



**STAFF ADMINISTRATIVE DETERMINATION ON APPLICATION TO CREATE
SINGLE-PARCEL CONNECTION WATER DISTRIBUTION SYSTEM**

SYSTEM NAME: FLORES WATER DISTRIBUTION SYSTEM (Well #1)
APPLICANT: Paul Flores
MPWMD ID#: #20110401FLO
PERMIT #: S12-03-L2
APN: 103-071-002
LEGAL DESC: ASSRS MP AGUAJITO RO SUB 3 OF POR OF LOT 7 & RW &
 EXC RW 5.5 AC as amended by lot line adjustments in Record of
 Survey filed by Monterey County on November 10, 2011 (Vol 31 Sur
 Pg 97)
OWNER: Andres Joseph Flores
LOCATION: 564 Monhollan Road, Carmel 93923-9459 (Jack's Peak)
JURISDICTION: Monterey County
ZONING: RDR/10-UR-D
PREPARED BY: Henrietta Stern, Project Manager, on 7/6/2012, revised 7/11/2012
CEQA: Exempt pursuant to CEQA Guidelines 15303

MPWMD APPROVAL (Larry Hampson, District Engineer):

Larry Hampson

 July 12, 2012

DATE OF APPROVAL:

ADMINISTRATIVE NOTES

Application #20110401FLO (Exhibit 1) to create the "Flores" Water Distribution System (WDS), a Single-Parcel Connection System to service one Parcel, was submitted to the Monterey Peninsula Water Management District (MPWMD) on April 1, 2011. A Level 2 Administrative WDS Permit will be processed as described in Rule 22-A-5. The terms "Permit", "Parcel" and "Well" are defined in MPWMD Rule 11.

The "Flores" WDS (Well #1) would provide domestic and irrigation water to the Flores Parcel (APN 103-071-002) for a main residence, caretaker unit, pool and landscape irrigation. The original application (April 2011) identified both Well #1 and Well #2 on the neighboring Pisenti Parcel (APN 103-071-019), with Well #1 designated to serve the Flores Parcel. Subsequent lot line adjustments approved by Monterey County on June 30, 2011 (shown in Record of Survey filed November 10, 2011) resulted in Well #1 providing service to the newly configured Flores Parcel and Well #2 providing service to the newly configured Pisenti Parcel. A separate WDS application is being processed for Pisenti/Well #2. The Assessor's Parcel Numbers could possibly change for both Parcels, pending action by the County Assessor's office.

This application has an extensive administrative history due to a series of challenges or appeals by a neighbor, David and Judy Beech (Beech), and members of the MPWMD Board on whether

the MPWMD testing procedures were properly followed and whether the Flores WDS application is complete or not. In short, in September 2011, the Board determined it would hear an appeal submitted by Beech as referred by Director Markey. In November 2011, the Board confirmed that the Flores application was complete. A detailed history was provided at two public hearings held by the Board in September 2011 and November 2011, as shown at: <http://www.mpwmd.dst.ca.us/asd/board/boardpacket/2011/20110919/17/item17.htm> and <http://www.mpwmd.dst.ca.us/asd/board/boardpacket/2011/20111121/16/item16.htm>. It is noted that supplemental information and presentation materials by interested parties were provided at each of those public hearings.

For reference, on May 23, 2011 the District concurred with the conclusions of the applicant's March 2011 hydrogeologic assessment for Well #1. This normally triggers a "complete application" letter. However, at that time, District staff was not aware of Beech's February 15, 2011 letter to Monterey County expressing concern about adverse impacts and the lack of monitoring of his Well during the test. Beech subsequently submitted a written challenge to the hydrogeologic assessment on June 7, 2011. A June 16, 2011 District letter determined that the Flores/Well #1 application was incomplete with regard to assessing the impact to neighboring Wells. The General Manager, in a letter dated June 24, 2011, further clarified the actions to be taken by the parties. A July 5, 2011 deadline was set for three neighbors to determine whether or not they wished their Wells to be monitored. The letter stated that if no neighbor indicated the need for monitoring, then a new pumping test is not required. Due to the July 4 holiday, the deadline was extended one week to July 12, 2011. For various reasons, the neighbors did not grant permission to have their Wells monitored, and the application was deemed to be complete in a letter dated July 20, 2011. As noted above, the Board confirmed the "complete" status at its November 21, 2011 hearing, with the understanding that an appeal could be filed on the staff approval of the WDS Permit.

This document focuses on the Flores application as a "complete" application, as directed by the Board, and not the numerous issues raised in the course of the two public hearings. If an appeal is filed, the issues of concern would be heard by the Board at a future date.

SUMMARY

This project summary is based on the application materials and supporting documents in the WDS file, which are available for public review at the District office.

Permit Application Materials: The key documents submitted with the application (in addition to later submissions for the two public hearings) include:

- Permit Application for Flores WDS and attachments, received April 1, 2011;
- *72-Hour Constant Rate Well Pumping, Aquifer Recovery Test and Pumping Impact Assessment for Flores/Pisenti Well #1*, prepared by Bierman Hydrogeologic, dated March 23, 2011 (referred to herein as "*Hydrogeologic Assessment*");
- Monterey County Health Department (MCHD) Department Well Construction Permit #98-318 dated December 23, 1998;
- California Department of Water Resources (DWR) Well Completion Report #527042 dated (copy illegible) in 1999;
- Title 22 Water Quality analysis dated November 5, 2010;

- MPWMD Well radius search map;
- Lot line adjustment for APN 103-071-002 and -019 approved by Monterey County on June 30, 2011 as shown in Record of Survey filed by Monterey County on November 10, 2011 (Vol 31 Sur Pg 97);
- Documentation by Bierman Hydrogeologic on notice to and response of neighbors regarding Well monitoring opportunities dated July 15, 2011;
- Grant Deeds for the original property recorded at the Monterey County Recorder, including Document #2010015101 dated March 17, 2010; Documents #2012018675 through #2012018678 dated March 28, 2012 for the lot line adjustments; and Document 2012023272 dated April 19, 2012 (name correction).

Existing Setting: The subject property includes one Parcel, originally sized at approximately 5.5 acres, but which is now 5.7 acres pursuant to the lot line adjustments approved by Monterey County on June 30, 2011, as shown in the Record of Survey filed by the County on November 10, 2011 (Vol 31 Sur Pg 97). The Parcel is located at 564 Monhollan Road in the Jack's Peak area of unincorporated Monterey County. The Parcel is within the California American Water (CAW) service area, and one existing home on the Parcel is served by CAW. However, additional CAW service is not available due to limitations caused by State Water Resources Control Board (SWRCB) Order WR 95-10, Seaside Groundwater Basin Adjudication and related action. A Well drilled in 1999 and tested in 2010 is the subject of this Permit.

The Well is completed in perforations of the Chamisal Sandstone bedrock in an area collectively referred to as the "Miscellaneous formations" by MPWMD for reporting purposes. The Parcel is not within the Carmel River Watershed, and is more than 1,000 feet from the boundary of the Carmel Valley Alluvial Aquifer (CVAA), any named tributary to the Carmel River, or any other Sensitive Environmental Receptor (SER) defined by MPWMD Rule 11. The Well was within 1,000 feet of four other neighboring Wells at the time of the hydrogeologic assessment, including the Pisenti Well #2.

Proposed System: The proposed water system will include one Well to serve future domestic needs (residential use and landscaping) on the 5.7-acre Parcel. The anticipated uses include a main residence with pool, caretaker unit (with kitchen) and irrigation of a 0.5-acre vineyard, gardens, turf and other landscaping. The anticipated total base water demand for the proposed uses is estimated to be 1.34 acre-feet per year (AFY). Pursuant to MPWMD WDS Memorandum #6, dated August 6, 2009, the system capacity was increased to 1.65 AFY to account for water conveyance and treatment losses. The application entails two Connections for the main residence and independent caretaker unit.

DISCUSSION

Adequate Supply: The subject Well was drilled in 1999, but a more recent 72-hour pumping test was conducted from October 12 through 21, 2010 during "dry season" conditions. District procedures typically call for two separate tests if Wells are on two separate Parcels. The Flores Well #1 was tested at the same time as Pisenti Well #2 because the Wells were located on the same Parcel at the time of the test. A lot line adjustment had been submitted to Monterey County to request one Well each on a separate Parcel. If the lot line adjustment was not approved, Wells #1 and #2 would potentially work together as part of the same system. The

County approved the lot line adjustment in June 2011. In an October 4, 2011 e-mail to interested parties, the District explained that it accepted the original test results as applicable to two separate applications because of (1) the approved lot line adjustments, and (2) the hydrogeologic data provided in the two *Hydrogeologic Assessments* for Well #1 and Well #2 noted a lack of connectivity or interference between the two Wells, which are 537 feet apart. The lack of connectivity enabled the Well information to be accepted for the separate Flores and Pisenti applications.

The MCHD has a minimum test pumping requirement of three gallons per minute (gpm) per connection for residential situations of this type. In addition, the District compares the Well yield to the proposed demand. Evidence must be available to support a required finding that there is an adequate supply to meet the intended uses. The MPWMD consultants and staff reviewed the applicant's *Hydrogeologic Assessment*. The *Review of Well Source and Pumping Impact Assessment for Flores/Pisenti Well #1*, prepared by Pueblo Water Resources dated May 23, 2011 (referred to herein as the "*Technical Review*") is provided as **Exhibit 2**. It is noted that the Parcel was identified as APN 103-071-019 because the lot line adjustment had not yet been approved. The *Technical Review* concludes that, based on MPWMD evaluation procedures, the Well capacity is sufficient for the 1.65 AFY production described for this proposed WDS, which accounts for 5% losses for conveyance and 15% losses for water treatment above the base demand of 1.34 AFY. District staff concurs with these conclusions, though reliable water supply is not guaranteed in fractured bedrock settings.

Potential Off-Site Impacts: The *Hydrogeologic Assessment* includes analyses of off-site impacts. The *Hydrogeologic Assessment* evaluated the projected Well drawdown and the potential effects during extended (183 days) dry period pumping rates, and concluded that no significant impacts are anticipated. There are no SER within 1,000 feet. There are four Wells within 1,000 feet of the subject Well, but no adverse impact was determined to occur to these Wells. The District *Technical Review* (**Exhibit 2**) concurs with these conclusions.

Water Quality: A Title 22 water quality analysis was included in the *Hydrogeologic Assessment*, and shows that the Well water is of adequate quality, although the Secondary Maximum Contaminant Levels (Consumer Acceptance Contaminant Levels) are not met for specific conductance and total dissolved solids. The applicant should consult with MCHD for guidance about potential water treatment to address constituents that do not meet these standards, if desired. It is also noted that the Well sample tested positive for total coliform bacteria, indicating the need for re-disinfection of the Well and/or piping system. In calculating the production limit, MPWMD added a factor for water treatment pursuant to Memorandum #6 dated August 6, 2009.

