



**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.dstf.ca.us>

# SUPPLEMENT TO 2/25/10 MPWMD BOARD PACKET

Attached are copies of letters received between January 21, 2010 through February 17, 2010. These letters are also listed in the February 25, 2010 Board packet under item 21, Letters Received.

<b>Author</b>	<b>Addressee</b>	<b>Date</b>	<b>Topic</b>
Manucher, Alemi	MPWMD Board	2/26/10	The 2010 Urban Water Management Plan Cycle
Dennis Mar	MPWMD Board	2/22/10	Updating Water Needs
Jay Roland	MPWMD Board	2/5/10	Cal Am Advertising; Cost of Extra Water
Alem Dremicek	Darby Fuerst	1/29/10	Electronic Water Meter Substitution, Trevvett Court Low-Income Housing Project, Carmel California
R. Alan Williams	MPWMD Board	1/28/10	MPWMD January 28, 2010 Agenda Item No. 20
John S. Bridges	MPWMD Board	1/27/10	January 28, 2010, Agenda Item 20 – Proposed Urgency Ordinance Regarding Fractured Rock Wells
Augie Guardino	Henrietta Stern	1/19/10	Suspension of Acceptance or, Processing of Existing Water Distribution System Permits
Myron E. Etienne, Jr.	Henrietta Stern	1/18/10	Hartnett WDS 20090102HAR/Jan. 28, 2010 Urgency Ordinance

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



January 26, 2010

To: California Urban Water Suppliers

Subject: The 2010 Urban Water Management Plan Cycle

RECEIVED

FEB - 4 2010

MPWMD

The California Legislature passed Senate Bill 7x-7 of 2009 (SB 7x-7), and the Governor signed it into law in November 2009. The law is directed at water conservation and includes the requirement that the State reduce urban per capita water use by 20 percent by 2020.

To ensure progress towards the 20 percent reduction goal, the SB 7x-7 legislation mandated that each urban retail water supplier develop a water use target and report that number in the retailer's 2010 Urban Water Management Plan. The legislation further required that retailers report a 2015 water use target (interim), their baseline daily per capita use, compliance daily per capita use along with the basis for determining those estimates.

The SB 7x-7 provided three possible methods an urban retail water supplier could use to calculate their water use target and the Department of Water Resources (DWR) was instructed in the legislation to develop a fourth method. DWR was also directed to develop methodologies for calculating base daily per capita water use, baseline commercial, industrial and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use and landscape area water use.

DWR is beginning work on developing the new methodologies. We will send out information in the near future providing the timetable for public involvement in the methodology process. Recognizing that these new requirements would take time, the legislature has granted an extension to retail water supplier for submittal of Urban Water Management Plans to July 1, 2011. DWR is required to post the baseline methodologies to its web site and make written copies available by October 1, 2010. Furthermore, DWR is required to complete the fourth method for calculating urban water use targets by December 31, 2010. After both methodologies are completed, DWR will release a revised guidebook or checklist for 2010 Urban Water Management Plans.

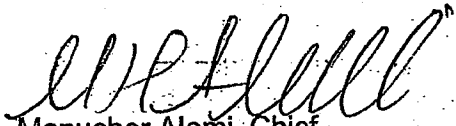
California Urban Water Suppliers  
January 26, 2010  
Page 2

Urban retail water suppliers can choose one of the four methodologies for calculating urban water use targets, but are required to use the DWR methodology for baseline estimates. Any Urban Water Management Plans submitted before the DWR baseline methodology has been developed and released, must be resubmitted using the revised methodology.

The text for SB 7x-7 is online at <http://www.water.ca.gov/urbanwatermanagement/>.

If you have any questions or comments, please contact Peter Brostrom of DWR's Water Use and Efficiency Branch at (916) 651-7034 or by e-mail at [brostrom@water.ca.gov](mailto:brostrom@water.ca.gov).

Sincerely,



Manucher Alemi, Chief  
Water Use and Efficiency Branch.



**LEAGUE OF WOMEN VOTERS®**  
OF THE MONTEREY PENINSULA

January 22, 2010

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

**RECEIVED**

**JAN 25 2010**

Subject: Updating Water Needs

**MPWMD**

Dear Ladies and Gentlemen:

The League of Women Voters of the Monterey Peninsula (LWVMP) supports continuing evaluations of policies and programs that affect land and resource use. This applies particularly to current plans for new water supplies that will terminate illegal pumping from the Carmel River resource.

Various new water sources have been identified. Three specific proposals have a Final EIR (FEIR) and are under active California Public Utilities Commission (CPUC) deliberation for a decision in 2010.

All three water supply proposals have been based on the MPWMD water needs assessment completed in 2006. This assessment was based on analyses of municipal and county general plans, and information from Cal Am and MPWMD.

Now that a decision by the CPUC appears to be forthcoming in mid-2010, the managing agencies and providers are gearing up for detailed planning for implementation. LWVMP requests that MPWMD update its water needs assessment to reflect recent decisions and the latest information. Our request is fourfold:

1. Reflect all the relevant data that apply strictly to 95-10 compliance;
2. Reflect the demands of state regulators (CPUC and SWRCB);
3. Avoid overbuilding a desal supply facility;
4. Avoid unnecessary and inappropriate costs to ratepayers.

Recent data and decisions include the following:

1. Los Padres Dam capacity data, developed by MPWMD and Cal Am in 2008, reflects perhaps 400 AF more than that contained in the water needs assessment that reflected data and projections from 1998.
2. Cal Am is actively pursuing 125 AFY of Pebble Beach Community Service District recycled water to replace potable water use at Pacific Grove Golf

PO BOX 1995  
Monterey CA 93942

648-VOTE (648-8683)  
LWVMPca@yahoo.com  
www.lwvmp.org<sup>1</sup>

Course. This effort is consistent with a recent CPUC General Rate Case decision that orders Cal Am to pursue small projects.

3. Although conservation estimates were quantified and discussed in the Draft EIR (DEIR) and FEIR, none of this data has been included in the equations to determine water need. Both the CPUC and the State Water Resources Control Board (SWRCB) have identified and expected results from conservation efforts. The best guess of these savings should be included in an update.
4. Cal Am has been pressured by CPUC and SWRCB to reduce water loss by fixing more leaks. Specifically CPUC has granted Cal Am the resources (in 2009 General Rate Case A0108024) for three projects:
  - i. Replace water mains in Seaside and Pacific Grove
  - ii. Replace polybutylene connections; and
  - iii. Replace meters.

All three were proposed by Cal Am to reduce water loss. Since they were approved and funded by CPUC, anticipated savings must be calculated and included in an update.

