

EXHIBIT 14-L

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OUR FILE NO. 18363.000

November 19, 2004

RECEIVED

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MPWMD

VIA FACSIMILE

Mr. Andrew Bell
Hearing Officer
Monterey Peninsula Water Management District
P. O. Box 85
Monterey, CA 93940

Re: Bardis Water Distribution System
ID NO. 20040426BAR

Dear Mr. Bell:

I am writing in regard to the Bardis Water Distribution System permit (single connection) which you will hear this afternoon at 1:00 p.m.

We have reviewed the Staff Report and proposed Conditions of Approval. We support staff's recommendation that a total of 14.91 AFY of water be allocated as a production limit for this well.

We request, however, that the 0.5 AFY allocation for "potable" water use be for inside residential use and that outside uses be included in the 14.21 AFY "non-potable" use allocation. To achieve this, the words "including landscape irrigation" should be eliminated from the description of "potable uses" described in Condition 3 and elsewhere in the Findings.

This change is warranted as the home to be served by the well is anticipated to be approximately 4400 square feet with 4 bedrooms on this 10-acre parcel with surrounding agricultural land, which could include gardens, orchards, etc.¹ It is not a standard "residential" parcel, but, in fact, is a rural parcel

¹ The District's water use factors for land use allocate .8 AFY of water for 1 acre of vineyard, 4.4 AFY for 1 acre of orchard, and 2.3 AFY for garden crops. (See worksheet attached).

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An allocation of .05 acre foot of potable water for inside use is also consistent with the overall amount of water allocated to the four adjacent parcels (i.e., commonly known as Parcels A through D of the Mills College Subdivision), where a full 1 AFY of water was allocated for **both** inside and outside uses on considerably smaller parcels. (See paragraph 2 Stipulation and Order, *Save our Carmel River v. County of Monterey*, a copy of which is attached hereto).

The Stipulation and Order also indicates that development on the Remainder Parcel (this 10-acre parcel) is to be consistent with the water demand analysis contained in the 1994 Grice Engineering report. We believe that an allocation of 0.5 AFY for inside use only is consistent with the Grice report for the following reasons.

First, in a follow-up letter dated September 20, 2004, Mr. Grice indicates that the water demand numbers in his report pertained to "indoor household use and [property] should receive an additional allocation of water for outside use." In this case we would receive an allocation 0.5 AFY for inside use "potable" use and an allocation of 14.21 for outside "non-potable" uses. (See attached letter from Harold Grice.)

Second the Grice report was based on a household population of 3.17 persons per home based on population numbers derived from a wide spectrum of housing types including mobile homes and multiple unit residences (apartments) and not larger single family homes.

Third, the Grice report itself indicates that the opinion and findings of the report were valid as of 1994, but because conditions change his report "... should not be relied upon after a period of three years." Therefore the analysis in the Grice report is subject to revision.

In summary, an allocation of 0.5 AFY of water for "potable" inside use and 14.21 AFY for "non-potable" water for outside use is consistent the District's own water use figures and the Grice report.

Alternatively, we request that the allocation between potable and non-potable be changed to allow 1 acre foot of potable water for use for the residence and surrounding landscaping, and that 13.91 acre feet to be allocated non-potable agricultural uses.

As stated above, an allocation of 1 acre foot of potable water for the home encompassing **both** inside and outside landscaping, is consistent with the amount of water allocated to the four adjacent parcels - Parcels A through D of the Mills College Subdivision.

An allocation of 1 acre foot for indoor household use and surrounding landscaping is also consistent with the Grice report.

Mr. Andrew Bell
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As stated above, Mr. Grice's September 20, 2004 letter indicates that the water demand numbers in his report pertained essentially to interior uses but did not include exterior uses such as vineyards, orchards or other uses which could occur on a rural residential parcel in conjunction with a residential use of the property. Accordingly, an allocation of water for residential use should be greater than .05 AFY if there are outside uses such as gardens, vineyards, and orchards associated with the residence.

Additionally, as stated above, the Grice report indicates that his population numbers were derived from a wide range of housing types (not larger residential homes) and that the conclusions of his report "... should not be relied upon after a period of three years."

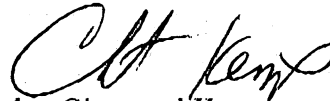
Accordingly, we believe you have the discretion to increase the residential allocation for both inside and surrounding landscaping to 1 acre foot and concurrently reduce the agriculture allocation to 13.91 acre feet.

With either of these changes, we have reviewed the remaining Conditions of Approval and agree to those conditions².

Thank you for your consideration of this request.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation



Christine Gianascal Kemp

CGK:ng

cc: Mr. Christo Bardis (with encls.)
Ms. Henrietta Stern, MPWMD (with encls.)

