

A photograph of a wooden building frame under construction, showing the intricate network of beams and trusses against a clear blue sky. The frame is made of light-colored wood and is partially covered with a metal ladder.

## **ITEM 11. CONSIDER APPROVAL OF APPLICATION TO TRANSFER CYPRESS WATER RIGHTS IN SEASIDE BASIN TO CAL-AM WATER DISTRIBUTION SYSTEM**

Meeting Date: September 15, 2014  
Staff Contact: Henrietta Stern



# CAW/Cypress Amendment

- Cypress transfers to CAW 8.0 AFY of the 14.0 AFY water rights designated for “Donor Parcel” in the Seaside Basin Adjudication Decision, as approved by Watermaster.
- This 8.0 AFY “Standard Production Allocation” may be used by CAW, but is subject to reductions. The 6.0 AFY remaining “Alternative Production Allocation” may be used only on the Donor Parcel.
- Not a physical water delivery to CAW.



# CAW/Cypress Amendment, continued

- 8.0 AFY is reduced to 3.41 AFY by year 2021 according to Adjudication Decision formulas. This becomes 3.17 AFY metered sales for MPWMD Water Permits.
- The water serves only Cypress-designated “Recipient Parcels” in the Seaside Basin.
- Production from inland CAW wells rather than coastal wells at the Donor Parcel is viewed as an environmental benefit.

# Front-Loading Agreement

- “Front-Loading Agreement” ensures compliance with Court Order to keep production in the Seaside Basin, and not serve properties with Carmel River water.
- Water needed by the Recipient Parcels is pumped by CAW wells in Seaside Coastal Subbasin to storage tanks before parcels actually use the water.





# CEQA – Court Determinations

- MPWMD can require a WDS Permit for a water rights transfer, and accounting to ensure Carmel River water isn't used (“mixing of molecules” in storage is OK).
- MPWMD cannot require CEQA review for Seaside Basin actions. Thus, approval of transfer is a CEQA Statutory Exemption (ministerial action per Guidelines 15268).

# Findings of Approval

- Application and related evidence meets the criteria and minimum standards for approval (Rules 22-B and C) with the Conditions of Approval and Front-Loading Agreement, plus previous action by Superior Court and Watermaster.
- This action should “not create an Overdraft or increase an existing Overdraft....” (Rule 22-C-4).




# 31 Conditions of Approval

- #1 thru #4 define project: CAW may produce 3.41 AFY more from Seaside Coastal Subareas. This becomes 3.17 AFY metered sales for Water Permits for Recipient Parcels.
- #5 thru #26 are standard conditions on conservation, well meters and reporting, fees, deed restriction, indemnification, etc.
- #27 thru #31 are special conditions.



# Special Conditions of Approval

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- #27: Provide communications with Watermaster about future transfers.
  - #28: Provide copies of reports submitted to SWRCB (on CAW website).
  - #29: Grant access to water use records at Recipient Parcels as specified in recorded Notice and Deed Restrictions for each.



# Special Conditions, continued

- #30: Implement water accounting methods to ensure production to serve Recipient Parcels is from Seaside Coastal Subareas and not Carmel River.
- #31: Production by onsite wells on Donor Parcel may not exceed 6.0 AFY.

# Comments Received

- Public notice via agenda mailing, onsite posting, CAW/city offices, website, etc.
- CAW and Cypress reviewed conditions. CAW requested text refinements for Special Conditions #27, #28 and #29.
- As of 3 PM today, **no other comments received.**



# Staff Recommendation

- Adopt Findings of Approval for Application #20140206CYP.
- Approve application and issue Permit #M14-05-L4 with 31 Conditions of Approval.
- Direct staff to file Notice of Exemption with County Clerk.

# For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

[www.mpwmd.net](http://www.mpwmd.net)

PowerPoint presentations will be posted on the website the day after the meeting