

Submitted at 4/21/03 Board

EXHIBIT 19-B

April 21, 2003

MPWMD Chairperson and Directors,

We believe that Resolution 2001-09 has not served the public fairly, nor served the environment wisely in our particular and unique situation. We believe that this resolution was not intended to penalize property owners with legitimately purchased and recorded fixture units. We also believe the resolution was not intended to create greater water usage and thereby negatively impact the environment. Since both of these issues are characteristics of our situation we maintain that our case is an unintended consequence of this resolution. Therefore we are requesting a variance from Resolution 2001-09.

In 1999 we purchased 12 fixture units from the city of Monterey for remodel and expansion of our one bath house. Our remodel was subsequently delayed due to financial difficulties. Because of that, we elected to place the 12 fixture units in six showerheads until the remodel could take place. Our plan was to relocate the 12 units to the appropriate fixtures once the remodel could take place. At the time, this plan was communicated to both the City of Monterey and the Water Management District. The 12 water units were purchased legitimately through the process set forth by the District. We purchased the 12 units, the District inspected our property after the 12 units were installed, and then signed off on the installation. The units were then recorded with our property. This gave us a total of 20.7 water credits. Our plans called for 20.4 units for a two-bath house. Extra sinks and a dishwasher make up the balance.

Resolution 2001-09 was introduced at a later date and caught us totally by surprise. We did not anticipate any possibility of a problem for the following reasons:

- 1) The resolution was put into effect well after the installation of our water credits that the district had approved and signed off on.
- 2) Our units were legitimately purchased and recorded.

- 3) We never anticipated that some water fixture units could be rendered valueless while others would still retain their value -- As if to say that in our case the .12 acre-feet of water currently flowing through our 6 shower fixtures isn't really there.
- 4) Both the City of Monterey and the Water Management District knew of our purchase of these 12 units and their intended purpose. At the time, relocating water units during remodels was a standard of practice.
- 5) Since our purchased units were on your records, and this resolution dramatically affected our property, it seemed only logical that the district would notify us directly of any potential changes in these units.

Since we followed proper procedure, paid for the units, and the district recorded them, we had no reason or occasion to look at the District Web sight or postings at the district offices for any changes to the status of our water units.

We have pursued the option of repurchasing these lost units by making use of ordinance 98 and other measures. There are a couple of problems we have encountered with this option.

- 1) We think it unfair to once again have to purchase water units we have previously purchased. This will result in a loss of all the previous costs (unit cost + permits + installation, etc.) expended the first time around.
- 2) Making use of the current ordinances and conservation measures would leave us with a 30-unit (approx.) house instead of the planned 20-unit (approx.) house. This option uses 33% more water than our original plan. Although the resolution has nullified the useful value of the 12 fixture units, the acre-feet remain constant and very real each time we take a shower.
- 3) We never intended to keep these six showerheads. Keeping these units in the 12 shower fixtures that all use water at once is more wasteful than applying these units as intended in our remodel. For example, a sink that would be equivalent to the shower configuration would need to have six faucets that could all be turned at once. An equivalent toilet would have to accomplish .12 acre-feet per flush. Indeed we can empty a 40-gallon water heater in minutes with these six fixtures. The cost to the pocketbook and to the environment is not in keeping with our personal desires and goals.

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We are requesting a variance from this resolution or an extension of the "grace period" to use the 12 units in their intended fixtures. This will allow us to use our purchased water units as originally planned in a manner that is environmentally friendly, cost efficient, and in a way that is fair and equitable to us. Thank-you for your consideration in this matter.

Respectfully Submitted,

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