



**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 11/20/06 MPWMD BOARD PACKET

Attached are copies of letters received between September 14 and November 9, 2006. These letters are also listed in the November 20, 2006 Board packet under item 16, Letters Received.

Author	Addressee	Date	Topic
June Silva	Arlene Tavani	9/14/06	Submersible Desalination Technology
Frank Koucky III	Lisa Douglas	9/17/06	Attempt to stop all private wells in Carmel Valley based on Order 95-10
Jeanne C. Byrne, FAIA	Michelle Knight	9/25/06	802 17 Mile Drive, Pacific Grove
Katherine Mrowka	David C. Laredo	10/4/06	Permits 7130B and 20808 Applications 11674B and 27614) of MPWMD, Carmel River in Monterey County
Robert Melton, MD	Steven Leonard	10/10/05	System Failures – Former “ Water West” System
David Dilworth	MPWMD Board	10/16/06	802 17 Mile Drive Property has no clear or convincing evidence CEQA Negative Declaration must be conducted and prepared
Dick Butler	Jensen Uchida	10/17/06	NOP for California American Water Company' s Coastal Water Project
Bob Baiocchi	SWRCB	10/20/05	Formal Protest by the Carmel River Steelhead Association
Bob Baiocchi	SWRCB	10/23/06	Formal Protest by the Carmel River Steelhead Association
Richard Morgantini	Shala Farahnak	10/23/06	June 2006 Pajaro River Watershed Integrated Regional Watershed Management Plan
Richard Morgantini	Tracie Billington	10/23/06	June 2006 Pajaro River Watershed Integrated Regional Watershed Management Plan

Arlene Tavani

From: June Silva
Sent: Thursday, September 14, 2006 12:07 PM
To: Arlene Tavani
Subject: SUBMERSIBLE DESAL

Mr. Ted Johnson, a member of the public, called to comment on the article in the Newspaper re the latest proposed Desal plant. He suggests that the Desal plant be Submersible so that it does not cause an eye-sore like oil rigs also the wave action could be used for power. Mr. Johnson would like these comments delivered to the Board. You may contact him at 831-476-5174. I gave him Mr. Berger's e-mail address so he could share his thoughts with the General Manager.

june

RECEIVED

FAX TO: 644-9560
ATT: DAVE BERGER³

NOV 26 2006

MPWMD

TO: LISA DOUGLAS

(PLEASE DISTRIBUTE TO ALL BOARD MEMBERS, PARTICULARLY DR. WOLFE AND MR. SECUNDY.)

DATE: SEPT. 7, 2006

FAX: 916-341-5620

(~~916-341-5603~~) (LISA 916 341-5607)

RE: ATTEMPT TO STOP ALL PRIVATE WELLS IN CARMEL VALLEY BASED ON ORDER 95-10

I am a private citizen who hates to see a church and much-needed day care center blocked by what seems a profound twisting of your very precise Order 95-10.

I have no economic involvement in this particular issue but feel that your order is being misused - I cannot believe that Water Resources ever intended banning all wells in Carmel Valley, so when I heard that your order was being cited as legal grounds for blocking wells, I thought you should know of its misuse.

It is my understanding from the public meetings in 1995 and rereading 95-10 that it applies only to restricting CAL-AM's commercial overpumping of the Carmel Valley aquifer and in no way bans all private wells.

No mention of banning all private wells was ever discussed during the hearings on 95-10 and a reading finds no such draconian action in the order.

If there is any way that the Water Resources Control Board can quietly clarify the real meaning of 95-10 to all concerned parties, it would greatly assist in avoiding the flagrant misuse of a very good order by well-meaning but misguided agencies.

A few well-placed phone calls to agencies and our water district could perhaps help.

Thanks!



Frank Koucky III
831-622-4777



CITING RISK TO STEELHEAD, FEDS CONTEST C.V. WELLS

By CHRIS COUNTS

A PLAN to drill a well at St. Dunstan's Church in Carmel Valley has come under fire from two government agencies concerned the project will harm steelhead in the Carmel River.

The intervention is the first time either agency has objected to a well application by a single user in Carmel Valley, according to a local water official. It also raises the likelihood

See WELL page 27A

WELLS

From page 1A

hood well applicants in the Carmel Valley will have to pay for costly environmental impact reports before drilling wells.

