



# Supplement to 5/16/11 MPWMD Board Packet

Attached are copies of letters received between April 13, 2011 and May 9, 2011. These letters are also listed in the May 16, 2011 Board packet under item 21, Letters Received.

Author	Addressee	Date	Topic
Dennis Mar	MPWMD Board	5/5/2011	Pursue contingency plan in case the Regional Desalination Project falters.
Robert MacLean	Brenda Lewis	5/9/2011	Congratulations on election to MPWMD Board
James Bell	Darby Fuerst	4/25/2011	Water fixtures allowance for a second bathroom: Ordinance No. 98
Margaret Thum	MPWMD Board	4/18/2011	Second supplemental letter supporting appeal of decision on non-compliance upon inspection for Permit 30234
Todd Norgaard	Robert S. Brower, Sr.	4/18/2011	Request that the MPWMD develop a contingency plan for the supply of water and hold public information meetings in conjunction with developing the plan
Tony Sollecito	MPWMD Board	4/16/2011	April 18, 2011 Board Meeting Item 17: Thum Appeal
David Sweigert	Robert S. Brower, Sr.	4/15/2011	CPUC Directed Consultation re: Interpretation of SWRCB Cease and Desist Order
Tracie Billington	Darby Fuerst	4/12/2011	Commitment Letter – Proposition 84 IRWM Planning Grant
George E. Thorpe	Darby Fuerst	4/11/2011	Appeal of the denial of rebate application

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MAY - 9 2011

MPWMD



LEAGUE OF WOMEN VOTERS®  
OF THE MONTEREY PENINSULA

May 5, 2011

Board of Directors  
Monterey Peninsula Water Management District  
PO Box 85  
Monterey, CA 93942-0085

Dear Chair Bob Brower and Directors.

The League of Women Voters of the Monterey Peninsula (LWVMP) supports continuing evaluation of policies and programs that affect land and resource use. This applies particularly to current plans for new water supplies that will terminate illegal pumping from the Carmel River resource, and restore the Seaside Basin.

The Carmel Valley Association Water Committee (CVAWC) has submitted a request for the MPWMD to pursue a contingency plan in case the Regional Desalination Project falters. Since the California Public Utilities Commission approved the proposed project in December 2010, the timeline suggested by the proponents has slipped substantially. New hurdles have appeared such as the possibility of "junk bond" financing will add enormous costs to Monterey Peninsula ratepayers.

These and related concerns have given the LWVMP cause to support the request of the CVAWC. We encourage you to continue to pursue supply options and to seek improvements in MPWMD operations. Under the circumstances, a public discussion and development of a contingency plan for meeting the requirements of State Water Resources Control Board Cease and Desist Order 95-10 seems fully warranted.

Sincerely yours,

*Dennis Mar*  
Dennis Mar  
LWVMP president

PO BOX 1995  
Monterey CA 93942

648-VOTE (648-8683)  
LWVMPca@yahoo.com  
www.lwvmp.org



**CALIFORNIA  
AMERICAN WATER**

May 4, 2011

The Honorable Brenda Lewis  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942

Dear Director Lewis,

Congratulations on your election to the Monterey Peninsula Water Management District Board.

As you know, the Monterey Peninsula is in a critical period in terms of resolving its long-standing water challenges. Your leadership on the Monterey Peninsula Water Management District is key to identifying solutions and ensuring an adequate water supply for the Monterey Peninsula community while protecting the environment. I look forward to working with you to achieve these shared goals.

Please do not hesitate to contact me if you have any questions concerning California American Water's service or any of the major projects we have undertaken in the Monterey Peninsula area, including desalination and the removal of San Clemente Dam. I may be reached at (619) 435-7401 or via email at [robert.macleam@amwater.com](mailto:robert.macleam@amwater.com).

Our Monterey District General Manager, Craig Anthony, is also available to you and your constituents should you have any questions or need for assistance related to California American Water's local operations. Mr. Anthony may be contacted at (831) 646-3214 or [craig.anthony@amwater.com](mailto:craig.anthony@amwater.com).

Finally, we would like to offer you a tour of the Monterey Peninsula water system, at your convenience, which can be scheduled through our local Manager of External Affairs, Catherine Bowie, (831) 646-3208 or [catherine.bowie@amwater.com](mailto:catherine.bowie@amwater.com). We will be happy to tailor the tour to match your interests and availability.

Again, on behalf of everyone at California American Water, please accept my heartfelt congratulations on your success and best wishes for the future.

Sincerely,

Robert G. MacLean  
President

*Congratulations!*

cc: Craig Anthony, California American Water  
Catherine Bowie, California American Water

Robert G. MacLean P 619-435-7401  
President F 619-435-7434  
California American Water  
1033 B Avenue, Suite 200  
Coronado, CA 92118  
[www.amwater.com](http://www.amwater.com)

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MAY - 9 2011

MPWMD



**James A. and Catherine G. Bell**  
**P.O. Box 3757**  
**Carmel-by-the-Sea, CA 93921**

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APR 28 2011

April 25, 2011

MPWMD

Mr. Darby Fuerst, General Manager  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942 - 0085

RE: Water fixture allowance for a second bathroom: Ordinance 98

Dear Mr. Fuerst:

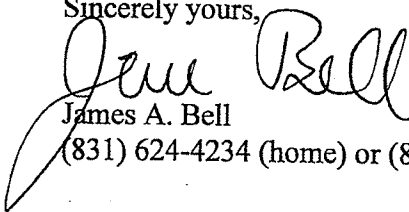
Thank you for your time on the telephone this afternoon. This is the follow-up letter.

My wife Catherine and I have been working with an architect to build a new home on our present lot in Carmel-by-the-Sea. Our home was built in 1928 and has been in the family since 1938. It has one bathroom, is single level, and has a total living space of about 1,000 square feet. We and our architect have been planning to add a second bathroom in the plans for a new house. This is doubly important because our small hillside lot would require a second floor for any meaningful increase in our living area.

We have heard that Ordinance 98, which allows a second bathroom, may be abandoned. This would be a terrible for us and I would think all others in our situation. There are many reasons. We would not use more water with a second bathroom; we would continue to have three in our household. This leads to a cruel irony: If Ordinance 98 were no longer available it would do little – I would think nothing – to decrease water use by us or practically anyone else who would want to add a second bathroom. The worst, though, is that we would have to build an obsolete home with less market value and would lose tens of thousands of dollars already spent on architectural fees. I should add that we have chosen to be very restrictive in our water use. Our California American bill is about \$35 per month. Among our practices are very little outside irrigation, capturing washing machine water for landscape use, and taking quick showers.

In short, abandoning Ordinance 98 would yield no meaningful benefit for us or for general water use but would certainly have horrible and unnecessary consequences. Please feel free to forward this letter to anyone involved with discussions about Ordinance 98. Finally, please contact me directly if I might be of further help. Thank you again for your assistance.

Sincerely yours,



James A. Bell

(831) 624-4234 (home) or (831) 277-9805 (cell) or [jbell@apr.com](mailto:jbell@apr.com) (email)

Margaret L. Thum, Esq.  
PO Box 117683  
Burlingame, CA 94011

Received at 4/18/2011  
MPWMD Board Meeting  
Item 18

April 18, 2011

Monterey Peninsula Water Management District  
5 Harris Court, Bldg. G  
Monterey, CA 93942-0085

**Re: Second Supplemental Letter Supporting Appeal of Decision of  
Non-Compliance upon Final Inspection for Permit 30234  
Property Address: 951 Coral Dr., Pebble Beach, CA 93953 (the "Property")  
APN: 007-254-005-000**

Dear Monterey Peninsula Water Management District Board:

This letter is in response to the report from Mr. Darby Fuerst, General Manager of the Monterey Peninsula Water Management District (the "District"), and is supplemental to the letters dated July 28, 2010 and March 25, 2011, in which Richard and Sharlene Thum (collectively, "we," "us," or "our") respectfully requested this Board to review the facts and findings of the above-referenced matter and reverse the District's decision of non-compliance with Permit 30234.

All Exhibits, District rules, regulations, ordinances, documents provided as part of the California Public Records Request Act ("CPRA") request, and correspondence between the parties related to this appeal and the CPRA request are incorporated in this letter by reference.

Before discussing our response to the District's report, this Board should be aware that the District report does not mention, address, or otherwise refute any of the arguments or issues we raised in our letter dated March 25, 2011.

We respectfully request this Board to consider the following points before making its decision:

1. *Prior Board Precedent.* The District states its recommendation to require a water permit for the two water fixtures at issue would be consistent with prior Board decisions. This is not correct. The District does not provide any support for its conclusion, and moreover, the District fails to make any mention of the reference in our letter dated March 25, 2011, to the appeal decided by this Board in May 2002 (Ken and Sharlene Virnig, Appellant; Murray Smith, Applicant) (the "Smith appeal"). The Smith appeal addressed the issue, similar to ours, of whether water fixtures in a home recently purchased by Mr. Smith were in the home at the time of purchase. The prior owner, Mr. John Frederiksen, confirmed that the fixtures were in the house when it was sold to Mr. Smith. This Board agreed, and permitted Mr. Smith to keep those fixtures that were in the house at the time he purchased the house from Mr. Frederiksen.

2. *We Relied on District's Inspection of its Water Fixture Count from August 2007 and Subsequent Actions.* When we filed our application for Permit 30234 and signed the associated deed restriction, we relied on the District's water fixture count from its inspection in August 2007. Our process for completing the permit application is as follows: (i) Mr. Anatoly Ostretsov of the architect firm IDG requested the latest inspection report from the District, which was the inspection report from August 2007, (ii) he called the District for it to explain any issues with the inspection report, e.g., getting a credit for instant hot water, etc., and (iii) he prepared the water release form, also known as the permit application, based on the District's inspection report from August 2007

Monterey Peninsula Water Management District  
April 18, 2011  
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and its comments during the conversation with the District. Our permit application only increased the fixture count by the number of fixtures we were adding to the bathroom. In our attempt to provide truthful answers to the District's request for a count of water fixtures at the Property, we asked the District if we needed to include the sink in the outside bar-b-que (not built, but part of the plans for Permit 30234), and the District said "no."

Moreover, from August 2007 to January 2010, when Permit 30234 was issued, the District was notified of at least three opportunities to inspect the Property to verify water fixture counts as calculated under its rules. These instances are: (i) January 2008, when the District granted final approval of Permit 24754 (see Rule 23-A-1-o), (ii) June 2009, when we purchased the Property from the Filice's (see Rule 144-D and Exhibit A, which indicates on the District form that certification is verified by "MPWMD inspection"), and (iii) January 2010 when it issued us Permit 30234 (see Rule 24-A-1-c). The District did not take any of these opportunities to inspect the Property to count water fixtures.

As mentioned in the points described in our prior letters, and more fully discussed below, the District's rules for counting water fixtures are arbitrary, vague and unclear, and we have no familiarity with them. After pursuing this appeal for many months, we still do not understand what is be counted and why – and we are not alone. Other citizens with whom we have spoken have universally made the same remarks. The District is the only entity that can navigate its rules, and thus it should either make its rules more clear and comprehensible for others to follow, or understand that citizens are forced to rely on District records when applying for District permits.

3. *Bathroom Water Fixtures Remain Unaltered.* We purchased the Property in June 2009 and have not altered any of the bathroom water fixtures that were in the Property at the time of purchase. The only changes to bathroom fixtures are the ones that were added with the new bathroom constructed pursuant to Permit 30234.

4. *District Does Not Dispute Photographs of Water Fixtures.* Upon the District's request in September 2010, we provided photographs of the two bathroom water fixtures at issue. The District asserts four years later that its August 2007 inspection is correct, and it does not dispute the water fixtures in the photographs we sent in September 2010 as being different than the fixtures it inspected in August 2007. The District's actions, therefore, support our position that the water fixtures installed today are the same ones it inspected in August 2007.

Although we could not find a provision in the District's rules that states this, apparently if the two hand held faucets at issue included a diverter, then the District's count of water fixtures from its August 2007 inspection report would be correct. The only way to determine if a diverter exists is to turn on the showerhead, handheld faucet, and tub spout at the same time and see if water comes out of all fixtures. If the District performed only a visual inspection of the water fixtures in August 2007, it would have missed the fact that there are not diverters for the handheld faucets at issue. When the District performed its inspection in July 2010, it turned on the handheld faucets and the showerheads at the same time (although it did not also turn on the tub spout), and discovered that a diverter does not exist.

The water fixtures in the downstairs bathroom are very unique – all of the controls are outside of the tiled wall. Because the District remembers so clearly its inspection from August 2007, it certainly would remember this unique fixture. See Exhibit B. On Friday, April 15, 2011, we inquired with the manufacturer to see if there is/was a diverter model available back in 2007. We spoke with Mr. Lennart Caspersen, General Manager of Herbeau (the French manufacturer of the shower/tub combination fixture in the downstairs bathroom). Mr. Caspersen said that the only

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shower/tub combination in the Royale line, which is the line installed in our Property, does not and never has come with a diverter (Model 3401). In fact, all three fixtures – the showerhead, handheld faucet, and tub spout can operate at the same time. Thus, even if the Filice's wanted to switch out a diverter model for the Herbeau shower/tub fixture with a non-diverter model, they could not have done so - a diverter model is not available.

5. *We did not prepare the deed restriction.* The District's report states that we prepared the deed restriction, and thus are responsible for the water fixture count listed in the deed restriction. This is not correct. The District prepared the deed restriction and sent it to us in Texas for signature. We were not the party requesting a deed restriction – the District demanded the deed restriction. As a result, the District should be responsible for ensuring that the water fixture count is correct in the deed restrictions that it is imposing. Based on what we know now, the District's arbitrary application of its rules (e.g., see item 10 below) we are concerned that the deed restriction will be interpreted differently, and unfavorably against us, in the future.

6. *We did not have notice of the 2000 Deed Restriction nor copies of the 2000 Architect Plans.* The District report infers that we had notice of the 2000 deed restriction it placed on the property, and as such we are responsible for limiting the water fixtures at the Property to those listed in the 2000 deed restriction. The District should remember that it removed this deed restriction in April 2007 – more than two years before we purchased the property. See Exhibit C. We never had notice of the 2000 deed restriction.

In addition, the District references architect plans from 2000 as support for its position that only certain water fixtures may be installed at the Property. We have never seen those plans. Moreover, those plans were prepared seven years before the Property was completely constructed and the District performed its inspection in August 2007. It seems odd that the District would put weight on plans from 2000, when it inspected the property seven years later. In addition, building plans may change slightly over time. For example, in our case our plans for Permit 30234 indicated that we were installing a multiple shower fixtures, and we only installed one showerhead.

7. *August 2007 Inspection Is Key, not Inspections in 1992 and 2000.* The District's recommendation states that there is no evidence to support a finding that the two additional showerheads were installed and operational on the site when it documented water fixtures in 1992 and 2000. That is likely true, because the water fixtures weren't installed until approximately 2007, when the Property remodel was completed. With a complete inspection, these fixtures would have been properly documented by the District in August 2007.

