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December 20, 2004

RECEIVED

DEC 20 2004

MPWMD

**VIA HAND DELIVERY**

Ms. Henrietta Stern  
Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Monterey, CA 93940

Re: Bardis Water Distribution System, #20040426BAR

Dear Henrietta:

Enclosed please find the Application for Appeal of the Bardis Water Distribution System Application #20040426BAR. The applicant is not contesting the system capacity production limit of 14.91 acre feet, but does appeal the allocation between residential use and outside non-potable water use. Also enclosed please find the appeal fee in the amount of \$750.00, as well as the Disclosure Statement signed by Mr. Bardis. Please confirm receipt of the appeal and also let us know when this matter will be set for hearing before your Board of Directors.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation

Christine Gianascol Kemp

CGK:ng  
Enclosures

cc: Mr. Christo Bardis (with encl.)



**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>

Please PRINT OR TYPE all information. Applications must be received within twenty-one (21) days after an appealable decision has been made pursuant to District Rule 70. To be considered for an appeal hearing, please submit a completed application and include a non-refundable processing fee (\$250 for less than half acre-foot of water, \$500 for half - one acre-foot of water, and \$750 for more than one acre-foot of water); other information as necessary which may include 5 years of water records from purveyor. The Board will support or deny your appeal based on the pertinent information you have provided. Submission of an incomplete application may constitute grounds for denial of your request.

**APPLICATION FOR APPEAL**

**APPLICANT INFORMATION**

- Applicant's Full Name: Christo Bardis  
Mailing Address: 9848 Business Park Drive, Suite H  
City: Sacramento State: CA Zip: 95827  
Phone Number(s): Work ( 916 ) 366-3665 Home (      )
- Name of Agent(s) to Represent Applicant: Christine Gianascol Kemp, Esq.  
Mailing Address: P. O. Box 2510  
City: Salinas State: CA Zip: 93902  
Phone Number(s): Work ( 831 ) 424-1414 Home (      )

**PROPERTY INFORMATION**

- Full Name of Property Owner: Christo Bardis  
Mailing Address: 9848 Business Park Drive, Suite H  
City: Sacramento State: CA Zip: 95827  
Phone Number(s): Work ( 916 ) 366-3665 Home (      )
  - Property Address: 770 Carmel Valley Road  
City: Carmel Valley State: CA Zip: 93924
  - Assessor's Parcel Number: 169 - 181 - 051
  - Property Area: Acres: 10.2 Square Feet:      Other:
  - Past Land Use: Agricultural/residential
  - Present Land Use: Agricultural/residential
  - Proposed Land Use: Agricultural/residential
- Existing buildings? Yes X No
- Types of uses and square footage: Residence, barn, produce stand

**STATEMENT OF APPEAL REQUEST**

*\*If additional space is needed for response to any question, please continue on a separate piece of paper and attach it to the back of this application.*

1. From which rule(s) or staff's decision(s) are you requesting an appeal?

SEE ATTACHMENT 1

2. Do you feel the rule or staff's decision is applicable in most cases, or do you believe it should be revoked or changed?

SEE ATTACHMENT 1

3. What were the circumstances surrounding your decision to appeal?

SEE ATTACHMENT 1

4. Please state the special circumstances that distinguish your application from all others which are subject to enforcement of this process.

SEE ATTACHMENT 1

5. What difficulties or hardships would result if your appeal request is denied?

SEE ATTACHMENT 1

6. What specific action are you requesting that the Board take?

SEE ATTACHMENT 1

7. Please indicate if you intend to make a statement at the appeal hearing, and list the names of any other individuals who may speak on your behalf.

SEE ATTACHMENT 1

PROJECT INFORMATION

\*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

- 1. Type of Project: [x] New Construction [ ] Remodel/Addition
2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

[x] Residential No. Dwellings [1] Total No. Fixture Units (Residential Only)

[ ] Commercial/Industrial/Governmental

Type of Use: [ ] Square Footage: [ ]

[x] Other (Specify): Agricultural use, 7.7 acres of agricultural land

- 3. Current Zoning Classification:

LDR 2.5 acres per unit

- 4. Name of the water company which services the property:

N/A

- 5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption.

SEE ATTACHMENT 2

- 6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received.)

SEE ATTACHMENT 2

- 7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site?

SEE ATTACHMENT 2

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I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.

[Signature]
Signature of Applicant

12/20/04 Salinas, CA
Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested.

Official Use Only

Fee Received [ ] Receipt No. [ ]
Check No. [ ] Bank Routing No. [ ]
Received by [ ]

ATTACHMENT 1

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

APPLICATION FOR APPEAL

IN RE APPLICANT: CHRISTO BARDIS  
Application No. 20040426BAR

1. Appeal of conditional approval of Application No. 20040426BAR creating Bardis Water Distribution System, approved November 24, 2004 (logged November 29, 2004).
2. The applicant agrees that the system capacity (production limit) should be **14.91 acre feet per year (afy)** as authorized under the permit. The applicant, however, challenges the allocation between residential use, including landscape irrigation, and agricultural irrigation.

At the hearing the applicant asserted the proper allocation for inside residential use should be **0.5 afy** (without outside landscaping) and **14.41 afy** for outside non-potable use, including landscape irrigation, based on a subsequent letter from Harold Grice. Alternatively, the applicant asserted the proper allocation for residential use, including landscape irrigation, should be **1.0 afy** and **13.91 afy** for agricultural irrigation. The Hearing Officer, however, allocated **0.444 afy** for residential use, including landscaping, and **14.466 afy** for outside agricultural irrigation.

