



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5600  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

# SUPPLEMENT TO 7/19/04 MPWMD BOARD PACKET

Attached are copies of letters received between June 14, 2004 and July 9, 2004. These letters are listed in the July 19, 2004 Board packet under item 17, Letters Received.

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# LandWatch monterey county

Post Office Box 1876  
Salinas, CA 93902-1876  
Salinas Phone: 831-422-9390  
Monterey Phone: 831-375-3752  
Website: [www.landwatch.org](http://www.landwatch.org)  
Email: [landwatch@mchw.org](mailto:landwatch@mchw.org)  
Fax: 831-422-9391



May 17, 2004

**RECEIVED**

JUN 18 2004

**MPWMD**

Assembly Member Simon Salinas, Chair  
Assembly Local Government Committee  
State Capitol  
Sacramento, CA 95814

[Sent By FAX: 916-319-3959]

RE: Senate Bill 1529 (Monterey Peninsula Water Management District)

Dear Members of the Local Government Committee:

The Board of Directors of LandWatch Monterey County urges your "NO" vote on Senate Bill 1529, as most recently amended on June 7, 2004.

As most recently amended, SB 1529 would change the governance structure of the Monterey Peninsula Water Management District, eliminating the direct election of members of the Board of Directors. It would also specifically eliminate provisions in current law that allow the voters of the District to make the ultimate decision on whether or not to proceed with a proposed water supply project.

The mission of LandWatch Monterey County is to "promote and inspire sound land use legislation through grassroots community action." Water supply decisions are directly related to land use policy making, and the LandWatch Board of Directors strongly believes that the voters of the District should be able democratically to participate in the long range planning process. SB 1529 proposes to eliminate and restrict the ability of the voters of the District to be involved in long term water planning decisions. This is why LandWatch opposes this bill, as it opposed your SB 149 in the last Legislative Session.

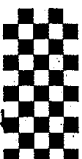
There is no "good" reason to support this bill. Its impact is entirely negative. SB 1529 will not produce more affordable housing. It will not help produce an additional water supply. All it will do is deprive local voters of the direct and democratic control over the key water policy issues that affect their future. "Democracy" means allowing the voters to make the key decisions that will affect their future. Because of its anti-democratic features, LandWatch is in opposition to SB 1529.

Thank you for taking these considerations into account.

Very truly yours,

Gary A. Patton, Executive Director  
LandWatch Monterey County

cc: State Senator Bruce McPherson  
Monterey Peninsula Water Management District  
Assembly Member John Laird



*Submitted by Robert Scott  
at 6/21/04 MPMWD Board Meeting*

TO: MONTEREY PENINSULA WATER MANAGEMENT BOARD

FROM: ROBERT SCOTT & KAREN SCOTT

DATE: MAY 17, 2003

RE: BIDET HOOKUP AT 3109 HERMITAGE ROAD  
PEBBLE BEACH, CA. APN# 007-421-016

WE PURCHASED THE HOME ON HERMITAGE ROAD MARCH 28, 2001. SEVERAL MONTHS LATER WE LEARNED THAT THE BIDET WAS AN ILLEGAL WATER FIXTURE PUT IN BY A PREVIOUS OWNER; NOT THE PARTY SELLING TO US.

THE BIDET WAS PLUMBED INTO THE BATHROOM ON THE DAY IT WAS INSPECTED, JANUARY 31, 2001. THIS IS PROVEN BY THREE DOCUMENTS WHICH I HAVE INCLUDED IN YOUR PACKAGE:

1. COPY OF MULTIPLE LISTING INFORMATION 9/10/1998
2. COPY OF KELLY HOME INSPECTION REPORT 5/25/2000
3. COPY OF MULTIPLE LISTING INFORMATION 8/21/2000

HAD THE INSPECTOR NOTED THAT THE BIDET WAS NOT AN APPROVED WATER FIXTURE AND THE HOME WAS NOT IN COMPLIANCE, THEN WE WOULD HAVE BEEN GIVEN ADEQUATE INFORMATION IN MAKING OUR BUYING DECISION.

THE INSPECTOR NOTED " BIDET:1 (NO HOOKED-UP). THE HOME INSPECTOR HAD NOTED HE DID NOT INSPECT THE BIDET SINCE THE VALVES WERE CLOSED TO THE BIDET, AND THIS WAS CONSISTANT WITH THE SELLERS REPRESENTATION THAT THEY HAD NEVER USED THE FIXTURE.

WE WOULD LIKE THE CREDIT FOR THE BIDET FIXTURE. WE DO NOT APPRECIATE THE ALLIGATION THAT WE WENT AHEAD AND INSTALLED THIS BIDET AFTER THE INSPECTION, YOUR LETTER DATED AUGUST 8, 2001. THE PROOF IS CLEAR IN THE DOCUMENTS PROVIDED, ALONG WITH PICTURES OF THE BIDET. WE WOULD APPRECIATE YOUR CONSIDERATION OF THIS ISSUE.

4

\$ 250.00



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G • P.O. BOX 85 • MONTEREY, CA • (831) 658-5601 • FAX (831) 644-9558

# INSPECTION REPORT

Conservation:  Change of Title  Change in Use  Existing Business  Reinspection  
Permits:  New Construction  Remodel/Addition  Demolition/Credits

PROPERTY ADDRESS: 3109 Hermitage Road

NAME OF BUSINESS: \_\_\_\_\_ SIZE: 2 Baths

CITY: Hobble Beach ZIP: 93953

WATER ACCOUNT NUMBER: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER: 007 — 421 — 016

OWNER'S NAME: \_\_\_\_\_ B (S)

PERSON CONTACTED ON SITE: Diane Canaday PHONE: \_\_\_\_\_

This form certifies that an inspection was conducted at the above address. At the time of the inspection, the property  was  was not found to be in compliance with MPWMD conservation standards and/or Permit # \_\_\_\_\_.

The following items were not in compliance (see back of form):

- Showerheads
- Faucet Aerators
- Toilets
- Hot Water System
- Landscape Irrigation

Inspector's Notes: \_\_\_\_\_

Bed: 1 (no hooked up) ←

Wash Basins	Toilets	Showers	Tubs	Kitchen Sinks	Washer Hookups	Utility Sinks	Bar Sinks
		0				0	0

11.16 gpf

- Violations noted above must be corrected by \_\_\_\_\_
- Reinspection required. Please call 658-5601
- Send itemized receipts to P.O. Box 85, Monterey, CA 93940.
- Fees for additional fixtures (if any) must be received by \_\_\_\_\_

Acknowledgement of Receipt \_\_\_\_\_ Date \_\_\_\_\_

Jahula Ayala 1/31/2001  
MPWMD Representative Date



**RE INFOLINK - Class 1 SINGLE FAMILY RESIDENTIAL**

842510 3109 HERMITAGE RD Area: 176 93953 County: MTY SOLD  
 LP: \$629,500 City: PB Bed: 3 Bath: 2 Style: RANCH DETACHED 1 STORY  
 X St: BIRDROCK SF: 1730 / S Tract: MPCC SUB 1 Bldr: Age: 25

BEAUTIFULLY REMODELED 3BR 2BTH HOME W/MANY SOPHISTICATED TOUCHES & PEEK OF OCEAN & GREAT SUNSET VIEWS. INCLUDES CATHEDRAL CEILINGS IN LIVING RM, NEW LIGHTING SYSTEMS, FORMAL DR, HD WD BIRCH PLANK FLRS, CROWN MLDING, REMODELED MBR, W/CUSTOM CABS, TILE ETC. ALL CLOSETS ORGANIZED. CALL 373-5586 THEN LKBX.

LD: 09/10/98  
 XD: 03/07/99  
 T1: 09/15/98  
 T2:

<b>Bedrooms</b> #Bed: 3 GRND FL	<b>Bathrooms</b> #Bath: 2 2+ SHWR O/TUB <u>BIDET</u>	Tub: 2+ TUBS	<b>Garage</b> 2 CAR ATTACHED	<b>Fam Rm / Dining</b> SEP DR NO FR EAT IN KTCHN BRKFST BAR	<b>Fireplace</b> YES LR MBR WOOD BURN-FP GAS LOG-FP
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<b>Lot Description / View</b> .25+ - .50 ACRE DECK PATIO View: NEIGHBHD	<b>Pool / Spa / Sauna</b> NONE	<b>Floors</b> W/W CARPETING HARDWOOD FLRS TILE FLOORS	<b>Other Rms / Areas</b> LAUND-INSIDE
--	-----------------------------------	--	--

<b>Property Information</b> Roof: WOOD SHAKE Foundation: CONC PERIM Exterior: WOOD Heating: GAS HEAT CENTL FORCD AIR Cooling: NO COOLING	<b>Listing Includes / Amenities</b> COOKTOP RANGE BUILT-IN OVEN 1 DISHWASHER DISPOSER GAS/KITCHEN GAS/LNDRY AREA GAS WTR HTR SKYLIGHT(S) VAULT/CATH CEIL DBL PANE WINDOW	<b>Schools / Map Info</b> Elem Sch/Dis: 000 / 000 Middle Sch: 000 High Sch/Dis: 000 / 000 Barclay Pg: Hz000 Vt000 Thomas Pg: Grid	<b>Dimensions</b> LR: 20X16 FR: DR: 13X12 KT: 13X12 MB: 16X13
--	--	--	--

<b>Financial</b> Cash to Assum: \$0 Total Loans: \$320,000 Monthly Pymnt: \$0 Transfer Tax: Assoc Fee: \$0 Current Taxes: \$0 Current Rent: \$0	<b>Existing Finance</b> 1st Loan: CONVEN 2nd Loan: 3rd Loan: Terms: ALL CASH/CONV Docs Avail: Possession: COE
---	---

<b>Agent / Office / Occupant</b> Listing Agent Info: T.ALLEN&G.LINDER Office: COLDWELL BANKER/DEL 408-626-2221 CALL 1ST-KYSAFE Compensation: 3% Broker Code: M5022 01 Fax: 408-626-2210	<b>Homeowners Prot. Plan:</b> Energy Feat: Insulation: Water: CITY/PUBLIC Sewer/Septic: IN & CONNECT Spec Info: Flood Area: SEE REPORT Earthquake: SEE REPORT Parcel #: 007-421-016	<b>Owner:</b> RICE <b>Occupied by:</b> O Name: RICE <b>EXCL RIGHT(ER)</b> 831-373-5586	<b>Zoning:</b> R1 OLP: \$629,500 OLD: 09/11/98 RD: 08/21/00 DOM: 11 SB: M5214
--	---	--	--

**Sold Info** CE: 11/19/98 SD: 09/21/98 SP: \$622,500 FN: CONV SA: NOEL D. CASH

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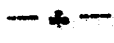
**DATE OF INSPECTION:** MAY 25 2000.

**PROPERTY LOCATED AT:** 3109 HERMITAGE ROAD, PEBBLE BEACH, CA.

**AGE OF PROPERTY:** PROBABLY BUILT IN 1973 - NOT VERIFIED.

**CLIENT:** DIANE CANADAY REPRESENTED BY NOEL CASH.

**INSPECTED BY:** MICHAEL KELLY.



Thank you for choosing **KELLY HOME INSPECTION SERVICE.**

The purpose of this inspection format is to provide you with a comprehensive and detailed report which is easy to read and understand. It was also our intention to provide some

**REMARKS AND RECOMMENDATIONS:**

NO SERIOUS PROBLEMS WERE NOTED WHEN I INSPECTED THE MASTER BATHROOM. I WAS UNABLE TO TEST THE BIDET BECAUSE THE VALVES WERE CLOSED. IT IS POSSIBLE THAT ONE OR BOTH ARE LEAKING SO I DID NOT TURN THEM ON. PLEASE CONSULT THE SELLER FOR MORE INFORMATION. IF NECESSARY I RECOMMEND THAT A LICENSED PLUMBER BE HIRED TO MAKE ANY POSSIBLE REPAIRS. THE PULL ON THE LEFT SIDE VANITY SINK DRAINSTOPPER IS DISCONNECTED AND I RECOMMEND THAT IT BE REATTACHED SO THAT THE SINK CAN HOLD WATER.



8  
August 12, 2002 04:35 PM

# RE INFOLINK - Class 1 SINGLE FAMILY RESIDENTIAL

036590 3109 HERMITAGE RD

Area: 176 93953 County: MTY SOLD

LP: \$995,000 City: PB Bed: 3 Bath: 2 Style: CONTEMP

DETACHED 1 STORY

X St: BIRDROCK

SF: 1730 / S Tract: MPCC SUB 1

Bldr:

Age: 27

BACK ON THE MARKET! BEAUTIFUL HOME WITH OCEAN VIEWS..JUST MOVE IN -GREAT FLRPL MAKES HOME APPEAR AND FEEL MUCH LARGER. CATHEDRAL CEILINGS, FRPLC IN M BDRM & LVGRM, NEW GRANITE COUNTERS IN KITCHEN & NEW APPLIANCES, BOTH BATHS REMODELED RECENTLY/BEAUTIFULLY DONE. LRG DECK MAKES MOST OF OUTDOOR LVG & OCEAN VW.