CEQA Compliance: The District must comply with CEQA as well as MPWMD Regulations. Based on the information submitted, staff will file a Categorical Exemption pursuant to CEQA Guidelines Section 15303, "New Construction or Conversion of Small Structures," relating to the property. This exemption applies because the WDS would be appurtenant to allowed uses (main and secondary residence, pool and landscaping) on an existing assessor's Parcel approved by Monterey County consistent with zoning regulations. A Notice of Exemption will be filed with the Monterey County Clerk when issuance of the WDS Permit is

authorized by the District Engineer.

STAFF DETERMINATION

Based on the MPWMD Findings of Approval provided as **Exhibit 3**, the District should approve Application #20110401FLO and issue Permit #S12-03-L2 with the Conditions of Approval specified in **Exhibit 4**.

The Findings of Approval (**Exhibit 3**) are based on evidence provided in the application materials and supporting documentation on file at the District office. Staff believes the application meets the criteria and minimum standards required by District Rule 22-C. Pertinent information includes the *Hydrogeologic Assessment, Technical Review* memorandum from District consultants as reviewed by District staff, zoning and existing land use, technical and water rights information, as well as conditions of approval imposed on the approved application. The Findings include and refer to CEQA compliance in the form of a proposed Notice of Exemption (**Exhibit 5**). The Findings also refer to additional documents presented at the September 19 and November 21, 2011 public hearing on the Beech appeal that support issuance of the Flores WDS Permit. These include letters from the Monterey County Health Department and additional technical information on Well capacity and Well monitoring submitted by the applicant's consultant.

The Conditions of Approval (**Exhibit 4**) describe the approved system and comply with the mandatory conditions enumerated in MPWMD Rule 22-D. These conditions include use of potable water for the domestic and irrigation uses described above with a System Capacity (annual production limit) of 1.65 AFY and an Expansion Capacity Limit of two Connections for the Parcel (main residence and caretaker unit with kitchen).

Right to Appeal: Upon authorization, notice of this staff determination will be posted at the District office and placed on the District website. In accordance with MPWMD Rule 70, the applicant or any other person has the right to appeal this staff determination to the MPWMD Board within 21 days of the date of approval by the designated MPWMD Manager (see signature and date on page 1).

EXHIBITS

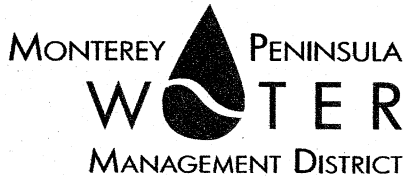
Exhibit 1: Application #20110401FLO for Flores WDS/Well #1

Exhibit 2: Pueblo Water Resources Technical Memorandum on Flores WDS/Well #1, May 23, 2011

Exhibit 3: Draft Findings of Approval for Application #20110401FLO

Exhibit 4: Draft Conditions of Approval for Application #20110401FLO, Permit #S12-03-L2, including Attachment 1 (service area) and Attachment 2 (required Indemnification Agreement)

Exhibit 5: CEQA Notice of Exemption



**PERMIT APPLICATION FORM TO CREATE OR AMEND A
WATER DISTRIBUTION SYSTEM
Revised July 20, 2010**

RECEIVED
APR 01 2011
MPWMD

Office Use Only	
Pre-Application Name/Date	Flores 11/8/2010
Application ID Number	20110401FLO
Date Application Accepted	4/1/2011
Date Application Deemed Complete	

FEE AMOUNT- The application fee must be paid concurrently with the permit application. The fee amount varies depending upon the level of review required:

- Level 2 Permit Fee: \$2,850 for up to 30 hours of staff time
- Level 3 or Level 4 Permit Fee: \$3,800 for up to 40 hours staff time

The permit level of review is based on the preliminary information provided in the Pre-Application Form. During the review of this Application, if it is determined that a higher or lower level of review is required, the applicant will be notified, and the higher or lower fee will be charged or refunded, respectively. For applications where staff time exceeds the number of pre-paid hours (or equivalent), a fee of \$95 per hour will be charged along with all direct costs incurred by MPWMD, pursuant to Rule 60. MPWMD Rules & Regulations are provided at: <http://www.mpwmd.dst.ca.us/rules/2010/June/TOC.htm>.

For guidance and worksheets, visit our Wells Page: <http://www.mpwmd.dst.ca.us/pae/wds/wds.htm>

SECTION 1 -- APPLICANT INFORMATION

1. Name of System: Flores WDS (Well #1)
2. Assessor's Parcel Number(s) in System: APNs: 103-071-002* * = APN Subject to change pending lot-line adjustment
3. System Street Address/Area: 564 Monhollan Road, Monterey, Ca. 93940
4. Name of Applicant: Paul Flores
(If the applicant is not the system owner or operator, the form must also be signed by the system owner or operator.)
5. Mailing Address: #5 Zaragoza View, Monterey, CA 93940
6. Contact Numbers (ph/fax/e-mail): (831) 236-2367/?/rmreal@comcast.net
7. Agent (if any): Bierman Hydro-Geo-Logic, P.C.
8. Agent Mailing Address: 3153 Redwood Drive, Aptos, CA 95003
9. Agent Contact Numbers (ph/fax/e-mail): 831-334-2237/708-2309/abierman@comcast.net

SECTION 2 -- WATER DISTRIBUTION SYSTEM INFORMATION

NOTE: Please attach additional sheets, if necessary, to complete each question.

10. **Attach Map** (8 1/2 x 11 or larger): Show the parcels to be served and the approximate location of the wells(s), easements and/or water supply facilities. See Figure 2 (BHgl Report dated 3/23/11)
11. **Water Source Information.** Complete the table below by describing both the existing and proposed water source(s) to supply the proposed water system: See BHgl Report dated 3/23/11.

Source and System Information	Existing (list/describe)	Proposed (list/describe)
A. Water Source (groundwater, alluvial water, reclamation, desal, etc.)	Well	Well
B. Is parcel in Cal-Am service area? Which buildings have active service?	Yes, in Cal-Am Service Area although no service	Yes, in Cal-Am Service Area although no service
C. Total number of wells with MPWMD and County permits	Two: Well #1 = MCHD#98-318 Well #2 = MCHD#10-11806	Well#1: MCHD#98-318 to serve-002 Well#2:MCHD#10-11806 to serve-019
D. Water system infrastructure (list major system components, e.g.; tanks, treatment, backflow, meters, etc.)	Neither well has pump or power or storage	Two, 4990 gal. storage tanks with Ozone, Post-Filter, Water Softener, R.O., Neutralizer, Fresh Storage
Other relevant information, comments or expansion on answers above:		
Describe which parcel(s) are served by each well, especially if 2 or more wells.		
Groundwater Quality will require treatment to reduce/remove iron, manganese, TDS and EC.		
Water Quality Treatment (WQT) components will include ozone, post-potassium permanganate/antracite filtration, water softener, reverse osmosis, calcite neutralizer and fresh water storage.		

12. **Interties and Emergency Supply.** Please check appropriate box for items A through F below. For all "yes" responses, describe the item and list associated attachments, if any.

- A. Is there a defined emergency water supply in case of system failure? Yes No N/A
- B. Will the system intertie to any other water distribution system? Yes No N/A
- C. Has the other water system approved the intertie? Yes No N/A
- D. Has a backflow device to prevent cross-contamination been installed? Yes No N/A
- E. Must the local Fire Department approve this water system? Yes No N/A
- F. What is the source of water for Fire Protection? Cal-Am for structure.

Description of "yes" responses: A: Two, 4,990gal. raw water storage, One, 1,000gal fresh water storage.

D: A Check Valve will be required, and its recommended that one meter/structure and irrigation hook-up.

E: Local Fire Department must approve fire protection whether it is from well, storage, or Cal-Am.

13. **Water Rights Information.** For systems utilizing wells located within the Carmel Valley Alluvial Aquifer (CVAA), applicants are encouraged, but not required, to obtain a "Water Rights Confirmation" letter from the District prior to the submittal of this application. For systems utilizing wells outside the CVAA, complete item "A" only.

XXA. **Water Rights Outside of CVAA.** Attach a copy of the deed showing ownership of property (overlying rights to percolating groundwater is assumed).

~~B. If within CVAA, has a "Water Rights Confirmation Letter" been issued by the District?~~

~~Yes No N/A~~

~~If "Yes," state date of letter and attach a copy to this application: _____~~

~~If "No," complete questions C, D and E below.~~

C. Basis of water right claimed (*see Form IG96-11 for guidance*)

- Riparian (invalid for 2+ parcels unless same owner)
- Pre-1914
- SWRCB domestic registration
- SWRCB appropriative permit
- Other (specify) Overlying Groundwater Rights for water outside CVAA

D. If assisted by attorney, attach Form IG96-12, Declaration of Competency—

E. Attach supporting water rights documentation. (*MPWMD has examples on file for review*)

Deed of Ownership is Attached

14. **Water Quality Information.** Required for wells that will provide potable (drinking) water to one or more connections. None required for irrigation/agricultural or pool use only.
1 connection: Attach test results for “general mineral, general physical, inorganics” + coliform (described in Title 22, Chapter 15)
2+ connections: Attach water quality test results as required by Monterey Co. Health Dept.
15. **Water Use.** Complete the table below by describing both the existing and proposed uses to be served by the proposed water system; *use worksheets on website to estimate water demand*:

Use and Demand Information	Existing (list/describe)	Proposed (list/describe)
A. Residential service (potable, drinking water); includes standard landscaping for home. List all separate structures or units served, and if they include kitchen. Check zoning rules first.	Vacant Parcel	Well#12 to Serve Estate Style SFD w/pool, CTU and Landscaping. GH to remain on Cal-Am.
B. Commercial service (potable); describe type of use; # of non-fire meters; describe landscaping.	NA	NA
C. Industrial service (potable or non-potable; # of non-fire meters)	NA	NA
D. Total number of structures served	NA	Two from Well**
E. Addl. Landscaping (non-potable); for extra large gardens or commercial	0 acres	0 acres
F Pool or Pond (non-potable) HOT-TUB	0 Sq. ft.	Pool @ 800 Sq. ft
G. Irrigation/agriculture (non-potable) Describe crop(s) and other agric. use	0 acres	0 acres
H. Live-stock (non-potable)	0.0 head	0.0 head
I. Other	NA	NA
J. Total number of parcels served	One	One
K. Total acreage served (all parcels); describe size of each parcel if multiple	3.72 acres	3.72 acres
L. Estimated water use. (Worksheets are available; show how calculated.)	0 acre-feet per year	1.52***acre-feet per year
Other relevant information, comments or expansion on answers above (<i>please add extra sheets</i>):		
<i>See Wells Page on website for worksheets to estimate water use.</i>		
** Cal-Am to Serve Existing Residence, to be remolded as a Guest House.		
***Based on Average Annual Demand (AAD) after accounting for System & Treatment losses.		
Treatment losses only accounted for potable use, not exterior use.		

