

Anthony L. Lombardo
Jeffery R. Gilles
Derinda L. Messenger
James W. Sullivan
Jacqueline M. Zischke
Todd D. Bessire
Steven D. Penrose
E. Soren Diaz
Sheri L. Damon
Virginia A. Hines
Patrick S.M. Casey
Paul W. Moncrief
Anthony W.E. Cresap
Bradley W. Sullivan

Lombardo
& Gilles
A PROFESSIONAL LAW CORPORATION
Attorneys At Law

**HAND
DELIVERED**

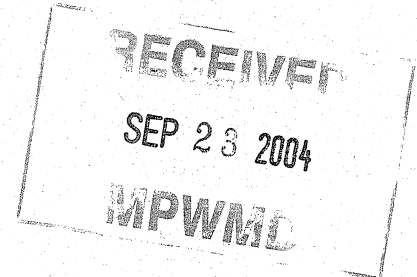
318 Cayuga St.
P.O. Box 2119
Salinas, CA 93902-2119
(SALINAS) 831-754-2444
(MONTEREY) 888-757-2444
(FAX) 831-754-2011
(EMAIL) lomgil.com

EXHIBIT 13-A

File No. 1491.000

September 21, 2004

Ms. Henrietta Stern
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940



Re: Annexation to Cal-Am

Dear Henrietta:

As we discussed in our telephone conversation some weeks ago, District Rule 20 B states that the "proper applicant for such an expansion/extension permit may be either the owner or operator of the water distribution system, the prospective user of the proposed connection as the real party in interest, or any agent thereof". The fact that your form says something other than that is immaterial as it cannot modify the District Rules.

The rules you refer me to in your letter are for applications to "Establish/Create A Water Distribution System." The Sullivan application does not purport to "Establish/Create" a Water System: Cal-Am already exists. Further, contrary to the statement in your letter, Rule 20 B specifically applies to "Permits to Expand, Extend Water Distribution System" which is exactly what the Sullivan's propose. (See attached Rule 20 B).

The Sullivan residence has been without water supply for several months. Needless to say, this unnecessary delay in processing their application not only exposes their home to serious fire hazards, but also makes the residence uninhabitable. Your Board may be exposed to liability in the event the Sullivan residence is destroyed by a fire that could have been prevented if District Staff had acted in accordance with the Board's rules and regulations.

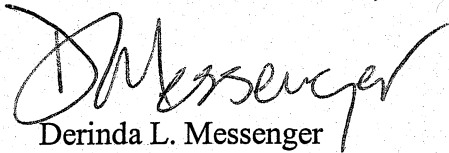
Notwithstanding that the application submitted on September 8, 2004 was properly signed, I am enclosing another copy of the application signed by Cal-Am. Also enclosed is a check for \$2,450.00 representing the Application fee. I would appreciate your placing this Application on the Board's soonest available agenda. I do not believe that another meeting on this application is necessary as I met with Mr. Berger, Mr. Laredo and Ms. Pintar on this very application on August 19, 2004. I asked for direction from Staff at that time and was simply told to submit this application.

Ms. Henrietta Stern
Monterey Peninsula Water Management District
September 21, 2004
Page 2

In our recent meeting, Dave Berger indicated that this property should have been included in Cal-Am's original Service Area and should therefore be "grandfathered in" at this time. Accordingly, I request that the Sullivan's be reimbursed their Application fee of \$2,450.00 upon adoption of such a grandfather policy

Sincerely,

LOMBARDO & GILLES, PLC



Derinda L. Messenger

DLM:js

Enclosures

Cc: Client (w/o encl.)
David Berger (w/o encl.)
Dave Laredo (w/o encl.)
Stephanie Pintar (w/o encl.)

8. Agent Mailing Address _____
9. Agent Contact Numbers (ph/fax/e-mail) _____
10. Source of Water (*groundwater, ocean, imported, etc.*) Groundwater
11. Water Production Facility (*well, desal, trucking, etc.*) Wells
12. **Attach Map:** Include area with parcels to be served and location of water supply facilities

