



Supplement to 6/20/11 MPWMD Board Packet

Attached are copies of letters received between May 10, 2011 and June 14, 2011. These letters are also listed in the June 20, 2011 Board packet under item 24, Letters Received.

Author	Addressee	Date	Topic
John P. Donnelly	Robert S. Brower, Sr.	6/8/2011	San Clemente Dam Removal and Reroute Project
Mani Mohan	Darby Fuerst	6/6/2011	Fleet Numerical Meteorology & Oceanography Cntr.
Emily Smith	Stephanie Pintar	6/16/2011	Withdrawal of Appeal of Decision of General Manager to Deny a Lawn Removal Rebate
Keith Israel	Darby Fuerst	6/16/2011	Retirement Acknowledgement for Andrew Bell, Inder Osahan and June Silva
Margaret L. Thum Esq.	MPWMD Board	6/16/2011	Request for Reconsideration for Appeal of Decision of Non-Compliance upon Final Inspection for Permit 30234
Linda Tulett	MPWMD Board	5/9/2011	Certificate of the Registrar of Voters for the Monterey Peninsula Water Management District Election held on May 3, 2011

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EDMUND G. BROWN Jr., Governor
NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
WILDLIFE CONSERVATION BOARD
1807 13th Street, Suite 103
Sacramento, California 95811-7137
www.wcb.ca.gov
(916) 445-8448
Fax (916) 323-0280

June 8, 2011

Mr. Robert S. Brower Sr.
Board Chair
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

RECEIVED

JUN 14 2011

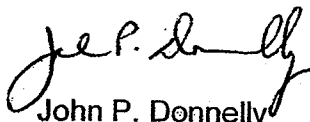
MPWMD

Dear Mr. Brower:

Thank you for your letter of support for the restoration of the Carmel River through the removal of the San Clemente Dam. The project was considered and approved as proposed by the Wildlife Conservation Board on June 2, 2011, and the Board allocated \$7,000,000.00 toward that effort.

This is a great opportunity to return one California river to a natural, free-flowing state, and we look forward to working together with all of our partners over the next few years to complete this project. Again, thank you for your support.

Sincerely,


John P. Donnelly
Executive Director

CC: Jeff Single, Regional Manager
DFG Central Region



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JUN 13 2011

MPWMD

June 6, 2011

Mr. Darby Fuerst

General Manager

MPWMD

5 Harris Court, Bldg. G

Monterey, CA 93940

Hello Mr. Fuerst,

As you requested, OpalSoft is currently working with the agency below.

- 1. **The Fleet Numerical Meteorology and Oceanography Center (FNMOC)**

Best Regards,

Mani Mohan

Manager – Finance & Operations

OpalSoft, Inc.
 1288 Kifer Road, Suite 201, Sunnyvale, CA 94086
 Phone: (408) 267-2211 • Fax: (408) 774-1451

To:
Stephanie Pintar
MPWMD
5 Harris Court, bldg. G
Monterey, CA 93940

May 16, 2011

RECEIVED

MAY 16 2011

MPWMD

From:
Emily Smith
1179 Waring Street
Seaside, CA 93955

RE: Withdraw of appeal of decision of General Manager to deny a Lawn Removal Rebate.

Dear Stephanie and MPWMD,

I have decided to withdraw my appeal of decision of General Manager to deny a Lawn Removal Rebate. After learning more from the staff at MPWMD I realize that my appeal has little chance of being granted. I based my appeal on the fact that the paperwork sent to me did not mention that I had to complete my application within six months. I have learned that that information was not on paperwork but was in details that I could have found by searching for more information via MPWMD. Given this information I'd like to withdraw my appeal and respectfully request to have my \$250 fee returned.

We are committed to water conservation at our home and would like to offer our yard as a demonstration for how others can convert their thirsty lawn into a beautiful native habitat that requires very little water and lots of beauty. Thank you for your time.