² Subject to our approval of the additional fees, if any, which may be charged pursuant to Condition 16 of the permit.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

WATER USE FACTORS FOR LAND USE REPORTING METHOD

(All Values are in Acre-Feet)

Type of Use	Annual Usage Per Unit	Total Usage Per Year
1. Household Use:		
a. Number of dwelling units	x 0.35	= _____
2. Irrigation:		
a. Turf (i.e. lawn) - number of acres	x 2.1	= _____
b. Non-turf landscaping-number of acres	x 1.8	= _____
c. Non-turf on drip, open space - acres	x 0.9	= _____
d. Pasture/Alfalfa - number of acres	x 4.3	= _____
e. Pasture/Grazing - number of acres	x 2.1	= _____
f. Vineyard - number of acres	x 0.8	= _____
g. Orchard - number of acres	x 4.4	= _____
h. Garden Crops - number of acres	x 2.3	= _____
i. Plant Nursery - number of acres	x 3.92	= _____
3. Swimming Pool or stockpond		
a. square feet of surface area	x 0.00026	= _____
	evaporation factor	
4. Farm Animal Use		
a. Number of horses or cattle	x 0.05	= _____
b. Number of goats, hogs, or sheep	x 0.01	= _____
5. Other use: Variable factors		= _____

Notes:

- (1) One Acre-Foot equals 325,851 gallons
- (2) Revisions in 1992 included the addition of a new category, "Pasture/Grazing" to account for irrigated pasture that is not harvested for a crop, but serves as pasture for large animals. The reduced factor of 2.2 AF/year is based on site inspections and is equivalent to the factor used for "Turf". Actual water usage on grazing land will vary. The factor for irrigated "Pasture/Alfalfa" or other pasture that may be harvested more than once a year remains 4.3 AF/year.
- (3) Revisions in 1992 also included a reduction in the factor for "Vineyard" from 2.8 to 0.8 AF/year, based on site inspections and on measured crop applied water data from Bulletin 113-4 of the California Department of Water Resources, "Crop Water use in California". (1986).
- (4) Revisions in 1993 include changes to Turf and Non-turf, and the addition of Plant Nursery in order to be consistent with the Calculated Average Consumptions: Commercial Uses Report prepared by the Demand Management office of the MPWMD, updated June 1992.

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 County Counsel
 2 EFREN N. IGLESIA (SBN: 071309)
 Senior Deputy County Counsel
 3 County of Monterey
 60 West Market Street, Suite 140
 4 Salinas, California 93901
 5 Telephone: (831)755-5045

FILED

JUN 07 2002

SHERRIL PEDERSEN
 CLERK OF THE SUPERIOR COURT
 DEPUTY

6 Attorneys for Respondents,
 COUNTY OF MONTEREY, ET AL.
 7

8 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **IN AND FOR THE COUNTY OF MONTEREY**

10 **SAVE OUR CARMEL RIVER (SOCR),**

Case No. M 43343

11 Petitioner,

12 v.

13 **COUNTY OF MONTEREY, et al.**

**STIPULATION AND ^(PROPOSED)
 ORDER RE WATER USAGE ON
 REMAINDER PARCEL**

14 Respondents,

15 **MILLS COLLEGE, et al.**

16 Real Parties In Interest.

17
 18 **STIPULATION**

19 On August 31, 1999, the Court issued a decision in this matter limiting total water
 20 consumption on the four residential parcels and the remainder in the Mills College Subdivision to 19.91
 21 AFY absent further environmental analysis.

22 2. On November 22, 1999, JEM Partners (successor in interest to real party in interest
 23 William Looz) assigned rights to no more than 1 AFY to each of the four residential parcels created by
 24 the Mills College Subdivision, totaling 4 AFY to be deducted from the 19.91 AFY figure. A 2.2 acre
 25 portion of the remainder has been transferred to All Saints School, and the parties agree that 1 AFY
 26

1 reserved to the School shall also be deducted from the 19.91 AFY figure. The amount remaining after
2 these deductions is 14.91 AFY.

3 3. JEM Partners has applied to the County for four well permits on the remainder property.
4 The parties agree that the County may issue those well permits ministerially and without further
5 environmental review, so long as the permits are subject to the following conditions which are hereby
6 accepted by the applicant:

7 A. In no event shall water use on the remainder exceed 14.91 AFY without discretionary
8 permits subject to environmental review and associated public hearings;

9 B. A deed restriction in a form approved by the County shall be recorded against the
10 remainder limiting water use as described in this Stipulation.

