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**STATEMENT OF SIERRA CLUB RE: REGULATORY WATER PRODUCTION TARGETS FOR WY 2012 (CALIFORNIA-AMERICAN)**

Presented at  
9/19/11 Board  
Meeting.  
Item 20

In 1995 the State Water Resources Board issued Order 95-10 which determined that Cal Am was diverting about 7700 AFY from the Carmel River alluvium without any claim of right because it had failed to file an application with the Board for an appropriation permit. The 1995 order required an immediate 20% cutback in production from the River and required conjunctive management of the water resources of the Monterey Peninsula--the River, the River alluvium, and the Seaside Groundwater Basin--in a manner to minimize pumping from the alluvium during low flow periods in the River. In Board Order 2002-02 the SWRCB required Cal-Am to pump from the alluvium as far downstream as possible to maximize flow in the River for benefit of the threatened population of steelhead in the River.

However, since 1995 growth in the Peninsula has occurred, along with increased demand, but alternative supplies were not obtained. Between 2002 and 2009 the adult steelhead population dwindled until in 2009 only a few hundred steelhead adults were counted below San Clemente Dam. In 2009 the SWRCB issued a Cease and Desist Order that imposed further constraints on Cal-Ams water production pending obtaining a replacement water supply that would eliminate the need for Cal-Ams 7700 afy of illegal diversions that were harming the public trust resources of the River.

One essential aspect of the CDO, in our view, is the State Board's finding that Cal-Am "should be prohibited from increasing its diversions from the River to offset the loss in production from the groundwater basin" arising from the 10% triennial reductions in production from the Basin required under the Adjudication. CDO at 40. The first 10% reduction was ordered in 2009 (417 AFY) and the second triennial reduction is expected to be in effect for WY 2012. (512 AFY) (Since Cal-Am has not found replacement water for its diversions from the Seaside Basin.)

We have reviewed the Districts Resolution ----- and accompanying charts relating to Regulatory Water Production Targets for 2012, and cannot find there any notation that Cal Am cannot shift its cumulative production loss from the Seaside Basin (attributable to the 2009 and 2012 10% reductions) to the Carmel River (so long as its production from the Carmel River remains below the maximum required by the Board--as set out in the 2012 Targets).

Sierra Club requests the District, for water budgeting purposes, to subtract the amount of the 2009 triennial reduction (417 AFY) and the amount of the anticipated 2012 triennial reduction (512 AFY) from the production maximum for the Carmel River, in accord with the State Board's intent. Thus the production maximum from the River would be 10,308 – 929 AFY (9379 AFY) from the Carmel River, distributed on a monthly basis. This should be shown in Table XV-1 and recited in the Proposed Resolution 2011-12.

The burden would be on Cal-Am to demonstrate, pursuant to District Rules 103-104, that any exceedances of the monthly average were not attributable to increased demand but were attributable to other factors that warranted an exceedance (pump breakdown, etc.). Cal-Am could offset the 929 AFY reduction in production from the Seaside Basin through water conservation achieved through retrofitting, reduction of water use for outdoor irrigation, main replacement, and/or demand management (as projected by the District).

Sierra Club requests that Table XV-1 (Regulatory Water Production Targets for California – American Water Systems from Sources Within the Monterey Peninsula Water Resource System) be modified to show Regulatory Water Production Targets for the Carmel River separately, and that the annual total production target for the Carmel River be decreased by the amount of the mandated 10% reductions in annual production from the Seaside Basin for WY 2009 and (anticipated for) 2012. It requests also that Resolution 2011-2012 be modified to recite that it adjusts the 2012 production targets for the River to account for the mandatory triennial reductions in Cal-Am Seaside Basin production.