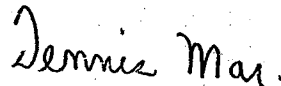
5. Steeper water rates will become effective in early 2010. Excessive irrigation has been regularly pinpointed as a major cause of needless water waste. Cal Am and MPWMD have targeted such users for water audits and aggressive follow up. Impacts from these efforts should be identifiable by mid-2010. These projections should be included in new water need calculations.
6. MPWMD has a long track record of identifiable water savings from retrofits and rebates. Recent MWD expansions should generate new water savings. These should be calculated and projected in new assessment.
7. We take issue with MPWMD inclusion of a drought reserve in the calculations for current needs in compliance with Order 95-10. We can understand the desire for a level of protection, but the conservation stages do the same thing, at far less cost. The intent to comply with 95-10 must conform to the original intent of 95-10—to reduce illegal pumping. A reserve is not a use, and falls outside 95-10. It seems the MPWMD is trying to insert a use factor that is not included in the purpose of 95-10. Therefore we hope the MPWMD can exclude this factor, and not burden the ratepayer for costs that are outside Order 95-10.
8. Marina Coast Water District (MCWD) and Monterey Regional Water Pollution Control Agency (MRWPCA) are expanding Recycled Urban Water Augmentation Project (RUWAP) beyond what is addressed in the FEIR for

the Coastal Water Project. The Hybrid RUWAP, which is actively being pursued, would produce 3,000 AFY instead of the 1,000 AFY identified in the FEIR. The Monterey Peninsula would receive 300 AFY of this amount at a cost less than estimated desal costs. This project is on a time line very similar to the regional desal solution, and therefore should be included.

The timing of any update will be critical. The very expensive desalination facility will be based on your data. Lack of a recalculation may lead to sizing and construction that go beyond the requirements of Order 95-10. This could lead surreptitiously to water for growth, which would be a cynical outcome after all agencies assert that all current plans are for no-growth.

At this late stage, a recalculation is necessary for all agencies involved. Planning assumptions are being made. It is critical for all agencies to use all relevant and the most current information possible. This should include all reasonable calculations made by state agencies, expectations for funded projects, and it should exclude factors that are outside Order 95-10 compliance requirements. Only then can ratepayers be expected to understand the enormously high costs coming from the regional desal solution. And only then can providers plan properly to meet the urgent and legally required water needs.

Sincerely yours,



Dennis Mar  
LWVMP President

LWVMPca@yahoo.com

Monterey Peninsula Water Management District  
5 Harris Court, Bld. G.  
Monterey, CA 93940

5 FEB 2010

RECEIVED

Attention: To Who It May Concern

FEB 16 2010

Subject: CAL AM Advertising; Cost of Extra Water

MPWMD

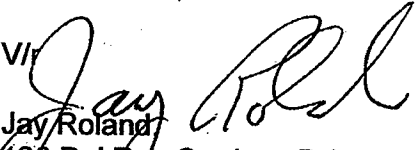
To Whom It May Concern,

I received the enclosure from CAL-AM on Friday 5 FEB. I am not sure whether to be affronted or appreciative of the letter. On the one hand it is being sent to a captive audience (me) advertising an "added" business unit for CAL-AM. I am not convinced I want CAL-AM insurance. However the concept itself is valid. Shouldn't this type of notice come from the MPWMD?

My second question related to the amount I am billed for water use that is based on a graduated scale of usage. My understanding there is a base cost of CAL-AM delivering water at some average, base rate. I also understand the concept that charging more on an incremental basis is implemented to dissuade the greater use of water. I think I understand that the cost to CAL-AM does not increase proportionally to the use of water, the consumer is just charged higher and higher rates. The question is what happens to the extra income that is generated by the incrementally higher rates?

Does it go into a general repair fund? Does it go back to the CAL-AM clients? Does it go to CAL-AM investors? If it goes to CAL-AM investors are you using the wrong motivation to reduce water consumption, or is CAL-AM using the appropriate motivation to increase profits?

Thanks in advance.

V/   
Jay Roland  
120 Del Rey Gardens Drive  
Del Rey Oaks, CA 93940

Enclosure: CAL-AM Advertising for Insurance.

PS: I am not connected, at the address on the advertisement, to the Monterey sewer system.



CALIFORNIA  
AMERICAN WATER

From The Office Of The President:  
Rob MacLean

## CUSTOMER INFORMATION MEMORANDUM

Dear Customer:

As our valued customer, we want to make sure that you are aware that the water and sewer lines that run through your property may be your responsibility as the property owner.

Repairs to these lines can be costly and most standard home warranties do not provide coverage. And if there is a problem, it generally requires immediate attention. Our national affiliate American Water Resources® Insurance Services offers the Water and Sewer Line Insurance Policy to help protect you from unwanted inconvenience and expense.

I encourage you to read the enclosed materials carefully. If you have any questions, please call American Water Resources Insurance Services directly at 1-866-618-3892.

1033 B Avenue, Suite 200 • Coronado, CA 92118

If you do not wish to receive any future mailings about these policies,  
please call 1-888-237-1333 or e-mail us at [infocamwater.com](mailto:infocamwater.com).  
The production and distribution of this mailer was funded solely  
by American Water Resources Insurance Services.

CA-ComboM3





# AMERICAN WATER RESOURCES

## Insurance Services

P.O. Box 577  
Alton, IL 62002-0577  
Lic. No. OF65279

**You may be responsible for the water and sewer lines running through your front yard.**  
**It pays to help protect yourself with the Water and Sewer Line Insurance Policy.**

\*\*\*\*\*AUTO\*\*SCH 5-DIGIT 93940  
Ronald J Roland  
120 Del Rey Gardens Dr  
Del Rey Oaks, CA 93940-5709

**ADVISORY – AGING WATER LINE RISK**  
Service Subject: Service Lines Over 25 Years Old  
Risk Location: 33 Castro Rd



**RESPONSE REQUESTED: 3/31/10**

Dear Ronald J Roland,

As a valued Water Customer, you are receiving this important notice to inform you that 9 out of 10 water line repairs occur in homes over 25 years of age.\* Did you know that normal wear and tear\*\* can cause sudden leaks or breaks in the water line or clogs or blockages in the sewer line that run through your property? And, as the owner, you may be responsible for both?\*\*\* Many homeowners are not aware that water line and sewer line damage under their property may be their responsibility.

Most homeowner insurance policies do not cover water line or sewer line repairs.\*\*\*\* If yours does not, you may have to find and pay a contractor thousands of dollars to repair the damage, and worry whether the job will be done properly. For just \$13.99 a month, you can enroll in the Water Line and Sewer Line Insurance Policies at a special combination savings. Here's why the protection is so important:

<b>WATER AND SEWER LINE INSURANCE POLICY CHECKLIST OF BENEFITS FOR RONALD J ROLAND</b>	<b>WHEN YOU'RE COVERED</b>	<b>WHEN YOU'RE NOT COVERED</b>
Reliable, qualified contractor promptly dispatched to your property.	✓ YES	NO
Combined coverage up to \$15,000† for costly Water Line and Sewer Line repairs.	✓ YES	NO
Convenient 24-Hour Emergency Service Hotline.	✓ YES	NO
Peace-of-mind from water line leaks or breaks, and sewer line clogs or blockages.	✓ YES	NO

American Water Resources Insurance Services®, a subsidiary of American Water, is pleased to introduce this special **Water and Sewer Line Insurance Policy** to help cover these unexpected costs not covered by most home warranties. When you consider the time and money you could save, along with peace of mind protection, I'm sure you'll agree that this policy is extremely valuable to you as a homeowner.

Please read carefully the terms and conditions on the enclosed policy. Enroll today. Coverage is just \$13.99 per month — a savings of about \$24 per year. Payment is convenient — just add it directly to your California American Water bill!

Sincerely,

*Angela Strebels*  
Angela Strebels  
Customer Service Manager

**Para esta información en Español,  
llámenos por favor al 1-866-618-3892.**

P.S. Remember, most home warranties and insurance policies do not offer this valued protection. I encourage you to complete the enclosed Immediate Action Form and mail it back today.