LD: 08/21/00  
XD: 05/07/01  
T1: 08/22/00  
T2:

<b>Bedrooms</b> #Bed: 3 1 MB	<b>Bathrooms</b> #Bath: 2 2+ SHWR O/TUB TUB IN MB Tub: 2+ TUBS BIDET	<b>Garage</b> 2 CAR GUEST PKNG	<b>Fam Rm / Dining</b> SEP DR NO FR	<b>Fireplace</b> YES LR MBR GAS LOG-FP
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<b>Lot Description / View</b> .25+ - .50 ACRE DECK PATIO 76X107 SLOPED UP View: OCEAN	<b>Pool / Spa / Sauna</b> NONE	<b>Floors</b> W/W CARPETING PART HARDWOOD TILE FLOORS	<b>Other Rms / Areas</b> LAUND-INSIDE
--	-----------------------------------	--	--

<b>Property Information</b> Roof: WOOD Foundation: CONC PERIM Exterior: WOOD Heating: GAS HEAT Cooling: NO COOLING	<b>Listing Includes / Amenities</b> COOKTOP RANGE BUILT-IN OVEN SELF CLN OVEN 1 DISHWASHER DISPOSER 220 VOLTS/KTCHN 220 VOLTS/LNDRY GAS/KITCHEN	<b>Schools / Map Info</b> Elem Sch/Dis: 000 / 000 Middle Sch: 000 High Sch/Dis: 000 / 000 Barclay Pg: Hz000 Vt000 Thomas Pg: 0000 Grid	<b>Dimensions</b> LR: 21X18 FR: DR: 12X13 KT: 13X12 MB: 17X13
---	---	---	--

<b>Financial</b> Cash to Assum: \$995,000 Total Loans: \$0 Monthly Pymnt: \$0 Transfer Tax: Y Assoc Fee: \$0 Current Taxes: \$0 Current Rent: \$0	<b>Existing Finance</b> 1st Loan: NONE 2nd Loan: 3rd Loan: Terms: ALL CASH/CONV Docs Avail: Possession: COE +3-5 DYS
---	--

<b>Agent / Office / Occupant</b> Listing Agent Info: NOEL D. CASH Office: ALAIN PINEL REALTORS 831-622-1040 APPT ONLY Compensation: 3 831-596-1214 Broker Code: APR 09 Fax: 831-622-1050	<b>Homeowners Prot. Plan: NO HOMOWN PP</b> Energy Feat: Insulation: UNKNOWN Water: CITY/PUBLIC Sewer/Septic: IN & CONNECT Spec Info: Flood Area: SEE REPORT Earthquake: SEE REPORT Parcel #: 007-421-016	OLP: \$995,000 OLD: 08/21/00 RD: 03/28/01 DOM: 144
--	--	---

**Sold Info** CE: 03/27/01 SD: 01/12/01 SP: \$980,000 FN: CONV SA: PROFETA Zoning: R1 SB: APR

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HomeWorks



# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

August 8, 2001

Mr. Bob Scott  
3109 Hermitage Road  
Pebble Beach, California 93953

**Subject: MPWMD Inspection Report for 3109 Hermitage Road, Pebble Beach**  
**Assessor's Parcel Number: 007-421-016**

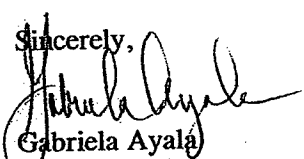
Dear Mr. Scott:

This letter responds to your facsimile of July 26, 2001, requesting a meeting to review water use credit for a bidet at 3109 Hermitage Road in Pebble Beach. District staff has been unsuccessful in attempting to contact you as your letter did not include a telephone number and you are not listed in the telephone directory. I hope this letter answers your question about the bidet.

On February 16, 1995, staff performed an inspection to verify compliance with District Rule 144 for water conserving fixtures due to a transfer of ownership occurring on February 24, 1995. A count of the existing water fixtures was included on the inspection report as a standard practice of the District. Mr. Marlo Jarman, seller (at that time property owner), walked the inspector through the property. The fixture count included three wash basins, two toilets, two bathtubs, one kitchen sink and a washer hook up. The property was in compliance with the water conservation regulations which require ultra-low flush toilets and low-flow showerheads.

The District's practice is to re-inspect a property if more than five years have passed since the last inspection. On January 31, 2001, staff reinspected the property. In addition to the previously documented water fixtures, a non-plumbed bidet (no plumbing was installed) was noted on the inspection report for information only. As the bidet was not installed, the property was considered to be in compliance with District law. If the bidet had been installed and plumbed, a water permit would have been required and a violation noted. If the bidet is now plumbed a water permit is required. To offset the water use associated with the bidet, ultra low-water using appliances, instant-access hot water systems and 2-liter maximum flush toilets may be installed.

If you have any further questions, please call our office at 658-5601.

Sincerely,  
  
Gabriela Ayala  
Conservation Representative

*Submitted by Charley Kemp  
at 6/2/04 Board Meeting*



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
US ARMY GARRISON, PRESIDIO OF MONTEREY  
1759 LEWIS ROAD, SUITE 210  
MONTEREY, CA 93944-5006

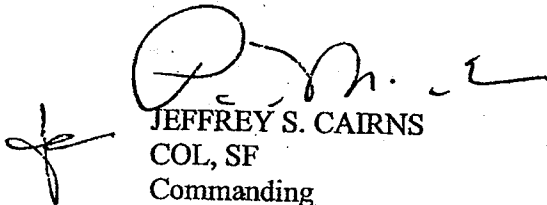
ATZP-GC

JUN 10 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Mandatory Water Conservation Compliance

1. Periodically, the Monterey Peninsula Water Management District imposes a mandatory water conservation plan for all customers of the California-American Water Company (Cal-Am) on the Monterey Peninsula. The Presidio of Monterey (POM) is a customer of Cal-Am and is required to comply with the measures outlined below. The Ord Military Community (OMC), although not a customer of Cal-Am, will also comply with the same water conservation goals.
2. This mandatory conservation program affects all of us who live and work on the Monterey Peninsula. By becoming more aware of our water consumption habits and abiding by the restrictions set forth below, the Presidio of Monterey and the Ord Military Community will be doing our part to conserve a most valuable natural resource. The mandatory water conservation measures are:
  - No outside watering on Mondays, Tuesdays and Fridays.
  - EVEN numbered addresses may water outside on Sundays and Thursdays.
  - ODD numbered addresses may water on Saturdays and Wednesdays.
  - Irrigation must be done between 5:00 PM and 9:00 AM unless a drip system is used.
  - If hand watering lawns or car washing, your hose must have a shut-off nozzle.
  - Buildings, parking areas, driveways, etc., may not be washed with potable water.
3. You may contact the Directorate of Public Works, Public Utilities staff at 242-5598, 242-6315 or 242-6316 for additional information and questions. Water leaks may be reported at POM by calling 242-5526 or at OMC by calling 333-4343 during duty hours.

  
JEFFREY S. CAIRNS  
COL, SF  
Commanding

DISTRIBUTION:

G.

Family Housing Occupants



SIERRA CLUB  
CALIFORNIA

June 10, 2004

Assemblymember Simon Salinas  
Chair, Assembly Committee on Local Government  
State Capitol, Room 157  
Sacramento, CA 95814

SB 1529 (McPherson)- Oppose

Dear Chairman Salinas:

Sierra Club California strongly opposes SB 1529 by Senator McPherson. This is essentially a reworking of last year's SB 149 by the Senator, which was widely opposed by civic, environmental and homeowner groups in Monterey County. This bill seeks to eliminate the directly elected Board of Directors of the Monterey Peninsula Water Management District (WMD). It would also eliminate voter approval of water projects and voter approval of revenue bonds.

SB 1529 would eliminate a special district that was created in 1978 to provide services to the Monterey Peninsula. The District's mandate is to manage the limited water supplies of the Peninsula, protect the public trust resources, and augment the public water supply. In abolishing the water district, the bill fails to provide an entity to replace the board and carry out its mandate. What agency will assume the functions of the water district and serve the needs of its community?

There are nearly 2,400 special districts in California. About 2/3 of those are independent districts with independently elected boards. This politically inspired bill could trigger similar actions against other democratically elected, direct-representation boards, which we believe would be highly detrimental to both the democratic process as well as the functioning of these vital entities.

Last year, the Monterey Peninsula Water Management District Board voted against Senator McPherson's Bill, SB 149. This year, following an election of a new and very different board in November 2003, the new board voted 5-1 to continue to oppose the Senator's pending bill.

Sierra Club California is opposed to SB 1529 and asks that the committee not move it forward.

Sincerely,

Jim Metropulos  
Legislative Representative

Co: Senator McPherson  
Members of the Committee  
Minority Consultant to the Committee



# MONTEREY COUNTY

## WATER RESOURCES AGENCY

**RECEIVED**

JUN 17 2004

**MPWMD**

PO BOX 930  
SALINAS, CA 93902  
(831) 755-4860  
FAX (831) 424-7935

CURTIS V. WEEKS  
GENERAL MANAGER



STREET ADDRESS  
893 BLANCO CIRCLE  
SALINAS, CA 93901-4455

June 10, 2004

The Honorable Bruce McPherson  
15<sup>th</sup> District, State Senate  
Room 4081 State Capitol Building  
Sacramento, CA 95814

Subject: Senate Bill 1529, as amended June 7, 2004 - Support

Dear Senator McPherson:

Thank you for seeking our Agency's position regarding your Senate Bill 1529. Consistent with actions of the Monterey Peninsula electorate in November, 2002, and the Monterey County Board of Supervisors' on June 8, 2004, the Monterey County Water Resources Agency supports your efforts to improve the governance structure of the Monterey Peninsula Water Management District.

Our interest and responsibility is the planning and management of Monterey County Water Resources. Toward that end, Monterey County and our Agency have joined with the California American Water Company in a letter of intent to jointly develop a coastal water project. As conceived that project would replace excessive groundwater pumping in the Carmel River basin and augment water supplies for coastal Monterey County including the former Fort Ord. This collaboration results from the inability of the Monterey Peninsula Water Management District to develop water resources for the Monterey Peninsula which also contribute to a portfolio of sustainable water supplies for all Monterey County residents.

Respectfully,

Richard Morgantini, Chairman  
Board of Directors  
Monterey County Water Resources Agency

Fast-it® Fax Note	7671	Date	6/17/04	# of pages	1
From	Curtis Weeks				
To/Dept.	Co.				
Phone #	Phone #				
Fax #	644-9560	Fax #	424-1098		

I control services and manages, protects, and enhances the quantity and future generations of Monterey County.



RECEIVED

JUN 17 2004

MPWMD

Alan L. Edelstein  
Donald B. Gilbert  
Michael R. Robson  
Trent E. Smith

TO: The Honorable Members of the Assembly Local Government Committee  
FROM: Alan Edelstein, Donald Gilbert, Michael Robson, and Trent Smith  
RE: **SB 1529 (McPHERSON) -- OPPOSE**  
DATE June 10, 2004

Our client, the Monterey Peninsula Water Management District (MPWMD), opposes SB 1529 by Senator Bruce McPherson, which would abolish the water district, prevent voters from voting on major water projects using public funds, and leave no planning or regulatory body in place to manage the area's water resource and habitat.

SB 1529 is ostensibly portrayed as a "reform" bill. However, in the process of abolishing the water district, it makes no effort at reform and there is no reference to what will replace the district once it is abolished. It is premature and unwise to statutorily abolish a planning and regulatory body without a viable and acceptable regulatory agency in place to assume the functions performed by the current agency.

The author has stated in news reports that a local joint powers authority should assume the district's functions. However, there is not currently a mechanism in place to create a joint powers authority and there is no detail to explain what a joint powers authority would look like, who would appoint members, to whom they would be accountable, and what the functions of the joint powers authority would be.

The author contends that SB 1529 fulfills the will of the voters who, in a 2002 advisory vote, voted that the district ought to be dissolved. However, an advisory vote is simply what it states - advice. The advice voters gave was dissatisfaction with the governance of the district in 2002. In 2003, the voters showed that dissatisfaction by electing a new slate of candidates, which, by all accounts, makes a pro-development majority on the board. It could be argued, then, that SB 1529 actually subverts the will of the voters by unceremoniously dumping those people that have been newly elected to the board.

Another important fact is that the 2002 advisory vote did not contemplate that voters would lose their right to vote on major water projects. The voters on the Monterey peninsula cherish this right, which is provided in the statutes that SB 1529 proposes to repeal. If SB 1529 were to be law, the people of the Monterey peninsula would have

The Honorable Members of the Assembly Local Government Committee  
June 10, 2004  
Page Two

no voting rights and would lose the right of referendum on major water projects that effect their lives.

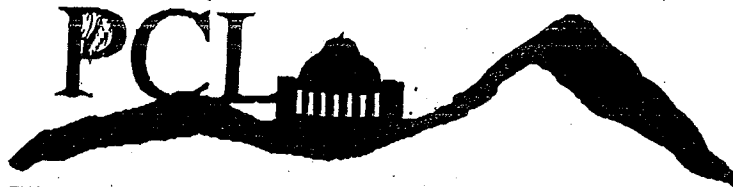
Finally, despite the author's frustration with the district, the MPWMD has been a leader in water conservation, fishery and habitat restoration, and the development of a water supply by pushing for a desalination facility either at Sand City or Moss Landing. If the district were to be abolished, there would be no entity in place to take up these tasks.

We ask for a NO vote on SB 1529.

cc: The Honorable Bruce McPherson  
Katie Dokken, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus

SB 1529  
19

# PCL



## PLANNING AND CONSERVATION LEAGUE

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- Just For Public Land

June 11, 2004

Honorable Simon Salinas, Chair  
 Assembly Committee on Local Government  
 State Capitol, Rm. 126  
 Sacramento, CA, 95814

**RE: SB 1529 (McPherson) – OPPOSE**

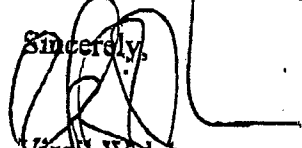
Dear Chairman Salinas and Members of the Committee:

Planning and Conservation League opposes SB 1529 (McPherson). SB 1529 would abolish the Monterey Peninsula Water Management District (MPWMD) without creating a new planning or regulatory body to manage the region's water resources.

The MPWMD has been a leader in water management, conservation, and fishery and habitat restoration on the Monterey Peninsula. The District's Board of Directors is the only directly elected public body in the area that oversees the provision of limited water resources for a region experiencing considerable pressure for additional development. The MPWMD is also unique among state water districts in that voter approval is required before major public works projects can be undertaken.

In recent years, residents on the peninsula have expressed frustration with the MPWMD. Although SB 1529 attempts to address these concerns, its approach is misguided. Abolishing the District – and its democratically elected Board of Directors – without creating a new planning or regulatory body to manage the region's water resources would simply lead to additional confusion and dissatisfaction among area citizens. For this reason, we respectfully urge your "no" vote on this measure.

