Diversion (AFY)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,000</td>
<td>10%</td>
<td>4,077</td>
</tr>
<tr>
<td>10,000</td>
<td>25%</td>
<td>2,722</td>
</tr>
<tr>
<td>5,000</td>
<td>35%²</td>
<td>2,941</td>
</tr>
<tr>
<td>2,000</td>
<td>35%²</td>
<td>2,941</td>
</tr>
</tbody>
</table>

3.5 DOWNSTREAM RELEASE REDUCTIONS

Upon enactment of the LRRP, the initial prescribed actions dictate that downstream releases are to be reduced according to the reduction strategy described in

¹ The actual amount of water diverted may vary as agencies extend the delivery of their Lopez Entitlement, as described in Section 3.6.
² The 35% reduction provides sufficient water to supply 55 gallons per capita per day (GPCD) for the estimated population of the Zone 3 agencies (47,696 in 2010 per the 2010 Zone 3 UWMP). 55 GPCD is the target residential indoor water usage standard used in California Department of Water Resource’s 2010 UWMP Method 4 Guidelines.
Table 2, which includes Reduction Triggers, reduction percentages and resulting downstream releases. The Initial Prescribed Downstream Release Reduction Strategy was developed through a collaborative process that included input from the District and agriculture and municipal stakeholders. The resulting downstream releases represent the maximum amount of water that can be released. The District will control the timing of the reduced releases to meet the needs of the agricultural stakeholders and to address environmental requirements. This downstream release reduction strategy may be modified through adaptive management, following the protocol outlined in Section 3.2.
Table 2. Initial Prescribed Downstream Release Reduction Strategy

<table>
<thead>
<tr>
<th>Amount of Water In Storage (AF)</th>
<th>Downstream Release Reduction</th>
<th>Downstream Releases (AFY)³</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,000</td>
<td>9.5%</td>
<td>3,800</td>
</tr>
<tr>
<td>5,000</td>
<td>92.9%</td>
<td>300</td>
</tr>
</tbody>
</table>

3.5.1 HCP Reduction Strategy
An alternate downstream reduction strategy that could be implemented through adaptive management includes the Habitat Conservation Plan (HCP) Reduction Strategy. Under the HCP Reduction Strategy, downstream releases would be reduced according criteria outlined in the proposed HCP Water Release Program for consecutive low inflow years. Under this strategy, downstream releases would be either 3 cfs or equal to the average inflow over the previous 14-day period, whichever is less.

3.6 EXTENDED DELIVERY PROVISIONS
Once the LRRP is enacted, and in order to promote conservation and a reduction in the demand on Zone 3 water, Zone 3 member agencies will be provided the ability to extend the time that they may have water delivered, while the BOS drought emergency is in effect. The following is how water allocations to Zone 3 member agencies will be determined at the beginning of each water year while the LRRP is in effect. It is important to note that during a water year, increases and decreases in allocations are possible as a result of adaptive management strategies.

1. At the end of each Water Year (WY) (March 31⁵), the amount of unused Lopez water from the previous WY will be calculated and documented for each member agency for later use.
2. On April 1⁵, the quantity of Entitlement Water for the new WY will be documented for each agency in accordance with the LRRP determinations. Unused water from the prior WY is subject to evaporation losses, which are further described in Section 3.6.1.

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³ These downstream releases represent the maximum amount of water that can be released. Actual releases may be less if releases can be reduced while still meeting the needs of the agricultural stakeholders and addressing the environmental requirements.
3.6.1 Evaporation Losses

While unused water from the prior WY is retained within the Lopez Reservoir, it is subject to evaporation losses. Evaporation losses are to be calculated quarterly and applied to the total amount of unused prior WY water retained by each agency at the end of the quarter. Evaporation losses will be calculated by comparing the surface area of the reservoir with the unused water against what the surface area would be if there were no unused water retained in the reservoir. Evaporation estimates from the District’s weather station would then be applied to the difference in surface area to calculate the increased evaporation losses due to the storage of the unused water. The unused water evaporation losses will be subtracted from each agency’s unused water at a rate proportional to the amount of unused water retained by each individual agency.
APPENDIX A. LRRP ENACTMENT & ADAPTIVE MANAGEMENT FLOW CHART
APPENDIX B. REDUCTION STRATEGY EVALUATION
<table>
<thead>
<tr>
<th>Year</th>
<th>Total Score</th>
<th>Change in Score</th>
<th>Change in Percentage</th>
<th>Total Score</th>
<th>Change in Score</th>
<th>Change in Percentage</th>
</tr>
</thead>
<tbody>
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<td>2001</td>
<td>1000</td>
<td>0</td>
<td>0</td>
<td>1000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>1000</td>
<td>0</td>
<td>0</td>
<td>1000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2003</td>
<td>1000</td>
<td>0</td>
<td>0</td>
<td>1000</td>
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<tr>
<td>2004</td>
<td>1000</td>
<td>0</td>
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<td>1000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2005</td>
<td>1000</td>
<td>0</td>
<td>0</td>
<td>1000</td>
<td>0</td>
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</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>1000</td>
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</tr>
<tr>
<td>2007</td>
<td>1000</td>
<td>0</td>
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<td>1000</td>
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</tr>
<tr>
<td>2008</td>
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<td>0</td>
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<td>1000</td>
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<td>2009</td>
<td>1000</td>
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<td>0</td>
<td>1000</td>
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<td>0</td>
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<tr>
<td>2010</td>
<td>1000</td>
<td>0</td>
<td>0</td>
<td>1000</td>
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<tr>
<td>2011</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
<td>1000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: The scores are hypothetical and for demonstration purposes only.
### Scenario D-1: Average of Water Years

