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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company; Cease and Desist Order WR 2016-0016	SUPPLEMENTAL MATERIALS IN SUPPORT OF APPLICATION FOR ORDER MODIFYING STATE WATER BOARD ORDERS WR 2016-0016 and WR 2009-0060 (CEASE AND DESIST ORDER) SUPPLEMENT No. 1

This Supplement No. 1 to the Monterey Peninsula Water Management District's Application for Order Modifying State Water Board Orders WR 2016-0016 and WR 2009-0060 dated October 21, 2025 provides supplemental background information.

The supplemental material is in support of current and future supplies and demands and includes the following content:

Attachment A: California Public Utilities Commission (CPUC) Decision D.25-08-006 as modified by Decision 25-10-001

Attachment B: Comparison of Supply and Demand Testimony in CPUC Proceeding A.21-11-024

Attachment C: Cal-Am Consolidated CDO Annual Reports 2022, 2023, 2024

Attachment D: Cal-Am Annual Water Shortage Reports

Attachment E: Data in Support of Aquifer Storage and Recovery Yield

Attachment F: Documentation of Malpaso Water Right

Attachment G: Documentation of Water Served by Others

Attachment H: Data in Support of Carmel River Annual Yield

Attachment A

CPUC Decision 25-08-006 in Application 21-11-024

August 14, 2025

PHASE 2 DECISION APPROVING DEMAND AND SUPPLY
ESTIMATES FOR THE
MONTEREY PENINSULA WATER SUPPLY PROJECT

Decision 25-10-001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) to Obtain Approval of the Amended and Restated Water Purchase Agreement for the Pure Water Monterey Groundwater Replenishment Project, Update Supply and Demand Estimates for the Monterey Peninsula Water Supply Project, and Cost Recovery.	Application 21-11-024 (Filed November 29, 2021)

ORDER CORRECTING ERROR

The Commission has been informed of errors in Decision 25-08-006 approving updated water demand and supply estimates for the Monterey Peninsula Water Supply Project (MPWSP). In multiple instances, the decision erroneously states that the Aquifer Storage and Recovery (ASR) Availability and Reliability Analysis Technical Memorandum conducted by California-American Water Company finds that over 59 years, the ASR system held an average of 1,120 acre-feet per year (AFY) of available water. The correct 59-year ASR average estimated by the ASR Availability and Reliability Analysis Technical Memorandum is 1,210 acre-feet per year of available water as set forth in Exhibit CAW-18, Attachment 1 at Page 12. As a result of the erroneous ASR figure, the

decision approves an incorrect total MPWSP supply estimate of 11,114 AFY. The correct approved total MPWSP supply estimate is 11,204 AFY.

Therefore, pursuant to Resolution A-4661, the following corrections are made to the decision:

Decision page number	Corrected sentence
2	(c) Projected 2050 water demand of 13,732 acre-feet per year and current water supply of 11,204 acre-feet per year.
26	MPWMD also calculates a minimum of 160 AFY to 200 AFY of water available from the Sand City desalination plant,[100] a contractually obligated 2,250 AFY from the PWM Expansion,[101] and 1,210 AFY from ASR based on its 59-year average – all above Cal-Am supply estimates for those sources.[102]
28	Cal Advocates calculates the larger number by including the full 5,750 AFY of water allotted in the Amended WPA, including 189 AFY from the Table 13 water supply from the Carmel River, and including 1,210 AFY of water from the ASR based on a 59-year average contained in the ASR Availability and Reliability Analysis Technical Memorandum conducted by Cal-Am.[111]
28	In its Reply Brief, Cal Advocates states that "[t]his 1,210 AF estimate accounts for the variability of simulated historical annual water availability."[112]

29	(1) A total 13,732 AFY of water demand forecasted for 2050 and 11,204 AFY of estimated firm water supply for Cal-Am's Monterey District;
42	As discussed below, we adopt a Cal-Am water supply projection of 11,204 AFY.
43	Several parties, however, argue that Cal-Am's own ASR Availability and Reliability Analysis Technical Memorandum finds that over 59 years, the ASR system held an average of 1,210 AFY of available water compared to the 470 AFY that Cal-Am argues should be counted as reliable ASR supply.
43	The technical memorandum, which was included as an attachment to Cal-Am witness Paul Findley's testimony, states: "Simulated ASR injection averaged 1,210 AFY but ranged from zero (seven of the 59 years) to 2,840 AF (in 1983)."[151]
43	As Cal Advocates argues in its Reply Brief, the 1,210 AF estimate "accounts for the variability of simulated historical annual water availability."[152]
43	During this 59-year period the average available 'Total ASR Injection' is 1,210 AF per year.
44	In reviewing the entire record, we find the intervenors' argument, paired with the technical memorandum, to provide persuasive evidence that the ASR offers on average 1,210 AFY of water to Cal-Am.

46	In sum, we adopt a firm water supply projection of 11,204 AFY.
49	14. The ASR Availability and Reliability Analysis Technical Memorandum finds that over 59 years, the ASR system held an average of 1,210 AFY of available water.
50	9. 1,210 AFY is a reasonable water supply estimate for the ASR system.
50	11. A projected firm water supply of 11,204 AFY for Cal-Am is reasonable.
51	1. The updated water supply estimate of 11,204 acre-feet per year for the Monterey Peninsula Water Supply Project is adopted.

IT IS ORDERED that all references in Decision 25-08-006 to a 59-year average of 1,120 acre-feet per year of available Aquifer Storage and Recovery water are corrected to a 59-year average of 1,210 acre-feet per year of available Aquifer Storage and Recovery water as determined by the Aquifer Storage and Recovery Availability and Reliability Analysis Technical Memorandum, and that all references to the updated water supply estimate of 11,114 acre-feet per year for the Monterey Peninsula Water Supply Project are corrected to 11,204 acre-feet per year for the Monterey Peninsula Water Supply Project as described above.

The corrected decision shall hereafter be referred to as Decision 25-08-006 as modified by Decision 25-10-001. This order is effective today.

Dated October 2, 2025, at San Francisco, California.

/s/ RACHEL PETERSON

Rachel Peterson
Executive Director

ALJ/RWH/CJA/jnf **Date of Issuance 8/18/2025**

Decision 25-08-006 August 14, 2025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) to Obtain Approval of the Amended and Restated Water Purchase Agreement for the Pure Water Monterey Groundwater Replenishment Project, Update Supply and Demand Estimates for the Monterey Peninsula Water Supply Project, and Cost Recovery.	Application 21-11-024

PHASE 2 DECISION APPROVING DEMAND AND SUPPLY ESTIMATES FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT

TABLE OF CONTENTS

Title **Page**

PHASE 2 DECISION APPROVING DEMAND AND SUPPLY ESTIMATES FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT 1
Summary 2
1. Background 2
1.1. Historical Context 2
1.1.1. MPWSP 3
1.1.2. Groundwater Replenishment 4
1.2. Complaint (C.) 21-05-005 7
2. Procedural Background 7
2.1. Phase 1 Background 8
2.2. Phase 2 Background 11
3. Submission Date 12
4. Jurisdiction 13
5. Burden of Proof 13
6. Issue Before the Commission 14
7. Parties' Positions on Phase 2 Issue 14
7.1. Water Demand 14
7.1.1. Water Use Increase Assumptions 16
7.1.2. Legal Lots of Record, Tourism Rebound, Pebble Beach Entitlements 19
7.1.3. Water Efficiency 22
7.2. Water Supply 24
7.2.1. MPWMD 26
7.2.2. M1W 27
7.2.3. Cal Advocates 28
7.2.4. MCWD 29
7.2.5. City of Marina 29
8. Discussion 29
8.1. Reasonableness of Cal-Am's Water Demand and Supply Forecasts 30
8.1.1. Baseline Water Demand 30
8.1.2. Legal Lots of Record, Tourism Rebound, Pebble Beach Entitlements, Regional Housing Needs Assessment 36

8.2. Supply from Carmel River, Seaside, Sand City, ASR, PWM, and PWM Expansion 42
9. Summary of Public Comment 46
10. Procedural Matters 46
11. Comments on Proposed Decision 46
12. Assignment of Proceeding 47
Findings of Fact 47
Conclusions of Law 50
ORDER 51

PHASE 2 DECISION APPROVING DEMAND AND SUPPLY ESTIMATES FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT

Summary

This Phase 2 decision approves the updated water demand and supply estimates for the Monterey Peninsula Water Supply Project. This decision uses the baseline water demand amount calculated by California-American Water Company (Cal-Am) using the same forecasting methodology that produced the water demand forecast approved in Decision 18-09-017. This decision adds additional forecasted water demand from legal lots of record, tourism rebound, and Pebble Beach entitlements. This decision also adopts:

(a) Cal-Am's water supply estimates for the Carmel River, the Seaside Groundwater Basin, the Sand City Desalination Project, and Pure Water Monterey;

(b) Revised supply estimates for Aquifer Storage and Recovery and the Pure Water Monterey Expansion; and

(c) Projected 2050 water demand of 13,732 acre-feet per year and current water supply of 11,114 acre-feet per year.

This proceeding is closed.

1. Background

1.1. Historical Context

The instant application (Application or (A.) 21-11-024) relates to two water supply projects contemplated by California American Water Company (Cal-Am, Applicant, or Company) and approved by the Commission to address water supply issues pending on the Monterey Peninsula since 1996, including: (1) the Regional Desalination Project; and (2) the Monterey Peninsula Water Supply Project (MPWSP).

In 1995, the State Water Resources Control Board (SWRCB) issued a cease and desist order requiring California American Water Company to stop the unlawful diversion of 10,730 acre-feet per year (AFY) of water from the Carmel River.[1] Cal-Am has been looking to provide alternatives to Carmel River water sources to its customers on the Monterey Peninsula since that time.

In 2009, the SWRCB issued a second cease and desist order with a firm December 31, 2016, cease and desist deadline,[2] which was subsequently extended to December 31, 2021.[3]

1.1.1. MPWSP

In 2012, Cal-Am filed A.12-04-019 seeking approval for the MPWSP to meet the water supply needs of Monterey Peninsula customers by 2016 from three sources: (1) aquifer storage and recovery (ASR);[4] (2) groundwater replenishment; and (3) a desalination plant. Cal-Am also proposed an alternative of either a 9.6 millions of gallons per day (mgd) desalination plant or a 6.4 mgd desalination plant paired with groundwater replenishment. The Commission ultimately approved a modified MPWSP and adopted the latter alternative (6.4 mgd desalination plant paired with a groundwater replenishment component) in Decision (D.) 18-09-017.

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[1] SWRCB Order WR 95-10.

[2] SWRCB Order WR 2009-0060.

[3] SWRCB Order WR 2016-0016.

[4] The Monterey ASR project involves the injection of excess Carmel River water into the Seaside Groundwater Basin for later extraction and use. Future water sources for ASR may include the Pure Water Monterey Groundwater Replenishment Project, PWM Expansion Project, and a desalination plant.

1.1.2. Groundwater Replenishment

Phase 1 of this instant application involved the groundwater replenishment component of the MPWSP, which consists of two related projects: (1) the Pure Water Monterey Groundwater Replenishment Project (PWM Project), previously approved in D.16-09-021 and discussed below and (2) the 2,250 AFY expansion of the PWM Project (PWM Expansion Project), proposed in A.12-04-019 and the instant application and described below.

PWM Project

In 2016, the Commission issued D.16-09-021 and approved the groundwater replenishment component of the MPWSP called the PWM Project.[5] The PWM Project is a water supply project operated by Monterey One Water (M1W), which provides: (1) purified recycled water for recharge of a groundwater basin that serves as a drinking water supply; (2) purified recycled water for urban landscape irrigation within the Marina Coast Water District (MCWD) service area; and (3) recycled water to augment the existing Castroville Seawater Intrusion Project's agricultural irrigation supply.[6] It "also includes a drought reserve component to support use of the new supply for crop irrigation during dry years."[7] M1W operates the wastewater treatment plant and sells the treated groundwater to Monterey Peninsula Water Management District

[5] While this project is referred to by parties in this proceeding as the PWM Project, it is also referred to as "GWR" in prior Commission decisions. (D.16-09-021; D.18-09-017.)

[6] Application, Appendix D at 1.

[7] Application, Appendix D at 1.

(MPWMD). MPWMD, in turn, sells the treated water to municipal and public utilities, including Cal-Am.

Under the Water Purchase Agreement (WPA) authorized by the Commission in 2016, M1W and MPWMD were contracted to supply 3,500 AFY of treated water to Cal-Am for a term of 30 years, at an expected first-year price of $1,720/acre-foot (AF).[8] The PWM Project was expected to begin operation in 2018.[9] It began operation on February 7, 2020, delivering 990 AF in 2020 at a cost of $ 2,442/AF[10] with the expectation to deliver 3,500 AF in 2021.[11]

PWM Expansion Project

In 2018, the Commission initially considered the proposal to expand the PWM Project, which was expected to provide an additional 2,250 AFY of purified recycled water for injection into the Seaside Groundwater Basin and subsequent extraction of the same quantity to Cal-Am's existing potable water supplies. However, the Commission deferred its approval of that project because: (1) at that time, the PWM Project was not yet a proven technology; and (2) it did not meet groundwater peak annual flow or peak day flow requirements for Cal-Am's water supply needs.[12] The Commission instead directed Cal-Am to study and report on the feasibility of the PWM Expansion Project and potential for entering into a related water purchase agreement by filing a Tier 2 Advice Letter

[8] D.16-09-021 at 7.

[9] D.16-09-021 at 21.

[10] Cal-Am Advice Letter 1298 at 2.

[11] D.22-03-038 at 4.

[12] D.18-09-017 at 211 (Findings of Fact (FoF) 18,19).

within 180 days of the issuance of D.18-09-017.[13] Also, in the event that the 6.4 mgd desalination plant was not expected to be completed by December 31, 2021, the Commission allowed Cal-Am to file an application for approval of a water purchase agreement for an expansion to the PWM Project, for up to 2,250 AFY.[14]

In D.18-09-017, the Commission also approved: (1) the water demand forecast figures calculated by averaging the results of two methods: an averaging process to arrive at a historical figure of water demand and a water demand forecast based on population growth and a return to 2010-2013 per customer usage amounts;[15] and (2) Cal-Am's forecasted water demand amounts from tourism rebound, legal lots of record, and the Pebble Beach entitlements.[16] On the supply side, the Commission adopted Cal-Am's existing water supply amounts from the Carmel River, the Seaside Groundwater Basin, Aquifer Storage and Recovery, the Sand City Coastal Desalination Project, and the Pure Water Monterey project.[17]

In 2019, Cal-Am submitted Advice Letter 1231 as ordered in D.18-09-017 and reported that "the potential PWM expansion [was] still being developed and

[13] D.18-09-017 at Ordering Paragraph 37.

[14] D.18-09-017 at 42-43.

[15] D.18-09-017 at 25.

[16] D.18-09-017 at 50.

[17] D.18-09-017 at 33.

was not yet at a point where [Cal-Am] could determine whether it should be used."[18]

1.2. Complaint (C.) 21-05-005

On May 4, 2021, MPWMD filed Complaint (C.) 21-05-005 against Cal-Am alleging that it failed to ensure an adequate water supply to its customers on the Monterey Peninsula. MPWMD requested that the Commission order Cal-Am to enter into a WPA for the PWM Expansion Project as relief to that complaint. On October 26, 2021, the Administrative Law Judge (ALJ) in that proceeding issued a ruling which, *inter alia*, directed Cal-Am to seek the Commission's approval via application for the Amended and Restated WPA reached by parties to expand Cal-Am's purchased water supply from the PWM Project. After the filing of the instant application, the C.21-05-005 was dismissed as moot.[19]

2. Procedural Background

On November 29, 2021, Cal-Am filed the instant application, A.21-11-024, seeking: (1) authority for Cal-Am to enter the Amended WPA, (2) authorization to construct, with associated rate recovery, four Company-related facilities Cal-Am considers necessary to bring water purchased under the Amended WPA to Cal-Am's customers, and (3) updated supply and demand estimates for the MPWSP (Application). The four company-related facilities requested by the Application are (a) extraction wells EW-1 and EW-2, and a water treatment facility (EW-1/EW-2 facility); (b) extraction wells EW-3 and EW-4 and associated

[18] Cal-Am Advice Letter 1231 at 2.

[19] D.22-03-038.

piping (EW-3/EW-4 facility); (c) the Carmel Valley Pump Station; and (d) the General Jim Moore Parallel Pipeline.

2.1. Phase 1 Background

On February 9, 2022, a Scoping Ruling was issued identifying three issues to be considered in Phase 1 of the proceeding: (1) whether Commission approval of the Amended and Restated WPA is reasonable, prudent, and in the public interest; (2) whether the ratemaking proposals for the Amended and Restated WPA, and related facilities, are reasonable; and (3) whether Cal-Am's water supply and demand estimates support approval of the Amended and Restated WPA.

Under the Amended WPA for the PWM Expansion Project, Cal-Am stated that the amount of water it would purchase increases by 2,250 AFY, from 3,500 AFY to 5,750 AFY, and the total peak pumping capacity would also increase from 5.0 mgd to 7.6 mgd.[20]

Four parties filed timely protests or responses to the Application. On January 3, 2022, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) filed a protest to the Application while responses were filed by City of Marina, M1W, and MCWD. Cal-Am filed a reply to the responses and protests to its Application on January 13, 2022.

Coalition of Peninsula Businesses (CPB), MPWMD, and Landwatch Monterey County (Landwatch) filed motions for party status on December 29, 2021, January 3, 2022, and January 14, 2022, respectively. CPB and

[20] *See*, D.22-12-001 at 10, *citing* Exhibit CAW-01 at 4.

MPWMD were granted party status by assigned ALJ ruling on January 14, 2022, and January 21, 2022, respectively.

A prehearing conference (PHC) was held on January 25, 2022, during which Public Water Now (PWN) made an oral motion for party status. Landwatch and PWN were granted party status at the PHC.

The assigned Commissioner issued a scoping memo on February 9, 2022.

Cal Advocates, City of Marina, MCWD, M1W, MPWMD, and PWN served intervenor testimony on March 11, 2022. Cal-Am also served supplemental testimony on water supply and demand estimates for its Monterey Peninsula customers to support the Amended WPA on March 11, 2022.

MCWD and MPWMD served supplemental testimony on April 1, 2022. Cal-Am also served rebuttal testimony on intervenor testimony on April 1, 2022. Cal-Am served rebuttal testimony on intervenor's supplemental testimony on April 8, 2022.

The parties filed a joint case management statement on April 14, 2022, indicating an evidentiary hearing was needed. An evidentiary hearing was held on May 3, 2022. The assigned ALJ granted Cal-Am's motion to admit two additional exhibits into the evidentiary record by ruling, dated June 7, 2022. Cal-Am, M1W, MPWMD, City of Marina, MCWD, and Cal Advocates filed opening briefs on May 31, 2022. Landwatch also filed a joinder in the opening brief of MPWMD. Cal-Am, M1W, MPWMD, City of Marina, MCWD, Cal Advocates, and PWN filed reply briefs on June 20, 2022.

On December 5, 2022, the Commission issued D.22-12-001 and authorized Cal-Am to enter into the Amended WPA with the MPWMD and M1W for the

PWM Expansion Project. It also authorized the construction of company-related facilities and the associated ratemaking treatment. It allowed cost recovery for those facilities up to certain cost caps by process of a Tier 2 Advice Letter, with costs incurred above the cost caps recoverable through the next applicable general rate case (GRC) filing.

On December 19, 2022, MPWMD filed a petition to modify D.22-12-001.

On December 30, 2022, Cal-Am filed an application for rehearing of D.22-12-001.

D.23-03-048 denied rehearing of D.22-12-001 and modified D.22-12-001 to correct factual errors and provided clarifications. D.23-03-048 also modified D.22-12-001 to:

> … give Cal-Am the opportunity to serve supplemental testimony in this proceeding, attaching any documentation, to demonstrate that (a) ASR-5 and ASR-6 are the same wells as EW-3 and EW-4 and/or (b) the design, planning, permitting, or construction originally performed by ASR-5 and ASR-6 can and will be used for EW-3 and EW-4 in order to justify Cal-Am's requested $41,018,272 cost cap.[21]

The Applicant served supplemental testimony on April 20, 2023, and served a corrected version on April 21, 2023.[22] MPWMD served reply testimony on May 5, 2023.[23] The Applicant served supplemental rebuttal testimony on May 11, 2023.[24]

[21] D.23-03-048 at Ordering Paragraph 9 at 23-24.

[22] Supplemental Testimony of Ian C. Crooks, Corrected, dated April 21, 2023 (CAW-14).

[23] Reply Testimony of David J. Stoldt, Dated May 5, 2023 (MPWMD-03).

[24] Supplemental Rebuttal Testimony of Ian C. Crooks, dated May 11, 2023 (CAW-15).

On October 23, 2023, a status conference was held, to hear from parties on an acceptable date for evidentiary hearing and a proposed briefing schedule. No party requested an evidentiary hearing. On November 9, 2023, the assigned ALJ issued a ruling identifying, as exhibits, the supplemental testimony, supplemental reply testimony, and supplemental rebuttal testimony of Cal-Am and MPWMD. No oppositions to the exhibits were filed and each exhibit was received as evidence on November 15, 2023.

Opening Briefs were filed by both Cal-Am and MPWMD on December 18, 2023. Reply Briefs were filed by both Cal-Am and MPWMD on January 18, 2024.

On May 15, 2025, the Commission considered a Proposed Decision regarding a revised cost cap amount of $41,018,272, as proposed by California American Water Company for extraction wells EW-3 and EW-4 in the Pure Water Monterey Groundwater Replenishment Expansion Project and resolving the last remaining issue in Phase 1 of this proceeding..

2.2. Phase 2 Background

The February 9, 2022 Scoping Ruling also identified one Phase 2 issue in this proceeding: "[r]eview and approve updated water supply and demand estimates for the MPWSP."[25] Pursuant to the Phase 2 procedural schedule outlined in the June 17, 2022 ruling, Cal-Am served direct testimony on the updated water supply and demand estimates for the MPWSP on July 20, 2022. MPWMD, M1W, Cal Advocates, PWN, and MCWD served direct testimony on August 19, 2022. Cal-Am served rebuttal testimony on September 19, 2022, and

[25] Scoping Ruling at 4 (February 9, 2022).

MPWMD served reply testimony on May 5, 2023. MPWMD, Cal-Am, M1W, Cal Advocates, the City of Marina, and MCWD also served supplemental testimony. An ALJ ruling issued on November 30, 2023, set Phase 2 evidentiary hearings for March 11 to 15, 2024.

The parties filed a Phase 2 joint case management statement on March 1, 2024, stating that they had met and conferred regarding uncontested and disputed facts and the possible narrowing of contested issues.[26] The parties agreed that the issues in dispute are "updated supply and demand estimates for the MPWSP" but could not unanimously agree to narrow their respective disputes over supply and demand, according to the statement.[27]

Evidentiary hearings on the Phase 2 issue were held from March 11 to 15, 2024. All testimony was admitted into evidence during evidentiary hearings. During the hearing, the ALJ partly granted Cal-Am's motion to strike portions of the testimony of MCWD and the City of Marina for being outside the scope of Phase 2.[28] On April 30, 2024, Cal-Am, Cal Advocates, MCWD, City of Marina, MPWMD, and M1W filed opening briefs on the Phase 2 issue. On May 28, 2024, City of Marina, PWN, Cal-Am, Cal Advocates, MCWD, MPWMD, and M1W filed reply briefs on the Phase 2 issue.

3. Submission Date

Phase 2 was submitted on May 28, 2024, upon the filing of Phase 2 Reply Briefs.

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[26] Phase 2 Joint Case Management Statement filed March 1 2024 at 1.

[27] Phase 2 Joint Case Management Statement filed March 1 2024 at 2.

[28] Reporters' Transcript (RT) 551:19-561:12; RT 727:14-20.

4. Jurisdiction

Cal-Am is a public utility subject to the Commission's jurisdiction as a corporation that owns, controls, operates, and manages a water system within California pursuant to Public Utilities (Pub. Util.) Code Section 2701. The Commission has the authority to review the Amended WPA, the Cal-Am related facilities that are components of the PWM Expansion Project, and the related rate recovery issue in this application pursuant to Pub. Util. Code § 451, to ensure that Cal-Am is "maintaining such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities . . . as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public" as well as to ensure that the terms of the Amended WPA are just, reasonable, and in the public interest. Jurisdiction is not disputed.

5. Burden of Proof

This proceeding is categorized as ratesetting.[29] The Commission is charged with the responsibility of ensuring that all rates demanded or received by a public utility are just and reasonable.[30] In ratemaking applications, the burden of proof is on the applicant utility.[31] "[T]he burden rests heavily upon a utility to

[29] Resolution ALJ 176-3499 at 1.

[30] Pub. Util. Code § 451. Application of Pacific Gas and Electric Company (2000) D.00-02-046, at 36, 2000 Cal. PUC LEXIS 239 ("no public utility shall change any rate ... except upon a showing before the Commission, and a finding by the Commission that the new rate is justified").

[31] Energy Cost Adjustment Clauses (1980) 4 CPUC 2d 693, 701; D.92496, Re Southern California Edison Company (1983) 11 CPUC 2d 474, 475; D.83-05-036 ("Of course the burden of proof is on the utility applicant to establish the reasonableness …. We expect a substantial affirmative showing by each utility with percipient witnesses in support of all elements of its application").

prove it is entitled to rate relief and not upon the Commission, its Staff, or any interested party or protestant … to prove the contrary."[32]

As the Applicant, Cal-Am must meet the burden of proving that it is entitled to the relief it is seeking in this proceeding and affirmatively establishing the reasonableness of its projections of supply and demand.[33]

The appropriate standard in a ratesetting matter is preponderance of the evidence.[34] Preponderance of the evidence usually is defined "in terms of probability of truth, *e.g.*, 'such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth.'"[35]

6. Issue Before the Commission

The sole Phase 2 issue before the Commission is to review and approve updated water supply and demand estimates for the MPWSP.

7. Parties' Positions on Phase 2 Issue

7.1. Water Demand

To estimate its total water demand in the Monterey District, Cal-Am starts with the methodology used to forecast water demand estimates adopted in D.18-09-017 as a baseline for its present and future demand projections. In that decision, the Commission approved the MPWSP, which consisted of three elements: (1) desalination, (2) groundwater replenishment, and (3) ASR. That decision also estimated Cal-Am's water demand to be approximately

[32] D.00-02-046 at 36.

[33] D.03-09-021 at 17.

[34] D.12-12-030 at 44, D.16-12-063 at 9.

[35] D.12-12-030 at 42, D.15-07-044 at 28-30.

14,000 AFY,[36] determined that Cal-Am's water supply portfolio would not exceed 9,044 AFY,[37] and found that "12,350 AFY represents an appropriate estimate of annual demand to use in assessing the adequacy of Cal-Am's water supply to meet peak demands and regulatory supply capacity requirements."[38]

Cal-Am, in this instant application, adds to the 2018 baseline estimate a forecasted 1,180 additional AFY due to future water use on legal lots of record, or property that currently cannot be developed due to water service restrictions; 325 AFY for unused MPWMD water entitlements held by the Pebble Beach Company; and 500 AFY for a projected rebound in tourist numbers and water use after tourism declined in the economic recession that started in 2008 and water use remained constricted.[39]

Building on those projections, Cal-Am forecasts 2050 average annual demand of 14,880 AFY and a current firm supply of 9,194-9,403 AFY in a normal year and an estimated drought year supply of 6,970-8,657 AFY.[40] Cal-Am's estimate includes a 10% supply contingency buffer to account for potential supply shortfalls. With those numbers and an estimated firm supply at 90% operating capacity, Cal-Am estimates it faces a projected shortfall of 5,077-5,287 AFY in a normal year and 5,823-7,510 AFY in a drought year.[41]

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[36] D.18-09-017 at 50-51, 60, FoF 29-43.

[37] D.18-09-017 at 46, FoF 14.

[38] D.18-9-017 at 49.

[39] Cal-Am Phase 2 Opening Brief at 6.

[40] Cal-Am Phase 2 Opening Brief at 2.

[41] Cal-Am Phase 2 Opening Brief at 14.

Additionally, in its Phase 2 Opening Brief, Cal-Am states that its Urban Water Management Plan (UWMP) assumes that residential water use will likely increase by approximately 10% after a long-term water supply solution is implemented in the region.[42] Cal-Am also points to the region's current state of "water starvation," referring to the decades-long moratorium on new meters and household renovations due to water supply constraints.[43] Cal-Am states that water demand is likely to grow once a "long-term water supply solution is implemented."[44] Cal-Am consultant Ian Crooks states in rebuttal testimony that "[p]roviding an additional reliable water supply source will allow our customers to ease some conservation behaviors and enjoy a reasonable amount of additional water use. For example, some residents may wish to have a garden, add a bathroom, or other uses."[45]

7.1.1. Water Use Increase Assumptions

In Opening and Reply Briefs and testimony, MPWMD, MCWD, Cal Advocates, and the City of Marina challenge the 10% increase in water use assumed by Cal-Am, calling the projection "not based on any planning standard or study."[46] MPWMD argues in its Reply Brief: "Increasingly strict statewide standards such as those mandated pursuant to California Water Code §10609 for both indoor and outdoor water use defy Cal-Am's prediction of a 10% per capita

[42] Cal-Am Phase 2 Opening Brief at 7.

[43] Cal-Am Phase 2 Opening Brief at 7.

[44] Cal-Am Phase 2 Opening Brief at 7.

[45] Exhibit CAW-20 at 4.

[46] MPWMD Phase 2 Reply Brief at 6.

increase."[47] Similarly, MCWD argues that Cal-Am's demand forecast is too high considering a significant decline in customer demand in Cal-Am's Monterey District beginning in 2015 that reached a recorded low of 9,288 AFY in 2022.[48] MCWD points to actual water use falling below the demand estimates approved in D.18-09-017.[49] MCWD, in its Reply Brief, criticizes using the 2018 demand estimate figures in A.21-11-024, writing, "CalAm's suggestion that the Commission should disregard changes in fact and law that have unfolded since 2018 runs contrary to the Commission's obligation to develop a current, complete and accurate record in its proceedings."[50]

Cal Advocates states in its Opening Brief that Cal-Am's demand estimates conflict with population growth projections and water demand estimates provided in the Company's Test Year 2024 GRC application, A.22-07-001. Cal Advocates points out that A.22-07-001 forecasts 8,327 AFY of residential and non-residential demand in 2025, compared to Cal-Am's forecasted demand of 9,865 AFY in 2025 in A.21-11-024.[51] Instead, Cal Advocates proposes using a 2% forecast increase in residential and non-residential demand every five years between 2025 and 2050 consistent with forecast population growth in the region.[52] In Reply Briefs, MPWMD and the City of Marina support Cal

[47] MPWMD Phase 2 Reply Brief at 6.