The well application is part of a project aiming to increase the size of the church's sanctuary and parish from 6,500 to 10,000 square feet. The church, which celebrated its 50th anniversary last year, is located at 28003 Robinson Canyon Road.

"We have plans to expand the church," explained senior warden Oliver White. "We need more water, and the only way to do it is to drill a well."

Unfortunately for the church, the National Marine Fisheries Service and the California Department of Fish and Game are taking a hard line against new wells in the Carmel Valley aquifer.

"They don't want anyone to drill a well," explained Henrietta Stern, project manager for the Monterey Peninsula Water Management District.

According to Dick Butler, an official with NMFS, the survival of steelhead — which are listed by the federal government as a threatened species — takes precedence over well applications, even in cases where property owners only want to use their own water on their own land.

Butler also contends granting the well permit would violate State Water Resources Control Board Order 95-10, even though that order only restricted pumping by California American Water Company.

"Populations of steelhead are at critically low levels," he explained in a June 9 letter. "Decreasing flows in the river can delay the migration of upstream adults and downstream juveniles. Any adverse impacts on them must be minimized to assure the species does not become extinct."

The MPWMD determined the expansion would increase the church's water usage from about 1 acre-foot per year to about 2.5 acre-feet per year. But Stern said those figures are misleading.

"They didn't submit a detailed landscaping plan," Stern said. "Water use estimates tend to be high if specific plants are not identified in a landscaping plan. It is not their intention to dramatically increase their water usage."

After reviewing the church's plan, the MPWMD determined it would have little or no adverse impacts on the environment. The two wildlife watchdog agencies disagreed and challenged the decision.

agencies have no direct authority over the well-permitting process, the water district would be vulnerable to lawsuits if they approved the well permit. Because of this the scrutiny by the two agencies will likely lead to greater scrutiny of well applications by the MPWMD.

"These letters and legal review by our counsel are resulting in a more rigorous review process for any proposed well in the Carmel Valley alluvial aquifer," Stern said. "We need to be rigorous because we're in the firing line."

And the scrutiny by all three agencies means more well applicants will face the prospect of a costly EIR. "In the minds of [the wildlife agencies] and our attorneys, the only option is an EIR," she insisted.

Stern said her agency's tougher standards will ultimately benefit local well applicants.

"In the short term, the process will be more expensive and time consuming," she said. "But in the long term, the [applications] will be more likely to withstand legal challenges."

MPWMD General Manager David Berger called the scrutiny by the two wildlife agencies "a significant issue."

"We've changed our administrative practices because of this," he said.

Berger will ask the MPWMD board of directors to confirm the agency's more stringent administrative policies.

"If there is an increase beyond the historic baseline [water usage], we most likely would conclude that, based on our general counsel's interpretation of CEQA, a potential significant impact could occur and an EIR is required," he said.

A church official declined further comment on its well application, but Stern said her agency has provided them with several options.

"They can continue with the application as it is currently defined," she said. "They can voluntarily rescind the application and come back with a new one. Or they can downsize the application."

"THEY DON'T WANT ANYONE TO DRILL A WELL."

ALL PRIVATE WELLS ARE VIOLATIONS OF 95-10?

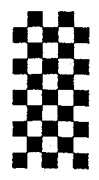
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OCT 26 2006

MPWMD

"LITTLE OR NO ADVERSE IMPACT"

September 1, 2006 The Carmel Line Connection





JEANNE C. BYRNE, FAIA
ARCHITECTS

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OCT 10 2006

MPWMD

September 25, 2006

Michelle Knight, Chair
MPWMD
5 Harris Ct., Bldg. G
Monterey, CA 93940

Re: 802 17 Mile Dr., Pacific Grove

Dear Michelle,

I thank the Board for their assessment of the above mentioned property. I would like to answer a couple of questions that were raised during the Board's discussion.

Regarding contacting Cal Am: I had requested billing records for this address and was told that bills are sent to a physical address; that AP Numbers served are not listed on the bill; and that the available records do not go back to 1985. After the hearing, Cal Am also informed me that records can only be given out to the property owner, but that this property did show water usage of more than twice as much in the Summer compared to the usage in the Winter.