Sincerely,

Emily A. Smith



Monterey Regional Water Pollution Control Agency

"Dedicated to meeting the wastewater and reclamation needs
of our member agencies, while protecting the environment."

Administration Office:
5 Harris Court, Bldg. D, Monterey, CA 93940-5756
(831) 372-3367 or 422-1001, FAX: (831) 372-6178
Website: www.mrwpc.org

May 16, 2011

RECEIVED

MAY 16 2011

MPWMD

Mr. Darby Fuerst, General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Dear Darby,

**SUBJECT: Retirement Acknowledgement for
Andrew Bell, Inder Osahan and June Silva**

The acknowledgement you are providing this evening to employees who have served your District for a number of years, allows me the opportunity to note their contribution to our "special districts" community.

I have had the privilege to know and to interface directly with each – Andrew, Inder and June, and in doing so, have experienced very positive impressions. Each has continuously represented your District in a very professional way. The positive attitude and engaging cooperation they have demonstrated to me and our agency staff has illustrated what we all appreciate and would like to see in every public employee.

It is regretful to see them leave the District, but wishes from this agency are that they have continued successes in their next endeavors.

Very sincerely,


Keith Israel, General Manager

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MAY 19 2011

MPWMD

Margaret L. Thum, Esq.
PO Box 117683
Burlingame, CA 94011

May 16, 2011

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

**Re: Request for Reconsideration for Appeal of Decision of
Non-Compliance upon Final Inspection for Permit 30234
Property Address: 951 Coral Dr., Pebble Beach, CA 93953 (the "Property")
APN: 007-254-005-000**

Dear Monterey Peninsula Water Management District Board:

We respectfully request this Board to reconsider its decision on the above-mentioned matter reviewed at the hearing on April 18, 2011. For purposes of this letter "District" shall mean the Monterey Peninsula Water Management District.

Our request for reconsideration is based on the following:

- Based on the list of Board members on the District's website, not all of the Board members were present at the meeting, specifically Director Alvin Edwards and possibly others. Although we acknowledge that a majority were present, we believe that all of the Board members should vote on this matter, in case those members absent would vote differently and persuade the other Board members to reverse their decision. We also believe that the Board member(s) not present at the meeting should have an opportunity to review the letter we submitted during the hearing, including (without limitation) the right we reserved under 42 U.S.C 1983, as this may impact the absent Board member(s).
- The Board did not review our letter submitted at the hearing on April 18, 2011, before voting on our appeal. Before the Board voted on this matter at the hearing, the Chairman asked the Staff if they had any comments on the letter we submitted. The Staff representative, Ms. Pinter, indicated that she could not respond, because she had not had a chance to review our letter. The Board ignored the basics of procedural due process requirements of a fair hearing and reviewing all of the evidence presented, the Board immediately proceeded with voting on our appeal.
- Board members who were in attendance stated their decision was based on citizens relying on its rules. At the hearing, Director Markey kindly stated that she could understand that we may not be aware of these types of rules because we are from out of the local area, but the rules must govern. At the hearing we tried to mention that it is the District that did not follow its rules, which could have avoided this entire issue. See District Rules 23, 24 and 144.
- At the hearing, Director Doyle indicated that the Board relies on the District staff to interpret the rules. This further illuminates our point – only the District Staff is able to interpret the rules, and only they are able to determine what is counted and what is not. As mentioned in our letter dated April 18, 2011, the District's fixture counting rules don't count every fixture in the house (for example, we have the same handheld faucet in the master shower and

Monterey Peninsula Water Management District
May 16, 2011
Page 2 of 3

master bath tub, but the District only counts the handheld faucet in the master shower), which is confusing, and which requires reliance on the District's fixture count inspection. Furthermore, this vesting of sole power and understanding in the District Staff has disadvantaged us and others similarly situated.