SECTION 2 -- APPLICATION TO CREATE WATER DISTRIBUTION SYSTEM

13. **Type of System** (*check one*):
 G Single-connection system -- *see Form IG96-7 for information requirements*
 G Multiple-connection system -- *see Form IG96-8 for information requirements*
14. **Proposed Uses** (*check all that apply*):
 Residential (potable, drinking water) Single-family ____ Multi-family (apartment) ____
 Commercial (potable, drinking water) Business type(s) _____
 Irrigation/live-stock (subpotable)
15. **Number /Type of Structures (Connections) Served :** _____
 Number of acres to be irrigated: _____ (Describe crop) _____
 Describe live-stock (number, type) _____
16. **Water Production Anticipated:** _____ acre-feet per year
 (*Note: MPWMD staff will fill this in based on information from #13, 14 and 15*)
17. **Reliability of Supply (Wells Only).** Please describe and/or attach the following:
 G Location of well (include Assessor's Parcel Numbers of well site, easements)
 G Pump horsepower, pump make, pump type
 G Estimated well yield in gallons per minute (GPM)
 G Well depth, well diameter, perforation depths
 G Static water level (include date measured)
 G Attach well logs and results of well capacity tests (*see Form IG96-7 or 8 for guidance*)
 G Attach water quality test results (*see Form IG96-7 or 8 for guidance*)
 G Attach copy of approved permit from Monterey County Health Department to construct well
18. **Reliability of Supply (Non-Well).** Describe water source and production facilities, including reliable yield and water quality testing performed.
19. **Interties and Emergency Supply.** Please describe the following:
 G Proposed interties to any other water distribution system
 G Measures to prevent cross-contamination of and backflow to other systems
 G Source of emergency water supplies in case of system failure
 G Source of water to meet fire flow requirements
 G Requirements of any other system to provide fire flow or emergency supplies

20. **Source of Water Supply.** (Check all that apply) (See Form IG96-11 for guidance)
- G Monterey Peninsula Water Resources System (CV alluvial aquifer and Seaside Coastal Subareas)
 - G Waters within jurisdiction of State Water Resources Control Board (CV alluvial aquifer)
 - G Subsurface source within Carmel River watershed
 - G Subsurface source within 1,000 feet from Tularcitos, Hitchcock Canyon, Garzas, Robinson Canyon or Potrero Creeks (*additional hydrologic information analysis is required—see worksheet*)
 - G Other sources (describe): _____

21. **Water Rights Information.** Describe and provide documentation regarding:
- G Type of water right claimed _____ (see Form IG96-11 for guidance)
 - G Basis of water right claim (see Form IG96-7 or 8 for guidance)
 - G If assisted by attorney, attach Form IG96-12, Declaration of Competency

22. **Land Use/CEQA Information.**
- G Zoning and land-use designations for affected parcels (available from Monterey County)
 - G Status of permit process from jurisdiction planning department, including permits received
 - G Environmental documents prepared by jurisdiction or other lead agency
 - G Formal action taken by lead agency (e.g., Notice of Determination)
 - G Permits required from other agencies (e.g., Coastal Commission, CPUC)

SINGLE-CONNECTION SYSTEMS (up to 3 homes on 1 parcel): PROCEED to SECTION 5
 (Ref: CEQA Guidelines 15301-15305)

23. MULTIPLE-CONNECTION SYSTEM APPLICANTS: COMPLETE the ATTACHED "SUPPLEMENTAL QUESTIONNAIRE", THEN PROCEED to SECTION 5

SECTION 3 -- APPLICATION TO AMEND A WATER DISTRIBUTION SYSTEM

Please refer to Form IG96-10 for guidance.

24. For an existing water distribution system, describe previous MPWMD permits received, if any, including permit number and date issued _____

25. **Existing System Type:** (check one)
- G Single-connection system
 - G x Multiple-connection system

26. **Existing Uses** (check all that apply):
- Residential (potable, drinking water) Single-family _____ Multi-family (apartment) _____
 - Commercial (potable, drinking water) Business type(s) _____
 - Irrigation/live-stock (subpotable)

27. **Existing number/type of structures (connections):** _____
 Number of acres now irrigated: _____ (Describe crop) _____
 Describe existing live-stock (number, type) _____

28. **Current Water Production Limit:** _____ acre-feet per year
 (Note: MPWMD staff will fill this in based on information from #25, 26 and 27 as well as any previous MPWMD permits issued)