16. **Well Source and Pumping Impact Assessments.** Systems using wells are required to attach a *Well Source and Pumping Impact Assessment* performed by a Qualified Professional as defined by District Rules. Please confirm the name and contents of the Assessment as shown below:

Assessment title, date, and preparer's name: 72-Hour Constant Rate Well Pumping & Aquifer Recovery Test with Pumping Impact Assessment for Flores/Pisenti Well #1, APN: 103-071-002, by Bierman Hydro-Geo-Logic, P.C., 3/23/11.

The following are required items in all Assessments. Please confirm that the following items are included in the Assessment document:

- Appendix A Well logs (State DWR "Well Completion Report")
- BHgl Rpt. Results of well capacity/pumping tests (*Hydrologist must follow MPWMD procedures*)
- Appendix A Copy of approved Well Construction Permit from Monterey County Health Department
- Appendix C Pump horsepower, pump make, pump type and related info
- Appendix D Water quality analysis (for potable uses only)

Comments: All data above included in Bierman Hydro-Geo-Logic Report, dated March 23, 2011.

~~17. **Reliability of Supply (Non-Well).** For sources of supply other than a well, describe water source and production facilities, including reliable yield and water quality testing performed. Attach and list associated information.~~

18. **Land Use/CEQA Information.** Please complete all applicable items below.

A. Zoning and land-use designations for parcels served (available from Monterey County or City): RDR/10-UR-D

B. Permits and approvals required or received from other agencies (e.g., Planning Department, Building Department, Health Department, Coastal Commission, CPUC). Include file numbers and resolution numbers used by the agencies.

NA

C. Recent or pending subdivisions to be served by the proposed water system. Include file numbers and resolution numbers used by the agencies.

MC RMA; #PLN100560 Pending Lot Line Adjustment to
APN: 103-071-019 and 103-071-002

D. Environmental documents prepared by jurisdiction or other lead agency.

NA

E. Status of lead agency CEQA actions. Provide date of formal action (e.g., Notice of Determination, Neg. Dec., EIR, etc.) Include agency file numbers and resolution numbers.
Negative Dec.

19. **MPWMD Permits**

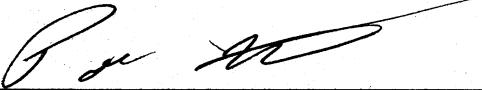
Describe and list **previous MPWMD permits received**, if any, including permit number and date issued. Attach existing well meter information, if applicable.

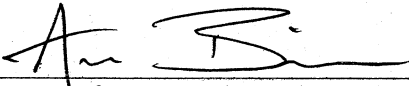
NA

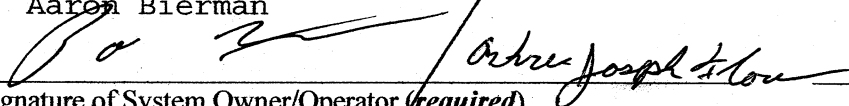
20. List **unique issues, considerations and/or special conditions**, if any, which may pertain to the proposed water system. NA

SECTION 3- SIGNATURES, RESPOSIBLE PARTIES AND ATTACHMENTS

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


Signature of Applicant (Please sign and print name) _____ Date 3/28/11


Signature of Agent (Please sign and print name, if applicable) _____ Date 3/28/11
Aaron Bierman


Signature of System Owner/Operator (required) _____ Date 3/28/11
(Please sign and print name) Andres Joseph Flores

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

Name(s): ~~Paul Flores~~ ANDRES JOSEPH FLORES

Address(es) #5 Zaragoza View, Monterey, CA 93940

Attachments. Please list all attachments, including maps, included with this Application Form

- Attachment #1: MPWMD Fee: \$2,850 for Level II WDS Permit Review.
- Attachment #2: 2 copies+2 DVDs of Bierman Hydro-Geo-Logic Report on Flores/Pisenti Well#12, 3/23/11.
- Attachment #3: One, MPWMD Water Well Registration Form & \$25 Fee for "Active" Well Status.
- Attachment #4: Copy of Deed of Ownership of property
- Attachment : _____
- Attachment : _____
- Attachment : _____
- Attachment : _____
- Attachment : _____
- Attachment : _____
- Attachment : _____

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Supplemental Questionnaire for Water Distribution System Application

SYSTEM NAME: Flores WDS

APN: 103-071-002

NOTE: Attach additional pages, if necessary, to complete each question.
An electronic version of expanded answers may be requested.

- S1. Does this request rely upon an "Environmental Document", as per the California Environmental Quality Act (CEQA)? If so, please specify the type of Environmental Document that was prepared (or will be prepared) and provide details regarding its preparation (e.g. notice of preparation, notice of completion, and any public hearing dates). Indicate CEQA lead agency. No
- S2. Has any new information regarding the proposed project, its environmental impacts, the severity of those impacts, mitigations for those impacts, or alternatives become available since the lead agency reviewed the project? No
- S3. Will this request have any significant effects on the environment based upon the Environmental Document or other information? If so, describe the effects and the mitigations, if any, that are proposed to minimize those effects. No
- S4. Is the source of supply shared by any other water distribution system? Would the addition of the proposed production result in an adverse cumulative impact on the environment? No
- S5. Does this request rely on any specific hydrologic, geologic, or other technical study? If so, state the name of the study, the date it was finalized, and the principal author or authors. Attach a copy of each study cited.
72-Hour Constant Rate Well Pumping, Aquifer Recovery Test & Pumping Impact Assessment for Flores/Pisenti Well#1, APN: 103-071-002 by Bierman Hydro-Geo-Logic, P.C., 3/23/11.
- S6. Have there been any studies done to determine if an alternative water supply is economically feasible and physically available? If so, please describe the alternatives that were identified and the reasons why they were rejected.
Cal-Am serves the neighborhood, although since there are no more available hook-ups from Cal-Am the property owner has resorted to well water.

S7. Will the request cause any possible duplication of service with an existing water distribution system? Explain why the duplication of service is necessary.

No

S8. Will the request result in either exportation of water outside of or importation of water into the Monterey Peninsula Water Management District? If so, please specify the quantities that would be either exported or imported.

No

S9. Will the request create or increase an overdraft of ground water, or cause a degradation in water quality due to sea-water intrusion or some other type of contamination?

No

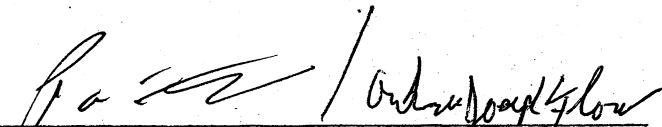
S10. Will this request adversely affect the ability of existing water distribution systems and individual users to produce water?

No. Onsite and Offsite impact analysis suggest none to less than significant impacts. Groundwater to be treated.

S11. If the request is for an annexation of new territory into an existing water distribution system service area, is the property to be annexed surrounded by, or adjacent to other properties in the service area?

No

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


Signature of Applicant; please print name below

3-28-11
Date/Location

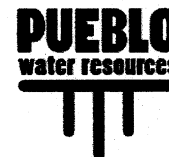
Note: The applicant may submit written Findings, with evidence for each Finding, for District Board consideration; please contact MPWMD staff re: proper format.

EXHIBIT 2

TECHNICAL MEMORANDUM

Pueblo Water Resources, Inc.
4478 Market St., Suite 705
Ventura, CA 93003

Tel: 805.644.0470
Fax: 805.644.0480



To:	<u>MPWMD</u>	Date:	<u>May 23, 2011</u>
Attention:	<u>Joe Oliver, P.G., C.Hg, Water Resources Manager</u>	Project No:	<u>06-0015</u>
Copy to:	<u>Henrietta Stern Matthew Sundt</u>		
From:	<u>Robert Marks, P.G., C.Hg</u>		
Subject:	<u>Review of Well Source and Pumping Impact Assessment Report for: Flores/Pisenti Well #1, APN 103-071-019</u>		

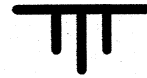
INTRODUCTION

Presented in this Technical Memorandum is a summary of our findings and conclusions based on our review of the above-referenced assessment report. The assessment report, dated March 23, 2011, was prepared for Paul Flores by Bierman Hydrogeologic (Bierman) in support of a Water Distribution System (WDS) permit application for a proposed project at the above-referenced property. Our review focused on evaluating the assessment report for compliance with the MPWMD Procedures for Preparation of Well Source and Pumping Impact Assessments (MPWMD Procedures), dated September 2005 (revised May 2006). A summary of our findings is presented below.

FINDINGS

General Description of Proposed WDS

An existing well located at the subject parcel is proposed to be utilized to supply indoor potable and outdoor irrigation water for a proposed WDS on the subject parcel. The proposed project consists of a single-family residence, care-taker unit, and exterior landscaping with a combined average annual demand (not including conveyance and treatment system losses) of 1.34 acre-feet per year (afy). Interior potable demands total 0.58 afy, representing approximately 43 percent of the total WDS demands, with the remaining demands associated with outdoor water uses. It is noted that an existing residence on the parcel is currently served by California American Water (CAW). This residence would be remodeled into a guest-house and remain on CAW service.



Hydrogeologic Setting

The subject well is located in the Jacks Peak area of Monterey. The well location is greater than 1,000 feet from the mapped boundary of Carmel Valley Alluvial Aquifer (CVAA) and is completed with perforations within Chamisal Sandstone bedrock; therefore, Hydrogeologic Setting #2 of the MPWMD Procedures is applicable to this well.

Well Construction Summary

Presented below is a summary of the as-built construction of the subject well as documented on its Well Completion Report:

Table 1. Well Construction Summary

Construction Feature	Flores/Pisenti Well #1
Total Cased Depth (ft. bgs ¹)	894
Borehole Diameter (inches)	10
Casing Inside Diameter (inches)	5
Perforated Intervals (ft bgs)	700 to 894
Static Water Level ² (ft bgs)	155
Date Drilled	3/10/00
DWR Well Completion Report No.	527042
Date Signed	Not legible
MCHD Permit No.	98-318
Date Issued	12/23/98

Notes:

- 1 – feet below ground surface (ft bgs)
- 2 – following well construction

General Testing Methods

MPWMD Procedures specify eight general testing methods that apply to all pumping tests, regardless of the hydrogeologic setting. The testing methods are described in the assessment report and were reviewed for compliance with MPWMD Procedures, as summarized in Table 2 below:

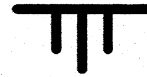


Table 2. General Testing Methods Summary

Test Method	Compliance	Comments
1 - Witnessed by MCHD ¹	Yes	MCHD personnel present at startup
2 - Well Testing Method	Yes	Bierman performed test
3 - Timing of Test	Yes	Test performed in October 2010
4 - Discharge Rate	Yes	Test average approximately 8.1 gpm
5 - Control of Well Discharge	Yes	To ground through approximately 200 ft. of hose
6 - Wells Monitored	Yes	One offsite monitoring during test
7 - Data Collection	Yes	Documented in Appendix C of report
8 - Water Level Monitoring	Yes	Pressure transducer/datalogger used

Notes:

1 - Monterey County Health Department (MCHD).