Please see sample policy enclosed for coverage details, including exclusions and limitations.

### Important Limitation Detail

\*The information on the reverse is based solely upon American Water Resources Insurance Services' records of repairs made to the water lines of its customers. The age of your home does not necessarily indicate an increased likelihood that your water line will require repair. Risk of a water line leak or break is affected by a variety of factors, which may include such things as composition of soil, composition of line materials, age of water line and the presence and extent of vegetation. Information relating to the age of your home was obtained from public records, and American Water Resources Insurance Services' statement about the age of your home relies solely on the accuracy of those records.

\*\*Normal wear and tear to your water line and sewer line may be caused by factors including, but not limited to, moisture and temperature changes, soil composition, presence of vegetation and tree roots, presence of corrosives in the soil contacting the water line or sewer line, and everyday water and sewer usage at your home.

\*\*\*If you live in a dwelling such as a condo, duplex or townhouse, please contact your local homeowners association to determine if you are responsible for your water and sewer lines, as in some states you would not have ownership of the water line or sewer line. All of the work which we undertake will be performed by independent plumbing subcontractors.

\*\*\*\*Please check your homeowner's policy to determine if repairs are covered.

†Provides up to \$5,000 for water line repairs and up to \$10,000 for sewer line repairs.

All policies are underwritten by Virginia Surety Company, Inc.

For complete Terms & Conditions of this policy, please go to [www.amwaterresources.com/termsandconditions](http://www.amwaterresources.com/termsandconditions).

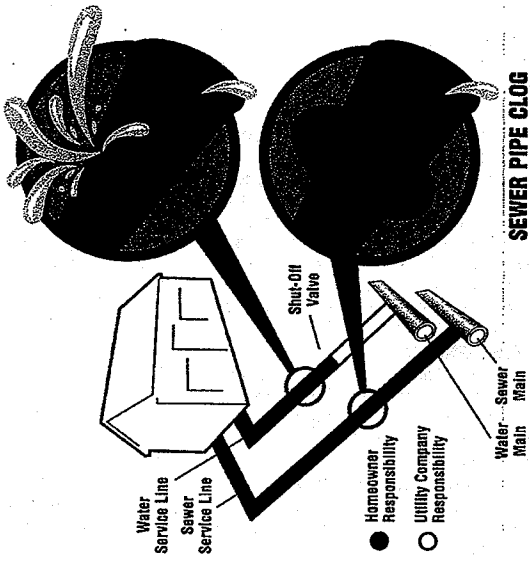
The production and distribution of this mailer was funded solely by American Water Resources Insurance Services.



**AMERICAN WATER RESOURCES**

Insurance Services  
1410 Discovery Parkway  
Alton, IL 62002

Lic. No:  
**OF65279**  
WATER PIPE BURST



**ENROLL NOW!**  
Add payments to your water bill or pay by check or credit card.  
**CALL TOLL-FREE 1-866-618-3892**

Normal wear and tear can cause sudden, costly water leaks or sewer blockages that may be your responsibility to repair. It pays to help protect yourself with our **WATER AND SEWER LINE INSURANCE POLICY.**



261221CACOM168

**IMMEDIATE ACTION FORM**

**YES!** I want *protection and peace of mind.*  
Enroll me in the:

<b>SELECT ONE:</b>	<b>DUE MONTHLY:</b>
<input type="checkbox"/> WATER AND SEWER LINE INSURANCE POLICY	<b>\$13.99</b> <b>Best Value!</b>
<input type="checkbox"/> WATER LINE INSURANCE POLICY ONLY	<b>\$5.99</b>
<input type="checkbox"/> SEWER LINE INSURANCE POLICY ONLY	<b>\$9.99</b>

**HOMEOWNER NAME:** Ronald J Roland

**SERVICE ADDRESS:** 33 Castro Rd  
Monterey CA 93940

**MAILING ADDRESS:** 120 Del Rey Gardens Dr  
Del Rey Oaks CA 93940-5709

Reference Number: 261221  
Premise Number: 050130247

**BF#:** M

**CONTACT INFORMATION:** Home Phone (required): ( ) - -  
E-mail:

**ADD DIRECTLY TO MY CALIFORNIA AMERICAN WATER BILL**  
I authorize the policy amount selected above to be added to my monthly California American Water bill in accordance with the Terms and Conditions of the Insurance Policies INSURANCE POLICY. Confirmation of enrollment will be sent to the above mailing address. Coverage begins 30 days after enrollment form is received and confirmed by American Water Resources Insurance Services. All policies are underwritten by Virginia Surety Company, Inc.

**X Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

AMR-AP-CA (6/2009)

## WATER AND SEWER LINE INSURANCE POLICY

Virginia Surety Company, Inc.  
175 W. Jackson Blvd.  
Chicago, IL 60604

Please read this Policy and retain it for Your records.

### DEFINITIONS

- **Administrator** means American Water Resources, Inc. doing business as American Water Resources Insurance Services, 1410 Discovery Parkway, Alton, IL 62002. Toll-Free 1-866-618-3892.
  - **Confirmation Letter** means the acknowledgement letter You will receive from the Administrator. The Confirmation Letter will include the following information:
    - Your Name
    - Your Covered Address
    - Your Policy Number
    - Your Effective Date
    - Your Policy Premium
  - **Customer-Owned Sewer Line** means the section of the lateral sewer service line You own that collects and conveys household wastewater from Your home to the Wastewater Collection System. This Policy covers the portion of Your Customer-Owned Sewer Line that is the most direct line between the exterior foundation wall of Your home and Wastewater Collection System. It does not include any connections or extensions such as lines to or from septic systems, leach fields or non-conforming drain lines and does not include any pumps or other mechanical devices that may be connected to Your Customer-Owned Sewer Line. In addition, it does not include any section of the sewer service line owned by others outside of this Policy to which Your Customer-Owned Sewer Line is attached.
  - **Customer-Owned Water Line** means the section of the single water supply line You own that runs from Your home to the connection owned by Your water utility company or municipality.
    - If the meter is located inside Your home, it is the section of the water supply line from Your property line to the inlet side of the meter.
    - If the meter is located outside Your home, it is the section of the water supply line from the outlet side of the meter to the shut-off valve inside Your home.
- It does not include any connections/extensions such as water lines to sprinklers and/or irrigation meters You may own or any section of the water supply line owned by others outside of this Policy to which Your Customer-Owned Water Line is attached.
- **Effective Date** means the date coverage begins under this Policy, which is thirty (30) days after Your Enrollment Date.
  - **Enrollment Date** means the date Your enrollment is received, processed, and confirmed by the Administrator.
  - **Service Fee** means the \$50 fee You must pay each time the Administrator dispatches an authorized service provider to Your home to investigate, clear or repair a blockage of Your Customer-Owned Sewer Line.
  - **Wastewater Collection System** means the sewage collection system owned by Your local Wastewater Service Provider to which Your Customer-Owned Sewer Line is connected.
  - **Wastewater Service Provider** means Your local utility company or municipal sewer authority that owns and is responsible for maintaining the Wastewater Collection System that receives wastewater from Your home.

• **We, Us, and Our** means Virginia Surety Company, Inc., 175 W. Jackson Blvd., Chicago, IL, 60604.

• **You and Your** means the Policy holder named in the Confirmation Letter.

### A. COVERAGE

This Policy is between Us and You. We agree to arrange for a contractor to repair a leak in Your Customer-Owned Water Line and clear or repair a blockage in Your Customer-Owned Sewer Line due to normal wear and tear.