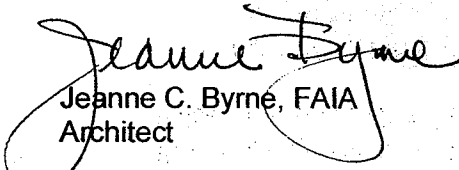
The neighbor to the property, who submitted a letter, said there were several small planter beds, but most of the area under the oak and pine trees (parcel C) was grass (not lawn) which was irrigated and mowed. This accounts for the fact that the area is now dry as it has not been irrigated pending the outcome of the hearing.

Regarding the computer billings: The landscape company transfers their files to the new programs and equipment as they upgrade their computers. Consequently old billings have been upgraded to the new formats. I don't imagine anyone has the old dot matrix equipment around anymore.

I would also like to be sure that my correction to item #4 on the Statement of Appeal Request is on record. It should read "*parcels B and C*" instead of A and B.

Thank you again. I appreciate the Board's time and consideration.

Sincerely,


Jeanne C. Byrne, FAIA
Architect

591 Lighthouse Ave. Suite 5
Pacific Grove CA. 93950
Ph (831) 372-6585 Fax (831) 372-8159



State Water Resources Control Board

cc: Andy Bell



Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

OCT 04 2006

In Reply Refer
to:334:kdm:11674B

David C. Laredo
De Lay & Laredo
606 Forest Avenue
Pacific Grove, CA 93950

RECEIVED

Steven D. Leonard
California American Water Company
P.O. Box 951
Monterey, CA 93942-0951

OCT 12 2006

MPWMD

Stuart L. Somach
Somach, Simmons & Dunn
813 Sixth Street, 3rd Floor
Sacramento, CA 95814

Dear Sirs:

PERMITS 7130B AND 20808 (APPLICATIONS 11674B AND 27614) OF MONTEREY
PENINSULA WATER MANAGEMENT DISTRICT, CARMEL RIVER IN MONTEREY COUNTY

The Monterey Peninsula Water Management District (District) advised the Division of Water Rights, by letter dated July 21, 2006, that ownership of the water rights identified above has been changed. The District and California American Water Company will jointly hold 2,426 acre-feet per annum (afa) of the rights for purposes of operating the Seaside Groundwater Basin aquifer storage and recovery program. The District will hold the remainder of the right. The District requested that all of the persons listed above receive correspondence and notices related to the 2,426 afa portion of the right and that only the District receive correspondence related to the remainder of the right.

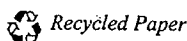
The Division must designate one agent to act on any permit and to receive notification of annual fees. Consequently, the District is the designated agent. The Division may split the permits in order to reflect the change in ownership.

If you have questions regarding this matter, please contact me at (916) 341-5363.

Sincerely,

Katherine Mrowka, Chief
Watershed Unit 3

California Environmental Protection Agency



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7 White Oak Way
Carmel Valley, CA 93924
October 6, 2006

OCT 10 2006

MPWMD

Steven Leonard
California American Water
50 Ragsdale Drive
Monterey, CA 93940

RE: System Failures - Former 'Water West' System

Dear Mr. Leonard,

By coincidence, I was reading your recent letter on water conservation, when the 4" service main again ruptured down the street from us, this time sending a geyser some fifty feet in the air - and because it was a Sunday, the water flooded a neighbor's carport, and the street, for over an hour. Tens of thousands of gallons were lost, far more than our neighborhood might conserve in a summer. When your repair crews arrived they admitted, as they have many times in the past, that our 50 year-old steel water service mains are long overdue for replacement.

There have been so many ruptures of the service main along the Rancho Road loop that there must be more patches than pipe. At our corner, I can now count eight recent patches that have been put on the line within 150', that is one repair in every 20'.


When CalAm purchased this Water West system more than a decade ago, you represented to consumers and to the PUC that you would upgrade the system. In fact, there have been no improvements done at all, with the exception of connecting the Middle Canyon well site to Carmel Valley Road, so that water can be better exported from the our system to the lower Carmel Valley. Because the rest of the system has not been kept up to date, the rusted 4" main and 4" fire hydrants that it supports are obsolete and grossly insufficient for fire protection services.

Thus here are two critical reasons that the water service line on Rancho Road urgently needs replacement: first, water conservation and second, fire protection. By replacing the Rancho Road line with 6" pipe, you could install 6" fire hydrants that would be compatible with equipment used by modern fire agencies. Failure to replace the rusted 4" line means that, in the event of a fire, with sudden changes in pressure in the badly rusted lines, it is most likely that the line would fail simultaneously in multiple locations, thus leaving the fire department without any water at all.

