



**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 6/15/09 MPWMD BOARD PACKET

Attached are copies of letters received between May 14, 2009 through June 8, 2009. These letters are also listed in the June 15, 2009 Board packet under item 28, Letters Received.

<b>Author</b>	<b>Addressee</b>	<b>Date</b>	<b>Topic</b>
Dick Butler	Craig Anthony	5/11/09	MPWMD Application for NOAA Fisheries Grant
Joseph Wandke	Darby Fuerst	5/11/09	Robert Louis Stevenson School – Provisional Water Use Credit
Dick Butler	Stephanie Bartlett	5/19/09	Phase 1 Aquifer Storage and Recovery Project
Clive Sanders	Stephanie Bartlett	5/20/09	Phase 1 Aquifer Storage and Recovery Project
Gary & Marina Koifman	Darby Fuerst	5/22/09	Decision Appeal from Rule 40-D, APN# 416-132-010-000
Keith Israel, Jim Heitzman, Curtis Weeks	Darby Fuerst	6/2/09	Institutional Agreements Needed for the Proposed Monterey Regional Water Supply Program



1

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

Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404-4731

May 11, 2009

In response refer to:  
SWR/F/SWR3:JEA

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MAY 18 2009

MPWMD

Craig Anthony, General Manager  
California American Water  
511 Forest Lodge Road  
Pacific Grove, California 93950

Dear Mr. Anthony:

This letter is in regards to Monterey Peninsula Water Management District's (MPWMD) proposal for NOAA Restoration Center's American Recovery and Reinvestment Act 2009 (ARRA) grants program. As you are aware, MPWMD proposed three projects under the ARRA grants program: replacing Sleepy Hollow Ford with a full span bridge to remove the passage barrier to listed South-Central California Coast steelhead; injection of spawning gravel below Los Padres Dam to improve steelhead spawning habitat; and implementing a pilot project of suction dredging in the San Clemente Reservoir to harvest spawning gravel to place downstream. All of these projects are beneficial to listed steelhead in the Carmel River.

One of the requirements of the ARRA grants program is to secure land owner permission to perform these projects on California American Water (CAW) property. Removing passage barriers caused by crossings to reach CAW's facilities (Sleepy Hollow Fish Rearing Facility) and providing spawning gravels downstream of both dams (San Clemente and Los Padres) could potentially minimize take of steelhead from CAW's operations. NOAA's National Marine Fisheries Service encourages CAW to provide access approval for these projects in order for MPWMD to stay competitive in the ARRA grants process.

If you have any questions please contact Ms. Joyce Ambrosius at (707) 575-6064 or [joyce.ambrosius@noaa.gov](mailto:joyce.ambrosius@noaa.gov).

Sincerely,

Dick Butler  
Santa Rosa Area Office Supervisor  
Protected Resources Division

cc: K. Urquhart, MPWMD, Monterey  
K. Crump, NOAA RC, Santa Rosa



RECEIVED 3

STEVENSON  
SCHOOL

May 11, 2009

MAY 19 2009

MPWMD

Joseph E. Wandke  
President

Darby Fuerst  
General Manager  
Monterey Peninsula Water Management District  
187 Eldorado Street  
Post Office Box 85  
Monterey, CA 93942-0085

Re: Robert Louis Stevenson School - Provisional Water Use Credit  
Our File: 8673.23370

Dear Mr. Fuerst:

This letter is to formally request the assignment of the provisional Water Use Credit recognized by the Monterey Peninsula Water Management District ("MPWMD") for Robert Louis Stevenson School ("Stevenson" or "Stevenson School") arising from the retrofit of the Stevenson baseball field for use of reclaimed water in 1999. This letter follows up on a brief conversation that our attorney, Tom Jamison, had with Stephanie Pintar, MPWMD Water Demand Manager, in January of this year.