[48] Marina Coast Water District Phase 2 Opening Brief at 21.

[49] Marina Coast Water District Phase 2 Reply Brief at 9, Marina Coast Water District Phase 2 Opening Brief at 27.

[50] Marina Coast Water District Phase 2 Reply Brief at 19.

[51] Cal Advocates Phase 2 Opening Brief at 4.

[52] Exhibit PAO-05 at 11.

Advocates' argument that Cal-Am should use demand figures in A.21-11-024 consistent with figures in A.22-07-001.[53]

In its Reply Brief, Cal-Am repeats its MPWSP demand and supply estimates and argues that the estimated demand in its Test Year 2024 GRC application settlement "represents a compromise between Cal Advocates and Cal-Am and that it should not be construed as an admission or concession by either party."[54] Cal-Am states that the forecasted sales for 2025 in the Test Year 2024 GRC Application "would not constitute approval of, or precedent regarding, expected demand in this proceeding"[55] since the GRC estimates are for short-term demand planning.

In its Reply Brief, Cal Advocates counters that there is no such distinction between long-term and short-term demand estimates. Cal Advocates states:

> Demand forecast analysis should be based on recent factual data regarding supply and demand and should be expected to produce the same results for the same time period being forecasted. There is no reasonable basis for Cal Am's over-stating a demand forecast in one proceeding, and simultaneously under-stating a demand forecast for the same year in a different proceeding.[56]

[53] MPWMD Reply Brief at 5, City of Marina Reply Brief at 26-28.

[54] Cal-Am Phase 2 Reply Brief at 11.

[55] Cal-Am Phase 2 Reply Brief at 11, *citing*, California Public Utilities Commission Rules of Practice and Procedure, Rule 12.5 (adoption of a settlement "does not constitute approval of, or precedent regarding, any principle or issue in the proceeding or in any future proceeding.").

[56] Cal Advocates Phase 2 Reply Brief at 1.

In its Reply Brief, the City of Marina similarly challenges Cal-Am's use of demand estimates approved in D.18-09-017 as a baseline for calculating demand in A.21-11-024. The City of Marina states:

> CalAm's deeply flawed demand forecasting methodology and assumptions, adopted by the Commission in its 2018 [Certificate of Public Convenience and Necessity] decision, should not be readopted in this proceeding. Rather, the Commission must take a fresh look at the demand assumptions and issues, based on the new developments and most recent available and relevant water data, as required by the Scoping Memo and contained in the record evidence and the law, to forecast demand from now through 2050.[57]

7.1.2. Legal Lots of Record, Tourism Rebound, Pebble Beach Entitlements

Cal-Am defines legal lots of record as the "backlog of vacant commercial, industrial and residential properties that remain undeveloped and currently cannot be developed due to the existing moratorium on new water service connections" but that will likely be developed "[o]nce a new permanent water supply source sufficient to meet long-term demand becomes available."[58] The Pebble Beach entitlements refer to the 380 AFY of water entitlements granted by MPWMD to Pebble Beach for underwriting the development of a wastewater reclamation project to provide recycled water in lieu of potable water to golf courses in the Del Monte Forest, which includes Pebble Beach.[59] Cal-Am also argues that Monterey hotel occupancy is expected to increase 12 to 15% over the

[57] City of Marina Phase 2 Reply Brief at 15.

[58] Cal-Am Phase 2 Opening Brief at 9.

[59] Cal-Am Phase 2 Opening Brief at 8.

next several decades due to regional recovery from the "Great Recession" that started in the late 2007.[60] As the basis for its opinion, Cal-Am cites "discussions with hospitality industry representatives … corroborated by a comparison of occupancy rates and water-use levels for several periods over the last 15 years."[61] In its Opening Brief, MPWMD estimates a much lower MPWSP 2050 water demand of 10,599 AFY.[62] MPWMD questions the accuracy of the water demand forecast approved in D.18-09-017 by pointing out that actual water use has come in below levels forecasted for each of the years since that decision.[63] MPWMD also contends that Cal-Am's Phase 2 water demand estimate "grossly overstates demand" due to double or triple counting certain demand categories such as housing growth, the Pebble Beach entitlements, and tourism rebound.[64] In particular, MPWMD argues that the residential and non-residential growth as cited by Cal-Am in the Association of Monterey Bay Area Governments' (AMBAG) Regional Housing Needs Allocation (RHNA) and Regional Growth Forecast (RGF) already includes legal lots of record.[65] In its Opening Brief, however, Cal-Am notes that "[i]t is not clear to what extent, if any, the AMBAG regional forecast incorporated the additional housing units that would be

[60] Exhibit CAW-17 at 21.

[61] Exhibit CAW-17 at 23.

[62] MPWMD Phase 2 Opening Brief at 10.

[63] Exhibit MPWD-06 at 12-13.

[64] MPWMD Phase 2 Opening Brief at 2.

[65] MPWMD Phase 2 Opening Brief at 7.

required to meet the RHNA objectives and the households that occupy them."[66] MPWMD also contends that the Pebble Beach entitlements and tourism rebound forecast are already included in RHNA, RGF, and economic forecasts used to calculate water demand.[67] As a result, MPWMD argues that the three additional categories cited by Cal-Am as driving water use growth above the levels forecast using the methodology approved in D.18-09-017 are duplicative. MPWMD General Manager David Stoldt also states in direct testimony that the RHNA figures are planning forecasts and do not mean that the housing will actually be built.[68] Cal Advocates echoes other parties' comments that water demand associated with the legal lots of record and tourism rebound are already accounted for in Cal-Am's baseline projections and should not be included on top of them.[69] In sum, Cal Advocates projects total 2050 demand of 11,073 AFY compared to the 14,593 AFY projected for 2050 by Cal-Am.[70]

In its Reply Brief, Cal-Am highlights that D.18-09-017 also treats water demand from legal lots of record, tourism rebound, Pebble Beach, and the RHNA as separate demand estimates that are independent and additive to baseline forecasts.[71] Additionally, Cal-Am writes that "representatives of the Monterey hospitality industry have indicated that tourism growth, including

[66] Cal-Am Phase 2 Opening Brief at 10.

[67] MPWMD Phase 2 Opening Brief at 8-9.

[68] Exhibit MPWD-06 at 20.

[69] Exhibit PAO-05 at 14-16.

[70] Cal Advocates Opening Brief at 6.

[71] Cal-Am Phase 2 Reply Brief at 15.

occupancy rates, will continue to increase over the next several decades" while supporting the projected 500 AFY of water needed for tourism rebound.[72] Cal-Am includes a letter from the Monterey County Hospitality Association to Commission President Alice Reynolds, dated September 14, 2022, stating that "an additional water supply for the Monterey Peninsula is essential to accommodate expected increases in tourism on the Peninsula in the coming years, as we continue to recover from the COVID-19 pandemic" and highlighting the plans of existing hotels and tourism properties in the region to remodel to respond to "changing customer preferences."[73] Cal-Am consultant Ian Crooks' testimony also includes a letter from the City of Monterey to AMBAG that it intends to build the housing forecasted in the RHNA.[74]

7.1.3. Water Efficiency

MPWMD claims that water efficiency efforts in the region will prove enduring, with the average residential water use level falling since 2018 and projected to continue to fall due to the adoption of more water-efficient appliances and overall conservation measures.[75] As MWPMD Water Demand Manager Stephanie Locke states in direct testimony:

> Residential per-capita water use will not increase over time and is expected to decline because of plumbing codes, appliance and fixture turnover, new technology and new housing. In addition to numerous local efficiency requirements, water waste restrictions, and tiered rates, the adoption of 'Making Water Conservation a

[72] Cal-Am Phase 2 Reply Brief at 21.

[73] Exhibit CAW-25, Exhibit E.

[74] Exhibit CAW-17, Attachment C.

[75] Exhibit MPWD-05 at 3.

> California Way of Life' (Senate Bill ('SB') 606 and Assembly Bill ('AB') 1668 of 2018), and its predecessor 'the Water Conservation Act of 2009' will result in further reductions in per-capita water use.[76]

The City of Marina supports the statements made by other parties about decreasing per capita water use in the region not being reflected in Cal-Am's water demand projections.[77] The City of Marina adds that decreasing per capita water use will likely continue after water use restrictions are lifted[78] and that none of the other regional water agencies surrounding the Monterey Peninsula are expecting a rebound in water demand in the future.[79] City of Marina consultant Lon House states in supplemental testimony that "[t]here is considerable discussion in the water community in California on the new reality: water systems are forecasted to provide significantly less water than they have in the past."[80] Similarly, the City of Marina cites in its Opening Brief the testimony of House stating that "the desalinated water from the Monterey Peninsula Water Supply Project (desalination plant) is expected to cost *more than double* the current Pure Water Monterey water supply."[81] The City of Marina adds "[c]learly, there is no justification for CalAm's failure to consider the price impact on demand that assumes the addition of the MPWSP in 2030."[82]

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[76] Exhibit MPWD-05 at 3.

[77] *See*, City of Marina Phase 2 Opening Brief at 23-25.

[78] Exhibit MNA-02 at 4.

[79] Exhibit MNA-02 at 7.

[80] Exhibit MNA-02 at 7.

[81] Exhibit MNA-02 at 10.

[82] City of Marina Phase 2 Opening Brief at 34.

Like several other parties, the City of Marina cites actual annual water use amounts coming in below demand estimates approved in D.18-09-017[83] and argues that adding water use projections from legal lots of record, the Pebble Beach entitlements, and a tourism rebound amount to double-counting.[84] Additionally, the City of Marina states that Cal-Am has not used the latest data in projecting water demand and supply as part of its Opening Brief in A.21-11-024.[85]

PWN argues in its Reply Brief that the high cost of water in Cal-Am's service territory on the Monterey Peninsula will continue to dampen demand even if new sources are added to the system.[86] "The extreme cost of water is causing extreme conservation," PWN argues. "Cost will not be removed as a conservation measure and cost will in fact rise."[87]

7.2. Water Supply

On the supply side, Cal-Am arrives at its supply estimates by adding 3,376 AFY of water from the Carmel River, or the capped level of Cal-Am's supply from that source;[88] 774 AFY from the Seaside Basin accounting for its adjudicated right to 1,474 AFY from that source minus a 700 AFY reduction in pumping for a 25-year period once a new reliable water supply source is

[83] City of Marina Phase 2 Opening Brief at 12-16.

[84] City of Marina Phase 2 Opening Brief at 25-33.

[85] City of Marina Phase 2 Opening Brief at 9-12.

[86] Public Water Now Phase 2 Reply Brief at 6-7.

[87] Public Water Now Phase 2 Reply Brief at 6-7.

[88] Cal-Am Phase 2 Opening Brief at 16.

operational;[89] 470 AFY in a normal year and no water in a drought year from the "highly unpredictable" ASR system as estimated by Cal-Am's consultant Paul Findley;[90] 2,001 to 2,234 AFY in a normal year and 0 to 1,100 AFY in a drought year from the PWM Expansion Project, which Cal-Am claims relies on unreliable water sources;[91] 94 AFY from the Sand City desalination plant;[92] and a 10% contingency or buffer in its estimated supply to account for unexpected shortages.[93]

Regarding ASR supplies, Cal-Am's former Monterey region Director of Operations Christopher Cook states in direct testimony:

> [I]f the drought continues for two to three more years and no new sources of water with associated infrastructure are brought on-line during that time, there is a possibility the current Aquifer Storage and Recovery ("ASR") bank would be depleted and over pumping of existing source waters would be required.[94]

In direct testimony, Cal-Am consultant Paul Findley states that the 59-year record showed "a definite downward trend in average river flow in the last 30 years" on the Carmel River and that "the chances that ASR injection will be zero in any given year in the future is approximately 12 percent."[95] Cal-Am also writes that it "does not dispute the existence of provisions regarding Operating

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[89] Cal-Am Phase 2 Opening Brief at 17.

[90] Cal-Am Phase 2 Opening Brief at 18.

[91] Cal-Am Phase 2 Opening Brief at 15.

[92] Cal-Am Phase 2 Opening Brief at 21.

[93] Cal-Am Phase 2 Opening Brief at 22.

[94] Exhibit CAW-04 at 2.

[95] Exhibit CAW-18 at 4.

Reserve and Drought Reserve for the PWM Expansion Project" but states that "[t]he evidence on the record demonstrates, however, that the sources of water identified by M1W are insufficient to fully supply both the PWM and the PWM expansion, let alone contribute to the Operating and Drought Reserves."[96] Cal-Am consultant Ian Crooks states in rebuttal testimony that M1W has offered different estimates of available operating reserves, from 61 to 345 AF but that either estimate "is not a sufficient stop gap in the face of significant long-term source water deficiencies for the PWM Project and PWM Expansion."[97]

7.2.1. MPWMD

MPWMD agrees with Cal-Am's Carmel River and PWM water forecasts.[98] For Seaside Basin, MPWMD states that Cal-Am has an adjudicated right to 1,474 AFY and asserts that that full amount is available now as opposed to the 774 AFY cited by Cal-Am.[99] MPWMD also calculates a minimum of 160 AFY to 200 AFY of water available from the Sand City desalination plant,[100] a contractually obligated 2,250 AFY from the PWM Expansion,[101] and 1,120 AFY from ASR based on its 59-year average – all above Cal-Am supply estimates for those sources.[102]

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[96] Cal-Am Phase 2 Reply Brief at 32.

[97] Exhibit CAW-20 at 41.

[98] MPWMD Phase 2 Opening Brief at 11.

[99] Exhibit MPWD-07 at 9.

[100] Exhibit MPWD-07 at 12.

[101] Exhibit MPWD-07 at 12.

[102] MPWMD Phase 2 Opening Brief at 13.

7.2.2. M1W

In its Opening Brief, M1W states that its expert testimony shows that Cal-Am can reliably draw 5,750 AFY of water from the PWM Expansion, or the amount that the PWM Expansion is contractually required to provide in the Amended WPA and a much higher amount than the 0 to 2,234 AFY of water from the PWM Expansion estimated by Cal-Am.[103] In particular, M1W cites D.22-12-001's finding that "[t]he sources of supply water identified by M1W and MPWMD will be sufficient to meet the 5,750 AFY of purified recycled water contracted under the Amended WPA."[104] That decision also stated that "[t]he Commission will make a separate determination regarding the sufficiency of these sources for long-term water supply planning purposes for the MPWSP in Phase 2 of this proceeding."[105] M1W also highlights the availability of water in the Operating Reserve and Drought Reserve to Cal-Am in any fiscal year where less than 5,750 AFY of Pure Water are delivered.[106] M1W states that Cal-Am did not take into account that Operating Reserve and Drought Reserve when calculating PWM Expansion-related supplies.[107]

In its Reply Brief, M1W challenges Cal-Am's assertations that various water sources for the PWM Expansion Project are unreliable.[108] M1W states:

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[103] Monterey One Water Phase 2 Opening Brief at 1.

[104] D.22-12-001 FoF 12.

[105] D.22-12-001 FoF 12.

[106] Exhibit M1W-02 at 2.

[107] Exhibit M1W-02 at 6-7.

[108] Monterey One Water Phase 2 Reply Brief at 2-7.

> Cal-Am's estimated source water availability (even in a best case scenario) understates the general availability of source water and reveals a lack of understanding of M1W's data, technical analyses, M1W source water facilities capabilities, the relationship of wastewater flows to precipitation and human/economic activity in the Monterey region, M1W's rights under California Water Code Section 1210, M1W agreements with other regional entities, and the availability of Operating Reserve and Drought Reserve Water under the Amended WPA.[109]

7.2.3. Cal Advocates

Cal Advocates forecasts Cal-Am's supply to be 10,884 AFY through 2030 and 10,254 AFY from 2030 to 2050, higher than Cal-Am's forecasts of 9,847 AFY through 2030 and 9,217 AFY from 2030 to 2050.[110] Cal Advocates calculates the larger number by including the full 5,750 AFY of water allotted in the Amended WPA, including 189 AFY from the Table 13 water supply from the Carmel River, and including 1,120 AFY of water from the ASR based on a 59-year average contained in the ASR Availability and Analysis Technical Memorandum conducted by Cal-Am.[111] In its Reply Brief, Cal Advocates states that "[t]his 1,120 AF estimate accounts for the variability of simulated historical annual water availability."[112]

[109] Monterey One Water Phase 2 Reply Brief at 7.

[110] Exhibit PAO-05 at 6.

[111] Exhibit PAO-05 at 6.

[112] Cal Advocates Phase 2 Reply Brief at 3.

7.2.4. MCWD

MCWD supports the higher supply estimates of other parties for the Carmel River, Seaside, Sand City, PWM Expansion, and ASR.[113]

7.2.5. City of Marina

The City of Marina supports other parties' statements that Cal-Am has undercounted available supply resources from the PWM Expansion, Carmel River, ASR, Sand City, and Seaside Basin.[114]

Public Water Now endorses the supply figures provided by M1W and MPWMD.[115]

8. Discussion

As discussed below, this decision adopts:

(1) A total 13,732 AFY of water demand forecasted for 2050 and 11,114 AFY of estimated firm water supply for Cal-Am's Monterey District;

(2) The baseline 2050 water demand amount estimated by Cal-Am using the forecasting methodology adopted in D.18-09-017;

(3) Cal-Am's forecasted water demand amounts from the legal lots of record, tourism rebound, and Pebble Beach entitlements; and

(4) Cal-Am's estimated supply amounts from the Carmel River, Seaside Groundwater Basin, Sand City Desalination Plant, and PWM sources and adopt modified estimated supply amounts from the PWM Expansion and the ASR.

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[113] Exhibit MCWD-02 at 12.

[114] City of Marina Phase 2 Opening Brief at 41.

[115] Exhibit PWN-02 at 5.

8.1. Reasonableness of Cal-Am's Water Demand and Supply Forecasts

As the applicant with the burden of proof, Cal-Am must show that it has identified all available sources of water supply, its projection of demand is reasonable, and its proposed solution to provide supply to ensure that water demand will reliably be met is reasonable. By a preponderance of evidence, Cal-Am must present sufficient evidence that supports the requested relief.

8.1.1. Baseline Water Demand

Based on the record of this proceeding, we are persuaded that the basic forecast methodology utilized in A.12-04-019, resulting in D.18-09-017, and again used here by Cal-Am provides a reasonable basis for Cal-Am's Monterey District. As discussed below, this decision adopts the water demand baseline produced by Cal-Am using the same methodology that it used to produce the demand forecast approved in D.18-09-017.

Here, we begin our review with Cal-Am's updated demand estimate, of 6,999 AFY of residential demand and 4,728 AFY of non-residential demand in 2050.[116] We note that several parties have argued[117] that the D.18-09-017 forecasted demand should not be relied upon because water usage levels since D.18-09-017 have fallen below forecasted demand. We agree, and have factored into our consideration recent years of demand. However, as discussed below, the demand forecast in this proceeding is a long-term forecasting issue, and we find

[116] Parties generally agreed that for the purposes of these forecasts we are evaluating supply and demand more than 25 years in the future. *See, e.g.*, CAW-17 at 24-25, Tables 5-6, MPWD-06 at 28, Table 7, MCWD-05 at Appendix B at 22, Figure 7.

[117] *E.g.*, Exhibits MNA-02 at 5, PAO-05 at 11.

the methodology used in D.18-09-017 instructive to our process here. For example, in discussing some of the factors we consider in evaluating the parties' forecasts of long-term supply and demand, D.18-09-017 correctly highlights that:

> General Order (GO) 103-A requires that a potable water system's facilities have the capacity to meet the source capacity requirements as defined in the Waterworks Standards, CCR Title 22, Section 64554, or its successor, and that the system's maximum day demand (MDD) shall be determined in accordance with that regulation;[118]
>
> CCR Title 22, Section 64554(b) sets forth how that maximum day demand is determined depending on the usage data available for the most recent 10 years of operation;[119] and
>
> [w]hile our rules do not bind our analysis to these requirements, the Commission does find them useful and instructive in determining the projected demand for Cal-Am in its Monterey District.[120]

In applying those factors to parties' forecasts, D.18-09-017 concludes that:

> [a]fter reviewing all of the evidence, the Commission determines that a reasonable evaluation of source capacity requirements should consider the MDD and Peak Hourly Demand (PHD) for the past ten years;[121]
>
> [b]oth methods used by Cal-Am (to calculate demand) are designed to reasonably project demand amounts that are compliant with the California Waterworks Standards, 22 C.C.R. § 64554, requirements

[118] D.18-09-017 at 21-22 (footnote omitted).

[119] D.18-09-017 at 22 (footnote omitted).

[120] D.18-09-017 at 23.

[121] D.18-09-017 at 53.

> that the system's water sources have capacity to meet maximum day demand and peak hour demand;[122] and
>
> Cal-Am presented the last ten years of demand by month that shows the demand in July 2011 of 1,250 acre-feet, that July and August have the highest demand for each of the last ten years and that high demand months begin in May and end in October.[123]

Here, Cal-Am has presented a long-term forecast of demand to meet its MDD and PHD that we find persuasive. We are not persuaded by other parties' showings or arguments that the methodology Cal-Am uses in this case, and that we adopted in D.18-09-017, is materially flawed and should not be used in this case. For example, the City of Marina argues in its Opening Brief that:

> Cal-Am continues to ignore significant new data; does not provide any 2023 calendar year demand volume in its updated water demand despite having the opportunity to do so in its Supplemental Rebuttal Testimony served on February 20, 2024; and instead relies on deficient and outdated assumptions...[124]

Similarly, MPWMD General Manager David Stoldt states in direct testimony that "MPWMD, however, is using a more conservative value of 9,725 AFY, the most recent five-year average of production for customer service, as current annual demand for the system."[125]

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[122] D.18-09-017 at 48.

[123] D.18-09-017 at 48 (footnote omitted).

[124] City of Marina Phase 2 Opening Brief at 14.

[125] Exhibit MPWD-06 at 8.

We note that neither does the City of Marina's Opening Brief nor Stoldt challenge the use of the MDD or PHD in forecasting water demand, as defined in the Waterworks Standards.

In direct testimony, MCWD General Manager Remleh Scherzinger accepts Cal-Am's estimates for historic and current water demand, noting:

> As to historic and present demand, MCWD accepts the general accuracy of the past ten years of annual demand figures set forth in Table 1 on page 8 of [Cal-Am] consultant Mr. [Ian] Crooks' testimony. … Because demand has consistently been trending downward for well over a decade in CalAm's Monterey District, similar to demand trends for MCWD and statewide trends, MCWD understands 9,280 AFY to be a reasonable estimate of CalAm's demand.[126]

MCWD consultant Peter Mayer, in his testimony, argues that MDD and PHD should not be used for long-range water demand forecasting but offers no further evidence supporting his statement, other than the assertion that Cal-Am used estimates of peak hourly demand rather than actual measurements.[127] Mayer is quoted in a Fourth Supplemental Expert Report and Recommendations as stating: "Planning the infrastructure and treatment capacity requirements for a community to meet the peak day and peak hours of demand is distinctly different from planning for an adequate long-term water supply for the same community."[128] Mayer also states that "[t]o my knowledge, Cal-Am does not publicly report its actual peak day or peak hour demands for the Monterey

[126] Exhibit MCWD-01 at 8.

[127] Exhibit MCWD-02, Exhibit D1 at 37-38.

[128] Exhibit MCWD-02, Exhibit D1 at 37-38.

system. Rather than producing actual measurements, Cal-Am relies on the calculated approach (method 2 in CCR 64554) to estimate future peak day usage."[129]

Cal Advocates argue that Cal-Am's water demand forecast should not be higher than its water demand forecast in the Test Year 2024 GRC (A.22-07-001). As correctly noted by Cal-Am in its Opening Brief, GRC forecasts are generally developed on a shorter time period compared to the long-term water demand forecast under consideration here[130] and:

> … for long-term demand forecasting, it is prudent not to err on the side of under-forecasting demand, as there are long lead times and high costs associated with constructing infrastructure in California. … The sales forecast in the GRC is appropriate for developing rates in the near-term, but it would be irresponsible to use such a forecast for long-term planning."[131]

As Cal-Am Senior Director of Rates Stephen Owens explains in supplemental rebuttal testimony:

> GRC forecasts are for average day demand ('ADD') at the point of customer delivery, which is appropriate for developing rates and revenue forecasts. The long-term demand forecasts provided in A.21-11-024 are for maximum-day demand ('MDD'), which is appropriate to system capacity and supply adequacy/reliability planning.[132]

[129] Exhibit MCWD-02, Exhibit D1 at 38.

[130] Cal-Am Phase 2 Opening Brief at 13.

[131] Cal-Am Phase 2 Opening Brief at 13.

[132] Exhibit CAW-26 at 3.

By design, GRCs consider capital and operating expenses and revenue requirements needed to fund utility operations and service until the next GRC is held a few years later. As a result, GRCs focus on costs and revenues on a shorter time frame with an emphasis on constraining costs to the consumer. This proceeding is examining long-term water demand and supply forecasts over several decades, so it is inappropriate to examine the issue with the kind of short-term focus used in A.22-07-001.

As for parties' argument that actual water use in recent years has fallen below and not matched forecasted demand in D.18-09-017, this decision will not revisit the same issue that was decided in D.18-09-017, addressing the question of evaluating short-term demand against long-term forecast. In D.18-09-017, we unequivocally explained that:

> … [W]e have already considered and rejected the concept that just because the additional water demand will not be needed immediately, that we should reduce the overall projected demand for the system."[133]

In other words, short-term water usage data does not necessarily impact long-term water demand projections, which are created to take into account fluctuations in water usage and policy. We are therefore not persuaded by parties' argument that D.18-09-17 erred in its water demand forecasts despite actual system water demand falling short of those forecasts on an annual basis in intervening years. We also find that D.18-09-017 reasonably leveraged MDD and PHD data to develop its water demand forecast, and Cal-Am properly applied

[133] D.18-09-017 at 63.

the same method to forecast future water demand in Phase 2. We therefore find it reasonable in this decision to adopt the water demand baseline produced by Cal-Am using the same methodology that it used to produce the demand forecast approved in D.18-09-017.

8.1.2. Legal Lots of Record, Tourism Rebound, Pebble Beach Entitlements, Regional Housing Needs Assessment

In addition to the baseline demand forecast, Cal-Am supplements its residential water demand forecast by adding another four categories of water demand called legal lots of record, Pebble Beach entitlements, tourism rebound, and RHNA. As discussed below, we adopt a total 13,732 AFY of water demand forecasted for 2050, which includes Pebble Beach entitlements, tourism rebound, and the legal lots of record as was included in D.18-09-017.

In A.12-04-019, Cal-Am had requested the same amounts of additional water demand be included from legal lots of record, Pebble Beach entitlements, and tourism rebound, and D.18-09-017 found those same water demand estimates as requested in Cal-Am's current Application to be reasonable. As Cal-Am did in A.12-04-019, it is now estimating 2050 demand of 325 AFY for Pebble Beach entitlements, 500 AFY for tourism rebound, and 1,180 AFY for legal lots of record.[134] As previously argued, Cal-Am states that those three demand categories are additive to its baseline water demand forecast. In D.18-09-017, the Commission found that "After considering all of the testimony in the record, the

[134] D.18-09-017 at 50.

Commission is persuaded by Cal-Am that these projections of future demand are reasonable based on growth of population, development, and tourism."[135]

Cal Advocates, the City of Marina, MCWD, MPWMD, and other parties object to adding these three demand categories as well as the RHNA category, and contend that they are already included in AMBAG population and economic growth forecasts that underpin Cal-Am's baseline water demand forecast. Those same parties therefore argue that Cal-Am is double-counting those four categories of water demand, which should be removed from the total water demand forecast figure. As MPWMD states in its Reply Brief about legal lots of record:

> Whether future growth is population-based or employment growth-based, it is already captured in AMBAG's 2022 Regional Growth Forecast (RGF). This growth occurs on legal lots of record either by expanding existing structures or on vacant lots for new structures. Cal-Am offered no other land use source or category because it doesn't exist. So, adding this category as an additional demand factor, even though it is already captured in AMBAG's forecast, amounts to double-counting.[136]

Regarding the Pebble Beach entitlement, MPWMD states in its Reply Brief:

> The Pebble Beach Company (PBC) underwrote a major project to irrigate its golf courses and greenbelt areas with reclaimed water which freed up potable water, a portion of which was recognized by MPWMD as entitlement water. This entitlement water can be used for both residential and commercial purposes so it is already

[135] D.18-09-017 at 50.

[136] MPWMD Phase 2 Reply Brief at 7.

> included in the AMBAG Growth Forecast and should be deleted as a separate demand category.[137]

MPWMD General Manager David Stoldt further testifies that AMBAG's Final 2022 RGF, which formed the basis of Cal-Am's UWMP, was available seven months before the UWMP was submitted, which he says shows "AMBAG has captured the factors that influence both residential and non-residential water demand growth in its Regional Growth Forecast."[138]

Similarly, regarding tourism rebound demand, Cal Advocates states in its Opening Brief:

> This component is based on the idea that occupancy and tourist visits to the Monterey area will return to levels prior to the 2008 'Great Recession.' However, the recorded data from 2009 to 2021 consumption already accounted for tourism bounce-back from 2008. It is unreasonable to predict additional tourism bounce-back beyond what has already been accounted for.[139]

The City of Marina, in its Reply Brief, cites PWN Managing Director Melodie Chrislock's witness testimony, and contends that "CalAm's forecast erroneously 'duplicates RHNA housing numbers, which are already accounted for in the AMBAG forecast.'"[140]

Conversely, as to RHNA, Cal-Am argues that:

> … [i]t is not clear to what extent, if any, the AMBAG regional forecast incorporated the additional housing units that would be required to meet the RHNA objectives and the households that

[137] MPWMD Phase 2 Reply Brief at 8.