### B. ELIGIBILITY

You must be a residential homeowner of, and owner of the residence to which the Customer-Owned Water or Sewer Line is attached. Prior to Your Effective Date the following must be in working order:

- a. Your Customer-Owned Water Line must be free of leaks;
- b. Your Customer-Owned Sewer Line must be free of clogs or blockages.

Homeowners of multi-unit dwellings such as condominiums, townhomes or duplexes are eligible only if You have ownership and maintenance responsibility for coverage provided under this Policy as described under "Section A - Coverage". This Policy is not available to any tenant who rents or leases a single-family residential home.

### C. COVERAGE PERIOD

Coverage under this Policy will begin thirty (30) days after Your Enrollment Date. Your coverage will continue on a monthly basis provided You make payments to Us for the periodic Policy premium.

This Policy will renew automatically on a monthly basis and will continue to renew until canceled or non-renewed by You or Us, or You are thirty (30) days past due on any periodic Policy payment.

### D. YOUR RESPONSIBILITIES

1. **Your Customer-Owned Water Line**
  - If You suspect there is a water leak, call Your water utility company or municipality to investigate the source of the problem. In the event Your utility company determines that the leak is to Your Customer-Owned Water Line, then You must contact the Administrator at toll-free 1-866-618-3892 to request a repair. The Administrator will arrange to have an approved, independent contractor call You to set up a time to come out to Your home. The contractor will contact You within 12 hours for emergency service, or by 5:00 pm the next business day for all other service, to arrange for repair of Your Customer-Owned Water Line.
  - If a permit was acquired that requires repair to sidewalks located in public easements, and the cost to repair the sidewalk exceeds the maximum benefit of \$500, it is Your responsibility to pay any additional costs over \$500.
  - If repair cost to the Customer-Owned Water Line exceeds the Policy limit of \$5,000 per occurrence, it is Your responsibility to pay any additional costs over \$5,000. Any costs in excess of the Policy limit will be stated to You before work is performed and the Administrator will send You an invoice for all expenses over any Policy limit.
  - Beyond the previously outlined exceptions, You will not be charged any deductible in conjunction with a covered repair.
2. **Your Customer-Owned Sewer Line**
  - If You suspect there is a blockage, call Your Wastewater Service Provider to investigate the source of the problem. In the event Your Wastewater Service Provider determines that the blockage is to Your Customer-Owned Sewer Line, then You must contact the Administrator at toll-free 1-866-618-3892 to request a repair. The Administrator will arrange to have an approved, independent contractor call You to set up a time to come

out to Your home. After that call the contractor will be dispatched to Your home within 24 hours to clear or repair a blockage of Your Customer-Owned Sewer Line.

- If the cost to clear or repair a blockage of Your Customer-Owned Sewer Line exceeds the Policy limit of \$5,000, it is Your responsibility to pay any additional costs over \$5,000.
- If a permit is required for a public sidewalk or road opening repair and the cost to repair exceeds the additional Policy limit of \$5,000, it is Your responsibility to pay any additional costs over \$5,000.
- Any costs in excess of the Policy limits will be stated to You before work is performed and the Administrator will send You an invoice for all expenses over any Policy limit.
- It is also Your responsibility to pay the Service Fee to the authorized service provider immediately upon completion of service to investigate, clear or repair a blockage of Your Customer-Owned Sewer Line.

Meaningful service will be initiated within 48 hours from the time You call the Administrator and completed as soon as reasonably possible. If no meaningful service is initiated within said time limits and You have been available during that time, then You may engage Your own licensed contractor at Our expense.

It is Your responsibility to secure permission (right-of-way) associated with gaining access to repair Your Customer-Owned Water or Sewer Line that may pass through property that You do not own.

### E. LIMIT OF LIABILITY

The maximum amount We will pay for any covered repair under the Policy is \$5,000 per occurrence. Before the water or sewer line is repaired, if a permit is required, the Administrator will arrange for proper permitting before work will commence. The Administrator, one time only, will arrange for filling in, raking, and reseeded to the repaired area once the repair work is completed. All repairs to Your Customer-Owned Water or Sewer Line will comply with local code requirements.

1. **Your Customer-Owned Water Line**
  - Any subsequent repair made within sixty (60) days of the prior-covered repair will be considered as a part of the original covered repair and limited to the \$5,000 per occurrence limit.
  - If a permit was acquired to commence work on covered water lines and requires a sidewalk, located in public easement, to be repaired, the Policy will provide repair of said sidewalk up to \$500. Cost to repair sidewalks applies toward the Policy limit of \$5,000 per occurrence.
  - You will not, unless at Your own expense, engage a contractor or otherwise incur costs to repair the Customer-Owned Water Line on Our behalf.
2. **Your Customer-Owned Sewer Line**
  - Any subsequent service We provide to clear or repair a blockage of Your Customer-Owned Sewer Line that occurs within sixty (60) days of a prior-covered blockage service, will be considered as part of that prior-covered blockage service and limited to the \$5,000 per occurrence limit.
  - If a permit is required to commence work on Your Customer-Owned Sewer Line and requires a public sidewalk or public road to be cut, excavated and repaired, known as a public "Sidewalk or Road Opening," this Policy provides an additional limit of \$5,000 for a public Sidewalk or Road Opening. Only expenses directly related to a Sidewalk or Road Opening are paid under this separate limit. This additional limit, if applicable, does not add any additional coverage to the basic \$5,000

per occurrence limit to clear or repair a blockage of Your Customer-Owned Sewer Line.

- You will not, unless at Your own expense, engage a contractor or otherwise incur costs to clear or repair a blockage of Your Customer-Owned Sewer Line on Our behalf.

#### F. THIS POLICY DOES NOT COVER

##### 1. The following is not covered for Your Customer-Owned Water Line:

- Damage to Your Customer-Owned Water Line incurred or existing prior to the Policy Effective Date.
- Damage to Your Customer-Owned Water Line caused by the actions or negligence of You or third parties.
- Damage to Your Customer-Owned Water Line caused by natural disasters, or acts of nature, including, but not limited to, earthquakes, floods, landslides or sinkholes or any other insurable cause.
- Any section of the water supply line owned by others outside of this Policy to which Your Customer-Owned Water Line is attached.
- Any consequential, incidental or special damages You incur, regardless of whether they are caused by delays, failure to service or for conditions beyond the control of the Administrator. For example, this Policy does not cover 1) the cost of cleaning up, repairing or replacing property (other than repairing a leak or break of Your Customer-Owned Water Line and basic site restoration as provided above) which is damaged due to the leak or break of Your Customer-Owned Water Line; 2) costs and expenses incidental to the leak or break of Your Customer-Owned Water Line such as loss of time, loss of use of Your home and other property, costs to stay at a hotel or to rent a home and costs to move and store property outside Your home; and 3) damages You incur due to any special circumstances or conditions.
- Restoration of trees, shrubs, paved surfaces, or structures, for any reason.
- Any damage to finished or unfinished walls or surfaces inside Your home necessary to access and repair Your Customer-Owned Water Line.
- Leak repairs to any interior pipes beyond the shut-off valve inside Your home.
- Restoration of sidewalks not located in public easement. Also, restoration of sidewalks located in public easement but not required on the permit.
- Removal of debris necessary to access and repair Your Customer-Owned Water Line, including, but not limited to, old cars, trash, storage, rocks or materials.
- Movement of the meter at the time of repair, unless required by local code.
- Any rental dwellings for which the enrollment is in the name of the tenant or any dwellings used for commercial purposes. (Unit owners please refer to "Section B - Eligibility".)
- Updating non-leaking pipes to meet code, law or ordinance requirements or changes thereto.
- Movement of working pipes and/or lines.

