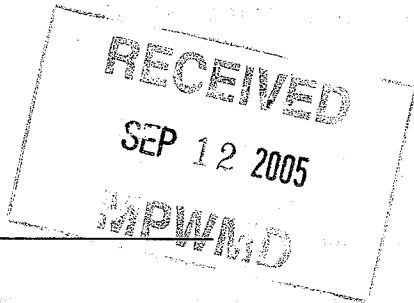




EXHIBIT 11-A



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

- 1. Applicant's Full Name: Robert Louis Stevenson School
Mailing Address: 3152 Forest Lake Road
City: Pebble Beach State: CA Zip: 93953
Phone Number(s): Work ( 831 ) 625-8300 Home ( )
2. Name of Agent(s) to Represent Applicant: Thomas H. Jamison, Esq.
Mailing Address: Fenton & Keller, P.O. Box 791
City: Monterey State: CA Zip: 93942
Phone Number(s): Work ( 831 ) 373-1241 Home ( )

PROPERTY INFORMATION

- 1. Full Name of Property Owner: Robert Louis Stevenson School
Mailing Address: 3152 Forest Lake Road
City: Pebble Beach State: CA Zip: 93953
Phone Number(s): Work ( 831 ) 625-8300 Home ( )
2. Property Address: 3152 Forest Lake Road
City: Pebble Beach State: CA Zip: 93953
3. Assessor's Parcel Number: See Attachment 2 - -
4. Property Area: Acres: 50 (app.) Square Feet: Other:
5. Past Land Use: Independent School
6. Present Land Use: Independent School
7. Proposed Land Use: Independent School
Existing buildings? Yes X No

Types of uses and square footage: High School campus with various buildings including residence halls, classrooms, library, dining hall, student center, auditorium, gymnasium and other athletic facilities and fields, and maintenance facilities.

SUBMITTED BY APPLICANT

**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.*

Not Applicable. See Attachment 1

1. Type of Project: \_\_\_\_\_ New Construction \_\_\_\_\_ Remodel/Addition

Not Applicable. See Attachment 1

2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

\_\_\_\_\_ Residential No. Dwellings \_\_\_\_\_ Total No. Fixture Units (Residential Only) \_\_\_\_\_

\_\_\_\_\_ Commercial/Industrial/Governmental

Type of Use: \_\_\_\_\_ Square Footage: \_\_\_\_\_

\_\_\_\_\_ Other (Specify): \_\_\_\_\_

3. Current Zoning Classification:  
Institutional Commercial/Coastal Zone

4. Name of the water company which services the property:  
California American

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.  
MPWMD has an existing water use factor for dormitories – per room.

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.)  
Not Applicable. See Attachment 1

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?  
Not Applicable. See Attachment 1

\*\*\*\*\*  
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.

ROBERT LOUIS STEVENSON SCHOOL

By: [Signature]  
President

[Signature]  
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. SUBMITTED BY APPLICANT

**Official Use Only**

Fee Received \$1750<sup>00</sup> Receipt No. 18443  
Check No. 90744 Bank Routing No. 904071  
Received by [Signature]

ATTACHMENT 1

1. Explanation of Issues and Appeal. This appeal involves an interpretation of MPWMD Ordinance No. 109 with respect to what constitutes a "Residential Use" through a "Residential Connection" for the purposes of Ordinance No. 109. Ordinance No. 109 authorizes the use of the portion of PBC's Water Entitlement to be sold pursuant to Ordinance No. 109 only for "Residential Use" through a "Residential Connection," as those terms are respectively defined in Ordinance No. 109 by reference to the MPWMD Rules. This is a matter of first impression which has not been previously addressed by the Board in the specific context of Ordinance No. 109.

Stevenson School is an independent (nonprofit private) educational institution educating students at the grammar and secondary levels. The Upper School, which educates students at the high school level (grades 9-12), is located in Del Monte Forest. Stevenson School is co-educational. At the Upper School, approximately half of the student body consists of boarding students and the other half of day students. Boarding students reside in existing residence halls (also known as dormitories) on campus. The Master Plan for the Upper School campus, which has been reviewed and approved by Monterey County dating to the early 1980's, has been incrementally implemented over the past 25 years, with the necessary approvals from Monterey County and the California Coastal Commission. The Upper School Master Plan contemplates and provides for a modest amount of additional residence hall capacity at ultimate buildout. Stevenson School would like to assure water for these future residence halls. Although not presently pending, the specific applications for such residence halls will require approval from Monterey County at such time as they are submitted.

The Upper School campus, as typical of a high school, consists of a variety of buildings devoted to a variety of uses. As one would expect, there are classrooms, a library, a dining hall, a student center, administrative offices, a gymnasium, athletic fields and facilities, and maintenance facilities. There are also student residence halls and faculty housing. With this variety of uses and buildings, the Upper School campus has on an overall basis been classified by MPWMD as a "Commercial" use, because with the variety of uses and buildings on the campus, there is no other description under the MPWMD Rules that accurately fits the overall use (the only other two options are "Residential" or "Industrial"). Thus, in the past the residence halls (dormitories) on the Stevenson School campus have been classified as a "Commercial Connection."