- At the Board's meeting on April 18, 2011, California American Water Company provided a report indicating that higher water rates have had the intended effect of reducing overall water usage in the District. There was not a District report on the current number of water fixtures now in the District, nor was there any report on how counting residential water fixtures has enabled the District to curtail water usage or better estimate water usage. This further demonstrates the point that the count of water fixtures is not key to estimating water usage – rather, it is the cost of the water that determines water usage (i.e., water usage is inversely proportional to water rates).
- As mentioned in our letter submitted at the hearing, Mr. Anatoly Ostretsov of IDG, the architectural firm that prepared the plans to add the new bathroom under permit 30234 and the house remodel under 24754, relied on the latest inspection provided by the District when preparing the permit application. Mr. Jun Sillano, President of IDG, confirmed in the attached letter dated April 18, 2011, that the 2000 plans referenced in the District's report are "builder's plans" and during construction these plans likely changed. We were not owners of the Property back in 2000, and have no access to those plans. Mr. Sillano also indicated in the attached letter that the District does the final count of water fixtures, which is what Mr. Ostretsov relied upon when applying for permit 30234.
- To further confirm the statements made in our letter presented at the hearing on April 18, 2011, attached is a letter from Lennart Caspersen, General Manager of Herbeau, confirming that the fixtures in the downstairs bathroom has never come in a diverter model.
- The Staff report lists five remedies, and we indicated that each of these would either result in additional expense or were impossible to perform. Here is a summary:
 - The staff suggests we could approach the County of Monterey for a permit for water from its Allocation. Mike Logsdon of the Monterey County Water Resources Agency informed us that the County has not had any available water allocation since 1994, and the District is aware of this. Thus, this not an option.
 - The staff suggests that we purchase Entitlement water from Pebble Beach. This would cost us an additional \$10,000, after we've now completed building the bathroom. This significant additional cost was not included in our budget.
 - The Staff report suggests that we permanently remove the two "showerheads" (in actuality they are handheld faucets) that were installed when we purchased the house (See our prior correspondence and letter submitted at the hearing by Tony Sollecito). This would come at great expense – approaching \$20,000 for the fixtures alone, not to mention re-plumbing and reinstallation of tile (if the current tile can be purchased). This significant additional cost was not included in our budget.

Monterey Peninsula Water Management District
May 16, 2011
Page 3 of 3

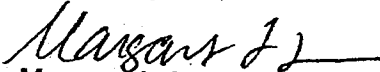
- o The staff suggests that we can partially off-set our water fixture count by removing all of the toilets in the home (including the one we just installed less than a year ago per the District's permit 30234) and replacing the two dishwashers in the home (that are less than four years old). According to the District, we would still need to purchase additional water credits. This significant additional cost was not included in our budget.
- o The Staff suggests replacing the current shower systems with a diverter. As mentioned previously, the Herbeau fixture does not come with a diverter – it never has. Thus, this is not an option.

For these reasons, and those listed in our prior correspondence, including (without limitation) our letters dated July 28, 2010, March 25, 2011 and April 18, 2011, we respectfully request this Board to reconsider its decision indicated at the hearing on April 18, 2011. In addition, we respectfully request this Board to notify us in writing of its decision to reconsider our appeal on or before May 31, 2011.

All attachments, exhibits in prior correspondence, District rules, regulations, ordinances, documents provided as part of the California Public Records Request Act ("CPRA") request, and correspondence between the parties related to this appeal and the CPRA request are incorporated in this letter by reference.

If the Board has any questions, please feel free to contact me at 650-218-1937. Please note that this letter is written without prejudice to our rights, all of which are hereby expressly reserved.

Very truly yours,


Margaret L. Thum, Esq.

Attachments



INTERNATIONAL DESIGN GROUP
ARCHITECTURE ■ INTERIOR DESIGN

April 18, 2011

Mr. and Mrs. Richard Thum
9606 Huebner Road
San Antonio, TX 78240

Re: 951 Coral Drive, Pebble Beach

Richard and Sharlene,

Per my conversation with Margaret Thum, this is to confirm that International Design Group's (IDG) plans were used for securing a water permit.