I understand from your newsletters that you there is a limited budget for maintaining your entire system, however we have been paying for maintenance and have not gotten any in years. The time has long passed when the costs of frequent patching, the massive loss of water to leaking pipes, and the liability for a system that does not support adequate fire protection, greatly exceed the cost of upgrading the service mains. I would like to hear from you on how you will address this urgent need.

By a copy of this letter, I am notifying associated agencies of our concern.

Sincerely,



Robert Melton MD

cc: ~~X~~ Monterey Peninsula Water District
Carmel Valley Fire Protection District
Public Utilities Commission
County Supervisor Dave Potter

ps. In taking this to the mail I find that your service line is today leaking at a valve at the corner of Middle Canyon and Rancho Road. I have called your repair line once again!

Received at 10/16/06 Board Meeting 11

Bringing you HOPE -
Helping Our Peninsula's Environment
Box 1495, Carmel, CA 93921 Info6 at 1hope dot org
831/ 624-6500 www.1hope.org

Trustees 2006
Dena Ibrahim
Holly Kiefer
Vienna Merritt-Moore
Terrence Zito

Founding Trustees
Terrence Zito
Darby Worth
Ed Leeper
Robert W. Campbell
David Dilworth

Science Advisors
Susan Kegley, Ph.D.
- Hazardous Materials &
Pesticides
Arthur Partridge, Ph.D.
Forest Ecology

Water Management District Directors

Monday, October 16, 2006

**802 17 Mile Dr. Property has NO Clear or Convincing Evidence
CEQA Negative Declaration must be conducted and prepared.**

Hello Directors:

We were startled by this approval at a recent meeting of continuous water use at a Pacific Grove lot on 17 Mile Dr. This lot has a single hose bib That the applicant claims has continuously used enough water for the past 20 years to now transfer that amount of water use to a 3200 square foot house.

We most respectfully must object to the approval and the failure to provide the legal minimum CEQA disclosure.

Genuine Evidence

The legal standard of review is "Clear & Convincing" evidence. Examples of Clear & Convincing evidence here would be **actual water bills or meter readings from Cal-Am**. Both of **these are easily available from Cal-AM - yet none of either are provided**. It feels as though someone is hiding something !

There is **no Direct evidence** at all. Zero, nada, none, let alone clear and convincing evidence.

The only thing you have is **indirect evidence**: hearsay evidence from a neighbor and landscaping bills. You don't even have any evidence from anyone who actually landscaped the property.

Clear AND Convincing

Again, the legal standard of review is "Clear AND Convincing" evidence. You must have **BOTH convincing and CLEAR evidence** - not merely one.

Water Amount is Completely Absent

Worst of all - you have no evidence of **amount or location** of water use.

We have to agree with staff position: There is **NO clear or convincing evidence of any water use**. Yet to approve this you need **clear AND convincing evidence of both the amount or water use d for the past 20 years and the location it was used**.

HUGE PRECEDENT

Because this would set a **huge precedent** for approving lot splits and **giving water to people who have not sat on the Pacific Grove City water Waiting List for a decade - HOPE respectfully requests you table this until that information is provided to you.**

CEQA Analysis Required but Missing

If this had been turned down - it would need any more CEQA review. BUT it will **potentially** increase water use and allow this applicant to jump those who have waited on the Water Waiting List for more than a decade.

This makes a Categorical exemption inadequate. You must do a Negative Declaration.

Questions?

Is this Water Banking?

Please Table this.

You have a Bigger obligation to our community than to approve complex incomplete and to clever proposals.

HOPE respectfully requests you table this until genuine direct evidence is provided to you.

Thank you,



David Dilworth, Executive Director



13
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528

October 17, 2006

In response refer to:
151416SWR2006SR00613:JEA

RECEIVED
OCT 23 2006
MPWMD

Jensen Uchida
RE: Coastal Water Project
California Public Utilities Commission
Energy Division, Room 4A
505 Van Ness Avenue
San Francisco, California 94102

Dear Mr. Uchida:

Thank you for the opportunity to comment on the California Public Utilities Commission's Notice of Preparation (NOP) for California American Water Company's (CAW) Coastal Water Project (CWP). The CWP would include a desalination plant, an ocean water intake system, a brine discharge system, a product water conveyance system, and aquifer storage and recovery (ASR) facilities in Monterey County, California. The CWP would enable compliance with State Water Resources Control Board Order 95-10 requiring CAW to secure a water supply to replace diversions (10,730 acre-feet per year (afy)) from the Carmel River Aquifer over and above the 3,376 afy that it is legally entitled.