Sincerely,



Virgil Weber  
 Planning and Conservation League

Cc: The Honorable Bruce McPherson  
 William Weber, Assembly Republican Consultant

California Affiliate



- Arly Aguirre, Irvine
- Robert Coughlin, Monte Park
- Bill Cantor, Los
- John Chilton-Brown, Los Angeles
- Richard Chumble, Los Angeles
- David Davidson, Sacramento
- Scott Davidson, Malibu
- Robert Erickson, Alameda
- John Feldman, Los Angeles
- John Ferguson, Laguna Beach
- John Fleming, Berkeley
- Ray Fletcher, Sacramento
- David Gartin, Los Angeles
- John Gurvey, Nevada City
- Lytle Hall, Los Angeles
- Howard Palm Desert
- David Jacobs, Santa Cruz
- James Kinney, Oakland
- John Meyer, Sacramento
- John Murphy, El Dorado Hills
- John Perry, Los Angeles
- John G. Jensen, San Diego
- John Rice, San Francisco
- John Roseman, San Francisco
- John Schlotterbeck, Arcata
- John Spots, Mill Valley
- John Stone, Los Angeles
- John Van der Kamp, Los Angeles
- John Wilkinson, San Diego

- STATE MEMBERS
- John Oak Foundation
- John Troll
- John Parks AFSCME 2424
- John
- John Monterey County
- John Agricultural Land Trust
- John Conservation League
- John Parks Foundation
- John Huley
- John
- John Lassen Conservancy
- John Diablo
- John River Citizens League
- John Conservation Club
- ACTIVE DIRECTOR
- John





## Association of California Water Agencies

Association of California Water Agencies Since 1910

June 14, 2004

Honorable Simón Salinas, Chairman  
Assembly Local Government Committee  
State Capitol, Room 2175  
Sacramento, California 95814

**RE: Senate Bill No. 1529—Oppose**

Dear Assembly Member Salinas:

I am writing on behalf of the Association of California Water Agencies to express opposition to SB 1529 (McPherson), relating to the Monterey Peninsula Water Management District. SB 1529 would repeal the Monterey Peninsula Water Management District Law, which establishes the Monterey Peninsula Water Management District and provides for its powers and purposes.

ACWA opposes SB 1529 for several reasons. First, the district has actively pursued the development of new water supply for its service area. The district brought two water supply projects for voter approval, as required under their principal act—a desalination project in 1993, and a new Carmel River dam in 1995. The voters turned both projects down after years of environmental work had been completed, and millions of dollars were spent meeting project approval requirements imposed by federal, state, and regional agencies. Despite voter rejection of these two projects, the district has taken other actions to ensure the availability of adequate water supplies. It has injected over 1,000 acre-feet (AF) of excess Carmel River winter flow into the Seaside Basin for subsequent use and has provided over 400 AF to the California-American Water Company system. It has served as the fiscal sponsor for a project to irrigate Pebble Beach golf courses with up to 800 AF per year of reclaimed wastewater; and, it has invested in water conservation programs that annually save millions of gallons of water each year. The district is an active local agency that is pursuing its mission pursuant to the Monterey Peninsula Water Management District Law.

Second, the Legislature is not the appropriate body to determine whether the district should be dissolved. The Legislature has vested that responsibility with the Monterey Local Agency Formation Commission through enactment of the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000. That act authorizes Monterey LAFCO to initiate dissolution proceedings regarding the district, but the fact that the Monterey Peninsula Water Management District is active and pursuing its mission does not support a legal basis for such proceedings. Further, Monterey LAFCO has not yet completed a municipal service review (MSR) for the district pursuant to the requirements of Cortese-Knox-Hertzberg. Therefore, there is no analysis of the services provided by the district,

Honorable Simón Salinas  
June 14, 2004  
Page 2

and Monterey LAFCO has not made any determinations with respect to any of the necessary elements under Section 56430 of the Government Code, including:

- (1) Infrastructure needs or deficiencies.
- (2) Growth and population projections for the affected area.
- (3) Financing constraints and opportunities.
- (4) Cost avoidance opportunities.
- (5) Opportunities for rate restructuring.
- (6) Opportunities for shared facilities.
- (7) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
- (8) Evaluation of management efficiencies.
- (9) Local accountability and governance.

If there is no legal basis for Monterey LAFCO to dissolve the district, and an MSR has not been completed for the district, it is clear that there is no public policy basis for SB 1529.

Third, the proponents of SB 1529 have argued the legislation is necessary because the district has not provided for an adequate water supply and, therefore, there is an affordable housing crisis on the Monterey peninsula, which in turn has created a jobs-housing imbalance. This assertion is not supported by the facts. The Association of Monterey Bay Area Governments, in partnership with the Association of Bay Area Governments, prepared a report titled "Monterey Bay Area—Silicon Valley Inter-Regional Partnership Study (November 17, 2003) that includes findings regarding the gap between jobs and housing in the study area. The report also includes strategies that address the jobs-housing imbalance. The findings for all four counties subject to the study—Santa Clara, Monterey, San Benito and Santa Cruz—show that all counties are experiencing the same challenges. The growth of jobs will not keep pace with population and household growth rates. The region's job to housing ratio is expected to decline. And, housing production rates will continue to fall short. Finally, median income levels throughout the study area are not sufficient to purchase median priced homes.

The Inter-Regional Partnership Study analyzed a variety of environmental, economic, political, and land use factors to consider in establishing objectives and strategies for the creation of jobs and housing. Constraints include the fact that 60 percent of the study area is affected by physical environmental features that reduce opportunities for job and housing growth; numerous economic constraints exist; there are political factors like conflicting State laws and guidelines, local growth management initiatives, and community opposition; and, local land use controls that influence job-housing balance issues. Water supply availability, although referenced in earlier phases of the study, is not a focus of the strategies presented in the study.

In closing, for purposes of illustration of the water supply relationship to housing affordability

Honorable Simón Salinas  
June 14, 2004  
Page 3

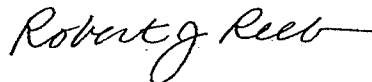
and availability in Monterey, your committee should be aware of the Pebble Beach Company proposal regarding its Del Monte Forest Preservation & Development Plan. The proposed project consists of the construction of a new 18-hole golf course, 160 new visitor-serving suites at the new golf course, Spanish Bay and Pebble Beach Lodge, creation of 33 residential lots and the construction of 60 employee-housing units. The latter, of course, is laudable. There are two pertinent points: first, the decision as to water use and development relating to this particular proposal is appropriately left to local decision makers; second, the proposed golf course, according to the Draft Environmental Impact Report (February 2004) is estimated to result in an increase of potable water use for irrigation in a normal rainfall year of 91 acre-feet per year, and an increase of 229 acre-feet per year for a drier than normal year (pp. 3.5-12, Draft EIR, Pebble Beach Company Development Plan). Should this proposal gain local agency approvals, the community would decide that the need for a new golf course outweighs the need to dedicate 91 acre-feet per year for housing, affordable or otherwise.

ACWA believes the decision whether to approve the Pebble Beach Company proposal should be left to local agencies and their constituents in the Monterey area. The decision will be based on reviews conducted under State laws and regulations, including the California Environmental Quality Act, Subdivision Map Act, SB 221/SB 610 (land use and water supply), and the Urban Water Management Planning Act, among others. Similarly, questions as to whether the Monterey Peninsula Water Management District should be dissolved, whether new board members should be elected, or whether the district is effectively and efficiently providing services, should be left to local agencies and their constituents.

If the Legislature is going to usurp local authority and local control by enacting SB 1529, then the Legislature should be prepared to act on local issues up and down the state. Clearly, the Legislature would be ill advised to move in either direction.

Thank you for your time and consideration.

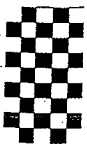
Sincerely,



ROBERT J. REEB  
State Legislative Director

RJR:

cc: Honorable Bruce McPherson  
Members, Assembly Local Government Committee  
Consultant, Assembly Local Government Committee  
Assembly Republican Caucus  
Office of the Governor

**RECEIVED**

June 15, 2004

JUN 17 2004

Mr. Alvin Edwards, Chair  
MPWMD  
5 Harris Court, Bldg. G  
Monterey, CA 93940

**MPWMD**

Dear Chairman Edwards,

This letter is being sent to you to voice my support for SB1529, the Senator Bruce McPherson bill to dissolve the Monterey Peninsula Water Management District and to urge you to support SB1529.

The facts are in: after 23 years and \$ 60 million of taxpayer money the Water Management District has failed, and failed miserably, to achieve the single objective for which they were organized, the development of a viable and reliable source of water to sustain the needs of the citizens of the Monterey Peninsula and our economy.

In an unusually strong mandate, every City Mayor on the Peninsula has supported the dissolution action suggested in SB1529. Measure B, which was overwhelmingly approved by Peninsula voters, via public election by a margin of 2 in favor to 1 opposed, called for dissolution of the Water Management District.

I urge you to join me in supporting AB1529, the Senator Bruce McPherson bill, to dissolve the Monterey Peninsula Water Management District and allow local authorities to work together to achieve what the Water Management District could not.

Sincerely,

Glen Alder  
Board Member  
Monterey Peninsula Board of Realtors

Cc: Sheryl McKenzie



Justin R. Tancredi  
409 Washington Street Ste. 100  
Monterey, CA 93940  
(831) 658-3238  
FAX: (831) 646-3361



# Fax

## RECEIVED

JUN 15 2004

### MPWMD

<b>To:</b>	ALVIN EDWARDS	<b>From:</b>	Justin R. Tancredi
<b>Fax:</b>	831-644-9560	<b>Pages:</b>	2 including cover
<b>Phone:</b>		<b>Date:</b>	
<b>Re:</b>	SB 1529	<b>CC:</b>	

Urgent   
 For Review   
 Please Comment   
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Dear Mr. Edwards,

Due to a previous engagement, I will not be able to attend tomorrow night's Meeting to Support DISSOLVING the District.

Please now, however, that I wish to voice my FULL SUPPORT of dissolving the Monterey Peninsula Water Management District. I support Senator McPherson's Decision as well as anyone else's who is in favor of making drastic changes to the current Water Board.

I fully expect you and the rest of the Board to also support SB 1529. I appreciate your assistance and integrity regarding this very important matter.

Kind Regards,

Justin R. Tancredi

**Joan Weaver, Realtor**

# Memo

**To:** Senator McPherson  
**From:** Joan Weaver, GRI  
**CC:** Alvin Edwards  
**Date:** 6/16/2004  
**Re:** SB 1529

REC'D 10

JUN 16 2004

JPW 30

Sirs;

I am writing to lend my support to SB 1529 in hopes that the peoples' choice will not go unheeded. We are in desperate need of program that will provide adequate water for our peninsula now and not another 20 years from now. The past 20 years have been an empty bucket full of holes AND empty promises. Not only did we lose the promise of water through those holes but thousands of dollars poured through them as well with nothing to show for them.

**IT'S TIME FOR THE WATER BOARD TO GO!!!**

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
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**From:** "Gary A. Patton" <gapatton@mclw.org>   
**Date:** 2004/06/17 Thu PM 03:15:27 EDT  
**To:** "Interested Persons" <gapatton@stanfordalumni.org>  
**Subject:** LandWatch Letter Opposing SB 1529

From:

Gary A. Patton, Executive Director  
 LandWatch Monterey County  
 Box 1876  
 Salinas, CA 93902  
 Telephone: 831-422-9390, Ext. 10  
 FAX: 831-422-9391  
 Email: gapatton@mclw.org  
 Website: www.landwatch.org

May 17, 2004

Assembly Member Simon Salinas, Chair [Sent By FAX: 916-319-3959]

Assembly Local Government Committee

State Capitol, Room

Sacramento, CA 95814

RE: Senate Bill 1529 (Monterey Peninsula Water Management District)

Dear Members of the Local Government Committee:

The Board of Directors of LandWatch Monterey County urges your "NO" vote on

Senate Bill 1529, as most recently amended on June 7, 2004.

As most recently amended, SB 1529 would change the governance structure of the Monterey Peninsula Water Management District, eliminating the direct election of members of the Board of Directors. It would also specifically eliminate provisions in current law that allow the voters of the District to make the ultimate decision on whether or not to proceed with a proposed water supply project.

The mission of LandWatch Monterey County is to "promote and inspire sound land use legislation through grassroots community action." Water supply decisions are directly related to land use policy making, and the LandWatch Board of Directors strongly believes that the voters of the District should be able democratically to participate in the long range planning process. SB 1529 proposes to eliminate and restrict the ability of the voters of the District to be involved in long term water planning decisions. This is why LandWatch opposes this bill, as it opposed your SB 149 in the last Legislative Session.

There is no "good" reason to support this bill. Its impact is entirely negative. SB 1529 will not produce more affordable housing. It will not help produce an additional water supply. All it will do is deprive local voters of the direct and democratic control over the key water policy issues that affect their future. "Democracy" means allowing the voters to make the key decisions that will affect their future. Because of its anti-democratic features, LandWatch is in opposition to SB 1529.

Thank you for taking these considerations into account.

Very truly yours,

Gary A. Patton, Executive Director

LandWatch Monterey County

cc: State Senator Bruce McPherson



Monterey Peninsula Water Management District

Assembly Member John Laird

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William W. Monning  
Attorney at Law  
479 Pacific Street, Suite One  
Monterey, CA 93940

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JUN 18 2004

MPWMD

Fax 916-319-3959

Hon. Simon Salinas, Chair  
Assembly Committee on Local Government  
Sacramento, CA

June 17, 2004

Subject: Opposition to SB 1529

Hon. Simon Salinas and Committee Members:

I urge you to vote against proposed SB 1529 in its current form.

It is critical to protect the voting rights of the citizenry in the allocation of water resources to advance the interests of appropriate water allocation and to guarantee priority for affordable housing interests before those of developer interests.

Thank you for your consideration.

*William W. Monning* (NT)

William W. Monning  
Attorney at Law

June 17, 2004

Julie Engell  
15040 Charter Oak Boulevard  
Prunedale, CA 93907

Senator Bruce McPherson  
State Capitol, Room 4081  
Sacramento, CA 95814

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JUN 18 2004

MPWMD

**RE: SB 1529**

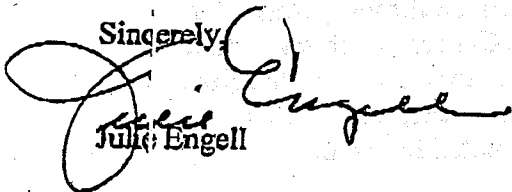
Dear Senator McPherson:

I'm attaching my previous letter, dated April 20, 2004, expressing my strong opposition to what then constituted SB 1529. I am appalled that you actually made the proposed legislation worse by eliminating the Monterey Peninsula Water Management District altogether.

Let me assure you that I am following the evolution of this legislation closely. Not only will I not vote for any legislator who has a hand in such irresponsible water policy, I will actively support campaigns against them.

I hope you and other legislators understand just how seriously Monterey County voters take the issues surrounding water. This is my second attempt, on SB 1529, to make it clear.

