



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
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MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

SUPPLEMENT TO 12/14/09 MPWMD BOARD PACKET

Attached are copies of letters received between November 5, 2009 and December 7, 2009. These letters are also listed in the December 14, 2009 Board packet under item 26, Letters Received.

Author	Addressee	Date	Topic
Sarah Cruse	MPWMD Board	11/3/09	Continued Funding for Water for Monterey County Coalition
Brian LeNeve	Darby Fuerst	11/5/09	Protest by CRSA/Permit 20808B Carmel River, Monterey County
Linda Scholink	Darby Fuerst	11/9/09	City of Sand City Desalination Project Agreement
Matthew McCann	Henrietta Stern	11/12/09	Letter of 05 June 09, Results of Pre-Application Review
Dennis Mar	Darby Fuerst	11/13/09	Thanks for Participation on Water Supply Alternatives Panel Discussion



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NOV - 6 2009

MPWMD

November 3, 2009

The Honorable Kristi Markey, Chair, and Board of Directors
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 Monterey, California 93940

Transmitted by fax to: 831-644-~~0558~~ 9558

Re: Continued funding for Water For Monterey County Coalition

Dear Chair Markey and Board Members:

The Monterey County Hospitality Association urges that you consider continuing a portion of the funding for the Water For Monterey County Coalition (WFMCC). The viability of the Hospitality Industry is threatened as never before by the water supply cutbacks ordered by the State Water Resources Control Board and the Seaside Basin Watermaster.

As you know, WFMCC funding runs out this month with the 28th meeting of the coalition. MPWMD's financial and technical support has been invaluable to the success of the coalition and the contribution WFMCC has made to regional water supply solutions has been nothing short of amazing. This broad-based coalition has provided an independent forum for water solution ideas and given critical energy to the search for regional water supply solutions.

The release by the Public Utilities Commission of the final Environmental Impact Report for the Coastal Water Project and its alternatives is certainly an important milestone, but much remains to be done in order to get a regional water supply solution accomplished. There is still an important role for WFMCC to play as we all move forward toward a comprehensive and sensible solution to our many water supply problems.

Please agree to continue a portion of the funding for the Water For Monterey County Coalition. We have made progress toward a solution that will benefit us all and we cannot afford to falter now.

Sincerely,

A handwritten signature in cursive script that reads 'Sarah Cruse'.

Sarah Cruse, President



Carmel River Steelhead Association

501 (C)(3) TIN 77-0093979

P.O. Box 1183

Monterey, CA 93944

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NOV 10 2009

MPWMD

Darby Fuerst, General Manager
 Monterey Peninsula Water Management District
 P.O. Box 85
 Monterey, Ca. 93942-0085

November 5, 2009

**Subject: Protest by Carmel River Steelhead Association
 MPWMD Petition for Change
 Permit 20808B (Application 27614B) Carmel River, Monterey County**

Dear Mr. Fuerst:

On October 26, 2009 Hank Smith and Brian LeNeve of CRSA attended a meeting that CRSA was led to believe would be between California American Water President Robert MacLean and CRSA. This meeting was to discuss the CRSA protest of ASR II permit application #20808B. As you know, at the meeting were representatives of MPWMD, National Marine Fisheries, and Cal-Am. As well as council for Cal-Am.

Such improper notification of who was to be at the meeting left us at quite a disadvantage and ill prepared for such a meeting. I told you at the time that we were only authorized to listen to what Cal-Am had to say and we were not authorized to negotiate. I must reiterate this again and inform you that CRSA does not consider that meeting, a meeting to resolve our protest. Having said this I feel the meeting was informative and productive. CRSA must insist that at any further meetings we are notified of all parties who will attend.

I did tell you that I would get a CRSA Board meeting together to go over what was said at the 10-26-09 meeting. CRSA did hold a meeting and decided, that in lieu of the legal challenges MPWMD and Cal-Am just filed in Superior Court to have the Cal-Am CDO (SWRCB Order 2009-0060) stayed and/or overturned, CRSA needs more time to get a legal opinion of several issues and to fully understand the ramifications of the possibility of no CDO.

At the 10-26-09 meeting you were specifically asked if MPWMD would negotiate on the early fall 40 cfs flow requirements. You stated that MPWMD would not budge on this part. Although we did not ask about other provisions of the permit applications, I got the impression that MPWMD is not willing to negotiate on any of the provisions regarding when pumping could occur. Please let us know if MPWMD is willing to negotiate any provision of the application. CRSA will be glad to meet again and try to settle our protest but it would be a waste of both yours and our time if there is nothing to negotiate.