NOAA's National Marine Fisheries Service (NMFS) supports desalination and ASR as a long-term water supply to lessen impacts on listed South-Central California Coast (S-CCC) steelhead from over-pumping in the Carmel River. However, NMFS is concerned with potential impingement and entrainment impacts from the proposed usage of the open water intake system at Moss Landing Power Plant (MLPP), as well as the potential increase in salinity due to brine discharge. Beach wells and/or sub-surface intakes and outfalls should be fully analyzed in the EIR and benefits as well as impacts to listed species should be considered. If there will be any increase in the amount of intake water at MLPP due to the co-location of the desalination plant, or if there will be additional thermal impacts from discharge of brine, these need to be disclosed in the EIR. Co-locating CAW's desalination plant at MLPP could result in the continuation of MLPP using once-through cooling rather than upgrading to a more environmentally-friendly method. The potential long-term impacts of co-location also need to be discussed.

The EIR will evaluate direct, indirect, and cumulative impacts of the proposed project and the alternatives. The NOP lists Marine Biological Resources and Terrestrial Biological Resources as two categories of impacts to be addressed. The project's conveyance pipeline proposes to cross



Moro Cojo Slough and the Salinas River north of Marina. Please include any construction impacts to Freshwater Biological Resources (aquatic species including S-CCC steelhead) due to the crossing of these waterbodies.

According to CAW, one of the primary objectives of the CWP is to "protect listed species in the riparian and aquatic habitat below San Clemente Dam." Much of the Carmel River is routinely dewatered during summer months from the combined diversions of CAW (both authorized and unauthorized) and several other water users. Those diversions routinely contribute to stranding and mortality of steelhead in the middle and lower sections of the Carmel River.

The applicant's proposed project includes a conveyance system to supply water to Monterey Peninsula from the desalination plant. The NOP states the Terminal Reservoir would supply water (both desalinated seawater and recovered groundwater) to Crest Tank *when supply from Carmel Valley is not sufficient to meet demand* (emphasis added). Given the Carmel River's low natural summer stream flows, the substantial, existing authorized diversions, and the ongoing degradation of the Carmel River by existing water diversions, NMFS recommends the proposed project use desalinated seawater and recovered groundwater (ASR) from the Seaside Basin as the first source of supply during the summer season to decrease CAW's pumping of the Carmel River Aquifer during the low-flow period. This will minimize adverse impacts to listed steelhead. We recommend CAW perfect their authorized 3,376 afy from the Carmel River in the winter season when excess flows are available and few impacts from water withdrawals to listed species will occur. This operation will also comply with Order 95-10 to "maximize production from the Seaside Aquifer and reduce diversions from the river to the greatest practicable extent."

NMFS continues to support desalination and ASR as a long-term water supply for the Monterey Peninsula. These water supply options could help decrease the over-pumping of the river and benefit listed steelhead and their habitat in the Carmel River.

NMFS would like the opportunity to review and comment on the DEIR when complete. If you have any questions concerning the above comments, please contact Ms. Joyce Ambrosius at (707) 575-6064 or joyce.ambrosius@noaa.gov.

Sincerely,



Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

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cc: R. Strach, NMFS, Sacramento
R. Floerke, CDFG, Yountville
D. Berger, MPWMD, Monterey
J. Minton, PCLF, Sacramento
D. Pereksta, USFWS, Ventura
S. Leonard, CAW, Monterey

State of California

Before the State Water Resources Control Board

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OCT 20 2006

MPWMD

Petition for Extension of Time

WR Permit 713B

Application 11674B

Monterey Peninsula Water Management District, Petitioner

Carmel River, Tributary to Pacific Ocean

Monterey County, California

Formal Protest by the Carmel River Steelhead Association

The Carmel River Steelhead Association (hereinafter known as "CRSA") has reviewed a copy of the petition for extension of time filed by the Monterey Peninsula Water Management District (hereinafter know as "MPWMD"). MPWMD seeks an extension of time of 15 years to put the state's water of the Carmel River to full beneficial use. MPWMD seeks a right to construct the New Padre Dam and Reservoir and store 15,970 acre-feet of water per annum. The storage season is from October 1 of each year to May 31 of the succeeding year. The purpose of use is for domestic, industrial, and municipal uses. The place of use is 110,000 acre within the boundaries of the MPWMD. MPWMD proposed to re-divert the stored water at the San Clemente Dam and 32 wells owned by Cal-Amer in Carmel sub aquifers AQ1 – AQ4. The deadline date for submitting formal protests is November 6, 2006.