8. *We should not be Penalized for the District's Error.* The District report lists five remedies to resolve this dispute. As mentioned throughout our correspondence, we constructed the bathroom pursuant to District Permit 30234, and under the doctrines of vested rights and equitable estoppel, we are not required to perform conditions after receiving such Permit. Moreover, the five remedies listed in the District report all require additional costs that we did not budget or are impossible to perform (can't add a diverter to the Herbeau fixture). In addition, if the District requires us to remove the two water fixtures at issue, the District would be taking our property and has not offered to provide just compensation. If the District is willing to justly compensate us for taking our water fixtures and requiring the imposition of the deed restriction limiting the number and location of water fixtures in the Property, we request it provide a written offer of compensation with its decision in this hearing. The District should be aware that the Herbeau fixture is approximately \$10,000, and the fixtures in the upstairs bathroom made by Waterworks cost approximately the same. This does not include the time for removal and reconstruction of the bathrooms.

Monterey Peninsula Water Management District  
April 18, 2011  
Page 4 of 5

9. *Government Regulations Must Be Narrowly Tailored.* As mentioned in our letter dated March 25, 2011, the District, like all government agencies, must select the course of action that is narrowly tailored to respect the rights of all citizens, especially when the sanctum of the home is involved. If estimating water use capacity is critical to the District, then a more narrowly tailored approach would be to obtain water meter readings or water usage reports from California American Water Company – this approach would avoid the District from intruding into homes to count and limit water fixtures and would be more accurate. We suspect the District does not want to take this more narrow approach for many reasons, including that it would then not be able to restrict household water use, which it is attempting to do with its current water fixture scheme. By counting and limiting water fixtures, the District is able to obfuscate the Legislature's intent that the District does not have the right to restrict household uses of water.

10. *District Rules are Arbitrary, Vague, Unclear and Are Unconstitutional.* In addition to the arguments set forth in our March 25<sup>th</sup> letter, we point out that District rules are so arbitrary that only it has the secret code to determine what is being counted. A key point is the District rules do not count all water fixtures in a home. Here are just a few examples:

- There are two handheld water fixtures in the master bathroom – they are virtually identical, except for a small piece of porcelain on one of the handles. See Exhibit D-1 & D-2. One fixture is in the master shower, and apparently is counted for purposes of the District's water fixture counting rules. Exhibit D-1. The other fixture is used with the master bath, and is not counted under the District's water fixture counting rules. Exhibit D-2.
- The District is contesting two fixtures in a couple of our showers. However, we have two fixtures over each of the sinks in our kitchen, and despite multiple District inspections of our Property, the District has never raised these two fixtures as an issue.
- Some water fixtures are not counted at all, such as pot fillers.
- In our attempt to truthfully answer the District's questions about water fixtures in our Property, we asked the District if we needed to include in our fixture count the sink in the bar-b-que area outside (not built, but part of the plans for Permit 30234), and the District said no, we did not need to include that fixture.

Furthermore, despite the District's reference in the notice for this hearing and its July 2010 inspection report that the two fixtures at issue are showerheads, they are not. By the District's own definition, the fixtures at issue are not showerheads, but possibly "body spray nozzles." We have referenced these in our correspondence as handheld faucets, and sometimes they are referred to as body spray wands or personal showers. The District rules state that "[a] Body Spray Nozzle shall have the same fixture unit count as a Showerhead," but the rules do not state that a body spray nozzle is a showerhead. Rather, a body spray nozzle is different than a showerhead, although they each have the same fixture unit count under the District rules.

So, when the District asserts we lied in our permit application that we had two extra showerheads, we did not lie and were not trying to skirt the District's rules. Rather, we were earnestly attempting to provide truthful answers to the District's questions. We consider a showerhead to be a water fixture that is permanently affixed to the wall or ceiling of a shower stall or above a bathtub. Handheld faucets do not fit this description.

The US Supreme Court has stated that laws are valid only if a person of average intelligence can decipher them. See *City of Chicago v Morales*, (1999) 527 U.S. 41. It is not reasonable that a person of average intelligence would be able to decipher what is included in the District's water fixture count, because not all fixtures are counted, and it is not reasonable that a person of ordinary intelligence would translate a handheld faucet or body spray nozzle to mean a



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
WATER CONSERVATION CERTIFICATION  
Transfer of Title/Ownership

Property Address 951 Coral Drive City Pebble Beach

Assessor's Parcel Number (APN) 007-254-005

I, Paul Filice am the buyer (circle one) of the property located at the above address. I hereby certify that the above property is in compliance with the Monterey Peninsula Water Management District's Water Conservation Law as summarized on the reverse side of this form.

This certification is verified by the following (check all that apply).

- a.  MPWMD inspection (Attach copy of report)
- b.  Exemption for \_\_\_\_\_  
Granted by: \_\_\_\_\_  
(Attach copy of exemption approval by MPWMD)
- c.  Extension for \_\_\_\_\_ days. (Max. 120 Days)
- d.  Owner Certification - Attach itemized receipts for purchase of plumbing fixtures and/or installation services-(Note: An MPWMD inspection may be required for verification.)

2. Is a water well located on the property?  Yes  No

If yes, I certify that the well or wells have been properly registered with the Monterey Peninsula Water Management District, and a water meter has been installed. (See reverse side for well registration and reporting requirements.)

I declare under penalty of perjury that the information stated above is true and complete to the best of my knowledge.

Paul Filice 6.19.09 \_\_\_\_\_  
Buyer/Seller/Owner Date Daytime Phone  
Paul Filice  
Print or Type Name

NEW OWNER'S ACKNOWLEDGMENT OF  
WATER CONSERVATION REQUIREMENTS

I, Richard and Sharlene Thum, acknowledge receipt of this report regarding permanent water conservation requirements that may affect my property. I further understand that if an MPWMD inspection has not been performed prior to the transfer of ownership, a verification inspection may be requested by the District at a future date.

Richard and Sharlene Thum \_\_\_\_\_  
Signature Daytime Phone  
Richard and Sharlene Thum  
Print or Type Name

Mailing Address \_\_\_\_\_





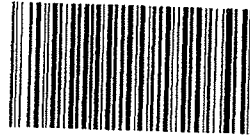
**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

Stephen L. Vagnini  
Monterey County Recorder  
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4/12/2007  
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DOCUMENT: **2007029609**



Titles: 1/ Pages: 2	
Fees....	11.00
Taxes...	
Other...	2.00
AMT PAID	\$13.00

**Recording Requested by:**  
Monterey Peninsula Water Management District

**When Recorded, Mail to:**  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, CA 93942  
Telephone (831) 658-5601

**NOTICE OF REMOVAL OF DEED RESTRICTION**

**THIS DOCUMENT SUPERSEDES PREVIOUSLY RECORDED MPWMD DOCUMENT**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), finds the real property referenced below as "Subject Property" to be in compliance with the Water Management District rules and regulations.

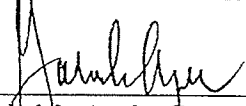
**NOTICE IS FURTHER GIVEN** that the real property affected by this Notice of Removal is situated in the **County of Monterey**:

**951 CORAL DR, PEBBLE BEACH CA 93953-2540  
(MONTEREY PENINSULA COUNTRY CLUB 1 LOT 3 BLK 24)  
ASSESSOR'S PARCEL NUMBER 007-254-005-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **Paul G. Filice** is record Owner of the Subject Property.

**NOTICE IS FURTHER GIVEN** that based upon information obtained by the undersigned within the scope and course of his/her official duties and employment with the Water Management District, it has been determined that the Subject Property has complied with Water Management District laws, rules and regulations. This document shall rescind, nullify and void the prior and specific **Notice and Deed Restriction Regarding Limitation on Use of Water on a Property, Document 2000048957, recorded August 1, 2000** on the Subject Property described above.

*(Signatures must be notarized)*

By:  Dated: 4-10-07  
**Gabriela Ayala, Conservation Representative  
Monterey Peninsula Water Management District**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

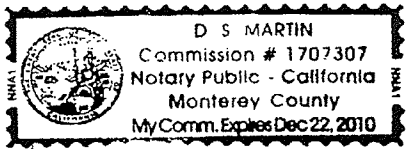
County of Monterey

On April 10, 2007 before me, Debra Martin, Notary Public

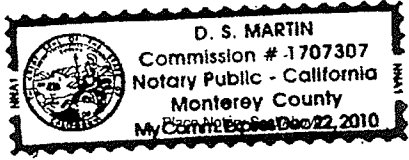
personally appeared Gabriela Ayala

personally known to me

(or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

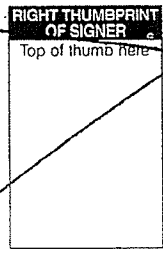
Title or Type of Document: Notice of Removal of Deed Restriction

Document Date: 4-10-2007 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

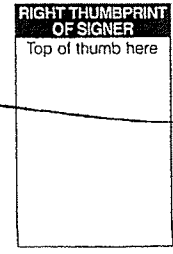
**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: \_\_\_\_\_
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

END OF DOCUMENT



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601

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Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

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Monterey County Recorder  
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**Filer**

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DOCUMENT: **2000048957**



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Title: 1 / Pages: 4

Fees	17 00
Taxes	
Other	1 00
AMT PAID	18 00

**NOTICE AND DEED RESTRICTION  
REGARDING LIMITATION ON USE  
OF WATER ON A PROPERTY**

NOTICE IS HEREBY GIVEN that the real property situated in the County of Monterey:

**951 CORAL DRIVE {L3 B24/MONTEREY PENINSULA COUNTY CLUB 1}  
ASSESSORS PARCEL NUMBER 007-254-005,**

hereinafter referred to as the "subject property," is located within the jurisdiction of the Monterey Peninsula Water Management District, a public agency formed and operating within the provisions of law found at Statutes of 1977, Chapter 527, as amended found at West's California Water Code Appendix, Chapters 118-1 to 118-901. **Paul G. & Mary L. Filice**, (hereinafter referred to as Owner(s)), is the record owner(s) of the subject property. Owner(s) and the Monterey Peninsula Water Management District each acknowledge that the installation and maintenance of an ultra low-flow washing machine, manufactured with no wash cycle capable of using greater than 28 gallons of water, two-two liter maximum ultra low-flush toilets, two dishwashers with no complete wash cycle capable of using greater than 7.66 gallons of water, and an instant-access hot water system capable of supplying hot water at any access point within six seconds, are permanent requirements of the property. The permitted water use at the subject property is to supply the potable water requirements for a single-family dwelling consisting of:

- 3 ultra low-flush toilets (2:2 liter maximum, 1: 1.6 gallons-per-flush)
- 4 wash basins (2.2 gallons-per-minute maximum flow)
- 2 kitchen sinks (2.2 gallons-per-minute maximum flow) and two dishwashers (7.66 gallons maximum on all cycles)
- 1 washing machine (28 gallons maximum on all cycles)
- 2 shower stalls (2.5 gallons-per-minute maximum flow showerheads)
- 1 oversize bathtub (over 55 gallon overflow capacity, may have showerhead above)
- 1 standard bathtub (under 55 gallon overflow capacity, may have showerhead above)
- Reasonable outdoor water use as needed and as allowed by District Rules.

Owner(s) acknowledges that the condition requiring the installation and maintenance of the ultra-low flow appliances referenced above has been voluntarily accepted as a condition of Water Permit No. 18570 and is permanent and irrevocable, unless amended by the filing of a less restrictive deed restriction.

OWNER(S) agrees to record this Notice and Deed Restriction in the Recorder's Office of the County of Monterey, and by such recordation accepts unconditionally the terms and conditions stated herein.

By: Gabriela Ayala  
Gabriela Ayala  
Conservation Representative  
Monterey Peninsula Water Management District

Dated: 7/24/2000

The undersigned Owner(s) request and consent to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property. (Signature: must be notarized).

By: Paul G. Filice  
Paul G. Filice

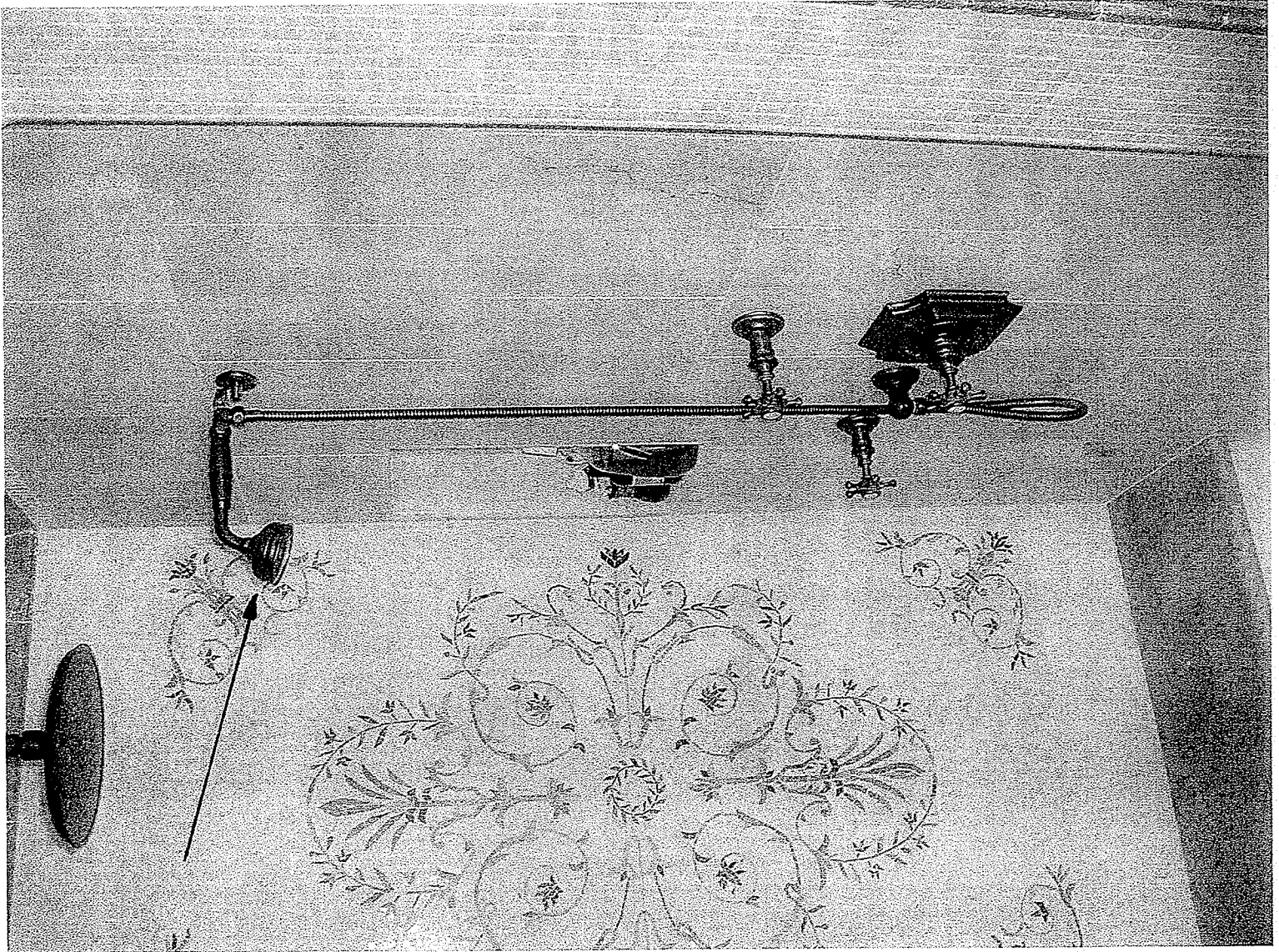
Dated: 7-31-00

By: Mary L. Filice  
Mary L. Filice

Dated: 7-31-00



EXHIBIT D-1







Carmel Valley Association  
P.O. Box 157, Carmel Valley, California 93924  
[www.carmelvalleyassociation.org](http://www.carmelvalleyassociation.org)

Received at 21  
April 18, 2011  
Board Meeting



Since 1949

April 18, 2011

Robert S. Brower, Sr., Chair  
Monterey Peninsula Water Management District  
PO Box 85  
Monterey, CA 93942

**REQUEST THAT THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
DEVELOP A CONTINGENCY PLAN FOR THE SUPPLY OF WATER AND HOLD PUBLIC  
INFORMATION MEETINGS IN CONJUNCTION WITH DEVELOPING THE PLAN.**

Dear Chair and Members of the Board of Directors:

The Carmel Valley Association has been actively participating in water issues affecting our area since 1949. Representing hundreds of families, we are the oldest and only residents' association speaking for all the Carmel Valley.