[138] Exhibit MPWD-06 at 15.

[139] Public Advocates Office Phase 2 Opening Brief at 5.

[140] City of Marina Phase 2 Opening Brief at 27.

> occupy them. Likewise, with respect to legal lots of record, it is equally unclear how many legal lots of record or Pebble Beach entitlements would be developed to provide RHNA units, and it is possible that none of them will be. Therefore, sound, long-range planning requires including the growth in the demand projections as separate line items.[141]

In direct testimony, Cal-Am consultant Ian Crooks noted the RHNA projections were not included in the 2020 UWMP demand estimates as the final version of the RHNA had not yet been adopted by AMBAG, pointing to a draft version from April 2022.[142]

We have fully considered all of the evidence and arguments presented in this case regarding the current water demand forecast amounts requested by Cal-Am for Pebble Beach entitlements, tourism rebound, and the legal lots of record. Although seven years have passed, we note the conditions cited in D.18-09-017 remain essentially the same, with the region still under tight water supply constraints. It is thus reasonable to expect that water demand generated by housing construction and tourism growth will increase when the constraints are lifted, as Cal-Am argues. In addition, the letter from the Monterey County Hospitality Association projecting increased water demand from that industry sector supports Cal-Am's claim that a tourism rebound will increase water demand in the region.[143] As for the Pebble Beach entitlements, Pebble Beach has entered into an entitlement agreement with MPWMD for the 325 AFY of water,

[141] Cal-Am Phase 2 Opening Brief at 10.

[142] Exhibit CAW-17 at 9, Exhibit CAW-17, Attachment B.

[143] Exhibit CAW-25, Exhibit E.

as Cal-Am argues, and as D.18-09-017 finds, that water is additional to the baseline water forecast.[144] As a result, we find that it is still reasonable to include Pebble Beach entitlements, tourism rebound, and the legal lots of record in the overall water demand forecast, as we did in D.18-09-017. As for the City of Marina's and PWN's argument that increased water cost will dampen demand even if the MPWSP desalination project enters into operation, we find such predictions to be conjecture at this point without any rigorous methodology offered for forecasting future water costs.

Finally, we are not persuaded by Cal-Am's argument that additional housing needs projected by the RHNA will produce water demand not already projected via AMBAG's Regional Growth Forecast. Cal-Am argues in its Opening Brief that "RHNA addresses specific policy goals that are unrelated to AMBAG, including improving housing affordability and promoting infill development."[145] However, Cal-Am also states in its Opening Brief that:

> It is not clear to what extent, if any, the AMBAG regional forecast incorporated the additional housing units that would be required to meet the RHNA objectives and the households that occupy them. … Therefore, sound, long-range planning requires including the growth in the demand projections as separate line items.[146]

Similarly, Cal-Am states in its Reply Brief that:

> It is unclear how many legal lots of record might be developed to provide RHNA units, and it is possible that <u>none</u> of them will be. Therefore, prudent long-range planning requires including the

[144] D.18-09-017 at 50.

[145] Cal-Am Phase 2 Opening Brief at 10.

[146] Cal-Am Phase 2 Opening Brief at 10.

> growth in the demand projects associated with RHNA as a separate line item.[147]

Cal-Am does not offer further evidence in the record supporting these assertions although it does provide evidence that at least the city of Monterey plans to build the units forecast in the RHNA.[148] The lack of certainty about whether RHNA's housing numbers were included in AMBAG's regional forecast is not sufficient justification to include the RHNA estimates in the total water demand forecast. We are not persuaded that doing so would not duplicate and amplify the water demand projection. As stated previously, Cal-Am has the burden of affirmatively establishing the reasonableness of its projections of supply and demand and as the Applicant, Cal-Am bears the burden of proof and the responsibility for showing the preponderance of the evidence supports its argument. Here, Cal-Am has not met its burden regarding its argument that additional housing needs projected by the RHNA will produce water demand not already projected via AMBAG's Regional Growth Forecast.

In sum, we adopt Cal-Am's forecasted water demand of 13,732 AFY in 2050 which is the baseline amount of 11,727 AFY, plus 2,005 AFY from the legal lots of record, tourism rebound, and Pebble Beach entitlements. We recognize that the amounts considered and approved here include a reasonable contingency to account for uncertainties.

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[147] Cal-Am Phase 2 Opening Brief at 17.

[148] Exhibit CAW-17, Attachment C.

8.2. Supply from Carmel River, Seaside, Sand City, ASR, PWM, and PWM Expansion

As discussed below, we adopt a Cal-Am water supply projection of 11,114 AFY.

After reviewing the record and arguments of the parties we find few differences with the water supply availability we found in D.18-09-017, with the exception of the forecast for ASR. D.18-09-017 examined similar arguments regarding Cal-Am's water supply estimates and approved Cal-Am's then existing water supply of 3,376 AFY from the Carmel River, 774 AFY from the Seaside Groundwater Basin, an average of 1,300 AFY from ASR, 94 AFY from the Sand City Desalination Project, and 3,500 AFY from the PWM.[149]

In this case, Cal-Am has proposed exactly the same water supply estimates for the Carmel River, Seaside Groundwater Basin, the Sand City Desalination Project, and PWM. Neither Cal-Am nor any other party have presented significant new facts that show circumstances have fundamentally changed to warrant substantial revisions to those supply categories. Consequently, we find it reasonable for Cal-Am to continue to rely on the supply estimates adopted in D.18-09-017.

One deviation we find reasonable to make from the supply estimates proposed by Cal-Am is its forecast for ASR supply. In its Opening Brief, Cal-Am states:

> Despite what is allowed under the (State Water Resources Control Board) permits, California American Water's actual ability to utilize ASR is limited by its ability to divert from the Carmel River. Because

[149] D.18-09-017 at 167.

> diversions for the ASR program are contingent on maintaining minimum daily instream Carmel River flows, and precipitation and streamflow vary substantially from year to year, the actual supply from the ASR program can and will vary substantially.[150]

Several parties, however, argue that Cal-Am's own ASR Availability and Analysis Technical Memorandum finds that over 59 years, the ASR system held an average of 1,120 AFY of available water compared to the 470 AFY that Cal-Am argues should be counted as reliable ASR supply. The technical memorandum, which was included as an attachment to Cal-Am witness Paul Findley's testimony, states: "Simulated ASR injection averaged 1,120 AFY but ranged from zero (seven of the 59 years) to 2,840 AF (in 1983)."[151] As Cal Advocates argues in its Reply Brief, the 1,120 AF estimate "accounts for the variability of simulated historical annual water availability."[152] Similarly, MPWMD stated in its Opening Brief:

> Both MPWMD and Cal-Am reviewed historical Carmel River flow records over a 59-year period to determine how much ASR injection could have occurred if today's facilities and permits were in place at that time. During this 59-year period the average available 'Total ASR Injection' is 1,120 AF per year. That means carryover storage in the good years will be available to make-up for a lack of injection in below normal to dry years.[153]

We note that Findley also observed a downward trend in Carmel River flows over that 59-year period and estimated a 12% chance that ASR injection

[150] California-American Water Company Phase 2 Opening Brief at 18.

[151] Exhibit CAW-18, Attachment 1 at 12.

[152] Cal Advocates Phase 2 Reply Brief at 3.

[153] MPWMD Phase 2 Opening Brief at 13.

will be zero in any given year.[154] In reviewing the entire record, we find the intervenors' argument, paired with the technical memorandum, to provide persuasive evidence that the ASR offers on average 1,120 AFY of water to Cal-Am. As Cal-Am points out, ASR water levels vary from year to year. Multi-year averages are an appropriate method to account for that variation by producing long-term water supply planning forecasts, as was done with the Availability and Analysis Technical Memorandum.

Additionally, we agree with the City of Marina, M1W, and other parties who argue that Cal-Am should include 2,250 AFY of water from the PWM Expansion Project in its supply total as opposed to lower amounts proposed by Cal-Am. As M1W states, Cal-Am can draw 5,750 AFY of water from both the original PWM (3,500 AFY) and the PWM Expansion (2,250 AFY). M1W states that it is contractually required to provide 2,250 AFY from the PFM Expansion - a much higher amount than the 0 to 2,234 AFY of water from the PWM Expansion projected by Cal-Am.[155] In particular, M1W cites D.22-12-001's finding that "[t]he sources of supply water identified by M1W and MPWMD will be sufficient to meet the 5,750 AFY of purified recycled water contracted under the Amended WPA."[156] While we understand the arguments presented by Cal-Am regarding sufficiency of the identified sources of supply water, for the purposes of long-term water supply planning we are persuaded that the 5,750 AFY of water from

[154] Exhibit CAW-18 at 4.

[155] Monterey One Water Phase 2 Opening Brief at 1.

[156] D.22-12-001 FoF 12.

both the original PWM and PWM Expansion should be included in our supply determination.[157]

Further, M1W highlights the availability of water in the Operating Reserve and Drought Reserve to Cal-Am in any fiscal year where less than 5,750 AFY of PWM water are delivered.[158] M1W also states in its Opening Brief:

> [T]he Amended WPA includes a 'Water Availability Guarantee.' Beginning on the Performance Start Date and throughout the term of this Agreement, M1W must deliver enough Pure Water so that Cal-Am can draw Pure Water (including Company Water, Operating Reserve Water, and Drought Reserve Water released by the District to the Company) from the Seaside Basin every Fiscal Year in an amount at least equal to 5,750 AFY (the "Water Availability Guarantee").[159]

In direct testimony, M1W General Manager Paul Sciuto adds that:

> … to meet its contractual obligations, M1W does not rely upon a specific annual or monthly quantity of water from any given source. What matters is the total amount of water available on a daily or monthly basis. Because the different sources will vary in amount available over time and under certain operation conditions, M1W is constantly adjusting the contributions of each source to the total volume of source water needed to meet our demands.[160]

While we understand and share the concerns that the identified source water for the PWM Expansion may prove insufficient to meet the Water

[157] *See, id*.

[158] Monterey One Water Phase 2 Opening Brief at 9.

[159] Monterey One Water Phase 2 Opening Brief at 10.

[160] Exhibit M1W-02 at 10.

Availability Guarantee,[161] we are not persuaded that we should reduce the total supply that Cal-Am should expect to receive from PWM as part of our analysis here. We find M1W's argument persuasive in light of its contractual obligation in the Amended WPA to provide 2,250 AFY of water from the PWM Expansion Project to Cal-Am.[162]

In sum, we adopt a firm water supply projection of 11,114 AFY.

9. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the "Public Comment" tab of the online Docket Card for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

There have been no relevant public comments on the Docket Card related to this phase of the proceeding.

10. Procedural Matters

This decision affirms all rulings made by the Administrative Law Judge and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

11. Comments on Proposed Decision

The proposed decision of Administrative Law Judges Jack Chang and Robert Haga in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under

[161] Exhibit CAW-20 at 40-46.

[162] Cal-Am Phase 2 Opening Brief at 21.

Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on May 29, 2025, by Cal-Am, City of Marina, MCWD, MPWMD, PWN, and M1W, and reply comments were filed on June 3, 2025, by Cal-Am, MPWMD, MCWD, M1W, and the City of Marina.

Pursuant to Rule 14.3(c), "[c]omments shall focus on factual, legal or technical errors in the proposed decision and in citing such errors shall make specific references to the record or applicable law. Comments which fail to do so will be accorded no weight." Pursuant to Rule 14.3(d), replies to comments "shall be limited to identifying misrepresentations of law, fact or condition of the record contained in the comments of other parties."

We have carefully reviewed and considered the parties' comments and made appropriate changes to the proposed decision where warranted. We find that all further comments not specifically addressed by revisions to the proposed decision do not raise any factual, legal, or technical errors that would warrant modifications to the proposed decision.

12. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Jack Chang and Robert Haga are the assigned Administrative Law Judges in this proceeding.

Findings of Fact

1. Cal-Am is a Class A investor-owned water utility, regulated by this Commission. Its Monterey District serves most of the Monterey Peninsula, including Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, and Seaside, as well as the unincorporated areas of Carmel Highlands, Carmel Valley, Pebble Beach, and the Del Monte Forest.

2. Cal-Am supplies the Monterey District with surface water and groundwater from the Carmel River System and the coastal subarea of the Seaside Groundwater Basin (also known as the Seaside Basin). Cal-Am also operates small independent water systems along the Highway 68 corridor east of Monterey that draw water from the Laguna Seca subarea of the Seaside Basin.

3. Water supply on the Monterey Peninsula is available largely from rainfall and has long been constrained due to frequent drought conditions on the semi-arid Peninsula.

4. The Monterey Peninsula population has been dealing with documented water constraints dating back to the 1940s.

5. In the instant application, Cal-Am used the same water demand forecast methodology it used in D.18-09-017.

6. Recent years of demand Cal-Am provided is factored into our consideration.

7. Cal-Am's inclusion of 500 AFY is a reasonable figure to represent the additional demand Cal-Am will have to meet in the future to serve the tourism industry.

8. In projecting water demand through 2050, the assumptions Cal-Am has made for development of the legal lots of record, at 1,180 AFY, and for Pebble Beach Entitlements, at 325 AFY, are reasonable.

9. No significant new facts have been presented in this proceeding regarding our determination to include additional demand for legal lots of record, tourism rebound, and Pebble Beach entitlement forecasts.

10. It is unclear whether the AMBAG RHNA population estimates were, or were not, included in AMBAG's Regional Growth Forecast.

11. Cal-Am has not shown that an additional 745 AFY of forecasted water demand in 2050 is reasonable due to additional housing needed to meet AMBAG's RHNA estimate not included in its Regional Growth Forecast.

12. A reasonable projection of water system demand in 2050 is 13,732 AFY.

13. In projecting current available water supplies, the assumptions Cal-Am made for the Carmel River, Seaside Groundwater Basin, Sand City Desalination Plant, and PWM Project are reasonable.

14. The ASR Availability and Analysis Technical Memorandum finds that over 59 years, the ASR system held an average of 1,120 AFY of available water.

15. The ASR Availability and Analysis Technical Memorandum accounts for yearly variations in water supply when making a long-term water supply forecast.

16. Cal-Am has not demonstrated that the preponderance of the evidence shows the ASR system can only reliably offer 470 AFY of water.

17. M1W is contractually obligated in its Amended WPA to provide 2,250 AFY of water to Cal-Am as part of the PWM Expansion.

18. M1W asserts that it can access its Operating Reserve Water and Drought Reserve Water if needed to provide the contract amount of PWM Expansion supply to Cal-Am.

19. In view of M1W's position and the Amended WPA, Cal-Am has not demonstrated that it cannot reliably receive 2,250 AFY of water from M1W as part of the PWM Expansion.

20. Cal-Am use of water demand forecast methods adopted in D.18-09-017 continues to be reasonable today.

Conclusions of Law

1. Cal-Am's baseline 2050 demand forecast of 11,727 AFY is reasonable.
2. Cal-Am's Pebble Beach entitlements 2050 demand forecast of 325 AFY is reasonable.
3. Cal-Am's tourism rebound 2050 demand forecast of 500 AFY is reasonable.
4. Cal-Am's legal lots of record 2050 demand forecast of 1,180 AFY is reasonable.
5. Cal-Am's 2050 RHNA water demand forecast of 745 AFY is not reasonable.
6. A total 2050 demand forecast projection of 13,732 AFY of water is reasonable.
7. Cal-Am's water supply estimates for Carmel River, Seaside Groundwater Basin, Sand City Desalination Plant, and PWM are reasonable.
8. Cal-Am's estimate of 470 AFY of water supply from the ASR system is insufficiently justified in the record in this proceeding.
9. 1,120 AFY is a reasonable water supply estimate for the ASR system.
10. Cal-Am has not met its burden of proof that a PWM Expansion supply lower than 2,250 AFY is reasonable.
11. A projected firm water supply of 11,114 AFY for Cal-Am is reasonable.
12. All rulings issued to date by the assigned Commissioner and the assigned Administrative Law Judges in this proceeding should be affirmed.

13. All pending motions not expressly addressed by the assigned Administrative Law Judges or assigned Commissioner should be denied.

14. A.21-11-024 should be closed.

O R D E R

IT IS ORDERED that:

1. The updated water supply estimate of 11,114 acre-feet per year for the Monterey Peninsula Water Supply Project is adopted.

2. The updated water demand estimate of 13,732 acre-feet per year forecasted for 2050 for the Monterey Peninsula Water Supply Project is adopted.

3. All rulings issued to date by the assigned Commissioner and the assigned Administrative Law Judges in this proceeding are affirmed.

4. All pending motions not expressly addressed by the assigned Administrative Law Judges or assigned Commissioner are denied.

5. Application 21-11-024 is closed.

This order is effective today.

Dated August 14, 2025, at Sacramento, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
Commissioners

Commissioner Matthew Baker recused himself from this agenda item and was not part of the quorum in its consideration.

Attachment B

Comparison of Supply and Demand Testimony in CPUC
Proceeding A.21-11-024
as Modified by Decision 25-10-001

Attachment B

Comparison of Supply and Demand Testimony in CPUC Proceeding A.21-11-024 as Modified by Decision 25-10-001

The CPUC Decision

The California Public Utilities Commission (CPUC) on August 14, 2025 approved its final "PHASE 2 DECISION APPROVING DEMAND AND SUPPLY ESTIMATES FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT."

The key findings and conclusions of the CPUC decision are as follows:

1. The updated water supply estimate of 11,204 acre-feet per year for the Monterey Peninsula Water Supply Project is adopted.

2. The updated water demand estimate of 13,732 acre-feet per year forecasted for 2050 for the Monterey Peninsula Water Supply Project is adopted.

However, many intervenors and witnesses disagreed, citing the following:

- The available supply assumes Cal-Am replenishment of the Seaside Basin through an in lieu recharge program (700 AFY for 25 years) begins immediately. Cal-Am has said the program would not begin until a desalination plant is online. The supply estimate does not include the proposed desalination plant.

- CPUC did not establish a value for current (2025) customer demand. MPWMD will use the most recent 5-year average of production for customer service, which after the 2024-25 Water Year ending September 30th this year is recalibrated at 9,245 AFY.

- CPUC did not consider storage, including surplus in early years when Pure Water Monterey Expansion comes online and total supplies exceed current demand.

- At Cal-Am's request, the CPUC accepted discounted availability of supplies served into Cal-Am's distribution system by others to meet Cal-Am customer demand, including Sand City desalination, Malpaso, City of Seaside stored water credits, Seaside Basin non-Cal-Am producers serving Cal-Am customers. Such amounts are lower than recent Cal-Am reports in its annual CDO Consolidated report to the SWRCB, its Urban Water Management Plan, and in CPUC rate case filings.

Hence, while the MPWMD Application for Modification of the CDO accepts the CPUC Decision D.25-08-006 (as modified by Decision 25-10-001) values for supply and demand, many intervenors in the CPUC proceeding dispute the conclusions, asserting instead that available supplies are greater and demand growth will be much lower. This Attachment is simply intended to identify the disagreement in projections by the Parties.

Comparison of Supply and Demand Testimony in CPUC Decision D.25-08-006 (Application A.21-11-024) as Modified by D.25-10-001

(Storage of Water Supplies not Included)

	CPUC Decision D.25-08-006 (8-14-25) in A.21-11-024 as modified by D.25-10-001	Cal-Am Testimony in A.21-11-024 (see Note 1)	MPWMD Testimony in A.21-11-024 (see Note 2)	CPUC Cal-Advocates Testimony in A.21-11-024 (see Note 3)	Peter Mayer Testimony on Behalf of Marina Coast WD in A.21-11-024 (see Note 4)
Available Supply w/o Desalination	11,204	9,298	12,116	10,884	12,300
Total Demand in 2050	13,732	14,480	10,599	11,073	11,203
Total Demand Today (2025)	n/a	9,970	9,813	8,327	9,288
Actual Demand through WY2025 (Note 5)	9,245	9,245	9,245	9,245	9,245

Notes:

(1) Supply estimate from "Phase 2 Supplemental Direct Testimony of Christopher Cook," December 21, 2023; p.6; Table 4; average "Normal Year".; Demand estimate from Phase 2 Supplemental Rebuttal Testimony of David Pezzini, February 20, 2024; p.14; line 12.

(2) "Phase 2 Supplemental Direct Testimony of David J. Stoldt Corrected," March 1, 2024, p.9-11.

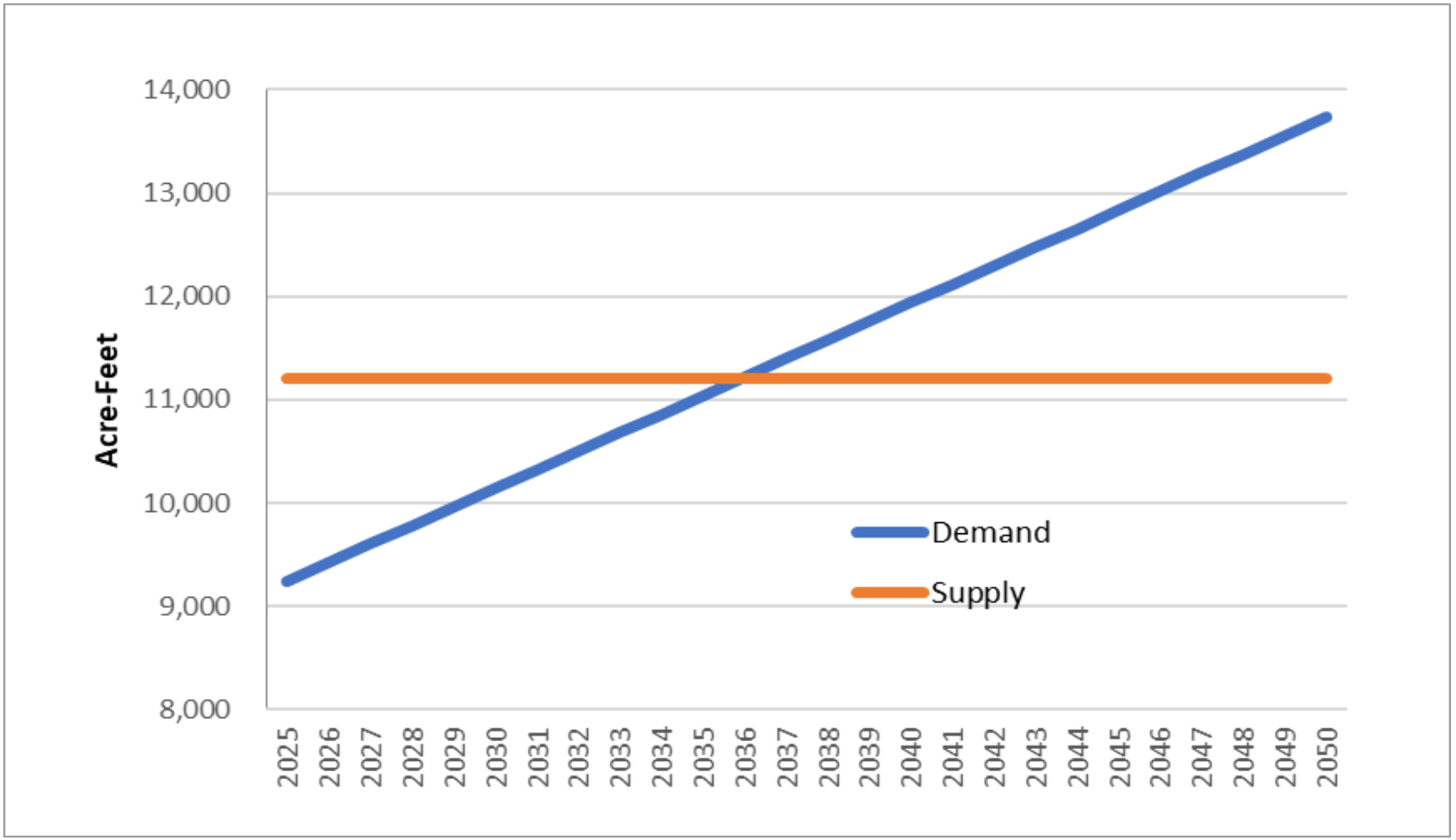
(3) "Supplemental Testimony - Report and Recommendation on Water Supply and Demand," Daphne Goldberg, CPUC Public Advocates Office, January 22, 2024; Reaffirming "Report and Recommendation on Water Supply and Demand," Daphne Goldberg, CPUC Public Advocates Office, August 19, 2022, p.6, Table 1 and P. 10. Table 3.

(4) Exhibit MCWD-7, "Phase 2 Supplemental Testimony of Peter Mayer, P.E.," January 22, 2024, p.7, line 3, p.8, Fig. 9; See also Note 6.

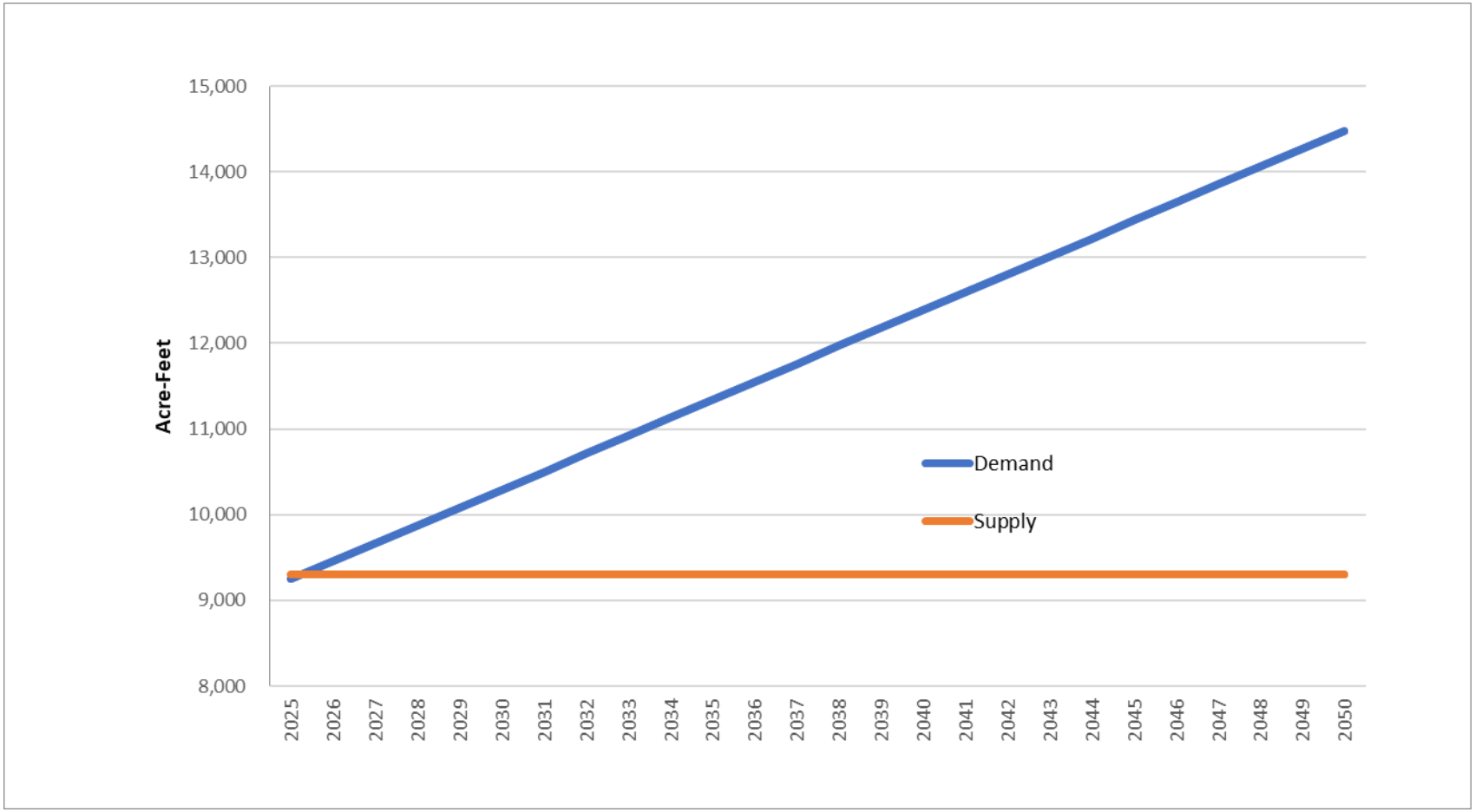
(5) Utilizes most recent 5-year average "Production for Customer Service"

(6) Mr. Mayer is a nationally recognized water specialist and consultant who has been retained by the California Department of Water Resources, Metropolitan Water District of Southern California, New York City Water Board Water Demand Management Planning, and many more public water agencies across the country. He is a Registered Professional Engineer with a Master of Science in Water Resources Engineering from the University of Colorado, Boulder. He has worked with the industry standard-setting American Water Works Association (AWWA) as Chair on their M22 Meter Sizing Manual v3 & v4 subcommittee, and a member on several other AWWA committees.

