

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

AMENDED CONDITIONS OF APPROVAL

APPLICATION TO CREATE THE
CAÑADA WOODS WATER DISTRIBUTION SYSTEM

MAY 15, 1995

1. The Water Distribution System (WDS) permit granted herein is subject to issuance of water right permits for Application Nos. 30067 and 30068 by the State Water Resources Control Board.
2. Operation of the Cañada Woods WDS shall be limited to delivery of water for residential, commercial and agricultural purposes within the service area as shown on Exhibit C, which includes the following six Assessor's Parcel Numbers:
 - (a) 169-221-008,
 - (b) 169-221-013,
 - (c) 169-221-015,
 - (d) 169-221-016,
 - (e) 169-011-004, and
 - (f) 169-011-005.
3. The Water Distribution System (WDS) permit granted herein is subject to the terms and conditions contained in the Protest Dismissal Agreement between the District and the Leonard and Emily Williams Trust and Roy Kaufman, agent for Cañada Woods. These terms and conditions include the following:
 - (a) The District and the applicants incorporate by reference the terms contained in the Agreement to Dismiss Protests included as Exhibit 2¹ of Exhibit K². This agreement shall not be construed to modify in any manner whatsoever the terms of Exhibit 2 in Exhibit K.

¹ Exhibit 2 refers to the 1992 Protest Dismissal Agreement Between the Leonard and Emily Williams Trust and Roy Kaufman, agent for Cañada Woods, and the Monterey Peninsula Water Management District. This agreement was executed on August 21, 1992.

² Exhibit K refers to the 1995 Dismissal of Protests by the Monterey Peninsula Water Management District Against Water Appropriation Applications of the Leonard and Emily Williams Trust and Roy Kaufman, agent for Cañada Woods. This dismissal agreement was executed on April 17, 1995.

- (b) The District and the applicants stipulate that the quantity of water granted to the applicant shall be determined by the SWRCB provided such quantity is based on documentable and reasonable use; that quantity is stipulated to be not less than one hundred ten (110) acre-feet but not more than one hundred eighty eight (188) acre-feet.
- (c) Applicants agree to conduct their diversions in a manner consistent with generally accepted agricultural practices.
- (d) The parties agree that the SWRCB shall resolve the question of priority of right as to applicants' SWRCB Application 30067 and SWRCB Application 30068 and as to water rights held by the District pursuant to SWRCB Application 27614 and SWRCB Permit 7130B (Application 11674B); the SWRCB shall also clarify the manner in which conditions on each of these permits shall be implemented provided, however, this clarification shall not be intended to impair any right held either by applicants or the District pursuant to Exhibit 2 of Exhibit K.
- (e) Subject to any determination referenced in paragraph (d) above, applicants and the District stipulate that the SWRCB can issue applicants' permit at this time.
- (f) Applicants shall obtain a permit from the District to enable creation of the Cañada Woods WDS. User fees for the Cañada Woods system shall bear a positive correlation to fees placed on the Cal-Am WDS.
- (g) The Cañada Woods WDS shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the Cal-Am WDS.
- (h) There shall not be a connection moratorium on the Cañada Woods WDS so long as the Cañada Woods WDS has adequate infrastructure capacity, and the Cañada Woods independent water right provides a sufficient source of supply for the designated service area.
- (i) To the extent they lawfully apply, each connection to the Cañada Woods WDS should be governed by and subject to the same connection charges as each other system deriving its supply from the Monterey Peninsula Water Resources System. No connection charge, however, shall apply to water supplied by the applicants' water reclamation facility. Further, a connection charge credit shall also be determined to factor the reduced water demand which shall result by reason of applicants' proposed wastewater reclamation plant.
- (j) No connection fee, assessment, pump tax, or fee of any kind shall be levied against the agricultural/open space water production or consumption within the Cañada Woods WDS service area.

4. The Water Distribution System (WDS) permit granted herein is subject to the full execution and recording of the Protest Dismissal Agreement between the District and the Leonard and Emily Williams Trust and Roy Kaufman, agent for Cañada Woods (Exhibit K).
5. The total system capacity of the Cañada Woods WDS for potable and non-potable uses shall be no more than 159.8 AFY; this total system capacity must be consistent with future anticipated action of the SWRCB.
6. The expansion capacity limit (i.e. maximum number of approved connections) for existing and proposed potable water uses is 150 connections. This limit includes a maximum of 60 residential connections -- 45 single family units and 15 apartment units - - as specified in Revised Table 14 of the Final Environmental Assessment of the Cañada Woods Public Water System (Denise Duffy & Associates, Revised February 10, 1995).
7. Expansion of the Cañada Woods WDS beyond the service area or expansion capacity limit above will require separate discretionary Board approval preceded by CEQA environmental review. To amend the Cañada Woods WDS permit granted herein, the applicant shall first obtain an amended WDS permit, pursuant to MPWMD Rule 21.
8. The District retains continuing authority over approval of the WDS granted herein to ensure consistency with SWRCB decisions and permit conditions on Application Nos. 30067 and 30068.
9. Water production by the Cañada Woods WDS shall be reported annually to the District by the Water Meter Method on the WDS reporting form provided each year. Annual water production shall be reported separately for each production well in the system. In addition, annual production shall be reported separately according to the following use types:
 - (a) total residential/commercial production (potable supply),
 - (b) total agricultural/open space/landscaping production (non-potable supply), and
 - (c) total agricultural/open space/landscaping production (reclaimed wastewater supply).
10. Water delivery by the Cañada Woods WDS shall be reported annually to the District, along with the annual production report. Each connection within the WDS shall be equipped with a water meter. Annual water delivery for the potable supply portion of the WDS shall be reported separately for the following use types:
 - (a) single family residential units,
 - (b) apartment units, and
 - (c) commercial units.

11. Operation of the Cañada Woods WDS for agricultural, open space, and landscaping purposes shall adhere to prudent water conservation practices which:
 - (a) promote, when possible, irrigation during the lowest evapotranspirative times of the day, i.e. before 9:00 am and after 5:00 pm;
 - (b) minimize irrigation during high wind periods to reduce applied water losses;
 - (c) maintain irrigation systems to minimize losses from leaks;
 - (d) prevent indiscriminate or excessive water use, allowing water to run to waste; and
 - (e) prevent use of water that is unproductive or runs to waste.
12. This permit is subject to amendment or revocation in the event the applicant does not comply with the provisions set forth in each condition above.

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