We have enclosed copies of the correspondence documenting the establishment of the "provisional" Water Use Credit in June of 1999. To summarize the history, by letter dated June 8, 1999 from Gabriela Ayala, Conservation Representative, to Mr. Jamison, MPWMD verified a Water Use Credit in the amount of 2.512 acre feet annually ("AF") for Stevenson School for its Upper Campus in Del Monte Forest as a result of conversion of the Stevenson baseball field from potable Cal-Am Water to CAWD/PBCSD Wastewater Reclamation Project reclaimed water. The amount of the Water Use Credit was calculated by Ms. Ayala by taking the total savings resulting from the conversion, then subtracting from that figure 30% on account of the estimated percentage of potable water still being used by the Reclamation Project, and then subtracting from that resulting figure 15% for conservation savings, to arrive at the 2.152 AF documented credit (see enclosed Memo from Ms. Ayala dated June 8, 1999 setting forth the calculation.) This Water Use Credit was effective as of June 15, 1999 for a period of 60 months, and was subsequently renewed for another period of 60 months, such that it will expire as of June 15, 2009. Of the original 2.512 AF, 1.681 AF of the Water Use Credit has been utilized, leaving a balance of 0.831 AF.

Shortly after MPWMD's verification of the Water Use Credit in June of 1999, Mr. Jamison raised with Ms. Ayala the prospect of a "provisional" Water Use Credit for the baseball field conversion on account of the then-planned improvements to the Reclamation Project which would nearly (if not completely) eliminate the need to supplement the reclaimed water with potable water, which had accounted for the 30% deduct in Stevenson's original Water Use Credit. This provisional Water Use Credit was approved in the amount of 0.861 AF by letter dated November 16, 1999 from Ms. Ayala to me, which letter (enclosed) very well and succinctly states the basis for the provisional Water Use Credit. The letter states in its

Darby Fuerst  
MPWMD  
Page Two

conclusion: "Once the improvements to CAWD/PBCSD Wastewater Reclamation Project have been completed and verified, the District will assign the remaining water credit of 0.861 acre-feet from the ball field retrofit to RLS."

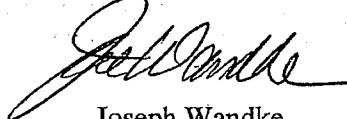
The contemplated improvements to the CAWD/PBCSD Wastewater Reclamation Project have been completed and are operational as of this year, 2009. I know that you and your staff are very familiar with these improvements, as MPWMD was instrumental in authorizing the financing structure for their accomplishment and has been tracking the progress. The two improvements, as you know, are the retrofit of the Forest Lake Reservoir in Del Monte Forest to provide much greater storage to be able to meet peak irrigation demand (which was completed in 2006), and construction of micro-filtration reverse osmosis ("MFRO") desalination facilities at the CAWD treatment plant to improve the quality of the reclaimed water through reduction of its salinity. The MFRO facilities were completed in mid-2008 but, insofar as the project is concerned, the improvement was not considered operational until the Forest Lake Reservoir was filled with the higher quality MFRO reclaimed water, which occurred as of the end of March, 2009. We will be happy to provide written confirmation from CAWD and PBCSD that these improvements have been completed and are operational as indicated, but again I believe that you and your staff are sufficiently aware of the project to know this yourself.

As a consequence, we believe that the circumstances under which the District has stated that it "will assign the remaining water credit of 0.861 acre-feet from the ball field retrofit to RLS" have come to fruition, and we are now respectfully requesting that MPWMD formally make this assignment in writing. We would assume that the term of this portion of the Water Use Credit would run for a period of 60 months from April 1, 2009 (the first day of the month after Forest Lake Road Reservoir was filled with the MFRO reclaimed water from the improved CAWD treatment plant), or until March 31, 2014, with a single renewal period of 60 months thereafter in accordance with MPWMD Rule 25.5.

I am copying Ms. Pintar and Ms. Ayala on this letter so they will be aware of our request. Thank you for your attention, and we look forward to receiving your response.

