



**Monterey Peninsula Water Management District**

**STAFF RECOMMENDATION ON APPLICATION TO AMEND  
MULTIPLE-PARCEL CONNECTION WATER DISTRIBUTION SYSTEM –  
LEVEL 3 PUBLIC HEARING**

**SYSTEM NAME:** BOSSO-ALLISON WATER DISTRIBUTION SYSTEM  
**APPLICANT:** Ginni Bosso and Lisa Allison  
**MPWMD ID#:** 20090511BOS  
**PERMIT #:** M09-18-L3  
**APN:** 187-561-004 (Bosso; well lot) and 187-561-003 (Allison, recipient)  
**LEGAL DESC:** TRACT 144 LOMA ENCANTADORA ASSRS SUB C OF L 3 1.0 AC  
**OWNERS:** BOSSO LIVING TRUST U/D/T dated February 6, 2008, Charles H. Bosso and Ginnie A. Bosso, Trustees  
**LOCATION:** 25 (Allison) and 35 (Bosso) Via Milpitas, Carmel Valley  
**JURISDICTION:** Monterey County  
**ZONING:** LDR/1-D-S  
**PREPARED BY:** Henrietta Stern, Project Manager; submitted October 14, 2009  
**CEQA:** Exempt pursuant to CEQA Guidelines 15303

**HEARING OFFICER:** Andrew M. Bell, District Engineer  
**HEARING DATE:** October 20, 2009 at 2:30 PM, MPWMD Conference Room  
**DATE OF APPROVAL:** \_\_\_\_\_

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**SUMMARY AND ADMINISTRATIVE NOTES:**

Application #20090511BOS (**Exhibit 1**) to amend the “Bosso-Allison” Water Distribution System (WDS), a “pre-existing Multiple-Parcel Connection System” as defined in MPWMD Rule 20-C-10, was submitted to the Monterey Peninsula Water Management District (MPWMD) on May 11, 2009. A Level 3 WDS Permit (Staff Hearing Officer) will be processed as described in Rule 22-A-5.

The subject Well #2 (drilled in 2008) is located on APN 187-561-004 (Bosso) at 35 Via Milpitas, Carmel Valley, and replaces an older (circa 1976), deteriorated Well #1, which had served the irrigation needs on the Bosso parcel and the Allison parcel (APN 187-561-003) for many years. Well #1 is now an MPWMD monitor well. The new use that is the subject of this WDS Permit is for Well #2 to provide potable supply for a proposed new senior/caretaker unit (with kitchen) and a pool on APN 187-561-003 (Allison) at 25 Via Milpitas. California American Water (CAW) provides separate domestic supply to the existing Single-Family Dwellings on each parcel. This application was approved for priority processing due to hardship associated with care for an ailing elder, who will be living on the Allison parcel. The parcels are shown in **Exhibit 2**.

The anticipated water demand is estimated to be 3.50 acre-feet per year (AFY), based on historical irrigation and MPWMD forms used to estimate water use; 0.154 AFY is estimated for internal use and 3.35 AFY is estimated for irrigation use. The applicant's hydrogeology consultant, Aaron Bierman, indicated in a July 22, 2009 e-mail that additional well production to account for water treatment or conveyance losses would not be needed, and that the requested amount of 3.5 AFY will be satisfactory.

**Permit Application Materials:** Application materials and supporting documents in the WDS file are available for public review at the District office. The key documents submitted with the May 11, 2009 application (as well as later submissions) include:

- Permit Application to Amend Bosso-Allison Water Distribution System and attachments;
- *72-Hour Well Pumping and Aquifer Recovery Test with Pumping Impact Assessment for Allison-Bosso well*, prepared by Bierman Hydrogeologic, dated May 1, 2009 (referred to herein as "*Hydrogeologic Assessment*");
- Monterey County Health Department (MCHD) Department Well Construction Permit #07-11235 dated December 10, 2007 for Well #2;
- California Department of Water Resources (DWR) Well Completion Report #e069116 dated June 26, 2008 for Well #2;
- Title 22 Water Quality analysis (dated October 9, 2008);
- MPWMD well radius search map;
- MPWMD Residential Fixture Unit Count (see *Hydrogeologic Assessment*; Appendix B);
- Grant Deed for the well site property owner recorded at the Monterey County Recorder (Document #2008010624 dated February 22, 2008), identifying property owner as: BOSSO LIVING TRUST U/D/T dated February 6, 2008, Charles H. Bosso and Ginnie A. Bosso, Trustees.

**Existing Setting:** The two parcels are each 0.95 acre in size, and are within the Carmel River Watershed. Though both parcels are currently served by CAW, additional CAW service is not available for the senior/caretaker unit and pool due to limitations caused by State Water Resources Control Board (SWRCB) Order WR 95-10. Parcel APN 187-561-004 (Bosso) currently contains a registered monitor Well #1. Well #2, drilled on June 16, 2008, is the subject of this Application.

**Proposed System:** The proposed water system will include one well on APN 187-561-004 (Bosso) to continue to serve the irrigation needs on both parcels (APN 187-561-003 and -004) in addition to a future senior/caretaker unit and pool on APN 187-561-003 (Allison). The requested production limit for the WDS is 3.50 AFY, as described in Appendix B of the *Hydrogeologic Assessment*. CAW is required to provide fire flow within its service area, and a CAW stand-by meter plumbed solely for emergency fire sprinklers in the senior/caretaker unit may be requested through the MPWMD Water Demand Division.

The well is completed in the area described by MPWMD for reporting purposes as the "Carmel Valley Upland formations." It is located within the Carmel River Watershed, but is not within 1,000 feet 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 is within 1,000 feet of five other wells, not including Well #1.

**STAFF RECOMMENDATION:**

Based on the MPWMD Findings of Approval for Application #20090511BOS provided as **Exhibit 3**, the District Hearing Officer should approve Application #20090511BOS and issue Permit #M09-18-L3 with the 25 Conditions of Approval specified in **Exhibit 4**. The District should file the California Environmental Quality Act (CEQA) Notice of Exemption shown as **Exhibit 5**. Please refer to the "Discussion" section below for more information.

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*, a technical review memorandum from District consultants as approved 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 Conditions of Approval (**Exhibit 4**) describe the approved system and comply with the mandatory conditions enumerated in MPWMD Rule 22-D. These conditions set a System Capacity (annual production limit) of 3.50 AFY and an Expansion Capacity Limit of two Connections: one for the senior/caretaker unit on parcel APN 187-561-003 (Allison), and one for the combined non-potable uses (i.e., landscape irrigation on both parcels and the new pool on APN 187-561-003).