11 C. A meter shall be installed on each of the four wells.

12 D. Reports showing extractions on a monthly basis shall be submitted to the County upon
13 the County's request.

14 E. The County shall have the right to enter and inspect the property for compliance with
15 these conditions.

16 F. The County shall have the right to impose sanctions for violation of these conditions.

17 G. In the event that any application is filed with the County for non-agricultural
18 development of the remainder, water consumption associated with such non-agricultural
19 development shall be evaluated and conditioned consistent with applicable water demand
20 analyses contained in the November 1994 report of Grice Engineering, prepared in
21 connection with the Mills College Subdivision.

22 4. The County shall use its best efforts to ensure that current and future staff of all land use
23 departments (including Planning & Building/Inspection, Monterey County Water Resources Agency,
24 Environmental Health Division, and Public Works) are aware of the limitations on water consumption
25 on the Mills College Subdivision remainder described herein. Such efforts shall include, at a minimum,
26 entering appropriate notations in the County's computerized Sierra permit tracking system and similar

1 shared databases, and placing copies of this Stipulation and Order in all departmental files pertaining to
2 the Mills College Subdivision remainder property.

3
4 Dated: June 6, 2002

Jacqueline M. Zischke
Lombardo & Gilles
Jacqueline M. Zischke
Attorneys for JEM Partners, successor in interest to
real party in interest William Looz

7
8 Dated: June 7, 2002

Michael W. Stamp
Michael W. Stamp
Frances M. Farina
Attorneys for Petitioner Save Our Carmel River

11
12 Dated: 6/6/02

Adrienne M. Grover
Adrienne M. Grover, County Counsel
Attorneys for Respondents County of Monterey et al.

15 ORDER

16 Based on the foregoing recitals and stipulations of the parties, and good cause appearing, IT IS
17 SO ORDERED.

18
19 DATED: 6-7-02

Richard M. Silver
RICHARD M. SILVER
JUDGE OF THE SUPERIOR COURT

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SOCR v. County of Monterey, et al.
STIPULATION AND ORDER

EXHIBIT B
PAGE 3 OF 3 PAGES
END OF DOCUMENT

Case No. M 43343
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GRICE ENGINEERING AND GEOLOGY INC

**ENGINEERING, GEOTECHNICS, HYDROLOGY, SOILS,
FOUNDATIONS, AND EARTH STRUCTURES**

561A Brunken Avenue
Salinas, California 93901

Salinas: (831) 422-9619
Monterey: (831) 375-1198
FAX: (831) 422-1896

September 20, 2004
File No. 2835-94.03

Ms. Henrietta Stern
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, Ca. 93942

Project: Bardis Residence
Carmel Valley Road
Carmel Valley, California

Reference: Hydrology Study and
Nitrate Loading Assessment
for Mills College Property
Minor Subdivision
Carmel Valley and Schulte Road
Carmel Valley, Monterey County, California
APN: 169-181-43
Dated November 1994

Subject: Water Demand for Remaining Parcel

Dear Ms. Stern:

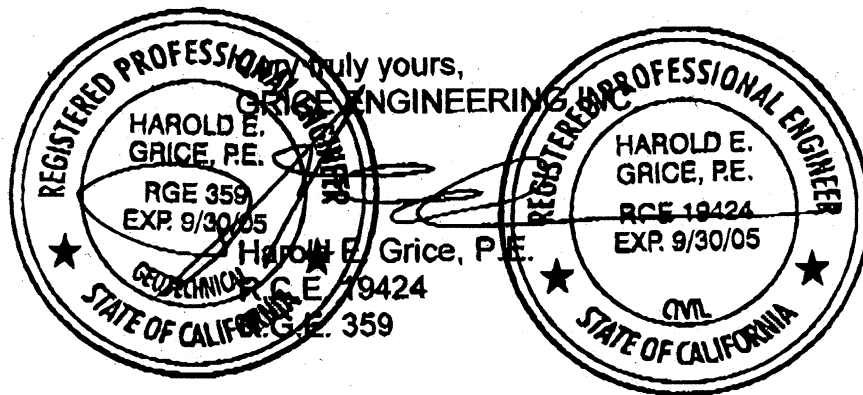
In accordance with our report, the projected water use per residence is just under 0.5 acre feet per year based on occupancy of 3.17 persons per residence. This use is for the residence proper and does not include additional outside acreage use. Additional acreage is often placed in orchards, vineyards or other associated uses.

Thus, a residence on this site would be projected to utilize approximately 0.5 acre feet of water per year for indoor household use and should receive an additional allocation of water for outside use.

Ms. Henrietta Stern
Monterey Peninsula Water Management District
Monterey, California
September 20, 2004
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The above findings are applicable only to this property and its proposed development and may not be utilized for any other site or purpose without the written consent of GRICE ENGINEERING, Inc.

If you have any questions, please feel free to call my office.



c.c. Mr. Christo Bardis
c/o Reynen & Bardis
9848 Business Park Drive, Suite A
Sacramento, California

SEP 21 2004