Sincerely,

Robert Louis Stevenson School



Joseph Wandke  
President

JW:tob

Enclosures

cc: Stephanie Pintar, MPWMD ✓  
Gabriela Ayala, MPWMD ✓  
Mark Hornberger, Hornberger + Worstell  
Thomas H. Jamison, Esq.



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

187 ELDORADO STREET • POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 649-2500  
FAX (831) 649-4870 • <http://www.mpwmd.dst.ca.us>

June 8, 1999

Thomas H. Jamison, Esq.  
Fenton & Keller  
Post Office Box 791  
Monterey, CA 93942-0791

**Subject: Documentation of Water Use Credit for Robert Louis Stevenson School.**

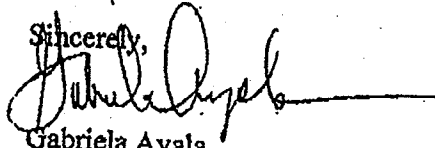
Dear Mr. Jamison:

In accordance with MPWMD Ordinance No. 60, the following credit has been verified at the site referenced above:

**Credit of 2.512 acre-feet of water for the conversion from potable Cal-Am water to CAWD/PBCSD Wastewater Reclamation Project reclaimed water for the baseball field.**

This Water Use Credit may be applied to future water use on that site at any time within a period of 60 months from June 15, 1999. After the 60<sup>th</sup> month, renewal of this Water Use Credit will be allowed only upon proof that some or all water savings represented by the credit are current. If savings are not current, a pro-rata reduction will occur. A single renewal period of 60 months is allowed; thereafter any unused Water Use Credit expires.

This form should be presented to the Water Management District to utilize the credit.

Sincerely,  
  
Gabriela Ayala  
Conservation Representative

U:\gabby\wp\letters\credit\1999

# Memo

Post-it® Fax Note	75/1	Pages	1
To	Mr. Jamison	From	Gabriela
Co./Dept.		Co.	HR/HRD
Phone #		Phone #	
Fax #		Fax #	

**To:** File  
**From:** Gabriela  
**Date:** June 8, 1999  
**Subject:** RLS School

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 SEP 22 1999  
 VIA FACSIMILE  
 FENTON & KELLER

Conversion from potable Cal-Am water to CAWD/PBCSD Wastewater Reclamation Project reclaimed water for the baseball field.

4.223 AF -- Original Savings  
 - 30 % -- Non-Performance of Reclamation Project  
 2.956 AF (Peak Demand, Water Quality Problems, etc.)  
 - 15 % -- Conservation Savings  
 2.512 AF -- Documented Credit



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

187 ELDORADO STREET • POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 649-2500  
FAX (831) 649-4870 • <http://www.mpwmd.dst.ca.us>

November 16, 1999

RECEIVED  
NOV 16 1999

VIA FACSIMILE  
FENTON & KELLER

Mr. Joseph Wandke, President  
Robert Louis Stevenson School  
3152 Forest Lake Road  
Pebble Beach, California 93953-3200

**Subject: Robert Louis Stevenson School Water Use Credit**

Dear Mr. Wandke:

This letter responds to Mr. Thomas Jamison's request to add a "provisional" Water Use Credit to the previously documented water credit of 2.512 acre-feet of water resulting from the retrofit of the Robert Louis Stevenson School (RLS) baseball field to use reclaimed water for irrigation. The original Water Use Credit was documented on June 8, 1999, but was reduced by 30 percent due to the continued use of potable water for occasional irrigation.

As stated in Mr. Jamison's letter of September 27, 1999, several improvements have been proposed to reduce the potable water demand of the CAWD/PBCSD Wastewater Reclamation Project which supplies reclaimed water to RLS. A larger reclaimed water storage facility is being pursued to meet peak irrigation demand, and a desalination facility has been proposed at the CAWD Treatment Plant to improve water quality. Eventually, these improvements may eliminate most of the need for potable water, although the project will still require a small element of potable water supplementation.