**DISCUSSION:**

The subject well was drilled on June 16, 2008, and then tested for 72 hours from September 23 through 29, 2008, during "dry season" conditions. The MCHD has a minimum test pumping requirement of three gallons per minute (3 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 MPWMD consultant report, *Review of Well Source and Pumping Impact Assessment for Allison-Bosso Well*, prepared by Pueblo Water Resources, dated June 5, 2009 (referred to herein as "Technical Review") is provided as **Exhibit 6**. The *Technical Review* concludes that, based on MPWMD evaluation procedures, the well capacity is sufficient for the 3.5 AFY requested production (and up to 4.2 AFY if water treatment is needed) for this WDS. District staff concurs with these conclusions. It is noted that reliable water supply is not guaranteed in fractured bedrock settings.

**Potential Off-Site Impact Analysis:** 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, but there are five neighboring wells (not including Well #1 owned by applicant) within 1,000 feet of the subject well. No adverse impact was determined to occur to these wells.

**Water Quality:** A Title 22 water quality analysis was included in the *Hydrogeologic Assessment*, and shows that the well water is of adequate quality and meets the Primary drinking water standards. However, the Recommended Secondary Maximum Contaminant Levels (Consumer Acceptance Contaminant Level Ranges) are exceeded for total dissolved solids, specific conductance, and sulfates. The water sample also tested positive for coliform bacteria, indicating the need to disinfect the well and/or piping system. As the water system is a Multiple-Parcel Connection System, the applicant shall consult with MCHD for guidance about water treatment.

### **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 proposed new water service for the caretaker unit and pool on APN 187-561-003 (Allison). This exemption applies because the WDS would be appurtenant to allowed uses (residence and pool) on an existing 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 Hearing Officer.

### **Right to Appeal**

In accordance with MPWMD Rule 70, the applicant or any other person has the right to appeal the Staff Hearing Officer determination to the MPWMD Board within 21 days of the date of approval by Hearing Officer. Notice of the Hearing Officer's determination (and all other appealable decisions for each week) are posted at the District office and placed on the District website.

### **EXHIBITS**

**Exhibit 1:** Application #20090511BOS for Bosso-Allison WDS

**Exhibit 2:** Figure of Bosso-Allison WDS

**Exhibit 3:** Draft Findings of Approval for Application #20090511BOS

**Exhibit 4:** Draft Conditions of Approval for Application #20090511BOS, Permit #M09-18-L3, including Attachment 1 (service area) and Attachment 2 (Indemnification Agreement)

**Exhibit 5:** Draft CEQA Notice of Exemption

**Exhibit 6:** Pueblo Water Resources *Technical Review* of Bosso-Allison WDS, June 5, 2009



Exhibit 1

# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942 - 0085 • (831) 658-5600  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

## PERMIT APPLICATION TO CREATE NEW or AMEND EXISTING WATER DISTRIBUTION SYSTEM

Office Use Only	
Pre-Application Name/Date	
Application ID Number	<u>20090511BOS</u>
Date Application Accepted	
Date Application Deemed Complete	

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

- Level 2 Permit Fee: \$2,100 for up to 30 hours of staff time
- Level 3 or Level 4 Permit Fee: \$2,800 for up to 40 hours staff time

**FEE RULES-** For more complex projects where staff time exceeds the number of pre-paid hours of staff time, a fee of \$70 per hour will be charged. See Rule 60 for complete fee information.

**CONFIRMATION OF PERMIT REVIEW LEVEL -** The permit review level required for this application is based upon a preliminary evaluation of basic information provided in the Pre-Application Form. During the review of this application, staff will confirm the review level. 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 required or refunded.

### SECTION I -- APPLICANT INFORMATION

1. Name of System ~~Allison/Bosso WDS~~ Bosso-Allison WDS
2. Assessor's Parcel Number(s) in System 187-561-004 & 003
3. System Street Address/Area 25 & 35 Via Milpitas, Carmel Valley, CA 93924
4. Name of Applicant Lisa Allison & Ginni Bosso  
*(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 25 & 35 Via Milpitas, Carmel Valley, CA 93924
6. Contact Numbers (ph/fax/e-mail) (831)869-9470 & 659-4303 respectively  
lisa.d.allison@comcast.net & gbosso@msn.com
7. Agent (if any) Bierman Hydrogeologic
8. Agent Mailing Address 3153 Redwood Drive, Aptos, California 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 pages, if necessary, to complete each question.*

10. **Attach Map** (8 ½ 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 BHGL report dated 5/1/09
11. **Water Source Information.** Complete the table below by describing both the existing and proposed water source(s) to supply the proposed water system:

Source and System Information	Existing (list/describe)	Proposed (list/describe)
A. Water Source (groundwater, surface water, reclaimed, desalination, etc.)	Two Groundwater Wells; one is MPWMD monitoring Well	Two Groundwater Wells; one is MPWMD monitoring Well
B. Cal-Am water service (is parcel in service area? Has active service?)	Existing Cal-Am Service on both APNs; 187-561-004 & 003	Non-potable only on APN 187-561-004 Potable and Non-Potable on APN 187-561-003
C. Total number of wells with MPWMD and County permits	Two	Two
D. Water system infrastructure (list major system components, e.g.; tanks, treatment, backflow, meters, etc.)	APN-004 & 003: One, 4,990gal. storage tank w/booster pump & pressure system. No Groundwater Treatment as system is irrigation only at this time.	Two connections with two 1-inch meters. Proposed one 4,990gal. storage tanks on each parcel w/booster pump & pressure system and Treatment on APN-003.
Other relevant information, comments or expansion on answers above:		
Groundwater quality is good, with no only TDS, EC Sulfate and Total Coliform needing treatment.		

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

- A. Is there an 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? Recommend Cal-Am for fire protection.

Description of "yes" responses: A. Minimum of 10,000 gal Storage + Cal-AM at both Residences.

B,C,D. Both Residences have backflow preventor to Cal-Am system. Caretaker Unit to remain on Wells groundwater.

E. CDF must approve system. Client should obtain "will-serve" letter from Cal-Am for Fire Protection in Caretaker Unit.

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.