##### 2. The following is not covered for Your Customer-Owned Sewer Line:

- A Customer-Owned Sewer Line 1) not connected to a public or municipal sewer system; 2) with a connection to or from a septic system, tank or leach field; 3) with a connection to or from any non-conforming drain line such as a basement or storm drain system.

- A blocked Customer-Owned Sewer Line 1) incurred or existing prior to Your Policy Effective Date; 2) caused by the actions or negligence of You or third parties; 3) caused by natural disasters, or acts of nature, including, but not limited to, earthquakes, floods, landslides, sinkholes or any other insurable cause.

- Any section of the sewer service line owned by others outside of this Policy to which Your Customer-Owned Sewer Line is attached.
- Blocked lift stations, ejector pumps, grinder pumps or any other mechanical devices connected to the Customer-Owned Sewer Line.
- Any portion of the Customer-Owned Sewer Line located inside or under Your home.
- Any blockage service required as a result of any local, city or state agency inspection of Your Customer-Owned Sewer Line.
- Any damage to the inside of Your home due to the backup of Your Customer-Owned Sewer Line.
- Restoration of trees, shrubs, structures, or sidewalks, driveways, or other paved surfaces.
- Restoration of non-public sidewalks/roadways or public sidewalks/roadways that are not required by permit to be repaired.
- Removal of debris necessary to access and clear or repair a blockage of Your Customer-Owned Sewer Line, including, but not limited to, temporary structures, old cars, trash, storage, rocks or materials.
- Any rental dwellings for which the Policy enrollment is in the name of the tenant or any dwellings used for commercial purposes. (Unit owners please refer to "Section B - Eligibility".)
- Updating non-blocked lines to meet code, law or ordinance requirements or changes thereto.
- Movement of working sewer lines for any reason.
- Any consequential, incidental or special damages You incur, regardless of whether they are caused by delays, failure to service or for conditions beyond the control of the Administrator. For example, this Policy does not cover 1) the cost of cleaning up, repairing or replacing property (other than clearing or repairing a blockage of Your Customer-Owned Sewer Line and basic site restoration as provided above) which is damaged due to the backup of Your Customer-Owned Sewer Line; 2) costs and expenses incidental to the backup of Your Customer-Owned Sewer Line such as loss of time, loss of use of Your home and other property, costs to stay at a hotel or to rent a home and costs to move and store property outside Your home; 3) any cost or expense relating to the clean-up or remediation of any hazardous substance or pollutant, including but not limited to asbestos, asbestos fibers or products containing asbestos; and 4) damages You incur due to any special circumstances or conditions.

#### G. PREMIUM AND/OR PROVISION CHANGES

We reserve the right to modify Your Policy premium and/or the Policy provisions with thirty (30) days written notice to You prior to implementation. You may terminate coverage by giving written notice at any time prior to the effective date of the change.

You grant the Administrator the right to obtain Your customer of record information from California American Water limited to Your name, address and telephone or other contact number. This information will be provided to Virginia Surety Company, Inc., the issuer of this insurance Policy and will be kept confidential by the Administrator and Us. This information will not be sold to any outside marketing companies.

#### H. CANCELLATION

This Policy shall be:

1. Cancelable by You at any time by calling 1-866-618-3892 or by mailing a cancellation request to the Administrator, Attention: Administrator, 1410 Discovery Parkway, Alton, IL 62002. If You cancel, the effective date of cancellation is the date the Administrator receives Your request. You have thirty (30) days from Your Enrollment Date to cancel and receive a full refund of any premium payments made. If You cancel more than thirty (30) days after Your Enrollment Date You will receive a pro-rata refund of the current Policy premium, less the cost of any service performed under this Policy.
2. This Policy Shall be non-cancelable by Us, except for:
  - a) Nonpayment of Policy premiums; or
  - b) Fraud or misrepresentation; or
  - c) The event that Your property is not eligible for coverage under this Policy, Our only obligation is to refund any premium payments made by You to Us. Once We have paid You this refund, the Policy will be voided as of Your Enrollment Date.
3. Your Policy will be subject to cancellation once You are thirty (30) days past due on any payment for this Policy. If Your Policy has been cancelled due to non-payment, You may re-enroll and receive a new Enrollment Date and new Effective Date.

Any refund as a result of the cancellation of the Policy by either You or Us, will be determined on a pro-rata basis of the current Policy premium less the cost of any service performed under this Policy. If You are owed a refund, it will be processed via the payment method You chose to pay for the Policy.

Notice of cancellation by Us will be in writing and will include the reason and effective date of cancellation.

#### I. TRANSFER OF POLICY

You may neither transfer this Policy to a new owner of the covered property nor transfer this Policy to a different residence owned by You.

#### J. POLICY PAYMENT ARRANGEMENTS

Payment of Policy premium may be done in the following way:

You authorize the Administrator to arrange for the required periodic premium payment to be added to Your California American Water bill. Your Policy will be subject to cancellation once You are thirty (30) days past due on any premium payment. Your payment to California American Water will first be applied to Your utility fees and lastly to Your Policy premium. Failure to make payment for the Policy will not affect continuation of Your water utility service.

VSC-AMR-COMB-CA-M (05/2006)

CA Combo TC 0407.2

CA CO M.110106



ERIC MILLER  
ARCHITECTS

RECEIVED

FEB - 1 2010

MPWMD

HAND  
DELIVERED

January 29, 2010

Mr. Darby Fuerst, General Manager  
5 Harris Court, Building G, P.O. Box 85  
Monterey, Ca 93942-0085

RE: Electronic Water Meter Substitution  
Trevvett Court Low-Income Housing Project, Carmel California

Dear Mr. Fuerst:

I am writing to request a substitution of mechanical water meters for the requested electronic water meters.

In our initial submittal of Trevvett Court Senior Housing we included Minomess 130 mechanical water meters. At the board meeting in August of 2009 the Board required the use of electronic water meters. As a result, Eric Miller Architects sent a Request for Proposal to our Contractor for this required change in meters. We received the Change Request and the proposed change will be an additional cost of \$37,195.00 to the Client. Our Client, Carmel Foundation, a non-profit organization, cannot afford this additional cost. Because of this, we are respectfully requesting to substitute the Minomess 130 mechanical water meters for the electronic water meters.

Please refer to the attached plumbing plan showing the location of the water meters at each unit for hot and cold water. Additionally included are specifications for the proposed Minomess 130 meters and technical specifications for the electronic meters; T-10 by Neptune for the cold water and S130 by Elster for the hot water. Refer to the clouded text in the attachments for this information as it compares as follows:

Meters comparison table				
	AWWA Spec	Minomess 130	T-10 electronic	S130 electronic
Minimum flow (0.25-1 gpm)	+/- 3%	+/- 3%		+/- 5%
Normal flow (0.25-1 gpm)	+/- 1.5%	+/- 1.5%	from -2% to 0.5%	+/- 2%

Please note that based on the attached flow accuracy information for each meter, the Minomess meters are identical or better to the electronic meters in their performance.

