

**RULE 20 - PERMITS REQUIRED**

**A. PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM**

Before any Person Creates or Establishes a Water Distribution System, such Person shall first obtain a written exemption or Permit from the District, execute and record a notice on the title of the property, and pay all applicable fees. Before any Person creates or establishes a Mobile Water Distribution System, such Person shall obtain a written Permit from the District.

Desalination, reclamation or importation facilities located within the District are not exempt because the Source of Supply is considered to be the water emanating from a facility within the District.

Persons who hold a valid permit for construction and operation of a Water Distribution System from the Monterey County Health Department, prior to March 12, 1980, or a Water Distribution System in existence prior to that date, shall be deemed to have been issued a Permit in compliance with these Rules and Regulations. Persons who filed a completed application to the Monterey County Health Department, date-stamped by the Department on or before March 19, 2001, for construction of a Well serving a Single-Parcel Connection System shall be deemed to have been issued a Permit in compliance with these Rules and Regulations provided all of the following actions are taken: (1) the Applicant receives a valid well construction permit from the Monterey County Health Department, makes the Well active, meters the Well, has the Well inspected by MPWMD and receives an approved MPWMD Water Meter Installation Inspection form issued on or before October 15, 2001; and (2) each Water-Gathering Facility of that system was registered with the District on or before October 15, 2001.

No Mobile Water Distribution System shall be issued a Permit under the provisions of the previous paragraph. Each such system shall be required to apply for and obtain a Permit in accord with Rules 21 and 22.

The Expansion Capacity Limit and System Capacity of previously existing systems shall be determined pursuant to Rule 40-A.

An Owner or Operator of a Water Distribution System shall not modify, add to or change his/her Source of Supply, location of uses, change annual production or Connection limits, or expand the Service Area unless that Person first files an application to do so with the District and receives an amended creation/establishment Permit.

**B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM**

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water

Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water-Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to, or relocation of, Residential water fixtures.
4. Any Landscaping changes resulting in an Intensification of Use when a Landscape plan has been reviewed and approved as a component of a Water Permit.
5. Any Change of Use and any expansion of a Non-Residential use to a more intensive use as shown on Table 2 (Rule 24), except when the Change of Use or expansion modifies (1) an unenclosed structure that has no plumbing; or (2) a temporary structure (i.e., a structure without permanent occupancy and without a permanent foundation and that has no plumbing).
6. Installing new water fixtures (i.e., other than replacing existing water fixtures) in a Residential use.
7. Use of water from a Mobile Water Distribution System

**C. EXEMPTIONS FOR WATER DISTRIBUTION SYSTEM PERMIT**

For Wells located within Fractured Rock and non-Fractured Rock Wells intended for Potable supply for Residential or Non-Residential use: Exemptions for a Water Distribution System Permit shall only be considered following receipt of a Well Capacity (Aquifer Pumping) Test conducted in compliance with the protocol described in Rule 21-A-7. Well Capacity Tests shall be performed within three years from the date of receipt of the Pre-Application form requesting an exemption.

An MPWMD Water Distribution System Permit is not required for the following situations:

1. For properties that lie outside the District boundary, where both: (a) the property to be served is wholly outside of the boundaries of the Monterey Peninsula Water Management District; and (b) the water source is also located outside of the District boundary.
2. For properties that straddle the District boundary, where both: (a) the portion of the property served by the Water Distribution System is outside of the District boundary; and (b) the Source of Supply is outside of the District boundary.