- A. 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) \_\_\_\_\_
- 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)

14. **Water Quality Information.** For wells that will provide potable (drinking) water to one or more connections, water quality information is required prior to further processing of this application.
- Irrigation/agricultural use only (non-potable use only). *No water quality analysis required.*
- 1 connection- Please attach water quality test results for "general mineral, general physical, inorganics" + coliform (described in Title 22, Chapter 15)

2+ connections- Please attach water quality test results as required by Monterey Co. Health Lab Data included in Appendix F of BHGL report dated 5/1/09. One connection is irrigation only

15. **Water Use.** Complete the table below by describing both the existing and proposed uses to be served by the proposed water system:

Use and Demand Information	Existing (list/describe)	Proposed (list/describe)
A. Residential service (potable, drinking water); includes standard landscaping. List all separate structures/units served and if they include kitchen.)	Non-potable to APN 004 <i>well site #2</i>	Non-potable to APN: 004 & 003 & Potable to APN 003 to serve 1 caretaker Unit
B. Commercial service (potable, drinking water; # of non-fire meters)	0/0	0/0
C. Industrial service (potable or non-potable; # of non-fire meters)	0/0	0/0
D. Total number of structures served	0	1
E. Addl. Landscaping (non-potable)	1.64* acres	1.64* acres
F. Pool or Pond (non-potable)	0 Sq. ft.	800ft <sup>2</sup> pool Sq. ft
G. Irrigation/agriculture (non-potable) Describe crop(s) and other agric. use	0 acres	0 acres
H. Live-stock (non-potable)	0 head	0 head
I. Other	0	0
J. Total number of parcels served	TWO	TWO
K. Total acreage served (all parcels)	~1.9 acres	~1.9 acres
L. Estimated water use. (Worksheets are available; show how calculated.)	3.82**acre-feet per year	3.5***acre-feet per year
<b>Other relevant information, comments or expansion on answers above (you may add extra sheets):</b>		
* Estimated. Based on Site Inspection and Mapping.		
** Based on 10-year average MPWMD Water Production Reports.		
*** Based on Residential Fixture Unit Count Forms and Non-Potable Water Use Factors.		

16. **Well Source and Pumping Impact Assessments.** Most systems using groundwater wells will be required to submit a *Well Source and Pumping Impact Assessment* with this formal application. Please complete the items below to confirm the name and contents of the Assessments.

Title, date, and preparer's name of Assessment: One, 72-Hour Constant Rate Well Pumping, Aquifer Recovery Test & Pumping Impact Assessment for Allison/Bosso Well, APN 187-561-004 & 003 By Bierman Hydrogeologic, 5/1/09

The following required items are typically included within all Assessments. Please check all boxes to confirm that the items have been included either in the Assessment or as separate attachments to this application.

- Appendix A  Well logs (State DWR "Well Completion Report")  
Table 4  Results of well capacity/pumping tests (*Hydrologist should follow MPWMD procedures*)  
Appendix A  Copy of approved Well Construction Permit from Monterey County Health Department  
Appendix C  Pump horsepower, pump make, pump type Field Sheets in Appendix C, and Table 1.  
Appendix F  Water quality analysis (for potable uses only)

Comments: All above documents included in Bierman Hydrogeologic Report dated 5/1/09.

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

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)  
LDR/1-D-S = Low Density Residential; 1 acre/unit, design and site plan review zoning

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.  
NA

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 Declaration - Client to obtain from MC planner if necessary (MC Planner to provide).

19. **MPWMD Permits**

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

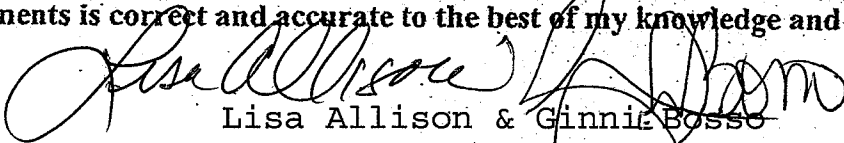
Existing Bosso WDS permit. Converted from non-potable to potable

which requires updated WDS permit, now entitled Allison/Bosso WDS  
20. List unique issues, considerations and/or special conditions, if any, which may pertain to the proposed water system. Minor water quality treatment for domestic use will be required.



**SECTION 3- SIGNATURES, RESPONSIBLE 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.

  
Lisa Allison & Ginnie Bosso

5-4-09

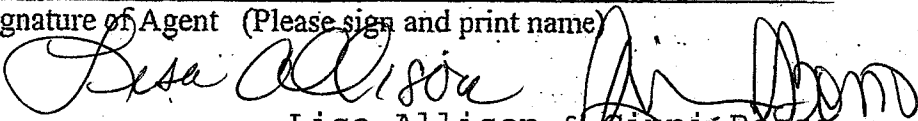
Signature of Applicant (Please sign and print name)

Date

Aaron Bierman

Signature of Agent (Please sign and print name)

Date

  
Lisa Allison & Ginnie Bosso

5-4-09

Signature of System Owner/Operator (required)  
(Please sign and print name)

Date

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): Lisa Allison & Ginni Bosso

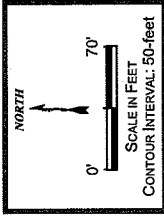
Address(es) 25 & 35 Via Milpitas, Carmel Valley, CA 93924

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

- Attachment #1: MPWMD Fee: \$2,100 for Level II WDS Permit Review.
- Attachment #2: 2 copies+1CD of BHGL Report on Allison/Bosso Well, dated 5/1/09.
- Attachment #3: MPWMD Supplemental Questionnaire for WDS Application.
- Attachment #4: Copy of Deed of Ownership of Property.
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:
- Attachment \_\_\_\_\_:

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# Exhibit 2



Approximately Located Existing 1,500 gallon Septic Tank, Leach-Line, & Leach Field (Jon Erlanson Architects, 7/08)

Proposed Caretaker Unit (Floor Plan & Site Plan included in Appendix B)

Proposed 5,000 Gal Storage Tank Booster Pump/Pressure & Treatment System

**Allison Property**  
**APN: 187-561-003**  
**25 Via Milpitas**  
**~0.95 acres**

Approximately Located Existing 1,500 gallon Septic Tank, Leach-Line, & three, 3' dia, 60' deep Seepage Pits (MCHD File Review 4/09)

Existing 7,030 ft<sup>2</sup> Garden Crop

**Well #1**  
Monitoring Well

Existing 5,000 Gal Storage Tank Booster Pump/Pressure System

**Well #2**  
Active Well  
Serving Both Parcels

Existing Residence & Garage

Approximately Located Existing 1,500 gallon Septic Tank, Leach-Line, & two, 3' dia, 60' deep Seepage Pits (MCHD File Review 4/09)

**Bosso Property**  
**APN: 187-561-004**  
**35 Via Milpitas**  
**~0.95 acres**

Note:  
Parcel Lines from MCHD Assessors Map.