As shown above, the general testing methods complied with MPWMD Procedures with no variations.

Well Testing Data Summary

Bierman conducted a 72-hour constant-rate pumping and recovery test on the subject well during the period October 12 through 21, 2010. Presented below is a summary of the well performance data developed from the testing program:

Table 3. Pumping Test Data Summary

Test Parameter	Flores/Pisenti Well #1
Static Water Level (ft bgs)	130.12
Total Volume Pumped (gallons)	35,139
Test Average Pumping Rate (gpm)	8.1
24-hour Volume Pumped (gallons)	11,640
24-hour Average Pumping Rate (gpm)	8.1
24-hour Pumping Level (ft bgs)	184.35
24-hour Drawdown (ft)	54.23
24-hour Specific Capacity (gpm/ft)¹	0.15

Notes:

1 - gallons per minute per foot of drawdown (gpm/ft)



Well Yield Calculations

According to MPWMD Procedures, the yield of a well in Setting #2 is calculated by multiplying the 24-hour specific capacity by the available drawdown. As shown in Table 3 above, the 24-hour specific capacity of the subject was calculated to be 0.15 gpm/ft. Available drawdown for Setting #2 is defined as one-third of the saturated thickness penetrated by the well. The available drawdown calculations for the Flores/Pisenti Well #1 are as shown in Table 4 below:

Table 4. Available Drawdown Calculations

Parameter	Flores/Pisenti Well #1
Depth to Static Water Level (ft)	130.12
Depth to Bottom of Perforations (ft)	894.00
Saturated Thickness (ft)	763.88
Available Drawdown (ft)	254.63

MPWMD Procedures further require consideration of any shifts in the apparent transmissivity during the test, as well as water-level recovery data, to determine if any adjustments to the calculated 24-hour specific capacity and/or well yield should be made. A summary of these adjustment considerations is presented below:

Drawdown Curve and Apparent Transmissivity

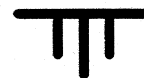
MPWMD Procedures require that if the apparent transmissivity decreases between the first half and end of the test, the 24-hour specific capacity shall be adjusted by multiplying it by the ratio of late-time to early-time transmissivities. The assessment report presents calculated transmissivity values ranging between 118 to 158 gallons per day per foot (gpd/ft), depending on the portion of the curve analyzed and analytic method utilized. The transmissivity calculations take into account casing-storage effects during the initial portion of the drawdown curve (calculated to have expired within approximately 65 minutes¹ of pumping).

The drawdown curve did display a slight decrease in the apparent transmissivity between the first half and the end of the test; therefore, in accordance with MPWMD Procedures, Bierman made an adjustment to the 24-hour specific capacity by multiplying the ratio of late- to early-time transmissivity values as shown in Table 5 below.

Recovery Data

MPWMD Procedures also require that if 95% recovery is not achieved within two times the amount of time as the pumping period (i.e., 144 hours/6 days) the calculated well-yield should be reduced. After 6 days following termination of the pumping test, the water level had

¹ Based on an equation presented by Schafer, in The Johnson Well Journal (1978).



recovered to approximately 94.4%; therefore, consistent with previous practice, the calculated well-yield was adjusted by the amount of 6-day water level recovery less than 95% (i.e., 0.6% in this case), as shown in Table 5 below.

Calculated Well Yield

Based on the above, the final well-yield calculations in accordance with MPWMD Procedures for the subject well are summarized in Table 5 below:

Table 5. Well Yield Calculations Summary

Parameter	Flores/Pisenti Well #1
24-Hour Specific Capacity (gpm/ft)	0.15
Ratio of Late to Early Time Transmissivities	0.88
Adjusted 24-Hour Specific Capacity (gpm/ft)	0.13
Available Drawdown (ft)	254.63
Calculated Well Yield (gpm)	33.10
Recovery Adjustment (%)	0.6
Recovery Adjustment (gpm)	0.20
Final Calculated Well Yield (gpm)	32.90

Notes:

NA - Not Applicable

It is noted that Bierman presents a final calculated well yield value of 32.89 gpm; the slight difference between this value and that presented in Table 5 above is due to differences in numerical rounding.

Water Quality

A water-quality sample was collected from the well by Bierman on October 14, 2010 and was analyzed at a State Certified Laboratory for Title 22 primary inorganic and secondary compounds², general mineral and general physical parameters, and coliform bacteria. The results indicate that the water met the Maximum Contaminant Level (MCL) drinking-water standards³ for primary inorganic constituents; however, the water exceeded the MCLs for a couple secondary (consumer acceptance-based) constituents, as summarized in Table 6 below:

² It is noted that perchlorate, MTBE, and thiobencarb were not analyzed.

³ Updated December 21, 2010.



Table 6. Water Quality MCL Exceedance Summary

Constituent	Unit	MCL	Flores/Pisenti Well #1
<i>Secondary Standards</i>			
Specific Conductance	uS/cm	900	1359
Total Dissolved Solids	mg/L	500	783

Given the water-quality results, the assessment report recommended that a Reverse Osmosis (RO) treatment system be installed; however, MCHD should also be consulted regarding treatment recommendations and/or requirements for this source and WDS. It is also noted that the sample tested positive for total coliform bacteria; therefore, the well and/or distribution system piping should be disinfected and resampled prior to being placed into potable service.

Water Demand Estimate

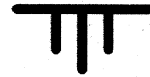
The subject well is proposed to provide both indoor potable and exterior irrigation supply to the proposed WDS, with an estimated base average annual demand of 1.34 afy⁴. As discussed above, given the water-quality results an RO treatment system has been recommended. Presented below is a summary of the instantaneous pumping-demand calculations prescribed by MPWMD Procedures based on the total average annual demand and the associated conveyance and treatment system losses for the subject WDS⁵:

Table 7. Demand Calculations Summary

Demand Category	Flores/Pisenti Well #1
Base Average Annual Demand (afy)	1.34
5% Conveyance Losses (afy)	0.07
15% Treatment Losses (afy)	0.24
Final Average Annual Demand (afy)	1.65
Average Day (gpm)	1.02
Dry Season (gpm)	1.23
Maximum Day (gpm)	1.53
12-hour Maximum Day (gpm)	3.07

⁴ It is our understanding that this demand estimate is being reviewed by MPWMD staff; therefore, it was not independently verified as part of this review.

⁵ Refer to the MPWMD Procedures for the derivation of these calculations.



It is noted that Bierman presents a slightly lower final average annual demand value of 1.52 afy, based on the assumption that only the interior potable water supplies would be treated.

Confirmation of Well Capacity

As presented above, the calculated well yield for the Flores/Pisenti Well #1 is approximately 32.90 gpm, which is greater than the 12-hour maximum-day demand (accounting for conveyance and treatment system losses) value of 3.07 gpm; therefore, based on MPWMD Procedures the well capacity is considered sufficient for the proposed WDS demand.

It is important to note that the above well-yield calculations are theoretical maximum sustained pumping rates based on calculations prescribed by MPWMD Procedures. The actual maximum rate achievable by any given well is practically limited by other factors, including: (a) the size of the selected pump and motor, (b) the pump (and intake) setting, (c) well-casing diameter, and (d) discharge-piping diameter.

Analysis of Offsite Impacts

MPWMD Procedures for Setting #2 require an evaluation of the potential well-pumping drawdown effects at existing offsite wells or any Sensitive Environmental Receptors (SERs) within 1,000 feet of the subject well. Projected drawdown impacts were calculated by Bierman utilizing the Modified Theis Nonequilibrium Equation⁶. The calculations assumed continuous pumping for 183 days at a dry-season demand pumping rate of 0.99 gpm⁷. A transmissivity value of 132 gpd/ft derived from analysis of the recovery curve and a literature-based storage coefficient value of 1.0×10^{-5} (dimensionless) were utilized in the calculations.

Potential Impacts on Existing Wells

Four existing offsite wells were identified by MPWMD within 1,000 feet of the subject well at distances ranging between approximately 465 to 907 feet. One of these wells (Flores/Pimento Well #2), located approximately 537 feet from the subject well, was being simultaneously tested during the subject test (the pumping tests were staggered by approximately 75 minutes), and no evidence of mutual drawdown response between the wells was observed.

Bierman's calculations of projected drawdown utilizing the above-noted aquifer parameters indicate approximately 6.98 to 5.83 feet of calculated projected-drawdown impact at the nearest and farthest offsite wells, respectively. It is noted that Bierman's calculations utilize a dry-season demand pumping rate 0.99 gpm, which is based on the average annual WDS demand without consideration of the additional demands associated with conveyance and treatment system losses. Based on our calculations utilizing a dry-season demand pumping rate of 1.23 gpm (see Table 7), which takes into account system losses, approximately 8.67 to 7.25 feet of projected-drawdown impact is calculated at the nearest and farthest offsite wells, respectively. Based on available well construction information, the nearest offsite well (Maney)

⁶ The projected drawdown calculations were verified as part of our review.

⁷ Based on a base average annual demand value of 1.34 afy.



has a saturated thickness of approximately 343 ft. (based on a 2001 depth to static water level of 157 ft. and the bottom of perforations at 500 ft.). The range of projected drawdown impact at this well represents an approximate 2.0 to 2.5 percent reduction in saturated thickness. The farthest offsite well (Beech) has a saturated thickness of approximately 490.2 ft. (based on Bierman's estimated depth to static water level of 82.8 ft. and the bottom of perforations at 573 ft.). The range of projected drawdown impact at this well represents an approximate 1.2 to 1.5 percent reduction in saturated thickness. Assuming a 5 percent reduction in saturated thickness as an initial screening significance "threshold", the calculated drawdown impacts would be considered less than significant.

Potential Impacts on SERs

The subject well is located greater than 1,000 feet from the mapped boundary of the CVAA and there are no other SERs identified within 1,000 feet of the subject well; therefore, analysis of potential impacts on SERs is not required by MPWMD Procedures.