3. A system that meets all of the following criteria: (a) Well is located outside of the Carmel River Basin and the Seaside Groundwater Basin as shown in maps provided in the Implementation Guidelines; (b) Site is comprised of one or two Residential Parcels totaling less than 2.5 acres in size; (c) Site is located outside of the California American Water Service Area as shown in maps provided in the Implementation Guidelines or is not served by California American Water by a remote Connection; (d) Well is located more than 1,000 feet from any Sensitive Environmental Receptor as defined in Rule 11; and (e) Well is located more than 1,000 feet from an existing Well that is registered with the District and/or included in the District Well database at the time of the application. The Carmel River Basin and Seaside Groundwater Basin are defined in Rule 11, Definitions.
4. For a Single-Parcel Connection System located within the Carmel River Basin that meets all of the following three criteria: (a) the Well location lies outside of the mapped area 1,000 feet from the Carmel Valley Alluvial Aquifer or 1,000 feet from Tularcitos, Hitchcock Canyon, Garzas, Robinson Canyon or Potrero Creeks; (b) a valid Well construction permit by the Monterey County Health Department was issued prior to January 15, 2003; and (c) the Applicant makes the Well active, registers the Well with MPWMD, meters the Well, has the Well inspected by MPWMD, and receives an approved MPWMD Water Meter Installation Inspection form issued on or before June 30, 2003.
5. To Reactivate, Refurbish or Replace existing Wells that are registered with the District, as defined in Rule 11. To qualify for this exemption, the Reactivated, Refurbished or Replacement Well must have substantially the same purpose and Capacity of the structure replaced. The replacement structure must be consistent with other MPWMD Rules and Regulations. This exemption from the MPWMD permitting process does not affect in any way the Applicant's obligation to comply with permit requirements by other regional, state or federal agencies. This exemption shall not apply to an Abandoned Well, or replacement or refurbishment of an Abandoned Well, or Wells that have been Inactive for more than three years from the date of receipt of the Pre-Application Request Form described in Rule 21-A-1.
6. For On-Site Cisterns that serve existing single-Parcel Connections, (i.e. Residential situations where rainwater is captured for On-Site Landscape irrigation use).
7. For deliveries of water by commercial companies in volumes less than or equal to 55 gallons per container.
8. For an existing or future new Irrigation System, owned and operated by MPWMD, which exists solely to irrigate riparian vegetation in the Carmel River Riparian Corridor as part of the MPWMD Water Allocation Program EIR Mitigation Program.

9. For an existing, expanded or new non-MPWMD Irrigation System that is served by a Well completed prior to January 15, 2003, with the purpose to irrigate riparian vegetation in the Carmel River Riparian Corridor pursuant to conditions of approval of an MPWMD River Work Permit, a contract with MPWMD, or any other irrigation use approved by the District. This exemption does not apply to Irrigation Systems that are served by Wells completed on or after January 15, 2003.
10. For a Water Distribution System in existence prior to April 18, 2001, that is comprised of multiple, contiguous Parcels owned by the same owner. Such a system may be referred to as “pre-existing Multiple-Parcel Connection System.” However, any amendments to such a Water Distribution System on or after April 18, 2001, must be permitted by the District pursuant to Rule 22.
11. For a Water Distribution System that serves water to Parcels within the Former Fort Ord Lands within MPWMD, but that does not derive water from the Seaside Groundwater Basin or the Carmel River Basin, including the Carmel Valley Alluvial Aquifer.
12. Any exemption pursuant to this Rule 20-C, however, shall not be construed to exempt the facility or its Owner or Operator from any other requirement set forth in these MPWMD Rules and Regulations, or any other regulatory or legal requirement.

**D. PERMIT TO UNDERTAKE WORK ON PROJECTS WITHIN THE RIPARIAN CORRIDOR**

Before any individual may undertake any Work or Project within the Riparian Corridor, including but not limited to channel modification, riverbank Works, or vegetation removal, such Person shall obtain a prior written River Work Permit from the District in accord with Rule 126 or meet the emergency River Work Permit criteria of Rule 126 C, or be expressly exempt from the River Work Permit requirement pursuant to Rule 126 B.

*Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 8 (1/14/82); Ordinance No. 10 (7/26/83); formerly Rule 200, Ordinance No. 6 (5/11/81); Ordinance No. 26 (9/8/86); Ordinance No. 69; (6/21/93); Ordinance No. 96 (3/19/2001); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 145 (9/20/2010)*