**SITE MAP**  
**APN: 187-561-004 & 003**  
**Monterey County, California**

**FIGURE**  
**2**

By: AB 4/20/09  
 File: Allison/Figure3/SiteMap.cxd

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

DRAFT

FINDINGS of APPROVAL

CONSIDER APPLICATION TO AMEND  
BOSSO-ALLISON WATER DISTRIBUTION SYSTEM  
Service area: APN 187-561-004(Bosso) and 187-561-003(Allison)  
Application #20090511BOS, Permit #M09-18-L3

Adopted by MPWMD District Staff Hearing Officer on \_\_\_\_\_, 2009

*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: **The BOSSO LIVING TRUST U/D/T dated February 6, 2008 (Charles H. Bosso and Ginnie A. Bosso, Trustees)**, is identified as the owner of property at 35 Via Milpitas, Carmel Valley on which two wells are located. The subject parcel (APN 187-561-004) comprises approximately 0.95 acres. Well #1 (circa 1976) and Well #2, drilled in 2008 to replace the deteriorated Well #1, have provided water for irrigation on parcel APN 187-561-004 (Bosso) and the adjacent parcel APN 187-561-003 (Allison) at 25 Via Milpitas for several decades. Well #1 is inoperable, and is now an MPWMD monitor well. Well #2 is the subject of this WDS Permit application.

EVIDENCE: Application #20090511BOS, site map and Application materials submitted May 11, 2009 including Grant Deed recorded by the Monterey County Recorder on February 22, 2008 (Document #2008010624).

2. FINDING: Parcels 187-561-003 and -004 are both within the area served by California American Water (CAW); Single-Family Dwellings on each parcel have been served by CAW for many years.

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

3. FINDING: A valid well construction permit for Well #2 was issued by the Monterey County Health Department (MCHD) on December 10, 2007. The well was drilled on June 16, 2008 and was tested for 72-hours during "dry season" conditions starting on September 23, 2008.

EVIDENCE: Monterey County Health Department Permit #07-11235; State Department of Water Resources Well Completion Report #e069116; *72-Hour Well Pumping and Aquifer Recovery Test with Pumping Impact Assessment for Allison-Bosso well*, prepared by Bierman Hydrogeologic, dated May 1, 2009 (referred to herein as "*Hydrogeologic Assessment*"); *Review of Well Source and Pumping Impact Assessment for Allison-Bosso Well*, prepared by Pueblo Water Resources, dated June 5, 2009 (referred to herein as "*Technical Review*").

4. FINDING: Applicant has applied for a Permit to create the Bosso-Allison Water Distribution System (WDS) for Well #2 to provide domestic (potable) supply to a proposed caretaker unit and pool on parcel APN 187-561-003 (Allison) in addition to continuing the irrigation of both parcels as described in Finding #1.

EVIDENCE: Permit Application as specified in Finding #1.

5. FINDING: Based on District staff analysis of the well data provided in the Application, 3.50 acre-feet per year (AFY) has been set as the annual production limit for the Bosso-Allison WDS to meet the water needs for the two parcels specified in Findings #1.

EVIDENCE: MPWMD *Technical Review of Hydrogeologic Assessment* specified in Finding #3; MPWMD Permit #M09-18-L3, Condition of Approval #3.

6. FINDING: The Application to create the Bosso-Allison WDS, along with supporting materials, is in accordance with District Rules 21 and 22.

EVIDENCE: Permit Application as specified in Finding #1.

**Required Findings (MPWMD Rule 22-B)**

7. FINDING: The approval of the Application would not cause unnecessary duplication of water service with any existing system. The subject property is within the CAW service area, but additional CAW water is unavailable due to existing constraints and production limitations imposed by State Water Resources Control Board (SWRCB) Order WR 95-10 and the need to reduce CAW diversions from the Carmel River until a replacement source is developed. The property also appears to benefit from overlying water rights to percolating groundwater. The proposed system will be limited to two Connections: one for the senior/caretaker unit on parcel APN 187-561-003 (Allison), and one for the combined non-potable uses (i.e., landscape irrigation on both parcels and a new pool on APN 187-561-003). [Rule 22-B-1]

EVIDENCE: Map of CAW service area; MPWMD Permit #M09-18-L3, Conditions of Approval #1 through #4. SWRCB Order 95-10.

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

EVIDENCE: District 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). The well is located within 1,000 feet of five existing wells owned by other parties. No adverse impacts to neighboring wells are anticipated. [Rule 22-B-3 and Rule 22-C-5]

EVIDENCE: MPWMD *Technical Review of Hydrogeologic Assessment* specified in Finding #3; MPWMD Permit #M09-18-L3, Condition of Approval #3; MPWMD Notice of Exemption citing CEQA Guidelines Section 15303 dated \_\_\_\_\_, 2009.

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 Deed showing ownership of property.

11. FINDING: The Application demonstrates existence of a long-term reliable source of water supply for the proposed uses, including up to 3.50 AFY for domestic use (residence and pool) on parcel APN 187-561-003 (Allison) and landscape irrigation for both parcels APN 187-561-003 and -004. 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 3.50 AFY. [Rule 22-B-5]

The long-term sustainable capacity of wells completed in fractured bedrock collectively referred to by MPWMD as the "Carmel Valley Upland formations" is dependant 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.

12. FINDING: The source of water supply is non-alluvial fractured bedrock (consolidated rock) of the area collectively referred to by MPWMD as the “Carmel Valley Upland formations.” The cumulative effects of issuance of a WDS 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. MPWMD Permit #M09-18-L3, Condition of Approval, Condition #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 “Carmel Valley Upland 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 #M09-18-L3 does not allow a permanent intertie to any other WDS. Though two existing Single-Family Dwellings on the two parcels have CAW water service, as described in Finding #2, the proposed WDS will be limited to a physically and legally separate system and is not 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 suppression in the senior/caretaker unit (i.e., ceiling fire sprinklers) is allowed. [Rule 22-B-8]

EVIDENCE: Map of CAW service area available at District office; MPWMD Permit #M09-18-L3, 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 # M09-18-L3, 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 property owner identified 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 "Multiple-Parcel Connection System" and will provide water for domestic supply (senior/caretaker unit and pool) to parcel APN 187-561-003 (Allison) and non-potable landscape irrigation to both APN 187-561-004 (Bosso) and APN 187-561-003 (Allison). MCHD is the authority that determines system compliance with California Title 22 water quality standards. [Rule 22-C-2]

EVIDENCE: Permit Application as specified in Finding #1. MPWMD Permit #M09-18-L3, 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 the WDS (water source and well site). [Rule 22-C-3]

EVIDENCE: Permit Application as specified in Finding #1, including location map. MPWMD Permit #M09-18-L3, 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 "Carmel Valley Upland formations." [Rule 22-C-4]

EVIDENCE: MPWMD hydrologic monitoring data and annual reports; MPWMD

Permit #M09-18-L3, Condition of Approval #3.