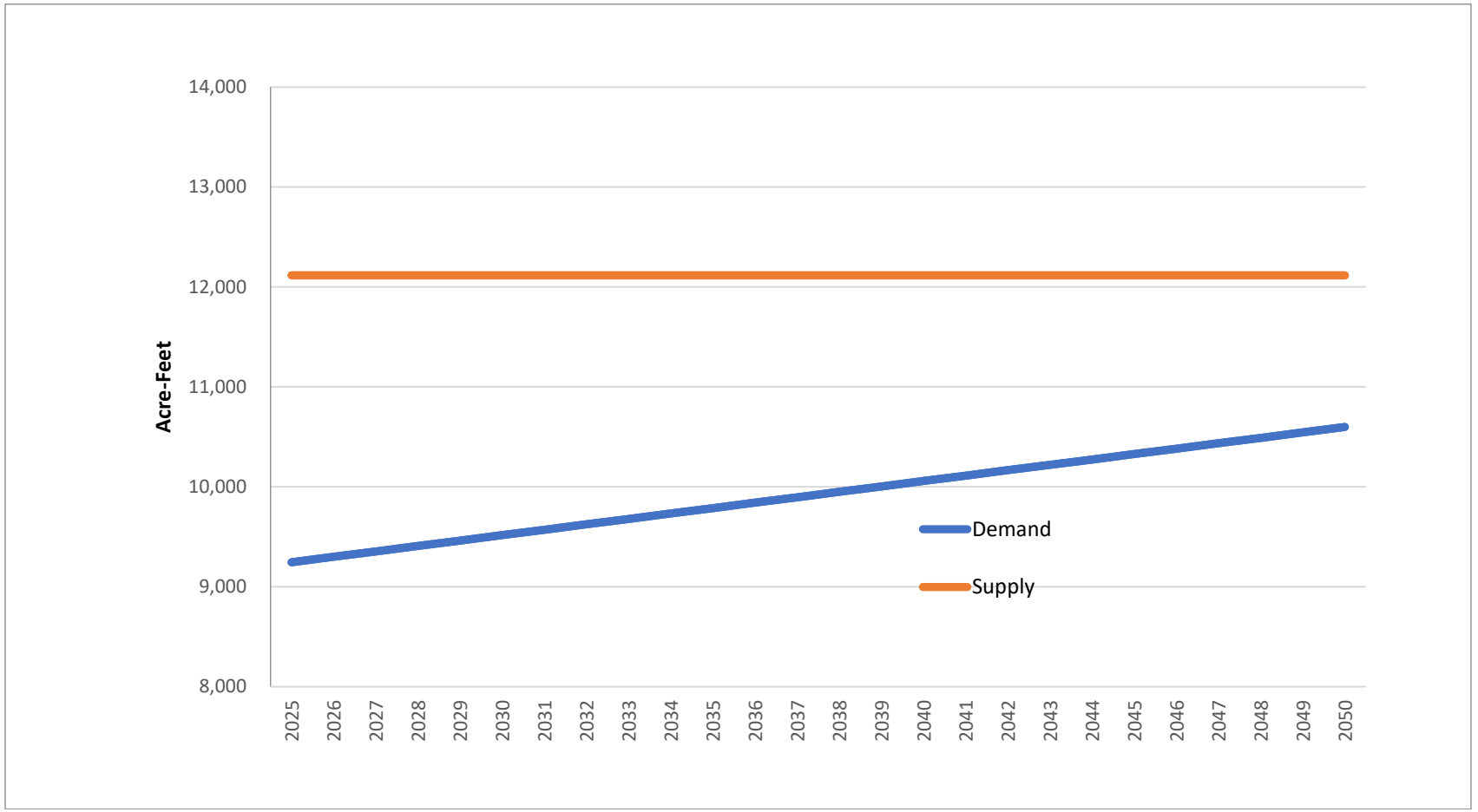
Supply and Demand
CPUC Decision D.25-08-006 as Modified by D.25-10-001



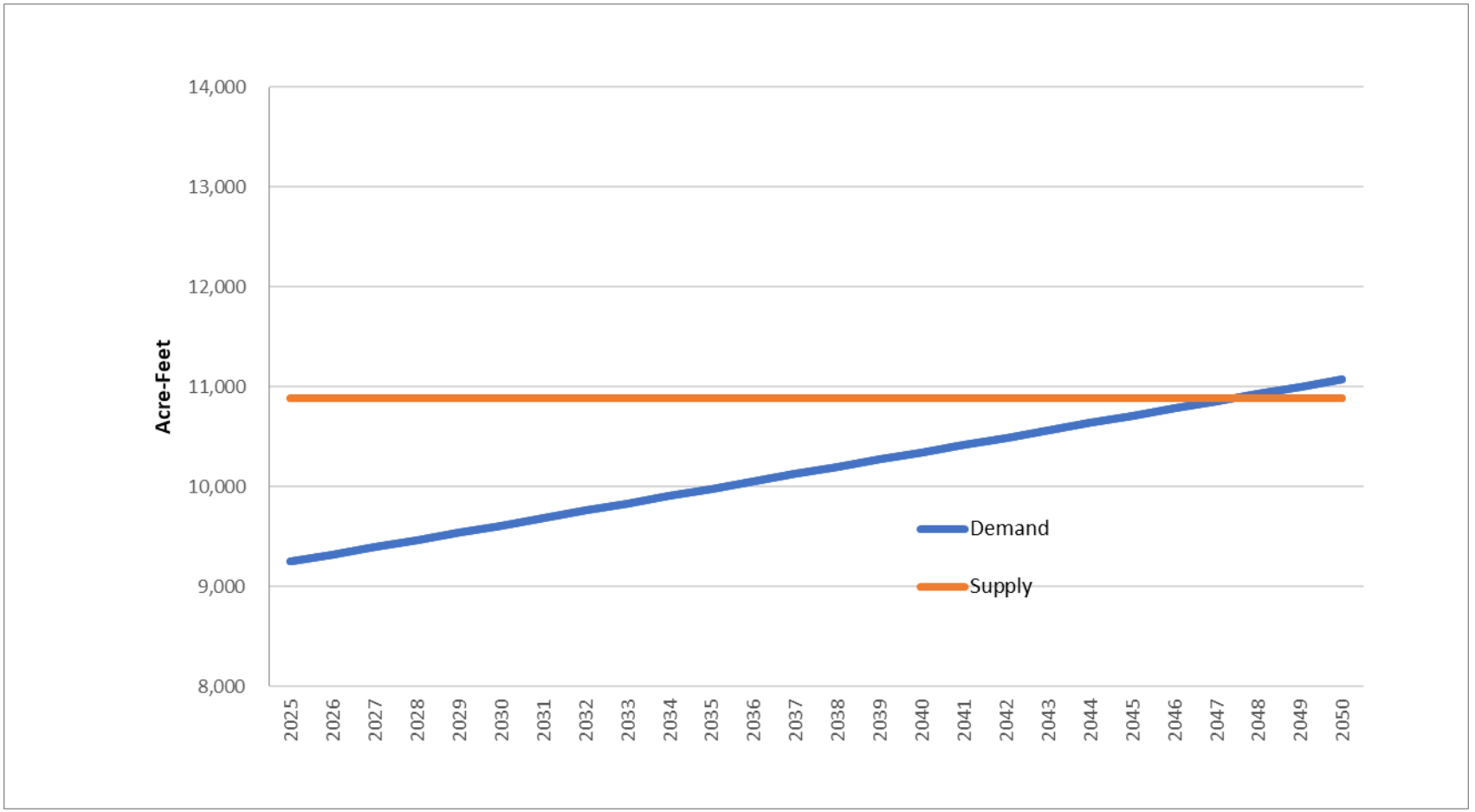
Supply and Demand
Cal-Am Testimony



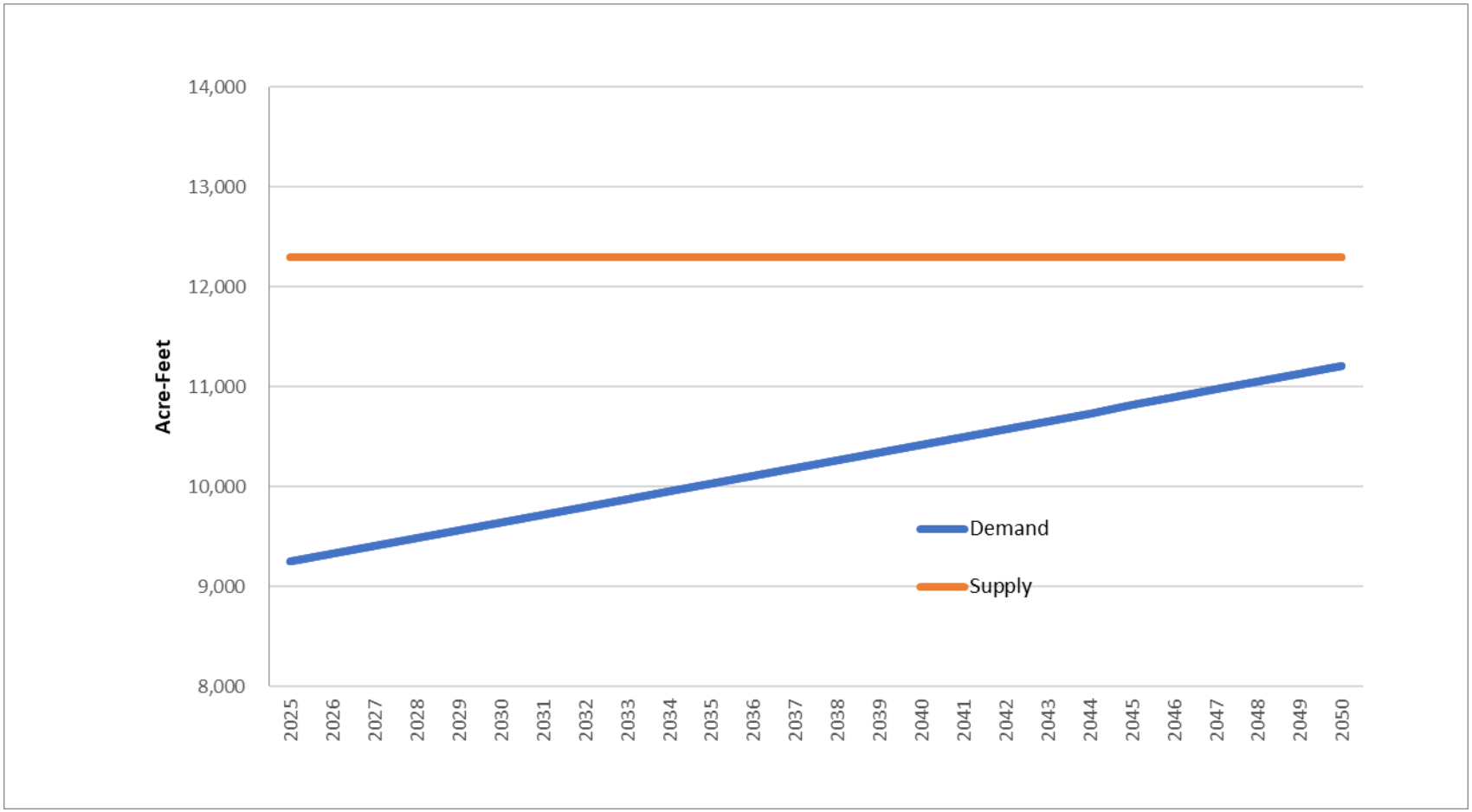
Supply and Demand
MPWMD Testimony



Supply and Demand
CPUC Cal-Advocates Testimony



Supply and Demand
Peter Mayer Testimony on Behalf of Marina Coast WD



Attachment C

Water Year Production for Customer Service

From SWRCB Compliance Filing - Consolidated CDO Annual Report

Attachment C

Water Year Production for Customer Service

From SWRCB Compliance Filing - Consolidated CDO Annual Report

	WY 2022 Consolidated CDO Annual Report	WY 2023 Consolidated CDO Annual Report	WY 2024 Consolidated CDO Annual Report	Preliminary WY 2025 Consolidated CDO Annual Report
Carmel River				
Cal-Am Base Water Rights	3,914.01	2,416.33	3,336.75	3,291.22
Table 13 Water Rights	79.18	516.41	419.47	182.00
Malpaso Water Rights	21.15	86.90	72.89	91.06
Seaside Groundwater Basin				
Seaside Native Water Rights (1)	1,493.16	1,447.81	1,544.89	1,564.50
Pure Water Monterey	3,683.28	3,547.99	3,354.97	3,679.57
ASR Recovery	-	805.62	-	-
Sand City Desal	120.10	173.47	105.40	163.53
Production for Customer Service (2)	9,310.88	8,994.53	8,834.37	8,971.88

Notes: (1) Seaside Native includes utilized Seaside Basin Carryover Credit and Supplied by Others - Seaside Basin

(2) The District believes that the Seaside Native Water Rights excludes the Laguna Seca Subarea, which would result in additions to Production:

119.88	137.13	128.67	138.02

CALIFORNIA
AMERICAN WATER

October 30, 2024

Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Ekdahl:
This letter provides California American Water's consolidated report for the 4th quarter of Water Year 2024 covering the period of July 01, 2024 to September 30, 2024, in compliance with SWRCB Order 95-10, as amended, Order WR 2009-0060, as amended, and Order WR 2016-0016.

I. Compliance with SWRCB Order 95-10, as amended, quarterly reporting requirements

Condition 13: *Starting with the first full month following adoption of this Order, Cal-Am shall file quarterly with the Chief, Division of Water Rights:*

13(a) *Reports of the monthly total amounts being: (1) pumped from wells; and (2) diverted from the Carmel River. Reports of the total monthly amount being pumped from wells shall show the amount being pumped from each well and shall show the location of each well.*

(1) Please see Attachment 1

(2) Please see Attachment 2, Table 1A.

13(b) *Reports of the progress being made in complying with the schedule submitted to comply with Condition 11 (Cal Am to be responsible for implementing all measures in the "Mitigation Program for the District's Water Allocation Program Environmental Impact Report" not implemented by the District after June 30, 1996).*

The Monterey Peninsula Water Management District "District" continues to implement the measures in the mitigation program.

13(c) *Reports of the progress being made in complying with Conditions 4, 5 6, 7, 8 and 9.*

Condition 4 (Cal-Am shall maximize production from the Seaside aquifer for the purpose of serving existing connections, honoring existing commitments (allocations), and to reduce diversions from the Carmel River to the greatest practicable extent during periods of low flow.)

California American Water
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

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California American Water's ability to "maximize production from the Seaside aquifer" must be viewed in light of the 2006 adjudication of the Seaside Basin.

During periods of Carmel River low flow, Cal-Am maximizes Seaside Basin production in accordance with the amended Decision and minimizes Carmel River diversion to the greatest practical extent, consistent with customer demand and Seaside Basin constraints.

When Carmel River flows exceed 40 cfs, Cal-Am maximizes its authorized Carmel River diversion; to the greatest practical extent, consistent with customer demand and Seaside Basin constraints, Cal-Am minimizes diversions from the Seaside Basin.

Please refer to Attachment 1 and Attachment 2.

Condition 5 (extraction from most downstream wells to the extent feasible without inducing sea water intrusion or unreasonably affecting operation of other wells).

California American Water has a standard operating procedure to operate the Carmel Valley wells in order from downstream to upstream, and as further modified by Condition 6. Operations staff have represented to me that the wells have been operated in accordance with those standard operating procedures.

Condition 6 (Pursuant to SWRCB Order No. WRO-2002-002, California American Water complies with Condition 6 by operating the Carmel Valley wells in the following manner:

No water is to be drawn from San Clemente Dam during low flow periods, which are defined as flows less than 20 cfs for five consecutive days measured at the Don Juan Bridge.

Reduced diversions from Garzas Wells 3 and 4, the Panetta Wells 1 and 2, the Robles Well 3, the Scarlett 8 Well, and Los Laureles Wells 5 and 6 during low flow periods to a maximum of two eight-hour days per month, except that wells that operated a maximum of one eight-hour day per month at the time of WRO 2002-002 shall continue to operate for no more than one eight-hour day per month.

During low flow periods, all demand but for 0.5 cfs from the "Carmel Valley Village Zone," as defined, is to be met from the "Begonia Zone" as defined. The order requires California American Water to install the necessary infrastructure to operate in this manner, and limited the Russel Wells to an instantaneous diversion rate of no more than 0.5 cfs during low flow periods.):

The last paragraph of Condition 6 is completed, based on removal of Carmel Valley Filter Plant and installation of Del Monte Booster Station that transfers water from the Begonia Zone to the Clearwell. For the remainder of this condition that still applies, please see Attachment 3

Condition 7 (within 5 months of order, conduct a study re feasibility of bypassing early storm runoff at Los Padres and San Clemente Dams):

California American Water has complied with this Condition.

Condition 8 (within 12 months of order, conduct a study of feasibility, benefits and costs of modifying critical stream reaches to facilitate fish passage):

California American Water has complied with this Condition.

Condition 9 (studies conducted by appropriate professionals, reports transmitting studies under 6, 7 and 8 to describe proposed actions, respond to comments on study):

California American Water has complied with this Condition.

13(d) *Cal-Am shall submit a quarterly water budget 30 days after approval by the District.*

Please see Attachment 4. The quarterly water budget is also included in the District's board packet with subsequent meeting minutes indicating approval or modification. The latest District board packet information can be found at the following website: https://www.mpwmd.net/who-we-are/board-of-directors.

II. Compliance with SWRCB Order 2009-0060, quarterly reporting requirements

***Condition 6**: Starting three months following adoption of this order, Cal Am shall post quarterly reports on its website and file quarterly reports with the Deputy Director for Water Rights. The quarterly reports shall include the following:*

6(a) *Monthly summaries of the quantity of water it diverts from the river.*

Please see Attachment 2, Table 1A.

6(b) *Monthly summaries of the quantity of ASR project water diverted from the river under Permit 20808A and stored in the Seaside ground water basin. The monthly reporting shall also state the quantity of water beneficially used under Permit 20808A and the current balance of water in storage.*

Superseded by SWRCB Order 2016-0016, condition 8.b.

6(c) *Monthly summaries of the quantity of water being produced by the Sand City desalinization plant. The reporting shall identify new service connections within Sand City and thereafter report the quantity of water being delivered to the new connections. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.*

Please see Attachment 2, Table 1B for monthly quantities of water produced by the Sand City desalination plant. Attachments 5 and 6 identify connection authorization and permitting by Monterey Peninsula Water Management District. California American Water requests the State Water Resources Control Board maintain information on Attachment 5 and 6 as confidential. Effective 1/1/2022, the remainder of this condition is no longer applicable.

6(d) *Monthly summaries of the quantity of water saved by reducing system losses.*

Effective 1/1/2022, this condition is reported as an annual summary of efforts to reduce system losses via California American Water's Annual Water Loss Report Submission for its Monterey Systems pursuant to California Code of Regulations, Title 23, Section 638.5 to CA Department of Water Resources. Submitted reports for past years can be found here: https://wuedata.water.ca.gov/. These annual reports are also available upon request.

6(e) Monthly summaries of reductions in demand for potable water due to conservation actions such as increased water rates, MPWMD's retrofit program, efforts to reduce potable water for outdoor water use and demand reduction initiatives.

Effective 1/1/2022, this condition is reported as an annual summary of quantifiable and measurable water savings associated with conservation actions via California American Water's "Water Conservation Annual Summary Report" filed as part of Schedule E-3 of the Annual California Public Utilities Commission ("CPUC") Reports per CPUC Decision D.10-06-038. These annual reports will be posted to a CPUC ftp site at ftp://ftp.cpuc.ca.gov/waterannualreports/ and will also be posted to the Monterey Water Conservation website at www.montereywaterinfo.org.

6(f) Monthly summaries identifying all new service connections. The report shall include the Cal-Am account number, the service address, the name of each authority granting any approval required for connecting to Cal-Am's system and the name of each authority granting any approval required before commencing construction; the issuer of each approval and the date of each approval shall be separately listed for each service address.

In compliance with Monterey Peninsula Water Management District regulations, California American Water does not connect new customers unless the prospective customer provides California American Water with a water connection permit issued by the Monterey Peninsula Water Management District.

Attachment 5 is a list of all new connections authorized by the Monterey Peninsula Water Management District. Attachment 5 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. This report includes prospective customers who have presented California American Water with a water connection permit, even if that customer has not requested a meter to be immediately installed. If the customer has provided California American Water with the water connection permit, but has not requested a meter to be installed, the entry on Attachment 5 has no "Installed Date."

The new connection count does not include emergency fire service connections or the splitting of master meter connections into individual accounts, as neither of these activities increases water use.

6(g) Monthly summaries identifying existing service addresses that receive an increased supply of water due to a change in zoning or use. The report shall include Cal-Am account number, the service address and the name of each authority authorizing a change of use or of zoning and the date of such change.

Attachment 6 is a list of permits issued by the Monterey Peninsula Water Management District authorizing changes to existing service addresses that will result in an increased use of water through a change in zoning or use. Attachment 6 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. Although not clearly a "change in zoning or use," Attachment 6 includes permits issued for additions to, or remodeling of, an existing service address where that addition or remodel has been determined by the Monterey Peninsula Water

Management District to result in increased water consumption. Other than California American Water account number and service location, all data in Attachment 6 was compiled or calculated by the Monterey Peninsula Water Management District. Where there were clear clerical errors in data entry, California American Water corrected those errors in compiling this report.

***Condition 7**: Starting six months after adoption of this order, Cal-Am shall file quarterly reports of its progress toward implementing Condition 3 [sic, 5] (small project implementation) and note specifically any problems with its schedule of implementation.*

Superseded by SWRCB Order 2016-0016, condition 11.

III. Compliance with SWRCB Order 2016-0016, quarterly reporting requirements

***Condition 8**: In addition to the reporting required elsewhere in this order or required under WRO 2009-0060 ordering paragraph 6, except as specified, Cal-Am shall provide and post on its website the following information in quarterly reports:*

8a. Monthly summaries of the total quantity of water produced from the Carmel River, and other separate sources of water used by Cal-Am within the service area.

Please see Attachment 2, Tables 1A and 1B.

8b. Monthly summaries of the total quantity of ASR project water diverted from the river under water right Permits 20808A and 20808C and stored in the Seaside Groundwater Basin, including the separate accounting of the amounts pumped in excess of 600 afa. The monthly reporting shall also state the quantity of ASR water recovered from aquifer storage and beneficially used, and the current balance of ASR water remaining in storage in the Seaside Groundwater basin. This paragraph supersedes WRO 2009-0060, ordering paragraph 6(b).

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of ASR diversions to storage, recovery for beneficial use, and balance in storage. Effective 1/1/2022, the remainder of this condition is no longer applicable.

8c. Monthly summaries of the quantity of water being supplied by the Malpaso Water Company to Cal-Am and to Malpaso customers supplied using Cal-Am facilities. The reporting shall identify the amount of water used at Cal-Am's existing meter connections and within the Cal-Am service area, and the amounts used at new service connections served by Malpaso Water Company. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.

Please see Attachment 1 and Attachment 2, Table 1A for monthly quantities of water produced. Effective 1/1/2022, the remainder of this condition is no longer applicable.

8d. Monthly summaries of the quantity of water produced by the City of Pacific Grove, and the quantity of water used to reduce diversions from the river during the reporting period. Cal-Am shall not deliver water produced by the City of Pacific Grove unless such use is consistent with Resolution 2015-0070, paragraph 4.

Effective 1/1/2022, this condition is no longer applicable.

8e. For the final quarter of each water year, the report shall include the quantification and basis of any credits earned and of any amount being carried over for future years.

Effective 1/1/2022, this condition is no longer applicable.

8f. An accounting of the progress towards completion of the Water Supply Project MPWSP Desalination Plant and Pure Water Monterey Project that identifies all progressive steps completed during the previous 12 months and the upcoming 12 month's anticipated progress, and discussion of potential setbacks that may beyond the Applicant's control.

Effective 1/1/2022, this condition is no longer applicable. For general MPWSP and PWM updates, please refer to the following websites www.watersupplyproject.org/update and https://montereyonewater.org/261/Pure-Water-Monterey-Overview.

***Condition 11**: Cal-Am shall file quarterly reports of its diversions under Paragraph 5 (small project implementation) of State Water Board Order WR 2009-0060.*

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of combined ASR diversions under Permits 20808A (effective November 30, 2007) and 20808C (effective November 30, 2011).

Conclusion

This concludes our report for the 4th quarter of Water Year 2024. Should you or your staff have any questions please call me at your earliest convenience at (831) 646-3241.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this report and any accompanying documents are true and correct, with full knowledge that all statements made in this report are subject to investigation and that any false or dishonest statements may be grounds for prosecution.

Sincerely,

Spencer Vartanian, CHMM, REM
Director of Operations, Coastal Division
California American Water

Attachments (6)

Enclosures

cc: K. Tilden
G. Hofer
M. Magretto
K. Horning, Esq.
D. Stoldt

CALIFORNIA AMERICAN WATER
Monterey District
UPPER CV WELLS - PRODUCTION (AF)
Water Year 2023-2024

	Robles #3**	Panetta #1	Panetta #2	Garzas #3	Garzas #4	LL #5	LL #6	Total AF
Oct	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nov	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dec	0.00	0.08	0.07	0.10	0.31	0.07	0.53	1.17
Jan	0.00	32.82	29.79	25.26	34.21	10.66	56.26	189.00
Feb	0.00	32.85	30.37	27.40	34.81	17.00	58.34	200.77
Mar	0.00	35.20	32.59	29.27	37.09	14.95	62.21	211.30
Apr	0.00	34.51	31.84	28.67	35.47	13.29	60.46	204.25
May	0.00	35.89	33.11	29.52	37.19	12.60	63.78	212.08
Jun	0.00	32.80	32.72	16.32	34.95	14.30	62.78	193.87
Jul	**0.00**	**9.88**	**10.66**	**0.00**	**11.38**	**3.70**	**18.52**	**54.14**
Aug	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Sep	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
TOTAL AF	**0.00**	**214.03**	**201.15**	**156.53**	**225.42**	**86.56**	**382.88**	**1,266.57**

**Robles Well #3 Destroyed 05/25/24

CALIFORNIA AMERICAN WATER
Monterey District
LOWER CV WELLS - PRODUCTION (AF)
Water Year 2023-2024

	Berwick #8	Berwick #9	Begonia #2	**Manor #2	Schulte #3	Pearce	Cypress #2	**San Carlos #2	R. Canada #2	Total AF
Oct	21.63	18.52	39.94	0.00	0.00	89.46	14.53	0.00	36.00	220.08
Nov	21.85	19.38	43.10	0.00	0.00	105.41	0.00	0.00	34.34	224.08
Dec	11.42	8.55	37.05	0.00	0.00	100.56	0.00	0.00	33.15	190.74
Jan	16.57	13.29	38.83	0.00	0.00	99.39	0.00	0.00	32.25	200.32
Feb	22.69	17.48	35.51	0.00	112.76	88.22	18.80	0.00	27.41	322.88
Mar	38.68	17.61	39.05	0.00	103.12	91.83	46.10	0.00	27.06	363.46
Apr	41.92	20.09	40.68	0.00	156.92	87.89	37.92	0.00	23.23	408.65
May	29.38	14.34	41.77	0.00	160.77	91.81	41.28	0.00	23.62	402.99
Jun	21.14	0.00	39.06	0.00	152.25	89.01	40.38	0.00	23.40	365.23
Jul	**21.46**	**42.56**	**39.35**	**0.00**	**167.03**	**87.41**	**34.55**	**0.00**	**24.05**	**416.41**
Aug	**22.66**	**52.48**	**40.15**	**0.00**	**202.22**	**88.52**	**32.72**	**0.00**	**24.04**	**462.79**
Sep	**19.12**	**48.32**	**37.69**	**0.00**	**189.85**	**83.22**	**29.82**	**0.00**	**22.55**	**430.57**
TOTAL AF	**288.51**	**272.64**	**472.18**	**0.00**	**1,244.92**	**1,102.72**	**296.12**	**0.00**	**331.11**	**4,008.19**

** Manor #2 Well destroyed December 31, 2019.
San Carlos #2 Well Destroyed July 14, 2021.
Schulte Well #2 Destroyed 05/31/2023, replaced with Schulte Well #3 (added to Table WY23-24 Q#2)

CALIFORNIA AMERICAN WATER
Monterey District
EASTWOOD-CANADA WELL - PRODUCTION (AF)
Water Year 2023-2024

	Malpaso Production
Oct	6.52
Nov	6.47
Dec	5.37
Jan	4.61
Feb	5.82
Mar	6.33
Apr	5.44
May	3.55
Jun	4.87
Jul	**8.38**
Aug	**8.09**
Sep	**7.44**
TOTAL AF	**72.89**

Table 1A Total Quantity of Water Produced from Carmel River					
Month	Total Carmel Valley Wells[1] (AF)	Malpaso Well Production (AF)	Table #13 (AF)	ASR Diversion (AF)	Amounts diverted collectively under License 11866, claimed riparian and claimed pre-1914 appropriative rights [2]
October 2023	226.59	6.52	0.00	0.00	220.08
November 2023	230.55	6.47	0.00	0.00	224.08
December 2023	197.27	5.37	0.00	0.00	191.90
Q#1 TOTAL	**654.42**	**18.36**	**0.00**	**0.00**	**636.06**
WYTD	**654.42**	**18.36**	**0.00**	**0.00**	**636.06**
January 2024	393.94	4.61	26.43	88.49	274.41
February 2024	529.47	5.82	102.94	389.66	31.04
March 2024	581.09	6.33	90.80	319.39	164.57
Q#2 TOTAL	**1,504.50**	**16.77**	**220.17**	**797.54**	**470.03**
WYTD	**2,158.92**	**35.13**	**220.17**	**797.54**	**1,106.08**
April 2024	618.33	5.44	99.34	357.35	156.22
May 2024	618.62	3.55	99.96	363.65	151.45
June 2024	563.97	4.87	0.00	0.00	559.10
Q#3 TOTAL	**1,800.92**	**13.86**	**199.30**	**721.00**	**866.76**
WYTD	**3,959.84**	**48.98**	**419.47**	**1,518.54**	**1,972.85**
July 2024	478.93	8.38	0.00	0.00	470.55
August 2024	470.89	8.09	0.00	0.00	462.79
September 2024	438.00	7.44	0.00	0.00	430.57
Q#4 TOTAL	**1,387.82**	**23.91**	**0.00**	**0.00**	**1,363.91**
WYTD	**5,347.65**	**72.89**	**419.47**	**1,518.54**	**3,336.75**

[1] Includes Malpaso Diversion, Table #13, and ASR Diversion

[2] Carmel Valley Well Diversion minus Malpaso, Table #13, and ASR Diversion

Table 1B Additional Sources of Supply and Storage Balances					
Month	Seaside Total[3] (AF)	PWM Recovery (AF)	ASR Recovery (AF)	Seaside Native (AF)	Sand City Desal (AF)
October 2023	588.30	254.47	0.00	333.82	0.00
November 2023	462.85	304.91	0.00	157.94	19.30
December 2023	422.62	392.62	0.00	30.00	16.91
Q#1 TOTAL	**1,473.76**	**951.99**	**0.00**	**521.76**	**36.20**
WYTD	**1,473.76**	**951.99**	**0.00**	**521.76**	**36.20**
January 2024	299.57	269.57	0.00	30.00	0.00
February 2024	410.44	380.44	0.00	30.00	0.00
March 2024	354.46	324.46	0.00	30.00	0.00
Q#2 TOTAL	**1,064.46**	**974.46**	**0.00**	**90.00**	**0.00**
WYTD	**2,538.22**	**1,926.45**	**0.00**	**611.76**	**36.20**
April 2024	369.41	339.41	0.00	30.00	0.00
May 2024	521.01	300.00	0.00	221.01	9.92
June 2024	239.61	61.33	0.00	178.29	15.92
Q#3 TOTAL	**1,130.04**	**700.74**	**0.00**	**429.30**	**25.85**
WYTD	**3,668.25**	**2,627.19**	**0.00**	**1,041.06**	**62.05**
July 2024	424.56	164.23	0.00	260.33	25.66
August 2024	431.53	250.21	0.00	181.32	12.94
September 2024	375.51	313.33	0.00	62.18	4.76
Q#4 TOTAL	**1,231.60**	**727.77**	**0.00**	**503.83**	**43.35**
WYTD	**4,899.86**	**3,354.97**	**0.00**	**1,544.89**	**105.40**

[3] Includes ASR Recovery, Pure Water Monterey (PWM) Recovery, Seaside Native, and Water Wheeling Agreements with D.B.O. Development No. 30 and Cypress-Pacific.