But the question posed in this appeal has never been addressed. There are clearly subsets of use within the campus, and the question of classifying residence halls in a context such as Ordinance No. 109 (i.e., where water is available but can only be used for a "Residential" classified use) has never been addressed.

Therefore, based on the above analysis, we believe that residence halls (dormitories) at Stevenson School qualify, under Ordinance 109, as a "Residential" use through a "Residential Connection" and are entitled to use such portion of PBC's Water Entitlement as Stevenson School may choose to purchase for its residence halls.

Such an interpretation does not undermine the MPWMD Rules, and it is consistent with the intent of Ordinance No. 109. Further, this interpretation (if necessary) can be limited to the use of water authorized by and pursuant to Ordinance No. 109, which in itself is a unique ordinance. We do not believe it is necessary to amend either the MPWMD Rules or Ordinance No. 109 to effect this interpretation for purposes of Ordinance No. 109.

2. Requested Board Action. Stevenson School requests that the Board adopt the following policy and make the following determination:

It is the policy and determination of the MPWMD Board of Directors that, for purposes of Ordinance No. 109 and the use of water thereunder, residence halls (dormitories) at the Stevenson School Upper School in Del Monte Forest constitute a "Residential" use through a "Residential Connection" within the meaning of Ordinance No. 109.



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

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August 23, 2005

Thomas Jamison, Esquire  
Fenton and Keller  
P.O. Box 791  
Monterey, California 93940

**Subject: Stevenson School**

Dear Mr. Jamison:

This letter responds to your question regarding the ability to use water from the Pebble Beach Company water entitlement for use in dormitories on the Robert Louis Stevenson School campus in Del Monte Forest.

Ordinance No. 109 specifically states that water from the Pebble Beach Company entitlement can only be used for residential purposes. Quoting from Ordinance No. 109, Section Two, Purpose:

**"This ordinance authorizes PBC to separately convey, for valuable consideration, up to 175 acre feet of PBC's existing Water Entitlement solely for dedication to property or the portion thereof being used for residential purposes within the Del Monte Forest that is not owned by PBC as of the date that this ordinance is adopted. Any portion of the Water Entitlement thus conveyed may be used only on the specific property to which it is first dedicated following the conveyance, and up to the quantity of water purchased shall be put solely to Residential use."**

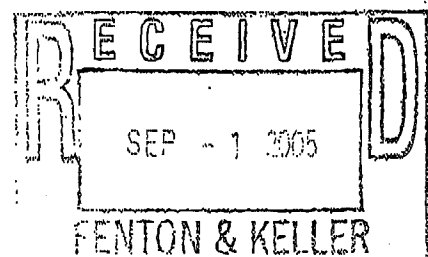
This issue was discussed with District Counsel Dave Laredo and Water Demand Manager Stephanie Pintar. Absent a rule change, it is my conclusion that dorms are considered non-residential uses by the District and are therefore ineligible to use water from the entitlement sales authorized by Ordinance No. 109.

This decision is a final determination of the General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days pursuant to District Rule 70.

Sincerely,

David A. Berger  
General Manager

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SUBMITTED BY APPLICANT



RECEIVED

SEP. 19 2005

MPWMD

Monterey Peninsula Water Management District

DISCLOSURE STATEMENT  
(EX PARTE COMMUNICATIONS)

Name or description of project, action, etc.: Appeal of Robert Louis Stevenson School of MPWMD General Manager's decision by letter dated August 23, 2005

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

Name	Address
Joseph Wandke, President	Robert Louis Stevenson School 3152 Forest Lake Road, Pebble Beach, CA 93953 Fenton & Keller
Thomas H. Jamison, Esq.	P.O. Box 791, Monterey, CA 93942
Brian Call, Esq.	500 Camino El Estero, Ste. 200 Monterey, CA 93940

\* Please note: (see Attachment)

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 day of September, 2005. This form is signed in the City of Pebble Beach, State of California.

JOSEPH WANDKE, PRESIDENT, ROBERT LOUIS STEVENSON SCHOOL

Name (print)

  
Signature

U:\staff\word\Forms\expartedisclosure.doc

SUBMITTED BY APPLICANT

Attachment to Disclosure Statement  
Robert Louis Stevenson School

The above-listed persons are authorized representatives of Stevenson School. Other persons who have an interest in the successful completion of the Recycled Water Project Expansion may choose to communicate with the Board of Directors, not as representatives of or on behalf of Stevenson School, but as persons independently interested in the outcome of this matter either individually or on behalf of the entities they represent, with or without the encouragement of Stevenson School.

SUBMITTED BY APPLICANT