Our members have been actively participating in the current proceedings, and we have strongly supported the "Regional Project" in concept. However we are now seriously concerned that the Regional Project may not be completed in time, or may not be completed at all in its present form.

The following "Position Paper" is our formal request that the District prepare a Contingency Plan to assure Monterey Peninsula water users will continue to have an adequate future supply of water.

**Please give our request your most serious consideration.**

With best regards,

A handwritten signature in black ink that reads "Todd Norgaard". The signature is fluid and cursive, with a large loop at the end.

Todd Norgaard  
Chair, Carmel Valley Association Water Committee

## Carmel Valley Association Water Committee

### Position Paper – Recommendation to Monterey Peninsula Water Management District

April 15, 2011

#### RECOMMENDATION:

Carmel Valley Association Water Committee recommends that the Monterey Peninsula Water Management District undertake the development of a contingency plan for the supply of water to the Peninsula in the event that the Regional Project cannot meet the schedule and budget expectations on which its approval was based.

Furthermore, we recommend that the development of such a plan be done in conjunction with a series of public meetings, with in-depth information about the various components of the developing plan presented at each meeting.

#### BACKGROUND:

The history of water supply development for the Peninsula is a sorry tale of pinning hopes on one bad idea after another. Plan after plan has failed for a variety of reasons. Now we are dependent on the success of the Regional Project, which will be owned by Marina Coast Water District and Monterey County Water Resources Agency. The RP was approved over the objections of critics who pointed out problems with water rights, groundwater export, governance and fiscal oversight. Yet, as it was the plan chosen by MCWD and MCWRA and, as there was no alternative plan, the Peninsula cities and the California Public Utilities Commission supported it.

Several threats have developed that raise serious concerns that the RP may not succeed in meeting the Peninsula water demands in time to comply with the requirements of the State Water Resources Control Board's Cease and Desist Order. Two lawsuits have been filed, ethics issues have been raised concerning decisions of MCWRA's board and a financial analyst has indicated that financing may only be possible at junk bond interest rates. The issues of water rights and the groundwater export ban from the Salinas Valley are still unresolved and there are many permits that still must be received.

#### THE CONTINGENCY PLAN:

A contingency plan for the RP is required under the law.<sup>1</sup> However, as it now stands, the only option if the RP fails to meet the schedule is to continue to pump from the CalAm wells and be subject to fines from the SWRCB.

There are several developments in the water supply picture that are quite positive. The initial findings from the Aquifer Storage and Recovery project indicate that the reliability of the ASR in

<sup>1</sup> County Code Section 10.72.010 Desalination Facilities: F. Submit a contingency plan for **alternative water supply** which provides a reliable source of **water** assuming normal operations, and emergency shut down operations. Said contingency plan shall also set forth a cross connection control program. Applications which propose development of facilities to provide regional drought reserve shall be exempt from this contingency plan requirement, but shall set forth a cross connection control program."

## Carmel Valley Association Water Committee

### Position Paper – Recommendation to Monterey Peninsula Water Management District

the Seaside aquifer and that the ASR contribution can be increased over the size indicated in the RP. Also, Groundwater Storage of recycled water, which was once considered in the RP and then moved to Phase 2, could contribute 2700 AFY. The use of reclaimed water for landscape irrigation was excluded from the RP and should be considered. As desal is the most expensive water source, all alternatives should be fully exploited before deciding on the final size of the desal element. MPWMD's 95-10 project continues to show potential as a source of desalinated water. In addition, other private desalination developments should be evaluated.

#### THE PUBLIC FORUM:

The Peninsula public wants and needs information. Much of the public discourse is replete with misinformation and disinformation and some important decisions have been propelled by misguided public opinion. Most citizens do not really know what the MPWMD does, or even why it exists. To some, it appears that the District has lost sight of its mission.

The CVA Water Committee strongly believes that it is time to take a proactive stance and use your management team to meet these important information needs. A series of public meetings, say once a month, that initially covers an overview of the water supply picture and then analyzes the individual components, such as GWR, ASR, and desalination would go a long way in gaining the credibility and support that will be essential if the RP becomes infeasible. An experienced professional facilitator should facilitate the meetings. At the end of the series of meetings, opinion leaders in the community will understand a contingency plan and the potential role of MPWMD in the event of default of the RP.

Meetings like this would give the public a chance to learn the full scope and importance of MPWMD's activities and to see your very competent staff in action.

The people of the Carmel Valley have a special interest in finding a solution to the water supply problem. The health of the Carmel River and its associated groundwater basins is inextricably linked to the ecological health of the valley and its livability.

*Roger J. Dolan (sig.)*

CVA Water Committee  
Member  
Roger J. Dolan P.E

*Todd Norgaard (sig.)*

CVA Water Committee  
Chair  
Todd Norgaard

*Christine Williams*

Carmel Valley Association  
President  
Christine Williams

RECEIVED

APR 16 2011

MPWMD

Tony Sollecito, Realtor  
Keller Williams Real Estate  
22600 Carmel Rancho Blvd.  
Carmel, CA 93923

April 16, 2011

Board of Directors  
Monterey Peninsula Water Management District  
5 Harris Court, Bldg G  
Monterey, CA 93940

RE: APRIL 18, 2011 BOARD MEETING ITEM 17: THUM APPEAL

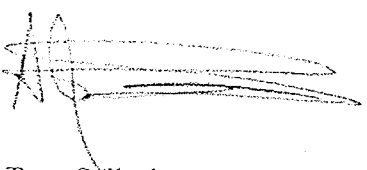
Dear Board of Directors:

It was my desire to be attend the April 18<sup>th</sup> meeting and speak on Item 17: “Consider Appeal of General Manager's Decision to Require a Water Permit for Two Showerheads Pursuant to District Rule 20, Permits Required -- 951 Coral Drive, Pebble Beach (APN: 007-254-005),” however, my daughters are flying into San Francisco International Airport that evening and I have to be there to meet their plane.

I am the Realtor that represented the Thums in the purchase of their home at 951 Coral Drive in Pebble Beach. First, let me say that I am saddened by the fact that they are being forced into this appeal process when they followed all of the rules set before them to add on their additional bathroom. It is obvious they relied on the “fixture count” done by the Water District prior to the purchase of their home. A count that was apparently done in error by the District. Secondly, I visited that home on many occasions with the Thums prior to their purchase and have been in the home as a guest subsequent to their purchase. I can say without a doubt that, other than their fully-permitted new bathroom, they have added no new water fixtures to their existing bathrooms. The fixtures there today are the fixtures that were there prior to their purchase, and, presumably, when counted by the District.

I would ask that you find in favor of the Thums in this appeal. Anything less would be an injustice to them.

Thank you for your consideration.



Tony Sollecito

MARK A. CAMERON  
 JOHN S. BRIDGES  
 DENNIS G. MCCARTHY  
 CHRISTOPHER E. PANETTA  
 DAVID C. SWEIGERT  
 SARA B. BOYNS  
 BRIAN D. CALL  
 SHARILYN R. PAYNE  
 BRIAN E. TURLINGTON  
 CAROL S. HILBURN  
 TROY A. KINGSHAVEN  
 MICHAEL P. BURNS  
 KATHERINE M. HOGAN

FENTON & KELLER  
 A PROFESSIONAL CORPORATION  
 ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY  
 POST OFFICE BOX 791  
 MONTEREY, CALIFORNIA 93942-0791  
 TELEPHONE (831) 373-1241  
 FACSIMILE (831) 373-7219  
 www.FentonKeller.com

LEWIS L. FENTON  
 1925-2005  
 JACQUELINE P. MCMANUS  
 1961-2011

OF COUNSEL  
 CHARLES R. KELLER  
 THOMAS H. JAMISON  
 GARY W. SAWYERS

RECEIVED

APR 15 2011

April 15, 2011

DAVID C. SWEIGERT

MPWMD

DSweigert@FentonKeller.com  
 ext. 202

VIA ELECTRONIC MAIL (rbrower@chateaujulien.com)

Chair Robert S. Brower Sr.  
 Board of Directors  
 Monterey Peninsula Water Management District  
 5 Harris Court, Bldg G  
 Monterey, CA 93940

Re: CPUC Directed Consultation re: Interpretation of SWRCB Cease and Desist Order

Dear Chair and Members of the Board:

I am writing on behalf of a number of our clients who hold water credits issued by MPWMD. When the California Public Utilities Commission ("CPUC") recently approved Cal-Am's application for a moratorium, it directed Cal-Am to consult with MPWMD and SWRCB regarding interpretation and scope of the SWRCB's October 20, 2009 Cease and Desist Order (Order WR 2009-0060, hereinafter, "CDO"). Our clients and many other landowners are extremely concerned that this consultation process will exclude the public and could lead Cal-Am to refuse to serve existing connections even where the CDO expressly allows service because there is either no increase in water use or no change in zoning or use. Expanding the scope of the CDO through the consultation process would raise serious due process issues, would result in substantial interference with reasonable investment-backed expectations of property owners, and therefore must be carefully avoided.

It appears that many of those most closely involved, including SWRCB, CPUC, and Cal-Am, do not appear to understand that the plain language of the CDO allows use of water credits and certain increases in water use at existing service addresses. Some incorrectly cite SWRCB's January 5, 2010 Order Denying Motions for Reconsideration (Order WR 2010-0001) as evidence that the SWRCB intended the CDO to prohibit use of water credits. However, Order WR 2010-001 does not support that conclusion. To the contrary, in that very order, SWRCB candidly admitted its lack of understanding of water credits. In footnote 3 on page 3 of that order, SWRCB stated, "The Board does not know if the operative effect of water credits received from MPWMD differs from water entitlements received from MPWMD." SWRCB cannot prohibit something it does not understand.

Chair Robert S. Brower Sr.  
 April 15, 2011  
 Page Two

It has also been recently reported that Cal-Am will not honor water credits issued by MPWMD. If true, Cal-Am's refusal to serve existing addresses based on water credits would improperly expand the scope of CDO, which by its own terms allows the use of water credits at existing service connections, as explained below.

Unless the express CDO exception applies based on timing of permits,<sup>1</sup> Condition 2 of the CDO prohibits Cal-Am from diverting "water from the Carmel River for . . . for any increased use of water at existing service addresses resulting from a change in zoning or use." This is a two part test. To be prohibited by the CDO, service to an existing service address must both involve an "increase in use" and "result from change in zoning or use." Unless both criteria are satisfied, the CDO does not prevent Cal-Am from diverting Carmel River Water for the service.

An "increase in use" only occurs if a later use is greater than an earlier use. This raises the question of when and how the earlier use should be measured. The most fair and reliable measure is through MPWMD's process for confirmation of use and issuance of a water credit. Furthermore, by definition under MPWMD Rules 11 and 25.5, use of a water credit or water use credit at an existing service address does not involve any increase in use. MPWMD water credits and water use credits are a measure of past use for purposes of allowing a future use after a temporary suspension of water use. (Note this is true even where there has been a "Permanent Abandonment of Use" as defined under MPWMD rules, as the latter term is defined to apply to abandonment of a type of use, not a quantity of use. No property owner seeking a water credit ever intends to permanently abandon the quantity of use.) Because use of a water credit at an existing service does not involve any "increase in use," such use is permissible under the CDO.

Nor does it matter when the water credit is or was issued. Some might argue that MPWMD water credits issued before SWRCB approved the CDO should be prohibited by the CDO because it involves an increase in use over what existed at the time the CDO was adopted. Under that argument, the CDO would only prevent pre-CDO water credits, but not future Post-CDO water credits. However, there is no rational basis for prohibiting a property owner from using a water credit that was issued before the CDO was adopted while allowing use of water credits issued after the CDO was adopted. Such discrimination between property owners based on whether they were past or future water credit applicants (i.e., the accident of timing) would raise significant constitutional due process and equal protection concerns.

The second step in determining whether the CDO prohibits use of Carmel River water to serve an existing service address is determining whether there has been a "change in zoning or use." This obviously refers to a change in zoning or use of property, as only property undergoes a change in zoning. It is beyond dispute that the phrase "change in zoning" refers to a legislative-enactment in the form of an ordinance resulting in a change in the land use

<sup>1</sup> It is very important to note that the exception in Condition 2 based on timing of permits only comes into play when there is both an increase in water use and a change in zoning or use.

Chair Robert S. Brower Sr.  
 April 15, 2011  
 Page Three

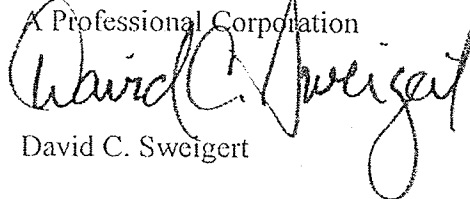
designation for property under the applicable zoning code. In interpreting the CDO, it is reasonable and appropriate to construe the phrase "change in use" to mean a similarly substantial change in the nature of the underlying use of property from one category or type of use to another. It would be unreasonable to interpret "change in use" to include minor changes in residential or commercial uses, such as occupancy of a previously vacant structure, a large family moving into a home previously occupied by a small family, a successful restaurant taking over space of a failed one, or the addition of a room to a home or office, as none of these would come within the normal or common meaning of a change in use of property.

In summary, the use of a water credit at an existing service address does not involve an increase in use of water. Nor does use of a water credit, even for a remodeled or rebuilt structure at an existing commercial or residential service address, ordinarily involve a "change in zoning or use" of the property. Therefore the CDO does not prohibit the use of Carmel River water to serve such properties under these circumstances.

For these reasons, we respectfully request the Board to direct MPWMD staff and encourage Cal-Am to take the following positions in the consultation process: 1) that the CDO allows the use of MPWMD water credits and water use credits at existing service addresses; and 2) that "change in zoning or use" applies to only substantial changes in the fundamental nature of the use and not to minor changes such as the examples given above. Finally, we would urge the Board to direct staff and Cal-Am to use all due caution and care to avoid inadvertent expansion of the scope of the CDO through the consultation process to the detriment of property owners holding MPWMD water credits.