Standings

The MPWMD is the petitioner for said extension of time and the applicant for the proposed project. The representative of the MPWMD is: Mr. Andrew Bell. The mailing address of the MPWMD is: P.O. Box 85, Monterey, CA 93942.

The CRSA has a long-standing history and involvement in the protection of the Carmel River steelhead trout and the state's water of the Carmel River. We reference the SWRCB water rights hearings and records for the Carmel River. The CRSA proposes to file a formal protest against the extension of time and also against the proposed project. The CRSA request to be on the mailing list for all submittals filed by the MPWMD and the SWRCB regarding the proposed extension of time and the proposed project. The representatives and their mailing addresses of the CRSA are: Dr. Roy Thomas, 26535

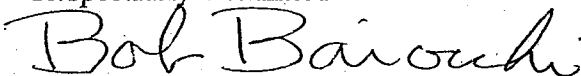
Carmel Rancho Blvd, Carmel, CA 93923, and Bob Baiocchi, Consultant, P.O. Box 1790, Graeagle, CA 96103.

Statement of Reasons For Protest

1. The Carmel River sustains threatened steelhead trout that are protected by the provisions of the federal Endangered Species Act. Carmel River steelhead trout species are threatened (all life stages and their habitat) because of water storage and diversion projects.
2. The Carmel River also sustains macro invertebrate species, the food source to sustain threatened Carmel River steelhead trout. Reduction in flows can reduce habitat and population levels for Carmel River macro invertebrate species with a resulting adverse effect to threatened steelhead trout species.
3. The Carmel River Lagoon must have sufficient quantities and quality of flowing water to sustain threatened juvenile steelhead trout before they migrate into the Pacific Ocean. Dams and water diversions affects the amount of water in the Carmel River Lagoon with a resulting effect to Carmel River threatened juvenile steelhead trout species that must adjust to sea water conditions at the lagoon.
4. Carmel River threatened adult steelhead trout need sufficient water during all water year types to migrate into the Carmel River from the Pacific Ocean for the purpose of spawning. Some Carmel River threatened adult steelhead trout also migrate back to the Pacific Ocean and return to the Carmel River to spawn again. Carmel River threatened adult steelhead trout need sufficient flows in the Carmel River to migrate and spawn, and also to return to the Pacific Ocean.
5. The SWRCB has a duty to protect the people's public trust resources and assets. Carmel River threatened steelhead trout species are public trust resources and assets that are owned by the people.
6. California Fish and Game Code 5937 requires sufficient water to be bypassed at all times from dams to keep fish alive and in good condition. California Fish and Game Code 5937 applies to the existing San Clemente Dam and the proposed New San Padres Dam, and also applies to Carmel River steelhead trout.
7. The SWRCB must wait until the threatened Carmel River steelhead trout have been de-listed and taken off of the federal list for protection by the Endangered Species before processing and approving any water project.
8. The length of time of 15 years for the proposed extension of time is not reasonable and should comply fully with Section 681; Title 23; California Code of Regulations. The MDWMD should be require by the SWRCB to submit semi annual detailed written reports to the SWRCB, to protestants, and to other interest parties showing they are diligently pursuing the proposed project. To file a petition to simply reserve the right to be the first in line is unreasonable considering the proposed extension of time is for 15 years.
9. The MPWMD should be require by the SWRCB to prepare a new supplemental Environmental Impact Report pursuant to CEQA that shows it is diligently pursuing the proposed project because the old EIR is out of date and should be legally and environmentally upgraded.

The CRSA respectfully request the SWRCB to approve its protest. If there are any questions, Bob Baiocchi can be reached at 530.836.1115. Thank you.