Sincerely,

  
Julie Engell

April 20, 2004

Julie Engell  
15040 Charter Oak Boulevard  
Prunedale, CA 93907

Senator Bruce McPherson  
State Capitol, Room 4081  
Sacramento, CA 95814

Dear Senator McPherson:

Once again you've introduced legislation (SB 1529) designed to curtail the public's participation in one of Monterey County's most critical issues – its water supply. Instead of offering solutions that reflect insight into underlying reasons for the 25-year water project impasse, you use that impasse to rationalize overhauling the Monterey Peninsula Water Management District structure. You propose creating an appointed water district board instead of an elected board and eliminating the public's right to vote on the water projects the public must pay for. I want you to know I strongly oppose this legislation.

As a land-use activist, I'm committed to the concept that 1) the public retain its right to choose its representatives and that 2) the public retain its right to choose its priorities in funding infrastructure and services. These are basic democratic concepts that your bill ignores.

Changing the Monterey Peninsula Water Management District structure so that it conforms to the State's other special districts is insufficient reason for the changes you propose. Given the conflicts brewing or erupting throughout California among various water districts over projects that are no longer mutually satisfactory, leads me to reject the "streamlined" decision-making you advocate. In many instances, the public is footing the bill for failing water projects as well as for the conflicts created by them.

The heart of any solution to our problem lies locally in the political will to live within our environmental and economic means. Two major obstacles impede that effort. California-American is a private, foreign-owned water company with profit maximization its primary focus. The needs of the community and the needs of the environment are of secondary concern. Different priorities between the corporation and the community result in inevitable conflict.

Throughout Monterey County, residents have expressed frustration with two polar extremes: 1) development preceding adequate infrastructure and 2) infrastructure inducing unwanted and unnecessary growth. Historically, the development interests in this county, many of whom support your bill, have used the first in order to achieve the second. They criticize inaction and endless studies, but whenever publicly funded research reaches conclusions unacceptable to them, they have the wherewithal and the clout to replace it with studies of their own.

I

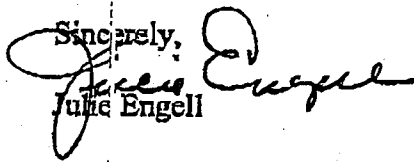
The State's decision to recommend building a desalinization plant as a solution to the Monterey Peninsula's water problems spread the controversy beyond the Peninsula. Now two of the County's three major watersheds are involved, and California-American has insinuated itself into proposed water projects in the Salinas Valley. Nevertheless, water projects proposed by both the Monterey County Water Resources Agency and the Pajaro Valley Water Management District must be approved by a majority vote.

Decisions at the State level resulted in the blurring of boundaries and interests. If the districts are to work effectively together, it is far more important that there be structural consistency among water districts within the County than that there be structural consistency among special districts within the State.

However, the over-arching concern remains developing water projects that meet, but do not exceed, the community's needs. To do so, they must be based upon local land-use plans, a function of local government. They must not be imposed by the State, at the behest of development interests, through the water district re-structuring you propose.

Please withdraw SB 1529.

Sincerely,



Julie Engell

- cc: Senator Tom Torlakson
- Senator Bob Margett
- Senator Dick Ackerman
- Senator Dennis Hollingsworth
- Senator Michael Machado
- Senator Don Perata
- Senator Nell Soto
- Senator Sheila Kuehl
- Assembly Member John Laird
- Peter Detwiler, Consultant, Senate Local Government Committee Staff



## SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

Please direct any response to: Rita Dalessio  
16 Via Las Encinas, Carmel Valley, CA 93924

June 17, 2004

The Honorable Simon Salinas, Chair  
Committee on Local Government  
California State Assembly  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: **SB 1529 (McPherson) Oppose**

Dear Assembly Member Salinas:

The Ventana Chapter of the Sierra Club, composed of more than 7,000 members in Monterey and Santa Cruz Counties, advises you and your Committee that it opposes SB 1529 (McPherson). Our reasons follow.

The McPherson bill proposes to dissolve the Monterey Peninsula Water Management District (MPWMD). It does not provide for an alternative management body. Presently, the MPWMD is governed by a Board of Directors, comprised of five board members directly who are directly elected by the public, one member who represents the area mayors, and one County Supervisor. We oppose any modification of the MPWMD that does not provide of the direct election of Water Board Members.

The Board is charged with management of water distribution, the mitigation of damage caused by Cal Am's over pumping of the Carmel River, the replacement of 10,700 acre feet of water over pumped annually from the Carmel River, and oversight of Cal Am. All of these important functions would be threatened under Senator McPherson's extreme legislation.

We strongly suspect that SB 1592 is but the first step in transferring power of the water supply to the area mayors. There is no evidence that such a transfer of power would do anything to solve the two major problems that confront the MPWMD, that of augmenting the water supply to conform with State Order 95-10, and providing water for affordable housing. We note that the mayors have shown no interest in complying with 95-10, and when provided with additional water used it for anything but affordable housing. We believe that any bill that purports to change the MPWMD without addressing the

important issues of complying with State Order 95-10, and without providing supplemental water designated first to affordable housing is not worthy of consideration.

The Sierra Club also is concerned that the successful work being done by the MPWMD to mitigate past damage to the Carmel River will not be carried forward if the MPWMD is dissolved. In both SB 149 and SB 1592, Senator McPherson has refused to provide for the continued mitigation of past damage to the Carmel River.

At the request of Senator McPherson, the Sierra Club last year participated a public hearing concerning SB 149, a McPherson bill that proposed to sunset, but not dissolve the MPWMD. At that hearing, Senator McPherson rejected the idea of dissolving the district. He indicated that, to do so, would be irresponsible. On that point, we agreed with Senator McPherson. We still do. SB 1592 is an irresponsible piece of legislation.

Sincerely,



Rita Dalessio  
Chapter Chair

Anthony L. Lombardo  
 Jeffery R. Gilles  
 Derinda L. Messenger  
 James W. Sullivan  
 Jacqueline M. Zischke  
 Todd D. Bessire  
 Steven D. Penrose  
 E. Soren Diaz  
 Aaron R. Johnson  
 Sheri L. Damon  
 Virginia A. Hines  
 Patrick S.M. Casey  
 Paul W. Moncrief  
 Anthony W.E. Cresap  
 Bradley W. Sullivan

Edward G. Bernstein  
*Of Counsel*



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 P.O. Box 2119  
 Salinas, CA 93902-2119  
 SALINAS 831-754-2444  
 MONTEREY 888-757-2444  
 FAX 831-754-2011  
 EMAIL lomgli.com

00368.033

June 17, 2004

**RECEIVED**

JUN 17 2004

**MPWMD**

Alvin Edwards, Chair  
 Monterey Peninsula Water Management District  
 P.O. Box 85  
 Monterey, CA 93942

**RE: Condition No. 19, Amended Water Distribution Permit of Cañada Woods  
 Water Company**

Dear Chair Edwards:

The District Staff has agendized the reconsideration of the imposition of Condition No. 19 on the amended Cañada Woods Water Distribution permit Monday night. Condition No. 19 required that :

“On or before September 30, 2003, the Permittee shall file with MPWMD one or more complete applications for new or amended water distribution system permits to authorize existing and proposed production and use of sub-potable water from non-alluvial wells and the use of reclaimed water within the service area of the CWWDS and the Monterra Ranch Mutual Water Company Water Distribution System.”

This requirement was imposed by the Monterey Peninsula Water Management District Board of Directors as a “condition” of allowing the Cañada Woods Water Company to provide potable water service within a portion of its already approved project area that had already been approved by the State Public Utility Commission and State Water Resources Control Board.

There are several reasons why this Condition should be removed. First, the Water Company is already required to report the amount and use of water from the Carmel River basin and alluvial aquifer under its existing water distribution permit. Not a drop of the water which the Water Company extracts pursuant to its appropriations ever goes unreported and unmonitored by the District and the State Water Resources Control Board. Further reporting of this information is duplicative and completely unnecessary.



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Alvin Edwards, Chair  
Monterey Peninsula Water Management District  
June 17, 2004  
Page 2

Second, Condition No. 19 requires a permit for the wastewater and golf course irrigation system which no other golf course, farm, park or other non-potable user of irrigation and construction water has ever had to obtain.

Third, neither the reclaimed wastewater, nor ground water wells have any impact on alluvial water. Non-alluvial wells and reclaimed water are physically distinct from Carmel River and alluvial water and thus outside the scope of the District's regulatory authority. The uses to which this water is being put are all approved and limited by condition of approval of the County of Monterey.

In short, the District's imposition of Condition No. 19 is discriminatory, unnecessary and an apparent attempt to preclude the property owners from making the uses already approved by the County of Monterey. Removal of this condition could help address the concerns which lead to the landowners filing a petition with LAFCO for exclusion from the Districts boundaries.

We respectfully request your Board reconsider the imposition of Condition No. 19 and treat this applicant the same as all those similarly situated.

Sincerely,

LOMBARDO & GILLES, PLC

*Derinda L. Messenger*

Derinda L. Messenger *lc*

DLM:js

Enclosures

cc: R. Alan Williams  
Michael Waxer



## LEAGUE OF WOMEN VOTERS OF CALIFORNIA

801 12th Street, Suite 220, Sacramento, California 95814  
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Sue Kelley  
 Ventura

#### *Voters Service*

Nikki Harris  
 Oakland

June 14, 2004

The Honorable Simon Salinas, Chair  
 Committee on Local Government  
 California State Assembly  
 P.O. Box 942849  
 Sacramento, CA 94249-0001

Re: **SB 1529 (McPherson)—Oppose**

Dear Assembly Member Salinas:

The League of Women Voters of California opposes SB 1529 (McPherson), as amended June 7, 2004. The bill's removal of a board which is in large part directly elected continues to be a concern to the League, but our opposition is now compounded because the amended bill would completely dissolve the district and negate its functions of protecting and managing the water resources of the district.

In 1977 the Monterey Peninsula Water Management District was created after the legislature found that "water problems in the Monterey Peninsula Area require integrated management." Further, the 1977 legislation found that "within the Monterey Peninsula area there is a need for conserving and augmenting the supplies of water by integrated management of ground and surface water supplies, for control and conservation of storm and wastewater, and for promotion of the reuse and reclamation of water. In this region of primarily scenic, cultural, and recreational resources, which are particularly sensitive to the threat of environmental degradation, such need cannot be effectively met on a piecemeal basis." The Legislature also found that the privately owned water supplier does not have the ability to raise sufficient capital for necessary public works, contract with, or provide necessary assurances to federal and state agencies for financing water projects and supplying water. The Legislature found and declares that it is necessary to create a public agency to carry out such functions which only can be effectively performed by government, including, but not limited to, management and regulation of the use, reuse, reclamation, and conservation of water and bond financing of public works projects.

The League of Women Voters of California strongly supports efforts which protect the natural environment in the public interest, including reservation of stream flows for protection of fish and wildlife habitat and other in-stream uses.

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JUN 17 2004

**MPWMD**

The regional approach which is provided for by the Monterey Peninsula Water Management District Law (West's Water Code—Appendix 118) succeeds in protecting these valuable resources. The League also strongly supports the 1977 ground-breaking legislation that ensures the protection and efficient use of both groundwater and surface water supplies in an integrated manner.

SB1529 does not address how the primary findings of the 1977 legislation have changed. In particular, it does not address how the water resources will be managed, piecemeal or otherwise, once the district is disbanded. There is no guarantee that the surface and ground water resources will continue to be protected through fair and integrated management, given that there are seven jurisdictions within the district boundaries.

Lastly, the disbandment of the district neither produces new water for district residents and businesses nor does it produce affordable housing.

Sincerely,

/s/

Jacqueline Jacobberger  
President

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JUN 18 2004

**MPWMD****HAND  
DELIVERED****California  
American Water**

Ryan Ranch Business Park is currently experiencing yellow water throughout the system. The discoloration comes from manganese. The U.S. Environmental Protection Agency (USEPA) lists manganese as a secondary substance for aesthetics not for health risks. The main problem associated with manganese in drinking water is the undesirable taste and discoloration.

California American Water (Cal Am) recently lowered one of the production wells, in order to reach water at lower level in the aquifer to help with supply and demand problems in the system. The water chemistry of this water differs from the water produced from the upper portion of the aquifer. In response to the changes in water quality, Cal Am has adjusted the treatment process and is diligently working on plant optimization.

Cal Am apologizes for the inconvenience and thanks you for your patience

Thank you

Charles Kemp, Operations Manager

California American Water  
Coastal Division

50 Ragsdale Dr., Suite 100  
P.O. Box 951  
Monterey, CA 93942-0951

T 831 646 3201  
F 831 375 4367

I [www.calamwater.com](http://www.calamwater.com)

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File No. 00368.033

June 18, 2004

VIA HAND DELIVERY

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JUN 18 2004

MPWMD

Mr. Alvin Edwards  
 Chair, Monterey Peninsula Water Management District  
 5 Harris Court, Building G  
 Monterey, CA 93940

Re: **Key Concerns As Identified in Staff Presentation of 5/27/2004 before the Monterey Peninsula Water Management District Board of Directors**

Dear Chair Edwards:

The following are comments submitted by this firm on behalf of Cañada Woods Water Company ("Company") regarding staff's key concerns as identified in staff's presentation of May 27, 2004 before the Monterey Peninsula Water Management District Board of Directors.

1. Petition thwarts intent of legislature

Staff refers to Water Code Appendix §118-2 which states that integrated management of resources is needed to address the following:

- "water problems";
- "conserving and augmenting supplies";
- "privately owned water supplier does not have the facilities nor the ability ... to raise sufficient capital for necessary public works, contract with, or provide necessary assurances to, federal and State agencies for financing of water projects and supplying of water"; and,
- "that a general law cannot be made applicable to such area".

When the Legislature made these findings in 1977, the Monterey Peninsula had just survived a drought followed by a rationing program implemented by Cal-Am. The Legislature expected the District to develop a water project to "protect the public welfare and for the environmental quality and the health and property of the residents therein". In the twenty-seven (27) years since the District was created, there have been numerous years of additional rationing with no end in sight. The District has not resolved the water problems, augmented supplies, financed water projects, or supplied water to protect the public, the health and property of the residents or the environmental quality of the resources. In fact, the only promising augmentation project on the horizon is one planned by Cal-Am and the Public Utilities Commission.