Very truly yours,

FENTON & KELLER  
 A Professional Corporation



David C. Sweigert

DCS:tob

cc: David Potter ([district5@co.monterey.ca.us](mailto:district5@co.monterey.ca.us))  
 Judi Lehman (c/o [arlene@mpwmd.dst.ca.us](mailto:arlene@mpwmd.dst.ca.us))  
 Kristi Markey ([kmarkey65@comcast.net](mailto:kmarkey65@comcast.net))  
 Regina Doyle (c/o [arlene@mpwmd.dst.ca.us](mailto:arlene@mpwmd.dst.ca.us))  
 David Pendergrass ([SandCityMyr@aol.com](mailto:SandCityMyr@aol.com))  
 Craig Anthony, Cal-Am ([Craig.Anthony@amwater.com](mailto:Craig.Anthony@amwater.com))  
 Darby Fuerst, MPWMD ([darby@mpwmd.dst.ca.us](mailto:darby@mpwmd.dst.ca.us))  
 David Laredo, DeLay & Laredo ([dave@laredolaw.net](mailto:dave@laredolaw.net))



**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791

RECEIVED



APR 12 2011

APR 18 2011

MPWMD

Mr. Darby Fuerst  
General Manager  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

Subject: Commitment Letter - Proposition 84 IRWM Planning Grant

Dear Mr. Fuerst:

Thank you for your interest in the Proposition 84, Integrated Regional Water Management (IRWM), Planning Grant Program. We are pleased to inform you that the proposal Work Plan to Update the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan, filed by Monterey Peninsula Water Management District has been selected by the Department of Water Resources (DWR) for possible funding.

This letter serves as DWR's conditional commitment of \$ 995,000.00, in Proposition 84, Chapter 2 funding for the grant proposal. This award is conditioned upon the execution of a Grant Agreement between DWR and the grantee and contingent upon the availability of funds. A copy of the Planning Grant Agreement template is available at the following website: [http://www.water.ca.gov/irwm/integregio\\_resourceslinks.cfm](http://www.water.ca.gov/irwm/integregio_resourceslinks.cfm) Please note that for urban water suppliers receiving grant funds, the Grant Agreement requires continued compliance with urban water management plans. The 2010 UWMPs are due July 1, 2011.

The requirements that must be satisfied before DWR will enter into a Grant Agreement with your agency are listed in Attachment 1. Your timely attention to this matter is very important. DWR wishes to execute the Grant Agreement within the next few months. Failure on your part to meet the grant execution requirements, in a timely manner, may result in DWR revoking the grant award.

Please return the requested information to Michelle Dooley by **April 25, 2011** at:  
Department of Water Resources  
South Central Region Office  
3374 E. Shields Avenue  
Fresno, California 93726  
Attention: Michelle Dooley or via email at [mmdooley@water.ca.gov](mailto:mmdooley@water.ca.gov)

Mr. Darby Fuerst

Page 2 APR 12 2011

If you have any questions, please contact Michelle Dooley at (559) 230-3373.

Sincerely,



Tracie L. Billington, P.E., Chief  
Financial Assistance Branch  
Division of Integrated Regional Water Management

## Attachment 1

### Grant Agreement Execution Requirements and Related Information

The following requirements must be satisfied before DWR will enter into a Grant Agreement with your agency:

- Submit a letter documenting the grantee has available sources of sufficient funds to start and maintain progress on the grant while DWR processes reimbursement requests.
- Submit detailed information including the following items:
  - Any revisions to the scope of work based on changes since the grant application was submitted. A revised and more detailed work plan should be submitted explaining how the new plan will achieve compliance with present standards.
  - A budget that clearly notes which grant funds are being used for disadvantaged community involvement in IRWM planning so that DWR can have a clear accounting for the DAC funding target. The budget should also incorporate any changes that have occurred since the grant application was submitted.
  - A schedule that contains progress report milestones and incorporates any changes that have occurred since the grant application was submitted.
- The completed Environmental Information Form.

**ENVIRONMENTAL INFORMATION FORM**

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (CEQA). Work that is subject to the CEQA shall not proceed under the IRWM Planning Grant Agreement until documents that satisfy the CEQA process are received by the Department of Water Resources (DWR) and DWR has completed its CEQA compliance review. Work that is subject to a CEQA shall not proceed until and unless approved by DWR. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation. **This form is to be completed by the Grantee or Lead Agency.**

**Grantee organization:** \_\_\_\_\_  
**Project Manager:** \_\_\_\_\_ **Project:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

1. List the source of any other grants or funds received from the Department of Water Resources to implement a portion of this project. If none, please respond NA.
2. Is this a project as defined by CEQA? Explain. If no, skip to No.9 below. If yes proceed to No.3.
3. Is this project exempt from CEQA compliance? Yes \_\_\_\_\_ No \_\_\_\_\_ if no, skip to No.4, below.

If yes, check the appropriate response below; provide reasons for exemption in the space provided below; and then skip to No.9, below. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate (statutory exemptions: [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art18.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html) , categorical exemptions: [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art19.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html) );

\_\_\_\_\_ Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk. (Attach copy of the NOE and, if applicable, a copy of the governing Board Resolution accepting the NOE)

\_\_\_\_\_ Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk. Provide estimated date: \_\_\_\_\_

\_\_\_\_\_ Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk. *If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Manager, along with this form, to allow DWR to make its own CEQA findings.*



9. This Environmental Information Form was completed by:

Print or Type Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return the completed form to:  
Division of Integrated Regional Water Management  
South Central Region  
3374 E. Shields Avenue  
Fresno, California 93726  
Attention: Michelle Dooley or [mmdooley@water.ca.gov](mailto:mmdooley@water.ca.gov)

\*\*\*\*\*

\*\*\*\*\*For DWR Use Only.

\_\_\_\_\_ DWR received environmental documents.  
\_\_\_\_\_ DWR made findings.

**GEORGE AND MIRIAM THORPE  
1400 HOFFMAN AVENUE  
MONTEREY, CALIFORNIA 93940**

RECEIVED

April 11, 2011

APR 14 2011

Monterey Peninsula Water Management District  
Attention: General Manager  
5 Harris Court  
P.O. Box 85  
Monterey, Ca 93942-0085

MPWMD

Sir/Ma'am –

Reference.

Letter, MPWMD, Subject: Rebate Application for 1400 Hoffman Ave, Mty, dated June 14, 2010, copy attached.

Letter, MPWMD, Subject: Denial of Rebate Application for Lawn Removal at 1400 Hoffman Ave, Mty, dated March 28, 2011, copy attached.

The letter is an Appeal of the Denial of Rebate Application as offered by the MPWMD Letter of March 28, 2011.

In the MPWMD Letter dated June 14, 2010 there are six conditions for completion and processing of the Rebate. None of the six conditions lists a time limit of any sort. Additionally, when Mr Michael Boles inspected the lawn on June 14, 2010, I asked if there was a time constraint or if the available funding would expire. His answer to both questions was "No"; there was no time constraint and the funding was not expected to run out. Further, after reviewing each of the documents available at the MPWMD web site about the Rebate when I applied in May 2010, not one of the pages lists any time limit nor did the MPWMD Newsletter of January 2010 which provided my initial information on this Rebate Program.

Over the weekend of April 1, 2011 I saw the Monterey Herald article informing the public that no more Rebate Applications were being accepted for any of the MPWMD Rebate Programs. On Monday, April 4<sup>th</sup>, I received your letter of Denial of Application. The receipt of the Letter of Denial propelled us to complete this Lawn Replacement Landscaping Project. We had been relying on our son to assist in the heavy work on this project. But his Army assignment have not made him readily available for the past year, rather his unit has him at an Army school for the past several months and until the beginning of summer 2011.

In anticipation of a favorable response to this Appeal of Denial, I am enclosing the original receipts for all items purchased in conjunction with the lawn removal and subsequent landscaping. I called the MPWMD Office to schedule the Final Lawn

Inspection and was referred to Ms Stephanie Pintar for whom I left a phone message explaining the circumstances and requesting the Final Lawn Inspection.

I am prepared to sign the "Notice and Deed Restriction for Limitation of Use of Water" and resulting recording on the property title. Mr. Boles said that such a document would be provided at the Final Lawn Inspection. Thus all stated conditions on the MPWMD Letter dated June 14, 2010 accepting the Application for Rebate will have been accomplished.

Should you have additional questions I can be reached during the day time at (831) 242-9865.



GEORGE E. THORPE

Enclosures  
as stated



7/26/10	BRICKS	164.37
8/21/10	BRICKS	76.13
9/17/10	TERRACE WALL ITEMS	228.52
10/9/10	BRICKS	27.48
10/10/10	CONCRETE	10.28
10/11/10	MORTAR	5.30
10/11/10	TILE CUTTER RENTAL	85.58
1/29/11	ROCKS	140.7
4/2/11	BENDER BOARD	19.37
4/9/11	DG BASE	<u>73.06</u>

830.80



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SEASIDE, CA 93955 (831)583-0778

6967 00002 29989 07/26/10 02:17 PM  
CASHIER RYAN - RC030

999835	PALLET FEE <A,U>	15.00
393134	RD CLAY BRK <A>	150.50
35000.43		
MAX REFUND VALUE \$135.45/350		
-10% off Military Discount		
150.50	10% off Military Discount	-15.05
MUST RETURN ALL ITEMS FOR A FULL REFUND		

SUBTOTAL	150.45
SALES TAX	13.92
TOTAL	\$164.37
XXXXXXXXXXXX7680 VISA	164.37
AUTH CODE 026233/3029192	TA

<U> - NON-DISCOUNTABLE ITEM



6967 02 29989 07/26/2010 1862

RETURN POLICY DEFINITIONS		
POLICY ID	DAYS	POLICY EXPIRES ON
A	1	90 10/24/2010

THE HOME DEPOT RESERVES THE RIGHT TO  
LIMIT / DENY RETURNS. PLEASE SEE THE  
RETURN POLICY SIGN IN STORES FOR  
DETAILS.

GUARANTEED LOW PRICES  
LOOK FOR HUNDREDS OF  
LOWER PRICES STOREWIDE

LANDSCAPE

BRICK

Orchard Supply  
Hardware  
800 Playa Avenue  
Sand City, Ca. 93955  
\*(831) 899-5144\*\*

440 01 473 2492 08/21/10 09:30:00

NORMAL SALE

\*0000023169122215 HOOPER V-BELT  
1@ 5.09 5.09 T

\*0000023169122215 HOOPER V-BELT  
1@ 5.09 5.09 T

\*398 RED CONCRETE BRICK  
\*PULLTAG\* 350@ 0.20 70.00 T

SUBTOTAL 80.18

TAX @ 8.750% 7.02

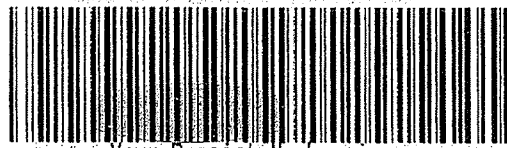
TOTAL 87.20

VISA NO:XXXXXXXXXX7680 87.20

AUTH NO: 021993

CHANGE 0.00

\* \* \* \* \*  
Open For Your Shopping Convenience !!  
Monday Thru Saturday - OPEN 7 AM TO 9 PM  
Sundays - OPEN 8 AM TIL 8 PM  
\* \* \* \* \*  
For fast and easy returns, please keep  
your receipt. A receipt dated within  
90 days of sale (before 11/19/10)  
is required for a full refund.  
\* \* \* \* \*



Your Receipt Number is:  
044001249208212010



FRONT YARD  
LANDSCAPE  
TERRACE  
WALL

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1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00001 86569 09/17/10 06:47 PM  
CASHIER RYAN - RSY04G8

764661102809 80# SAKRETE <A>	12.60
433.15	
MAX REFUND VALUE \$11.34/4	
737164173425 2X12-8 PT <A>	191.64
12@15.97	
MAX REFUND VALUE \$172.48/12	
393134 RD CLAY BRK <A>	17.20
400.43	
MAX REFUND VALUE \$15.48/40	
046677223144 PLC45WR20FL <A>	10.97
MAX REFUND VALUE \$9.87	
-----10% off Military Discount-----	
232.41 10% off Military Discount -23.24	
MUST RETURN ALL ITEMS FOR A FULL REFUND	

SUBTOTAL	209.17
SALES TAX	19.35
TOTAL	\$228.52
XXXXXXXXXXXX7680 VISA	228.52
AUTH CODE 017651/0010542	TA
P.O.#/JOB NAME: 1400	

CUSTOMER RECOGNITION NO. ###-###-9865  
MEMBERSHIP LEVEL: Pro Rewards Member

Pro Rewards Savings 2010	\$ 0.00
Total qualifying spend 2010	\$1517.96
Addl spend for next level	\$3482.04

The 1st purchase daily updates total \$  
Add'l purchases will apply overnight  
For questions about Pro Rewards, please  
call 1-866-333-3551  
Hablo Espanol



6967 01 86569 09/17/2010 9549

RETURN POLICY DEFINITIONS		
POLICY ID	DAYS	POLICY EXPIRES ON
A	1	90 12/16/2010

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LIMIT / DENY RETURNS. PLEASE SEE THE  
RETURN POLICY SIGN IN STORES FOR  
DETAILS.

GUARANTEED LOW PRICES  
LOOK FOR HUNDREDS OF  
LOWER PRICES STOREWIDE

\*\*\*\*\*



LAND SCAPING  
BRICKS

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1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00001 82097 10/09/10 10:50-AM  
CASHIER BRANDON - BDF2529

393134 RD: CLAY BRK <A>  
6500.43 27.95  
MAX REFUND VALUE \$25.15/65

-----Cust. Satisfaction-----  
27.95 10.00 Percent Off -2.80  
MUST RETURN ALL ITEMS FOR A FULL REFUND

SUBTOTAL 25.15  
SALES TAX 2.33  
TOTAL \$27.48  
XXXXXXXXXXXX7680 VISA 27.48  
AUTH CODE 009155/8017201 TA  
P.O.#/JOB NAME: 1400

CUSTOMER RECOGNITION NO. ###-###-9865  
MEMBERSHIP LEVEL: Pro Rewards Member

Pro Rewards Savings 2010 \$ 0.00  
Total qualifying spend 2010 \$1559.34  
Add'l spend for next level \$3440.66

The 1st purchase daily updates total \$  
Add'l purchases will apply overnight  
For questions about Pro Rewards, please  
call 1-866-333-3551  
Hable Espanol



6967 01 82097 10/09/2010 2274

RETURN POLICY DEFINITIONS  
POLICY ID: DAYS POLICY EXPIRES ON  
A 1 90 01/07/2011

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LIMIT / DENY RETURNS. PLEASE SEE THE  
RETURN POLICY SIGN IN STORES FOR  
DETAILS.