I appreciate your cooperation in this matter. Please do not hesitate to call Eric Miller or myself at (831)372-0410 if you have any questions.

Sincerely,



Alan Dermicek, Architect  
Eric Miller Architects

Enclosures (5):

Change Order #10 from SBI Contractors with MCS letter dated 08/04/2009  
List Engineering Addendum drawings dated 06/18/2009  
Minomess 130 Specifications and Warranty  
T-10 Electronic cold water meter specifications  
S130 Electronic hot water meter specifications

CC: Stephanie Pintar  
Gabby Ayala  
Jill Sheffield, Carmel Foundation  
Eric Miller, Eric Miller Architects, Inc.  
File

CAÑADA WOODS WATER COMPANY

PO Box 221850

Carmel, CA 93922

(831)656-9266 Fax: 656-9480

RECEIVED

JAN 28 2010

MPWMD

VIA FACSIMILE AND EMAIL

January 28, 2010

Chair Markey and Members of the MPWMD  
Board of Directors  
5 Harris Court, Building G  
PO Box 85  
Monterey, California 93942

**Re: MPWMD January 28, 2010 Agenda Item No. 20**

**Consider Adoption of Urgency Ordinance No. 143 Temporarily Suspending Processing and Receipt of Applications for Water Distribution Systems in Fractured Rock Formations**

Dear Chairperson Markey and Members of the Monterey Peninsula Water Management District (MPWMD) Board of Directors:

It has come to our attention that the Monterey Peninsula Water Management District Board will be considering the adoption of an urgency ordinance during your January 28, 2010 meeting, which involves the suspension of processing and receipt of applications for water distribution systems supplied by wells drilled in fractured rock. The proposed ordinance is being considered in order to enable the District staff to focus on concerns expressed by members of the public regarding the drilling of wells on small lots in urban areas, and related concerns regarding adequate area for groundwater recharge and well replacement on these smaller lots.

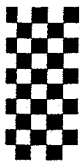
We were pleased to see that the Water Management District staff and the Monterey County Health Department staff have recognized that the



Canada Woods Water Company (CWWC), as an independent public utility water company serving the Tehama and Monterra subareas, should not come within the purview of this ordinance. Under Section Five A(1) of the proposed ordinance, an exception would be provided for parcels outside of the California American Water service area. The CWWC is currently permitted to provide water service to a defined service area within the Tehama and Monterra subareas, and has a maximum quantity of water that has already been determined to be sustainable for 100% of the planned and approved uses within the CWWC service boundary. Moreover, all of the properties within the CWWC service area are prohibited from drilling individual wells on their property. Thus, any applications filed by the CWWC would be exempt under Section Five A(1), and CWWC supports this exception. However, for clarification purposes, we request that the District add the language "Any existing public utility or" prior to the language "any parcel that is outside of the CAW service area" to Section Five (A)1.

Moreover, under Section Five A(6) of the proposed ordinance recommended by the District and Environmental Health staff, an exception would be provided for "Qualified Exemption Requests" for existing or replacement wells. The District staff report identifies a pending request by the Canada Woods Water Company for replacement of some of its older wells as the type of exemption request fitting within this exception (and any other potential future requests for "existing or replacement wells"). (See staff report, Exhibit 20-B)

Again, the Canada Woods Water Company already has an approved water distribution system permit, and extensive environmental review has already been undertaken to support the Canada Woods Water Company water system. Since 2008, the Canada Woods Water Company has been awaiting the District's approval of a minor amendment to replace some of its older wells with newer wells that have better water quality and hence will reduce treatment related costs. Unfortunately, a backlog in the District's processing has already resulted in a nearly two year delay in staff's processing of Canada Woods Water Company's minor amendment to its existing WDS as issued by your District. The Canada Woods Water Company has an obligation as a public utility to serve its customers, and further delay in processing will result in undue burden and expense. As such, we agree that the general category of exemptions under Section Five A(6) is appropriate to be exempted.



### Conclusion

So, in summary we are pleased that the District Board recognizes the urgency ordinance should not apply to the Canada Woods Water Company. We respectfully request that if the MPWMD proceeds with this urgency ordinance that **the District Board include the following change to the exception under Section Five A(1) so it reads as follows:**

**(1) Any existing PUC water utility or any parcel that is outside of the CAW service area.**

Finally, we would request that you **approve the exception under Section Five A(6) for Qualified Exemption Requests** as recommended by District and Environmental Health staff.

Thank you for your consideration.

Sincerely,

Canada Woods Water Company

R. Alan Williams, Manager

MARK A. CAMERON  
 JOHN S. BRIDGES  
 DENNIS G. MCCARTHY  
 JACQUELINE P. MCMANUS  
 CHRISTOPHER E. PANETTA  
 DAVID C. SWEIGERT  
 SARA B. BOYNS  
 SHARILYN R. PAYNE  
 BRIAN E. TURLINGTON  
 AMBER D. PASSNO  
 CAROL S. HILBURN  
 SHERYL L. AINSWORTH  
 TROY A. KINGSHAVEN  
 IAN E. YOUNG

**FENTON & KELLER**  
 A PROFESSIONAL CORPORATION  
 ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY  
 POST OFFICE BOX 791  
 MONTEREY, CALIFORNIA 93942-0791  
 TELEPHONE (831) 373-1241  
 FACSIMILE (831) 373-7219  
 www.FentonKeller.com

LEWIS L. FENTON  
 1925-2005

OF COUNSEL

CHARLES R. KELLER  
 RONALD F. SCHOLL  
 THOMAS H. JAMISON  
 GARY W. SAWYERS

January 27, 2010

JOHN S. BRIDGES

JBridges@FentonKeller.com  
 ext. 238

**VIA EMAIL (darby@mpwmd.dst.ca.us)**

Monterey Peninsula Water Management District Board of Directors  
 c/o Darby Fuerst, General Manager  
 5 Harris Court, Building G  
 Monterey, CA 93940

Re: January 28, 2010, Agenda Item 20 - Proposed Urgency Ordinance Regarding Fractured Rock Wells

Dear Board Members:

There is no factual basis for a determination of emergency that would justify adoption of the above referenced urgency ordinance. Alleged public concern and speculation do not create an emergency. In fact, consideration of prospective regulation of fractured rock wells was underway through normal District procedures until just last week with the expectation that a non-urgency ordinance could be brought before the Board for public discussion at the February meeting. Nothing happened in the last week that created a sudden emergency nor has there been any change whatsoever in the circumstances relative to this issue. The staff report readily admits this fact several times when it states:

...it is notable that there is no current evidence in District files that shows environmental degradation or loss of water supply associated with fractured rock wells within the District boundary.

And, with regard to pending complete applications:

...There is no evidence that these four projects would result in adverse cumulative impacts.

And, with regard to all pending permit applications (whether complete or not):

...There is no evidence that these limited numbers of applicants with projects throughout the District would result in an adverse cumulative impact to water resources.