Respectfully Submitted



Bob Baiocchi For
Dr. Roy Thomas,
Carmel River Steelhead Association
Bob Baiocchi, Consultant
P.O. Box 1790
Graeagle, CA 96103

October 15, 2006

Certificate of Service

Ms. Megan Sheely, Representative – First Class Mail – E-Mail
Division of Water Rights
State Water Resources Control Board
1001 I Street
P.O. Box 2000
Sacramento, CA 95812

Mr. Andrew Bell, Representative – First Class Mail
Monterey District Water Management District
P.O. Box 85
Monterey, CA 93942

Dr. Roy Thomas – First Class Mail – E-Mail
Carmel River Steelhead Association
26535 Rancho Carmel Blvd.
Carmel, CA 93923

Interested Parties (bcc) – Via E-Mail

State of California

RECEIVED

Before the State Water Resources Control Board

OCT 23 2006

MPWMD**Petition for Extension of Time****WR Permit 20808****Application 27614****Monterey Peninsula Water Management District, Petitioner****Carmel River, Tributary to Pacific Ocean****Monterey County, California****Formal Protest by the Carmel River Steelhead Association**

The Carmel River Steelhead Association (hereinafter known as "CRSA") has reviewed a copy of the petition for extension of time filed by the Monterey Peninsula Water Management District (hereinafter know as "MPWMD"). MPWMD seeks an extension of time of 15 years to put the state's water of the Carmel River to full beneficial use.

MPWMD seeks a second right to 42 cfs by direct division and 24,000 acre-feet by collection to storage at the New Los Padres Dam, which will be located on the Carmel River. The season is from November 1 of each year to June 30 of the succeeding year. The purposes of use is for municipal, irrigation, and fish and wildlife uses. The place of use is 110,000 acre within the boundaries of the MPWMD. MPWMD proposed to re-divert the stored water at the San Clemente Dam and 32 wells. The deadline date for submitting formal protests is November 6, 2006.

The MPWMD has filed two (2) applications with the SWRCB. The CRSA filed a formal protest on the first application. We reference WR Permit 7130B and Application 11674B.

Standings

The MPWMD is the petitioner for said extension of time and the applicant for the proposed project. The representative of the MPWMD is: Mr. Andrew Bell. The mailing address of the MPWMD is: P.O. Box 85, Monterey, CA 93942.

The CRSA has a long-standing history and involvement in the protection of the Carmel River steelhead trout and the state's water of the Carmel River. We reference the SWRCB water rights hearings and records for the Carmel River. The CRSA proposes to

file a formal protest against the extension of time and also against the proposed project. The CRSA request to be on the mailing list for all submittals filed by the MPWMD and the SWRCB regarding the proposed extension of time and the proposed project. The representatives and their mailing addresses of the CRSA are: Dr. Roy Thomas, 26535 Carmel Rancho Blvd, Carmel, CA 93923, and Bob Baiocchi, Consultant, P.O. Box 1790, Graeagle, CA 96103.

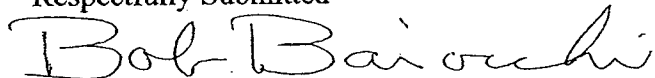
Statement of Reasons For Protest

1. The Carmel River sustains threatened steelhead trout that are protected by the provisions of the federal Endangered Species Act. Carmel River steelhead trout species are threatened (all life stages and their habitat) because of water storage and diversion projects.
2. The Carmel River also sustains macro invertebrate species, the food source to sustain threatened Carmel River steelhead trout. Reduction in flows can reduce habitat and population levels for Carmel River macro invertebrate species with a resulting adverse effect to threatened steelhead trout species.
3. The Carmel River Lagoon must have sufficient quantities and quality of flowing water to sustain threatened juvenile steelhead trout before they migrate into the Pacific Ocean. Dams and water diversions affects the amount of water in the Carmel River Lagoon with a resulting effect to Carmel River threatened juvenile steelhead trout species that must adjust to sea water conditions at the lagoon.
4. Carmel River threatened adult steelhead trout need sufficient water during all water year types to migrate into the Carmel River from the Pacific Ocean for the purpose of spawning. Some Carmel River threatened adult steelhead trout also migrate back to the Pacific Ocean and return to the Carmel River to spawn again. Carmel River threatened adult steelhead trout need sufficient flows in the Carmel River to migrate and spawn, and also to return to the Pacific Ocean.
5. The SWRCB has a duty to protect the people's public trust resources and assets. Carmel River threatened steelhead trout species are public trust resources and assets that are owned by the people.
6. California Fish and Game Code 5937 requires sufficient water to be bypassed at all times from dams to keep fish alive and in good condition. California Fish and Game Code 5937 applies to the existing San Clemente Dam and the proposed New San Padres Dam, and also applies to Carmel River steelhead trout..
7. The SWRCB must wait until the threatened Carmel River steelhead trout have been de-listed and taken off of the federal list for protection by the Endangered Species before processing and approving any water project.
8. The length of time of 15 years for the proposed extension of time is not reasonable and should comply fully with Section 681; Title 23; California Code of Regulations. The MDWMD should be require by the SWRCB to submit semi annual detailed written reports to the SWRCB, to protestants, and to other interest parties showing they are diligently pursuing the proposed project. To file a petition to simply reserve the right to be the first in line is unreasonable considering the proposed extension of time is for 15 years.