20. FINDING: The approval of the Application would not adversely affect the ability of existing WDS 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 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; MPWMD Permit #M09-18-L3, 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 Categorical Exempt under Section 15303, New Construction and Conversion of Small Structures. This exemption applies because the WDS would be appurtenant to allowed new uses on one existing 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 Bosso-Allison WDS dated \_\_\_\_\_, 2009.

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Prepared by H. Stern, updated 10/14/09



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

**DRAFT**

**CONDITIONS OF APPROVAL TO AMEND  
BOSSO-ALLISON WATER DISTRIBUTION SYSTEM  
APN: 187-561-004 (Bosso; well lot) and 187-561-003 (Allison)  
MPWMD Permit #M09-18-L3**

**Permitted System: Bosso-Allison Water Distribution System  
Permittee: Bosso Living Trust U/D/T dated February 6, 2008 (Charles H.  
Bosso and Ginnie A. Bosso, Trustees)**

**Adopted by MPWMD Staff Hearing Officer on \_\_\_\_\_, 2009 Pursuant to Rule 22-D  
Preparation Date: pending, 2009**

**Permitted System (Required by MPWMD Rules)**

1. The Bosso-Allison Water Distribution System (Permitted System) is authorized by the Monterey Peninsula Water Management District (MPWMD) under Permit #M09-18-L3 to serve Assessor's Parcel Number APN 187-561-004 (Bosso; well lot) and APN 187-561-003 (Allison). Each of the two adjacent parcels is 0.95 acres in size, and the service area is shown in **Attachment 1**. [Rule 22-D-1-a]
2. This Permit authorizes the Permitted System to provide water supply to the two separate parcels referenced in Condition #1 as allowed by the County of Monterey. Specifically, the well on APN 187-561-004 (Bosso) will continue to provide water for landscape irrigation to both parcels APN 187-561-003 (Allison) and APN 187-561-004 (Bosso). In addition, the well will provide domestic supply for a senior/caretaker unit (with kitchen) and pool on APN 187-561-003 (Allison). [Rule 22-D-1-b]
3. The System Capacity ("annual water production limit") for the Permitted System is hereby set at **3.50 acre-feet per year**, which may be produced from a Well #2 located on APN 187-561-004 (Bosso). The Expansion Capacity Limit for this Permit is two Connections: one for the senior/caretaker unit on parcel APN 187-561-003 (Allison), and one for the combined non-potable uses (i.e., landscape irrigation on both parcels and the new pool on APN 187-561-003). No municipal unit (jurisdictional) allocation is associated with this Permit [Rule 22-D-1].
4. The source of water for the Permitted System is existing Well #2 (California Well Completion Report #e069116) located on APN 187-561-004 in the approximate location

shown in **Attachment 1**. The well extracts water from non-alluvial percolating groundwater in the fractured granitic bedrock in an area collectively referred to by MPWMD as the "Carmel Valley Upland formations." [Rule 22-C-3, Rule 22-D-1-b]

**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 water meter connections to the Permitted System may be set until a water connection permit has been secured from MPWMD for each connection in accordance with MPWMD regulations governing issuance of water connection 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 parcels are both within the California American Water (CAW) service area and both currently receive CAW water for existing Single-Family Dwellings. Both parcels may receive CAW water for emergency fire service. CAW service is prohibited for the proposed senior/caretaker unit on parcel APN 187-561-003, except for a separate CAW standby meter set solely for emergency fire suppression (e.g., fire sprinklers in ceiling). [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 provides water to two parcels, it is considered to be a Multiple-Parcel Connection System, though one parcel receives only non-potable irrigation supply. This WDS will require compliance with California Title 22 drinking water standards as directed by the Monterey County Health Department (MCHD). Consultation with MCHD regarding treatment options for the caretaker unit is suggested as Recommended Secondary Maximum Contaminant Levels (Consumer Acceptance Contaminant Level Ranges) for total dissolved solids, specific conductance, and sulfate are exceeded. The District shall not approve any Permit for a new or intensified connection to the CAW system if the Permitted System fails to deliver adequate water quality or quantity to the parcel, unless there is full compliance with State Water Resources Control Board (SWRCB) Order 95-10, and an allocation of water is available to the parcel. [Rule 22-C-2]
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 required to provide a copy of an agreement to serve water to the recipient parcel APN 187-561-003 (Allison), because the Permitted system is a Multiple-Parcel Connection System. The agreement (a draft is acceptable) 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-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 40 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 facilities authorized by this Permit 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. Permitted construction tasks 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. [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 WDS Permit from MPWMD is transmitted to the Permittee. [Rule 22-D-1-n]
23. The WDS 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.