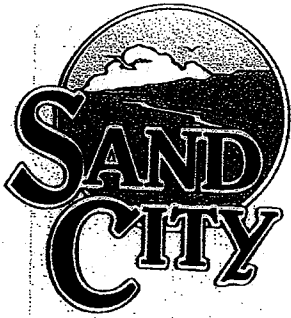
We will notify you after we talk to legal council and try to set a meeting if there is anything to negotiate.

Sincerely,



Brian LeNeve
CRSA Board Member

Cc: Katherine Mrowka, Chief Inland Streams Unit, State Water Resources Control Board
Craig Anthony, General Manager, Coastal Division, California American Water
Joyce Ambrosius, NMFS



November 9, 2009

Monterey Peninsula Water Management District
 c/o Darby Fuerst, General Manager
 P.O. Box 85
 Monterey, Ca. 93942

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MPWMD

Dear Ms. Fuerst,

The City of Sand City approved Resolution SC 09-83, 2009 authorizing the City Administrator to enter into a Lease Agreement with California American Water (CAW) to operate and maintain the Sand City Water Desalination Facility and Related Infrastructure.

Enclosed is a fully executed copy of the amended and restated lease agreement for your records. You may reach me at (831) 394-3054 ex. 20 if I may be of further assistance. Thank you.

Sincerely,

Linda K. Scholink
 Administrative Services Director/City Clerk

City Hall
 1 Sylvan Park,
 Sand City, CA
 93955

Administration
 (831) 394-3054

Planning
 (831) 394-6700

FAX
 (831) 394-2472

Police
 (831) 394-1451

FAX
 (831) 394-1038

Incorporated
 May 31, 1960

Enc: Resolution SC 09-83, 2009
 Amended and Restated Lease Agreement

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CITY OF SAND CITY

MPWMD

RESOLUTION SC 09-83, 2009

**RESOLUTION OF THE SAND CITY COUNCIL AUTHORIZING THE CITY
ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH
CALIFORNIA-AMERICAN WATER (CAW)
TO OPERATE AND MAINTAIN THE SAND CITY WATER DESALINATION
FACILITY AND RELATED INFRASTRUCTURE**

WHEREAS, the Sand City Water Supply Project (SCWSP) has been an on-going top priority of the City's capital improvement program for the last several years; and

WHEREAS, the SCWSP is now at a testing phase where operating and maintenance commitments to the desalination facility and related infrastructure can now be made; and

WHEREAS, on September 18, 2007, the City Council approved and adopted an addendum to the SCWSP Final EJR which describes the nature of the water supply project as now completed and specified in a lease agreement with California-American Water (CAW); and that no further environmental analysis is necessary; and

WHEREAS, CAW is the logical desalination plant operator for the SCWSP system given the company's level of water treatment expertise, its regional commitment to continue to be the primary water purveyor on the Monterey Peninsula, the company's current status as the water supply purveyor to Sand City, and its expressed strong interest in maintaining and operating the desalination plant at its own expense for a period of no less than thirty (30) years; and

WHEREAS, the City of Sand City and California-American Water have come to mutually acceptable terms as further expressed in the amended and restated lease agreement attached hereto as Exhibit A and incorporated herein by this reference. Said agreement allows CAW to operate the desalination facility subject to reasonable compensation to the City of Sand City in exchange for the company benefit of having up to 300 acre feet per year of potable water supply for future water customers in Sand City and to also serve as a "cushion" against potential sanctions by the State Water Resources Control Board or the Seaside Groundwater Basin Watermaster.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sand City hereby:

1. Authorizes the City Administrator to enter into a lease agreement with California-American Water in substantially the same form as the attached Exhibit A and to execute a memorandum of the attached lease in a form acceptable to the City Attorney; and
2. Directs the City Clerk to forward a copy of the signed lease agreement to the Monterey Peninsula Water Management District and to record the memorandum of lease in the Official Records of Monterey County.

Sand City Resolution SC 09-83, 2009

PASSED AND ADOPTED by the Sand City Council on this 6th day of October, 2009 by the following vote:

AYES: Council members Blackwelder, Carbone, Hubler, Kruper, Pendergrass

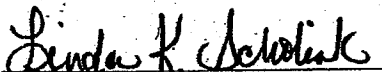
NOES: None

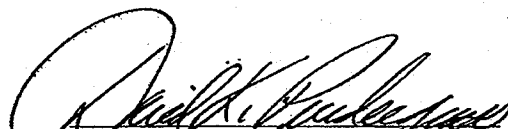
ABSENT: None

ABSTAIN: None

ATTEST:

APPROVED:


Linda K. Scholink, City Clerk


David K. Pendergrass, Mayor

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MPWMD

CITY OF SAND CITY

and

CALIFORNIA-AMERICAN WATER COMPANY, INC.