3. The applicant appeals the water allocation between residential use (0.444 afy) and agricultural uses (14.466 afy).

The Hearing Officer based the 0.444 afy residential allocation on the 1994 Grice report<sup>1</sup>, which assumes 3.17 persons per household based on a range of housing types, including apartments. This standard (3.17 persons) is not the correct standard to be applied to the home on this site, as the home to be served by this well is approximately 4,500 square feet with 4 bedrooms and five (5) persons. Based on water use figures from the 1994 Grice report, five (5) persons would use **0.7 afy** for household use, with landscaping, with the remainder of the water (**14.21 afy**) available for agricultural irrigation.

An allocation of **0.7 afy** for residential use, with outside landscaping, (or **0.5 afy** without outside landscaping) is also consistent with the District's water allocation for a home of this size using the District's water fixture/water credit form (total water fixture count equals 67.8 units).

Lastly, surrounding landowners have received allocations of 1 afy for household and landscape use. This applicant is requesting equal treatment.

(Continued on next page)

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<sup>1</sup> Which is now obsolete by its own terms.

4. The applicant seeks a redistribution of the water production limit allocation between residential and agricultural uses. Each water distribution system production limit and allocation is unique, creating its own special circumstance. In this case, the allocation is inconsistent with allocations made to surrounding landowners, inconsistent with a water allocation for the number of residents in the house, and inconsistent with the District's own water use figures for a house of this size.

5. A residential allocation of 0.44 afy for residential use including landscape irrigation is insufficient water for the 4,450 square foot – four bedroom home (5 residents) proposed for this site and is inconsistent with the water allocations used by surrounding neighbors and water allocations given to houses of comparable size.

6. The applicant requests that the Board **uphold the overall system capacity production limit of 14.91 afy**, but that the **Board revise the permit water distribution allocation and Condition 3 to reallocate the residential use to 0.7 afy for residential use, including landscape irrigation, and 14.21 afy for agricultural irrigation or, alternatively, allocate 0.5 afy for inside residential use, without landscape irrigation, and allocate 14.41 afy for outside non-potable use, including landscape and agricultural irrigation.**

7. At this time, anticipated speakers are Christo Bardis, Christine Kemp, and Members of the Board of All Saints Day School.

## ATTACHMENT 2

### MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

#### APPLICATION FOR APPEAL

**IN RE APPLICANT: CHRISTO BARDIS**  
**Application No. 20040426BAR**

5. The home and surrounding land uses for this site will use the system capacity production limit of 14.91 afy. The residence, however, will use 0.3 afy more water than allocated for residential use, with landscape irrigation is included.
6. The application for the 4,500 square foot home proposed for this site has been submitted to Monterey County and is proceeding through the County land use process.
7. The applicant intends to obtain a building permit for the home within 60 days following the grant of the water permit, provided County processing is completed by that time. Plans are currently in process.

The Applicant will submit revised written findings for the Board to review and consider in support of the appeal filed herein.



**Monterey Peninsula Water Management District**

**DISCLOSURE STATEMENT  
(EX PARTE COMMUNICATIONS)**

Name or description of project, action, etc.: Bardis WDS Appl. # 20040426BAR

Names and addresses of all persons authorized to communicate with the Board of Directors on this matter:

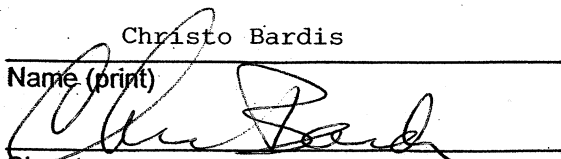
<u>Name</u>	<u>Address</u>
<u>Christine Kemp, Noland Hamerly,</u>	<u>P. O. Box 2510 Salinas, CA 93902</u>
<u>Members of the All Saints Day School Board of Directors</u>	<u>All Saints Day School, Carmel Valley Rd, CV</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

This *Disclosure Statement* is completed in my capacity as  the Applicant for matter referenced in the first line, or as  an authorized Agent of the Applicant. My signature evidences I am duly authorized to act on behalf of all individuals and/or entities that have an ownership interest in this matter (exceptions shall be noted by checking this box  and providing a complete explanation as an attachment to this *Disclosure Statement*).

I understand this *Disclosure Statement* is required to list the names and addresses of all persons authorized to communicate with the Directors of the Water Management District on this matter. I further understand and agree to revise and amend this *Disclosure Statement* whenever any other person is authorized to communicate regarding this matter. Oral disclosure of agents shall not satisfy this requirement.

I understand and agree that failure to disclose the name of individuals who shall communicate with the District Board Members on behalf of the applicant shall subject the matter referenced above to immediate review and denial. Further, I understand that if denial is based on failure of either the applicant or of an authorized agent of the applicant to comply with these disclosure requirements, no request for approval of an identical or similar matter shall be granted for a period of twenty-four (24) months from the date this matter is denied.

I declare the foregoing to be true and correct of my own personal knowledge. I have signed this form this 15<sup>th</sup> day of December 2004. This form is signed in the City of Sacramento, State of California.

Christo Bardis  
Name (print)  
  
Signature