IDG provided the previous Owner/Builder/Developer a "Builder's Set" of Working Drawings. During the construction phase any revisions of water fixture count and/or location should have been addressed with an amendment plan submitted to the Building Department and Monterey Peninsula Water Management District.

The Monterey Peninsula Water Management District does a final review of water fixture counts at the project site, at the conclusion of each project.

Please feel free to call or write with any questions.

Sincerely,

Jun A. Sillano, AIA
IDG, Inc. dba International Design Group



Herbeau®

L'Art du Sanitaire depuis 1857

Friday, May 06, 2011

TO WHOM IT MAY CONCERN:

Please take this letter as a confirmation, that the Herbeau/Royale Exposed Thermostat model#3401, which includes these three applications: Shower Head, Hand shower, and Tub Spout as shown in attached Specifications sheets, which has never been available with a built in diverter. All three applications are controlled by their own volume control on the system.

Sincerely,

Lennart Caspersen

General Manager

1-800-547-1608

lennart@herbeau.com

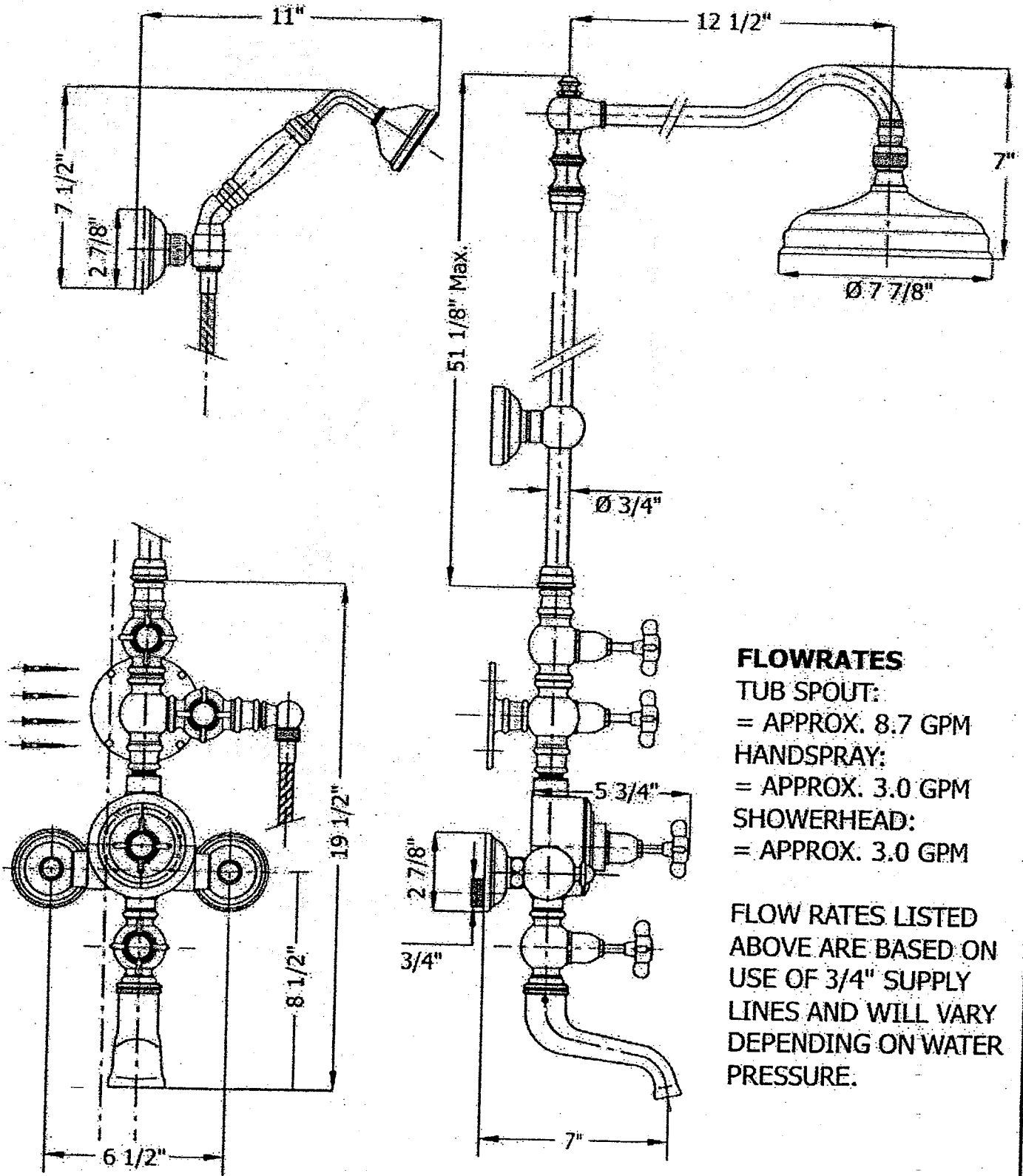
www.herbeau.com

Herbeau Creations of America

3600 Westview Drive, Naples, FL 34104

Phone (239) 417 5368 (800) 547 1608 Fax (800) 547 0084

3401 - 'Royale' Exposed Thermostatic Tub & Shower Set

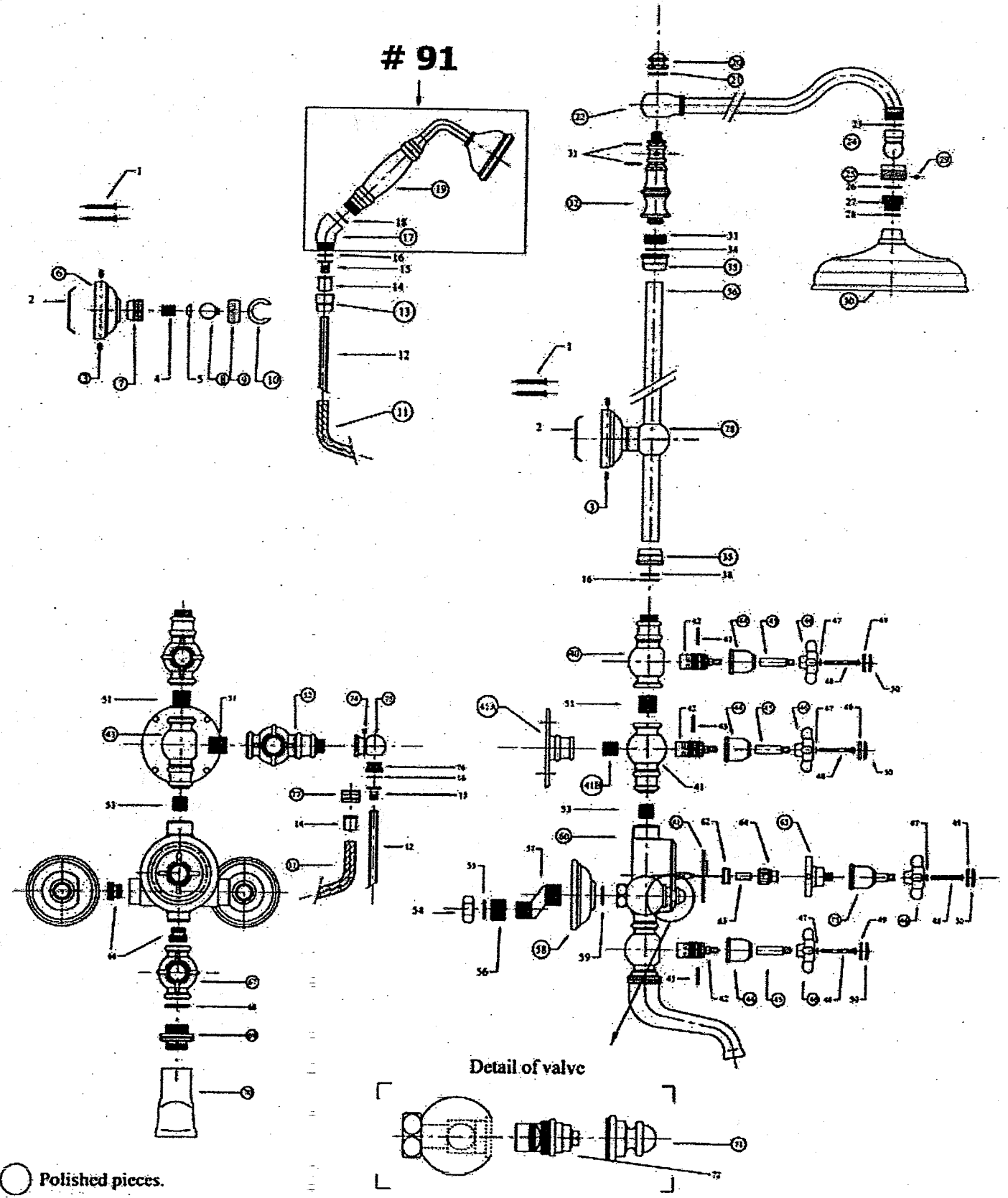


FLOWRATES

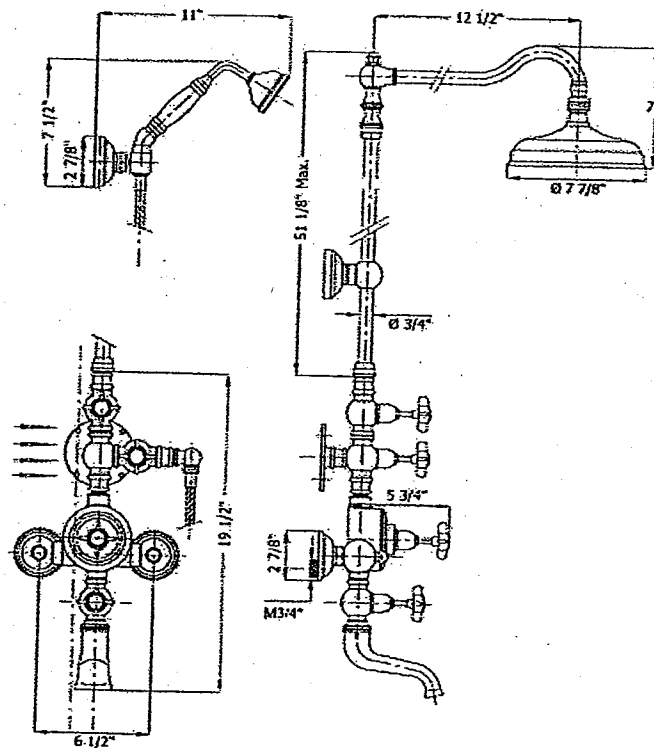
- TUB SPOUT:
= APPROX. 8.7 GPM
- HANDSPRAY:
= APPROX. 3.0 GPM
- SHOWERHEAD:
= APPROX. 3.0 GPM

FLOW RATES LISTED ABOVE ARE BASED ON USE OF 3/4" SUPPLY LINES AND WILL VARY DEPENDING ON WATER PRESSURE.

