



ITEM 18. CONSIDER APPROVAL OF APPLICATION TO TRANSFER D.B.O. WATER RIGHTS IN SEASIDE BASIN TO CAL-AM WATER DISTRIBUTION SYSTEM

Meeting Date: November 16, 2015
Staff Contact: Henrietta Stern

CAW/DBO Amendment

- D.B.O. Development No. 30 (DBO) transfers 15.0 AFY production rights to CAW from “Donor Parcel” in the Seaside Basin as allowed by Superior Court and Watermaster. Not a physical water delivery to CAW; some DBO rights remain for other uses.
- 13.95 AFY metered sales will be recognized by MPWMD for Water Permits on future recipient parcels in the Seaside Basin designated by DBO.

CAW/DBO Amendment, continued

- This portion of DBO's recognized rights includes triennial 10% reductions required by the Court for "Standard" rights holders.
- Seaside Basin Adjudication views production from inland CAW wells as an environmental benefit over coastal wells.
- Ordinance No. 166 establishes DBO as a Water Entitlement Holder and sets a procedure for MPWMD permits (Rule 23.8).

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

- Condition #1 thru #4 define project: CAW may produce 15.0 AFY more from Seaside Coastal Subareas. This becomes 13.95 AFY metered sales for Water Permits to account for 7% system losses.
- #5 thru #26 are standard conditions; #27 thru #31 are special conditions.

Special Conditions of Approval

- #27: Provide communications with Watermaster about future transfers.
- #28: Provide copies of reports submitted to SWRCB (on CAW website).
- #29: Inform recipient parcel owners that they must grant access to water use records as specified in recorded Notice and Deed Restrictions for each parcel.

Special Conditions, continued

- #30: Implement water accounting methods to ensure production to serve recipient parcels is from Seaside Coastal Subareas and not the Carmel River.
- #31: DBO coastal well on parcel APN 011-011-043 shall remain a Monitor Well.

Comments Received

- Public notice via agenda mailing, CAW/city offices, website, etc.
- CAW and DBO were provided conditions. DBO requested refinements on some conditions; clarifying text changes were made.
- As of 3 PM today, **no other comments were received.**

Staff Recommendation

- Adopt Findings of Approval for Application #WDS-20150922DBO.
- Approve application and issue Permit #M15-07-L3 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

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