



## EXHIBIT 9-D

### MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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May 3, 2006

Jeanne C. Byrne  
591 Lighthouse Avenue, Suite 5  
Pacific Grove, California 93950

**Subject: 802 17 Mile Drive, Pacific Grove APNs: 006-611-034 and 006-611-035**

Dear Jeanne:

This letter responds to your request for confirmation of your understanding about on-site water credits. Your client owns two parcels that are adjacent and under identical ownership and use. A single-family dwelling is located at 802 17 Mile Drive, Pacific Grove (APN: 006-611-034), and APN: 006-611-035 is a vacant parcel adjacent to the residence. Your client proposes to construct a new single-family dwelling on the vacant lot using credit from retrofitting and removing water fixtures in the existing single-family dwelling. Your letter specifically requests confirmation of historical exterior use on the vacant lot. You state in your letter that the two parcels have always been one site. You provided pictures of the property, an Assessors Parcel map, a copy of the most recent Grant Deed, and a 1982 tentative map to the District for review.

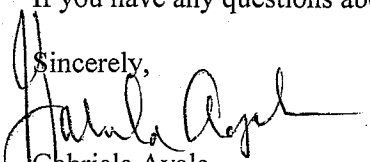
The District considers a "Site" as one or more lots or parcels that are contiguous, have unity of ownership and the same type of use (District Rule 11). As long as the District documents a Water Use Credit, the owner may use those credits on the same Site. The water fixtures in the existing single-family dwelling may be relocated or exchanged for similarly valued water fixtures in the construction of a new single-family dwelling on the same Site.

However, after reviewing the information, the District concludes that *historic* exterior water use does not exist on the vacant parcel. District Rule 25.5-C, adopted on May 17, 2004, requires an owner to submit clear and convincing evidence of historical landscaping and irrigation on the site. If you have clear and convincing evidence that the vacant parcel has had landscaping installed and maintained before to March 11, 1985 through the present, please submit it to the District for further consideration. Otherwise, a charge for exterior use will occur if a new single-family dwelling is constructed on the vacant lot.

This decision denying a water credit for historic exterior use on the vacant parcel located at APN: 006-611-035 is a determination of the General Manager. Determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. An appeal may be filed by the applicant or any other person.

If you have any questions about the appeal process, or water permit process, please call me at 658-5601.

Sincerely,



Gabriela Ayala  
Conservation Representative