CONCLUSIONS

Based on our review of the subject assessment report, we offer the following conclusions:

Well Capacity

The maximum day 12-hour demand for the subject WDS was calculated according to MPWMD Procedures to be approximately 3.07 gpm, which is less than the calculated well-yield of 32.90 gpm; therefore, the well capacity is considered **sufficient** for the **1.34 to 1.65 afy** annual demand for this well.

Water Quality

The water-quality results indicate that the water from the well exceeded the Maximum Contaminant Level (MCL) drinking-water standards for several secondary (consumer acceptance-based) constituents. As such, the assessment report recommended that an RO treatment system be installed; however, the MCHD should be consulted regarding treatment requirements and/or recommendations for this source and WDS prior to this well being placed into potable service.

Analysis of Offsite Impacts

Analysis of projected drawdown impacts at existing offsite wells as a result of pumping the subject well to meet the demands of the subject WDS indicates that the impacts are likely to be **less than significant**. There are no SERs located within 1,000 feet of the subject well.

CLOSURE

This memorandum has been prepared exclusively for the Monterey Peninsula Water Management District for the specific application to the processing of a Water Distribution



System permit. The findings and conclusions presented herein were based on our review of the subject assessment for compliance with MPWMD Procedures and were prepared in accordance with generally accepted hydrogeologic practices. No other warranty, express or implied, is made.

It is noted that the long-term sustainable capacity and offsite impacts of wells completed in fractured-bedrock settings is dependant on a variety of factors that cannot be fully evaluated through analysis of relatively short-duration pumping tests and application of conventional aquifer analysis. The movement and long-term availability of groundwater in these materials is controlled by the occurrence, connectedness, and distribution of fractures. The distribution and connectedness of fractures to sources of recharge are essentially random, and the volume of groundwater in storage in these systems is often limited. The low volume of groundwater in storage can limit long-term supply, particularly during periods of deficient recharge. The implications of these factors should, therefore, be taken into consideration when planning long-term use and projecting impacts of wells that are completed in fractured-bedrock settings.

EXHIBIT 3

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

**FINAL
FINDINGS of APPROVAL**

**CONSIDER APPLICATION TO CREATE
FLORES WATER DISTRIBUTION SYSTEM (Well #1)**

**Service area: APN 103-071-002
Application #20110401FLO, Permit #S12-03-L2**

Adopted by MPWMD District Engineer on July 12, 2012

*Unless noted otherwise, all cited documents and materials are available for review at the
MPWMD Office, 5 Harris Court, Building G, Monterey (Ryan Ranch).*

It is hereby found and determined as follows:

1. **FINDING:** **Andres Joseph Flores** is identified as the owner of property at 564 Monhollan Road, Carmel, in unincorporated Monterey County (Jack's Peak area). The property is comprised of one Parcel (APN 103-071-002) totaling approximately 5.7 acres, as revised by a lot line adjustment approved by Monterey County on June 30, 2011 (Record of Survey filed November 10, 2011 in Vol 31 Sur Pg 97). The subject Well ("Well #1) was previously located on the adjoining Parcel, APN 103-071-019, prior to the lot line adjustment. It is now located on Parcel APN 103-171-002 for service to that Parcel.

EVIDENCE: Application #20110401FLO, site map and application materials dated April 1, 2011 including Grant Deed recorded by the Monterey County Recorder on March 17, 2010 (Document #2010015101). County Recorder Documents #2012018675 through #2012018678 dated March 28, 2012 for property ownership associated with the lot line adjustment, as corrected by Document 2012023272 dated April 19, 2012. Supplemental application information provided in MPWMD public hearing materials on September 19, 2011 (Item 17) and November 21, 2011 (Item 16), including all exhibits and presentation materials on those dates.

2. **FINDING:** The Parcel is within the area served by California American Water (CAW), and one residence currently receives CAW service.

EVIDENCE: Permit application as specified in Finding #1; map of CAW service area.

3. FINDING: A Water Well Construction Permit for the subject Well was issued by the Monterey County Health Department (MCHD) on December 23, 1998. The Well was constructed in 1999 (date obscured). It was tested for 72 hours during “dry season” conditions starting on October 12, 2010. It is noted that the Flores Well #1 was tested at the same time as Pisenti Well #2 (a separate WDS Permit application) because the Wells were located on the same Parcel (prior to the lot line adjustment) at the time of the test.

EVIDENCE: MCHD Water Well Construction Permit #98-318; State Department of Water Resources Well Completion Report #527042; *72-Hour Constant Rate Well Pumping, Aquifer Recovery Test and Pumping Impact Assessment for Flores/Pisenti Well #1*, prepared by Bierman Hydrogeologic, dated March 23, 2011 (referred to herein as “*Hydrogeologic Assessment*”); *Review of Well Source and Pumping Impact Assessment Report for Flores/Pisenti Well #1*, prepared by Pueblo Water Resources, dated May 23, 2011 (referred to as “*Technical Review*”).

4. FINDING: Applicant has applied for a Permit to create the Flores Water Distribution System (WDS) for a Well to provide potable and irrigation water for domestic, landscape and vineyard uses on the Parcel specified in Finding #1. This includes one Single-Family Dwelling (primary residence) with pool, caretaker unit (with kitchen), 0.5-acre vineyard and other landscaping.

EVIDENCE: Permit application materials as specified in Finding #1.

5. FINDING: Based on District staff analysis of the data provided in the application, 1.65 acre-feet per year (AFY) has been set as the annual production limit for the subject WDS to meet the water needs for the Parcel specified in Finding #1, including conveyance and treatment losses.

EVIDENCE: Permit application materials as specified in Finding #1. *Hydrogeologic Assessment* and *Technical Review* as specified in Finding #3; MPWMD Permit #S12-03-L2, Condition of Approval #3.

6. FINDING: The application to create the Flores WDS, along with supporting materials, is in accordance with District Rules 21 and 22.

EVIDENCE: Permit application materials as specified in Finding #1. Specific documents from hearings include: June 24, 2011 letter from Darby Fuerst (MPWMD) to Beech, Flores and Pisenti Trust; July 20, 2011 “complete application” letter from Darby Fuerst to Flores, which attaches July 15, 2011 letter from Aaron Bierman to MPWMD documenting coordination with neighbors. Minutes of MPWMD

Board meeting of November 21, 2011, where the application was deemed to be “complete.”

Required Findings (MPWMD Rule 22-B)

7. FINDING: The approval of the Permit would not cause unnecessary duplication of water service with any existing system. The subject property is within the areas served by CAW, and a residence is currently served by CAW. However, CAW water is unavailable for new or intensified use because service by CAW is constrained due to existing limitations imposed by State Water Resources Control Board (SWRCB), the Monterey County Superior Court, and the California Public Utilities Commission (CPUC). The property also appears to benefit from overlying water rights to percolating groundwater. The proposed system will be limited to two Connections for the uses described in Finding #4. [Rule 22-B-1]

EVIDENCE: Map of CAW service area; MPWMD Permit #S12-03-L2, Conditions of Approval #1 through #4. SWRCB Order 95-10 dated July 1995; SWRCB Cease and Desist Order WRO 2009-0060 dated October 2009; Seaside Basin Adjudication Final Decision issued by Superior Court dated March 2006; CPUC Decision 11-03-048 dated March 24, 2011.

8. FINDING: The approval of the Permit would not result in water importation or exportation to or from the District, respectively. The referenced Parcel is located wholly within the MPWMD. [Rule 22-B-2]

EVIDENCE: MPWMD boundary location maps.

9. FINDING: Approval of the application would not result in significant adverse impacts to “Sensitive Environmental Receptors” (SER) as defined by MPWMD Rule 11, including the Carmel Valley Alluvial Aquifer (CVAA). Four Wells are located within 1,000 feet of the subject Well, and would not be adversely affected. [Rule 22-B-3 and Rule 22-C-5]

EVIDENCE: *Hydrogeologic Assessment and Technical Review* as specified in Finding #3; MPWMD Permit #S12-03-L2, Condition of Approval #3; MPWMD Notice of Exemption citing CEQA Guidelines Section 15303 dated July 12, 2012. Supplemental application information provided in MPWMD public hearing materials on compliance with MPWMD procedures, Well testing, monitoring and coordination with neighbors on September 19, 2011 (Item 17) and November 21, 2011 (Item 16), including exhibits and presentation materials on those dates. Specific documents from hearings include: June 24, 2011 letter from Darby Fuerst (MPWMD) to Beech, Flores and Pisenti Trust; July 20, 2011 “complete application” letter from Darby Fuerst to Flores, which attaches July 15, 2011 letter from Aaron Bierman to MPWMD documenting coordination with neighbors; Bierman Well monitoring

graph for June 14 through July 6, 2011; timeline table for Beech Appeal prepared by MPWMD for 11/21/2011 hearing; August 2, 2011 letter from Darby Fuerst to Beech re: Well testing questions; November 18, 2011 letter from Bierman to MPWMD Board, plus attached October 26, 2011 letters from MCHD.

10. FINDING: The application adequately identifies the claim of right (overlying use) for the source of water supply (percolating groundwater) and provides supporting verification (deed to property). [Rule 22-B-4]

EVIDENCE: Permit application as specified in Finding #1; Grant Deeds showing ownership of property by applicant.

11. FINDING: The application demonstrates existence of a long-term reliable source of water supply for the proposed use as described in Finding #4. The MPWMD *Technical Review* concludes that the supply should be adequate to provide water during peak and extended dry season periods with the production limit of 1.65 AFY. The MCHD has also determined that supply is adequate to meet the Parcel needs. [Rule 22-B-5]

The long-term sustainable capacity of Wells completed in fractured bedrock collectively referred to by MPWMD as the “Miscellaneous formations” is dependent on a variety of factors that cannot be fully evaluated through analysis of relatively short duration (i.e., 72 hours or less) pumping tests. The movement and long-term availability of groundwater in these materials are controlled by the occurrence, connectedness, and distribution of fractures. The distribution and connectedness of fractures to sources of recharge are essentially random, and the volume of groundwater in storage in these systems is often limited. The low volumes of groundwater in storage can limit long-term supply particularly during period of deficient recharge. The implications of these factors should, therefore, be taken into consideration when planning long-term use of Wells that are completed in fractured bedrock settings.

It should be noted that MCHD Well construction Permits include a generic disclaimer regarding the long-term sustainability of Wells completed in hard rock formations.

EVIDENCE: *Hydrogeologic Assessment* and *Technical Review* specified in Finding #3. Additional documentation specified in Findings #6 and #9, including letter from MCHD to Flores dated October 26, 2011.