AMENDED AND RESTATED LEASE AGREEMENT

Dated as of 10/30, 2009

**DEPARTMENT OF THE NAVY**

NAVAL SUPPORT ACTIVITY
PUBLIC WORKS MONTEREY
511 GARDNERS ROAD
MONTEREY, CA 93943

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MPWMD

Ms. Henrietta Stern
Project Manager
Monterey Peninsula Water Management District
5 Harris court, Bldg. G
Monterey, CA 93942

November 12, 2009

Reference: Letter of 05 June 09, Results of Pre-Application Review:

Dear Ms. Stern,

This letter is offered in response to the Monterey Peninsula Water Management District's (MPWMD) above-referenced correspondence of 05 June 2009, and is intended to clarify the Department of the Navy's (Navy) understanding with respect to the applicability of MPWMD's Rules and Regulations (including permit requirements) to wells on the Navy's Monterey Pines Golf Course that are utilized for purposes of watering the course.

The Navy appreciates MPWMD's review of the Pre-Application Form/Request for Exemption submitted on 24 April 2009; however, after further consideration of this matter subsequent to receipt of MPWMD's correspondence concerning its review, we have concluded that the Navy should not have made a formal submission of this kind to MPWMD with respect to the new well.

In stating this, the Navy hopes review of the April 2009 submission did not unduly burden MPWMD. We also wish to acknowledge the excellent working relationship that exists between MPWMD and the Navy. This relationship is very important to us, and we sincerely hope to maintain it both now and in the future. In this matter, as in all our interactions, the Navy highly values MPWMD's expertise and input, and we anticipate working closely with MPWMD in all aspects of water resource management. With respect to the golf course well in particular, the Navy anticipates taking certain follow-up actions in accordance with your correspondence of 05 June 2009 and in complying with Navy Policy. We are developing plans to close well 2A and any remaining open wells not in operation. The leak in well TP-1 has been stopped. Wells currently in operation are metered and we will continue to collect data on water usage. We believe coordinating with MPWMD to determine baseline water usage would be beneficial for the Navy's water conservation program. We strive to support a conservation approach to water management while providing a positive recreational experience for the Military community.

However, as a formal matter, the Navy is unaware of any applicable waiver of sovereign immunity or other demonstrated basis (e.g., a contractual arrangement) which would allow

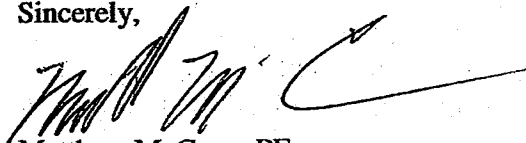
MPWMD, as a local regulatory entity, to assert authority over a federal agency such as the Navy, at least in this particular instance. Accordingly, the Navy believes it is not required to apply for a permit (or exemption) with respect to the golf course well, or to comply with conditions set forth pursuant to MPWMD's determination of exemption.

We would like to stress that this position is a reflection of formal considerations. It would be equally correct to say that the Navy is not authorized to submit to such local regulatory authority in this instance, and would be in violation of federal law if it were to do so. Thus, while we fully intend to work with MPWMD to improve management of our water resources we also feel it is important to clarify our formal position with respect to the issue of local regulatory authority.

We hope this letter addresses any formal issues concerning the golf course well to MPWMD's satisfaction. However, to whatever extent MPWMD may believe the Navy's position as set forth herein is in error, please feel free to contact us for further discussion. The Navy's point of contact is Johanna Turner. Ms. Turner may be reached at 831-656-7746 or via e-mail at johanna.turner@navy.mil.

We look forward to working cooperatively with MPWMD. Thank you for your time and consideration.

Sincerely,



Matthew McCann, PE
LCDR, CEC, USN
Public Works Officer
Naval Support Activity, Monterey



LEAGUE OF WOMEN VOTERS®
OF THE MONTEREY PENINSULA

November 10, 2009
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MPWMD

Darby Fuerst
Monterey Peninsula Water Management District
PO Box 85
Monterey, CA 93942-0085

Dear Darby,

Thank you for appearing on the "Water Supply Alternatives, What Are They?" panel at the October 14 meeting of the League of Women Voters of the Monterey Peninsula. Unfortunately, I was out of town and not able to greet you personally.

Enclosed is the DVD of the program. The DVD's content is also viewable online at http://www.lwvmp.org/lunch_videos.html at anytime. On that web page, move the cursor to the right-hand side and click "Click to Play Video". Sorry we misspelled your name ("eu" instead of "ue").

I hope you found your participation at this League event a worthwhile experience.

Sincerely,

Dennis Mar

Dennis Mar
LWVMP President

PO BOX 1995
Monterey CA 93942

648-VOTE (648-8683)
LWVMPca@yahoo.com
www.lwvmp.org