16 3401 - 'Royale' Exposed Thermostatic Tub & Shower Set



3401 - 'Royale' Exposed Thermostatic Tub & Shower Set 17



Part#	Description
44	Bell Escutcheon
45	Handle Stem
46	Cross Handle
47	Handle Washer
48	Handle Screw
49	Adhesive Tab
50	Ceramic Insert
51	Valve Connectors
54	3/4"-16 Nuts
55	3/4" Washer
56	3/4"-1/2" Adapter
57	1" O.D. x 1" O.D. Z-Adapter
58	Escutcheon
59	O-ring
60	Thermostat Cartridge
60	Thermostat Body
61	Scold Stop Plate
61	Dial Plate
63	Square Tube
64	Swivel Bushing
64+65	Pointer Cap & Bushing
66	Valve Connector
68	O-ring
69	Spout Connector
70	Tub Spout
71	Valve Button
72	Integral Stop
73	Bell & Stem
74	Set Screw
75	Ball Joint
76	3/8" Connector
78	Slide Elbow
78	Escutcheon
91	Complete Hand Shower

Technical Information

- 8" Rose
- Tub Spout=Approx. 8.7 GPM
- Personal Hand Shower=Approx. 3.0 GPM
- 8" Shower Head=Approx. 3.0 GPM
- Flow Rates Are Based On Use Of 3/4" Supply Lines And Will Vary Depending On Water Pressure
- Integral Shutoff Valves
- 3/4" Connections
- 19 GPM @ 60 PSI (4 Bars)
- 5' Hand Shower Hose
- Available finishes are Polished Chrome(48), Solibrass(49), Polished Brass(55), Polished Nickel(56), Brushed Nickel(57), Satin Nickel(60), Weathered Brass(70)
- Please see Cleaning Instructions for finish care and maintenance information

Part#	Description
1	Mounting Screw Kit
2	Wall Mount Plate
3	Set Screws
4	Coil F/Wall Support
5-10	H/S Wall Mount
11-15	Hand Shower Hose
16	1/2" WASHER
19	Ceramic Handle
20	Top Knob
21	Finished Washer
22	Shower Head Arm
23-29	Head Swivel Kit
30	Shower Head
31	Rubber O-ring
32	Shower Arm Column
34	Rubber Washer
35	Finished Brass Nut
36	Riser Pipe
38	Joint
40	1/2" Valve Body
41	Lower Valve Body
41A	Mounting Plate
41A	Plate Screws
41B	1/2"-3/4" Adapter
42	1/2 Turn Ceramic Cart

MONTEREY COUNTY ELECTIONS

PO Box 4400
Salinas, CA 93912

1370-B South Main Street
Salinas, CA 93901

831-796-1499 Phone
831-755-5485 Fax

www.MontereyCountyElections.us

elections@co.monterey.ca.us

Linda Tulett
Registrar of Voters

Claudio Valenzuela
Assistant Registrar of Voters



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MAY 1-2 2011

MPWMD

May 9, 2011

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Subject: Certificate of the Registrar of Voters for the Monterey Peninsula
Water Management District Election held on May 3, 2011

Dear Board of Directors,

Attached hereto is the Certificate of the Registrar of Voters in connection with the
subject election held on May 3, 2011.

Sincerely,

Linda Tulett
Registrar of Voters

Enclosures

CERTIFICATE OF THE REGISTRAR OF VOTERS

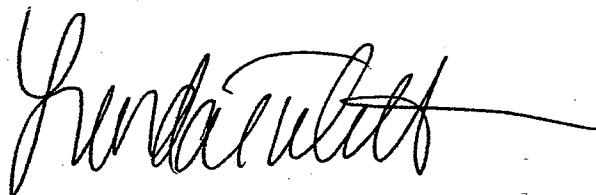
In the Matter of the CANVASS OF VOTE CAST)
at the **Monterey Peninsula Water Management District Election**)
held on May 3, 2011)

I, **LINDA TULETT**, Registrar of Voters of the County of Monterey, State of California hereby certify;

THAT an election was held within the boundaries of the Monterey Peninsula Water Management District, Division 1 on Tuesday, May 3, 2011 for the purpose of electing one (1) seat to the Board of Directors and; I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the Monterey Peninsula Water Management District Division 1.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election are set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

IN WITNESS WHEREOF, I hereunto affix my hand and seal this ninth day of May, 2011 and file this date with the Monterey Peninsula Water Management District.



LINDA TULETT
Registrar of Voters