12. FINDING: The source of water supply is non-alluvial fractured bedrock (consolidated rock) of the area collectively referred to by MPWMD as the “Miscellaneous formations.” The cumulative effects of issuance of

a Permit for the subject property would not be expected to result in significant adverse impacts to the source of supply or the species and habitats dependent on the source of supply. These impacts have been evaluated by the District, including calculations of extended (6 months) dry season pumping cycles. The distance to neighboring Wells and SER, and the estimated production from the subject Well were also considered. [Rule 22-B-6]

EVIDENCE: *Hydrogeologic Assessment* and *Technical Review* specified in Finding #3; additional documentation specified in Findings #6 and #9; MPWMD Permit #S12-03-L2, Condition of Approval #3.

13. FINDING: The source of supply for the subject Parcel is not derived from the Carmel Valley Alluvial Aquifer or the Monterey Peninsula Water Resource System. The source of supply is not within the jurisdiction of the SWRCB, and has not been determined to be tributary to the source of supply for any other system. The source of supply is from fractured bedrock in the area collectively referred to as the “Miscellaneous formations” (percolating groundwater). [Rule 22-B-7]

EVIDENCE: MPWMD map showing boundaries of project site and jurisdiction of SWRCB superimposed on Monterey County Parcels; *Hydrogeologic Assessment* and *Technical Review* specified in Finding #3.

14. FINDING: MPWMD Permit #S12-03-L2 does not allow a permanent intertie to any other water distribution system. The proposed WDS will be limited to a physically and legally separate system and may not be connected to the CAW system. Temporary water service could be provided by trucked-in water in a non-fire emergency such as system failure. A separate standby CAW meter solely for emergency fire sprinklers in the ceiling of the applicable structures, pursuant to local fire codes, is allowed because the Parcel is within the CAW service area. [Rule 22-B-8]

EVIDENCE: Map of CAW service area available at District office; MPWMD Permit #S12-03-L2, Condition of Approval #13. MPWMD Rules and Regulations.

15. FINDING: A back-flow protection device to prevent contamination of the CAW system is required, if deemed necessary by CAW. [Rule 22-B-9]

EVIDENCE: Map of CAW service area; MPWMD Permit #S12-03-L2, Condition of Approval #14.

Minimum Standards for Granting a Permit (MPWMD Rule 22-C)

16. FINDING: The application adequately identifies the Responsible Party as the

owner specified in Finding #1. [Rule 22-C-1]

- EVIDENCE: Permit application and Grant Deed specified in Finding #1.
17. FINDING: The application meets the definition of a “Single-Parcel Connection System” and will provide water for domestic supply to one Parcel; it is therefore exempt from complying with California Title 22 water quality standards as administered by MCHD. The applicant may wish to coordinate with MCHD regarding disinfection of the Well and pipelines as the water tested positive for total coliform bacteria. [Rule 22-C-2]
- EVIDENCE: Permit application as specified in Finding #1. MPWMD Permit #S12-03-L2, Conditions of Approval #1, #2, #3, and #15; California Administrative Code, Title 22; *Technical Review* specified in Finding #3.
18. FINDING: The application identifies the location of the source of supply for water distribution system (water source and Well site). [Rule 22-C-3]
- EVIDENCE: Permit application as specified in Finding #1, including location map. MPWMD Permit #S12-03-L2, Condition of Approval #4.
19. FINDING: The approval of the application would not create an overdraft or increase an existing overdraft of a groundwater basin. No overdraft has been declared for the fractured bedrock (consolidated rock) in the area collectively referred to by MPWMD as the “Miscellaneous formations.” [Rule 22-C-4]
- EVIDENCE: MPWMD hydrologic monitoring data and annual reports; MPWMD Permit #S12-03-L2, Condition of Approval #3.
20. FINDING: The approval of the application would not adversely affect the ability of existing systems to provide water to users due to conditions of approval that limit future water use to a reasonable and acceptable amount. Overlying water rights holders are also co-equal to other overlying users. [Rule 22-C-5]
- EVIDENCE: MPWMD hydrologic monitoring data and annual reports; *Hydrogeologic Assessment* and *Technical Review* specified in Finding #3; additional Well testing and monitoring information specified in Findings #6 and #9; MPWMD Permit #S12-03-L2, Condition of Approval #3. California Water Code.

Compliance with California Environmental Quality Act (CEQA)

21. FINDING: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the

California Administrative Code, Title 14, Section 15000 *et seq.* Specifically, the MPWMD as a lead agency under CEQA for this action determined that this action is Categorically Exempt under Section 15303, New Construction and Conversion of Small Structures. This exemption applies because the WDS would be appurtenant to allowed uses on an existing, approved residential Parcel approved by Monterey County consistent with zoning regulations, which are the result of CEQA review.

EVIDENCE: CEQA and CEQA Guidelines, Section 15303. MPWMD Notice of Exemption for Flores WDS dated July 12, 2012.

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 DRAFT

PERMIT TO CREATE A MULTIPLE-PARCEL CONNECTION WATER DISTRIBUTION SYSTEM

WDS Permit #: **S12-03-L2**
 Date Approved: July 12, 2012 based on Staff Determination document
 Division Manager: Larry Hampson, MPWMD District Engineer (General Manager designee)
 Date Finalized: _____ pending
 System Name: **“Flores” Water Distribution System**
 Permittee: **Andres Joseph Flores**
 Location: 564 Monhollan Road, Carmel (Jack’s Peak area)
 Parcel APN: 103-071-002 (potentially renumbered by County)
 Application #: 20110401FLO

This Permit authorizes the creation of the **“Flores” Water Distribution System**, a Single-Parcel Connection System providing water from one Well to accommodate a primary residence with pool and caretaker unit (with kitchen), with irrigation of a 0.5-acre vineyard and other associated landscaping on the 5.7-acre Parcel, pursuant to the Final Conditions of Approval adopted on _____, 2012. The System Capacity (annual production limit) is **1.65 acre-feet per year**. The Expansion Capacity Limit is **two Connections** for the uses described above.

 David J. Stoldt, MPWMD General Manager

 Date

Attachments: Final Conditions of Approval, including Attachment 1 (service area) and Attachment 2 (Indemnification Agreement)

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 Prepared by H. Stern, revised 7/5/2012

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

DRAFT

**CONDITIONS OF APPROVAL TO CREATE
“FLORES” WATER DISTRIBUTION SYSTEM (Well #1)**

APN: 103-071-002 (per lot line adjustment)

MPWMD Permit #S12-03-L2

Permitted System: “Flores” Water Distribution System

Permittee: Andres Joseph Flores

Adopted by MPWMD District Engineer on July 12, 2012 Pursuant to Rule 22-D
Preparation Date: _____, 2012

Permitted System (Required by MPWMD Rules)

1. The Flores Water Distribution System (Permitted System) is authorized by the Monterey Peninsula Water Management District (MPWMD) under Permit #S12-03-L2 for water service to one Parcel comprising approximately 5.7 acres on Assessor’s Parcel Number (APN) 103-071-002. It is noted that the County of Monterey approved a lot-line adjustment on June 30, 2011 which entailed a reconfiguration of the subject Parcel and the adjacent Parcel (Pisenti, APN 103-071-019). The County Record of Survey filed November 10, 2011 (Vol 31 Sur Pg 97) shows the updated service area in **Attachment 1**. [Rule 22-D-1-a]
2. This Permit authorizes the Permitted System to provide domestic water supply for one Single-Family Dwelling (primary residence) with pool, caretaker unit (with kitchen), a 0.5-acre vineyard and other landscaping on the Parcel referenced in Condition #1 as allowed by the County of Monterey. It is noted that a Single-Family Dwelling served by California American Water (CAW) currently exists on the Parcel, and will likely continue to be served as a residence. [Rule 22-D-1-b]
3. The System Capacity (“water production limit”) for the Permitted System is hereby set at **1.65 acre-feet per year (AFY)**, which may be produced from a Well located on the Parcel identified in Condition #1. This production limit accounts for water conveyance and treatment losses associated with an estimated base demand of 1.34 AFY. The Expansion Capacity Limit for this Permit is **two Connections**, which includes the primary residence and independent caretaker unit. No municipal unit (jurisdictional) allocation is associated with this Permit. [Rule 22-D-1]
4. The source of water for the Permitted System is one existing Well (California Well

Completion Report #527042) located on the Parcel identified in Condition #1 in the approximate location shown in Attachment 1. The Well extracts water from non-alluvial fractured bedrock referred to as the "Miscellaneous formations." [Rule 22-C-3]

Additional Mandatory Conditions of Approval (Required by MPWMD Rules)

5. No other agency approvals are specifically identified as being required before this Permit is valid. [Rule 22-D-1-c] However, precedent to use of this Permit, Permittee shall first obtain and comply with any required approval from the local jurisdiction in which the property is located, as applicable. [Rule 22-D-3]
6. Permittee shall execute an Indemnification Agreement, provided as Attachment 2, which holds the District harmless and promises to defend the District from any claims, demands, or expenses of any nature or kind arising from or in any way related to the District approval of the Permitted System or the adequacy of the system water supply. This Permit is not valid until the Indemnification Agreement is signed both by Permittee and MPWMD. The Indemnification Agreement must be signed within 60 days of the preparation date shown (see top of page 1) for this Permit to remain valid. [Rule 22-D-1-d]
7. Permittee shall comply with District rules relating to water Well registration, metering and annual reporting of production (MPWMD Rules 52 and 54). [Rule 22-D-1-e; Rule 22-D-2]
8. Permittee shall report production by the Water Meter Method (MPWMD Rule 56) for the Well designated in Condition #4. [Rule 22-D-1-e; Rule 22-D-2]
9. Permittee shall comply with all MPWMD water conservation ordinances that pertain to residential and landscape use as well as non-potable use. Current ordinances specify maximum water use rates for fixtures and require new development to install drought-resistant landscapes, and drip irrigation, where appropriate. Contact with the District Permit and Conservation Office is recommended during project planning. [Rule 22-D-1-f]
10. No new Connections to the Permitted System may be set until a Water Permit has been secured from MPWMD for each Connection in accordance with MPWMD regulations governing issuance of Water Permits. Connection charges shall be calculated based on water demand estimates using the District's water demand methodology at the time of the application. [Rule 22-D-1-g]
11. Any intensification or expansion within the Permitted System shall require a new application and Permit pursuant to MPWMD Rules 23 and 24. [Rule 22-D-1-k]
12. Any new facilities, expansion of service area boundaries, changed conditions regarding water service by other entities, increase in the production or connection limits set in Condition #3, or other changes described in MPWMD Rule 22-E shall require a Permit to amend the

Permitted System. [Rule 22-E]