Mr. Alvin Edwards  
 Chair, Monterey Peninsula Water Management District  
 June 18, 2004  
 Page 2

The Water Code Appendix states that an additional reason for District's creation was because "a general law cannot be made applicable to such area". However, the Petitioner (Company) does not assert that the general State law replaces all of the District's regulations relating to conservation and management. As set forth in Exhibit "B-1" to the Petition (attached hereto as Exhibit "A"), a number of local agencies, as well as State agencies, have conservation and management authority over the subject territory (Company Service Area) and the Company is bound by several settlement agreements that require implementation of conservation and management strategies).

For example, as a condition to the 1995 Settlement Agreement ("Settlement Agreement") between the District and Appropriator as well as Condition 3 attached to its Appropriative Permits, Petitioner "shall be subject to the rationing requirements of the Water Management District..." (Paragraph No. 7 and Condition No. 14-3, respectively, of the Settlement Agreement and Appropriative Permits, both of which are attached hereto as Exhibits "B" and "C"). Additionally, Appropriative Permit Condition No. 8-5 requires the Petitioner to "irrigate and maintain the riparian corridor on Permittee's property abutting the Carmel River if Monterey Peninsula Water Management District and Cal-Am fail to do so". These are but a few examples of duplication of regulations related to conservation and management that are outlined in Exhibit "A" of the Petition.

2. Staff states that the major source of the water supply for Tehama is the Carmel River and is therefore not "distinct and independent from the Cañada Woods Water System", as stated in the Petition. Petitioner does not disagree that the water supply for most of Tehama is the Carmel River. The phrase "distinct and independent" water supply contained in the Petition refers to its legal status, not its hydrologic status.

3. Staff asserts that the interconnections between Petitioners water supply and Cal-Am may result in co-mingled supplies. First, as a condition to approval for Monterra Ranch, Monterra Ranch Water System was required to provide an intertie with Cal-Am in the event of a "water emergency" threatening the public health and safety of the customers of either water purveyor. Monterra Ranch Water Company was required to enter into an agreement to this effect, which agreement requires the receiver of the surplus water to pay for such water. The agreement provides for temporary emergencies only and the supplier must have "surplus" water available to provide to the recipient. Given the State Water Resource Control Board Order 95-10 pumping limitations imposed on Cal-Am, Cal-Am cannot possibly make a finding that it possesses "surplus water" that could be supplied to Monterra Ranch. Accordingly, transfer of water from Cal-Am to the Monterra system is not even a remote likelihood.

Second, as a result of the Monterra and Tehama Subdivisions mutual use of the storage tanks located on Tehama Lot 69, Cañada Woods Water Company has installed a double dual metering facility on the supply and distribution mains serving the tanks to ensure that Carmel

Mr. Alvin Edwards  
Chair, Monterey Peninsula Water Management District  
June 18, 2004  
Page 3

alluvial water is not inadvertently transferred out of the Carmel River Watershed. This metering system was approved by the State Water Resources Control Board by letter dated August 29, 2003, attached hereto as Exhibit "D".

4. District staff asserts that detachment of the subject territory thwarts integrated management of the riparian corridor by removal of the one thousand four hundred (1,400) feet of riparian corridor within the subject territory. However, the Petitioner is required by the Settlement Agreement and Conditions of the Appropriative Permits to irrigate and maintain the corridor (see paragraph 1 above). Furthermore, the Petitioner has cooperated with District staff with respect to access to the corridor. Consequently, integrated management of the riparian corridor is not compromised by the detachment.

5. Condition No. 8-1 of Petitioner's Appropriative Permit requires the Petitioner to remain "subject to all laws and ordinances of MPWMD," as staff indicated. Petitioner will remain subject to all district ordinances that are terms of the Appropriative Permits, the Settlement Agreement, as well as those identified in Monterey County Board of Supervisors' Resolutions No. 87-527, 95-384 and 96-518 (attached hereto as Exhibits "E", "F" and "G", respectively) approving the Monterra, Cañada Woods and Cañada Woods North Subdivisions. With respect to those ordinances that are not itemized in these documents, they will not be lawfully applied to the Subject Territory.

6. During the May 27, 2004 meeting of the District Board, staff stated that the intent of the Petition for Detachment appears to be to avoid "reasonable regulation" by the District and that such detachment sets a dangerous precedent.

As stated in Exhibit "B" to the Petition, detachment is consistent with the legislative intent to provide services in "the most efficient manner feasible" (Government Code §51006). As set forth above, it is clear that the District's regulations are duplicative of those adopted and confirmed by numerous other agencies and, in fact, fall short of the other agencies regulation and monitoring in many areas.

7. Staff also stated that this detachment sets a dangerous precedent that thwarts the states legislative intent to manage development of water supplies for the peninsula. First, it is worth noting that this detachment has absolutely no bearing on the District's augmentation or management obligations. Company has a limited amount of water that is can withdraw from the Carmel River aquifer. In fact, my client has voluntarily reduced its allocation from one hundred forty-seven (147) to one hundred eighteen (118) AFA. If all water users in the District followed suit, a water problem would not exist.

Further, this detachment does not set a precedent for detachments of other territory. Company is distinguishable from the others in that (1) the Petitioner's territory is one of very few that

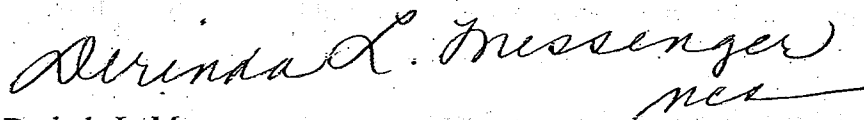
Mr. Alvin Edwards  
Chair, Monterey Peninsula Water Management District  
June 18, 2004  
Page 4

actually have appropriative water rights; (2) the impacts of full use of this water will have no adverse impacts on the Resource System; (3) Company is prohibited from using any of the County's existing or new water supply developed by the District (see Conditions 77 and 151 of Board Resolutions 95-384 and 96-518, respectively). Between regulation by the State Water Resources Control Board, California Public Utilities Commission, Regional Water Quality Control Board, Monterey County Water Resources Agency, Monterey County Health Department, Monterey County Planning and Building Inspection Department, and the multitude of permit conditions imposed by these agencies, it is clear that every regulation of the District is duplicated by at least one other agency, imposed and regulated by other agencies (see Exhibit "A").

Accordingly, my client respectfully requests that the District deny staff's recommendation to oppose the detachment of the subject territory from the Monterey Peninsula Water Management District.

Respectfully submitted,

Lombardo & Gilles, PC



Derinda L. Messenger

DLM:ncs

Enclosures

cc: Mr. R. Alan Williams  
Mr. Michael Waxer  
Cañada Woods Water Company



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JUN 21 2004

**MPWMD**

facsimile transmittal

To: **Alvin Edwards, Chair** Fax: \_\_\_\_\_  
 From: **Linda Shepard** Date: **6/18/2004**  
 Re: **545 English Ave., Monterey, CA** Pages: • • • •  
 CC: \_\_\_\_\_

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Notes:

**Alvin Edwards, Chair**

**MPWMD**

**5 Harris Court, Bldg. G**

**Monterey, CA 93940**

**Amended Senate Bill 1529  
 To Dissolve the Monterey Peninsula Water Management District  
 Authored By  
 Senator Bruce McPherson**

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JUN 21 2004

**Points In Support of SB 1529**

**MPWMD**

- **This is the will of the voters.** The Measure B vote in 2002 was approved by the voters nearly 2 to 1:

YES	20,671	66.06%
NO	10,621	33.94%

The turnout of registered voters in the District was 63.5%


- **This is a local decision.**

“We had focused so much attention on creating a successor agency from Sacramento that we lost sight of the fact that this is a local decision, not a state one,” Senator McPherson said. “We can clearly see that the last time the state meddled in local water policy 27 years ago, the result was a total failure”

- **Many options exist for a what would replace the MPWMD.** Possibilities range from having the Monterey County Water Resources Agency become the primary water agency for the County to local officials forming a new agency through a Joint Powers Agreement or the LAFCO process.

“We will make sure that mitigation efforts and other environmental duties continue uninterrupted,” said Senator McPherson, noting that the MCWRA, the State Department of Fish and Game or other agencies could assume those responsibilities in place of the District.

“Now is the time to put the future of water right where it belongs; with the residents of the area and their local officials,” Senator McPherson added. Should the bill become law, it would take effect in 2005, allowing local officials time to determine the best course for future water governance.



From: <[dawnvc@sbcglobal.net](mailto:dawnvc@sbcglobal.net)>  
To: <[assemblymember.salinas@assembly.ca.gov](mailto:assemblymember.salinas@assembly.ca.gov)>  
CC: <[assemblymember.laird@assembly.ca.gov](mailto:assemblymember.laird@assembly.ca.gov)>,  
Subject:  
Date: Fri, 18 Jun 2004 14:11:44 -0700

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JUN 18 2004

**MPWMD**

Dear Assemblyman Salinas,

I would like to strongly urge you to oppose  
Senator Mc Pherson's anti Water Management  
District bill.

Sincerely,

Dawn Cope  
[dawnvc@sbcglobal.net](mailto:dawnvc@sbcglobal.net)

**AMBAG**

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

June 18, 2004

**RECEIVED**

JUN 21 2004

**MPWMD**

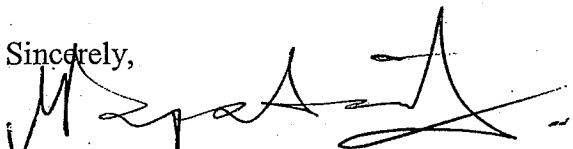
Editor  
Monterey County Herald

Dear Editor:

In an article by Virginia Hennessey published on Saturday, June 12, 2004 regarding the Monterey Peninsula Water Management District, its Chair, Mr. Edwards reported as saying that "...the AMBAG Board was ethically obliged to remain neutral (on the McPherson bill) because it is considering the application by Monterra Ranch to secede from the water district,...".

The fact is that such applications are considered and acted upon by the Monterey County Local Agency Foundation Commission (LAFCO), an agency established pursuant to State law to review and approve (de) annexations, and not by the Association of Monterey Bay Area Governments. Our Board has not and is not planning to take action on this project.

Sincerely,



Nicolas Papadakis,  
Executive Director

Cc: A. Edwards, Chair, MPWMD  
R. Rubio, President, AMBAG



59  
**Government Affairs Division**

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Phone 831/393-8677 • Fax 831/393-8668  
Email [gad@mcarr.com](mailto:gad@mcarr.com)

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JUN 21 2004

**MPWMD**

June 18, 2004

Alvin Edward, Chair  
Monterey Peninsula Water Management District  
P. O. Box 85  
Monterey, CA 93942

Dear Director Edwards:

The Monterey County Association of REALTORS® (MCAR) proudly supports Senator Bruce McPherson's amended Senate Bill 1529 and deeply regrets your position to oppose the bill.

Please find enclosed a copy of the letter our Association recently sent to Senator McPherson endorsing Senate Bill 1529 to "dissolve" the Monterey Peninsula Water Management District.

The problems with the District go beyond the make up of the elected Board, despite your repeated comments to the contrary. It is the failed structure of the Water District that has prevented a successful resolution to our water crisis. It is little wonder all other California water agencies have successful water projects, as they are not subject to the obstacles and obstructions that have plagued our District. The novel and unique structure of this District has prevented its success. After 26 years and over \$60 Million, it is time to acknowledge its failure and move forward in a new direction. 20,671 voters sent you that clear message in November of 2002. You have an obligation to acknowledge those voters and respond accordingly.

The mitigation and environmental duties of the District can easily be transferred and redirected to other local, state and federal agencies. Other possibilities include a Joint Powers Agreement or the LAFCO process. Additionally, a regional water supply project, such as a Moss Landing desalination plant that is being proposed and discussed is shaping up to be a much more viable and cost effective solution for the District and the region as a whole. A regional water project such as this would eliminate the need and expense of this Water District.

It is time to cut our losses. It is time to stop the "bleeding" of millions of our tax dollars and dissolve the District!

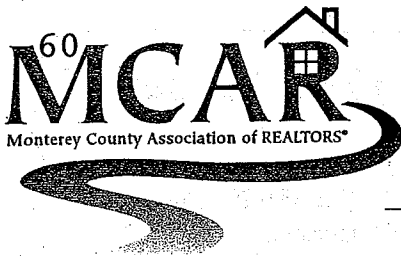
I am hopeful that the demise of the District will allow all of us work together on a regional water project in the very near future. The people of this District deserve nothing less.

Sincerely,

Sheryl McKenzie, Government Affairs Director

sm

cc: Jean Manner Schwimmer, President, MCAR  
Glen Alder, Co-Chair, LGR Committee  
Mark Tamagni, Co-Chair, LGR Committee  
Sandy Haney, CEO, MCAR



201-A Calle Del Oaks • Del Rey Oaks, California 93940

June 14, 2004

The Honorable Bruce McPherson  
California State Senate, 15<sup>th</sup> District  
State Capitol, Room 4081  
Sacramento, CA 95814

**RE: SUPPORT FOR AMENDED SENATE BILL 1529 – To Dissolve the Monterey Peninsula Water Management District**

Dear Senator McPherson:

The Monterey County Association of REALTORS® enthusiastically supports your amended Senate Bill 1529 to “dissolve” the Monterey Peninsula Water Management District.

This action truly represents the will of the people of this community. Measure B was approved 2 to 1 by the voters of the District in November 2002. With a turnout of 63.5%, 20,671 voters (66.06%) said it was time to eliminate an agency that has spent over \$60 Million in over 26 years and has not fulfilled its mission to bring a water supply project to this community. The formal support of SB 1529 keeps growing, which so far includes the Mayors of all the member jurisdictions, the Monterey County Board of Supervisors, the Association of Monterey Bay Area Governments (AMBAG), Assemblymember Simon Salinas, Senator Jeff Denham, the Monterey County Hospitality Association, the Building Trades Council, the business community, and thousands of individuals who live and work within the District boundaries.

It is little wonder other California water agencies have successful water projects and are not subject to the obstacles and obstructions that have plagued our District. The novel and unique structure of this District has prevented its success. After 26 years, it is time to acknowledge its failure and move forward in a new direction.

The mitigation and environmental duties of the District can easily be redirected to other local, state and federal agencies. Other possibilities include a Joint Powers Agreement or the LAFCO process. Additionally, a regional water supply project, such as a Moss Landing desalination plant that is being proposed and discussed is shaping up to be a much more viable and cost effective solution for the District and the region as a whole. A regional water project would eliminate the need and expense of the District.