Table 1C Total Quantity of Stored Water Available for Drought		
Quarter	PWM Drought Reserve (AF)	ASR Bank (AF)
Cummulative through Q#1	0.00	2,158.11
Cummulative through Q#2	0.00	2,955.65
Cummulative through Q#3	0.00	3,676.65
Cummulative through Q#4	**0.00**	**3,676.65**
Cummulative WYTD	**0.00**	**3,676.65**

Compliance with Condition 6

In compliance with WRO 2002-002, California American Water installed a pump that delivers water from the Begonia zone to the Carmel Valley Village in March 2002.

The status of Carmel Valley wells during the reporting period is as follows:

Lower Carmel Valley Wells	Status
Rancho Cañada #2	On Line
San Carlos #2	Off Line (Destroyed July 14, 2021)
Cypress #2	On Line
Pearce	On Line
Schulte #3	On Line
Manor #2	Off Line (Destroyed December 31, 2019)
Begonia #2	On Line
Berwick #8	On Line
Berwick #9	On Line
Eastwood-Cañada Well	**Status**
Eastwood-Cañada Well	On Line
Upper Carmel Valley Wells	**Status**
Panetta #1	On Line
Panetta #2	On Line
Garzas #3	Off Line
Garzas #4	On Line
Los Laureles #5	On Line
Los Laureles #6	On Line
Robles #3	Off Line (Destroyed May 25, 2024)

The low flow conditions, as defined by Order 2002-002, existed July 10, 2024 - September 30, 2024. California American Water was in compliance with Condition 6.

Please note, reference to San Clemente Dam, Russell Wells, Scarlett Well #8, Manor #2, San Carlos #2, Schulte #2, and Robles #3 no longer applies, as these have been removed/destroyed.

EXHIBIT 26-A

California American Water Main Distribution System
Quarterly Water Supply Strategy and Budget: July - September 2024

Proposed Production Targets by Source and Projected Use in Acre-Feet

SOURCE/USE	MONTH			YEAR-TO-DATE		
	Jul-24	Aug-24	Sep-24	Oct-23 - May-24	% of YTD	% of Annual
Source						
Carmel Valley Aquifer						
Upper Subunits	100	0	0			
Lower Subunits (95-10)	425	425	425			
ASR Diversion	0	0	0			
Table 13 Diversion (Service)	0	0	0			
Total	**525**	**425**	**425**	**1,424**	78.7%	34.9%
Seaside Groundwater Basin						
Coastal Subareas	135	250	225	**863**	72.2%	58.5%
ASR Recovery	0	0	0			
Sand City Desalination	25	25	25	**46**	23.1%	15.4%
Pure Water Monterey	240	240	230	**2,566**	98.5%	73.3%
Total	**400**	**515**	**480**	**3,475**		69.9%
Use						
Customer Service	825	940	905			
Table 13 in Basin Use	0	0	0			
Total Customer Use	**825**	**940**	**905**	**5,430**		
ASR Injection	0	0	0			
Total	**825**	**940**	**905**	**5,430**	90.6%	56.5%

Notes:

1. The annual budget period corresponds to the Water Year, which begins on October 1 and ends on September 30 of the following Calendar Year.
2. Total monthly production for "Customer Service" in CAW's main system was calculated by multiplying total annual production (4,850 AF) times the average percentage of annual production for July, August, and September (9.5%, 9.5%, and 8.7%, respectively). According to District Rule 160, the annual production total was based on the assumption that production from the Coastal Subareas of the Seaside Groundwater Basin would not exceed 1,474 AF and production from Carmel River sources, without adjustments for water produced from water resources projects, would not exceed 3,376 AF in WY 2024. The average production percentages were based on monthly data for customer service from WY 2014 and 2019.
3. The production targets for CAW's wells in the Seaside Coastal Subareas are based on the need for CAW to produce its full Standard Allocation to be in compliance with SWRCB WRO No. 2016-0016.
4. It should be noted that monthly totals for Carmel Valley Aquifer sources may be different than those shown in MPWMD Rule 160, Table XV-3. These differences result from monthly target adjustments needed to be consistent with SWRCB WRO 98-04, which describes how Cal-Am Seaside well field is to be used to offset production in Carmel Valley during low-flow periods. Adjustments are also made to the Quarterly Budgets to ensure that compliance is achieved on an annual basis with MPWMD Rule 160 totals.
5. ASR recovery values will be evaluated and adjusted according to climate and River conditions.

CALIFORNIA AMERICAN WATER

October 24, 2023

Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Ekdahl:
This letter provides California American Water's consolidated report for the 4th quarter of Water Year 2023 covering the period of July 01, 2023 to September 30, 2023, in compliance with SWRCB Order 95-10, as amended, Order WR 2009-0060, as amended, and Order WR 2016-0016.

I. Compliance with SWRCB Order 95-10, as amended, quarterly reporting requirements

Condition 13: *Starting with the first full month following adoption of this Order, Cal-Am shall file quarterly with the Chief, Division of Water Rights:*

13(a) Reports of the monthly total amounts being: (1) pumped from wells; and (2) diverted from the Carmel River. Reports of the total monthly amount being pumped from wells shall show the amount being pumped from each well and shall show the location of each well.

(1) Please see Attachment 1

(2) Please see Attachment 2, Table 1A.

13(b) Reports of the progress being made in complying with the schedule submitted to comply with Condition 11 (Cal Am to be responsible for implementing all measures in the "Mitigation Program for the District's Water Allocation Program Environmental Impact Report" not implemented by the District after June 30, 1996).

The Monterey Peninsula Water Management District "District" continues to implement the measures in the mitigation program.

California American Water
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

P 1-888-237-1333
californiaamwater.com

13(c) *Reports of the progress being made in complying with Conditions 4, 5 6, 7, 8 and 9.*

Condition 4 (Cal-Am shall maximize production from the Seaside aquifer for the purpose of serving existing connections, honoring existing commitments (allocations), and to reduce diversions from the Carmel River to the greatest practicable extent during periods of low flow.)

California American Water's ability to "maximize production from the Seaside aquifer" must be viewed in light of the 2006 adjudication of the Seaside Basin.

During periods of Carmel River low flow, Cal-Am maximizes Seaside Basin production in accordance with the amended Decision and minimizes Carmel River diversion to the greatest practical extent, consistent with customer demand and Seaside Basin constraints.

When Carmel River flows exceed 40 cfs, Cal-Am maximizes its authorized Carmel River diversion; to the greatest practical extent, consistent with customer demand and Seaside Basin constraints, Cal-Am minimizes diversions from the Seaside Basin.

Please refer to Attachment 1 and Attachment 2.

Condition 5 (extraction from most downstream wells to the extent feasible without inducing sea water intrusion or unreasonably affecting operation of other wells).

California American Water has a standard operating procedure to operate the Carmel Valley wells in order from downstream to upstream, and as further modified by Condition 6. Operations staff have represented to me that the wells have been operated in accordance with those standard operating procedures.

Condition 6 (Pursuant to SWRCB Order No. WRO-2002-002, California American Water complies with Condition 6 by operating the Carmel Valley wells in the following manner:

No water is to be drawn from San Clemente Dam during low flow periods, which are defined as flows less than 20 cfs for five consecutive days measured at the Don Juan Bridge.

Reduced diversions from Garzas Wells 3 and 4, the Panetta Wells 1 and 2, the Robles Well 3, the Scarlett 8 Well, and Los Laureles Wells 5 and 6 during low flow periods to a maximum of two eight-hour days per month, except that wells that operated a maximum of one eight-hour day per month at the time of WRO 2002-002 shall continue to operate for no more than one eight-hour day per month.

During low flow periods, all demand but for 0.5 cfs from the "Carmel Valley Village Zone," as defined, is to be met from the "Begonia Zone" as defined. The order requires California American Water to install the necessary infrastructure to operate in this manner, and limited the Russel Wells to an instantaneous diversion rate of no more than 0.5 cfs during low flow periods.):

The last paragraph of Condition 6 is completed, based on removal of Carmel Valley Filter Plant and installation of Del Monte Booster Station that transfers water from the Begonia Zone to the Clearwell. For the remainder of this condition that still applies, please see Attachment 3

Condition 7 (within 5 months of order, conduct a study re feasibility of bypassing early storm runoff at Los Padres and San Clemente Dams):

California American Water has complied with this Condition.

Condition 8 (within 12 months of order, conduct a study of feasibility, benefits and costs of modifying critical stream reaches to facilitate fish passage):

California American Water has complied with this Condition.

Condition 9 (studies conducted by appropriate professionals, reports transmitting studies under 6, 7 and 8 to describe proposed actions, respond to comments on study):

California American Water has complied with this Condition.

13(d) Cal-Am shall submit a quarterly water budget 30 days after approval by the District.

Please see Attachment 4. The quarterly water budget is also included in the District's board packet with subsequent meeting minutes indicating approval or modification. The latest District board packet information can be found at the following website: https://www.mpwmd.net/who-we-are/board-of-directors.

II. Compliance with SWRCB Order 2009-0060, quarterly reporting requirements

***Condition 6**: Starting three months following adoption of this order, Cal Am shall post quarterly reports on its website and file quarterly reports with the Deputy Director for Water Rights. The quarterly reports shall include the following:*

6(a) Monthly summaries of the quantity of water it diverts from the river.

Please see Attachment 2, Table 1A.

6(b) Monthly summaries of the quantity of ASR project water diverted from the river under Permit 20808A and stored in the Seaside ground water basin. The monthly reporting shall also state the quantity of water beneficially used under Permit 20808A and the current balance of water in storage.

Superseded by SWRCB Order 2016-0016, condition 8.b.

6(c) Monthly summaries of the quantity of water being produced by the Sand City desalinization plant. The reporting shall identify new service connections within Sand City and thereafter report the quantity of water being delivered to the new connections. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.

Please see Attachment 2, Table 1B for monthly quantities of water produced by the Sand City desalination plant. Attachments 5 and 6 identify connection authorization and permitting by Monterey Peninsula Water Management District. California American Water requests the State Water Resources Control Board maintain information on Attachment 5 and 6 as confidential. Effective 1/1/2022, the remainder of this condition is no longer applicable.

6(d) Monthly summaries of the quantity of water saved by reducing system losses.

Effective 1/1/2022, this condition is reported as an annual summary of efforts to reduce system losses via California American Water's Annual Water Loss Report Submission for its Monterey Systems pursuant to California Code of Regulations, Title 23, Section 638.5 to CA Department of Water Resources. Submitted reports for past years can be found here: https://wuedata.water.ca.gov/. These annual reports are also available upon request.

6(e) Monthly summaries of reductions in demand for potable water due to conservation actions such as increased water rates, MPWMD's retrofit program, efforts to reduce potable water for outdoor water use and demand reduction initiatives.

Effective 1/1/2022, this condition is reported as an annual summary of quantifiable and measurable water savings associated with conservation actions via California American Water's "Water Conservation Annual Summary Report" filed as part of Schedule E-3 of the Annual California Public Utilities Commission ("CPUC") Reports per CPUC Decision D.10-06-038. These annual reports will be posted to a CPUC ftp site at ftp://ftp.cpuc.ca.gov/waterannualreports/ and will also be posted to the Monterey Water Conservation website at www.montereywaterinfo.org.

6(f) Monthly summaries identifying all new service connections. The report shall include the Cal-Am account number, the service address, the name of each authority granting any approval required for connecting to Cal-Am's system and the name of each authority granting any approval required before commencing construction; the issuer of each approval and the date of each approval shall be separately listed for each service address.

In compliance with Monterey Peninsula Water Management District regulations, California American Water does not connect new customers unless the prospective customer provides California American Water with a water connection permit issued by the Monterey Peninsula Water Management District.

Attachment 5 is a list of all new connections authorized by the Monterey Peninsula Water Management District. Attachment 5 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. This report includes prospective customers who have presented California American Water with a water connection permit, even if that customer has not requested a meter to be immediately installed. If the customer has provided California American Water with the water connection permit, but has not requested a meter to be installed, the entry on Attachment 5 has no "Installed Date."

The new connection count does not include emergency fire service connections or the splitting of master meter connections into individual accounts, as neither of these activities increases water use.

6(g) Monthly summaries identifying existing service addresses that receive an increased supply of water due to a change in zoning or use. The report shall include Cal-Am account

number, the service address and the name of each authority authorizing a change of use or of zoning and the date of such change.

Attachment 6 is a list of permits issued by the Monterey Peninsula Water Management District authorizing changes to existing service addresses that will result in an increased use of water through a change in zoning or use. Attachment 6 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. Although not clearly a "change in zoning or use," Attachment 6 includes permits issued for additions to, or remodeling of, an existing service address where that addition or remodel has been determined by the Monterey Peninsula Water Management District to result in increased water consumption. Other than California American Water account number and service location, all data in Attachment 6 was compiled or calculated by the Monterey Peninsula Water Management District. Where there were clear clerical errors in data entry, California American Water corrected those errors in compiling this report.

***Condition 7**: Starting six months after adoption of this order, Cal-Am shall file quarterly reports of its progress toward implementing Condition 3 [sic, 5] (small project implementation) and note specifically any problems with its schedule of implementation.*

Superseded by SWRCB Order 2016-0016, condition 11.

III. Compliance with SWRCB Order 2016-0016, quarterly reporting requirements

***Condition 8**: In addition to the reporting required elsewhere in this order or required under WRO 2009-0060 ordering paragraph 6, except as specified, Cal-Am shall provide and post on its website the following information in quarterly reports:*

8a. Monthly summaries of the total quantity of water produced from the Carmel River, and other separate sources of water used by Cal-Am within the service area.

Please see Attachment 2, Tables 1A and 1B.

8b. Monthly summaries of the total quantity of ASR project water diverted from the river under water right Permits 20808A and 20808C and stored in the Seaside Groundwater Basin, including the separate accounting of the amounts pumped in excess of 600 afa. The monthly reporting shall also state the quantity of ASR water recovered from aquifer storage and beneficially used, and the current balance of ASR water remaining in storage in the Seaside Groundwater basin. This paragraph supersedes WRO 2009-0060, ordering paragraph 6(b).

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of ASR diversions to storage, recovery for beneficial use, and balance in storage. Effective 1/1/2022, the remainder of this condition is no longer applicable.

8c. Monthly summaries of the quantity of water being supplied by the Malpaso Water Company to Cal-Am and to Malpaso customers supplied using Cal-Am facilities. The reporting shall identify the amount of water used at Cal-Am's existing meter connections and within the Cal-Am service area, and the amounts used at new service connections served by Malpaso Water Company. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.

Please see Attachment 1 and Attachment 2, Table 1A for monthly quantities of water produced. Effective 1/1/2022, the remainder of this condition is no longer applicable.

8d. Monthly summaries of the quantity of water produced by the City of Pacific Grove, and the quantity of water used to reduce diversions from the river during the reporting period. Cal-Am shall not deliver water produced by the City of Pacific Grove unless such use is consistent with Resolution 2015-0070, paragraph 4.

Effective 1/1/2022, this condition is no longer applicable.

8e. For the final quarter of each water year, the report shall include the quantification and basis of any credits earned and of any amount being carried over for future years.

Effective 1/1/2022, this condition is no longer applicable.

8f. An accounting of the progress towards completion of the Water Supply Project MPWSP Desalination Plant and Pure Water Monterey Project that identifies all progressive steps completed during the previous 12 months and the upcoming 12 month's anticipated progress, and discussion of potential setbacks that may beyond the Applicant's control.

Effective 1/1/2022, this condition is no longer applicable. For general MPWSP and PWM updates, please refer to the following websites www.watersupplyproject.org/update and https://montereyonewater.org/261/Pure-Water-Monterey-Overview.

***Condition 11**: Cal-Am shall file quarterly reports of its diversions under Paragraph 5 (small project implementation) of State Water Board Order WR 2009-0060.*

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of combined ASR diversions under Permits 20808A (effective November 30, 2007) and 20808C (effective November 30, 2011).

Conclusion

This concludes our report for the 4th quarter of Water Year 2023. Should you or your staff have any questions please call me at your earliest convenience at (831) 646-3241.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this report and any accompanying documents are true and correct, with full knowledge that all statements made in this report are subject to investigation and that any false or dishonest statements may be grounds for prosecution.

Sincerely,

Christopher Cook, PE
Director of Operations
Coastal Division
California American Water

Attachments (6)

Enclosures

cc: K. Tilden
G. Hofer
K. Horning, Esq.
D. Stoldt

CALIFORNIA AMERICAN WATER
Monterey District
UPPER CV WELLS - PRODUCTION (AF)
Water Year 2022-2023

	Robles #3	Panetta #1	Panetta #2	Garzas #3	Garzas #4	LL #5	LL #6	Total AF
Oct	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nov	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dec	0.00	2.84	4.34	3.66	3.80	1.91	0.00	16.54
Jan	0.00	4.48	36.24	19.75	18.80	11.74	40.17	131.17
Feb	0.00	30.35	29.15	26.83	34.09	13.23	68.66	202.30
Mar	0.00	35.58	32.62	30.26	37.64	16.83	79.80	232.73
Apr	0.00	27.34	31.76	28.45	35.59	13.87	75.96	212.97
May	0.00	35.16	32.13	28.73	36.21	13.70	73.72	219.66
Jun	0.00	34.27	31.37	28.12	34.61	14.16	69.79	212.33
Jul	0.00	27.07	25.22	0.00	27.84	10.94	52.22	143.30
Aug	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL AF	**0.00**	**197.08**	**222.82**	**165.81**	**228.59**	**96.37**	**460.33**	**1,371.00**

CALIFORNIA AMERICAN WATER
Monterey District
LOWER CV WELLS - PRODUCTION (AF)
Water Year 2022-2023

	Berwick #8	Berwick #9	Begonia #2	**Manor #2	**Schulte #2	Pearce	Cypress #2	**San Carlos #2	*R. Canada #2	Total AF
Oct	16.74	16.23	44.41	0.00	17.75	87.51	49.55	0.00	41.20	273.38
Nov	5.49	10.08	28.27	0.00	14.05	78.23	44.73	0.00	40.15	221.02
Dec	15.97	12.77	23.27	0.00	10.72	77.40	46.58	0.00	42.71	229.42
Jan	76.62	37.51	52.65	0.00	4.91	60.14	48.98	0.00	44.07	324.89
Feb	48.28	30.50	46.07	0.00	0.00	0.00	40.75	0.00	49.70	215.31
Mar	64.80	32.53	47.81	0.00	0.00	0.00	40.42	0.00	51.41	236.97
Apr	38.00	24.58	44.49	0.00	0.00	63.15	38.55	0.00	48.85	257.63
May	44.19	26.21	45.21	0.00	0.00	112.01	36.96	0.00	47.39	311.97
Jun	37.98	24.32	39.84	0.00	0.00	102.67	35.03	0.00	44.67	284.50
Jul	50.22	30.49	46.80	0.00	0.00	112.11	16.30	0.00	45.48	301.41
Aug	45.06	28.56	46.68	0.00	0.00	108.82	33.50	0.00	42.17	304.80
Sep	36.21	26.99	45.64	0.00	0.00	74.98	35.01	0.00	38.05	256.87
TOTAL AF	**479.56**	**300.78**	**511.15**	**0.00**	**47.42**	**877.02**	**466.37**	**0.00**	**535.85**	**3,218.16**

* The following volumes from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 2.12 AF in October 2022. This production from Rancho Canada Well #2 is included in the October 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

** Manor #2 Well destroyed December 31, 2019.
San Carlos #2 Well Destroyed July 14, 2021.
Schulte Well #2 Destroyed 05/31/2023.

CALIFORNIA AMERICAN WATER
Monterey District
EASTWOOD-CANADA WELL - PRODUCTION (AF)
Water Year 2022-2023

	Malpaso Production*
Oct	2.36
Nov	8.53
Dec	8.87
Jan	9.28
Feb	7.87
Mar	7.95
Apr	7.12
May	8.81
Jun	7.66
Jul	5.12
Aug	7.02
Sep	6.31
TOTAL AF	**86.90**

* The following volumes from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 2.12 AF in October 2022. This production from Rancho Canada Well #2 is included in the October 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

Table 1A Total Quantity of Water Produced from Carmel River					
Month	Total Carmel Valley Wells[1] (AF)	Malpaso Well Production* (AF)	Table #13 (AF)	ASR Diversion (AF)	Amounts diverted collectively under License 11866, claimed riparian and claimed pre-1914 appropriative rights [2]
October 2022	275.74	2.36	0.00	0.00	273.38
November 2022	229.55	8.53	0.00	0.00	221.02
December 2022	254.84	8.87	21.51	37.49	186.96
Q#1 TOTAL	**760.13**	**19.77**	**21.51**	**37.49**	**681.35**
WYTD	**760.13**	**19.77**	**21.51**	**37.49**	**681.35**
January 2023	465.33	9.28	101.93	244.16	109.97
February 2023	425.48	7.87	93.31	323.50	0.79
March 2023	477.65	7.95	93.49	299.63	76.59
Q#2 TOTAL	**1,368.46**	**25.10**	**288.73**	**867.29**	**187.35**
WYTD	**2,128.59**	**44.87**	**310.24**	**904.78**	**868.70**
April 2023	477.71	7.12	95.04	344.76	30.79
May 2023	540.44	8.81	111.13	406.89	13.61
June 2023	504.49	7.66	0.00	0.00	496.83
Q#3 TOTAL	**1,522.64**	**23.59**	**206.17**	**751.64**	**541.24**
WYTD	**3,651.23**	**68.46**	**516.41**	**1,656.42**	**1,409.94**
July 2023	449.84	5.12	0.00	0.00	444.72
August 2023	311.82	7.02	0.00	0.00	304.80
September 2023	263.18	6.31	0.00	0.00	256.87
Q#4 TOTAL	**1,024.83**	**18.44**	**0.00**	**0.00**	**1,006.39**
WYTD	**4,676.07**	**86.90**	**516.41**	**1,656.42**	**2,416.33**

[1] Includes Malpaso Diversion, Table #13, and ASR Diversion

[2] Carmel Valley Well Diversion minus Malpaso, Table #13, and ASR Diversion

* The following volume from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 2.12 AF in October 2022. This production from Rancho Canada Well #2 is included in the October 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

Table 1B Additional Sources of Supply and Storage Balances					
Month	Seaside Total[3] (AF)	PWM Recovery (AF)	ASR Recovery (AF)	Seaside Native (AF)	Sand City Desal (AF)
October 2022	497.30	405.01	0.00	92.29	19.89
November 2022	410.63	333.97	0.00	76.66	27.28
December 2022	389.30	359.30	0.00	30.00	8.99
Q#1 TOTAL	**1,297.22**	**1,098.27**	**0.00**	**198.95**	**56.16**
WYTD	**1,297.22**	**1,098.27**	**0.00**	**198.95**	**56.16**
January 2023	370.14	339.81	0.00	30.33	13.89
February 2023	471.73	436.43	0.00	35.29	0.00
March 2023	661.72	498.90	0.00	162.81	0.81
Q#2 TOTAL	**1,503.58**	**1,275.15**	**0.00**	**228.44**	**14.70**
WYTD	**2,800.81**	**2,373.41**	**0.00**	**427.39**	**70.86**
April 2023	581.79	301.76	0.00	280.03	7.31
May 2023	612.33	0.00	0.00	612.33	25.84
June 2023	305.88	0.00	205.88	100.00	24.79
Q#3 TOTAL	**1,500.01**	**301.76**	**205.88**	**992.36**	**57.93**
WYTD	**4,300.82**	**2,675.18**	**205.88**	**1,419.75**	**128.80**
July 2023	406.32	327.24	79.08	0.00	23.32
August 2023	551.11	327.02	224.09	0.00	21.35
September 2023	543.17	218.55	296.56	28.06	0.00
Q#4 TOTAL	**1,500.60**	**872.81**	**599.73**	**28.06**	**44.67**
WYTD	**5,801.42**	**3,547.99**	**805.62**	**1,447.81**	**173.47**

[3] Includes ASR Recovery, Pure Water Monterey (PWM) Recovery, Seaside Native, and Water Wheeling Agreements with D.B.O. Development No. 30 and Cypress-Pacific.

Table 1C Total Quantity of Stored Water Available for Drought		
Quarter	PWM Drought Reserve (AF)	ASR Bank (AF)
Cummulative through Q#1	0.00	1,344.80
Cummulative through Q#2	0.00	2,212.08
Cummulative through Q#3	0.00	2,757.84
Cummulative through Q#4	0.00	2,158.11
Cummulative WYTD	**0.00**	**2,158.11**

Compliance with Condition 6

In compliance with WRO 2002 002, California American Water installed a pump that delivers water from the Begonia zone to the Carmel Valley Village in March 2002.

The status of Carmel Valley wells during the reporting period is as follows:

Lower Carmel Valley Wells	Status
Rancho Cañada #2	On Line
San Carlos #2	Off Line (Destroyed July 14, 2021)
Cypress #2	On Line
Pearce	On Line
Schulte #2	Off Line (Destroyed May 31, 2023)
Manor #2	Off Line (Destroyed December 31, 2019)
Begonia #2	On Line
Berwick #8	On Line
Berwick #9	On Line
Eastwood-Cañada Well	**Status**
Eastwood-Cañada Well	On Line
Upper Carmel Valley Wells	**Status**
Panetta #1	On Line
Panetta #2	On Line
Garzas #3	Off Line
Garzas #4	On Line
Los Laureles #5	On Line
Los Laureles #6	On Line
Robles #3	Off Line (Inactive)

The low flow conditions, as defined by Order 2002 002, existed July 24-September 30, 2023 during this reporting period. California American Water was in compliance with Condition 6.

Please note, reference to San Clemente Dam, Russell Wells, Scarlett Well #8, Manor #2, San Carlos #2, and Schulte #2 no longer applies, as these have been removed/destroyed. Additionally, Robles Well #3 is deemed Inactive.

EXHIBIT X-A

California American Water Main Distribution System
Quarterly Water Supply Strategy and Budget: July - September 2023

Proposed Production Targets by Source and Projected Use in Acre-Feet

SOURCE/USE	MONTH			YEAR-TO-DATE		
	Jul-23	Aug-23	Sep-23	Oct-22 - May-23	% of YTD	% of Annual
Source						
Carmel Valley Aquifer						
Upper Subunits	0	0	0			
Lower Subunits (95-10)	400	400	400			
ASR Diversion	0	0	0			
Table 13 Diversion (Service)	0	0	0			
Total	**400**	**400**	**400**	**931**	53.0%	24.5%
Seaside Groundwater Basin						
Coastal Subareas	0	0	0	**1,200**	79.2%	81.4%
ASR Recovery	330	330	330			
Sand City Desalination	25	25	25	**99**	49.5%	33.0%
Pure Water Monterey	215	225	215	**2,675**	114.6%	76.4%
Total	**570**	**580**	**570**	**3,974**		79.9%
Use						
Customer Service	970	980	970			
Table 13 in Basin Use	0	0	0			
Total Customer Use	**970**	**980**	**970**	**5,539**		
ASR Injection	0	0	0			
Total	**970**	**980**	**970**	**5,539**	91.1%	57.1%

Notes:

1. The annual budget period corresponds to the Water Year, which begins on October 1 and ends on September 30 of the following Calendar Year.
2. Total monthly production for "Customer Service" in CAW's main system was calculated by multiplying total annual production (4,850 AF) times the average percentage of annual production for July, August, and September (9.5%, 9.5%, and 8.7%, respectively). According to District Rule 160, the annual production total was based on the assumption that production from the Coastal Subareas of the Seaside Groundwater Basin would not exceed 1,474 AF and production from Carmel River sources, without adjustments for water produced from water resources projects, would not exceed 3,376 AF in WY 2023. The average production percentages were based on monthly data for customer service from WY 2014 and 2019.
3. The production targets for CAW's wells in the Seaside Coastal Subareas are based on the need for CAW to produce its full Standard Allocation to be in compliance with SWRCB WRO No. 2016-0016.
4. It should be noted that monthly totals for Carmel Valley Aquifer sources may be different than those shown in MPWMD Rule 160, Table XV-3. These differences result from monthly target adjustments needed to be consistent with SWRCB WRO 98-04, which describes how Cal-Am Seaside well field is to be used to offset production in Carmel Valley during low-flow periods. Adjustments are also made to the Quarterly Budgets to ensure that compliance is achieved on an annual basis with MPWMD Rule 160 totals.
5. ASR recovery values will be evaluated and adjusted according to climate and River conditions.

CALIFORNIA
AMERICAN WATER

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October 27, 2022

Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Ekdahl:

This letter provides California American Water's consolidated report for the 4th quarter of Water Year 2022 covering the period of July 1, 2022 to September 30, 2022, in compliance with SWRCB Order 95-10, as amended, Order WR 2009-0060, as amended, and Order WR 2016-0016.

I. Compliance with SWRCB Order 95-10, as amended, quarterly reporting requirements

Condition 13: *Starting with the first full month following adoption of this Order, Cal-Am shall file quarterly with the Chief, Division of Water Rights:*

13(a) *Reports of the monthly total amounts being: (1) pumped from wells; and (2) diverted from the Carmel River. Reports of the total monthly amount being pumped from wells shall show the amount being pumped from each well and shall show the location of each well.*

(1) Please see Attachment 1

(2) Please see Attachment 2, Table 1A.