29. **Assessor's Parcel Numbers** served by existing system _____

30. Indicate the **number of new connections** requested, and list Assessor's Parcel Number for each new connection. 1
31. Indicate the volume of **new production** requested. None - existing acre-feet per year
32. Provide an estimate of **total water production** needed to meet the demand of the proposed project. If more than one connection is requested, include calculations showing how increased demand was estimated. _____ acre-feet total production with amended system
33. Describe **proposed changes** in service area, water source or water production/delivery facilities. Annex parcel previously served by Cal Am into Cal Am's service area
34. Describe **current status of land use approval** for proposed amendment from city or county, and attach that jurisdiction's approval of dedicated water allocation, if applicable. Existing residence
35. Describe project's compliance with requirements of the **California Environmental Quality Act (CEQA)**, and attach appropriate environmental documentation. Conservation of residence predates CEQA
36. Describe all **water rights** or water rights claims associated with the project (attach documentation), and describe any proposed modifications to the water rights due to the proposed amendment. The residence has received water service from neighbors meter since the late 1940's.
37. If a permit for the proposed amendment is required from **Monterey County Health Department**, attach a copy of the application submitted to MCHD. N/A
38. List **unique issues or considerations**, if any, that may pertain to the proposed amendment. Residence has been served by neighbors Cal Am meter since its construction in the late 1940's.
39. List **special conditions, if any, that are proposed** for this permit amendment.

SYSTEMS with FEWER THAN FOUR HOMES ON ONE PARCEL: GO to SECTION 5
(Ref: CEQA Guidelines 15301-15305)

40. SYSTEMS with FOUR OR MORE HOMES MUST COMPLETE the ATTACHED "SUPPLEMENTAL QUESTIONNAIRE", THEN GO to SECTION 5

SECTION 4 -- CREATE OR AMEND MOBILE WATER DISTRIBUTION SYSTEM

See Form IG96-9 for guidance.

(Important Note: Health Department regulations prohibit water delivery for permanent potable supply; applications will be accepted by MPWMD only for subpotable irrigation/live-stock use)

- 41. Address of property(ies) receiving water service _____
(Please provide map)
- 42. Assessor's Parcel Number(s) of property(ies) receiving water _____
- 43. Name of water delivery company CALIFORNIA AMERICAN WATER
- 44. Address of water delivery company 50 RAGSDALE DR. SUITE 100 MONTEREY, CA
93942-0951
- 45. If property is within Cal-Am Water Company service area, describe arrangements made for backflow protection (required) _____
- 46. Delivery company phone/fax numbers _____ FAX 831-375-4307
- 47. Method of delivery (assume truck unless otherwise specified) WATER SERVICE
- 48. Location/Source of water that is delivered (describe nearest city, river, groundwater basin)
CARMEL RIVER
- 49. Is source within MPWMD boundary? YES
Is source within Carmel Valley watershed? YES
Is source within Seaside Basin coastal subareas NO
- 50. If any answer to #49 is "yes", please provide map showing of source water
- 51. Quantity of water to be delivered _____ acre-feet per year or
_____ gallons per year
- 52. Reason for Delivery: (check all that apply)
 - G Emergency potable supply/system failure (provide date of emergency _____)
 - G Drought
 - G Supplemental irrigation water
 - G Other
- 53. Duration of Delivery: (Check all that apply)
 - G Short-term (describe beginning and ending dates) _____
 - G Seasonal (describe season/months) _____
 - G Permanent

SECTION 5, SIGNATURE BLOCK

I declare under penalty of perjury that the information in this application and on accompanying attachments is correct and accurate to the best of my knowledge and belief.

DMessenger
Signature of Applicant (Please sign and print name)

9/21/04
Date

Terinda Messenger

Signature of Agent (Please sign and print name)