#### **Other Conditions of Approval**

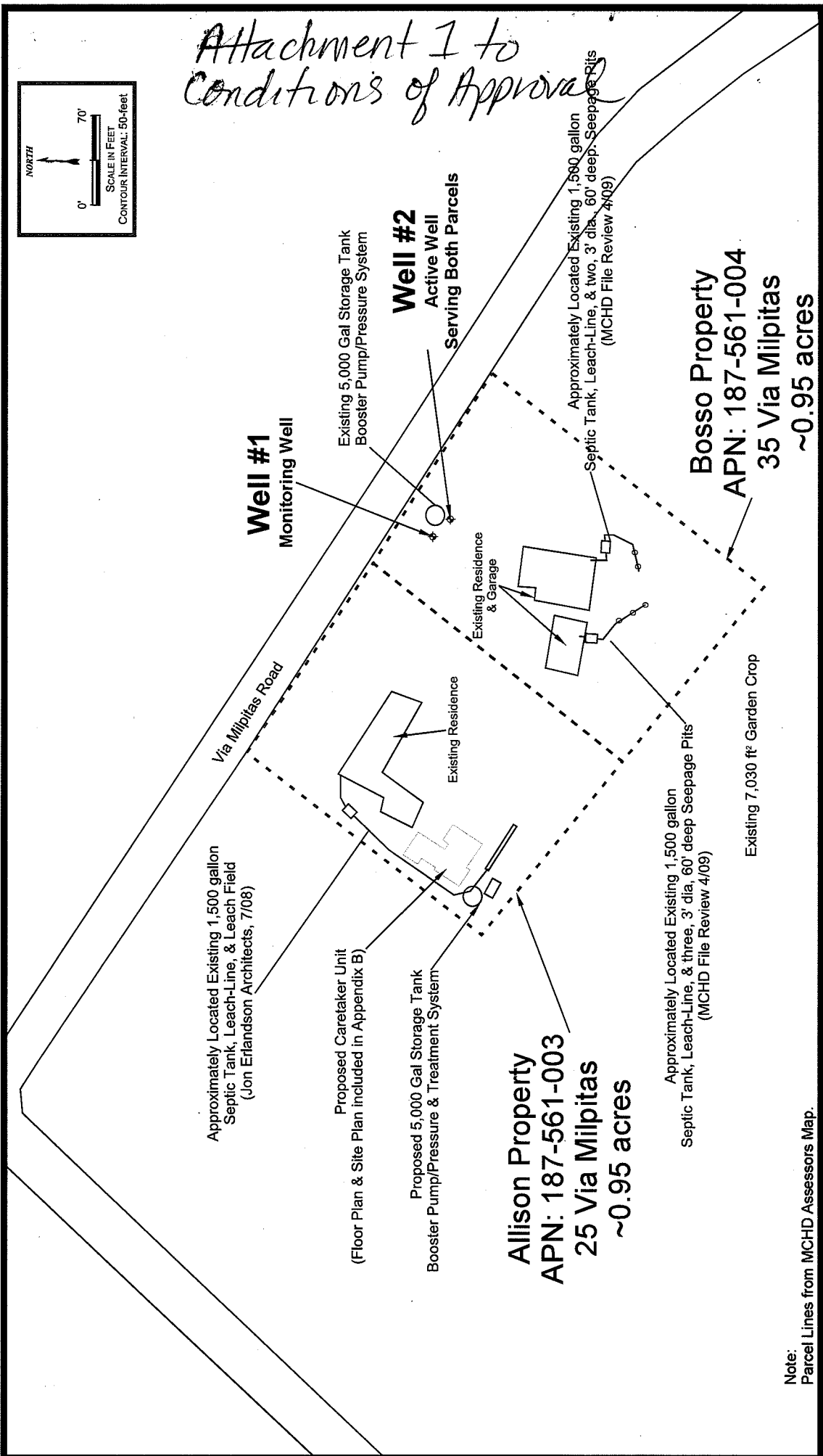
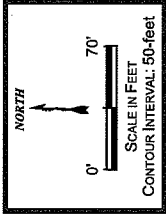
24. Nothing in this WDS Permit shall be construed to grant or confirm any water right.
25. This WDS Permit does not authorize any act that results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered 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, updated 10/14/09

Attachment 1 to  
Conditions of Approval



Note:  
Parcel Lines from MCHD Assessors Map.



**SITE MAP**  
APN: 187-561-004 & 003  
Monterey County, California

**FIGURE**  
**2**

Rev. 4/8 4/27/09  
File: Allison\Figures\SiteMap.dwg

**DRAFT -- TO BE SIGNED AND NOTARIZED**  
**Attachment 2 to BOSSO-ALLISON WDS Conditions of Approval**

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
INDEMNIFICATION AGREEMENT FOR  
BOSSO-ALLISON WDS, Permit #M09-18-L3  
Preparation Date: pending, 2009**

THIS AGREEMENT ("Agreement") is made and entered into by and between the Monterey Peninsula Water Management District ("MPWMD") and **Bosso Living Trust U/D/T dated February 6, 2008, Charles H. Bosso and Ginnie A. Bosso, Trustees** (defined as "Indemnitor") upon the date set forth below.

1. This Agreement has been entered into in relation to the issuance of the "**Bosso-Allison**" Water Distribution System (WDS), Permit #M09-18-L3 approved by MPWMD on                     , 2009, on behalf of the Indemnitor. This approval stems from MPWMD Application #20090511BOS to continue to provide water for landscape irrigation at Assessor's Parcel Number (APN) 187-561-004 (Bosso) at 35 Via Milpitas, Carmel Valley, Monterey County, California, on the legal parcel described as "TRACT 144 LOMA ENCANTADORA ASSRS SUB C OF L 3 1.0 AC, and to the adjacent parcel APN 187-561-003 (Allison) at 25 Via Milpitas, Carmel Valley, Monterey County. The well will also provide domestic water supply for a senior/caretaker unit (with kitchen) and pool at 187-561-003 (Allison). The water source for the subject WDS is Well #2 located on APN 187-561-004 (Bosso). The property is currently owned by the Indemnitor. This Agreement is a requirement of MPWMD Permit #M09-18-L3, Condition #6, and must be received by MPWMD on or before                     , 2009 (60 days from preparation date) for the WDS Permit to remain valid.
2. Indemnitor expressly confirms and agrees that it 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 MPMWD 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 MPMWD, 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 MPMWD 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. MPMWD 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 MWPMD 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 MPMWD 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.

***\*\*Continue to next page for signatures\*\****

**INDEMNITOR: BOSSO LIVING TRUST U/D/T DATED FEBRUARY 6, 2008**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Charles H. Bosso, Trustee**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Ginnie A. Bosso, Trustee**

**OWNERS of PROPERTY: (if different from Indemnitor)**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
(Print or Type Names):

**OWNERS of WATER SYSTEM: (if different from Indemnitor)**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
(Print or Type Names):

**ATTACH NOTARY CERTIFICATES for INDEMNITOR**

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Darby Fuerst, General Manager**

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Prepared by H. Stern, updated 10/14/09

**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 Bosso-Allison Water Distribution System and Issue MPWMD Permit #M09-18-L3**

**Project Location - Specific:** 32 and 35 Via Milpitas, Carmel Valley

**APN:** 187-561-004 (well location) and 187-561-003

**Project Location – Carmel Valley Village**

**County:** Monterey

**Description of Nature, Purpose and Beneficiaries of Project:** Approval of application enables use of a water well to continue irrigation of both parcels (APN 187-561-003 and -004), and provide new domestic water supply for a proposed caretaker unit and pool on APN 187-561-003, in compliance Monterey County zoning ordinances. Beneficiary are the families on both parcels.

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

**Name of Person or Agency Carrying Out Project:** Ginni Bosso and Lisa Allison

**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 application allows use of a water well for land uses as allowed by the County of Monterey on an existing residential parcels in accordance with zoning and other land use regulations.