Thank you, Senator McPherson for your leadership and this bill. It is time to cut our losses. It is time to stop the “bleeding” of millions more of our taxpayer dollars and dissolve the District.

Sincerely,

  
Jean-Manner Schwimmer, President

cc: Senator Jeff Denham  
Assemblymember Simon Salinas  
Assemblymember John Laird  
Supervisor Lou Calcagno, Chair, Monterey County  
Supervisor Edith Johnsen

Telephone: (831) 393-8660 or (831) 422-9604 • Facsimile: (831) 393-8669 or (831) 422-9539  
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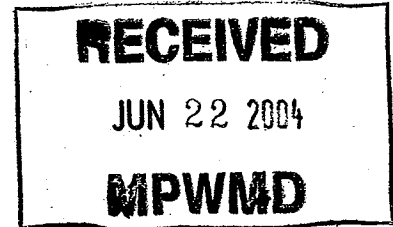
Mayor Jerry Smith

Mayor David Pendergrass

Mayor Jack Barlich

Ralph Rubio, President, AMBAG

Alvin Edwards, Chair, MPWMD



LAW OFFICES  
**RICHARD H. ROSENTHAL**  
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(831) 625-5193  
FAX (831) 625-0470

21 JUNE, 2004

MPMWD Ordinance 117

**FAX TRANSMISSION**

To: Monterey Peninsula Water Management District

Re: Notice of Intent to Adopt Negative Declaration For MPWMD Ordinance No. 117

Dear Board Members:

Please be advised that Save Our Peninsula Committee and Ed Leeper object to the Board's adoption of the above referred to Ordinance pursuant to a Negative Declaration. The Board is aware of the Settlement Agreement entered into between Save Our Peninsula and Monterey County in Case Number M51217 filed in Monterey County Superior Court that requires Monterey County to prepare an environmental impact report prior to approving any project, even a single family residence, that relies on a water saving mechanism as proof of a water supply. In essence, Monterey County has stipulated that there are environmental impacts associated with water credit transfers. Quite frankly, common sense dictates the result. The Negative Declaration's conclusions are not supported by common sense.

Therefore, Save Our Peninsula requests that the Board require an environmental impact report prior to considering the above referred to Ordinance.

If you have any questions or would further like to discuss the matter, please feel free to call.

Sincerely,

LAW OFFICES RICHARD H. ROSENTHAL  
A PROFESSIONAL CORPORATION

BY: Richard H. Rosenthal  
RICHARD H. ROSENTHAL

RHR/cd

Cc: Michael Stamp



*Submitted at 6/21/04 MPWMD  
Board Meeting by Molly Erickson 65*

LAW OFFICES OF  
MICHAEL W. STAMP

Facsimile  
(831) 373-0242

479 Pacific Street, Suite 1  
Monterey, California 93940

Telephone  
(831) 373-1214

June 21, 2004

Via Facsimile 644-9560

Alvin Edwards, Chair, and Members of the Board of Directors  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942

Re: Negative Declaration, MPWMD Ordinance No. 117  
Re-establishing ministerial approvals of water credit transfers

Dear Chair Edwards and Board Members:

My client The Open Monterey Project strongly objects to the proposed Negative Declaration for Ordinance 117. Changing approval of transfers from discretionary to ministerial has significant unidentified environmental impacts. My client urges you to complete an Environmental Impact Report to address all the impacts.

The ordinance proposes to go back to the old process of allowing water credit transfers to be approved ministerially. That method allowed water to be "transferred" without any confirmation that the water was actually available and was not "paper water." That method caused unknown environmental impacts, including an unknown amount of additional water to be pumped from the Peninsula's limited supply. Many of the old method's failures and problems were addressed in the DCI, Inc. "Analysis of Water Savings Associated with Document Water Use Credits and Transfers" (June 1, 2001), and the internal "Water Credit Program Analysis" staff memo from Stephanie Pintar (September 12, 2000). These two studies alone are substantial evidence to support a fair argument that the project may cause a significant effect on the environment. The cover pages of the DCI and Pintar reports are attached here.

The proposed ordinance is fundamentally flawed because it deletes the requirement of proof that "the transfer will not have an adverse impact on the water supply." That proof is currently required. That proof can only be provided with an Environmental Impact Report. The Initial Study does not evaluate the environmental effects of deleting that requirement.

Possible negative environmental effects include an increase of water taken from the Carmel River which is under SWRCB Order 95-10, harm to the public trust resources including the steelhead and red legged frog, and harm to the Seaside Aquifer which shows significant signs of being in overdraft.

The only possible reason for this proposed ordinance would be to make it easier for water transfers to occur. Because water transfers as a matter of law and of fact cause significant environmental impacts, Ordinance No. 117 cannot be approved on this record.

The transfer program would allow "paper water" to be moved from one location to another. The Initial Study (IS) fails to identify or analyze the impacts on the water supply. The IS ignores the lack of accurate and thorough Cal Am water consumption records and histories – which led to some of the previous problems – which cannot be corrected. Without that information, any water use data is seriously flawed.

For years, MPWMD staff has stated that the commercial water use credit factors are out of date and inaccurate. A transfer program, as here, based on those out-of-date factors has unanalyzed and unidentified environmental impacts. Further, the commercial water credit "groups" contain a variety of uses with the same factor in order to facilitate commercial changes in use. The IS does not identify the environmental impacts of using these large and flexibly-interpreted "groups."

The ordinance proposes at least 29 different requirements for water credit transfers. Despite the fewer requirements of the previous ministerially-approved water credit transfer program, staff failed to implement even those few requirements correctly, consistently or fairly. No identification or analysis of those issues has been made.

The Initial Study admits that the safeguards may fail and its estimated water use will be incorrect. It concludes that future amounts of transferred water would be similar to past amounts of transferred water, and therefore no impacts would result. There is no evidence of the amounts of water that would be involved in the proposed transfer program. The IS conclusion ignores the changed situation that most jurisdictions have exhausted their water allocations. Any potential impacts – even a single acre foot of new water consumption – must be identified in light of SWRCB Order 95-10. The Initial Study fails to identify and analyze these impacts.

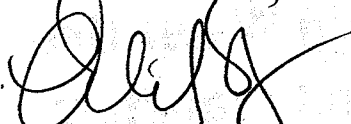
The success or failure of different commercial enterprises -- of the exact same use -- significantly impacts on their water consumption. Five years may not be sufficient time to identify or evaluate the true impacts. Further, there is no enforcement of water consumption limits. Further, the prohibition on residential use receipt of transferred water is easily avoided by the water being transferred to the jurisdiction's allocation and then allocated directly to a residential use. The IS fails to identify these impacts.

Monterey Peninsula Water Management District  
June 21, 2004  
Page 3

Several years ago, Patricia Bernardi and Save our Carmel River sued the MPWMD on a related issue and won.

Please put me on the distribution list for this ordinance and any MPWMD actions relating to the water credit transfer program.

Very truly yours,



Michael W. Stamp

Attachments

# Analysis of Water Savings Associated with Documented Water Use Credits and Transfers

Prepared for

**Monterey Peninsula  
Water Management District**

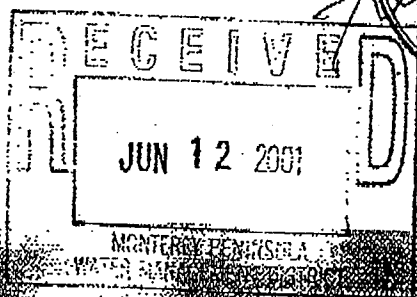
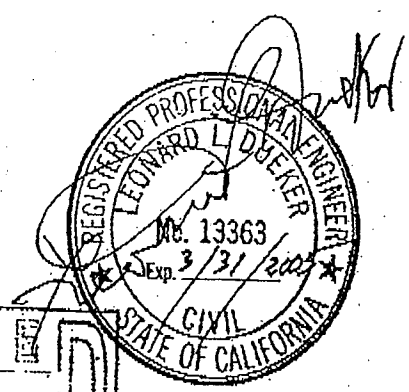
**June 1, 2001**

Prepared by

**DCI INC.**

Problems to Challenges to Opportunities

815 SOUTH ROCHESTER  
MESA, AZ 85206-2749  
(480) 835-9584  
(480) 218-5405  
FAX: (480) 699-1978



**interoffice  
MEMORANDUM**

185

**To:** Darby Fuerst, General Manager  
**From:** Stephanie Pintar, Water Demand Manager  
**Date:** September 12, 2000  
**Subject:** Water Credit Program Analysis

Water Demand Division (WDD) staff has spent considerable time over the past three months compiling California-American Water Company (Cal-Am) water consumption records for commercial water users who have received a documented Water Use Credits from the District under Rule 25.5. Records for all documented commercial water credits on file at the District were included in this research. However, a number of discrepancies were observed, including a lack of water consumption histories and records with Cal-Am, multiple users on one or more water meters on a site, and other variables such as water permits and business changes. Debbie Martin worked extensively with Cal-Am staff to try to fill in the water consumption gaps, but there are still several missing periods in many of the records.

Water credits have been issued using one of two methods to calculate water savings. Either regional average factors were used to estimate commercial water use, or actual water use was used to determine the credit. The use of regional or representative averages has been the "norm" recently, as all commercial water permits for new or expanded uses are issued based on these factors. The problem with analyzing the consumption information for these specific water use credits is that they are based on averages. As a result, many of the credit sites were unsuccessful businesses and therefore do not reflect the true potential of water use for a particular class of business. An example of how water use can change dramatically within the same type of use is the recent change in ownership of the former Ginza restaurant in Monterey to Benihana's. The Ginza restaurant went out of business over ten years ago. Benihana's recently opened in place of the Ginza and has had notable success in its opening months. In addition, the current three commercial water use factor "groups" contain a variety of uses with the same factor to facilitate commercial changes in use. This is particularly true in Groups I and II of the commercial factors where a variety of uses are permitted under the same factor.

It should also be noted that the regional averages used by the District are considered to be significantly out of date. The last update to the commercial water use factors was completed in June 1992. Since that time, the District has adopted numerous policies effecting commercial uses and the State of California has eliminated the sale and installation of non-ULF toilets. In addition, new technology is available to reduce commercial water use in various appliances such as cooling towers, refrigeration units, dishwashers, washing machines, etc. All of these factors could effect the appropriateness of the currently used factors and underscore the need to update the factors to provide more reliable information. Staff recommends that an update of the commercial factors

1615 Broadway, 9<sup>th</sup> Floor  
Oakland, CA 94612  
Phone 510-663-0888  
Fax 510-663-8569



# Fax

MPWMD

To: MPWMD From: Juliette Beck

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Fax: 831-644-9860 Pages: 2

---

Phone:      Date:     

---

Re: Opposition letter CC:     

---

Urgent     For Review     Please Comment     Please Reply     Please Recycle

● **Comments:**

*Oppa*

72



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JUN 21 2004

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group  
Joan Claybrook, President

MPWMD

June 21, 2003

Honorable Simon Salinas  
Chair  
Assembly Local Government Committee  
1020 N St., Rm 157  
Sacramento, CA 95814  
Fax: 916-319-3959

**RE: Oppose SB 1529**

Dear Assemblyman Salinas,

Public Citizen, a national consumer rights organization with over 30,000 members in California, is strongly opposed to SB 1529, a bill authored by Sen. Bruce McPherson that would dissolve the directly-elected board of the Monterey Peninsula Water Management District (MPWMD). Our program, Water for All, promotes direct public oversight and local control of water resources. We view water as a public trust that must be managed democratically and conserved for future generations.

The MPWMD has effectively managed the limited water resources of the Monterey Peninsula for almost 25 years. They have provided exemplary environmental stewardship by permitting sustainable growth in the region while keeping water rates low. MPWMD Board members are rightfully elected for the sole purpose of water management. Dissolving the district would only exacerbate the water management problems in this region by removing community control over competing interests such as real estate development versus watershed protection.

Additionally, we are deeply concerned about the threats to this district posed by the recent buyout of California-American Water Company, the local private water provider, by RWE/Thames Water, a highly indebted global conglomerate that is aggressively pursuing the US water sector as a major profit-making opportunity. Strong public watchdog entities like MPWMD may be the only effective means of protecting communities from rate gouging and resource exploitation.

We hope you will do all you can to protect the effectiveness of the MPWMD by opposing SB 1529. The MPWMD is a model for sustainable water management that should be expanded to other regions, not weakened.

Sincerely,

Juliette Beck  
Director of California Water for All  
Public Citizen

Submitted by David Dilworth  
at 6/21/04 MPWMD Board meeting.