13(b) *Reports of the progress being made in complying with the schedule submitted to comply with Condition 11 (Cal Am to be responsible for implementing all measures in the "Mitigation Program for the District's Water Allocation Program Environmental Impact Report" not implemented by the District after June 30, 1996).*

The Monterey Peninsula Water Management District "District" continues to implement the measures in the mitigation program.

CALIFORNIA
AMERICAN WATER

13(c) *Reports of the progress being made in complying with Conditions 4, 5 6, 7, 8 and 9.*

Condition 4 (Cal-Am shall maximize production from the Seaside aquifer for the purpose of serving existing connections, honoring existing commitments (allocations), and to reduce diversions from the Carmel River to the greatest practicable extent during periods of low flow.)

California American Water's ability to "maximize production from the Seaside aquifer" must be viewed in light of the 2006 adjudication of the Seaside Basin.

During periods of Carmel River low flow, Cal-Am maximizes Seaside Basin production in accordance with the amended Decision and minimizes Carmel River diversion to the greatest practical extent, consistent with customer demand and Seaside Basin constraints.

When Carmel River flows exceed 40 cfs, Cal-Am maximizes its authorized Carmel River diversion; to the greatest practical extent, consistent with customer demand and Seaside Basin constraints, Cal-Am minimizes diversions from the Seaside Basin.

Please refer to Attachment 1 and Attachment 2.

Condition 5 (extraction from most downstream wells to the extent feasible without inducing sea water intrusion or unreasonably affecting operation of other wells).

California American Water has a standard operating procedure to operate the Carmel Valley wells in order from downstream to upstream, and as further modified by Condition 6. Operations staff have represented to me that the wells have been operated in accordance with those standard operating procedures.

Condition 6 (Pursuant to SWRCB Order No. WRO-2002-002, California American Water complies with Condition 6 by operating the Carmel Valley wells in the following manner:

No water is to be drawn from San Clemente Dam during low flow periods, which are defined as flows less than 20 cfs for five consecutive days measured at the Don Juan Bridge.

Reduced diversions from Garzas Wells 3 and 4, the Panetta Wells 1 and 2, the Robles Well 3, the Scarlett 8 Well, and Los Laureles Wells 5 and 6 during low flow periods to a maximum of two eight-hour days per month, except that wells that operated a

maximum of one eight-hour day per month at the time of WRO 2002-002 shall continue to operate for no more than one eight-hour day per month.

During low flow periods, all demand but for 0.5 cfs from the "Carmel Valley Village Zone," as defined, is to be met from the "Begonia Zone" as defined. The order requires California American Water to install the necessary infrastructure to operate in this manner, and limited the Russel Wells to an instantaneous diversion rate of no more than 0.5 cfs during low flow periods.):

The last paragraph of Condition 6 is completed, based on removal of Carmel Valley Filter Plant and installation of Del Monte Booster Station that transfers water from the Begonia Zone to the Clearwell. For the remainder of this condition that still applies, please see Attachment 3

Condition 7 (within 5 months of order, conduct a study re feasibility of bypassing early storm runoff at Los Padres and San Clemente Dams):

California American Water has complied with this Condition.

Condition 8 (within 12 months of order, conduct a study of feasibility, benefits and costs of modifying critical stream reaches to facilitate fish passage):

California American Water has complied with this Condition.

Condition 9 (studies conducted by appropriate professionals, reports transmitting studies under 6, 7 and 8 to describe proposed actions, respond to comments on study):

California American Water has complied with this Condition.

13(d) *Cal-Am shall submit a quarterly water budget 30 days after approval by the District.*

Please see Attachment 4. The quarterly water budget is also included in the District's board packet with subsequent meeting minutes indicating approval or modification. The latest District board packet information can be found at the following website: https://www.mpwmd.net/who-we-are/board-of-directors.

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II. Compliance with SWRCB Order 2009-0060, quarterly reporting requirements

Condition 6: *Starting three months following adoption of this order, Cal Am shall post quarterly reports on its website and file quarterly reports with the Deputy Director for Water Rights. The quarterly reports shall include the following:*

6(a) Monthly summaries of the quantity of water it diverts from the river.

Please see Attachment 2, Table 1A.

6(b) Monthly summaries of the quantity of ASR project water diverted from the river under Permit 20808A and stored in the Seaside ground water basin. The monthly reporting shall also state the quantity of water beneficially used under Permit 20808A and the current balance of water in storage.

Superseded by SWRCB Order 2016-0016, condition 8.b.

6(c) Monthly summaries of the quantity of water being produced by the Sand City desalinization plant. The reporting shall identify new service connections within Sand City and thereafter report the quantity of water being delivered to the new connections. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.

Please see Attachment 2, Table 1B for monthly quantities of water produced by the Sand City desalination plant. Attachments 5 and 6 identify connection authorization and permitting by Monterey Peninsula Water Management District. California American Water requests the State Water Resources Control Board maintain information on Attachment 5 and 6 as confidential. Effective 1/1/2022, the remainder of this condition is no longer applicable.

6(d) Monthly summaries of the quantity of water saved by reducing system losses.

Effective 1/1/2022, this condition is reported as an annual summary of efforts to reduce system losses via California American Water's Annual Water Loss Report Submission for its Monterey Systems pursuant to California Code of Regulations, Title 23, Section 638.5 to CA Department of Water Resources. Submitted reports for past years can be found here: https://wuedata.water.ca.gov/. These annual reports are also available upon request.

6(e) Monthly summaries of reductions in demand for potable water due to conservation actions such as increased water rates, MPWMD's retrofit program, efforts to reduce potable water for outdoor water use and demand reduction initiatives.

Effective 1/1/2022, this condition is reported as an annual summary of quantifiable and measurable water savings associated with conservation actions via California American Water's "Water

CALIFORNIA
AMERICAN WATER

Conservation Annual Summary Report" filed as part of Schedule E-3 of the Annual California Public Utilities Commission ("CPUC") Reports per CPUC Decision D.10-06-038. These annual reports will be posted to a CPUC ftp site at ftp://ftp.cpuc.ca.gov/waterannualreports/ and will also be posted to the Monterey Water Conservation website at www.montereywaterinfo.org.

6(f) Monthly summaries identifying all new service connections. The report shall include the Cal-Am account number, the service address, the name of each authority granting any approval required for connecting to Cal-Am's system and the name of each authority granting any approval required before commencing construction; the issuer of each approval and the date of each approval shall be separately listed for each service address.

In compliance with Monterey Peninsula Water Management District regulations, California American Water does not connect new customers unless the prospective customer provides California American Water with a water connection permit issued by the Monterey Peninsula Water Management District.

Attachment 5 is a list of all new connections authorized by the Monterey Peninsula Water Management District. Attachment 5 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. This report includes prospective customers who have presented California American Water with a water connection permit, even if that customer has not requested a meter to be immediately installed. If the customer has provided California American Water with the water connection permit, but has not requested a meter to be installed, the entry on Attachment 5 has no "Installed Date."

The new connection count does not include emergency fire service connections or the splitting of master meter connections into individual accounts, as neither of these activities increases water use.

6(g) Monthly summaries identifying existing service addresses that receive an increased supply of water due to a change in zoning or use. The report shall include Cal-Am account number, the service address and the name of each authority authorizing a change of use or of zoning and the date of such change.

Attachment 6 is a list of permits issued by the Monterey Peninsula Water Management District authorizing changes to existing service addresses that will result in an increased use of water through a change in zoning or use. Attachment 6 is being provided under separate cover as it contains confidential customer account information. California American Water requests the State Water Resources Control Board maintain this information as confidential. Although not clearly a "change in zoning or use," Attachment 6 includes permits issued for additions to, or remodeling of, an existing service address where that addition or remodel has been determined by the Monterey Peninsula Water Management District to result in increased water consumption. Other than California American

CALIFORNIA
AMERICAN WATER

Water account number and service location, all data in Attachment 6 was compiled or calculated by the Monterey Peninsula Water Management District. Where there were clear clerical errors in data entry, California American Water corrected those errors in compiling this report.

Condition 7: *Starting six months after adoption of this order, Cal-Am shall file quarterly reports of its progress toward implementing Condition 3 [sic, 5] (small project implementation) and note specifically any problems with its schedule of implementation.*

Superseded by SWRCB Order 2016-0016, condition 11.

III. Compliance with SWRCB Order 2016-0016, quarterly reporting requirements

Condition 8*: In addition to the reporting required elsewhere in this order or required under WRO 2009-0060 ordering paragraph 6, except as specified, Cal-Am shall provide and post on its website the following information in quarterly reports:*

8a. Monthly summaries of the total quantity of water produced from the Carmel River, and other separate sources of water used by Cal-Am within the service area.

Please see Attachment 2, Tables 1A and 1B.

8b. Monthly summaries of the total quantity of ASR project water diverted from the river under water right Permits 20808A and 20808C and stored in the Seaside Groundwater Basin, including the separate accounting of the amounts pumped in excess of 600 afa. The monthly reporting shall also state the quantity of ASR water recovered from aquifer storage and beneficially used, and the current balance of ASR water remaining in storage in the Seaside Groundwater basin. This paragraph supersedes WRO 2009-0060, ordering paragraph 6(b).

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of ASR diversions to storage, recovery for beneficial use, and balance in storage. Effective 1/1/2022, the remainder of this condition is no longer applicable.

8c. Monthly summaries of the quantity of water being supplied by the Malpaso Water Company to Cal-Am and to Malpaso customers supplied using Cal-Am facilities. The reporting shall identify the amount of water used at Cal-Am's existing meter connections and within the Cal-Am service area, and the amounts used at new service connections served by Malpaso Water Company. The monthly reports shall specify the quantity of water used to reduce diversions from the river during the reporting period.

Please see Attachment 1 and Attachment 2, Table 1A for monthly quantities of water produced. Effective 1/1/2022, the remainder of this condition is no longer applicable.

CALIFORNIA
AMERICAN WATER

8d. Monthly summaries of the quantity of water produced by the City of Pacific Grove, and the quantity of water used to reduce diversions from the river during the reporting period. Cal-Am shall not deliver water produced by the City of Pacific Grove unless such use is consistent with Resolution 2015-0070, paragraph 4.

Effective 1/1/2022, this condition is no longer applicable.

8e. For the final quarter of each water year, the report shall include the quantification and basis of any credits earned and of any amount being carried over for future years.

Effective 1/1/2022, this condition is no longer applicable.

8f. An accounting of the progress towards completion of the Water Supply Project MPWSP Desalination Plant and Pure Water Monterey Project that identifies all progressive steps completed during the previous 12 months and the upcoming 12 month's anticipated progress, and discussion of potential setbacks that may beyond the Applicant's control.

Effective 1/1/2022, this condition is no longer applicable. For general MPWSP and PWM updates, please refer to the following websites www.watersupplyproject.org/update and https://montereyonewater.org/261/Pure-Water-Monterey-Overview.

***Condition 11**: Cal-Am shall file quarterly reports of its diversions under Paragraph 5 (small project implementation) of State Water Board Order WR 2009-0060.*

Please see Attachment 2, Tables 1A, 1B, and 1C for monthly summaries of combined ASR diversions under Permits 20808A (effective November 30, 2007) and 20808C (effective November 30, 2011).

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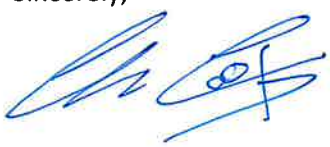
Conclusion

This concludes our report for the 4th quarter of Water Year 2022. Should you or your staff have any questions please call me at your earliest convenience at (831) 646-3241.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this report and any accompanying documents are true and correct, with full knowledge that all statements made in this report are subject to investigation and that any false or dishonest statements may be grounds for prosecution.

Sincerely,



Christopher Cook, PE
Director of Operations
Coastal Division
California American Water

Attachments (6)

Enclosures

cc: K. Tilden
G. Hofer
K. Horning, Esq.
D. Stoldt

CALIFORNIA AMERICAN WATER
Monterey District
UPPER CV WELLS - PRODUCTION (AF)
Water Year 2021-2022

	Robles #3	Panetta #1	Panetta #2	Garzas #3	Garzas #4	LL #5	LL #6	Total AF
Oct	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nov	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dec	0.00	12.64	14.60	0.00	14.98	0.02	22.31	64.56
Jan	0.00	3.31	3.04	0.00	4.20	0.00	5.79	16.35
Feb	0.00	0.45	0.00	0.00	0.00	0.00	0.00	0.45
Mar	0.00	3.31	0.01	0.03	1.75	0.00	5.15	10.27
Apr	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
May	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Jun	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Jul	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Aug	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL AF	**0.00**	**19.72**	**17.66**	**0.03**	**20.94**	**0.02**	**33.25**	**91.62**

CALIFORNIA AMERICAN WATER
Monterey District
LOWER CV WELLS - PRODUCTION (AF)
Water Year 2021-2022

	Berwick #8	Berwick #9	Begonia #2	**Manor #2	Schulte #2	Pearce	Cypress #2	**San Carlos #2	R. Canada #2	Total AF
Oct	64.67	43.06	61.30	0.00	33.05	100.86	80.25	0.00	52.47	435.66
Nov	61.22	40.11	60.00	0.00	31.72	93.42	71.71	0.00	47.13	405.30
Dec	49.81	35.78	59.28	0.00	28.90	97.00	73.58	0.00	54.02	398.37
Jan	8.87	6.16	20.22	0.00	15.32	91.76	78.17	0.00	63.37	283.87
Feb	0.08	1.73	10.58	0.00	9.42	81.86	69.38	0.00	55.02	228.07
Mar	1.11	1.66	10.26	0.00	11.10	82.88	75.24	0.00	58.58	240.83
Apr	0.32	1.86	17.65	0.00	14.73	92.12	68.61	0.00	52.10	247.39
May	8.00	13.82	40.77	0.00	28.04	100.88	67.68	0.00	48.46	307.66
Jun	27.30	27.13	56.19	0.00	29.11	96.25	62.16	0.00	42.24*	340.37
Jul	37.67	37.19	67.21	0.00	27.61	96.98	60.52	0.00	40.64*	327.17
Aug	52.79	36.76	65.25	0.00	23.49	94.57	56.18	0.00	38.96*	329.04
Sep	53.21	36.12	59.07	0.00	20.15	88.43	50.76	0.00	41.06*	307.74
TOTAL AF	**365.05**	**281.38**	**527.78**	**0.00**	**272.64**	**1,116.99**	**814.24**	**0.00**	**594.04**	**3,972.12**

* The following volumes from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 1.92 AF in June 2022; 2.00 AF in July 2022; 2.00 AF in August 2022; 1.45 AF in September 2022. This production from Rancho Canada Well #2 is included in the June-September 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

** Manor #2 Well destroyed December 31, 2019.
San Carlos #2 Well Destroyed July 14, 2021.

CALIFORNIA AMERICAN WATER
Monterey District
EASTWOOD-CANADA WELL - PRODUCTION (AF)

Malpaso Production	
Oct	2.23
Nov	2.01
Dec	2.07
Jan	2.16
Feb	1.62
Mar	1.52
Apr	1.13
May	0.96
Jun	2.00*
Jul	2.00*
Aug	2.00*
Sep	1.45*
TOTAL AF	**21.15**

* The following volumes from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 1.92 AF in June 2022; 2.00 AF in July 2022; 2.00 AF in August 2022; 1.45 AF in September 2022. This production from Rancho Canada Well #2 is included in the June-September 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

Table 1A Total Quantity of Water Produced from Carmel River					
Month	Total Carmel Valley Wells[1] (AF)	Malpaso Well Production (AF)	Table #13 (AF)	ASR Diversion (AF)	Amounts diverted collectively under License 11866, claimed riparian and claimed pre-1914 appropriative rights [2]
October 2021	437.89	2.23	0.00	0.00	435.66
November 2021	407.31	2.01	0.00	0.00	405.30
December 2021	465.00	2.07	49.49	61.69	351.74
Q#1 TOTAL	**1,310.19**	**6.31**	**49.49**	**61.69**	**1,192.70**
WYTD	**1,310.19**	**6.31**	**49.49**	**61.69**	**1,192.70**
January 2022	302.37	2.16	29.69	8.86	261.67
February 2022	230.14	1.62	0.00	0.00	228.52
March 2022	252.62	1.52	0.00	0.00	251.10
Q#2 TOTAL	**785.13**	**5.30**	**29.69**	**8.86**	**741.29**
WYTD	**2,095.32**	**11.61**	**79.18**	**70.55**	**1,933.99**
April 2022	248.52	1.13	0.00	0.00	247.39
May 2022	308.61	0.96	0.00	0.00	307.66
June 2022	342.37	2.00*	0.00	0.00	340.37
Q#3 TOTAL	**899.50**	**4.09**	**0.00**	**0.00**	**895.42**
WYTD	**2,994.83**	**15.70**	**79.18**	**70.55**	**2,829.41**
July 2022	369.80	2.00*	0.00	0.00	367.80
August 2022	370.00	2.00*	0.00	0.00	368.00
September 2022	350.25	1.45*	0.00	0.00	348.80
Q#4 TOTAL	**1,090.06**	**5.45**	**0.00**	**0.00**	**1,084.60**
WYTD	**4,084.89**	**21.15**	**79.18**	**70.55**	**3,914.01**

[1] Includes Malpaso Diversion, Table #13, and ASR Diversion

[2] Carmel Valley Well Diversion minus Malpaso, Table #13, and ASR Diversion

* The following volumes from Rancho Canada Well #2 are being counted under the Malpaso and Cal-Am Water Distribution System Permits #M15-04-L3 and #M15-05-L3 in order to meet demand from Malpaso customers: 1.92 AF in June 2022; 2.00 AF in July 2022; 2.00 AF in August 2022; 1.45 AF in September 2022. This production from Rancho Canada Well #2 is included in the June-September 2022 Malpaso Production total and deducted from Rancho Canada Well #2 production.

Table 1B Additional Sources of Supply and Storage Balances					
Month	Seaside Total[3] (AF)	PWM Recovery (AF)	ASR Recovery (AF)	Seaside Native (AF)	Sand City Desal (AF)
October 2021	373.61	343.61	0.00	30.00	0.00
November 2021	268.66	233.66	0.00	35.00	5.88
December 2021	192.09	162.09	0.00	30.00	27.72
Q#1 TOTAL	**834.36**	**739.36**	**0.00**	**95.00**	**33.60**
WYTD	**834.36**	**739.36**	**0.00**	**95.00**	**33.60**
January 2022	331.21	301.21	0.00	30.00	2.23
February 2022	448.82	418.82	0.00	30.00	0.00
March 2022	481.75	400.00	0.00	81.75	23.84
Q#2 TOTAL	**1,261.79**	**1,120.03**	**0.00**	**141.75**	**26.07**
WYTD	**2,096.15**	**1,859.39**	**0.00**	**236.75**	**59.66**
April 2022	476.00	400.00	0.00	76.00	16.63
May 2022	526.99	350.00	0.00	176.99	24.73
June 2022	525.63	249.07	0.00	276.56	5.69
Q#3 TOTAL	**1,528.61**	**999.07**	**0.00**	**529.55**	**47.05**
WYTD	**3,624.76**	**2,858.46**	**0.00**	**766.30**	**106.71**
July 2022	546.09	273.96	0.00	272.13	0.00
August 2022	530.96	287.16	0.00	243.80	0.00
September 2022	474.63	263.70	0.00	210.92	13.39
Q#4 TOTAL	**1,551.68**	**824.82**	**0.00**	**726.86**	**13.39**
WYTD	**5,176.44**	**3,683.28**	**0.00**	**1,493.16**	**120.10**

[3] Includes ASR Recovery, Pure Water Monterey (PWM) Recovery, Seaside Native, and Water Wheeling Agreements with D.B.O. Development No. 30 and Cypress-Pacific.

Table 1C Total Quantity of Stored Water Available for Drought		
Quarter	PWM Drought Reserve (AF)	ASR Bank (AF)
Cummulative through Q#1	0.00	1,298.44
Cummulative through Q#2	0.00	1,307.30
Cummulative through Q#3	0.00	1,307.30
Cummulative through Q#4	0.00	1,307.30
Cummulative WYTD	**0.00**	**1,307.30**

Compliance with Condition 6

In compliance with WRO 2002 002, California American Water installed a pump that delivers water from the Begonia zone to the Carmel Valley Village in March 2002.

The status of Carmel Valley wells during the reporting period is as follows:

Lower Carmel Valley Wells	Status
Rancho Cañada #2	On Line
San Carlos #2	Off Line (Destroyed July 14, 2021)
Cypress #2	On Line
Pearce	On Line
Schulte #2	On Line
Manor #2	Off Line (Destroyed December 31, 2019)
Begonia #2	On Line
Berwick #8	On Line
Berwick #9	On Line
Eastwood-Cañada Well	**Status**
Eastwood-Cañada Well	Off line
Upper Carmel Valley Wells	**Status**
Panetta #1	Off Line
Panetta #2	Off Line
Garzas #3	Off Line
Garzas #4	Off Line
Los Laureles #5	Off Line
Los Laureles #6	Off Line
Robles #3	Off Line (Inactive)

The low flow conditions, as defined by Order 2002 002, existed July 01, 2022 thru September 30, 2022 during this reporting period.
California American Water was in compliance with Condition 6.

Please note, reference to San Clemente Dam, Russell Wells, Scarlett Well #8, Manor #2, and San Carlos #2 no longer applies, as these have been removed/destroyed. Additionally, Robles Well #3 is deemed Inactive.

Attachment D

Cal-Am Annual Water Shortage Reports
2022-2025

Filed Annually with California Department
of Water Resources

Attachment D

Cal-Am Annual Water Shortage Reports
2022-2025

Filed Annually with California Department of Water Resources

Consistent with California Water Code CWC §10632.1, each year, Urban Water Suppliers (Suppliers) are required to submit their Annual Water Supply and Demand Assessment (Annual Assessment) and submit an Annual Water Shortage Assessment Report (Annual Shortage Report) to the Department of Water Resources (DWR) in a way that is consistent with California Water Code (CWC) requirements. Suppliers must use the DWR electronic submittal tool (WUEdata Portal) to submit an Annual Shortage Report. The projected assessment data needs to be included in the WUEdata reporting tables for the twelve-month period specified from July through June to cover anticipated shortages and planned actions in the year ahead. Suppliers use their water supply and demand assessment procedures, along with supporting information from their UWMP, to conduct the Annual Assessment and predict shortages. Next, they use the Water Shortage Response Actions from their Water Shortage Contingency Plan to determine actions that will address the shortage gaps. The Annual Assessment is a recurring process to prepare Suppliers with tools to respond to anticipated water shortages.

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to DWR with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan.

Cal-Am's filings to DWR appear in the following pages. ***An important conclusion from the reporting is that Cal-Am has reported a significant surplus supply each of the recent reported years 2022-2025, as shown below.***

Cal-Am Surplus Water Supplies – Monterey System
Reported to California DWR

Year of Report	Surplus Reported
2025	42%
2024	34%
2023	20%
2022	12%

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Table 1: Information

Next

Water Shortage Report Submitted on 06/25/2025 (Read-Only)

Type of Supplier (REQUIRED TO CHECK ONE OR BOTH)	
Supplier is a wholesaler	☐
Supplier is a retailer	☑

Year Covered By This Shortage Report (REQUIRED)	
Start: July 1,	2025
End: June 30,	2026
Volume Unit for Reported Supply and Demand (must use same unit throughout)	AF
Supplier's Annual Assessment Planning Cycle (REQUIRED)	
Start Month:	July
End Month:	June
Data Reporting Interval Used:	Monthly (12 data points per year)
Supplier's Water Shortage Contingency Plan	
WSCP Title:	Water Shortage Contingency Plan Monterey County District - Rule and Schedule 14.1.1
WSCP Adoption Date:	1/29/2017
Other Annual Assessment Related Activities (optional)	
Activity	Timeline/Outcomes/Links/Notes
Annual Assessment/Shortage Report Title:	
Annual Assessment/Shortage Report Approval Date:	
Other Annual Assessment Related Activities:	

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 2 Retail: Demands[1]

Next

Water Shortage Report Submitted on 06/25/2025 (Read-Only)

Use Type	Start Year:	2025	Volumetric Unit Used:	AF											
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Description (as needed)	Level of Treatmen for Non-Potable Supplies Drop down list	Projected Water Demands - Volume[2]												
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type
Demands Served by Potable Supplies															
All Demands	Montrey Main System		907	906	834	815	696	632	623	590	713	694	802	838	9,050
TOTAL BY MONTH (POTABLE)			907	906	834	815	696	632	623	590	713	694	802	838	9,050
Demands Served by Non-Potable Supplies															
TOTAL BY MONTH (NON-POTABLE)			0	0	0	0	0	0	0	0	0	0	0	0	0
NOTES	Notes: Demands are projected to be consistent with demands from 2021-2025														

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 3 Retail: Water Supplies[1]

Next

Water Shortage Report Submitted on 06/25/2025 (Read-Only)

Water Supply	Start Year:	2025						Volumetric Unit Used:		AF						
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Detail on Water Supply	Projected Water Supplies - Volume[2]													Water Quality Drop Down List	Total Right or Safe Yield * (optional)
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type		
Potable Supplies																
Groundwater (not desal.)	Seaside Basin	795	795	770	795	770	795	795	719	795	770	795	770	9,364		
Groundwater (not desal.)	Carmel River	287	287	277	287	277	287	287	259	287	277	287	277	3,376		
Desalinated Groundwater	Sand City	12	12	11	12	12	12	12	11	12	11	12	11	140		
TOTAL BY MONTH (POTABLE)		1,094	1,094	1,058	1,094	1,059	1,094	1,094	989	1,094	1,058	1,094	1,058	12,880		0
Non-Potable Supplies																
TOTAL BY MONTH (NON-POTABLE)		0	0	0	0	0	0	0	0	0	0	0	0	0		0
NOTES	Notes: 1. Seaside basin includes 1,474 AF of native water rights, 3,500 AF from pure Water Monterey, and 4392.29 AF of ASR banked storage. 2. Water available from the Carmel River is limited by the State Water Resources Control Board to 3,376 AFY. 3. Sand City desal supply is based on 2024 use of 138 AF.															

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 4 Retail: Water Assessment

Next

Water Shortage Report Submitted on 06/25/2025 (Read-Only)

Table 4(P): Potable Water Shortage Assessment[1]	Start Year:	2025				Volumetric Unit Used[2]:						AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Potable Supplies													
Anticipated Unconstrained Demand	907	906	834	815	696	632	623	590	713	694	802	838	9,050
Anticipated Total Water Supply	1,094	1,094	1,058	1,094	1,059	1,094	1,094	989	1,094	1,058	1,094	1,058	12,880
Surplus/Shortage w/o WSCP Action	187	188	224	279	363	462	471	399	381	364	292	220	3,830
% Surplus/Shortage w/o WSCP Action	21%	21%	27%	34%	52%	73%	76%	68%	53%	52%	36%	26%	42%
State Standard Shortage Level	0	0	0	0	0	0	0	0	0	0	0	0	0
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation	0	0	0	0	0	0	0	0	0	0	0	0	0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	187	188	224	279	363	462	471	399	381	364	292	220	3,830
% Revised Surplus/Shortage with WSCP	21%	21%	27%	34%	52%	73%	76%	68%	53%	52%	36%	26%	42%

Table 4(NP): Non-Potable Water Shortage Assessment[1]	Start Year:	2025				Volumetric Unit Used[2]:						AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Non-Potable Supplies													
Anticipated Unconstrained Demand													0
Anticipated Total Water Supply													0
Surplus/Shortage w/o WSCP Action	0	0	0	0	0	0	0	0	0	0	0	0	0
% Surplus/Shortage w/o WSCP Action													0%
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	0	0	0	0	0	0	0	0	0	0	0	0	0
% Revised Surplus/Shortage with WSCP													
NOTES													

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 5 Retail: Actions

Next

Water Shortage Report Submitted on 06/25/2025 (Read-Only)

Year Covered By This Shortage Report			July 1, 2025		to June 30, 2026	
Anticipated Shortage Level Drop Down List of State Standard Levels (1-6) and Level 0 (No Shortage)	ACTIONS: Demand Reduction, Supply Augmentation, and Other Actions. (Drop Down List) These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.	Is Action Already Being Implemented? (Y/N)	How much is action going to reduce the shortage gap?		When is shortage response action anticipated to be implemented?	
			Enter Amount	(Drop Down List) Select % or Volume Unit	Start Month	End Month
Add additional rows as needed						
Notes: (NOTES Section to be used only for clarifying details, and not for listing specific actions. Actions need to entered into rows above.)	No WSCP actions are required due to a water supply shortage. However, Stage 1 of the WSCP is currently in effect.					