GUARANTEED LOW PRICES  
LOOK FOR HUNDREDS OF  
LOWER PRICES STOREWIDE

\*\*\*\*\*



*LANDS END SAVINGS*  
*Circle 12*

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1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00001 86932 10/10/10 02:13 PM  
CASHIER STEPHANY - SRS6014

764661102809 80# SAKRETE <A>	333.15	9.45
	MAX REFUND VALUE \$8.50/3	
811167014144 PWR SCRWDVR <A>		9.88
	MAX REFUND VALUE \$8.89	
792203200645 TAPE MEAS <A>		4.86
	MAX REFUND VALUE \$4.38	
-----Cust. Satisfaction-----		
24.19 10.00 Percent Off		-2.42
MUST RETURN ALL ITEMS FOR A FULL REFUND		

	SUBTOTAL	21.77
	SALES TAX	2.01
	TOTAL	\$23.78
XXXXXXXXXX7680 VISA		23.78
AUTH CODE 010830/7017506		TA
P.O.#/JOB NAME: 1400		

CUSTOMER RECOGNITION NO. ###-###-9865  
MEMBERSHIP LEVEL: Pro Rewards Member

Pro Rewards Savings 2010	\$ 0.00
Total qualifying spend 2010	\$1581.11
Addl spend for next level	\$3418.89

The 1st purchase daily updates total \$  
Add'l purchases will apply overnight  
For questions about Pro Rewards, please  
call 1-866-333-3551  
Hable Espanol



RETURN POLICY DEFINITIONS		
POLICY ID	DAYS	POLICY EXPIRES ON
A	1	90 01/08/2011



LANDSCAPING  
MARTIN

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1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00002 86054 10/11/10 09:02 AM  
CASHIER DENA - DR6629

764661132806 80 MORTAR <A>	4.87
MAX REFUND VALUE \$4.33	
030699025671 REPL. BSKET <A>	2.98
MAX REFUND VALUE \$2.63	
039923199027 ABS PLUG <A>	1.11
MAX REFUND VALUE \$1.00	
030699025374 BSKT STRAIN <A>	19.96
MAX REFUND VALUE \$17.97	

Cust. Satisfaction -----  
 28.92 10.00 Percent Off -2.89  
 MUST RETURN ALL ITEMS FOR A FULL REFUND

SUBTOTAL	26.03
SALES TAX	2.41
TOTAL	\$28.44
XXXXXXXX6946 CARD BALANCE	12.76
	0.00
XXXXXXXXXXXX7680 VISA	TA
AUTH CODE 011872/6020222	15.68
P.O.#/JOB NAME: 1400	TA

CUSTOMER RECOGNITION NO. ###-###-9865  
MEMBERSHIP LEVEL: Pro Rewards Member

Pro Rewards Savings 2010	\$ 0.00
Total qualifying spend 2010	\$1607.14
Add'l spend for next level	\$3392.86

The 1st purchase daily updates total \$  
Add'l purchases will apply overnight  
For questions about Pro Rewards, please  
call 1-866-333-3551  
Hablo Espanol



6967 02 86054 10/11/2010 9291

RETURN POLICY DEFINITIONS  
POLICY ID DAYS POLICY EXPIRES ON

RENTAL DEPOT INC  
2200 DEL MONTE AVE  
MONTEREY, CA 93940

10/11/2010, 08:30:26  
Merchant ID: 00000000942671  
Terminal ID: 01365152  
329190390990

*LANDSCAPE*

CREDIT CARD  
VISA SALE

CARD # XXXXXXXXXXXX7680  
INVOICE 0006  
Batch #: 000829  
Approval Code: 011906  
Entry Method: Manual  
Approved: Online  
Avs Code: YYY  
Card Code: M

SALE AMOUNT *pd* \$85.58



**RENTAL DEPOT - MONTEREY**

2200 DEL MONTE AVE  
MONTEREY, CA 93940

831-642-9118 phone  
831-642-9213 fax

Invoice Date: 10/11/2010

Page 1 of 1

**Status: Completed**

Invoice #: 108133

Date Out: Sat 10/9/2010 10:28AM

Operator: ERIC SAULNIER

Customer # 15493

916 402-9748

OSOFSKY, MATTHEW  
1400 HOFFMAN  
Monterey, CA 93940

Qty	Item#	Items Rented	Status	Returned Date	Price
1	5020	SAW, TILE CERAMIC 10"	Returned	10/11/2010 8:29AM	\$60.00
1	2501	BLADE, DIAMOND 10"	Returned	10/11/2010 8:29AM	\$10.00
Reading out: 297 Reading in: 297 Total units used: 0.00 Rental include .005" wear. Additional wear will be charged at \$5.00 per thousandth.					

Qty	Item#	Items Sold	Status	Each	Price
1	2501	Usage on BLADE, DIAMOND 10"	Units Used	\$0.00	\$0.00
Usage Charge \$5.00 per unit with 1 units free.					

**Please Call Delivered Units Off Rent.**

Payments made on this contract:

Rental/Sale Paid \$85.58 on 11-Oct-2010 8:30 am Credit Card Visa xxxx-xxxx-xxxx-7680  
 Total Paid \$85.58

*LANDSCAPE PROJECT  
FRONT YARD*

**RENTAL CONTRACT**

DAMAGE WAIVER IS NOT INSURANCE! PLEASE READ DESCRIPTION OF COVERAGE ON THE BACK OF THIS CONTRACT. YOU CAN DECLINE DAMAGE WAIVER.

ALL TIRE & HYDRAULIC HOSE REPAIR IS THE RESPONSIBILITY OF THE CUSTOMER. YOUR SIGNATURE ON THE CONTRACT ACKNOWLEDGES THIS FACT.

The back of this contract contains important terms and conditions including lessor's disclaimer from all liability for injury or damage and details of customer's obligations. These terms and conditions are a part of this contract.

If equipment does not function properly notify lessor within 30 minutes of occurrence or no refund or allowance will be made. If this is a reservation, a reservation cancellation fee up to 1/2 of the total amount may be charged if reservation is cancelled within 72 hours of the scheduled "time and date out".

I certify that I have read and agree to all terms of this contract.

Rental:	\$70.00
Damage Waiver:	\$9.10
Sales:	\$0.00
Delivery Charge:	\$0.00
Misc. Charges:	\$0.00
<b>Subtotal:</b>	<b>\$79.10</b>
ECF/EPA	\$0.70
SALES TAX:	\$5.78
<b>TOTAL:</b>	<b>\$85.58</b>
<b>PAID:</b>	<b>\$85.58</b>
<b>AMOUNT DUE:</b>	<b>\$0.00</b>

SIGNATURE:

OSOFSKY, MATTHEW





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1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00001 34296 04/02/11 11:06 AM  
CASHIER: JOHN - JCC0049

457639 BENDERBOARD: <A>  
101.97 19.70  
MAX REFUND VALUE \$17.73/10  
-----10% off Military Discount-----  
19.73 10% off Military Discount -1.97  
MUST RETURN ALL ITEMS FOR A FULL REFUND

SUBTOTAL 17.73  
SALES TAX 1.64  
TOTAL \$19.37  
XXXXXXXXXXXX7680 VISA 19.37  
AUTH CODE: 002259/3012837 TA  
P.O.#/JOB NAME: 1400

CUSTOMER RECOGNITION NO. ###-###-9865  
MEMBERSHIP LEVEL: Pro Rewards Member

Pro Rewards Savings 2011 \$ 0.00  
Total qualifying spend 2011 \$ 138.31  
Addl spend for next level \$4861.69

The 1st purchase daily updates total \$  
Add'l purchases will apply overnight  
For questions about Pro Rewards, please  
call 1-866-333-3551  
Hablo Espanol



6967 01 34296 04/02/2011 4865

RETURN POLICY DEFINITIONS  
POLICY ID DAYS POLICY EXPIRES ON  
A 1 90 07/01/2011

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DETAILS.

GUARANTEED LOW PRICES  
LOOK FOR HUNDREDS OF  
LOWER PRICES STOREWIDE

\*\*\*\*\*

LANDSCAPING

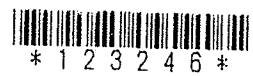
McShane's Nursery  
115 Monterey-Salinas Hwy  
Salinas, Ca 93908  
(831)-455-1876  
F(831)455-2753

ROCKS

~~McShane's Nursery~~

Transaction #: 123246  
Account #: CASH  
Date: 1/29/2011 Time: 2:26:14 PM  
Cashier: Justin Register #: 3

Item	Description	Amount
1255	ROCKS - 4"X 8" YARD	\$129.99
	Sub Total	\$129.99
	SALINAS 93908	\$10.72
	Total	\$140.71
	Credit Card Tendered	\$140.71
	Card: XXXXXXXXXXXX7680	
	Auth: 029047	
	Change Due	\$0.00



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McShane's Nursery  
 115 Monterey-Salinas Hwy  
 Salinas, Ca 93908  
 (831)-455-1876  
 F(831)455-2753

**Sales Receipt**

Transaction #: 127098  
 Account #: CASH  
 Date: 4/9/2011 Time: 1:55:11 PM  
 Cashier: John Register #: 4

Item	Description	Amount
1250	BASE FINES YARD 1.5 @ \$44.99	\$67.49
Sub Total		\$67.49
SALINAS 93908		\$5.57
Total		\$73.06
Credit Card Tendered		\$73.06
Card: XXXXXXXXXXXX7680		
Auth: 009664		
Change Due		\$0.00



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[www.mcshanesnursery.com](http://www.mcshanesnursery.com)  
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LANDSCAPING  
BACK

1590 CANYON DEL REY BLVD  
SEASIDE, CA 93955 (831)583-0778

6967 00002 29989 07/26/10 02:17 PM  
CASHIER RYAN RC030

999835  
393134

PALLET FEE <A, U> 15.00  
RD CLAY BRK <A> 150.50

MAX REFUND VALUE \$135.45/350  
-10% off Military Discount 15.05  
150.50 -10% off Military Discount REFUND  
MUST RETURN ALL ITEMS FOR A FULL REFUND

SUBTOTAL 150.45  
SALES TAX 13.92  
TOTAL \$164.37

XXXXXXXXXXXX7680 VISA  
AUTH CODE 026233/3029192

<U> - NON-DISCOUNTABLE ITEM



6967 02 29989 07/26/2010 1862

RETURN POLICY DEFINITIONS  
POLICY ID DAYS POLICY EXPIRES ON  
A 1 90 10/24/2010

\* THE HOME DEPOT RESERVES THE RIGHT TO  
LIMIT / DENY RETURNS. PLEASE SEE THE  
RETURN POLICY SIGN IN STORES FOR  
DETAILS.



GUARANTEED LOW PRICES  
LOOK FOR HUNDREDS OF  
LOWER PRICES STOREWIDE

Your Receipt Number is:  
044001249208212010





March 28, 2011

George Thorpe  
1400 Hoffman Avenue  
Monterey, CA 93940

**Subject: Denial of Rebate Application for Lawn Removal at 1400 Hoffman Avenue,  
Monterey**

**APN: 001-146-001-001**

Dear Mr. Thorpe:

On May 28, 2010, the District received a rebate application for the removal of lawn with rebate at the above property. District Rule 141.D.8.C, Conditions of Approval, states, "*Removal of Lawn shall require documentation of existing conditions and submittal of a pre-application. This review shall document the existing Lawn and shall include a follow-up inspection to document removal of the Lawn and replacement with low water use plants or permeable surfaces and/or installation of Synthetic Turf. These actions, along with submittal of a complete Rebate Application and recordation of Deed Restrictions, shall occur within six months to qualify for a Rebate.*"

The actions required to complete your application were not taken within six months, therefore your application is being denied. This decision to deny a Rebate for Lawn removal is an appealable decision of the General Manager. If you believe this information is incorrect, you may appeal to the Board of Directors, in writing, within twenty-one (21) days pursuant to District Rule 70. An appeal may be filed by the applicant or any other person.

The District is no longer accepting applications for Lawn removal Rebates. If you wish to reapply when a future Rebate program is available, you will be required to meet the terms of that program. If you have any questions, please call me at 831-658-5634.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Martin".

Debbie Martin  
Conservation Technician

Z:\word\letters\denials\2011\_Lawn Removal Denial\_6months.docx



1. How long? UNK<sup>53</sup>  
2. Run out of Funds?  
not expected to

June 14, 2010

George Thorpe  
1400 Hoffman Avenue  
Monterey, CA 93940

**Subject: Rebate Application for 1400 Hoffman Avenue, Monterey**

**APN: 001-146-001-000**

This letter is to inform you that the District received your application for rebate for Lawn Removal and Replacement. Please refer to Rebate Number 8135 when corresponding with the District. The following items will be required to process this application:

- ✓ Schedule an inspection of the lawn area, call 831.658.5601 to secure a date. *24 Jan 11:30*
- ✓ Provide a Site plan of the current landscaping; include detailed measurements of the turf *24 Jan* area.
- ✓ Provide a Site plan showing the area and what will be installed in place of the turf. *24 Jan*
- ✓ Allow a second inspection once lawn replacement has been done.
- ✓ Supply receipts of purchased replacement materials.
- ✓ Sign Notice and Deed Restriction for Limitation of Use of Water pertaining to Lawn Removal and Replacement for recordation on the property title.

All of the above steps must be completed before the District can process payment

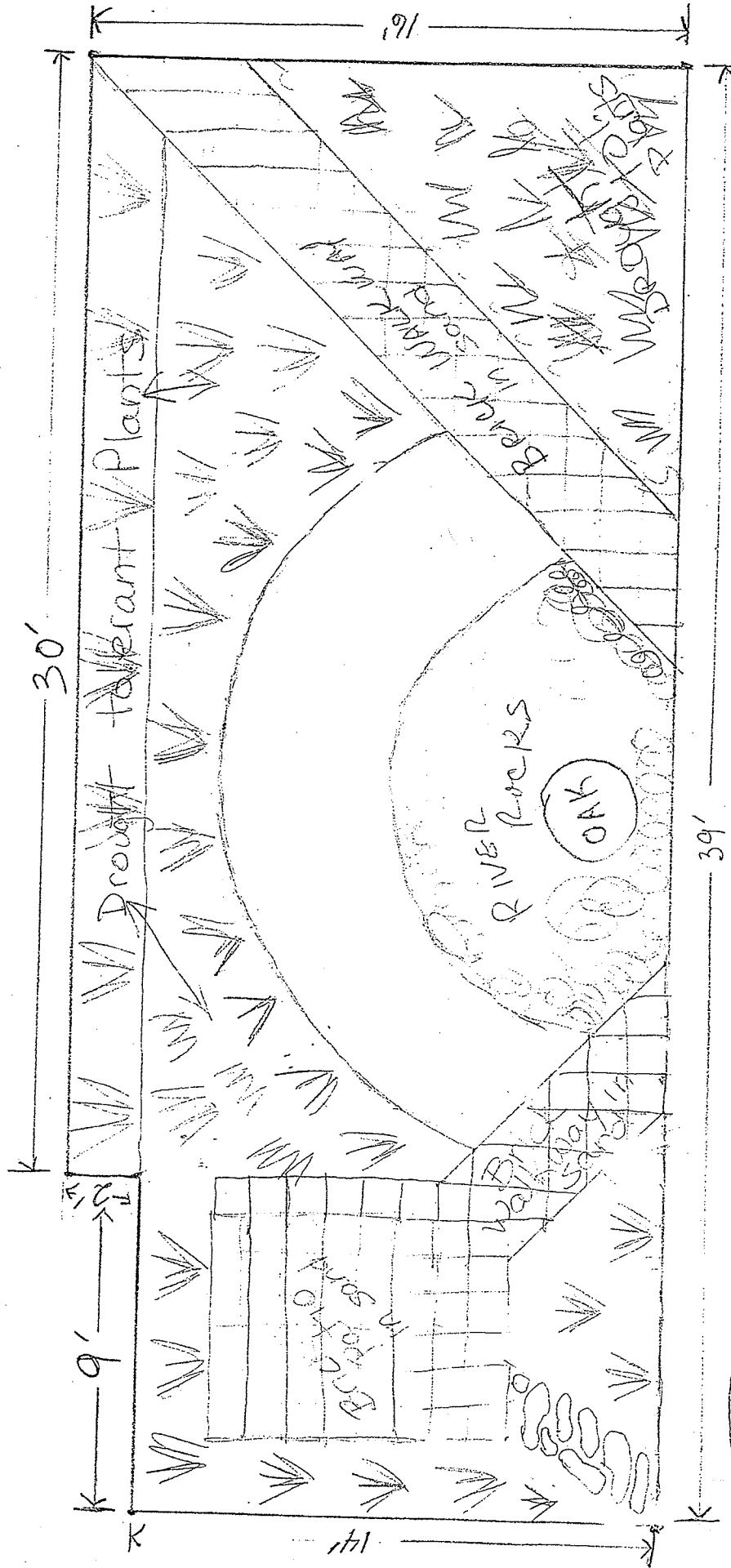
This application is considered denied until the above conditions have been met. The denial of a rebate application is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District rule 70.