# "Moratorium on any new water connections."

-Cal-Am's rate administrator, June 2, 2004

## **Cal-Am eyes water rate hike**

Company faces fines if usage doesn't slow down in district

By VIRGINIA HENNESSEY

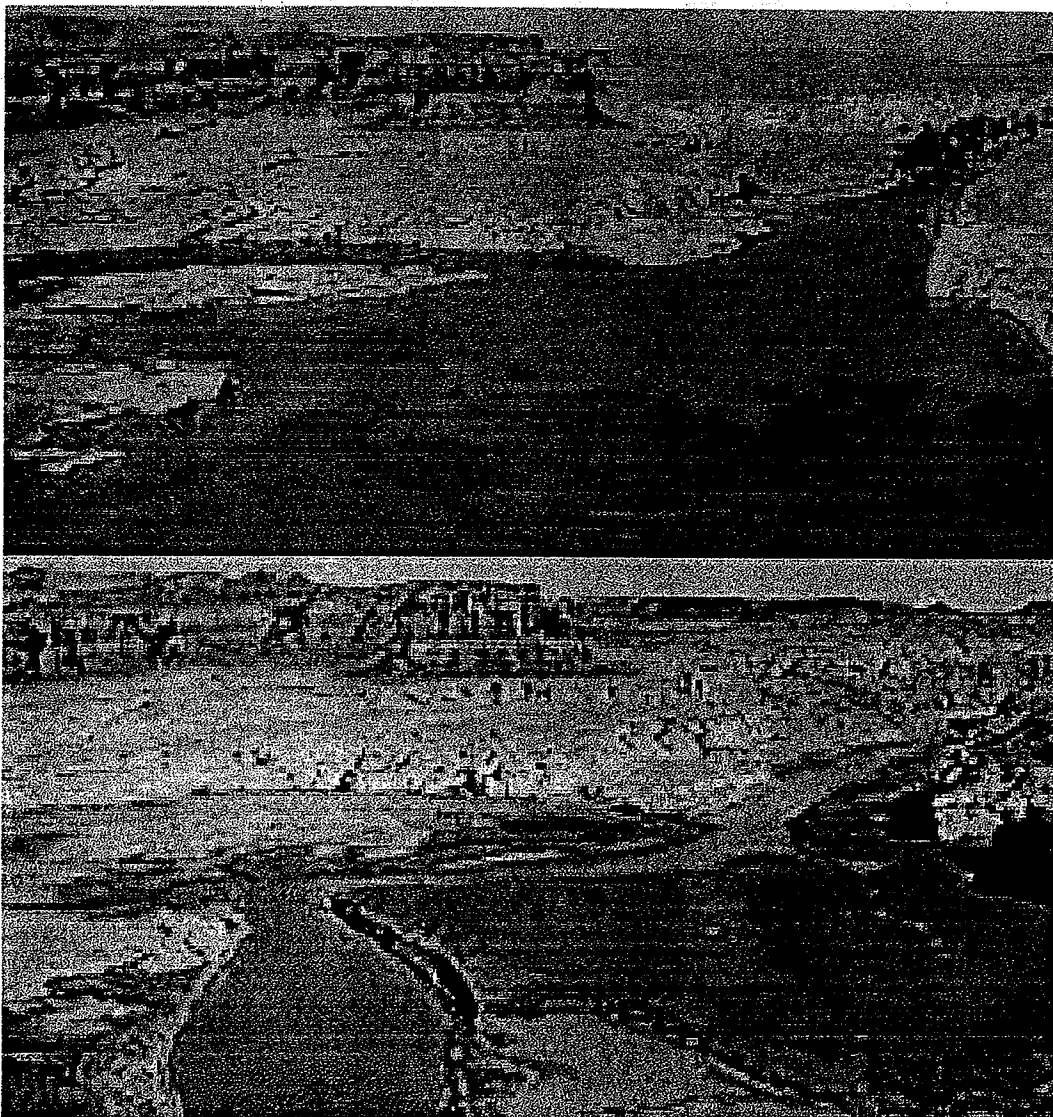
David Stephenson, Cal-Am's rate administrator in Sacramento, said it is the first time the company has asked for an emergency rate increase anywhere in its system and probably will be accompanied by a moratorium on any new water connections.



*Submitted by David Dilworth  
at 6/21/04 MPOWMD Board meeting.*

## **West drought could be worst in 500 years.**

**USGS Report says Colorado River lower than during  
Dust Bowl.**



The spot where the Dirty Devil River flows into  
Lake Powell in Utah shows how water levels there

have dropped. The top photo is from June 2002. The lower photo was taken in December 2003.

The Associated Press Updated: 1:34 p.m. ET June 18, 2004

LAS VEGAS - The drought gripping the West could be the biggest in 500 years, with effects in the Colorado River basin considerably worse than during the Dust Bowl years, according to scientists at the U.S. Geological Survey.

"That we can now say with confidence," said Robert Webb, lead author of a background paper released Thursday. "Now I'm completely convinced."

On Friday, the U.S. Climatic Data Center added its voice, saying that 67 percent of the western United States was in moderate to extreme drought at the end of this spring.

The Colorado River in particular has been in a drought for the entire decade, cutting an important source of water for millions of people across the West, including Southern California.

Environmental groups said the report reinforces the need to figure out a better way to manage the Colorado River before reservoirs run dry.

"The water managers, they just continue to pray for rain," said Owen Lammers, director of Living Rivers and Colorado Riverkeeper. "They just say, well, we hope that things change and we see rain."

Water levels compared The report said the drought has produced the lowest flow in the Colorado River on record, with an adjusted annual average flow of only 5.4 million acre-feet at Lees Ferry, Ariz., during the period 2001-2003. By comparison, during the Dust Bowl years, between 1930 and 1937, the annual flow averaged about 10.2 million acre-feet, the report said.

Scientists use tree-ring reconstructions of Colorado River flows to estimate what conditions were like before record-keeping began in 1895. Using that method, the lowest five-year average of water flow was 8.84 million acre-feet in the years 1590-1594.

From 1999 through last year, water flow has been 7.11 million acre-feet.

"These comparisons suggest that the current drought may be comparable to or more severe than the largest-known drought in 500 years," the report said.

Time to redo water pact? The report said the river had its highest flow of the 20th century from 1905 to 1922, the years used to estimate how much water Western states would receive under the Colorado River Compact.

The 1922 compact should now be reconsidered because of the uncertain water flow, said Steve Smith, a regional director for the Wilderness Society.

Submitted by Tex Irwin  
at 6/21/04 MPWMD  
Board Meeting

prop tax  
77  
Bar graph ↑  
chart 37%  
\$ taken out

Chairman Edwards and Board Members, good evening. My name is Tex Irwin and my comments on your budget are as follows.

The last meeting on the budget agenda item, I pointed out that the staff report had the following statements, and they appear again in tonight's report. The user fee is the District's largest source of income. Property taxes are the District's 2<sup>nd</sup> largest source of income. *And no portion of the user fee has ever been allocated to Capital projects.*

Now, after reading thru this budget you will notice on page 245 under revenue that the above statements are correct. Fees and taxes are the highest revenue generator. As you look at the 3 funds listed there you will find that the mitigation fund is \$2,355,000 or 51.42 % of the budget. Capital projects follow 2<sup>nd</sup> with 32.89 % and conservation is 15.68%. Going to the bottom of the page under reserve carryover, one will find the mitigation fund leads the pack at \$1,901,800 or 84.16 % of total reserves, with capital projects 2<sup>nd</sup> at 10 % and conservation 3<sup>rd</sup> at 6 %.

Going to page 251 under expenditures you find the account names down the left column and the listing of the 3 funds again. I find it interesting, and normal, under the Total column that Personnel is \$2,585,200 or 56.45 % of expenditures. Services & supplies fall in at 12 % and Project Expense is at 22.5 %. What I find of interest here is that going to the individual funds and their totals at the bottom of the page, Mitigation leads the pack again at \$2,355,000 or 51.43 % of expenditures with Capital Projects at 32.89 % of expenditures and so on.

On the next page, 252, near the bottom you can see that Projects Expense has been cut by \$1,135,800 or 110 % of the previous budget. As a side note, I don't believe that the pie chart %'s on page 254 are correct. Now when you go to pages 261 thru 268, there is a summary of project expenses with 4 goals listed. #1 is Augment Water Supply, page 261, with a bottom line of \$232,500, for augmenting the water supply. Next is Protect Environmental Quality on pages 262, 263, 264, & 265 for a total of \$371,900, or roughly \$150,000 more than Augment Water Supply. Page 267 and 268 are for Manage Water Demand and \$413,000 for this goal. Of interest are 2 items listed here as revisions to water permit process and rebate fund, for a total \$330,000 or \$100,000 more than Augment Water Supply. These two items are 80 % of goal 4, Manage Water Demand.

Going to page 272, staff is broken down into 2 columns of Operating Funds and Days. Here we go again with mitigation leading the funds and the time schedule. Mitigation 63 %, Capital Projects 20 %, and Conservation at 17 %.

The last page for reference is 274, and the items are not currently in the draft budget. Two EIR's for water allocation and water transfer for \$350,000.

To rap it up, if you raise fees, it goes to mitigation and is not solving the problem. The bulk of revenue, expenses, goals, and time, are spent on mitigation. The real solution for mitigation is a water supply that doesn't rely on the Carmel River at all. Rather than carrying over \$1.9 million in mitigation reserves, I would suggest finding a way to transfer \$ to the Capital Projects Fund and completing goal #1 of a water supply. The expense to your public on fees, and in your own words, your highest revenue generator, is then a mute point.

Thank you for your time.

**CARMEL VALLEY ASSOCIATION**  
**(formerly Carmel Valley Property Owners' Association)**  
**P.O.Box 157 Carmel Valley CA 93924**

*June 21, 2004*

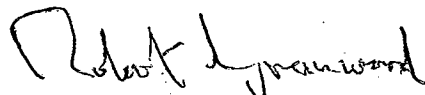
**Board of Directors**  
**Monterey Peninsula Water Management District**

**Item 23: Opposition to detachment of Tehama and Monterra from MPWMD**

***We strongly oppose the proposed detachment of the Tehama (Canada Woods) and Monterra Water Distribution Systems, for all the reasons set forth in your Packet. The MPWMD is mandated to monitor and regulate all water production within District boundaries, and these two systems, which are intertied and draw water from several different sources, are among the largest and most complex in the District.***

***Their water production from the Carmel Valley alluvium is governed by Permits 20831 and 20832 from the State Water Resources Control Board, and the MPWMD is the only entity competent to monitor compliance with the conditions in those permits.***

***For all the above reasons, this claim for detachment should be denied.***



**Robert Greenwood**  
**Director, CVA**

Submitted by Patricia Bernardi  
at 6/21/04 MPMWD Board Meeting<sup>81</sup>

**CARMEL VALLEY ASSOCIATION**  
(formerly Carmel Valley Property Owners' Association)  
P.O.Box 157 Carmel Valley CA 93924

June 21, 2004

**Board of Directors**  
**Monterey Peninsula Water Management District**

**Item 21: Reconsideration of Conditions on a Permit for Canada Woods WDS**

**The developers of Canada Woods are requesting deletion of Condition #19 from a permit granted to their Water Distribution System last year. This condition requires regulation and reporting of "non-alluvial" wells which supply sub-potable water to Canada Woods and Monterra, and all parties agreed to it when the permit was granted in July 2003.**

**Your staff is recommending retention of Condition #19, strengthening it by more detailed reporting on the development and production of individual non-alluvial wells, and striking out the word "sub-potable", because Canada Woods now has three non-alluvial wells capable of producing potable water.**

**We strongly support the recommendations by staff. The Canada Woods WDS is a large and complex system, drawing water from multiple sources and intertwined with the Monterra Mutual Water Company. It therefore requires more detailed monitoring by the District, not lrss.**



**Robert Greenwood**  
**Director, CVA**


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JUN 23 2004

MPWMD

June 21, 2004

Fran Farina  
 General Manager  
 Monterey Peninsula Water Management District  
 P.O. Box 85  
 Monterey, CA 93942-0085



**HOUSING  
 AUTHORITY**  
 COUNTY OF MONTEREY

CENTRAL OFFICE:  
 123 RICO ST.  
 SALINAS, CA 93907  
 831-424-2892  
 831-649-1541  
 FAX 831-424-9153  
 TDD 831-754-2951

Ms. Farina:

Thank you for your response to our 5/19/04 letter. We understand the District's position with the regard to water credit transfers. However, we are asking for Board consideration under the Health & Safety Code 34500-34521 where in it states:

**34500(b):**

It is a proper public purpose for any state public body to aid any housing authority operating within it's boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or projects

**34506.** "State public body" means any city, county, borough, commission, district, authority, or other subdivision or public body of the State

**34513:** A state public body may"

- (a) Plan or replan, zone or rezone any part of it's territory
- (b) Make exceptions to building regulations and **ordinances** to the extent that such exceptions do not conflict with the provisions of the State Housing Law, Part 1.5....

We again, respectfully request to be placed on the District's agenda for consideration under this Statute. Specifically, for the Board to consider a project waiver under the ordinance that prohibits water transfers. We look forward to hearing from you.

Sincerely,



Starla Warren  
 Director of Development

*Mission Statement:*

*To provide, administer, and encourage quality affordable housing and related services to eligible residents of Monterey County.*

June 26, 2004

RECEIVED

JUN 28 2004

MPWMD

Kate McKenna, AICP  
Executive Officer  
Local Agency Formation Commission  
PO Box 1369  
Salinas, CA 93902

Dear Ms. McKenna,

Please distribute this letter to the voting members of LAFCO.

My wife and I own one of the forty two inclusionary houses, specifically at 7112 Oak Tree Pl., Monterey that were built by Tehama/Monterra to satisfy the inclusionary requirements for their development(s).

As such, as I understand it, we have been supplied water for the past 6 years from Tehama/Monterra. I believe that a condition of Tehama/Monterra's original approval was centered in the developers treating and utilizing our inclusionary development's "grey" water for purposes of watering Tehama's Golf Course – that they told supervisors that potable water would not, at any time, be used for irrigating their property.

Tehama/Monterra's requested detachment from CSAs 69 and 100 because "those services are no longer required" is misleading. A more accurate statement of intention would be, "enough time has passed that supervisors no longer remember what we originally promised the County of Monterey, and as such we will exit our original commitment because doing so improves our private water supply (ie they will no longer be supplying the inclusionary Oak Tree Views with potable water, thereby improving their private water inventory, and as such, then be able to water their golf course with perfectly clean potable water, a practice that was never approved).

I believe, in a community with a severe water shortage, that there needs to be parity for all water users – that is, that from a moral, civic-centric view all water-users should be subject to identical use, cost, accessibility, and control. Tehama/Monterra is extremely well financed. That they were able to locate water on their property, build an infrastructure for private delivery, as well as build yet another golf course in a community with perpetual water shortages is a testament to their resources – both financial and political.

In Monterey County well capitalized developers quietly and patiently advance their agendas through approval agencies under circumstances and conditions that the normal citizen would never receive equal benefit, and it is a practice that needs to stop. I hold each of you accountable to ensure the welfare and best interest of all of the residents of Monterey County and our limited resources, and recommend that you dig deeply into the

implications to everyone effected by LAFCO file No. 04-03, not simply the petitioner's language "that the services of CSAs 69 and 100 are no longer required." What does that mean?

In short, I suspect it means that these developers will switch the inclusionary units to the Cal-Am water supply and the developers will in turn continue to utilize their private water supply however they seem fit, and on a continued unmonitored basis. Perhaps that is their legal right; I don't know. If it is their right, then how come this was not the approved scenario from the out-set? Something slippery is happening, be assured of that.

Finally, if in fact, the inclusionary houses are switched to Cal-Am it would be extremely inequitable for Tehama to continue to receive benefit of the inclusionary houses "grey" water. I object to a future scenario whereby I will pay for water coming into my house, and the water flowing out of it is still made available to Tehama to water their private golf course. Such a subsidy has enormous legal recourse implications.

Thank you for your consideration in this matter. Please perform adequate due diligence to insure that your final decision in this matter considers all parties affected: the inclusionary homeowners, the developers, and the residents of the peninsula – please do not limit your decision simply to petitioner's language. Center your decision in the original agreements and commitments made by developers ten years ago when their project broke ground.