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Table 1: Information

Next

Water Shortage Report Submitted on 07/01/2024 (Read-Only)

Type of Supplier (REQUIRED TO CHECK ONE OR BOTH)	
Supplier is a wholesaler	☐
Supplier is a retailer	☑

Year Covered By This Shortage Report (REQUIRED)	
Start: July 1,	2024
End: June 30,	2025
Volume Unit for Reported Supply and Demand (must use same unit throughout)	AF
Supplier's Annual Assessment Planning Cycle (REQUIRED)	
Start Month:	July
End Month:	June
Data Reporting Interval Used:	Monthly (12 data points per year)
Supplier's Water Shortage Contingency Plan	
WSCP Title:	Water Shortage Contingency Plan Monterey County District - Rule and Schedule 14.1.1
WSCP Adoption Date:	1/29/2017
Other Annual Assessment Related Activities (optional)	
Activity	Timeline/Outcomes/Links/Notes
Annual Assessment/Shortage Report Title:	
Annual Assessment/Shortage Report Approval Date:	
Other Annual Assessment Related Activities:	

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 2 Retail: Demands[1]

Next

Water Shortage Report Submitted on 07/01/2024 (Read-Only)

Use Type	Start Year:	2024	Volumetric Unit Used:	AF											
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Description (as needed)	Level of Treatmen for Non-Potable Supplies Drop down list	Projected Water Demands - Volume[2]												
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type
Demands Served by Potable Supplies															
All Demands	Montrey Main System		899	904	839	806	687	625	612	599	738	698	806	859	9,072
TOTAL BY MONTH (POTABLE)			899	904	839	806	687	625	612	599	738	698	806	859	9,072
Demands Served by Non-Potable Supplies															
TOTAL BY MONTH (NON-POTABLE)			0	0	0	0	0	0	0	0	0	0	0	0	0
NOTES	Demands are projected to be consistent with demands from 2021-2024														

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 3 Retail: Water Supplies[1]

Next

Water Shortage Report Submitted on 07/01/2024 (Read-Only)

Water Supply	Start Year:	2024						Volumetric Unit Used:		AF						
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Detail on Water Supply	Projected Water Supplies - Volume[2]													Water Quality Drop Down List	Total Right or Safe Yield * (optional)
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type		
Potable Supplies																
Groundwater (not desal.)	Seaside Basin	733	733	709	733	709	733	733	685	733	709	733	709	8,652		
Groundwater (not desal.)	Carmel River	286	286	277	286	277	286	286	267	286	277	286	277	3,377		
Desalinated Groundwater	Sand City	13	13	13	13	13	13	13	13	13	13	13	13	156		
TOTAL BY MONTH (POTABLE)		1,032	1,032	999	1,032	999	1,032	1,032	965	1,032	999	1,032	999	12,185		0
Non-Potable Supplies																
TOTAL BY MONTH (NON-POTABLE)		0	0	0	0	0	0	0	0	0	0	0	0	0		0
NOTES	1. Water from the Seaside Basin includes 1,474 AF of native water rights, 3,500 AF from Pure Water Monterey, 3,677 AF of ASR banked storage. 2. Water available from the Carmel River is limited by the State Water Resources Control Board to 3,376 AFY. 3. Sand City desal supply is based on 2023 use of 154 AF.															

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 4 Retail: Water Assessment

Next

Water Shortage Report Submitted on 07/01/2024 (Read-Only)

Table 4(P): Potable Water Shortage Assessment[1]	Start Year:			2024					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Potable Supplies													
Anticipated Unconstrained Demand	899	904	839	806	687	625	612	599	738	698	806	859	9,072
Anticipated Total Water Supply	1,032	1,032	999	1,032	999	1,032	1,032	965	1,032	999	1,032	999	12,185
Surplus/Shortage w/o WSCP Action	133	128	160	226	312	407	420	366	294	301	226	140	3,113
% Surplus/Shortage w/o WSCP Action	15%	14%	19%	28%	45%	65%	69%	61%	40%	43%	28%	16%	34%
State Standard Shortage Level	0	0	0	0	0	0	0	0	0	0	0	0	0
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation	0	0	0	0	0	0	0	0	0	0	0	0	0
Benefit from WSCP: Demand Reduction	0	0	0	0	0	0	0	0	0	0	0	0	0
Revised Surplus/Shortage with WSCP	133	128	160	226	312	407	420	366	294	301	226	140	3,113
% Revised Surplus/Shortage with WSCP	15%	14%	19%	28%	45%	65%	69%	61%	40%	43%	28%	16%	34%

Table 4(NP): Non-Potable Water Shortage Assessment[1]	Start Year:			2024					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Non-Potable Supplies													
Anticipated Unconstrained Demand													0
Anticipated Total Water Supply													0
Surplus/Shortage w/o WSCP Action	0	0	0	0	0	0	0	0	0	0	0	0	0
% Surplus/Shortage w/o WSCP Action													0%
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	0	0	0	0	0	0	0	0	0	0	0	0	0
% Revised Surplus/Shortage with WSCP													
NOTES													

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 5 Retail: Actions

Next

Water Shortage Report Submitted on 07/01/2024 (Read-Only)

Year Covered By This Shortage Report			July 1, 2024		to June 30, 2025	
Anticipated Shortage Level Drop Down List of State Standard Levels (1-6) and Level 0 (No Shortage)	ACTIONS: Demand Reduction, Supply Augmentation, and Other Actions. (Drop Down List) These are the only categories that will be accepted by the WUEdata online submital tool. Select those that apply.	Is Action Already Being Implemented? (Y/N)	How much is action going to reduce the shortage gap? Enter Amount	(Drop Down List) Select % or Volume Unit	When is shortage response action anticipated to be implemented? Start Month	End Month
Add additional rows as needed						
0 (No Shortage)	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	Yes			July	June
0 (No Shortage)	Other - Prohibit use of potable water for washing hard surfaces	Yes			July	June
0 (No Shortage)	Other - Require automatic shut off hoses	Yes			July	June
0 (No Shortage)	Other - Prohibit use of potable water for construction and dust control	Yes			July	June
0 (No Shortage)	Landscape - Restrict or prohibit runoff from landscape irrigation	Yes			July	June
0 (No Shortage)	Landscape - Limit landscape irrigation to specific times	Yes			July	June
0 (No Shortage)	Landscape - Limit landscape irrigation to specific days	Yes			July	June
0 (No Shortage)	Landscape - Other landscape restriction or prohibition	Yes			July	June
0 (No Shortage)	Water Features - Restrict water use for decorative water features, such as fountains	Yes			July	June
0 (No Shortage)	CII - Restaurants may only serve water upon request	Yes			July	June
0 (No Shortage)	CII - Lodging establishment must offer opt out of linen service	Yes			July	June

0 (No Shortage)	Expand Public Information Campaign	Yes			July	June
0 (No Shortage)	Offer Water Use Surveys	Yes			July	June
0 (No Shortage)	Provide Rebates on Plumbing Fixtures and Devices	Yes			July	June
Notes: (NOTES Section to be used only for clarifying details, and not for listing specific actions. Actions need to entered into rows above.)	No WSCP actions are required due to a water supply shortage. However, Stage 1 of the WSCP is currently in effect.					

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Table 1: Information

Next

Water Shortage Report Submitted on 06/30/2023 (Read-Only)

Type of Supplier (REQUIRED TO CHECK ONE OR BOTH)	
Supplier is a wholesaler	☐
Supplier is a retailer	☑

Year Covered By This Shortage Report (REQUIRED)	
Start: July 1,	2023
End: June 30,	2024
Volume Unit for Reported Supply and Demand (must use same unit throughout)	AF
Supplier's Annual Assessment Planning Cycle (REQUIRED)	
Start Month:	July
End Month:	June
Data Reporting Interval Used:	Monthly (12 data points per year)
Supplier's Water Shortage Contingency Plan	
WSCP Title:	Water Shortage Contingency Plan Monterey County District - Rule and Schedule 14.1.1
WSCP Adoption Date:	1/29/2017
Other Annual Assessment Related Activities (optional)	
Activity	Timeline/Outcomes/Links/Notes
Annual Assessment/Shortage Report Title:	
Annual Assessment/Shortage Report Approval Date:	
Other Annual Assessment Related Activities:	

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 2 Retail: Demands[1]

Next

Water Shortage Report Submitted on 06/30/2023 (Read-Only)

Use Type	Start Year:	2023	Volumetric Unit Used:	AF											
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Description (as needed)	Level of Treatmen for Non-Potable Supplies Drop down list	Projected Water Demands - Volume[2]												
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type
Demands Served by Potable Supplies															
All Demands			909	913	856	802	675	619	633	642	726	758	858	883	9,274
TOTAL BY MONTH (POTABLE)			909	913	856	802	675	619	633	642	726	758	858	883	9,274
Demands Served by Non-Potable Supplies															
TOTAL BY MONTH (NON-POTABLE)			0	0	0	0	0	0	0	0	0	0	0	0	0
NOTES															

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 3 Retail: Water Supplies[1]

Next

Water Shortage Report Submitted on 06/30/2023 (Read-Only)

Water Supply	Start Year:	2023							Volumetric Unit Used:	AF						
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Detail on Water Supply	Projected Water Supplies - Volume[2]												Total by Water Demand Type	Water Quality Drop Down List	Total Right or Safe Yield * (optional)
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]			
Potable Supplies																
Groundwater (not desal.)	Seaside Basin	746	749	702	658	554	508	519	527	596	622	704	725	7,610		
Groundwater (not desal.)	Carmel River	331	332	311	292	246	225	230	234	264	276	312	321	3,374		
Desalinated Groundwater	Sand City	12	12	12	12	12	12	12	11	12	12	12	12	143		
TOTAL BY MONTH (POTABLE)		1,089	1,093	1,025	962	812	745	761	772	872	910	1,028	1,058	11,127		0
Non-Potable Supplies																
TOTAL BY MONTH (NON-POTABLE)		0	0	0	0	0	0	0	0	0	0	0	0	0		0
NOTES																

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 4 Retail: Water Assessment

Next

Water Shortage Report Submitted on 06/30/2023 (Read-Only)

Table 4(P): Potable Water Shortage Assessment[1]	Start Year:		2023					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Potable Supplies													
Anticipated Unconstrained Demand	909	913	856	802	675	619	633	642	726	758	858	883	9,274
Anticipated Total Water Supply	1,089	1,093	1,025	962	812	745	761	772	872	910	1,028	1,058	11,127
Surplus/Shortage w/o WSCP Action	180	180	169	160	137	126	128	130	146	152	170	175	1,853
% Surplus/Shortage w/o WSCP Action	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
State Standard Shortage Level	0	0	0	0	0	0	0	0	0	0	0	0	0
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	180	180	169	160	137	126	128	130	146	152	170	175	1,853
% Revised Surplus/Shortage with WSCP	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%

Table 4(NP): Non-Potable Water Shortage Assessment[1]	Start Year:		2023					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Non-Potable Supplies													
Anticipated Unconstrained Demand													0
Anticipated Total Water Supply													0
Surplus/Shortage w/o WSCP Action	0	0	0	0	0	0	0	0	0	0	0	0	0
% Surplus/Shortage w/o WSCP Action													0%
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	0	0	0	0	0	0	0	0	0	0	0	0	0
% Revised Surplus/Shortage with WSCP													
NOTES													

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 5 Retail: Actions

Next

Water Shortage Report Submitted on 06/30/2023 (Read-Only)

Year Covered By This Shortage Report			July 1,	2023	to June 30,	2024
Anticipated Shortage Level Drop Down List of State Standard Levels (1-6) and Level 0 (No Shortage)	ACTIONS: Demand Reduction, Supply Augmentation, and Other Actions. (Drop Down List) These are the only categories that will be accepted by the WUEdata online submital tool. Select those that apply.	Is Action Already Being Implemented? (Y/N)	How much is action going to reduce the shortage gap?		When is shortage response action anticipated to be implemented?	
			Enter Amount	(Drop Down List) Select % or Volume Unit	Start Month	End Month
Add additional rows as needed						
Notes: (NOTES Section to be used only for clarifying details, and not for listing specific actions. Actions need to entered into rows above.)						

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Table 1: Information

Next

Water Shortage Report Submitted on 07/01/2022 (Read-Only)

Type of Supplier (REQUIRED TO CHECK ONE OR BOTH)	
Supplier is a wholesaler	☐
Supplier is a retailer	☑

Year Covered By This Shortage Report (REQUIRED)	
Start: July 1,	2022
End: June 30,	2023
Volume Unit for Reported Supply and Demand (must use same unit throughout)	AF
Supplier's Annual Assessment Planning Cycle (REQUIRED)	
Start Month:	July
End Month:	June
Data Reporting Interval Used:	Monthly
Supplier's Water Shortage Contingency Plan	
WSCP Title:	Water Shortage Contingency Plan Monterey County District - Rule and Schedule 14.1.1
WSCP Adoption Date:	1/29/2017
Other Annual Assessment Related Activities (optional)	
Activity	Timeline/Outcomes/Links/Notes
Annual Assessment/Shortage Report Title:	
Annual Assessment/Shortage Report Approval Date:	
Other Annual Assessment Related Activities:	

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 2 Retail: Demands[1]

Next

Water Shortage Report Submitted on 07/01/2022 (Read-Only)

Use Type	Start Year:	2022	Volumetric Unit Used:						AF						
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Description (as needed)	Level of Treatmen for Non-Potable Supplies Drop down list	Projected Water Demands - Volume[2]												
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type
Demands Served by Potable Supplies															
Single Family			562	576	544	505	425	388	390	423	472	461	548	571	5,865
Commercial			258	265	250	232	195	178	179	194	217	212	252	262	2,694
Industrial			1	1	1	1	1	1	1	1	1	1	1	1	12
Institutional/Governme			46	47	45	42	35	32	32	35	39	38	45	47	483
Sales to other agencies			1	1	1	1	1	1	1	1	1	1	1	1	12
Other Potable			67	68	64	60	50	46	46	50	56	55	65	68	695
TOTAL BY MONTH (POTABLE)			935	958	905	841	707	646	649	704	786	768	912	950	9,761
Demands Served by Non-Potable Supplies															
TOTAL BY MONTH (NON-POTABLE)			0	0	0	0	0	0	0	0	0	0	0	0	0
NOTES															

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 3 Retail: Water Supplies[1]

Next

Water Shortage Report Submitted on 07/01/2022 (Read-Only)

Water Supply	Start Year:	2022						Volumetric Unit Used:		AF						
Drop down list May select each use multiple times. These are the only Use Types that will be recognized by the WUEdata online submittal tool. (Add additional rows as needed)	Additional Detail on Water Supply	Projected Water Supplies - Volume[2]													Water Quality Drop Down List	Total Right or Safe Yield * (optional)
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total by Water Demand Type		
Potable Supplies																
Groundwater (not desal.)	Seaside Basin1	424	424	411	395	355	367	367	331	395	383	424	411	4,687		
Desalinated Groundwater	Sand City	13	13	12	13	12	13	13	11	13	12	13	12	150		
Groundwater (not desal.)	Aquifer Storage and Recovery1,2	199	199	192	199	192	199	199	179	199	192	274	265	2,488		
Groundwater (not desal.)	Carmel River3	415	415	402	291	244	223	225	243	272	265	315	329	3,639		
TOTAL BY MONTH (POTABLE)		1,051	1,051	1,017	898	803	802	804	764	879	852	1,026	1,017	10,964		0
Non-Potable Supplies																
TOTAL BY MONTH (NON-POTABLE)		0	0	0	0	0	0	0	0	0	0	0	0	0		0
NOTES																

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 4 Retail: Water Assessment

Next

Water Shortage Report Submitted on 07/01/2022 (Read-Only)

Table 4(P): Potable Water Shortage Assessment[1]	Start Year:			2022					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Potable Supplies													
Anticipated Unconstrained Demand	935	958	905	841	707	646	649	704	786	768	912	950	9,761
Anticipated Total Water Supply	1,051	1,051	1,017	898	803	802	804	764	879	852	1,026	1,017	10,964
Surplus/Shortage w/o WSCP Action	116	93	112	57	96	156	155	60	93	84	114	67	1,203
% Surplus/Shortage w/o WSCP Action	12%	10%	12%	7%	14%	24%	24%	9%	12%	11%	13%	7%	12%
State Standard Shortage Level	0	0	0	0	0	0	0	0	0	0	0	0	0
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	116	93	112	57	96	156	155	60	93	84	114	67	1,203
% Revised Surplus/Shortage with WSCP	12%	10%	12%	7%	14%	24%	24%	9%	12%	11%	13%	7%	12%

Table 4(NP): Non-Potable Water Shortage Assessment[1]	Start Year:			2022					Volumetric Unit Used[2]:			AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun[3]	Total
Non-Potable Supplies													
Anticipated Unconstrained Demand													0
Anticipated Total Water Supply													0
Surplus/Shortage w/o WSCP Action	0	0	0	0	0	0	0	0	0	0	0	0	0
% Surplus/Shortage w/o WSCP Action													0%
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0
Benefit from WSCP: Demand Reduction													0
Revised Surplus/Shortage with WSCP	0	0	0	0	0	0	0	0	0	0	0	0	0
% Revised Surplus/Shortage with WSCP													
NOTES													

[1]Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

[2]Units of measure (AF, CCF, MG) must remain consistent.

[3]When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun[3]).

WUEdata - Water Shortage - California American Water Company - Monterey District

Sign In

Information > Retail Demands > Retail Water Supply > Retail Assessment > Retail Actions > Attachments

Back

Table 5 Retail: Actions

Next

Water Shortage Report Submitted on 07/01/2022 (Read-Only)

Year Covered By This Shortage Report			July 1, 2022		to June 30, 2023	
Anticipated Shortage Level Drop Down List of State Standard Levels (1-6) and Level 0 (No Shortage)	ACTIONS: Demand Reduction, Supply Augmentation, and Other Actions. (Drop Down List) These are the only categories that will be accepted by the WUEdata online submital tool. Select those that apply.	Is Action Already Being Implemented? (Y/N)	How much is action going to reduce the shortage gap?		When is shortage response action anticipated to be implemented?	
			Enter Amount	(Drop Down List) Select % or Volume Unit	Start Month	End Month
Add additional rows as needed						
1	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	Yes	0	%	July	June
1	Other - Prohibit use of potable water for washing hard surfaces	Yes	0	%	July	June
1	Other - Require automatic shut off hoses	Yes	0	%	July	June
1	Other - Prohibit use of potable water for construction and dust control	Yes	0	%	July	June
1	Landscape - Restrict or prohibit runoff from landscape irrigation	Yes	0	%	July	June
1	Landscape - Limit landscape irrigation to specific times	Yes	0	%	July	June
1	Landscape - Limit landscape irrigation to specific days	Yes	0	%	July	June
1	Landscape - Other landscape restriction or prohibition	Yes	0	%	July	June
1	Water Features - Restrict water use for decorative water features, such as fountains	Yes	0	%	July	June
1	CII - Restaurants may only serve water upon request	Yes	0	%	July	June
1	CII - Lodging establishment must offer opt out of linen service	Yes	0	%	July	June

1	Expand Public Information Campaign	Yes	0	%	July	June
1	Offer Water Use Surveys	Yes	0	%	July	June
1	Provide Rebates on Plumbing Fixtures and Devices	Yes	0	%	July	June
2	Other Actions (describe in Notes at bottom of table)	No	5	%	August	June
Notes: (NOTES Section to be used only for clarifying details, and not for listing specific actions. Actions need to entered into rows above.)						

Attachment E

Data in Support of Aquifer Storage and Recovery Yield

Attachment E

Data in Support of Aquifer Storage and Recovery Yield

For purposes of this analysis MPWMD has adopted Cal-Am data presented in the Paul Findley, Sarp Sekeroglu "ASR Reliability Analysis" dated July 15, 2022, and included in the Cal-Am Phase 2 Direct Testimony of Paul Findley dated July 20, 2022, key excerpts of which are included in this Attachment E. "ASR" refers to Aquifer Storage and Recovery, one of the available supply sources on the Monterey Peninsula.

In the Findley memorandum and testimony, he computes the average annual yield of ASR to be 1,210 AFY. The actual yield in a year depends on streamflow and rainfall, so Cal-Am's witnesses obtained daily Carmel River flow records for 59 years (1963 to 2021), and then prepared a hypothetical simulation in which they looked at the river flow for each day and determined if ASR diversion would have been permitted under present day permit rules. If that day qualified as an injection day, they then determined if ASR injection would have been 13.3 acre-feet per day (AFD) or 17 AFD for that day, depending on the amount of streamflow and the relevant permits. They then compiled and analyzed the results for each year. The range of yields is 0 AFY in a "Critically Dry" year to 2,843 AFY in an "Extremely Wet" year.

But then Cal-Am used the data to make an entirely different conclusion during the CPUC proceeding. Cal-Am's analysis focused only on the potential for injection in a single water year (as if all would be recovered in the same water year…not the case) and mistakenly did not identify how much water could be extracted – on average – in any water year, and left storage completely out of the equation. In fact, in the Phase 2 Rebuttal Testimony of Paul Findley, the witness stated "carry-over storage to the following year is not addressed…" Instead, Findley relied on confidence levels for injection possible within a water year, instead of extractions possible, and completely missed the importance of storage of excess supply from years available to when needed.

The attachment which follows shows ***the long-term yield of ASR of 1,210 AFY, which was accepted by the CPUC.***[1]

[1] In the CPUC's final Decision the CPUC transposed two digits, stating the value of ASR at 1,120 AFY. The error was corrected in the Decision 25-10-001, stating that the long term ASR yield is 1,210 AFY.

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) to Obtain Approval of the Amended and Restated Water Purchase Agreement for the Pure Water Monterey Groundwater Replenishment Project, Update Supply and Demand Estimates for the Monterey Peninsula Water Supply Project, and Cost Recovery.	Application 21-11-024 (Filed November 29, 2021)

PHASE 2 DIRECT TESTIMONY OF PAUL FINDLEY

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Attorneys for California-American Water Company

Dated: July 20, 2022

Table 3
Simulated ASR Injection for Water Years 1963 to 2021

Water Year	Dec-May Average River Flow (CFS)	ASR INJECTION IN ACRE-FEET				
		Permit 20808A		Permit 20808C		
		Injection Days	AF Injected at 13.3 AFD	Injection Days	Additional Injected at 3.7 AFD	Total ASR Injection (AF)
1963	247	119	1587	63	238	1825
1964	50	26	347	0	0	347
1965	133	92	1227	43	163	1389
1966	65	59	787	0	0	787
1967	341	143	1907	85	320	2227
1968	20	9	120	0	0	120
1969	617	120	1600	99	374	1974
1970	138	85	1127	43	120	1247
1971	83	74	987	66	38	1024
1972	19	11	147	0	0	147
1973	410	125	1667	102	386	2052
1974	239	149	1987	78	295	2282
1975	256	108	1440	80	302	1742
1976	0	0	0	0	0	0
1977	0	0	0	0	0	0
1978	430	146	1947	111	420	2366
1979	182	110	1467	71	268	1735
1980	394	138	1840	95	359	2199
1981	106	79	1041	29	110	1150
1982	394	164	2187	106	401	2587
1983	965	182	2419	112	423	2843
1984	157	119	1587	19	72	1658
1985	47	38	507	0	0	507
1986	300	95	1267	69	261	1528
1987	19	0	0	0	0	0
1988	0	0	0	0	0	0
1989	0	0	0	0	0	0
1990	1	0	0	0	0	0
1991	50	23	307	0	0	307
1992	96	28	373	20	76	449
1993	335	106	1413	74	230	1643
1994	23	14	187	0	0	187
1995	476	145	1933	87	329	2262
1996	197	96	1280	61	231	1511

Table 3 (Continued)

Water Year	Dec-May Average River Flow (CFS)	ASR INJECTION IN ACRE-FEET				
		Permit 20808A		Permit 20808C		
		Injection Days	AF Injected at 13.3 AFD	Injection Days	Additional Injected at 3.7 AFD	Total ASR Injection (AF)
1997	285	107	1427	53	200	1627
1998	674	158	2107	108	408	2515
1999	138	114	1520	49	185	1705
2000	202	92	1223	44	166	1390
2001	130	79	1053	28	106	1159
2002	77	59	761	11	42	803
2003	147	133	1773	53	200	1974
2004	318	52	693	11	42	735
2005	319	145	1929	101	382	2310
2006	318	133	1773	67	253	2027
2007	20	15	193	0	0	193
2008	119	64	845	24	91	936
2009	112	52	677	33	125	802
2010	260	140	1865	97	366	2232
2011	292	142	1860	91	344	2205
2012	41	16	201	0	0	201
2013	67	48	635	13	49	684
2014	1	0	0	0	0	0
2015	41	19	253	0	0	253
2016	124	79	1053	25	95	1148
2017	558	147	1960	112	423	2383
2018	73	20	265	0	0	265
2019	380	131	1747	74	280	2026
2020	111	123	1640	0	0	1640
2021	37	6	80	0	0	80
Average	**197**	**79**	**1054**	**42**	**155**	**1210**

Simulated ASR injection averaged 79 days per year and averaged 1,210 AFY over the 59-year period. However, as previously discussed, Carmel River flows are trending downwards, and this has a significant effect on simulated ASR injection, as shown by the downward long-term trendlines in Figures 3 and 4. This trend for 10-year averages in recent years is shown in **Table 4.** The 10-year average for simulated ASR injection declined 45 percent from a high of 1,624 AFY for the period of 1997-2006 to 868 AFY for the period of 2012-2021

Attachment F

Documentation of Malpaso Water Rights

Attachment F

Documentation of Malpaso Water Rights

Malpaso water supply refers to water made available to Cal-Am by the Malpaso Water Company, LLC based on its own separate and distinct water license granted by the State Water Board to meet Cal-Am water demand by properties in the unincorporated Carmel Valley or the City of Carmel that have paid for water entitlements, as well as any excess which is allowed to serve other Cal-Am customers.

All purchasers of a Malpaso LLC water entitlement are a demand of Cal-Am. In other words, water served by Cal-Am to such a customer flows through a Cal-Am meter and is billed to the customer by Cal-Am. It is a part of existing or future Cal-Am demand, and is not separate from a Cal-Am demand forecast. Thus, the entire Malpaso LLC water supply of 85.6 AFY is properly deemed to be available to Cal-Am for "Production for Customer Service" in any year. As mentioned in an earlier attachment, the CPUC Phase 2 Decision valued Malpaso at Zero (0) AFY, understating its availability as a water supply source, despite Cal-Am reporting use of 73 to 87 AFY in its CDO Consolidated Annual Report in the past three years.

Therefore, ***the water right to serve Cal-Am customers for this Malpaso LLC water supply source is 85.6 AFY.***

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 30497B01 PERMIT 20905B LICENSE 13868A

Right Holder: Malpaso Water Company, LLC
P.O. Box 450
Carmel, CA 93921

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **December 4, 1995**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. This right and License 13868B jointly supersede any previously issued right on **Application 30497B**. The right holder has made proof, to the satisfaction of the State Water Board, of the quantities of water put to beneficial use during the authorized development schedule.

Right holder is hereby granted a right to divert and use water as follows:

1. Source of water: **Carmel River (Subterranean Stream)**

tributary to: **Pacific Ocean**

within the County of **Monterey**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 4	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Eastwood/Odello Well 1 **(1) North 2,091,022 feet and East 5,709,377 feet**	**SE ¼ of SW ¼**	**18***	**16S**	**1E**	**MD**
Eastwood/Odello Well 2 **(2) North 2,090,640 feet and East 5,706,710 feet**	**SE ¼ of SE ¼**	**13***		**1W**	
Eastwood/Rancho Canada Well **(3) North 2,091,997 feet and East 5,715,154 feet**	**NE ¼ of SW ¼**	**17***		**1E**	
Cal-Am Rancho Canada Well 2 **(4) North 2,091,940 feet and East 5,715,090 feet**					
Cal-Am Cypress Well 2 **(5) North 2,087,670 feet and East 5,724,620 feet**	**SW ¼ of NW ¼**	**22***			
Cal-Am Pearce Well **(6) North 2,087,360 feet and East 5,726,140 feet**	**SE ¼ of NW ¼**				

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
Irrigation	**Eastwood Lands**					
	SW ¼ of SE ¼	**13***	**16S**	**1W**	**MD**	**12.7**
	SE ¼ of SE ¼					**15.8**
	NW ¼ of NE ¼	**24***				**3.8**
	NE ¼ of NE ¼					**18.1**
	SW ¼ of SW ¼	**18***				**17.4**
	SE ¼ of SW ¼					**11.8**
	NW ¼ of NW ¼	**19***				**18.4**
	NE ¼ of NW ¼					**1.0**
					Total	**99.0**
Municipal	**16,595 acres of the Carmel River watershed area within the California American Water Company Service Area boundary, as shown on map dated June 19, 2013.**					
	526 acres of the City of Carmel-by-the-Sea within the California American Water Company Service Area boundary, as shown on map dated June 19, 2013.					

The place of use is shown on maps dated June 20, 2012 and June 19, 2013 on file with the State Water Board.

5. The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **0.16 cubic foot per second** to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this right shall not exceed **85.6 acre-feet per year**.

(0000005A)

6. Diversion of water for municipal use under this right is subject to the requirement that the right holder make the following amounts of water available to the California-American Water Company (Cal-Am) for use in the Cal-Am water distribution system for the purpose of reducing Cal-Am's unauthorized diversions identified in State Water Board Orders 95-10 and 2009-0060:

   a. All water diverted for municipal use between the date of this right and December 31, 2015;

   b. 50 acre-feet between January 1, 2016 and December 31, 2016, with a maximum for other municipal uses of 35.6 acre-feet in this time period; and,

   c. 25 acre-feet between January 1, 2017 and December 31, 2017, with a maximum for other municipal uses of 60.6 acre-feet in this time period.

   Right holder shall provide evidence of compliance with this term, including written certification from Cal-Am, in the annual reports for years 2015, 2016, and 2017, or upon request by the Division of Water Rights.

(0360900)

7. If the claimed existing prior right for the original place of use for Permit 20905 (the Eastwood/Odello property) is quantified at some later date as a result of an adjudication or other legally binding proceeding, the total quantity of water diverted (including any collection to storage), the rate of diversion, and the amount beneficially used under this right shall be reduced by the respective amounts recognized under the quantified existing prior right during the season specified in this water right. No water shall be diverted to the original place of use for Permit 20905 (the Eastwood/Odello property) during the season

authorized by this right, whenever the amounts diverted can be covered by the quantified existing prior right.

The holder of this right shall forfeit the right if he/she transfers all or any part of the claimed existing right for the place of use covered by this right, inclusive of the original place of use for Permit 20905 (the Eastwood/Odello property), to another place of use without the prior approval of the State Water Board.

The holder of this right shall divert water under the claimed existing right only in accordance with the law.
(0000021A)

8. To the extent that the right holder, or successors in interest, claims existing rights to use the water covered by this right, the right holder shall not be entitled to water in excess of the amount authorized in this right.

Any priority obtained for this right by virtue of condition 10 of State Water Board Decision 1632 shall be void if either of the following occur:

a. The combined amount of water diverted for (1) any right pursuant to Application 30497, and (2) any existing right exercised for the place of use authorized for Permit 20905 (Application 30497) dated March 5, 1997, exceeds the face value of the combination of all current rights issued pursuant to Application 30497. However, the priority shall not be voided for the diversion of de minimis amounts which can reasonably be attributed to operational uncertainties; or,

b. The right holder uses water diverted under this right on lands outside of the Carmel River watershed and fails to submit records of such diversion and use to the State Water Board with the annual report.