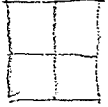



Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Martin".

Debbie Martin  
Conservation Technician  
001146001\_20100528\_Deny\_REB\_Thorpe

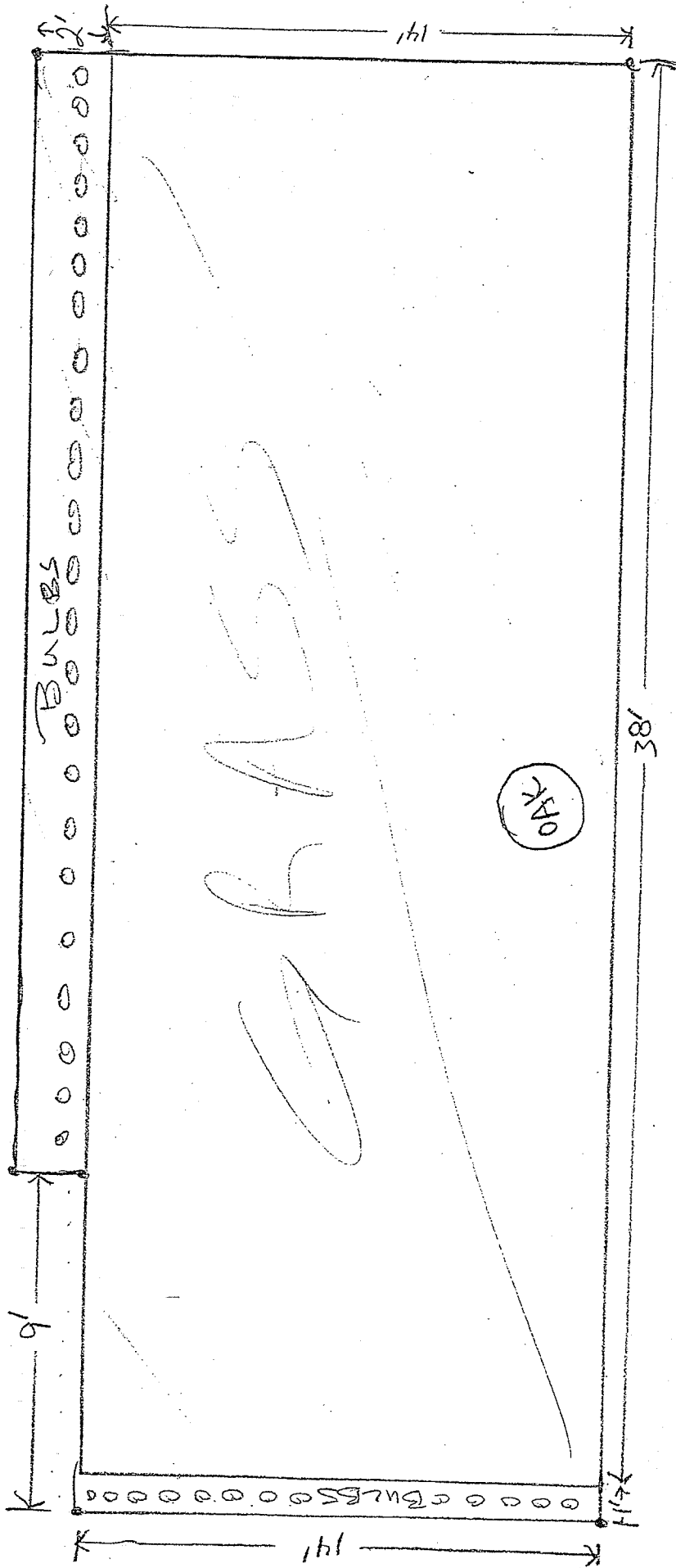
# AFTER



-  River rock
-  Brick in Sand
-  drought tolerant plants
-  disaggregate granite path
-  pavers



BEFORE



$$\frac{9}{14} = 126$$

$$\frac{30}{15} = 480$$

$$\frac{480}{126} = 3.81$$

$$\frac{3.81}{1006} = 0.0038$$

Rebate Application

Monterey Peninsula Water Management District

Mail to: Rebate Program  
P.O. Box 85, Monterey, CA 93942



To be eligible for a rebate, the new device(s) must be on the list of approved products. Visit [www.mpwmd.dst.ca.us](http://www.mpwmd.dst.ca.us) or call 831-658-5601 to determine eligibility. You must apply within 90 days of purchase. Attach the receipts for all covered appliances and parts. Allow four to six weeks for processing.

1. Account Information (Or enclose a copy of your Water Bill)

Water Provider CALIF AMER Water Account Number (optional) 05 0579075-1

2. Applicant Information

Applicant GEORGE THORPE e-mail GEORGE@COMCAST.NET  
 Owner  Tenant (If tenant, owner's written authorization must be submitted)  
 Daytime Phone 831-242-5830 Cell Phone \_\_\_\_\_  
 Mailing Address 1400 HOFFMAN AVE Unit # \_\_\_\_\_  
 City MONTEREY State CA Zip 93940  
 Make check payable to (name) GEORGE THORPE  
 (If name other than account holder, please explain) \_\_\_\_\_  
 How did you hear about the Rebate Program? NEWSLETTER

3. Property Information

Property Address 1400 HOFFMAN AVE Unit # \_\_\_\_\_  
 City MONTEREY Assessor Parcel Number: \_\_\_\_\_  
 Site / Complex Name \_\_\_\_\_  
 Type of Business in Non-Residential \_\_\_\_\_

4. New Toilets Installed

Apt/Unit #	Manufacturer (Make)	Model Name or #	Date installed	Quantity	Type
					<input type="checkbox"/> HET
					<input type="checkbox"/> Urinal - Pint / Zero

5. Indoor Water Saving Devices

Apt/Unit #	Manufacturer (Make)	Model Name or #	Date installed	Quantity	Type
					<input type="checkbox"/> WM-Residential / Commercial
					<input type="checkbox"/> DW
					<input type="checkbox"/> IAHW or On Demand

6. Outdoor water saving devices

Apt/Unit #	Manufacturer (Make)	Model Name or #	Date installed	Quantity	Type
					<input type="checkbox"/> Cistern
					<input type="checkbox"/> Smart Controller
					<input type="checkbox"/> Rain Sensor
					<input type="checkbox"/> Soil Moisture Sensor
<u>1400</u>	<u>N/A</u>	<u>N/A</u>		<u>2000 FT<sup>2</sup></u>	<input checked="" type="checkbox"/> Lawn removal & replacement
					<input type="checkbox"/> Rotating Sprinkler Nozzle
					<input type="checkbox"/> Synthetic Turf

7. Commercial water saving devices

Apt/Unit #	Manufacturer (Make)	Model Name or #	Date installed	Quantity	Type
					<input type="checkbox"/> Cooling Tower Controller
					<input type="checkbox"/> Water Efficient Ice Machine
					<input type="checkbox"/> X-ray process Recirc system

8. Your signature

By accepting this rebate, I certify that I have read, understand, and agree to the terms and conditions on the back of this application. I further certify that the fixtures for which I am requesting a rebate have been installed in the property identified above. I certify under penalty of perjury that the information stated above is true and complete to the best of my knowledge.

Name [Signature] Date 25 MAY 10

MAILED 26 MAY 10

**Rebate Program Terms – Important!**  
**Updated January 1, 2010**

The Qualifying devices must be installed on Sites located within the District that are served by Water Distribution Systems regulated by the Monterey Peninsula Water Management District. By signing the application, I acknowledge and agree to the following:

- ❖ The purchased device(s) must be new and must be an approved model.
- ❖ Complete applications will be processed in the order received. This offer is subject to available funding. If funding is not available, application will be held in order received for future processing.
- ❖ Rebates are not available for devices that are required by the District.
- ❖ Fixtures for which a rebate has been issued may later be utilized as a Water Credit on a Water Permit Application if a credit is allowed by MPWMD Rules & Regulations. At such time, the applicant will be required to repay the rebate prior to receiving a Water Permit.
- ❖ The reimbursed costs include the purchase price of the device, not to exceed the rebate amount.
- ❖ Rebates are issued for the initial installation of a qualifying device only, with the exception of high efficiency clothes washers.
- ❖ Qualifying devices and amounts:  
 High Efficiency Toilet (1.3 gallons per flush) – \$200  
 High Efficiency Dishwasher (5.8 gallons maximum) – \$125  
 High Efficiency Clothes Washer (Water Factor 5.0 maximum) – \$250  
 Commercial High Efficiency Clothes Washer – \$450. (Includes washers common laundry)  
 On-Demand – \$100 per component, up to 2 components per Site.  
 Instant-Access Hot Water System – \$200 per Site  
 High Efficiency Urinal – \$200.  
 Pint Urinal – \$250.  
 Zero Water Consumption Urinal – \$300  
 Cooling Tower Conductivity Controller – \$1,000;  
 CEE Tier II Water Efficient Ice Machine – \$400;  
 X-ray film processor recirculation system – \$2,000.  
 Smart Controller plus 4 stations – \$100, additional \$10 per station up to 20 stations. Deed Restriction required.  
 Rain Sensor attached to an Irrigation System – \$25  
 Rotating Sprinkler Nozzle – \$0.50.  
 Soil Moisture Sensor on Irrigation System – \$25. (Gypsum block Soil Moisture Sensors don't qualify for Rebate.)  
 Cistern water tanks – \$25 per 100 gallons, up to 3,000 gallons per Site.  
 Lawn removal & replacement with low water use plants or permeable surfaces – \$1.25 per square-foot up to 2,000 square-feet. Inspection & deed restrictions are required.  
 Synthetic Turf – \$2.00 per square-foot, up to 2,000 square-feet per Site. Inspection & deed restrictions are required.
- ❖ Device(s) must be installed at the address identified on the application prior to submittal of this application.
- ❖ All devices for which a rebate is issued are subject to on-site installation verification inspection. If device installation cannot be verified, the payee must reimburse the Rebate Program for rebate funds received, including all associated processing costs.

**Rebate Program Instructions and Terms**

- ❖ Confirm that the device(s) is identified on the list of approved products. For HET rebates, the model numbers for both tank and bowl must be on the list. For clothes washer(s), the device(s) must not have a water factor of more than 5.0; dishwashers must be ranked using no more than 5.8 gallons; instant access hot water must get hot water to any access point within ten seconds. Visit [www.mpwmd.dst.ca.us](http://www.mpwmd.dst.ca.us) or call 831-658-5601 to confirm eligibility. Refer to EnergyStar at [www.energystar.gov](http://www.energystar.gov) and Consortium for Energy Efficiency at [www.cee1.org](http://www.cee1.org) for approved appliances.
- ❖ Tenants must submit owner authorization to receive rebate. (Note: Property owners need notification that installation of water saving devices may establish Water Use Credits that are time sensitive.
- ❖ Attach a copy of the sales receipt to this application. Receipt(s) must include the make and model of the device(s) purchased. Receipts must be received within 90 days of purchase.
- ❖ Attach a copy of your most recent water bill for the address where the device(s) were installed. If you reside in an apartment complex, condominium or mobile home park, please contact your Homeowner's Association or manager for a copy of the water bill.
- ❖ Retain a copy of this application and the sales receipt for your records. The Rebate Program is not responsible for materials lost or delayed in the mail, including misdirected mail.

**Disclaimer**

Neither California American Water nor Monterey Peninsula Water Management District makes any representation or warranty regarding the devices eligible for rebates under this Rebate Program. By participating in the Rebate Program, you waive and release CAW and MPWMD from any and all claims and causes of action arising out of the purchase, installation or use of the devices purchased in connection with the Rebate Program. Any claim you may have based upon any defect or failure of performance of a device purchased by you should be pursued with the manufacturer/distributor.

**NOTICE: The decision to grant or deny a rebate is a determination of the Water District's General Manager. Determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. For information about the appeal process, contact the District office at (831) 658-5601.**

FOR EXCELLENT INFORMATION ABOUT LOCAL WATER CONSERVATION EFFORTS PLEASE  
VISIT [www.montereywaterinfo.org](http://www.montereywaterinfo.org)

Official Use Only

Previous Rebate: Yes / No      Date Issued: \_\_\_\_\_      Type of appliance: \_\_\_\_\_      Amount Issued: \_\_\_\_\_  
 Permit Issued: Yes / No      Date Issued: \_\_\_\_\_      Type of appliance: \_\_\_\_\_  
 Approve Rebate: Yes / No      Amount Approved: \_\_\_\_\_      Denial Reason: \_\_\_\_\_  
 Staff Name: \_\_\_\_\_      Date: \_\_\_\_\_

- \* Complete applications will be processed in the order received. This offer is subject to available funding. If funding is not available, application will be held in order received for future processing.
- ❖ Rebates are not available for devices that are required by the District.
- ❖ Fixtures for which a rebate has been issued may later be utilized as a Water Credit on a Water Permit Application if a credit is allowed by MPWMD Rules & Regulations. At such time, the applicant will be required to repay the rebate prior to receiving a Water Permit.
- ❖ The reimbursed costs include the purchase price of the device, not to exceed the rebate amount.
- ❖ Rebates are issued for the initial installation of a qualifying device only, with the exception of high efficiency clothes washers.
- ❖ Qualifying devices and amounts:
  - High Efficiency Toilet (1.3 gallons per flush) -- \$200
  - High Efficiency Dishwasher (5.8 gallons maximum) -- \$125
  - High Efficiency Clothes Washer (Water Factor 5.0 maximum) -- \$250
  - Commercial High Efficiency Clothes Washer -- \$450. (Includes washers common laundry)
  - On-Demand -- \$100 per component, up to 2 components per Site.
  - Instant-Access Hot Water System -- \$200 per Site
  - High Efficiency Urinal -- \$200.
  - Pint Urinal -- \$250.
  - Zero Water Consumption Urinal -- \$300
  - Cooling Tower Conductivity Controller -- \$1,000;
  - CEE Tier II Water Efficient Ice Machine -- \$400;
  - X-ray film processor recirculation system -- \$2,000.
  - Smart Controller plus 4 stations -- \$100, additional \$10 per station up to 20 stations. Deed Restriction required.
  - Rain Sensor attached to an Irrigation System -- \$25
  - Rotating Sprinkler Nozzle -- \$0.50.
  - Soil Moisture Sensor on Irrigation System -- \$25. (Gypsum block Soil Moisture Sensors don't qualify for Rebate.)
  - Cistern water tanks -- \$25 per 100 gallons, up to 3,000 gallons per Site.
  - ~~Lawn removal & replacement with low water use plants or permeable surfaces -- \$1.25 per square-foot up to 2,000 square-foot. Inspection & deed restrictions are required.~~
  - Synthetic Turf -- \$2.00 per square-foot, up to 2,000 square-foot per Site. Inspection & deed restrictions are required.
- ❖ Device(s) must be installed at the address identified on the application prior to submittal of this application.
- ❖ All devices for which a rebate is issued are subject to **on-site installation verification** inspection. If device installation cannot be verified, the payee must reimburse the Rebate Program for rebate funds received, including all associated processing costs.