**Agency Contact Person**

Henrietta Stern      831-658-5621

\_\_\_\_\_  
Andrew M. Bell  
MPWMD District Engineer

\_\_\_\_\_  
Date

Exhibit 6

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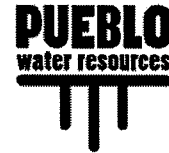
**TECHNICAL MEMORANDUM**

**Pueblo Water Resources, Inc.**

4478 Market St., Suite 705  
Ventura, CA 93003

Tel: 805.644.0470

Fax: 805.644.0480



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To: MPWMD Date: June 5, 2009  
Attention: Joe Oliver, P.G., C.Hg, Project No: 06-0013  
Water Resources Manager  
Copy to: Henrietta Stern  
Matthew Sundt  
From: Robert Marks, P.G., C.Hg  
Subject: Review of Well Source and Pumping Impact Assessment for  
Allison/Bosso Well, Project APNs 187-561-003 & -004

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**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 May 1, 2009, was prepared for Lisa Allison by Bierman Hydrogeologic (Bierman) in support of a Water Distribution System (WDS) permit application for a 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, identified as Allison/Bosso Well #2<sup>1</sup> and located on APN 187-561-004, is proposed to be utilized to supply potable and exterior landscape irrigation water for a new care taker unit and swimming pool to be constructed on the adjacent parcel -003. The existing uses on each parcel will continue to be served by their existing California American Water (CAW) connections. The proposed WDS has an estimated average annual demand of 3.50 acre-feet per year (afy).

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<sup>1</sup> Well #1 is reportedly no longer in use as a production well and has recently been converted to a monitoring well.



## Hydrogeologic Setting

The subject well is located in the Carmel Valley Uplands area greater than 1,000 feet from the mapped boundary Carmel Valley Alluvial Aquifer (CVAA), and is completed with perforations within fractured bedrock units of the Monterey Formation and underlying granite; 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	Allison/Bosso Well
Total Cased Depth (ft bgs <sup>1</sup> )	416
Borehole Diameter (inches)	10
Casing Inside Diameter (inches)	5
Perforated Intervals (ft bgs)	156 to 396
Static Water Level <sup>2</sup> (ft bgs)	95
Date Drilled	6/16/08
DWR Well Completion Report No.	e069116
Date Signed	6/26/08
MCHD Permit No.	07-11235
Date Issued	12/10/07

Notes:

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

## General Testing Methods

MPWMD Procedures specify eight general testing methods which 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 <sup>1</sup>	Yes	MCHD personnel present at startup
2 - Well Testing Method	Yes	Author performed test
3 - Timing of Test	Yes	Test performed in September 2008
4 - Discharge Rate	Yes	Test average approximately 11.3 gpm
5 - Control of Well Discharge	Yes	To land through 200 feet of closed hose
6 - Wells Monitored	Yes	One offsite well monitored during test
7 - Data Collection	Yes	Documented in Appendix C
8 - Water Level Monitoring	Yes	Pressure transducer/dataloggers 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 September 23 through 29, 2008. Presented below is a summary of the well performance data developed from the testing program:

**Table 3. Pumping Test Data Summary**

Test Parameter	Allison/Bosso Well
Static Water Level (feet bgs)	93.97
Total Volume Pumped (gallons)	48,718
Average Pumping Rate (gpm) <sup>1</sup>	11.28
24-hour Pumping Level (ft bgs)	115.46
24-hour Drawdown (ft)	21.49
<b>24-hour Specific Capacity (gpm/ft)<sup>2</sup></b>	<b>0.525</b>
Notes:	
1 - gallons per minute (gpm)	
2 - 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. Available drawdown for Setting #2 is defined as one-third of the saturated thickness penetrated by the well.

The available drawdown calculations for the Allison/Bosso Well are as shown in Table 4 below:

**Table 4. Available Drawdown Calculations**

Parameter	Allison/Bosso Well
Depth to Static Water Level (ft)	93.97
Depth to Bottom of Perforations (ft)	396.00
Saturated Thickness (ft)	302.03
<b>Available Drawdown (ft)</b>	<b>100.68</b>

It is noted that the above available drawdown value differs slightly from that presented in the assessment due to differences in the calculation method<sup>2</sup>.

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 the ratio of late-time to early-time transmissivities. The assessment report presents calculated transmissivity values ranging between approximately 149 to 440 gallons per day per foot (gpd/ft), depending on the portion of the curve selected and analytic method utilized. The transmissivity calculations take into account casing-storage effects during the initial portion of the

<sup>2</sup> The value in Table 4 was calculated by dividing the saturated thickness by 3 (i.e., 1/3 of the saturated thickness), whereas the assessment calculated available drawdown by multiplying the saturated thickness by a factor of 0.33.





drawdown curves (calculated to have expired within approximately 38 minutes<sup>3</sup> of pumping).

The drawdown curve did display a decrease in the apparent transmissivity between the first half and the end of the test; therefore, an adjustment to the 24-hour specific capacity was made 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 percent 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. Water-level recovery data were collected for only 72 hours/3 days following termination of the pumping test and the well achieved approximately 99 percent recovery within this time (residual drawdown of approximately 0.31 feet compared with 27.96 feet of total drawdown); therefore, no further adjustment to the calculated well-yield is required.

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	Allison/Bosso Well
24-Hour Specific Capacity (gpm/ft)	0.525
Ratio of Late to Early Time Transmissivities	0.52
Adjusted 24-Hour Specific Capacity (gpm/ft)	0.273
Available Drawdown (ft)	100.68
Calculated Well Yield (gpm)	27.48
Recovery Adjustment (%)	NA
Recovery Adjustment (gpm)	NA
<b>Final Calculated Well Yield (gpm)</b>	<b>27.48</b>

Notes:  
 "NA" = Not Applicable

<sup>3</sup> Based on an equation presented by Schafer, in The Johnson Well Journal (1978). We note, however, that Bierman calculated the time at which casing storage effects expire ( $t_c$ ) by utilizing the 72-hour specific capacity value, rather than the specific capacity of the well at time  $t_c$  as described by Schafer. We calculate  $t_c$  to be at approximately 10 minutes of elapsed pumping; however, this difference in calculated  $t_c$  did not significantly affect the transmissivity calculations.



It is noted that the assessment presents an adjusted calculated well yield of 26.91 gpm; the slight difference between this value and that presented in Table 5 above is due largely to the previously-noted differences in the available drawdown calculation.

### Water Demand Estimate

The subject well is proposed to provide both potable and irrigation supply to the proposed WDS with an estimated average annual demand of 3.50 acre-feet per year<sup>4</sup> (afy). Presented below is a summary of the instantaneous pumping demand calculations based on the average annual demand for the subject WDS:

**Table 6. Demand Calculations Summary**

<b>Demand Category</b>	<b>Allison/Bosso WDS</b>
Average Annual Demand (afy)	3.50
Average Day (gpm)	2.17
Dry Season (gpm)	2.60
Maximum Day (gpm)	3.25
<b>12-hour Maximum Day (gpm)</b>	<b>6.51</b>

We note that Bierman estimated the maximum-day demand utilizing an average day peaking factor of 2.25<sup>5</sup>, rather than 1.5 as prescribed by MPWMD Procedures, corresponding to a 12-hour maximum day demand value of 9.75 gpm.