District staff agrees with the credit analysis for the "provisional" Water Use Credit. The proposed improvements to the Wastewater Reclamation Project should reduce the potable water use to approximately 6 percent of total irrigation demand. Once the improvements to the CAWD/PBCSD Wastewater Reclamation Project have been completed and verified, the District will assign the remaining water credit of 0.861 acre-feet from the ball field retrofit to RLS.

Please call me if you have any questions. I can be reached at 649-2500.

Sincerely,

Gabriela Ayala  
Conservation Representative

cc: Thomas Jamison, Esq.

U:\gabby\wp\letters\credits\wss.wandke



**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>

July 1, 2004

Mr. Joseph Wandke, President  
Robert Louis Stevenson School  
3152 Forest Lake Road  
Pebble Beach, CA 93953-3200

**Subject: Documentation of Water Use Credit for Robert Louis Stevenson School, Pebble Beach  
(APN: 008-022-003)**

Dear Wandke:

In accordance with MPWMD Rule 25.5, the following Water Use Credit has been verified to be current as of this date at the site referenced above:

- **Credit of 2.512 acre-feet of water for the conversion from potable Cal-Am water to CAWD/PBCSD Wastewater Reclamation Project reclaimed water for the baseball field**

This Water Use Credit may be applied to future water use on that site at any time within a period of 60 months from June 15, 2004. After the 60<sup>th</sup> month this water credit will expire.

The Water Use Credit shown in this letter is a final determination of the Water District's General Manager. Final 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. For information about the appeal process, contact the District office,

This letter should be presented to the Water Management District to utilize the credit. At such time as this Water Use Credit is applied to a water permit, one or more deed restrictions may be required to ensure permanent savings from the Water Use Credit.

Sincerely,

Shawn Novack  
Conservation Representative





UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 Southwest Region  
 777 Sonoma Ave., Room 325  
 Santa Rosa, CA 95404-4731

May 19, 2009

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MAY 19 2009

MPWMD

Stephanie Bartlett  
 Bureau of Reclamation  
 Acquisition Operations Group  
 Mail Code: 84-27810  
 P.O. Box 25007  
 Denver, Colorado 80225

Dear Ms. Bartlett:

This letter is in regards to the Monterey Peninsula Water Management District's (MPWMD) grant application for the funding of the Phase I expansion of the Aquifer Storage and Recovery (ASR) Project. NOAA's National Marine Fisheries Service (NMFS) supports this project in that Federally-listed South-Central California Coast steelhead (*Oncorhynchus mykiss*) are present in the Carmel River. MPWMD's ASR project will lessen impacts to steelhead from over-pumping in the Carmel River and will potentially improve habitat conditions for juvenile steelhead during the time of year when streamflow has been critically low or non-existent due to water withdrawals.

The Monterey Peninsula depends on the Carmel River Aquifer System and the Seaside Groundwater Basin for its water resources. Both of the supplies are utilized above their sustainable levels as determined by State Water Resources Control Board Order 95-10 for the Carmel River and the Seaside Adjudication Decision for the Seaside Groundwater Basin. MPWMD is proposing an ASR project, allowing for changes in water supply operations that will benefit natural resources of the Carmel River and groundwater resources of the Seaside Basin. The ASR project diverts water from the Carmel Alluvial Aquifer when river flows are high and injects the water into the Seaside Groundwater Basin. Injected water is banked for use during the summer months. By design this operation has a two-fold benefit: (1) more water is available in the Carmel Alluvial Aquifer during the summer months to contribute to river baseflow and enhance habitat, and (2) a portion of the water banked in the Seaside Basin is purposefully not extracted during wet years and left to be stored in the basin for later use during extended dry years. This management action provides benefits to both the primary water sources for the Monterey Peninsula.