Rob Pace  
7112 Oak Tree Pl.  
Monterey, CA 93940  
831.655.3633

.cc

Fran Farina  
General Manager Monterey Peninsula  
Water Management District



LAW OFFICES OF  
MICHAEL W. STAMP

Facsimile  
(831) 373-0242

479 Pacific Street, Suite One  
Monterey, California 93940

Telephone  
(831) 373-1214

June 29, 2004

Andrew Bell  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, CA 93942-0085

**RECEIVED**

JUN 30 2004

**MPWMD**

Re: Notice of Non-Compliance (Nick Marotta)

Dear Mr. Bell:

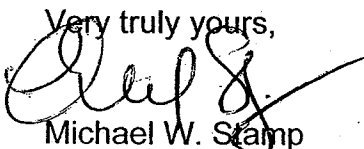
I represent Nick Marotta, who has received a Notice of Non-Compliance from the Water Management District. Despite the fact that you and I have been in contact over this, despite the fact that Mr. Marotta has hired Frank Pierce to work with you to cure the violation, and despite the fact that you required me to provide you with a written authorization from my client before you would even speak with me, you have filed the Notice without contacting me in advance, without having any discussion with me, and without giving me the opportunity to work with you. You made no effort to discuss the situation, to inquire into the status of the matter, or to work with me in helping the District to cure the violation.

I do not know what your goal is in this matter. If you want compliance, you might want to consider working with the representative of the party. If you want to record violations for the sake of recording alleged violations or in order to worsen the relations of the parties or elevate the dispute, please continue with your current course of action.

Please consider this as a Public Records Act request for all documents associated with this alleged violation, including all communications, electronic data, and messages. Please provide these records for inspection no later than July 9, 2004.

Once I review the complete file, I will be back in touch with you. If you are interested in resolving this situation in a way that is acceptable to both the District and the property owner, I remain willing to work with the District. If that is not your goal, please advise me.

Very truly yours,



Michael W. Stamp

cc: David Laredo  
✓ Fran Farina



89  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
777 Sonoma Ave, Rm 325  
Santa Rosa, California 95404

In response Refer To:  
July 1, 2004 151416SWR04SR9247

RECEIVED

JUL - 6 2004

MPWMD

Mr. Anthony L. Lombardo  
Lombardo & Gilles, PC  
318 Cayuga Street  
P.O. Box 2119  
Salinas, CA 93902-2119

Dear Mr. Lombardo:

Thank you for your June 15, 2004 letter that provides additional information concerning future water supply for the Pebble Beach Company's Del Monte Forest Preservation and Development Plan (Del Monte Forest Plan). Your letter discusses the origin of the 355 acre-foot per year (AFY) water entitlement provided to you by Monterey Peninsula Water Management District (MPWMD), and it describes the Phase I Carmel Area Wastewater District (CAWD)/Pebble Beach Community Services District (PBCSD) Wastewater Reclamation Project. Your letter also provides important information about Pebble Beach Company's plan for a Phase II Wastewater Reclamation Project.

On April 13, 2004, the National Marine Fisheries Service (NOAA Fisheries) provided the County of Monterey Planning and Building Inspection Department with a letter expressing concern about the potential adverse effects of the Del Monte Forest Plan on steelhead trout in the Carmel River. That project includes development of a new 18-hole golf course with clubhouse and visitor-serving suites; relocation of the existing equestrian center; construction of 91 visitor-serving units, additional meeting space, a new underground parking lot, and new driving range/golf teaching facility at Spanish Bay; construction of 63 visitor-serving units, additional meeting and hospitality space, and new underground parking structure at the Lodge at Pebble Beach; creation of 33 residential lots in various locations; construction of 12 employee housing units near Spanish Bay and 48 at the Pebble Beach Company's Corporation Yard; road, infrastructure and trail improvements; preservation and conservation of 500 acres of open space; and a proposal to amend prior permits/conservation easements issued to the applicant.

The Draft Environmental Impact Report (DEIR) states that water for this facility will be derived from a claimed water entitlement of 355 AFY that was obtained by Pebble Beach Company in return for financial support for the CAWD/PBCSD Wastewater Reclamation Project (Phase I). According to the DEIR, as a result of this additional diversion, the proposed "project would increase withdrawals by Cal-Am from the Carmel River aquifer and/or the Seaside aquifer relative to a current (2002) baseline."



As described in our April 13<sup>th</sup> letter to Monterey County, the "environmental setting" for this proposed additional diversion is decades of contentious legal and administrative procedures related to efforts to reduce excessive, unauthorized diversions from the Carmel River by Cal-Am. Those diversions annually dewater 7 to 8 miles of the lower Carmel River with resulting significant impacts to threatened South-Central California Coast steelhead and other natural resources.

Your June 15 letter's descriptions of the Phase I CAWD/PBCSD Wastewater Reclamation Project and plans for a Phase II Wastewater Reclamation Project are useful and help provide perspective for the environmental assessment of the effects of the proposed project diversions on steelhead in the Carmel River. However, we remain concerned about the potential adverse effects of increased diversions associated with the "water entitlement" of 355 AFY provided by MPWMD to Pebble Beach Company. We also question whether this "water entitlement" constitutes a valid basis of water right. California water right law assigns the State Water Resources Control Board (SWRCB) exclusive authority for granting legal water rights. A footnote in SWRCB Order 95-10 erroneously states that MPWMD issued a water entitlement to Pebble Beach and other water reclamation project sponsors, based upon issuance of an appropriative right permit to the District. The District had no such water right permit. Nevertheless, SWRCB stated in its March 27, 1998 letter to MPWMD that it "*would use its enforcement discretion to not penalize Cal-Am for excess diversions from the Carmel River as long as their diversions do not exceed 11,285 afa plus the quantity of potable water provided to Pebble Beach Company and other sponsors under this entitlement for use on these lands.*" In its April 21, 2004 letter to you, SWRCB stated "*this enforcement discretion will continue to be exercised as long as the amount of treated wastewater delivered for use meets or exceeds the quantity of potable water delivered under the entitlement.*" What is clear is that highly excessive water diversions are adversely affecting threatened steelhead, the diversions are done without a valid basis of right, and SWRCB is exercising enforcement discretion for those diversions with hopes that Cal-Am can develop an environmentally benign alternative water supply.

In its May 10, 2004 letter to you, SWRCB responded to your request for them to acknowledge that the environmental effects of use of the 380<sup>1</sup> acre-feet "entitlement" has already been studied in a prior environmental impact report prepared for the reclamation project. SWRCB stated that it did not have the environmental document for Phase I of the reclamation project and that the Phase II documents, which SWRCB had, did not discuss potential impacts of the project on public trust resources of the Carmel River. In its May 10 letter, the SWRCB suggests that the final EIR for the Del Monte Forest Plan should address environmental effects of the water diversions and mitigation measures deemed necessary.

The two-phase wastewater reclamation project clearly benefits Carmel River resources. However, it is unclear whether Phase II of the wastewater reclamation project together with the Del Monte Forest Plan will collectively allow Cal-Am to limit its diversions to not more than 11,285 AFY. NOAA Fisheries is strongly supportive of the intent of SWRCB Order 95-10 to reduce the adverse effects of excessive diversions from the Carmel River. If the Phase II Water Reclamation Project is constructed jointly with the Del Monte Forest Project, and as a result, the combined projects negate the need for additional diversions associated with the "water entitlement", then we would have no misgivings about the project.

Our objective is to reduce the amount of unauthorized, environmentally deleterious diversions from the

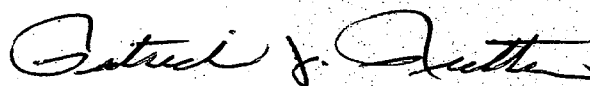
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<sup>1</sup>SWRCB Order 95-10 indicates that a total entitlement of 380 AFY were given to Pebble Beach and other sponsors. The Del Monte Forest Plan EIR sites an entitlement of 355 AFY for Pebble Beach Company.

Carmel River. As indicated in the DEIR for the Del Monte Forest Plan, the total volume of water diverted by Cal-Am would increase from 2002 levels as a result of this project. However, your June 15 letter suggests that these increases would be negligible if Pebble Beach develops Phase II of the Wastewater Reclamation Project. Specifically, you state, "By eliminating the use of potable water for golf course irrigation, the Phase II Project will further reduce existing potable water use by an average of two hundred seventy-five (275) AFY compared to current conditions." You also state, "Clearly, with the Phase II Project, pumping levels which have already been significantly reduced as a result of the Phase I Project will be further reduced to below existing conditions, resulting in no negative environmental impacts on the Carmel River Resource System." If this is true then we have no objection to the combined projects (Del Monte Forest Plan and the Phase II Wastewater Reclamation Project), assuming the Phase II project is built in conjunction with the Del Monte Forest Plan Project. In your letter you stated, "even though my client has no legal obligation to do so, PBCo has agreed to accept a condition of project approval that requires it to finance the Phase II Project to assure that these potable water savings are realized." We encourage Pebble Beach Company to include the Phase II wastewater reclamation project as an element of the Del Monte Forest Plan Project, such that with construction of the full project, the total volume of water diverted by Cal-Am would not increase from 2002 levels as a result of the Del Monte Forest Plan Project. If the Phase II Project cannot be included as an element of the Del Monte Forest Plan Project, we will recommend to the County of Monterey that the financing and construction of the Phase II Project be a permit condition for that project.

Again thank you for the helpful additional information concerning the relationship of the two-phase Wastewater Reclamation Project and the Del Monte Forest Plan Project. If you have any questions or comments concerning the contents of this letter, please contact Dr. William Hearn at (707) 575-6062.

Sincerely,



Patrick J. Rutten  
Supervisor, Northern California  
Protected Resources Division

cc: J. Lecky, NOAA Fisheries  
R. Floerke, DFG (Yountville)  
K. Mrowka, SWRCB  
C. Lester, Cal. Coastal Commission  
F. Farina, MPWMD  
T. Lombardo, Lombardo & Gilles  
D. Pereksta, USFWS  
S. Leonard, Cal-Am  
T. McCue, Monterey County

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JUL 02 2004

MPWMD

FAX COVER SHEET

TO: ALVIN EDWARDS, CHAIRMAN  
 Directors of the Monterey Peninsula Water Management District

Phone: 658-5600

FAX: 644-9560

Date: July 1, 2004

FROM: DERINDA L. MESSENGER, ESQ.

Transmitted by: js

TOTAL NUMBER OF PAGES TRANSMITTED

COVER SHEET: 1  
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Client/Matter No.: 368.006

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MESSAGE

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Will not follow

94

Anthony L. Lombardo  
 Jeffrey R. Gilles  
 Derinda L. Messenger  
 James W. Sullivan  
 Jacqueline M. Zischke  
 Todd D. Bessire  
 Steven D. Penrose  
 E. Soren Diaz  
 Aaron P. Johnson  
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File No. 00368.033

July 1, 2004

Ms. Kate McKenna, Executive Director  
 LAFCO  
 P.O. Box 1369  
 Salinas, CA 93902

Re: Tehama/ Monterra Detachment from MPWMD

Dear Kate:

This letter serves to request that you delay preparation of, or seeking requests for proposals on, preparation of the Initial Study for the above-referenced detachment. My client is in the process of meeting with the Water Management District Staff to resolve the issues which prompted filing the Petition for Detachment.

If you have any questions regarding the above, please feel free to call me.

Sincerely,

LOMBARDO & GILLES, PLC

Derinda L. Messenger

DLM:js

Cc: R. Alan Williams  
 Michael Waxer  
 David Berger, General Manager, MPWMD  
 Chairman Alvin Edwards, MPWMD

**Concerned Residents of Pebble Beach  
and Monterey County  
P.O. Box 1229 Pebble Beach, CA 93953  
[www.cr-pb.org](http://www.cr-pb.org)**

July 6, 2004

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JUL - 9 2004

MPWMD

Dr. Denver Dale  
24005 Fairfield Place  
Carmel, CA 93923

Subject: PB Co's. plan to sell entitled water

Dear Dr. Dale,

Thanks for the FYI e-mail we received last month. We have been waiting for the General Manager of the Monterey Peninsula Water Management District, (MPWMD), to provide comments on your e-mail and understanding of the new Ordinance 109.

Ms. Fran Farina, General Manager, has advised us that she spoke with you about your concern on what will happen to PB Co's. entitled water if they don't sell all of the 175 acre feet. It is our understanding that she reviewed the history on this matter with you and that if the Company sells less water it only changes the remaining number of acre feet they were originally entitled to have.

The PB Co. obtained 365 acre feet of entitled water years ago when the MPWMD approved the original Recycled Waste Water Reclamation Project which was proposed by the PB Co., the Carmel Wastewater District, MPWMD and the Pebble Beach Community Services District.

The new Ordinance 109 does not change the original allotment of entitled water for PB Co.

Our organization will continue to follow up and report on this unusual project and keep you and other concerned residents informed on the progress of the Phase II Improvements to the Reclamation System to improve the quality of recycled water. We will also report on the status of PB Co's. sale of "entitled" water.

Sincerely,

  
Ted R. Hunter

  
Carl E. Nielsen

cc: D. Berger and A. Bell MPWMD

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DENVER DALE (D3)  
6/10/04

To: <info@cr-pb.org>  
Subject: PBCo. plans to sell water: SCAM

Hi. Just FYI, it is my understanding that although PBCo. will receive none of the proceeds from their sales of water to improve their reclamation project, they DO NOT have to sell all 175 acre feet. Everyone is doing the math based on \$22 million (cost of the project fix) divided by 175 acre feet, but be aware that PBCo. has the ability to sell much less (about 100 AF) at higher prices (think north of \$200,000/AF). So they cannot profiteer by keeping the money, but they are ABSOLUTELY profiteering by selling less of the water and keeping the rest.

So although PBCo. will tell you they are not profiting from the sales, they are absolutely profiting, but keeping more of the water that they represented to the Water Board would be sold.

Nobody has seen this eventuality, but now that Ordinance 109 is on the books, this is exactly what is happening. If PBCo. had gone to the MPWMD and said they will sell as little water as possible at as high prices as possible in order to finance the reclamation project fix, Ordinance 109 would never have passed. But this is exactly what they are doing to owners of dry lots in the Forest, like me. We are being taken advantage of by PBCo. and I am very upset.



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