13. No permanent intertie between the Permitted System and any other system shall be allowed. The Permitted System may receive trucked-in water in a non-fire emergency, system failure or similar short-term critical event. The term "short-term" is defined as less than or equal to 120 days. Permittee may apply in writing to the General Manager for extensions to the 120-day time limit, each to be approved at the discretion of the General Manager upon a finding of good cause, and each to be limited to a maximum period of 120 days. Use of trucked-in water shall be guided by MPWMD Rule 173. The subject Parcel is within the California American Water service area and a residence on the Parcel is currently being served by CAW. Intensification of use of CAW water on the Parcel is not authorized by this Permit. Use of CAW water to address a non-fire emergency (e.g., system failure) of the Permitted system is not authorized by this Permit. The new structures allowed by this Permit may receive CAW water only for emergency fire service, including a separate CAW meter set solely for emergency fire sprinklers in the residence. [Rule 22-D-1-h]
14. A back-flow protection device to prevent contamination of the CAW system is required, if deemed necessary by CAW. A copy of documents associated with proof of CAW backflow protection shall be provided to MPWMD, if applicable. [Rule 22-D-1-h]
15. Because the Permitted System may provide water to only one Parcel for domestic use, this Permit does not require compliance with California Title 22 drinking water standards as administered by the Monterey County Health Department (MCHD). The water quality test results submitted with the application indicated that the Well water met all Primary drinking water standards but did not meet Secondary Maximum Contaminant Levels (Consumer Acceptance Contaminant Levels) for specific conductance and total dissolved solids. Thus, consultation with MCHD regarding treatment options is suggested, if desired. The Well water tested positive for total coliform bacteria, indicating the need for disinfection of the Well and/or piping system before use. The District shall not approve any Water Permit for a new or intensified Connection to the CAW system due to the inability of the Permitted System to deliver adequate water quality or quantity to the Parcel(s) identified in Condition #1, unless there is: (a) full compliance by CAW with State Water Resources Control Board (SWRCB) Order 95-10 (as amended), (b) CAW compliance with the March 2006 Final Decision of the Seaside Groundwater Basin Adjudication (as amended), and (c) water is available in the respective Jurisdiction's Allocation for release to the subject Parcel(s). [Rule 22-C-2, Rule 22-D-1-h]
16. Permittee is not required to carry out a specific mitigation measure to offset adverse environmental impacts, based on hydrogeologic analyses and the CEQA Notice of Exemption that was filed for this approval. [Rule 22-D-1-i]
17. Permittee is not required to provide a copy of an agreement to serve water to a recipient Parcel because the Permitted System is a Single-Parcel Connection System. [Rule 22-D-1-j]

18. Upon District approval of this Permit, Permittee shall pay to the District the invoiced cost for MPWMD staff, attorney and consultant time spent to process the Permit subsequent to the application date, if required. The applicant is not charged for the first 30 hours of staff time or equivalent. The applicant will be provided documentation to support the invoiced amount. This Permit is not valid until payment for the invoiced amount is received by MPWMD. The payment must be received within 60 days of the preparation date shown (see top of page 1) for this Permit to remain valid. [Rule 22-D-1-l]
19. Upon finalization of these conditions, the Permittee shall sign (and notarize) a form regarding acceptance of Permit conditions for the approval of the Permitted System. By signing the form, Permittee acknowledges that he/she understands and accepts these conditions as a binding part of the Permit approval, and agrees to carry them out faithfully. The Acceptance Form must be received within 60 days of the preparation date shown (see top of page 1) for this Permit to remain valid. [Rule 22-D-1-m]
20. Permittee shall disclose to any future owner, successors and assigns of the property described in Condition #1 the requirements for the Permitted System associated with this Permit. Permittee shall advise MPWMD in a timely manner of any changes in system ownership, system name or other substantive changes to the system to facilitate accurate record-keeping. [Rule 22-D-2]
21. Construction tasks for water production facilities authorized by this Permit (e.g., Well, pipelines, storage tanks, water treatment) shall be initiated within one year from the date this Permit is issued. This Permit shall expire if no action is taken within that year. Construction of permitted water facilities shall be completed and water distribution system operation shall commence within two years from the date this Permit is issued. Permittee may apply in writing to the MPWMD General Manager for a 180-day extension to the project initiation deadline and/or the system operation deadline, to be approved at the discretion of the General Manager. More than one extension may be requested. [Rule 22-D-4]
22. Permittee shall execute a Deed Restriction prepared by MPWMD regarding the limitation on water use as set forth in these conditions. Permittee shall pay all fees associated with preparation, review and recording of the Deed Restriction. The Deed Restriction must be signed and notarized by the Permittee and accepted by the Monterey County Recorder for processing within 60 days of the preparation date shown (see top of page 1) before a signed Permit from MPWMD is transmitted to the Permittee. [Rule 22-D-1-n]
23. Upon notice to the Water Distribution System owner or designated representative in writing, e-mail or by telephone, reasonable access to the Site shall be given to MPWMD staff or its designated representative to inspect and document Water-Gathering Facilities and Water-Measuring Devices, obtain hydrogeologic data, and take readings from Water Measuring Devices. [Rule 22-D-1-o]

24. The Permit granted herein is subject to revocation in the event applicant does not fully comply with each and every condition set forth in this Permit. [Rule 22-D-1-p]

Other Conditions of Approval

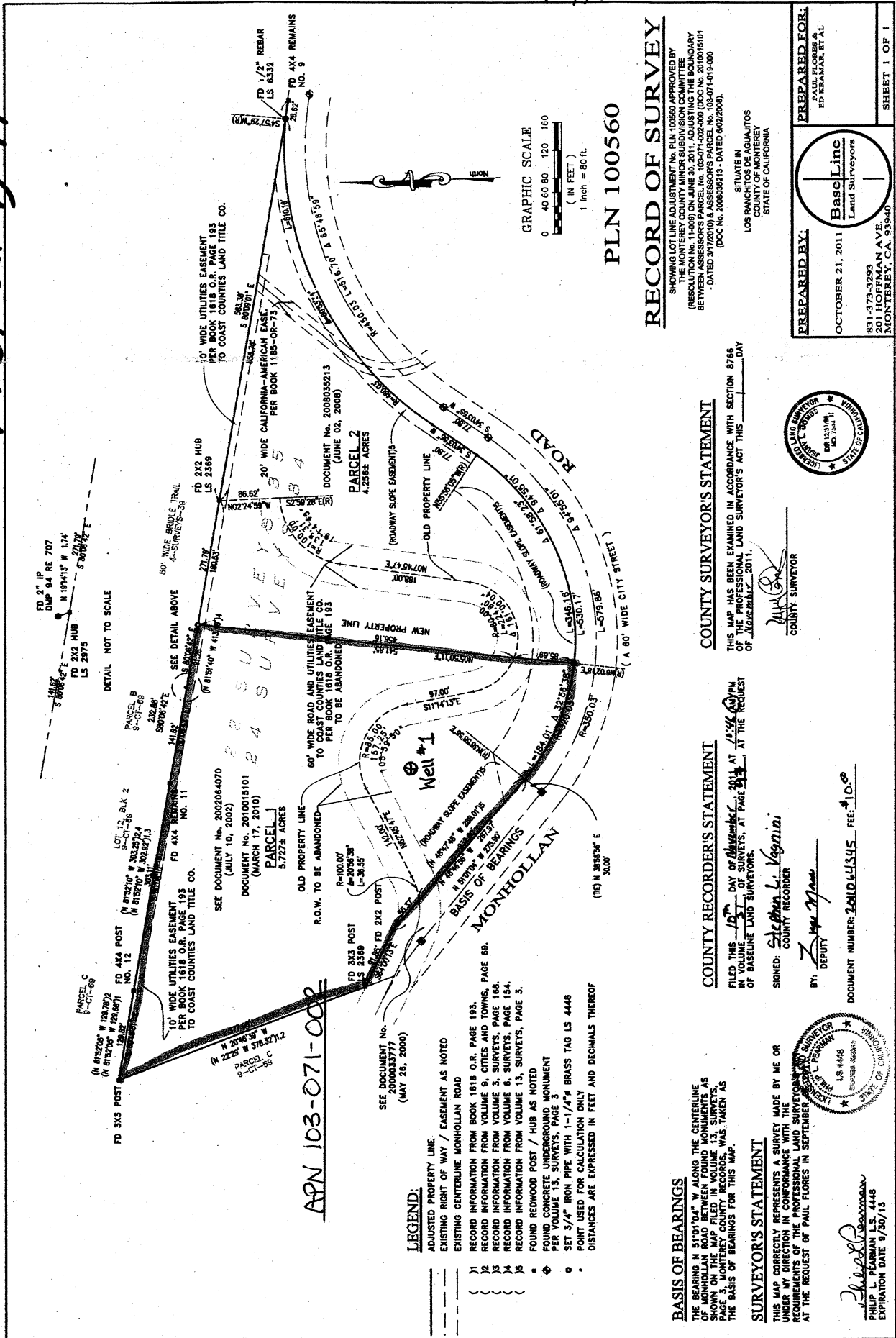
25. Nothing in this Permit shall be construed to grant or confirm any water right.
26. This Permit does not authorize any act that results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a “take” will result from any act authorized under this Permit, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this Permit.

ATTACHMENT 1 – Figure of service area for Permitted System
ATTACHMENT 2 – Indemnification Agreement

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Prepared by H. Stern, revised 7/5/2012 per FF review

Vol 31 Sur B 97

Attachment 1: Flores



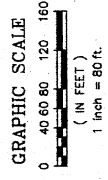
APN 103-071-002

LEGEND:

- ADJUSTED PROPERTY LINE
- - - ADJUSTED RIGHT OF WAY / EASEMENT AS NOTED
- EXISTING CENTERLINE MONHOLLAN ROAD
- () RECORD INFORMATION FROM BOOK 1618 O.R., PAGE 193.
- () RECORD INFORMATION FROM VOLUME 9, CITIES AND TOWNS, PAGE 68.
- () RECORD INFORMATION FROM VOLUME 3, SURVEYS, PAGE 168.
- () RECORD INFORMATION FROM VOLUME 6, SURVEYS, PAGE 154.
- () RECORD INFORMATION FROM VOLUME 13, SURVEYS, PAGE 3.
- () FOUND REDWOOD POST / HUB AS NOTED
- () FOUND CONCRETE UNDERGROUND MONUMENT
- () PER VOLUME 13, SURVEYS, PAGE 3
- () SET 3/4" IRON PIPE WITH 1-1/4" BRASS TAG LS 4448
- () POINT USED FOR CALCULATION ONLY
- () DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF

RECORD OF SURVEY

PLN 100560



SHOWING LOT LINE ADJUSTMENT No. PLN 100560 APPROVED BY THE MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE (RESOLUTION No. 11-009) ON JUNE 30, 2011, ADJUSTING THE BOUNDARY BETWEEN ASSESSORS' PARCEL No. 103-071-002-000 (DOC No. 2010015101) - DATED 3/17/2010) & ASSESSORS' PARCEL No. 103-071-019-000 (DOC No. 2008032313 - DATED 06/02/2008).