2011/12-2013/14 Inflow & Rainfall

<table>
<thead>
<tr>
<th>Year</th>
<th>Inflow</th>
<th>Rainfall</th>
<th>Evap.</th>
<th>Municipal Reduction</th>
<th>Municipal Divisions</th>
<th>Downstream Releases</th>
<th>Change in Storage</th>
<th>Total Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2,240</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>-5,438</td>
<td>14,562</td>
</tr>
<tr>
<td>2</td>
<td>1,774</td>
<td></td>
<td>10%</td>
<td>4,077</td>
<td>3,800</td>
<td>-5,219</td>
<td>10,044</td>
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<tr>
<td>3</td>
<td>1,652</td>
<td></td>
<td>10%</td>
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<td>3,800</td>
<td>-4,197</td>
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<td>4,026</td>
<td>-932</td>
<td>5,235</td>
<td></td>
</tr>
</tbody>
</table>

1 Value assumed to be same as 3 year average from Water Year 2011/12 through 2013/2014 measurement.
2 Evaporation assumed to equal the maximum historical value between April 1970 and March 2014 (76.25 in/yr in WY 1971-72) applied to the previous year's total lake surface area. Lake surface area estimated based on a lookup table provided by the County, which uses a 2002 survey to correlate reservoir elevation, storage, and surface area.
3 Municipal diversions are assumed to be the same as the contract amount for the duration of the first year. Years following are dependent upon the storage at the end of the water year and municipal reduction assumptions.
4 Release volumes are controlled by the Initial Prescribed Downstream Release Reduction Strategy, which was developed through a collaborative effort by the District and agriculture and municipal stakeholders.

### Scenario D-2: Average of Water Years 2011/12-

2013/14 Inflow & Rainfall

<table>
<thead>
<tr>
<th>Year</th>
<th>Inflow</th>
<th>Rainfall</th>
<th>Evap.</th>
<th>Municipal Reduction</th>
<th>Municipal Divisions</th>
<th>Downstream Releases</th>
<th>Change in Storage</th>
<th>Total Storage</th>
</tr>
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<td></td>
</tr>
<tr>
<td>1</td>
<td>2,240</td>
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<td></td>
<td></td>
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<td>-1,318</td>
<td>16,682</td>
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<td>1,881</td>
<td>2,956</td>
<td>3,726</td>
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</tr>
<tr>
<td>3</td>
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<td></td>
<td>10%</td>
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<td>1,881</td>
<td>-2,343</td>
<td>11,933</td>
<td></td>
</tr>
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<td>10%</td>
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<td>1,881</td>
<td>-2,758</td>
<td>9,205</td>
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</tbody>
</table>

1 Value assumed to be same as 3 year average from Water Year 2011/12 through 2013/2014 measurement.
2 Evaporation assumed to equal the maximum historical value between April 1970 and March 2014 (76.25 in/yr in WY 1971-72) applied to the previous year's total lake surface area. Lake surface area estimated based on a lookup table provided by the County, which uses a 2002 survey to correlate reservoir elevation, storage, and surface area.
3 Municipal diversions are assumed to be the same as the contract amount for the duration of the first year. Years following are dependent upon the amount of water in storage at the end of the water year and municipal reduction assumptions.
4 Release volumes are assumed to be equivalent to a release rate of 3 cfs or 181 AF/Month or equal to the amount of inflow to the reservoir for that month, whichever is less. This scenario is based on the HCP Hydrologic Analyses report recommended release program provision that sets the maximum release at 3 cfs or the average inflow to the reservoir over the previous 14-day period, when the 3-year running average inflow to Lopez Reservoir is less than 26,190 AEP.