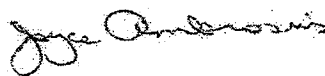
Since the ASR testing program began in 1998, over 2,100 acre-feet of Carmel River water has been diverted for recharge to the Seaside Basin. The Phase I component of the ASR project has



been operational for the past two years and is designed for an annual average yield of 920 acre-feet. This grant would provide funding to drill additional wells and construct infrastructure to expand Phase I increasing the annual yield of the project by an estimated additional 1,000 acre-feet per year.

NMFS considers this an important project for protecting steelhead habitat in the Carmel River and appreciates your consideration of this project in your grant program. If you have any questions, please contact Ms. Joyce Ambrosius at (707) 575-6064 or [joyce.ambrosius@noaa.gov](mailto:joyce.ambrosius@noaa.gov).

Sincerely,



*for* Dick Butler  
Santa Rosa Area Office Supervisor  
Protected Resources Division



Carmel River Watershed Conservancy  
PO Box 223833, Carmel CA 93922

Board of Directors:

Clive Sanders, President,  
Paul Bruno, VP & Treasurer,  
Lorin Latendre, Secretary,  
Craig Anthony,  
Catherine Bowie,  
Mary Jane Hammerland,  
Monica Hunter,  
Lawson Little,  
Jack Hammerland

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MAY 20 2009

Wednesday, May 20, 2009

Bureau of Reclamation  
Acquisition Operations Group  
Attn: Stephanie Bartlett  
Mail Code: 84-27810  
P.O. Box 25007  
Denver, CO, 80225

MPWMD

Challenge Grant Review Committee:

On behalf of the board of directors of the Carmel River Watershed Conservancy I am writing to express our support of the Monterey Peninsula Water Management District in their efforts to expand the Phase I of the Aquifer Storage and Recovery (ASR) Project. The Monterey Peninsula depends on the Carmel River Aquifer System and the Seaside Groundwater Basin for its water resources. Both of the supplies are utilized above their sustainable levels as determined by SWRCB Order 95-10 for the Carmel River and the Seaside Adjudication Decision for the Seaside Groundwater Basin.

Due to the Mediterranean climate of the Monterey Bay and the way the Carmel Alluvial Aquifer functions hydrologically, there is an excess of water in the winter months and a deficit of water in the summer months. The ASR project diverts water from the Carmel Alluvial Aquifer when river flows are high and injects the water into the Seaside Groundwater Basin. Injected water is banked for use during the summer months. By design this operation has a two-fold benefit: (1) more water is available in the Carmel Alluvial Aquifer during the summer months to contribute to river base flow and enhance habitat, and (2) a portion of the water banked in the Seaside Basin is purposefully not extracted during wet years and left to be stored in the basin for later use during extended dry years. This management action provides benefits to both the primary water sources for the Monterey Peninsula.

Since the ASR testing program began in 1998, over 2,100 acre-feet of Carmel River System water have been diverted for recharge to the Seaside Basin. The Phase I component of the ASR project has been operational for the past 2 years and is designed for an annual average yield of 920 acre-feet. Expansion of Phase I would increase the annual yield of the project by an estimate of an additional 1,000 acre-feet per year.

Respectfully,

Clive B. Sanders,  
President

501 C Nonprofit Corporation Tax ID # 77-054886  
Office: 510 Lighthouse Ave, Suite 7b Pacific Grove, CA 93950-4826  
E-mail: [crcwsteelhead@pacbell.net](mailto:crcwsteelhead@pacbell.net)  
WebPage <http://www.carmelwatershed.org>  
Tel: 831-375-5376

