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M.P.W.M.D.

Ordinance 81

**AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
MODIFYING THE RESOURCE SYSTEM SUPPLY LIMIT**

FINDINGS

1. The Monterey Peninsula Water Management District (hereinafter District) enacted Ordinance 70 on June 21, 1993, which incorporated previous decisions of the District affecting the accounting of the use of the existing water supplies and increased the annual water production limit from the Monterey Peninsula Water Resource System from 19,881 acre-feet to 20,673 acre-feet.
2. Ordinance 70 also increased the annual production limit for the California-American Water Company (hereinafter Cal-Am) water distribution system from 16,744 acre-feet to 17,619 acre-feet. Ordinance No. 70 also reduced the annual production limit for non Cal-Am users within the Monterey Peninsula Resource System from 3,137 acre-feet to 3,054 acre-feet.
3. The changes to the annual production limit were made as a consequence of new water supplies made available by development of the Paralta Well by Cal-Am in the Seaside Coastal Basin, integration of the Water West Water Distribution System into the Cal-Am system, and annexation of the Quail Meadows Subdivision into the Cal-Am service territory.
4. This Ordinance proposes to authorize Cal-Am to serve the parcels within the proposed Mills College Subdivision (hereinafter Subject Property). The Tentative Map application for the Mills College Subdivision was granted and a Negative Declaration for the project was adopted by the Monterey County Zoning Administrator on May 24, 1995 (**Exhibit 81-A**).
5. The authorization is based on the property owner's agreement to permanently reduce production from the non Cal-Am wells on the Subject Property (**Exhibit 81-B**). Annual water production from non Cal-Am wells on the Subject Property will be permanently reduced by 8.29 acre-feet. In exchange, Cal-Am will be authorized to produce an annual maximum of 2.15 acre-

feet to serve the parcels within the proposed Mills College Subdivision and 6.14 acre-feet per year will be credited as water conservation savings.

6. This Ordinance proposes to set an annual limit of 32.61 acre-feet of production from the non Cal-Am wells on the Subject Property (**Exhibit 81-C**) and reduce the annual production limit for non Cal-Am water users within the Monterey Peninsula Water Resource System from 3,054 acre-feet to 3,045.71 acre-feet.

NOW THEREFORE, be it ordained as follows:

ORDINANCE

Section One: Statement of Purpose

The purpose of this Ordinance is to (1) authorize Cal-Am to provide water service to the parcels within the proposed Mills College Subdivision in Carmel Valley, more particularly described in **Exhibit 81-D**, and (2) modify the annual production limit for non Cal-Am users within the Monterey Peninsula Water Resource System.

Section Two: Water Production Limits

This Ordinance sets an annual limit of 32.61 acre-feet of water production from the non Cal-Am wells on the Subject Property and reduces the annual production limit for non Cal-Am water users within the Monterey Peninsula Water Resource System from 3,054 acre-feet to 3,045.71 acre-feet. This Ordinance modifies the production limits for the Monterey Peninsula Water Resource System as set forth in Ordinance 70.

Section Three: Allocation

This Ordinance authorizes Cal-Am to produce up to 2.15 acre-feet per year to serve the Subject Property. This production, after adjusting for conveyance losses, is equivalent to 2.00 acre-feet of delivered water to the Subject Property. The 2.00 acre-feet of water will be delivered to Subject Property through the Cal-Am system.

Section Four: Water Demand Accounting Method

Estimates of water demand for the Subject Property will be calculated using the District's current water demand method. The annual demand estimated using this method will be subtracted from the authorized allocation (2.00 acre-feet) to determine the amount of water remaining for use on the Subject Property.

Section Five: Effective Date

This Ordinance shall become effective at 12.01 a.m., on December 20, 1995.

Section Six: Review and Sunset Provision for this Ordinance

The Monterey Peninsula Water Resource System Production Limits enacted by this Ordinance shall be reviewed at the time any new water supplies have been developed that augment the available supply from the Monterey Peninsula Water Resource System. Similar review of the Monterey Peninsula Resource System Production Limits enacted by this Ordinance shall be required at any time there may be a substantial and permanent reduction in the supply of water available for use from the Monterey Peninsula Water Resource System. This Ordinance shall have no sunset provision.

Section Seven; Severability


If any paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or any other provision of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director Hughes, and second by Director Burkleo, the foregoing ordinance is adopted upon second reading this 20th day of November, 1995, by the following vote:

AYES: Directors Farina, Burkleo, Haddad, Heuer, Hughes Karas and Pendergrass
NAYS: None
ABSENT: None

I, Ray Millard, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of an ordinance duly adopted that 20th day of November, 1995.

Witness my hand and seal of the Board of Directors this 13th day of December, 1995.


Ray Millard, Secretary to the Board