Monterey Peninsula Water Management District Board of Directors  
 January 27, 2010  
 Page Two

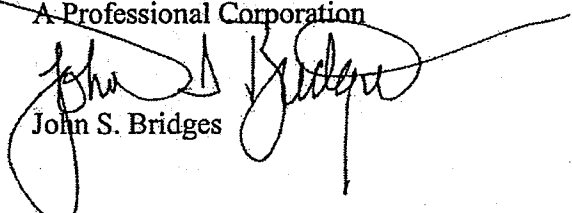
Indeed, the available evidence concludes that speculative concern about potential cumulative impacts is unfounded (reference the January 4, 2010, letter from Bierman Hydrogeologic, with which the District's Water Resources Manager and the District's own hydrogeology consultant (Pueblo Water Resources) generally concur). In addition, as an example, the hydrogeological well assessment report prepared by Martin Feeney for the pending Bronson/Chopin application (APN 009-012-013) concludes the Bronson/Chopin well will have an insignificant and unmeasurable impact on surrounding wells or sensitive receptors (see Attachment 1 excerpt). Mr. Feeney's analysis was peer reviewed by the District's Water Resources Manager, Joe Oliver, and Mr. Oliver reached the same conclusion. In fact the well yield for the Bronson/Chopin well is over 60 times the maximum day 12-hour demand (see Attachment 2 excerpt). It is worth noting that the Bronson/Chopin well was also approved by the Monterey County Planning Commission last year. An appeal of that approval is scheduled for final action by the Board of Supervisors next Tuesday, February 2, 2010.

Finally, to corroborate comments from your District staff as well as Monterey County Health Department staff regarding WDS applicants' investment of time and resources in the process, the Bronsons, again as an example, have incurred costs to date related to their well in excess of \$95,000 (see Attachment 3). I'm sure other pending applicants have also incurred significant costs.

In summary, there is no emergency and there is no legal or factual basis for the adoption of an urgency ordinance. In any event, pending WDS applicants like the Bronsons and others should, in fairness, be allowed to proceed. If the District desires to consider future study and/or regulation of fractured rock wells it certainly can do so prospectively and in accordance with normal procedures, full disclosure and public debate, and adequate due process for property owners.

Very truly yours,

FENTON & KELLER  
 A Professional Corporation

  
 John S. Bridges

JSB:kmc  
 Enclosures

cc: Board Member Alvin Edwards  
 Board Member Judi Lehman  
 Board Member Kristi Markey  
 Board Member Regina Doyle  
 Board Member Bob Brower  
 Board Member David Pendergrass  
 David Laredo, District Legal Counsel  
 Henrietta Stern  
 Mr. & Mrs. Bronson

Martin B. Feeney  
Consulting Hydrogeologist

ATTACHMENT 1

P.G. 4634  
C.E.G. 1454  
C.Hg 145

**WELL ASSESSMENT REPORT  
Bronson Well – Carmel Valley Uplands Area**

**PURPOSE AND SCOPE**

The purpose of this report is to document the testing of the subject well in accordance with the testing procedures adopted by the Monterey County Environmental Health Department (MCEHD) and Monterey Peninsula Water Management District (District). The document includes analysis of the collected data in accordance with the procedures outlined by the District in the document entitled Procedures for Preparation of Well Source and Pumping Impacts Assessments dated September 2005. The specific requirements for well assessment reports depend on the hydrogeologic setting and the proposed use for the well. The well is constructed in fractured bedrock and is more than 1,000 feet from the mapped edge of the Carmel River alluvium. The proposed use of the well is to support a single-family residence. A pre-application was submitted and the District has determined that the appropriate level of analysis is Level 2, Setting 2. This document is designed to meet the requirements of this level of analysis.

**WELL SPECIFICS**

<b>Well Name:</b>	Bronson Well	<b>Owner :</b> Lyn and Rene Bronson
<b>Physical Address:</b>	24479 San Juan Rd., Carmel, CA	
<b>Elevation:</b>	~ 449 feet (from USGS topo)	<b>Lot Size:</b> ~ 0.5 acres

The well was drilled and completed to a depth of 380 feet by Maggiora Brothers Drilling of Watsonville, California. The casing is 5-inch diameter PVC with intermittent perforations between depths of 180 to 380 feet. Review of the drillers log indicates the well bore encountered the Monterey Shale from the surface to total depth. This author was not involved in well siting, design, construction, or testing of the well. The well log is included in the Appendix and the design information is shown on the Summary Table. The location of the well site is indicated by the star in the Figure below.



## WATER QUALITY

Water quality samples were collected at the completion the test pumping and analyzed by Monterey Bay Analytical Services. The laboratory analysis reveals the water to be of a sodium-chloride chemical character with a total dissolved solids concentration of 1,440 milligrams per liter (mg/l). The water meets drinking water standards for all primary (health based) drinking water standards. The water exceeds secondary standards (esthetic based) for chloride (302 mg/l verses standard of 250 mg/l). The water is also extremely hard. In general, water quality is fair for fractured bedrock aquifers in the area. The full laboratory report is included in the Appendix.

## CONCLUSIONS

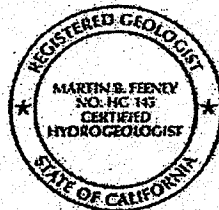
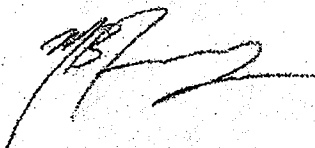
- During the testing period, the well displayed conventional drawdown response and recovery. No evidence of boundary conditions or well interference was observed. Based on the data collected and the observed response, the well performance meets the regulatory standards for the proposed use.
- Based on the analysis of the data developed during the pumping test, the subject well will have an insignificant and unmeasurable impact on surrounding wells or sensitive receptors. Theoretical drawdown impacts at a distance 1,000 feet are calculated at less than a tenth of a foot.

## CLOSURE

The performance of wells producing from fractured bedrock can be highly variable. This report documents the performance of the well at the time of testing. Climatic or seasonal changes and the actions of other pumpers in the area can affect future well performance. Environmental changes, either naturally occurring or artificially induced, may cause the quality and/or quantity of water produced to change with time. This report expressly does not constitute a guarantee of future performance.

--00--

Date: November 17, 2008

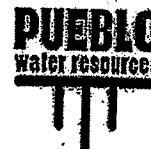


Martin B. Feeny

**ATTACHMENT 2****TECHNICAL MEMORANDUM****Pueblo Water Resources, Inc.**4478 Market St., Suite 705  
Ventura, CA 93003

Tel: 805.644.0470

Fax: 805.644.0480



To:	<u>MPWMD</u>	Date:	<u>February 6, 2009</u>
Attention:	<u>Joe Oliver, P.G., C.Hg, Water Resources Manager</u>	Project No:	<u>06-0013</u>
Copy to:	<u>Henrietta Stern Matthew Sundt</u>		
From:	<u>Robert Marks, P.G., C.Hg</u>		
Subject:	<u>Review of Well Source and Pumping Impact Assessment for Chopin/Bronson Well, APN 009-012-013</u>		

**INTRODUCTION**

Presented in this Technical Memorandum is a summary of our findings and conclusions based on our review of the above-referenced assessment report. The assessment report, dated November 17, 2008, was prepared for Lyn and Rene Bronson by Martin B. Feeney, C.Hg. It is our understanding that the subject parcel was subsequently purchased by Chopin Enterprises, who submitted the assessment report in support of a Water Distribution System (WDS) permit application for the property. An existing well located on the parcel, identified herein as the Chopin/Bronson Well, is proposed to be utilized to supply potable and exterior landscape irrigation water to a conceptual single family residence to be constructed in the future on the subject parcel.

Our review focused on evaluating the assessment report for compliance with the MPWMD Procedures for Preparation of Well Source and Pumping Impact Assessments (MPWMD Procedures), dated September 2005 (revised May 2006). A summary of our findings is presented below.

