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## State Water Resources Control Board

FEB 27 2020

David J. Stoldt  
General Manager  
Monterey Peninsula Water  
Management District  
P.O. Box 85  
Monterey, CA 93942-0085

RECEIVED

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MPWMD

Dear Mr. Stoldt:

PETITION FOR TIME EXTENSION FOR WATER RIGHT PERMIT 20808B  
(APPLICATION A027614B) TO APPROPRIATE WATER FROM CARMEL RIVER AND  
SUBTERRANEAN FLOW OF THE CARMEL RIVER IN MONTEREY COUNTY

**PLEASE NOTE – This letter requires a response within 45 days.**

You have received this letter because Monterey Peninsula Water Management District (District) is the owner of a water right permit with a pending petition for time extension on file with the State Water Resources Control Board's Division of Water Rights (Division). The Division is in the process of working to resolve its current backlog of pending water rights change petitions, including the District's petition to extend the time to complete construction under Permit 20808B. The purpose of this letter is to determine if the District is interested in pursuing the petition. If the District is interested in pursuing the petition, this letter identifies information that is required in order to continue. If this information is not received, the petition may be cancelled. Enforcement may also be considered for any unauthorized uses of water if they exist.

### **Background**

Permit 20808 was issued to the District on December 25, 1995. It authorizes diversions in amounts not to exceed 42 cubic feet per second by direct diversion and 24,000 acre-feet per annum by storage from November 1 of each year to June 30 of the succeeding year. The original complete construction date was December 31, 2003. Order WR 98-04 extended the complete construction date to December 31, 2005. The permit was subsequently split into Permits 20808A, 20808B, and 20808C by a Division Order dated November 30, 2007 and a subsequent Order dated November 30, 2011. Permits 20808A and 20808C did not include complete construction dates, but Terms

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

7 and 8 of Permit 20808B established December 31, 2005 as the deadline for completion of construction work and December 1, 2020 as the deadline for completing application of the water to the authorized beneficial use.

The District submitted the subject petition for extension of time for Permit 20808 to the Division on July 12, 2006. The petition was publicly noticed on October 6, 2006. Since Permits 20808A and 20808C do not identify construction completion dates, the subject petition applies only to Permit 20808B. If the petition is granted by the Division, the petition would extend the time to complete construction for Permit 20808B to December 31, 2020.

The petition received protests from Carmel River Steelhead Association, National Marine Fisheries Service, California Department for Fish and Wildlife (formerly California Department of Fish and Game), and California-American Water (Cal-Am). Cal-Am subsequently withdrew its protest. The remaining three protests have not been resolved.

The Division requested a workplan for completion of documents to satisfy CEQA for the time extension on May 8, 2008 and August 5, 2009. The District responded to these requests on September 8, 2009 directing the Division to the environmental information filed for the petition on July 25, 2006 and included additional documentation regarding CEQA for revoked Permit 7130B.

A significant amount of time has passed, and it is unclear if the District intends to continue to pursue the petition or use of water under Permit 20808B. Additionally, according to permittee reporting, the District has not put any water to beneficial use under Permit 20808B, suggesting that the project is incomplete. The deadline for the District to complete beneficial use under Permit 20808B is December 1, 2020. Without constructed diversion and conveyance works nor water put to beneficial use by the deadlines, Permit 20808B may be subject to statutory revocation by the State Water Board for lack of diligence in pursuing the project authorized by the permit. The current petition to amend the construction completion date would not address the deadline for applying water diverted under Permit 20808B to beneficial use.

**Required Information**

Within **45 days** from the date of this letter, please submit a written response to the division addressing the following:

- Whether the District still intends to pursue its time extension petition to complete construction or if it intends to withdraw its time extension petition.
- If the District intends to pursue the time extension to complete construction, indicate if it will also be filing a time extension to complete beneficial use.

Mr. Stoldt

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Additional information may be required once we have a better understanding of the District's intentions regarding the pending petition. If you need additional time to produce the requested information, please include a request for additional time within 45 days from the date of this letter identifying the reason why additional time is needed. Additionally, if you believe any information identified in this letter or the petition on file is incorrect or out of date, please include any updates or corrections, including a description of why you are correcting the information along with copies of any relevant documents or records. Please note that this petition is subject to an annual petition fee of \$1,000 plus \$0.40 per each acre foot of the face value of the right, up to a maximum of \$10,000. The fee will not be applicable in subsequent years if the petition is cancelled.

**If we do not receive a response within 45 days from the date of this letter, the Division may cancel the District's petition and may proceed to license the permit using the existing date for putting water to beneficial use. Failure to respond to this letter may also be considered as a lack of diligence in pursuing the permit, which would inhibit approval of this or any future time extension requests.**

Thaddeus Hunt is the staff person presently assigned to update your records and he may be contacted at (916) 341-5007 or Thaddeus.Hunt@waterboards.ca.gov. Written correspondence or inquiries may be sent by email to Mr. Hunt or addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Thaddeus Hunt, P.O. Box 2000, Sacramento, CA, 95812-2000. Please include the application or permit number associated with the petition on any correspondence.

Sincerely,



Sam Boland-Brien, Program Manager  
Petition, Licensing and Registration Section  
Division of Water Rights