**Gary & Marina Koifman**  
d.b.a. Magarich Primo LLC

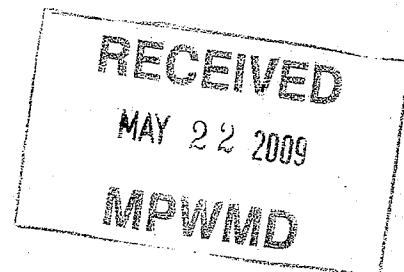
**HAND  
DELIVERED**

25493 Paseo De Cumbre  
Monterey, CA 93940  
Tel: 831-643-9797  
Fax: 831-643-0398

13

May 22, 2009

General Manager of  
Monterey Peninsula Water Management District  
5 Harris Court, Bldg.#G  
Monterey, CA 93942-0085



Re: Decision Appeal for rule 40-D, APN# 416-132 010-000  
PLN 50671, New Single Family Home located at 25836 Paseo Real, Bay Ridge, Monterey, CA

Dear Sir,

My wife and I are approaching the retirement age and have worked 12-14 hour days all most of our life to save money for our Dream Home.

We purchased this parcel known as parcel #20, as our retirement home residence in 2005. It has been pre-approved as buildable lot and part of Bay Ridge for over 25 years.

We have started the process of getting building permits over 3 ½ years ago and now are at the final stages of working the final details with the building department.

The Monterey Board of Supervisors and Monterey County Planning Department **approved this project**. It is listed in the records of the Monterey County.

We invested most of our retirement funds in to this parcel, plans, permit fees, attorney fees and engineering tests and hearings.

We received a copy of News Release with Rule 40-D, by pure luck from a stranger. We were not properly notified by mail, phone call or "note" on the property, which informed us about this Suspension of Issuing of Water Meter Permits in Hidden Hills Unit.

To us it is not just a "Broken Dream" it is a **total financial devastation**. This unsuspected "blow" is so painful that it is even heartbreaking to write about it.

We would never, started this process and spent our retirement savings if any indications, notes or newsletter were sent to our residence or our Home Owners Association in the past. There was no warning!

We are appealing to you, and Board of Directors of Monterey Peninsula Water Management District to reverse such ruling for us and other 14 families, like ours, who are on the **Monterey County Building and Safety Department "list" of 15 (fifteen) on-going and current building permit applications in-process**.

We consider such decision very unfair, unnecessary and ask you for assistance and justice.

Looking forward for you anticipated cooperation and help.  
Sincerely,

Gary & Marina Koifman.

Two handwritten signatures in black ink. The first signature is "Gary Koifman" and the second is "Marina Koifman". Both are written in a cursive style.



HAND<sup>15</sup>  
DELIVERED

MARINA COAST WATER DISTRICT

Monterey Regional Water  
Pollution Control Agency

MONTEREY COUNTY WATER RESOURCES AGENCY

RECEIVED

JUN -5 2009

MPWMD

June 2, 2009

Mr. Darby Fuerst, General Manager  
Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Post Office Box 85  
Monterey, CA 93942-0085

Dear Mr. Fuerst:

**Subject: Institutional Agreements Needed for the Proposed  
Monterey Regional Water Supply Program**

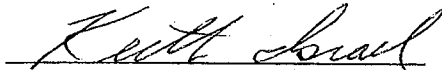
We are in receipt of your May 14 letter requesting that the MPWMD be involved in the planning process for the proposed Monterey Regional Water Supply Program.

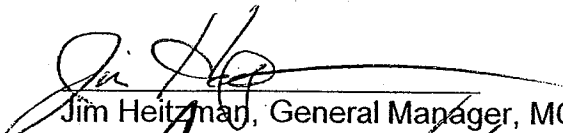
As you have noted, action on the regional MOU's by the Board of Supervisors has been delayed. However, updated MOU's are now scheduled for further Board of Supervisors' consideration on June 16.

As a first step in response to your letter, why don't we schedule a joint meeting of the managers of the participating agencies to discuss your request and consider options.

If you concur with this approach, let us know available dates over the next couple of weeks so that we can schedule a meeting.

Sincerely,

  
Keith Israel, General Manager, MRWPCA

  
Jim Heitzman, General Manager, MCWD

  
Curtis Weeks, General Manager, MCWRA