### Confirmation of Well Capacity

As presented above, the calculated well yield for the Allison/Bosso Well is approximately 27.48 gpm, which is significantly greater than the maximum day 12-hour demand value of 6.51 gpm; therefore, based on MPWMD Procedures the well capacity is considered sufficient for the proposed WDS demand. We also note that the calculated well yield value of 27.48 gpm exceeds the 12-hour maximum day demand value of 9.75 gpm as calculated by Bierman.

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)

<sup>4</sup> It is our understanding that this demand estimate has been reviewed by MPWMD staff; therefore, it was not independently verified as part of this review.

<sup>5</sup> Based on California Water Works Standards, revised March 2008.



the pump (and intake) setting, (c) well-casing diameter, and (d) discharge-piping diameter.

### Water Quality

A water-quality sample was collected from the well at the end of pumping, and was analyzed at a State Certified Laboratory for State Title 22 primary inorganics and secondary compounds, as well as general mineral and general physical parameters, and Coliform bacteria. The results indicate that the water met all of the Maximum Contaminant Level (MCL) drinking-water standards<sup>6</sup> for primary inorganic constituents; however, the water did exceed the recommended MCLs for several secondary (aesthetic consumer acceptance-based) constituents, as summarized in the table below:

**Table 7. Water Quality MCL Exceedance Summary**

Constituents	Unit	MCL	Allison/Bosso Well
Specific Conductance	umhos/cm	900	1,526
Sulfate	mg/L	250	268
Total Dissolved Solids	mg/L	500	1,020

In addition to the above-noted constituents, the sample tested positive for Total Coliform bacteria, indicating the need for disinfection of the well and/or piping system. Given the water-quality results, the assessment report suggested a treatment system may be required and estimated distribution and treatment system losses of 7 and 15 percent, respectively, and a correspondingly greater maximum day 12-hour demand value of 12.33 gpm (equivalent to an average annual demand of approximately 4.42 afy, assuming a peaking factor of 2.25); however, the MCHD should be consulted for treatment recommendations and/or requirements for this WDS.

### 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 utilizing the Modified Theis Nonequilibrium Equation<sup>7</sup>. The calculations assumed continuous pumping for 183 days at a dry-

<sup>6</sup> Updated October 11, 2007.

<sup>7</sup> The projected drawdown calculations were verified as part of our review.



season demand pumping rate of 2.58 gpm<sup>8</sup>. The recovery curve-derived transmissivity value of 149 gpd/ft, and a storage coefficient value of  $4.98 \times 10^{-1}$  (dimensionless), were utilized in the calculations.

We note that the above storage-coefficient value is questionably high for a confined fractured-rock aquifer. This value was apparently derived utilizing the Moench Fracture Flow analysis of the pumping well drawdown curve; however, storage-coefficient values calculated from the pumped-well drawdown data are generally considered not reliable.<sup>9</sup> In order to apply conventional analytic methods (e.g., the Modified Theis Nonequilibrium Equation) to project offsite drawdown impacts in fractured-rock systems, it is necessary to assume that the rocks are sufficiently homogenous such that the system can be considered an "equivalent porous medium". Given this assumption, a storage-coefficient value derived from analysis of a monitoring-well response to the pumping well is considered more appropriate.

During the pumping test of the subject well, the Well #1 observation well (located at a distance of approximately 21 feet) was monitored and it displayed a total of 2.39 feet of response. Based on our analysis of this monitoring well drawdown curve, we calculate a storage coefficient of approximately  $2.4 \times 10^{-2}$ . The effect of the storage coefficient value on the projected drawdown calculations is discussed below.

#### Potential Impacts on Existing Wells

Five existing offsite wells were identified within 1,000 feet of the subject well at distances ranging between approximately 253 to 906 feet. Only one of these wells (Powers Well) was monitored during the pumping test, and reportedly did not display a discernable response to the subject pumping test (the well was cyclically pumping during the test). The analysis of projected drawdown (utilizing a storage coefficient value of  $4.98 \times 10^{-1}$ ) indicates no measurable projected drawdown impact at any of the offsite wells; however, based on our calculations, utilizing a storage coefficient value of  $2.4 \times 10^{-2}$ , approximately 3.5 feet to 0.25 feet of projected drawdown impact is calculated at the nearest and farthest offsite wells, respectively, as a result of pumping the subject well at the above-noted rate and duration for this WDS.

Based on records of well construction and water levels for the nearest well (Powers Well), it has an estimated saturated thickness of approximately 319 feet; therefore, the projected drawdown impact of 3.5 feet at this well represents an

<sup>8</sup> Bierman's dry-season demand value is slightly lower than that presented in Table 6 due to numerical rounding differences. In addition, the report text cites a pumping rate of 2.17 gpm was used in the calculations; however, the calculations presented in Appendix E used a pumping rate of 2.58 gpm.

<sup>9</sup> Driscoll (1986), *Groundwater and Wells*, 2<sup>nd</sup> Edition, pg. 222



approximate 1 percent reduction in its estimated saturated thickness. The percent reductions in saturated thickness at the more distant offsite wells would be commensurately less than 1 percent. Assuming a 5 percent reduction in saturated thickness as an initial reasonable significance "threshold", the calculated drawdown impacts are considered less than significant.

#### Potential Impacts on SERs

The mapped boundary of the CVAA is located greater than 1,000 feet from the subject well, 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 6.51 gpm. Due to water-quality considerations, the assessment report also calculated a maximum day 12-hour demand value of 12.33 gpm, accounting for distribution and treatment system losses and based on a different peaking factor. The range of pumping demands is less than the calculated well yield for the Allison/Bosso Well of 27.84 gpm; therefore, based on MPWMD Procedures the well capacity is considered **sufficient** for the **3.50 to 4.42 afy** annual demand for this WDS.

#### **Water Quality**

The water-quality results indicate that the water from the well met all of the Maximum Contaminant Level (MCL) drinking-water standards for primary inorganic constituents; however, the water exceeded the recommended MCLs for several secondary (aesthetic consumer acceptance-based) constituents; therefore, the MCHD should be consulted regarding treatment requirements for this source and WDS. In addition, the sample collected tested positive for Total Coliform bacteria, indicating the need for disinfection of the well and/or piping system prior to consumptive use.

#### **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 should not be significant. There are no SERs identified 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.