#### Rebate Program Instructions and Terms

- ❖ Confirm that the device(s) is identified on the list of approved products. For HET rebates, the model numbers for both tank and bowl must be on the list. For clothes washer(s), the device(s) must not have a water factor of more than 5.0; dishwashers must ranked using no more than 5.8 gallons; instant access hot water must get hot water to any access point within ten seconds. Visit [www.mpwmd.dst.ca.us](http://www.mpwmd.dst.ca.us) or call 831-658-5601 to confirm eligibility. Refer to EnergyStar at [www.energystar.gov](http://www.energystar.gov) and Consortium for Energy Efficiency at [www.cee1.org](http://www.cee1.org) for approved appliances.
- ❖ Tenants must submit owner authorization to receive rebate. (Note: Property owners need notification that installation of water saving devices may establish Water Use Credits that are time sensitive.
- ❖ Attach a copy of the sales receipt to this application. Receipt(s) must include the make and model of the device(s) purchased. Receipts must be received within 90 days of purchase.
- ❖ Attach a copy of your most recent water bill for the address where the device(s) were installed. If you reside in an apartment complex, condominium or mobile home park, please contact your Homeowner's Association or manager for a copy of the water bill.
- ❖ Retain a copy of this application and the sales receipt for your records. The Rebate Program is not responsible for materials lost or delayed in the mail, including misdirected mail.

#### Disclaimer

Neither California American Water nor Monterey Peninsula Water Management District makes any representation or warranty regarding the devices eligible for rebates under this Rebate Program. By participating in the Rebate Program, you waive and release CAW and MPWMD from any and all claims and causes of action arising out of the purchase, installation or use of the devices purchased in connection with the Rebate Program. Any claim you may have based upon any defect or failure of performance of a device purchased by you should be pursued with the manufacturer/distributor.

**NOTICE: The decision to grant or deny a rebate is a determination of the Water District's General Manager. Determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. For information about the appeal process, contact the District office at (831) 658-5601.**

FOR EXCELLENT INFORMATION ABOUT LOCAL WATER CONSERVATION EFFORTS PLEASE

## MPWMD/Cal-AM Water Conservation Rebate Program

The water saving appliance rebate program is intended to encourage Monterey Peninsula water users to voluntarily install qualifying devices to conserve water.

### What is Covered by the Rebate?

Residential and Commercial	
Type of Device	Rebate Amount
High Efficiency Toilets (flushing a max. avg. of 1.3 gallons)*	200.00
High Efficiency Dishwashers (using no more than 5.88 gallons of water)	125.00
High Efficiency Clothes Washer (water factor of 5.0 maximum)	250.00
On Demand or Point of Source water heaters (up to 2)	100.00
Instant Access Hot Water systems per site (10 seconds)	200.00
High Efficiency Urinal	200.00
Pint Urinal	250.00
Zero water consumption urinals	300.00
Smart controller and 1 <sup>st</sup> 4 Stations (10.00 for each add. station up to 20)	100.00
Rain Sensor attached to an Irrigation System	25.00
Rotating Sprinkler Nozzle	0.50
Soil Moisture Sensor on Irrigation System	25.00
Cistern water tanks – up to 3,000 gallons per Site	25.00 per 100 gal.
Lawn removal & replacement (up to 2,000 square feet)	1.25 per sq-ft
Synthetic Turf – up to 2,000 square feet	2.00 per sq-ft
Additional Commercial	
Type of Device	Rebate Amount
High Efficiency Clothes Washer (Includes washers common laundry)	450.00
Cooling Tower Conductivity Controller	1,000.00
CEE Tier II Water Efficient Ice Machine	400.00
X-ray film processor recirculation system	2,000.00

\* The rebate for toilet replacements shall cover the cost of the toilet, seat, wax seal, supply line, angle stop, plumbing permit, sales tax and installation by a licensed plumber, not to exceed \$200 per toilet or the actual cost per toilet, whichever is less.

### Who qualifies for a rebate?

Rebates will be issued for initial installation of qualifying devices on Sites located within the District that are served by Water Distribution Systems regulated by the Monterey Peninsula Water Management District. The only exceptions are properties in the Ambler Park area, even though they are served by the California-American Water Company. This area receives water from sources outside the District's boundaries.

### Who does not qualify?

Properties that have been required to replace old toilets with ultra-low flush toilets do not qualify for a rebate. Replacement of old fixtures is required when a property changes ownership or use, or when a bathroom is added. Sometimes adding square-footage will trigger the replacement requirement. Some properties were required to replace toilets as a condition of a rationing variance in the late 1980's and early 1990's. Others may have been required to replace toilets for a reduced fee on a water permit.

New construction codes require the installation of ultra low flush toilets and instant access hot water systems.

All existing visitor-serving facilities were required by December 31, 2000, to be retrofitted exclusively with ultra-low flush toilets and will be required to have high efficiency toilets by December 31, 2012. Visitor-serving facilities include all hotels, motels, restaurants, convention/meeting facilities, and service stations within the Monterey Peninsula Water Management District.

#### **How Do You Apply?**

Application forms are available in the Conservation & Permits section of the District's website ([www.mpwmd.dst.ca.us/wddwebsite/forms](http://www.mpwmd.dst.ca.us/wddwebsite/forms)). A completed application for rebate should be submitted within 90 days following purchase of qualifying devices. The application includes the name and address of the applicant, property owner's name, telephone numbers, address of property where the fixture and/or qualifying device is being installed, Assessor's Parcel Number, water company account number, date of retrofit, brand and model of toilet or other appliance installed, name of installer and receipt for the purchase of the appliance. Applicants and property owners agree to install the fixture and/or qualifying device at the property listed on the application form and shall certify under the penalty of perjury that the information on the application is true and complete.

#### **What if You Don't Own the Property?**

Written authorization of the current property owner is required for applicants who are not the owners of the property for which a rebate is requested. The authorization must indicate the property owner's consent to the applicant's receiving a rebate for installation of the qualifying devices. Applications submitted without owner approval will be denied.

#### **Where Does the Money Come From?**

California American Water Company (Cal-Am) is a co-sponsor in the Monterey Peninsula Water Management District's (District) toilet retrofit rebate program. The rebates offered by this program will be available only to the extent budgeted, and only as long as funds are available in the rebate account or until rescinded by action of the Board.

#### **When Can You Expect a Check?**

Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the receipt is valid and perform a search of District records for previous retrofit requirements. If no match is found, a rebate shall be processed if funds are available in the rebate account. (In the event that funds are not available, the application will be kept on file pending augmentation of the rebate account.) Expect a check approximately four to six weeks following receipt of a complete and valid application. If it is determined that the property does not qualify for a rebate, the District will respond in writing of the denial decision. (Information contained on the application will be added to the District's records for future use in assessing water savings achieved through the rebate program.)

#### **Are Water Use Credits Available for Rebated Appliances?**

A Person may apply to the District for a Water Use Credit upon installation of an high efficiency dishwasher; high efficiency clothes washer; and HET toilets. Advance notification shall allow future water use on that Site at any time within a period of 60 months, with a single renewal period of 60 months. Notification of Abandonment within eighteen (18) months of installation shall allow future water use on that Site within thirty (30) months from the date the reduction first occurred with a single renewal period of thirty (30) months. Thereafter, any remaining Water Use Credit shall expire. Water Use Credits are not transferable to any other Site. Approved ultra-low water consuming appliance list is on file at the District office.

## IMPORTANT REBATE PROGRAM CHANGES

### Rebates Available on the Monterey Peninsula

### January 2010

Rebates are available to water users within the Monterey Peninsula Water Management District. In no case will a Rebate exceed the actual cost. Copies of receipts are required and must be submitted with an application within 90 days of purchase. Further terms and conditions<sup>1</sup> are available by calling the Monterey Peninsula Water Management District at 831-658-5601.

- High Efficiency Toilet – \$200
- High Efficiency Dishwasher – \$125
- High Efficiency Clothes Washer (Water Factor 5 or less) – \$250
- Commercial High Efficiency Clothes Washer – \$450. Includes washers installed in a common laundry room in Multi-Family Residential apartments.
- Instant-Access Hot Water System – \$100 per component, to a maximum of two components per Site.
- High Efficiency Urinal – \$200
- Pint Urinal – \$250
- Zero Water Consumption Urinal – \$300
- Cooling Tower Conductivity Controller – \$1,000
- CEE Tier II Water Efficient Ice Machine – \$400
- X-ray film processor recirculation system – \$2,000
- Smart Irrigation System Controller – \$100 for up to four stations. An additional \$10 shall be available per station up to twenty stations.
- Rain Sensor attached to an Irrigation System – \$25
- Rotating Sprinkler Nozzle – \$0.50 each
- Soil Moisture Sensor(s) on a conventional automatic Irrigation System – \$25. *Gypsum block Soil Moisture Sensors do not qualify for a Rebate.*
- Cistern water tanks – \$25 per 100 gallons of water storage capacity to a maximum storage capacity of 3,000 gallons per Site.
- Lawn removal and replacement with low water use plants or permeable surfaces -- \$1.25 per square-foot to a maximum of 2,000 square-feet. *Inspections and deed restrictions are required.*
- Synthetic Turf – \$2.00 per square-foot, to a maximum of 2,000 square-feet per Site. *Inspections and deed restrictions are required.*

<sup>1</sup> Water Permit Applications that use a Water Credit from a rebated fixture or appliance will include a surcharge equal to the rebate. Other terms and conditions may apply.

# MPWMD



## Water Demand Division

### Conservation & Permits

- [Home](#)
- [Education Opportunities](#)
- [Conservation](#)
- [Permits](#)
- [Rebates](#)
- [Ordinances](#)
- [Appealable Decisions](#)
- [Forms](#)
- [Information Links](#)
- [FAQ](#)
- [Contact](#)

*SITE PLAN  
& DETAILED MEASUREMENTS*

## Rebates

The Monterey Peninsula Water Management District, in a joint-effort program with California American Water, offers rebates for various pre-qualified water conserving appliances.

The Rebate Program was updated on January 1, 2010 by Ordinance No. 140. Please review the rebate application below for more information about this exciting program, and remember to check this page often for changes and updates.

- [Water Saving Appliance Rebate Application](#)
- [Rebate Program Fact Sheet](#)
- NEW!!! [Rebates Available as of January 2010](#)
- Pre-Qualified Ultra-Low Flow Appliances can now be found on the [Energy Star Website](#).

**For Clothes Washers Click Here.** Note: Clothes Washer must have a Water Factor of 5.0 or less for the appliance to be eligible for rebate.

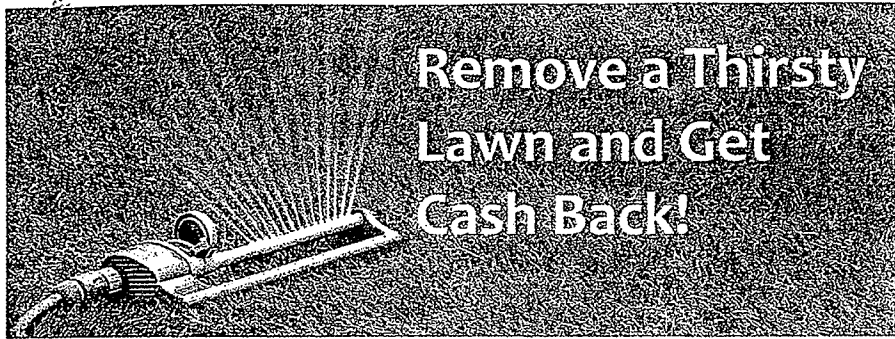
**For Dishwashers Click Here.** Note: Dishwashers must not use more than 5.88 gallons of water on the highest cycle.

*658-5601*



*Other appliances that are not listed in the above documents may qualify for the MPWMD Ultra-Low Flow standards. If you are aware of unlisted machines that meet MPWMD requirements, please submit water use capacity specifications (from the manufacturer) for the specific model number of the appliances for District review and possible addition to these pre-qualified listings. The District does not endorse any specific brand or model.*

[MPWMD HOMEPAGE](#) | [Education](#) | [Conservation](#) | [Permits](#) | [Rebates](#) | [Ordinances](#) | [FAQ](#) | [Contact](#)



# Remove a Thirsty Lawn and Get Cash Back!

Cash rebates are available! Retrofit a wide variety of residential and commercial water using fixtures, or replace a lawn with drought tolerant landscaping.

Receive cash for replacing your lawn with drought-tolerant plants or synthetic turf while saving money on your water bill. Also, consider replacing your washing machine with a high-efficiency model to get a cash rebate. Own a business? Get a rebate by replacing your water-cooled ice machine with an air-cooled one, or install a high-efficiency toilet or smart irrigation system controller.

The Water District's residential and commercial rebate program encompasses a wide range of water using fixtures and appliances, such as high-efficiency toilets and urinals, ultra-low consumption dishwashers, instant-access hot water heaters and cooling-tower conductivity controllers.

Rebates also are offered for installation of cistern water tanks and outdoor irrigation equipment. *Since 1997, the Water District's rebate program has saved approximately 235 acre-feet of water.*

The list of devices that qualify for rebates has recently expanded, and the rebate amounts have been increased for some fixtures. Water saving devices that are required to be installed upon construction or resale of a property do not qualify for a rebate. Contact the Water District at 831-658-5601 for a complete list of qualifying devices.

Since 1997, the Water District's rebate program has saved approximately 235 acre-feet of water. Funding for the rebate program is supported by California American Water and the Seaside Municipal Water System.



### SAVE WATER! SAVE MONEY!

Find tips on how to save water in your house, apartment or business and reduce your water bill at these websites.

- <http://www.montereywaterinfo.org>
- <http://www.h2ouse.org>
- <http://www.waterawareness.org>
- <http://www.monterey.watersavingplants.com/monterey.php>

APPLICATION  
w/ RECEIPT → INSPECT  
ORD #40  
POSTAL CUSTOMER

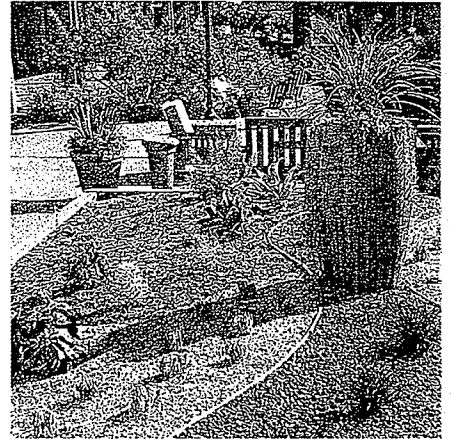
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PAID  
All American Mailing  
93940

Water Management District  
Peninsula  
Monterey  


5 Horts Court, Building G • P.O. Box 85, Monterey, CA 93942  
General 831-658-5600 • Conservation/Fermitals 831-658-5601  
<http://www.mpwmd.dst.ca.us>

## Good to Know

Beautiful drought tolerant landscapes now on display at Del Monte Shopping Center



The Water District and the Monterey Regional Water Pollution Control Agency invited landscapers to compete in a design competition. The winning landscapes were installed at three sites in the Del Monte Shopping Center in Monterey.



View hundreds of photos of drought tolerant plants and landscapes at the *Water Wise Gardening for Monterey County* link on the Water

District's web site at <http://www.monterey.watersavingplants.com/monterey.php>. The interactive software lets you select plants you like and then print a shopping list.

La versión en español de este boletín está disponible. Para pedir una copia comuníquese al 831-658-5631, o accésela en el sitio web de MPWMD: <http://www.mpwmd.dst.ca.us>. A Spanish language version of this newsletter is available. Call 831-658-5631 to request a copy, or view it on the MPWMD website at <http://www.mpwmd.dst.ca.us>.