9. The MPWMD should be require by the SWRCB to prepare a new supplemental Environmental Impact Report pursuant to CEQA that shows it is diligently pursuing the proposed project because the old EIR is out of date and should be legally and environmentally upgraded.

The CRSA respectfully request the SWRCB to approve its protest. If there are any questions, Bob Baiocchi can be reached at 530.836.1115. Thank you.

Respectfully Submitted



Bob Baiocchi For
Dr. Roy Thomas,
Carmel River Steelhead Association
Bob Baiocchi, Consultant
P.O. Box 1790
Graeagle, CA 96103

October 17, 2006

Certificate of Service

Ms. Megan Sheely, Representative – First Class Mail – E-Mail
Division of Water Rights
State Water Resources Control Board
1001 I Street
P.O. Box 2000
Sacramento, CA 95812

Mr. Andrew Bell, Representative – First Class Mail
Monterey District Water Management District
P.O. Box 85
Monterey, CA 93942

Dr. Roy Thomas – Firest Class Mail – E-Mail
Carmel River Steelhead Association
26535 Rancho Carmel Blvd.
Carmel, CA 93923

Interested Parties (bcc) – Via E-Mail

MONTEREY COUNTY

WATER RESOURCES AGENCY

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

CURTIS V. WEEKS
GENERAL MANAGER

RECEIVED

OCT 26 2006

MPWMD

STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

October 23, 2006

Shala Farahnak
Supervisor of the Project Development Section
State Water Resources Control Board
PO box 944212
Sacramento, CA 94244-2120

Dear Shala:

This letter is confirmation that the Monterey County Water Resources Agency fully supports the June 2006 Pajaro River Watershed Integrated Regional Watershed Management Plan. Our agency is a member of the Stakeholder Steering Committee for that plan, as well as a member of the four county Pajaro River Watershed Flood Prevention Authority. We are also local sponsors, with Santa Cruz County, of the federal Pajaro River Levee Project for the lower Pajaro. While we do not have a project of our own in the Phase I implementation grant, we have participated in both the Plan's preparation, its continuing updating, and in the development of projects throughout the Pajaro watershed which meet the Plan's and the State's objectives.

The Pajaro region's planning efforts are coordinated with ours in the Salinas region and with those in the Carmel River/South Monterey Bay region to the southwest via a three agency Memorandum of Understanding signed by the Pajaro Valley Water Management Agency, the Monterey County Water Resources Agency, and the Monterey Peninsula Water Management District. Both the Proposition 50 Planning and Implementation grants submitted by the Pajaro Valley Water Management Agency and the San Benito County Water Agency for the Pajaro River watershed were done with our knowledge and participation. They are both consistent with and complementary to our Salinas Valley IRWMP.

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If you have questions, please contact Mr. Curtis V. Weeks, General Manager, at 831-755-4896.

Sincerely,



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

Cc: Bruce Laclergue
Stan Williams
John Gregg
David Berger
Lidia Gutierrez

MONTEREY COUNTY

WATER RESOURCES AGENCY

PO BOX 930
SALINAS, CA 93902
(831) 755-4860
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CURTIS V. WEEKS
GENERAL MANAGER

STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

October 23, 2006

Tracie Billington
Chief of Special Projects
California Department of Water Resources
901 P Street
Sacramento, CA 95814

Dear Tracie:


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Sincerely,



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

Cc: Bruce Laclergue
Stan Williams
John Gregg
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Lidia Gutierrez