Date

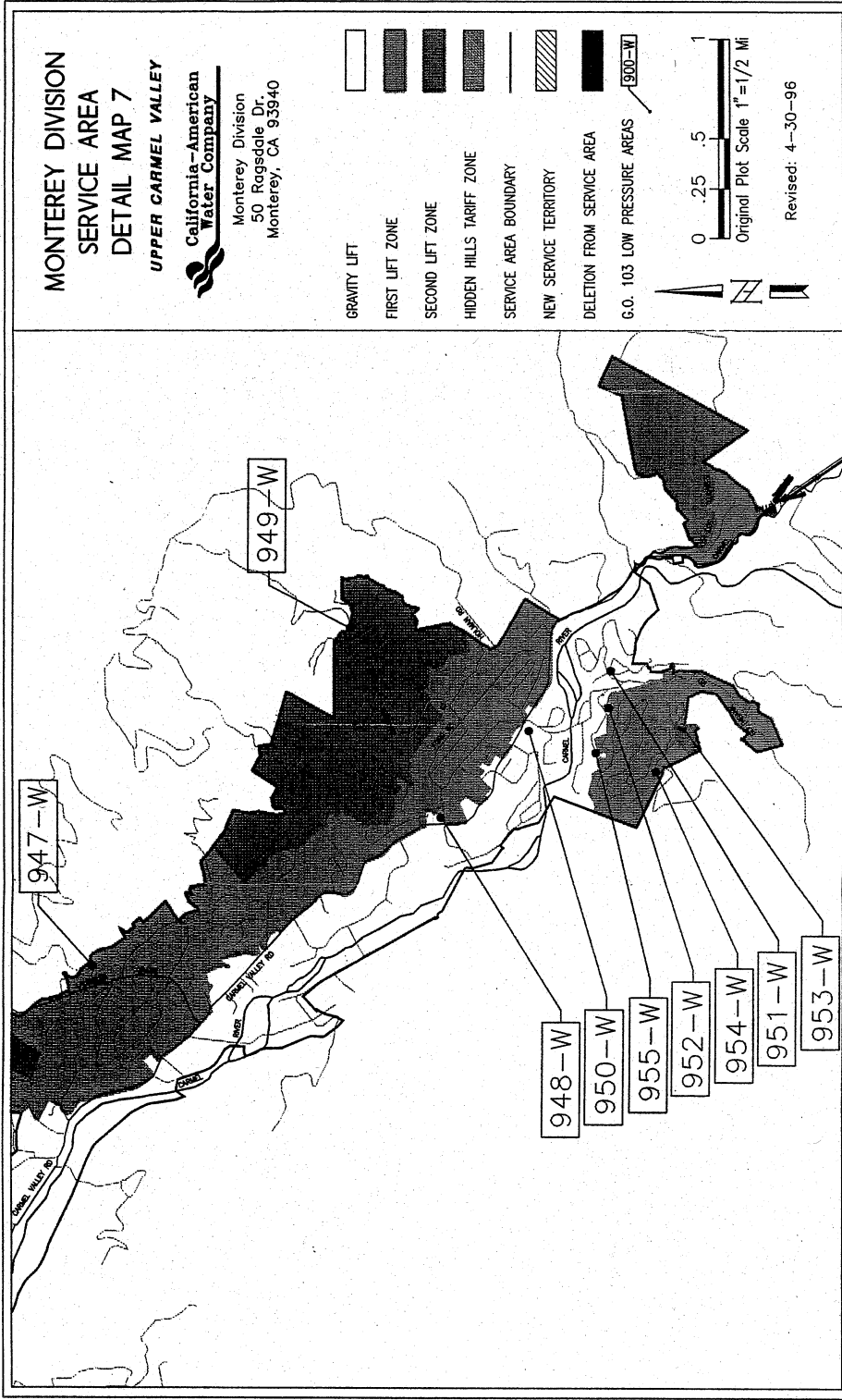
Charles W Kemp *Charles W. Kemp*
Signature of System Owner/Operator (or Mobile Firm)
(Please sign and print name)

9/21/04
Date

Pursuant to MPWMD Rule 22-C, please provide name(s) of person(s) "who, at all times, will be available and legally responsible for the proper performance of those things required of a permit holder by this ordinance." _____

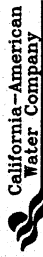
Address of responsible party(ies)

California-American Water Company REVISED C.P.U.C. Sheet No. 2746-W
 880 Kuhn Drive
 Chula Vista, California 91914 Cancelling REVISED C.P.U.C. Sheet No. 2678-W



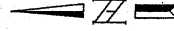
**MONTEREY DIVISION
 SERVICE AREA
 DETAIL MAP 7**

UPPER CARMEL VALLEY



Monterey Division
 50 Roggsdale Dr.
 Monterey, CA 93940

- GRAVITY LIFT
- FIRST LIFT ZONE
- SECOND LIFT ZONE
- HIDDEN HILLS TARIFF ZONE
- SERVICE AREA BOUNDARY
- NEW SERVICE TERRITORY
- DELETION FROM SERVICE AREA
- G.O. 103 LOW PRESSURE AREAS



0 .25 .5 1
 Original Plot Scale 1"=1/2 Mi

Revised: 4-30-96

PROPOSED ANNEXATION
 32825 CARMEL VALLEY RD.
 * APN 197-081-024

(TO BE INSERTED BY UTILITY) ISSUED BY (TO BE INSERTED BY C.P.U.C.)
 Advice Letter No. 486 D. P. STEPHENSON NAME
 Date Filed May 13, 1986
 Effective June 24, 1986
 Decision No. _____ DIRECTOR-RATES & REVENUES Resolution No. _____
 TITLE