# WATER UPDATE

January 2010

## Court Delays Water Cutbacks

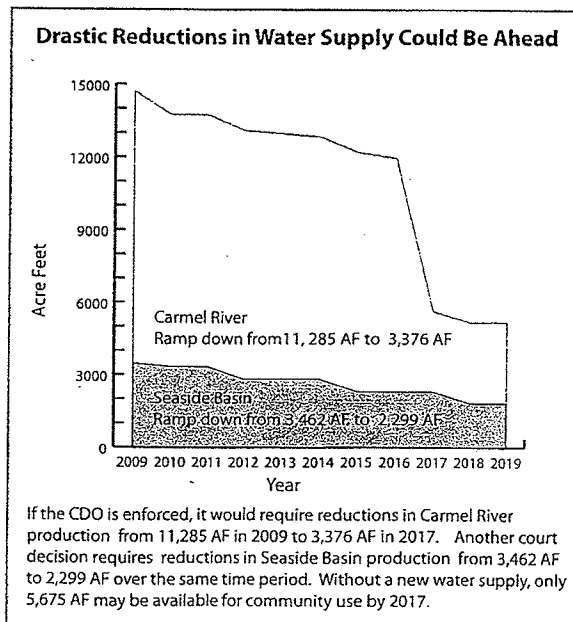
After a year of hearings, the State Water Resources Control Board finalized its Cease and Desist Order (CDO) <sup>(1)</sup> in October 2009. The CDO requires California American Water (Cal-Am), and consequently their customers, to immediately reduce the amount of water taken from the Carmel River by 5 percent each year through 2016, and an additional 35 percent in 2017. It also establishes a moratorium on new water connections.

The CDO is not yet in effect. In November 2009, the court delayed enforcement until lawsuits filed against the State Water Board related to the CDO have been resolved. For now, water cutbacks and a water moratorium will not be imposed.

If the courts ultimately determine that the CDO should be enforced, the Water District and Cal-Am are developing joint strategies to minimize the impact of water cutbacks on the community.

The CDO is intended to alleviate degradation of the Carmel River caused by overpumping, and improve habitat for steelhead fish and red-legged frogs. It is linked to an original 1995 order <sup>(2)</sup> by the State Water Board that required Cal-Am to reduce its Carmel River pumping by 20 percent <sup>(3)</sup> until a new water project could be developed. Since the order went into effect, community water use has remained below the limits in 13 out of the past 14 years. However, new water sources have not been developed to allow full compliance with the order. <sup>(4)</sup>

In court hearings on the CDO, the Water District advised the state that additional reductions in water supply would put our community's public health, safety and welfare in jeopardy. <sup>(5)</sup> On October 27, 2009, the Water District and Cal-Am filed lawsuits to permanently prevent the CDO from going into effect. The District also asked the court to delay enforcement of the CDO until litigation is concluded. On November 3, 2009, the court delayed implementation of the CDO.



<sup>(1)</sup> SWRCB Cease and Desist Order at <http://www.mpwmd.dst.ca.us/CDO/FinalCDOPage.htm>

<sup>(2)</sup> SWRCB Order WR 95-10 at <http://www.mpwmd.dst.ca.us/order9510/order9510.htm>

<sup>(3)</sup> Reduced to 11,285 acre-feet per year

<sup>(4)</sup> See page 2, Projects to Increase Water Supply

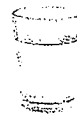
<sup>(5)</sup> MPWMD Petition to SWRCB at <http://www.mpwmd.dst.ca.us/CDO/FinalCDOPage.htm>

## Good to Know

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Since 1987 many water supply options have been pursued, including three projects that were brought before local voters in 1987, 1993 and 1995. See page 2, Time Line.



The Water District's Aquifer Storage & Recovery Project is ready to provide up to 2,426 AF of water to the community during the summer months. See page 2, Projects to Increase Water Supply.



Since 1995, the community has reduced water use by 20 percent, but court-mandated limits on water production remain in effect. See page 3, Would More Rainfall End Water Cutbacks?



Cash rebates are available from the Water District for replacement of old water fixtures with new, water saving appliances, and for installation of drought tolerant landscapes. See page 4, Remove a Thirsty Lawn and Get Cash Back!

**Monterey Peninsula Water Management District**

5 Harris Court, Building G • P.O. Box 85, Monterey, CA 93942  
General 831-658-5600 • Conservation/Permits 831-658-5601  
<http://www.mpwmd.dst.ca.us>

## WATER DEVELOPMENT

### Time Line

- 1978 Local voters approve formation of MPWMD.
- ◆ 1987 Local voters authorize MPWMD to pursue plans for 24,000 AF New San Clemente Dam & Reservoir on Carmel River.
- 1991 Federal and State agencies decide 24,000 AF New San Clemente Dam should be cancelled due to concerns re location of dam. Proposed alternative is a 24,000 AF New Los Padres Dam and Reservoir.
- ◆ 1993 Local voters reject ballot measure to fund construction of MPWMD sponsored 3 MGD seawater desalination plant.
- July 1995 State Water Resources Control Board issues Order 95-10. Cal-Am must reduce pumping from the Carmel River by 10,730 AF, and immediately reduce production by 20%.
- ◆ Nov. 1995 Local voters reject ballot measure to fund construction of MPWMD sponsored 24,000 AF New Los Padres Dam & Reservoir.
- 1998 State adopts AB1182. Requires Public Utilities Commission (PUC) and Cal-Am to develop a water supply contingency plan, an alternative to a Carmel River dam project, identified as "Plan B."
- Mar. 2002 MPWMD investigates non-dam alternatives, including a desalination project in Sand City.
- July 2002 PUC publishes *Carmel River Dam Contingency Plan, Plan B Project Report*, a 10,730 AF project with seawater desalination in Moss Landing, and Seaside Basin ASR. Cal-Am agreed to pursue this project. MPWMD halts its studies on desalination in Sand City in December 2003.
- 2007 MPWMD begins operation of Phase 1 ASR Project – up to 2,426 AF of Carmel River water stored underground in the Seaside Basin each year.
- 2008 MPWMD initiates engineering and environmental studies for a desalination project in the southern portion of former Fort Ord and Highway 1.
- Jan. 2009 City of Sand City begins construction of 300 AF per year brackish water desalination plant in Sand City.
- Dec. 2009 PUC certifies EIR on Cal-Am's Coastal Water Project that includes an analysis of the Monterey Regional Water Supply Project.

## Projects to Increase Water Supply

To reduce dependence on the Carmel River and protect the Seaside Groundwater Basin from seawater intrusion, the Water District has been actively engaged in expanding and preserving local water resources, primarily through its aquifer storage and recovery (ASR), and water conservation programs. Investigations into the feasibility of constructing a local desalination plant were also completed.

On a regional level, the Water District is participating in discussions regarding a plan to address the county-wide water supply situation. In the meantime, the District is aggressively pursuing development of ASR and water conservation programs.

### Aquifer Storage and Recovery

The Water District's Phase 1 ASR Project is designed to use the Seaside Groundwater Basin to store up to 2,426 acre-feet of water per year (equivalent to the annual water use of 7,500 houses).<sup>(1)</sup> During the winter months when Carmel River streamflow is abundant, excess river water is pumped into the Seaside basin, where it is stored for use in the summer months. This helps meet customer water demand in the summer, and reduces diversions from the Carmel River during dry periods to sustain streamflow for fish and wildlife.

Since planning and testing for the project began in 1998, approximately 2,100 acre-feet of Carmel River water have been diverted for storage in the Seaside Basin. The Phase 1 ASR project should be operating at full capacity by early 2010. Planning is also underway for an expanded Phase 2 ASR Project, which could provide an additional 1,000 acre-feet of water per year. The Phase 1 ASR Project is a component of the proposed Monterey Regional Water Supply Project.

### Seawater Desalination

- ◆ Water District sponsored MPWMD 95-10 Desalination Project – Estimated production between 2,800 and 4,500 acre-feet of water per year.<sup>(2)</sup>
- ◆ Cal-Am sponsored seawater desalination plant in Moss Landing – Estimated production 10,500 acre-feet per year.<sup>(3)</sup>
- ◆ Marina Coast Water District sponsored brackish and seawater desalination project in Marina – Estimated production 10,500 acre-feet per year. Component of the proposed Monterey Regional Water Supply Project.<sup>(4)</sup>

### Purified Recycled Water Proposal

- ◆ Monterey Regional Water Pollution Control Agency sponsored Groundwater Replenishment Project – Estimated production 2,000 acre-feet per year. Component of the proposed Monterey Regional Water Supply Project.<sup>(4)</sup>

### Water Conservation

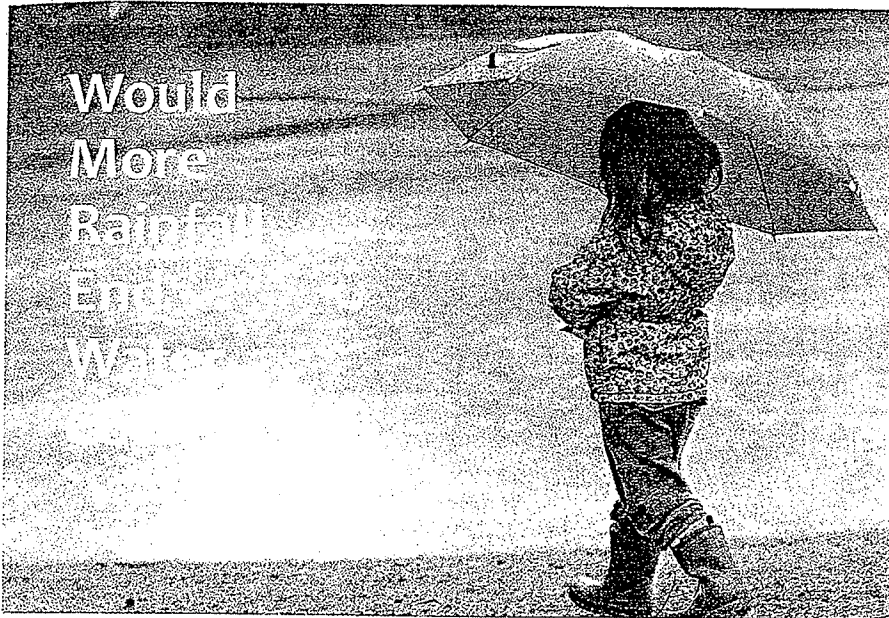
Water conservation is an important part of the water supply solution. The Monterey Peninsula has been a leader in conservation for over 25 years. An aggressive rebate program; limits on water available for new construction and remodels; and extensive requirements for installation of water saving devices in residential and commercial buildings contribute to local savings. Water District staff are certified in landscape auditing and water conservation methods, and regularly assist the public to identify ways they can save water. We fund demonstration gardens, and support rainwater and graywater reuse and other innovative technology. The Water District and the Monterey Peninsula have become a model for water conservation and management of a limited water supply.

<sup>(1)</sup>See [http://www.mpwmd.dst.ca.us/Mbay\\_IRWM/ASR/Proj\\_Sum\\_1.pdf](http://www.mpwmd.dst.ca.us/Mbay_IRWM/ASR/Proj_Sum_1.pdf)

<sup>(2)</sup>See <http://www.mpwmd.dst.ca.us/desalination-projects/desalination-projects.htm>

<sup>(3)</sup>See [http://www.cwp-eir.com/downloads/Vol1\\_FEIR/3\\_proj\\_description.pdf](http://www.cwp-eir.com/downloads/Vol1_FEIR/3_proj_description.pdf)

<sup>(4)</sup>See [http://www.cwp-eir.com/downloads/Vol2\\_FEIR/5\\_regional\\_proj\\_description.pdf](http://www.cwp-eir.com/downloads/Vol2_FEIR/5_regional_proj_description.pdf)



Would  
More  
Rainfall  
End  
Water

*Even if rainfall is normal this year, court-mandated water reductions will continue.*

In 2009, Governor Schwarzenegger proclaimed a statewide drought emergency and called for immediate water conservation. In our Water District, the challenge is not new; it's a way of life. Since 1995, the community has reduced water use by more than 20 percent through admirable conservation measures.

Last year, our rainfall was 15 percent below average. We have enough water to meet future needs if we continue to conserve and reduce water waste. We are not affected by cutbacks in water deliveries from other parts of the state because our water comes exclusively from the Carmel River, the Seaside Groundwater Basin and other local sources. However, we are affected by court-mandated water limits on the local water supply.

Even if rainfall is normal this year, court-mandated water reductions will continue. In 1995, due to declining environmental conditions on the Carmel River, the state set limits on how much water could be taken from the river and required cutbacks. The community lowered its water use. In 2006, pumping from the Seaside Groundwater Basin was also reduced by the courts to prevent seawater intrusion, and we again met our obligations. In 2009, the state issued a Cease and Desist Order (CDO)<sup>(1)</sup> calling for more stringent water reductions. (The CDO is not yet in effect.) The Water District has a seven-stage water conservation and rationing program in place to fairly address the need for water reductions.

If new water supplies are developed and conservation increases, we can meet water reduction targets. In the past 15 years, many water supply options have been pursued. Measures such as a local desalination project or erecting a new dam were rejected by voters as either environmentally unsustainable or too costly. However, the Water District has successfully developed new underground water storage through its Aquifer Storage and Recovery (ASR) Project;<sup>(2)</sup> conducted additional investigations into the feasibility of seawater desalination;<sup>(2)</sup> participated in development of plans for a regional water supply project;<sup>(2)</sup> and continues to implement effective water conservation programs.<sup>(2)</sup>

<sup>(1)</sup> See page 1, Court Delays Water Cutbacks.

<sup>(2)</sup> See page 2, Projects to Increase Water Supply.

An acre-foot of water is equal to 325,851 gallons of water, or enough to supply about four Monterey Peninsula homes with water for a year.

## Good to Know



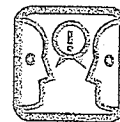
In 2009, Water District staff reared 12,759 fish at the Sleepy Hollow Steelhead Rearing Facility in Carmel Valley. Staff rescued the fish from drying portions of the Carmel River, reared them at the facility, and later released them back to the river or lagoon when river flow had improved and they could continue their migratory life cycle. Since 1996, staff has reared 193,281 rescued fish at the Sleepy Hollow facility.



The Water District monitors water quality in the Carmel River and Seaside Groundwater Basins. Streamflow and groundwater levels are also measured and analyzed by staff. In 2009, no seawater intrusion was detected in Carmel Valley wells or the two principal aquifers of the Seaside Groundwater Basin.



**CONTACT US!!**  
Office hours are 8 a.m. to 5 p.m., Monday thru Friday. The office is located at 5 Harris Court, Building G in the Ryan Ranch business park, Monterey. General Information: 831-658-5600 Water Permit/Conservation: 831-658-5601 Website: <http://www.mpwmd.dst.ca.us>



The Monterey Peninsula Water Management District Board of Directors meets once a month in the District office. The public is encouraged to attend. Upcoming meetings are set for 7 p.m. on:

- ✓ January 28
- ✓ February 25
- ✓ March 15
- ✓ April 19

Contact the District office or check our website for a complete list of meeting dates. Meetings are televised on Comcast channels 25 & 28. See your local listings for broadcast dates and times. Call 831-658-5611 to request notice of monthly meetings by mail or email.



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