

1 Gregory V. Moser (Bar No. 101137)  
greg.moser@procopio.com  
2 Adriana R. Ochoa (Bar No. 256854)  
adriana.ochoa@procopio.com  
3 Rahul E. Reddy (Bar No. 266403)  
rahul.reddy@procopio.com  
4 PROCOPIO, CORY, HARGREAVES & SAVITCH  
LLP  
5 525 B Street, Suite 2200  
San Diego, CA 92101  
6 Telephone: 619.238.1900  
Facsimile: 619.235.0398

7 Attorney for Petitioner  
8 RAINBOW MUNICIPAL WATER DISTRICT

9 BEFORE THE  
10 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

11  
12 In the Matter of the State Water Resources Control  
Board's Conservation Order for Rainbow  
13 Municipal Water District.

**NOTICE OF PETITION AND  
PETITION FOR  
RECONSIDERATION OF THE  
CONSERVATION ORDER FOR  
RAINBOW MUNICIPAL WATER  
DISTRICT**

14  
15  
16  
17 **ATTORNEYS OF RECORD:**

18 **NOTICE IS HEREBY GIVEN** that pursuant to Section 1122 of the California Water  
19 Code and 23 Cal. Code Regs. §§ 768-769, Rainbow Municipal Water District (RMWD)  
20 respectfully requests that the State Water Resources Control Board (State Water Board) reconsider  
21 the Conservation Order issued to RMWD on August 31, 2015 by the State Water Board's Office of  
22 Enforcement. RMWD respectfully requests that the State Water Board reclassify RMWD as a  
23 water supplier in the 32% tier per 23 Cal. Code Regs. § 865(c)(9) because RMWD's average  
24 RGPCD amount for July-September 2014 was less than 215. Enforcement of the Conservation  
25 Order against RMWD based on the inapplicable 36% conservation standard would be inequitable.  
26 If RMWD was reviewed under the proper conservation standard, RMWD would not have received  
27 a Conservation Order. If the State Water Board does not reclassify RMWD, it should vacate a  
28 number of its requirements because these requirements violate applicable state law and were issued

1 in excess of the State Water Board's authority.

2 RMWD submits this Notice of Petition and Petition for Reconsideration in abeyance  
3 pursuant to 23 Cal. Code Regs. § 2050.5, pending further discussions with State Water Board  
4 officials to resolve concerns regarding reclassification and the Conservation Order. This Petition is  
5 based on this Notice of Petition and Petition for Reconsideration, the Memorandum of Points and  
6 Authorities filed in support thereof, and upon such other matters as may be presented to the State  
7 Water Board at a hearing, if a hearing is scheduled. A copy of this petition and accompanying  
8 materials have been sent to all interested parties.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: September 25, 2015

PROCOPIO, CORY, HARGREAVES & SAVITCH  
LLP

By: \_\_\_\_\_  
Greg V. Moser  
Adriana R. Ochoa  
Rahul E. Reddy  
Attorneys for Petitioner  
RAINBOW MUNICIPAL WATER  
DISTRICT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 525 B Street, Suite 2200, San Diego, CA 92101. On **September 29, 2015**, I served the within documents:

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RAINBOW MUNICIPAL WATER DISTRICT'S PETITION FOR RECONSIDERATION OF THE CONSERVATION ORDER**

- BY FACSIMILE [Code Civ. Proc. §1013(e)]** by transmitting via facsimile number (619) 235-0398 the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission confirmation report is attached hereto.
- BY U.S. MAIL [Code Civ. Proc. §1013(a)]** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- BY OVERNIGHT DELIVERY [Code Civ. Proc. §1013(d)]** by placing the document(s) listed above in a sealed overnight envelope and depositing it for overnight delivery at San Diego, California, addressed as set forth below. I am readily familiar with the practice of this firm for collection and processing of correspondence for processing by overnight mail. Pursuant to this practice, correspondence would be deposited in the overnight box located at 530 B Street, Suite 2100, San Diego, CA 92101, in the ordinary course of business on the date of this declaration.
- BY PERSONAL SERVICE [Code Civ. Proc. §1011]** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- BY ELECTRONIC SERVICE [Code Civ. Proc. §1010.6]** by electronically mailing the document(s) listed above to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure Section 1010.6.
- (State)* I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal)* I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STATE WATER BOARD**

**Felicia Marcus, Chair**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5615 (Executive Offices)  
Email: [fmarcus@waterboards.ca.gov](mailto:fmarcus@waterboards.ca.gov)

**Fran Spivy-Weber, Vice Chair**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5615 (Executive Offices)  
Email: [fweber@waterboards.ca.gov](mailto:fweber@waterboards.ca.gov)

**Tam Doduc, Civil Engineer**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5615 (Executive Offices)  
Email: [tdoduc@waterboards.ca.gov](mailto:tdoduc@waterboards.ca.gov)

**Dorene D'Adamo**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5607  
Email: [dorene.dadamo@waterboards.ca.gov](mailto:dorene.dadamo@waterboards.ca.gov)

**Steven Moore**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5615  
Email: [smoore@waterboards.ca.gov](mailto:smoore@waterboards.ca.gov)

**Thomas Howard**  
State Water Resources Control Board  
Executive Director  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5615  
Email: [thoward@waterboards.ca.gov](mailto:thoward@waterboards.ca.gov)

**Christian M. Carrigan**  
State Water Resources Control  
Office of Enforcement  
Director  
1001 I Street  
Sacramento, CA 95814  
Email: [Cris.Carrigan@waterboards.ca.gov](mailto:Cris.Carrigan@waterboards.ca.gov)

1 **Adrianna Crowl**  
State Water Resources Control  
2 Office of Chief Counsel  
Petition Coordinators  
3 1001 I Street  
Sacramento, CA 95814  
4 Phone: (916) 341-5156  
Email: [Adrianna.Crowl@waterboards.ca.gov](mailto:Adrianna.Crowl@waterboards.ca.gov)

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28