**FINDINGS****Hydrogeologic Setting**

The proposed WDS and subject well are located in the Carmel Woods area. The well is greater than 1,000 feet from the mapped boundary of the Carmel Valley Alluvial Aquifer (CVAA), and is completed with perforations in fractured shale of the Monterey Formation. As such, Hydrogeologic Setting #2 of the MPWMD Procedures is applicable to this well.



## CONCLUSIONS

Based on our review of the subject assessment report, we offer the following conclusions:

### Well Capacity

The maximum day 12-hour demand for the subject WDS was calculated to be approximately 0.93 gpm, which is significantly less than the calculated well yield of 57.52 gpm; therefore, based on MPWMD Procedures the well capacity is considered **sufficient** for the **0.5 afy** annual demand for this WDS.

### Water Quality

The water quality results indicate that the water met all of the Maximum Contaminant Level (MCL) drinking-water standards for primary inorganic constituents; however, the water exceeded the recommended MCLs for a few secondary (aesthetic consumer acceptance-based) constituents; therefore, the MCHD should be consulted regarding treatment recommendations and/or requirements for this source and WDS.

### Analysis of Offsite Impacts

Analysis of projected drawdown at offsite wells as a result of pumping the subject well to meet the demands of the subject WDS indicates that the impacts should not be significant. There are no SERs located within 1,000 feet of the subject well.

## CLOSURE

This memorandum has been prepared exclusively for the Monterey Peninsula Water Management District for the specific application to processing of a Water Distribution System permit. The findings and conclusions presented herein were based on our review of the subject assessment for compliance with MPWMD Procedures. No other warranty, express or implied, is made.

It is noted that the long-term sustainable capacity and offsite impacts of wells completed in fractured-bedrock settings is dependant on a variety of factors that cannot be fully evaluated through analysis of relatively short-duration pumping tests. The movement and long-term availability of groundwater in these materials is controlled by the occurrence, connectedness, and distribution of fractures. The distribution and connectedness of fractures to sources of recharge are essentially random, and the volume of groundwater in storage in these systems is often



ATTACHMENT 3Chopin Enterprises  
Expenses Incurred for Producing a Well  
San Juan Street, Carmel  
2007 to Present

<b>Nature of Expense</b>	<b>Amount</b>
Maggiora Bros. - Drilling Expense	\$33,943.28
Erik Dyar - Site preparation planning	\$22,164.35
Botanical Planning Services	\$500.00
Archeological Consultancy	\$600.00
Martin Feeney - Hydrologist	\$3,699.75
Jon Hagemeyer - surveyor	\$800.00
Frank Ono - Arborist	\$675.00
MPWMD - fees and permits	\$2,590.00
County of Monterey - permits & fees	\$6,303.37
Fenton & Keller - legal fees	\$24,000.00
<b>Total</b>	<b>\$95,275.75</b>



**CENTRAL COAST COUNTIES  
4825 CROY ROAD  
MORGAN HILL, CA 95037  
(408) 779-5904**

**RECEIVED**

January 19, 2010

JAN 25 2010

**MPWMD**

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

**RE: Suspension of 'Acceptance' or, 'Processing' of Existing Water Distribution System Permits**

Dear Ms Stern:

I am writing on behalf of the professional water well drilling and pump contractors in Monterey County who met at our quarterly dinner meeting last week.

In short, we oppose a temporary suspension of 'acceptance' and/or, 'processing' of existing WDS permits for all wells within the District that derive a water supply for fractured hard-rock aquifers. We feel that this is excessive and unnecessary, considering that the MCHD, MPWD and State of California already have rules and regulations in place regarding well yields and usage for projects and development.

In this time of economic hardship, this suspension would be detrimental to the land owner/applicants and the water well professionals in the area. Thank you for your consideration.

Cordially,

*Augie Guardino*

**Augie Guardino  
CGA Central Coast Branch Secretary**

**Cc: CGA Central Coast Branch Members**

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

Attorneys at Law A PROFESSIONAL CORPORATION

WWW.NHEH.COM  
E-MAIL DETIENNE@NHEH.COM  
831-424-1414 EXT. 224  
OUR FILE NO. 18808.000

Harry L. Noland  
(1904-1991)

Paul M. Hamerly  
(1920-2000)

Myron E. Etienne, Jr.

James D. Schwefel, Jr.

Stephen W. Pearson

Lloyd W. Lowrey, Jr.

Anne Secker

Randy Meyenberg

Michael Masuda

Christine Gianascol Kemp

Jo Marie Ometer

Terrence R. O'Connor

Dale E. Grindrod

Lisa K. Omori

Leslie E. Finnegan

Timothy J. Baldwin

Charles Des Roches

Of Counsel

Peter T. Hoss

Martin J. May

January 18, 2010

RECEIVED

JAN 21 2010

MPWMD

VIA E-MAIL

Ms. Henrietta Stern  
Monterey Peninsula Water Management District  
P. O. Box 85  
Monterey, CA 93942-0085

Re: Hartnett WDS 20090102HAR / Jan. 28, 2010 Urgency Ordinance

Dear Henrietta:

This is a follow up to the voicemail message I left for you today.

We have just learned that the MPWMD is taking up consideration of an Urgency Ordinance to suspend WDS permits at their Jan 28, 2010 meeting which action would include suspending all new applications for Water Distribution System permits and all processing of existing applications.

I cannot tell you how distressed I am over the possibility of suspending the processing of existing applications, as far as the Hartnett project is concerned.

As you know, it has been over a year since we have been pressing for a WDS permit for the Hartnett project. The application has been deemed complete, the District approved the hydrogeological report and the District approved a rough draft of the WDS permit. Mr. Fuerst also indicated in a recent letter that the District believes there is adequate water supply for the proposed uses and that the resource system and neighboring wells would not be adversely affected by the creation of the Hartnett WDS.

As you know, the well is completed, pumping and ready to go. The only thing left to do at this time is to go forward with the application with the County, which we are in the process of doing.

PHONE 831-424-1414

FROM MONTEREY 831-372-7525

FAX 831-424-1975

333 SALINAS STREET POST OFFICE BOX 2510 SALINAS, CA 93902-2510

18808\000\439332.1:11810

Ms. Henrietta Stern  
January 18, 2010  
Page 2

I am imploring the District to not make such a broad suspension as is presently being considered. I can understand, perhaps, all new applications; however, if there are existing applications which have absolutely no bearing, burden or affect whatsoever on adjoining properties, such as is the case with the Hartnett project, then there is no reason to suspend the process.

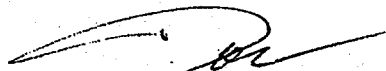
It would be different if our well had any impact of any nature or kind on existing water distribution systems, but it definitely does not. There is no logical reason whatsoever to suspend the processing of the Hartnett application, and I would appreciate your immediate response to this email.

Please do whatever is necessary so that this does not happen to someone who has been pushing the Water Management District for their permit, as indicated above, for over a year.

Thank you for your past courtesies in connection with this matter. I hope to hear from you at your earliest convenience regarding this extremely important matter.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation



Myron E. Etienne, Jr.

MEE:ng

cc: ✓ Darby Fuerst, District General Manager  
David Laredo, District Counsel  
Dave Potter, District Board Member  
Stephen Hartnett  
Edward Bennett