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8746 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS _____ DAY OF _____, 2011.

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2011 AT _____ IN VOLUME _____ OF SURVEYS, AT PAGE _____ AT THE REQUEST OF BASELINE LAND SURVEYORS.

SIGNED: *Stephan L. Vagstad*
COUNTY RECORDER

BY: *Stephan L. Vagstad*
DEPUTY

DOCUMENT NUMBER: 2A1D6LS45 FEET 10.0

BASIS OF BEARINGS

THE BEARING N 51°01'04" W ALONG THE CENTERLINE OF MONHOLLAN ROAD BETWEEN FOUND MONUMENTS AS SHOWN ON THE MAP FILED IN VOLUME 13, SURVEYS, PAGE 3, MONTEREY COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF PAUL FLORES IN SEPTEMBER

Philip L. Pearman
PHILIP L. PEARMAN LS. 4448
EXPIRATION DATE 9/30/13



PREPARED FOR:
PAUL FLORES & ASSOCIATES, INC.

PREPARED BY:
Baseline Land Surveyors

OCTOBER 21, 2011

831-373-3293
201 HOEFMAN AVE
MONTEREY, CA. 93940

SHEET 1 OF 1

DRAFT -- TO BE SIGNED AND NOTARIZED
Attachment 2 to FLORES WDS Conditions of Approval

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
INDEMNIFICATION AGREEMENT FOR
"FLORES" WDS, Permit #S12-03-L2
Preparation Date: _____, 2012**

THIS AGREEMENT ("Agreement") is made and entered into by and between the Monterey Peninsula Water Management District ("MPWMD") and **Andres Joseph Flores** (defined as "Indemnitor") upon the date set forth below.

1. This Agreement has been entered into in relation to the issuance of the "FLORES" Water Distribution System (WDS) Permit #S12-03-L2, approved by the MPWMD District Engineer on _____, 2012, on behalf of the Indemnitor. This approval stems from MPWMD Application #20110401FLO to serve residential, landscape and vineyard irrigation needs at Assessor's Parcel Number (APN) 103-071-002 at 564 Monhollan Road, Carmel, unincorporated Monterey County, California, on one legal parcels described as "ASSRS MP AGUAJITO RO SUB 3 OF POR OF LOT 7 & RW & EXC RW 5.5 AC" as amended by lot line adjustments in Record of Survey filed by Monterey County on November 10, 2011 (Vol 31 Sur Pg 97). The property is currently owned by the Indemnitor. The water source for the subject WDS is one well located on APN 103-071-002. This Agreement is a requirement of MPWMD Permit #S12-03-L2, Condition #6, and must be received by MPWMD on or before _____ 2012 (60 days from the preparation date shown) for this Permit to remain valid.
2. Indemnitor expressly confirms and agrees that he has entered into this Agreement and assumed the obligations imposed in order to induce MPWMD to undertake the actions stated in Paragraph 1, and acknowledges that MPWMD is relying upon this Agreement.
3. Indemnitor agrees to indemnify MPWMD to the maximum extent authorized by the law as an inducement for MPWMD to undertake the actions referenced in Paragraph 1 without concern for any liability or expense which may result from the good faith performance of MPWMD's duties. Creation of this Indemnification Agreement, and the assumption of the duties set forth herein, have induced MPWMD to undertake that action, and if this Agreement shall lapse, the actions of MPWMD as referenced above shall then become null and void.
4. Indemnitor agrees, in consideration of MPWMD's participation and approval in the activities referenced in Paragraph 1, to defend, indemnify, and hold harmless MPWMD and its elected and appointed officials, agents, officers, attorneys and employees from all liability, demands, claims, costs, losses, damages, recoveries, settlements, and expenses (including interest, penalties, attorney fees, accounting fees, and expert witness fees) of any kind or nature incurred by MPWMD, known or unknown,

contingent or otherwise, directly or indirectly, including but not limited to personal injury or property damage, arising from or related to the activities referenced in Paragraph 1. This Agreement shall include, but shall not be limited to any action, or proceeding brought against MPWMD or its agents, officers, attorneys or employees to attack, set aside, void, annul, limit, modify or inhibit the activities referenced in Paragraph 1, and shall expressly include any action undertaken that may include claims or causes of action under the California Environmental Quality Act (CEQA), or the National Environmental Policy Act (NEPA).

5. Indemnitor's obligation to defend, indemnify and hold harmless shall further include, but not be limited to all costs relating to litigation, preparation of any administrative record, response to discovery, retention of experts, and other related costs. Indemnification shall further extend to any and all reasonable expenses, including, without limitation, attorney's fees, expenses incurred in establishing a right to indemnification, costs of investigation and costs of appeal, judgments, fines, settlements and other obligations incurred in connection with any demand, claim or proceeding, or any appeal therefrom, to which MPWMD is a party or threatened to be made a party.
6. If required to accomplish the activities referenced in Paragraph 1, Indemnitor agrees to indemnify and hold harmless MPWMD for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document (including any CEQA or NEPA documents) that shall support, defend, or comply with any relevant order.
7. Indemnitor shall not be liable to indemnify MPWMD with respect to any expense, judgment, fine, settlement or other obligation incurred by MPWMD:
 - a. to the extent that such expense, judgment, fine, settlement or other obligation is actually paid or satisfied by an insurer on behalf of Indemnitor pursuant to an insurance policy;
 - b. in connection with any remuneration paid to MPWMD, if it shall be finally adjudged that such remuneration was in violation of law;
 - c. on account of MPWMD's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.
8. Indemnitor further agrees to make no claim, and hereby waives, to the fullest extent permitted by law, any claim or cause of action of any nature against MPWMD, its officials, officers, directors, employees, and agents which may arise out of or in connection with activities referenced in Paragraph 1.
9. In the event that Indemnitor is required to defend MPWMD in connection with the activities referenced in Paragraph 1, MPWMD shall retain the right to approve:

- a. The counsel to so defend MPWMD and its agents, which approval shall be in writing;
 - b. All significant decisions concerning the timely manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.
10. MPWMD shall not be required to participate in the defense of any proceeding. If MPWMD chooses to have counsel of its own where the Indemnitor has already retained counsel, the fees and expenses of the counsel selected by MPWMD shall be paid by the Indemnitor. MPWMD agrees to cooperate with the Indemnitor in the defense of any proceeding.
 11. If MPWMD so elects, expenses actually and reasonably incurred by MPWMD in defending any demand, claim or proceeding shall be paid by Indemnitor from time to time as requested by MPWMD notwithstanding there may not yet be a final disposition of such demand, claim or proceeding. Indemnitor agrees to advance any such expenses within ten (10) days after receipt from MPWMD of a written request for an advance payment. MPWMD shall not be obligated, however, to advance any such expenses if it is prohibited by applicable law from advancing such expenses. In the event that it is not ultimately determined that MPWMD is entitled to be indemnified, MPWMD shall repay the amount of any such expenses so advanced.
 12. The defense and indemnification of MPWMD set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments.
 13. MPWMD shall not settle any demand, claim or proceeding in any manner that would impose any obligation, penalty or limitation on, or that otherwise may adversely affect Indemnitor without Indemnitor's prior written consent. Neither MPWMD nor Indemnitor shall unreasonably withhold its consent to any proposed settlement.
 14. Any permit, appeal or other approval given by MPWMD to Indemnitor shall be valid only so long as this Indemnification Agreement is given full force and effect. If this Indemnification Agreement is revoked, the permit, appeal or other approval of MPWMD shall then become null and void.
 15. This Indemnification Agreement shall bind and benefit MPWMD, its successors and assigns, and Indemnitor and Indemnitor's successors in interest.
 16. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiations and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code section 1654.
 17. In the event either party brings an action to enforce rights or to collect moneys due under this Agreement or applies to a court for judgment that indemnification is proper

under the circumstances, and is successful in whole or in part in such action or application, the prevailing party in such action shall be entitled to all reasonable fees and expenses (including attorneys' fees) in pursuing or defending such action or application.

18. This Agreement shall be governed, construed and enforced in accordance with the laws of the State of California. Venue shall be in the County of Monterey.
19. If any provision of this Agreement or the application thereof to any person, place or circumstance, is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect the validity or enforceability of the other provisions hereof, which provisions shall be deemed separate and distinct agreements.
20. No amendment or termination of this Agreement shall be effective unless in writing signed by the parties hereto.

(see next page for signatures)

INDEMNITOR:

_____ **Date:** _____
Andres Joseph Flores

ATTACH NOTARY CERTIFICATES

OWNER(S) of PROPERTY (if different from Indemnitor)

_____ **Date:** _____
Print or Type Name:

OWNERS of WATER SYSTEM: (if different from Indemnitor)

_____ **Date:** _____
Print or Type Name:

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

By: _____ **Date:** _____
David J. Stoldt, General Manager

NOTICE OF EXEMPTION

TO: County Clerk, County of Monterey
PO Box 29
Salinas, CA 93902

FROM: Monterey Penins. Water Mgt. Dst.
PO Box 85
Monterey, CA 93942-0085

Project Title: Approve Application to Create the "Flores" Water Distribution System and Issue MPWMD Permit #S12-03-L2

Project Location -- Specific: 564 Monhollan Road, Carmel, CA
APN: 103-071-002

Project Location – unincorporated County (Jack's Peak) **County:** Monterey

Description of Nature, Purpose and Beneficiaries of Project: Approval of application enables use of one water well to provide domestic water supply for one Single-Family Dwelling (primary residence) with pool, caretaker unit, 0.5-acre vineyard and other landscape irrigation on a 5.7-acre parcel in compliance Monterey County zoning ordinances. Beneficiary is the applicant.

Name of Public Agency Approving Project: Monterey Peninsula Water Management District

Name of Person or Agency Carrying Out Project: Andres Joseph Flores

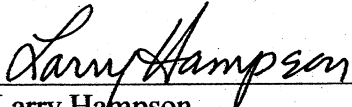
Exempt Status: (check one)

- Exempt 15061(b)(3)
- Ministerial (Sec. 15073)
- Declared Emergency (Sec. 15269 (a))
- Emergency Project (Sec. 15269 (b) and (c))
- Categorical Exemption. Class 3, Section 15303, New Construction or Conversion of Small Structures**

Reason(s) Why Project Is Exempt: Approval of the application allows use of a water system for land uses as allowed by the County of Monterey on one parcel previously approved by the County of Monterey, in accordance with zoning and other land use regulations.

Agency Contact Person

Henrietta Stern 831/658-5621 or henri@mpwmd.net



Larry Hampson
MPWMD District Engineer

July 12, 2012
Date