Any priority obtained for this license by virtue of Condition 10 of Decision 1632 shall be void for the amount of water under this license which is used on lands outside the Carmel River watershed.

Insofar as the right holder complies with this condition, the amount of water which is diverted under this right and used on lands within the Carmel River watershed portion of this right is senior to any right issued pursuant to Application 27614.
(0000112)

9. Except as otherwise specified in this license, the equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other water rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

The maximum instantaneous rate of diversion from all points of diversion (PODs) shall not exceed 0.37 cubic foot per second.
(0000027)

10. The maximum instantaneous rate of diversion at PODs 4, 5, and 6 shall not exceed 0.16 cubic foot per second, averaged over a 24 hour period of time, from June 1 to November 30 of each year.
(0360900)

11. Water diverted at PODs 1 and 2 may be used only for irrigation purposes.
(0360900)

12. Upon 48 hours advance notice by the CDFW, the right holder shall minimize or cease, if required, agricultural pumping for a single period not to exceed 48 hours in any 30-day period to assist CDFW to mitigate adverse flow conditions to benefit the public trust fish and wildlife resources of the Carmel River.

(0350900)

13. If the CDFW determines that irrigation of the riparian corridor is necessary and irrigation is not performed by the District, Cal-Am or the County of Monterey, the right holder shall be responsible for this irrigation and maintenance. The CDFW shall inform the right holder of the section of the riparian corridor located on the right holder's property which requires irrigation.

(0400500)

14. Right holder shall use POD 3 for all diversions under this right for municipal purposes, except right holder may use PODs 4, 5, or 6 to divert water under this right for municipal purposes when POD 3 is not available for diversion: (a) during the first year after issuance of this right before the well at POD 3 is completed, (b) due to routine maintenance, or (c) due to an emergency outage.

Right holder shall give the CDFW notice at least thirty days in advance of any planned use of PODs 4, 5, or 6 for routine maintenance of POD 3, and such routine maintenance will be completed as expeditiously as possible.

Right holder shall give the CDFW forty-eight hours' notice of any emergency outage of POD 3 that requires diversion of water at PODs 4, 5, or 6.

(0360300)

15. No water shall be diverted under this right at PODs 4, 5, or 6 from December 1 of each year through May 31 of the succeeding year unless the flow at the Carmel River at Highway 1 Bridge gage (California Data Exchange Center Station ID 'CMR') is at or above the minimum mean daily flows specified in the table below. Right holder shall maintain records to document compliance with this term, including (1) dates when water was diverted under this right at PODs 4, 5, or 6 and (2) mean daily flows recorded at the Carmel River at Highway 1 Bridge (California Data Exchange Center Station ID 'CMR') for any dates when water was diverted under this right at PODs 4, 5, or 6. Right holder shall provide the records as an enclosure to the annual report or whenever requested by the Division of Water Rights. Right holder shall also provide the enclosure to the annual report to the CDFW and the National Marine Fisheries Service (NMFS).

December 1 – April 15	April 16 – May 31
Prior to Carmel River lagoon opening to the ocean[1]: May divert with minimum bypass of 40 cubic feet per second at the Carmel River at Highway 1 Bridge gage Following Carmel River lagoon opening to the ocean: May divert with minimum bypass flow of 120 cubic feet per second at the Carmel River at Highway 1 Bridge gage.	May divert with minimum bypass of 80 cubic feet per second at the Carmel River at Highway 1 Bridge gage.
[1]On December 1, if water in the lagoon is flowing to the ocean, the lagoon shall be deemed to be open to the ocean. If on December 1 water in the lagoon is not flowing to the ocean, the lagoon shall be deemed to be open to the ocean when the lagoon level drops rapidly from a stable elevation to a lower elevation as evidenced by the water surface elevation gage located at the Carmel Area Wastewater District effluent pipeline across the south arm of the lagoon. This elevation gage is operated by Monterey Peninsula Water Management District.	

In the event that said monitoring device is no longer available for streamflow measurements, right holder shall within 15 days submit a plan, satisfactory to the Deputy Director for Water Rights, to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.

(0140400)

16. Right holder shall curtail or cease diversions authorized by this right at PODs 4, 5, and 6 when notified by the State Water Board that diversions under this right are causing the cumulative maximum average daily diversion rate downstream of River Mile 17.6 to exceed 80 cubic feet per second (cfs), as stipulated in Table 9 of the report *Instream Flow Needs for Steelhead in the Carmel River* prepared by the National Marine Fisheries Service and dated June 3, 2002. The State Water Board may issue such notification on its own motion, or upon being advised by CDFW, NMFS or the Monterey Peninsula Water Management District (District) that the 80 cfs diversion limit has been, or is likely to be, met during a specific time period. Any evaluation of whether diversions must be curtailed or ceased under this right because the 80 cfs diversion limit has been met shall consider the priority of Application 30497B01, as compared to the priorities of other diverters' rights. If diversions under this right are curtailed or ceased under this term, then diversions under this right may resume, up to the face value of the right, once such diversions no longer result in exceedance of the 80 cfs limit.

(0400500)

17. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the right holder to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.

(0000215)

18. At least 30 days prior to commencing construction activities, right holder shall submit to the Deputy Director of Water Rights a construction plan indicating the best management practices planned to minimize erosion and to minimize the chance that hazardous materials will enter the environment as a result of construction. Within 60 days of completion of construction, the right holder shall submit to the Deputy Director for Water Rights a report on implementation of the plan, including a detailed description of any discharges into the environment.

(0000208)

19. Right holder shall remain subject to all lawful ordinances of the District.

(0450999)

20. Right holder shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the Cal-Am water distribution system in times of water supply shortage caused by drought or other cause.

(0410800)

21. Within 180 days of the date of this right, in order to understand the potential for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project to consumptively use the subterranean streamflow of the Carmel River, the right holder shall submit to the Deputy Director of Water Rights the plan to restore native vegetation within the place of use for irrigation under this right, consistent with the CRFREE Project jointly proposed by the Big Sur Land Trust and the County of Monterey. Native vegetation established within the place of use for irrigation under this right shall consist only of vegetation considered typical of the area and compatible with the operation of a floodplain.

    The State Water Board reserves jurisdiction in the public interest to modify the terms and conditions of this license upon a finding that the plan or its subsequent implementation is inconsistent with these requirements.

    (0000000M)

22. No water shall be directly diverted under this right unless right holder is monitoring and reporting said diversion of water. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring the rate and quantity of water diverted and shall be properly maintained. At a minimum, the monitoring devices and methods shall include the following:

    a. Separate records of the amounts of water that are diverted under this right and used both within and outside the Carmel River watershed; and

    b. Separate records for each point of diversion.

    Right holder shall provide the Division of Water Rights with evidence that the devices have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

    Right holder shall maintain a record of all diversions under this right that includes the date, time, rate of diversion, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

    (000000R)

23. For any change petition filed for this right, in case the State Water Board requires notice of the petition, the right holder shall (1) cause notice of the petition to be given to the protestants to Application 30497 and (2) request that the State Water Board not take final action upon the petition within 180 days of the date of the notice.

    (9999999)

THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.)

(0000016)

B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.)

(0000017)

C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board.

(0000018)

D. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use.

(0000015)

E. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right.

(0000010)

F. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

(0000070)

G. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;

2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;

3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,

4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(0000011)

H. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

(0000022)

I. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

(0000025)

J. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.

(0000212)

K. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Within 90 days of the issuance of this right or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

(0000203)

L. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells water for ultimate resale to customers.

(0000029D)

M. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this right and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution, article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

N. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

O. This right does not authorize any act which results in the taking of a candidate, 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 & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

This right is issued and right holder takes it subject to the following provisions of the Water Code:

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUL 03 2015

Attachment G

Documentation of Water Served by Others

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
5 Harris Court, Bldg. G
P.O. Box 85, Monterey, CA 93942
Phone: 831-658-5600/Fax: 831-644-9560
www.mpwmd.dst.ca.us

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Filer

RGRISELDA
12/18/2014
15:32:16

DOCUMENT: 2014063436

Titles: 1/ Pages: 23

Fees... 87.00
Taxes...
Other... 2.00
AMT PAID $89.00

Recording Requested by:
Monterey Peninsula Water Management District (P&E)

And When Recorded Mail To:
Monterey Peninsula Water Management District
Attention: Henrietta Stern
Post Office Box 85
Monterey, California 93942-0085

NOTICE AND DEED RESTRICTION REGARDING LIMITATION ON USE OF A WATER DISTRIBUTION SYSTEM

NOTICE IS GIVEN that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District or "MPWMD"), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved a Water Distribution System (WDS) Permit for the real property referenced below as "Subject Property."

NOTICE IS FURTHER GIVEN that the real property affected by this document is situated in the **City of Sand City** as follows:

715 TIOGA AVE, SAND CITY, CA 93955
[VOL 19 PAR MAPS PG 155 PAR B 1.139 AC]
ASSESSOR'S PARCEL NUMBER 011-011-020

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **Cypress Pacific Investors, LLC, a California limited liability company,** hereinafter referred to as "Owner(s)," is the record Owner(s) of the Subject Property. .

Owner(s) and the Water Management District each acknowledge and agree that the terms of MPWMD WDS Permit **#M14-05-L4**, including all Conditions of Approval associated with that Permit, which are attached hereto and made a part hereof, are permanent requirements of the Subject Property. Owner(s) and the Water Management District further agree that the maximum allowed annual production of water by the California-American Water Company Water Distribution System from the transfer of water rights from the Subject Property is **3.41 Acre-Feet per year (AFY), equivalent to 3.17 AFY metered sales** recognized by MPWMD for Water Permits for future recipient properties. The number of Connections is not limited.

Owner(s) acknowledge that the Conditions of Approval for MPWMD WDS Permit **#M14-05-L4**, including the limitation on water use referenced above have been voluntarily accepted and are permanent and irrevocable, unless amended by the filing of a subsequent deed restriction associated with a new, amended Water Distribution System Permit.

NOTICE IS FURTHER GIVEN that this agreement is binding and has been voluntarily entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any successor or assignee of Owner(s).

NOTICE IS FURTHER GIVEN that present and/or future use of water at the Subject Property site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any Intensification of Use on the Subject Property, as defined by Water Management District Rule 11, will require prior written authorization and Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to intensify water use at this site. If any request to intensify water use on Subject Property is approved, Capacity Fees and other administrative fees may be required as a condition of approval.

NOTICE IS FURTHER GIVEN that intensification of water use on Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elect and irrevocably covenant with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of MPWMD WDS Permit **#M14-05-L4**. But for the limitations and notices set forth herein, issuance of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a subsequent deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

The undersigned Owner(s) agree with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of a Water Distribution System. The Owner(s) further agree to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

OWNER(S) agree to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accept the terms and conditions stated above.

(Non-MPWMD signatures must be notarized)

CYPRESS PACIFIC INVESTORS, LLC, a California Limited Liability Company

By: _____ **Date:** 11/24/14

Peter Taormina, Managing Member

See Attached Notary Acknowledgement

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

By: Henrietta Stern **Date:** 12/2/2014

Henrietta Stern, Project Manager

ATTACHMENTS: Copies of signed WDS Permit, Final Conditions of Approval, signed Indemnification Agreement, and signed Acceptance of Conditions form

ACKNOWLEDGMENT

State of California
County of Monterey)

On November 24, 2014 before me, Sandra L. Bruno, Notary Public
(insert name and title of the officer)

personally appeared Peter J. Taormina,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SANDRA L. BRUNO
COMM. # 1938584
Notary Public-California
County of Monterey
My Comm. Exp. June 23, 2015
VRS2 VRS2

Signature _____ **(Seal)**

Attached to Notice and Deed Restriction Regarding Limitation on use of a Water Distribution System

Example for DBO Development No. 30
Summary of all DBO appears in 2 pages

Recording requested by and
when recorded, mail to:

Community Hospital Properties
Attn: Tim Nylen
Post Office Box HH
Monterey, CA 93940

THIS SPACE FOR RECORDER'S USE ONLY

ASSIGNMENT OF A PORTION OF
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDINANCE NO. 166 WATER ENTITLEMENT

Pursuant to and in accordance with the rights and authority of Monterey Peninsula Water Management District Ordinance No. 166, the related agreements entered into with respect thereto, and the Rules and Regulations of the Monterey Peninsula Water Management District ("MPWMD") applicable thereto (all of which are incorporated by reference in this Assignment, with the capitalized terms used in this Assignment having the meanings defined therein), D.B.O. DEVELOPMENT NO. 30 , a California limited liability company ("DBO"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby GRANTS, ASSIGNS, TRANSFERS, and CONVEYS to COMMUNITY HOSPITAL PROPERTIES, a California corporation ("Owner"), a Water Entitlement of two (2.0) acre feet per year dedicated to the real property located in Monterey, California, more particularly described in **Exhibit A attached hereto and incorporated herein by this reference** (Monterey County Assessor's parcel number 259-221-004), and comprising the Benefited Property to which Owner is the holder (of record) of fee title, for use on such Benefited Property.

By signing this Assignment, Owner acknowledges and agrees that Owner accepts the assignment of the Water Entitlement and all of the rights, preferences, privileges, and limitations related to Owner's ownership and use of the Water Entitlement conveyed by this Assignment, as set forth in MPWMD Ordinance No. 166 and Ordinance No. 109, the related agreements entered into with respect thereto, and the Rules and Regulations of MPWMD applicable thereto. Except for the limited right to receive water pursuant to the Water Entitlement upon Owner's compliance with any and all applicable MPWMD Rules and Regulations, this Assignment Document is not intended nor shall it be construed to assign, transfer, convey, or delegate any other rights or obligations of DBO under the Amended Decision in *California American Water v. City of Seaside, et al.,* (Monterey County Superior Court, Case No. M66343) filed on February 9, 2007, as such Amended Decision has been or may be amended from time to time,

By signing this Assignment, Owner further acknowledges and agrees to all of the following: (1) that Owner has confirmed that the Benefited Property Benefited Property lies within the boundaries of the Seaside Groundwater Basin and within the service area of California American Water Company ("CAW"); 2) that upon recordation of this Assignment, the Water Entitlement shall become appurtenant to the Benefited Property, shall not be conveyed separately from the Benefited Property, and shall automatically be conveyed with the Benefited Property when the Benefited Property is sold, transferred, or otherwise conveyed to any other person or entity; (3) that, except to the extent authorized by MPWMD in the event of a lot line adjustment involving the Benefited Property, the use of all or any portion of the Water Entitlement on any property other than the Benefited Property shall be prohibited; (4) that Owner shall be solely responsible for the payment of all fees, costs, and expenses of any nature whatsoever accruing or arising at any time after the recordation of this Assignment in connection with the ownership or use of the

Water Entitlement, including, but not limited to, any connection or other fees that must be paid to MPWMD and any rates, fees, or charges that must be paid to CAW or its successor, in connection with water service under the Water Entitlement; (5) that prior to using any water on the Benefited Property pursuant to the Water Entitlement, Owner shall also first obtain and comply with any required approval from the local jurisdiction in which the Benefited Property is located; (6) Owner, at Owner's sole cost, shall comply with all applicable MPWMD Rules and Regulations, including, but not limited to, any rules applicable to CAW customers related to new connections, intensification of water use, and water conservation for the type of use (e.g., commercial, hotel, residential, landscape); (7) that Owner, at Owner's sole cost, shall obtain any additional approvals necessary to allow delivery of water to and use of water on the Benefited Property pursuant to the Water Entitlement, including, but not limited to, any amendment to any CAW water system permit required by MPWMD if the Benefited Property is located in Ryan Ranch or any other of CAW's "satellite system"; (8) that, if use of non-CAW wells on the Benefited Property is contemplated, Owner, in consultation with CAW, shall take appropriate action to prevent contamination of the CAW system, such as by installing a back-flow protection device: (9) that Owner authorizes CAW or its successor to provide to DBO and MPWMD any and all meter data regarding the amounts of water that CAW has delivered or will deliver to the Benefited Property pursuant to the Water Entitlement; and (6) agrees that all provisions of this Assignment Document will be binding on Owner's successors and assigns and shall run with the land.

This Assignment Document may be executed in one or more counterparts, each of which will be deemed an original and all, taken together, will constitute one and the same instrument.

DBO:

D.B.O. DEVELOPMENT NO. 30,
A California limited liability company

By: THE OROSCO FAMILY TRUST
dated June 28, 1977, as amended, Member

By: _____ Date: _____
Donald B. Orosco, Co-Trustee

_____ Date: _____
Mary Kay Orosco, Co-Trustee

By: LYLES DIVERSIFIED, INC.,
a California corporation, Member

By: _____ Date: _____
Gerald V. Lyles, Senior Vice President

[Signatures continued on the following page]

DBO Development No. 30 Wheeling			
APN	**Property Address**	**Water Permit No.**	**Acre Feet**
259-221-002	Montage	40601	1.407
	Montage	40608	1.106
259-221-004	Montage	35432	0.902
	Montage	35433	0.186
012-702-003	1620 Waring Street	40217-1	0.018
012-285-011	1299 Waring Street	40236	0.008
011-312-012	475 Sonoma Street	40463	0.051
011-036-017	1357 Circle Avenue	40935	0.033
011-482-028	1894 Andrew Court	40701	0.043
011-363-007	685 Williams Avenue	41043	0.011
012-262-013	O Noche Buena Street	42790	0.124
		Total	3.889

emailed to
Tim O'Halloran

OFFICE OF THE CITY ATTORNEY
440 Harcourt Avenue
Seaside, CA 93955
www.ci.seaside.ca.us

Telephone 831-899-6890
Facsimile 831-718-8602

September 12, 2023

Tim O'Halloran
California American Water Company
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

RE: Agreement Regarding Use of Stored Water Credits for Ascent Project

Dear Tim:

The City Manager has signed the Agreement Regarding Use of Stored Water Credits for Ascent Broadway Project which is enclosed. I will be sending a Notice letter to the Seaside Basin Watermaster in the near future as the Ascent project is looking to begin construction (with grading) in November 2023 with an anticipated request for meter setting on or about March 2024. Please send me a copy of the signed agreement at your earliest convenience.

Sincerely,

Sheri L. Damon
City Attorney

Enc.

AGREEMENT REGARDING
USE OF STORED WATER CREDITS FOR ASCENT BROADWAY PROJECT

This Agreement Regarding Use of Stored Water Credits for Ascent Broadway Project ("**Agreement**") made by and between the City of Seaside, a California general law city ("**Seaside**"), and California-American Water Company, a California corporation ("**Cal Am**"), hereinafter individually a "**Party**," and collectively, the "**Parties**," is entered into with respect to the following:

WHEREAS, Cal Am, a public utility regulated by the California Public Utilities Commission ("**CPUC**"), owns and operates wells and infrastructure and a water distribution system which serves properties located within the Seaside Basin ("**Basin**") and generally on the Monterey Peninsula;

WHEREAS, Seaside, a general law city located in the County of Monterey, owns and operates the Seaside Municipal Water System and the Bayonet and Blackhorse golf courses ("**Golf Courses**") which overlie the Basin;

WHEREAS, the Seaside Basin Groundwater Master ("**Watermaster**") was created by the decision, as amended, entered in the case, *California-American Water Company v. City of Seaside, et al.* Monterey County Superior Court Case No. M66343, filed February 9, 2007 (the "**Decision**"), and this Decision was made for the purposes of the managing and protecting the Basin for the benefit of the businesses, individuals and public agencies that overlie or extract groundwater from the Basin;

WHEREAS, Seaside and the Watermaster have entered into an Agreement for Storage and Recovery of Non-Native Water from the Seaside Groundwater Basin, dated February 5, 2020 (the "**Storage and Recovery Agreement**") pursuant to which Seaside is authorized to store water in the Basin resulting from the substitution of recycled water obtained from the Pure Water Monterey Project ("**Recycled Water**") for irrigation of Seaside's Golf Courses in lieu of the use of approximately 450 acre-feet ("**af**") per year of groundwater from the Basin (the "**In Lieu Project**");

WHEREAS, pursuant to the Storage and Recovery Agreement, Seaside anticipates that it will have sufficient Carryover and Stored Water Credits ("**Stored Water Credits**") available to transfer Cal Am to serve the Ascent Broadway Project, a proposed mixed-use development including affordable housing at the corner of Broadway Avenue and Terrance Street in Seaside, with an anticipated water usage of approximately thirteen (13) af per year;

WHEREAS, the Ascent Broadway Project is located within Seaside's city boundaries and in Cal Am's service area as approved by the CPUC and Cal Am desires to serve the Ascent Broadway Project; and

WHEREAS, the Parties enter into this Agreement: (1) to make clear that they intend to comply with the terms of the Decision, and any subsequent order of the court in said case; (2) to

ensure operationally that sufficient Stored Water Credits are established and transferred to Cal Am for the benefit of the Ascent Broadway Project in advance of the demand for such water; (3) to provide assurance (in addition to accounting and reporting requirements) that there will be no temporal or other impact on waters produced or stored from other sources, including, without limitation, the Carmel River; and (4) to confirm that Cal Am will provide water service to the Ascent Broadway Project pursuant to the rules, regulations, and tariffs of the CPUC, and in accordance will all applicable federal, state and local laws, regulations, rules, ordinances and restrictions, including those of the Monterey Peninsula Water Management District ("**MPWMD**") and including any order of the California State Water Resources Control Board ("**SWRCB**") that may be issued prior to the date service is initiated.

NOW THEREFORE, the Parties agree as follows:

1. Transfer of Stored Water Credits. Seaside agrees to transfer certain Stored Water Credits to Cal Am, at no charge, for delivery to and use on the Ascent Broadway Project in accordance with the following schedule.

a. At least thirty (30) calendar days prior to the setting of a meter for the Ascent Broadway Project, Seaside shall have transferred a minimum of thirty-nine (39) af of Stored Water Credits to Cal Am.

b. No later than one (1) year following the setting of the meter for the Ascent Broadway Project, Seaside shall have transferred a cumulative total amount of One-Hundred Thirty (130) af of Stored Water Credits generated from the In Lieu Project to Cal Am.

c. No later than five years following the Effective Date of this Agreement or the Setting of the Meter for Ascent, whichever is later, Seaside shall have transferred an additional One-Hundred Thirty (130) af of Stored Water Credits generated from the In Lieu Project to Cal Am, for a cumulative total of Two-Hundred Sixty (260) af.

d. By July 15 each year, the Parties shall confirm in writing the total amount of Stored Water Credits transferred to Cal Am for the Ascent Broadway Project that remains available for Extraction. If the remaining amount of water available for Extraction is below thirty-nine (39) af or three (3) times the average yearly water usage by the Ascent Broadway Project calculated based on water usage over the past five (5) years, whichever is greater ("**Minimum Requirement**"), Seaside will (i) transfer additional Stored Water Credits, if available, to Cal Am to meet the Minimum Requirement or (ii) lease an equivalent amount of Seaside's Standard Production Allocation to Cal Am for delivery to and use by the Ascent Broadway Project. In the event Seaside is exceeding its Standard Production Allocation and cannot otherwise comply with Decision, Seaside shall convert a portion of its Alternative Production Allocation to Standard Production Allocation and lease the amount of Standard Production Allocation to Cal Am necessary to meet the Minimum Requirement.

2. Recovery Location. Cal Am will extract the stored water from the Seaside Basin, so long as the recovery of stored water from the replacement well does not cause any "Material Injury," as such term is defined in the Storage and Recovery Agreement, to the Basin. Seaside shall be responsible for obtaining any necessary approvals from the Watermaster for the recovery location provided in this Agreement.

3. Accounting and Reporting. Seaside understands and agrees, and will so instruct the Watermaster, that under no circumstances shall Cal Am's use of Stored Water Credits or any allocation rights pursuant to this Agreement be deducted from Cal Am's production rights under the Decision. Seaside will provide Cal Am with a copy of its monthly Recycled Water reports at the same time Seaside provides such reports to the Watermaster. In addition to other information required by the Storage and Recovery Agreement, Seaside's Recycled Water Reports shall include:

a. The quantity of Recycled Water delivered to and used by Seaside to irrigate the In Lieu Project during the reporting period.

b. The quantity of Stored Water Credits generated by the In Lieu Project during the reporting period transferred by Seaside to Cal Am to serve the Ascent Broadway Project.

c. The quantity of Stored Water Credits generated by the In Lieu Project during the term of this Agreement transferred by Seaside to Cal Am to serve the Ascent Broadway Project and remaining amount available for Extraction.

4. Terms of Service. Service to the Ascent Broadway Project pursuant to this Agreement shall be subject to all of Cal Am's tariffs as authorized by the CPUC, including the conditions of and the rates charged for service.

5. Interpretation. The Parties intend that any production, export, delivery, or use of water pursuant to this Agreement shall be in accordance and consistent with the Decision and that nothing in this Agreement shall be construed to require either Party to violate the terms of the Decision. Further, nothing in this Agreement shall be construed to prohibit the "mixing of molecules" from different sources or supplies of water, which is a practice recognized and allowed by California law and by the Decision, as clarified by the Monterey Court on April 29, 2009, and memorialized in the court's May 11, 2009, Order.

6. Conditions Precedent. The application of this Agreement to the Ascent Broadway Project shall be conditional on all of the following:

a. Compliance with Section 9.0 of the *Rules and Regulations of the Seaside Groundwater Basin Watermaster* as it may be amended from time to time with respect to the assignment or transfer to Cal Am of a portion of Seaside's Stored Water Credits or production allocation as stated in this Agreement. Seaside shall confirm whether the Watermaster will require such notice prior to the transfer of the Stored Water Credits to Cal Am.

b. Approval of any necessary permits or permit amendments as necessary to effectuate the purposes of this Agreement.

c. Acceptance and approval by Cal Am of any conditions restricting or regulating Cal Am water systems operations imposed by the issuance of any permit or permit amendments as necessary to effectuate the purposes of this Agreement.

d. Ascent Broadway Project has received all necessary permits and approvals, and satisfied all conditions of approval, to commence water service.

7. Cooperation. Seaside and Cal Am mutually agree to provide such notification and cooperation to one another as may be necessary to achieve the purposes and implementation of this Agreement. The Parties shall provide further assurances in writing or other documentation as necessary in order to achieve the purposes and implementation of this Agreement.

8. Term.

a. Subject to Section 6, Conditions Precedent, this Agreement shall become effective on the date it has been executed by both Parties ("**Effective Date**") and continue until SWRCB Cease and Desist Order WR 95-10, 2009-006 and 2016-0016, as they may be amended from time to time, are lifted and it is no longer necessary for Cal Am to utilize the Stored Water Credit or allocation rights as provided in this Agreement ("**Expiration Date**").

b. Following the Expiration Date of this Agreement, Cal Am will transfer back to Seaside any unused Stored Water Credits or other allocation rights that Cal Am received from Seaside pursuant to this Agreement.

9. Termination. This Agreement may be terminated upon mutual written agreement of the Parties. Further, Cal Am may terminate this Agreement if ordered to do so by the CPUC.

10. Indemnification. To the fullest extent permitted by law, Seaside shall defend, indemnify and hold harmless Cal Am and its directors, officers, employees, agents, affiliated companies, and each and any of them (individually an "**Indemnified Party**" and collectively "**Indemnified Parties**") from and against all claims, damages, losses and expenses, direct, indirect or consequential arising out of, resulting from, or related in any way to (i) the entering into, making, or performance of this Agreement; or (ii) any governmental or regulatory approval related to implementation or performance of this Agreement (individually an "**Indemnified Claim**" and collectively "**Indemnified Claims**"). Seaside's obligation to indemnify applies regardless of whether a liability is caused or contributed to by any act or omission of an Indemnified Party unless it is finally adjudicated that the liability is a result of the sole active negligence or sole willful misconduct of an Indemnified Party. The indemnification includes any damages, fees and/or costs awarded against an Indemnified Party, and costs of suit, attorney's fees, and other costs, liabilities and expenses incurred by an Indemnified Party in connection with an Indemnified Claim, including any costs incurred as a result of an indemnification obligation imposed by a governmental or regulatory entity as part of an approval process. It is expressly understood and agreed that this Section will survive termination of this Agreement.

11. Indemnification. To the fullest extent permitted by law, Cal Am shall defend, indemnify and hold harmless Seaside and its directors, officers, employees, agents, affiliated companies, and

each and any of them (individually an "**Indemnified Party**" and collectively "**Indemnified Parties**") from and against all claims, damages, losses and expenses, direct, indirect or consequential arising out of, resulting from, or related in any way to (i) the entering into, making, or performance of this Agreement; or (ii) any governmental or regulatory approval related to implementation or performance of this Agreement (individually an "**Indemnified Claim**" and collectively "**Indemnified Claims**"). Cal Am's obligation to indemnify applies regardless of whether a liability is caused or contributed to by any act or omission of an Indemnified Party unless it is finally adjudicated that the liability is a result of the sole active negligence or sole willful misconduct of an Indemnified Party. The indemnification includes any damages, fees and/or costs awarded against an Indemnified Party, and costs of suit, attorney's fees, and other costs, liabilities and expenses incurred by an Indemnified Party in connection with an Indemnified Claim, including any costs incurred as a result of an indemnification obligation imposed by a governmental or regulatory entity as part of an approval process. It is expressly understood and agreed that this Section will survive termination of this Agreement.

12. Successors and Assigns. This Agreement, and all the terms and conditions hereof, shall apply to and bind the successors and assigns of the respective parties hereto; provided that the Seaside shall not assign its rights or delegate its obligations hereunder without the prior written consent of Cal Am, which may be given or withheld in Cal Am's sole and absolute discretion.

13. Notices. Any notice, consent, approval or disapproval to be given or other document to be delivered by any Party to the others hereunder may be delivered in person to the addressee identified below, or may be delivered by Federal Express, other private commercial delivery or courier service for next business day delivery, or may be deposited in the United States mail, duly certified or registered, return receipt requested, with postage prepaid, and addressed to the Party for whom intended, as follows:

If to Cal Am:
California American Water
Attn: Director of Operations, Coastal Division
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

If to Seaside:
City of Seaside
Attn: City Manager
440 Harcourt Avenue
Seaside, CA 93955
w/ Email Copy to cityattorney@ci.seaside.ca.us

Any Party hereto may from time-to-time, by written notice to the others, designate a different address or person which shall be substituted for the one above specified. Any notice shall be deemed served or delivered upon actual receipt or first attempted delivery (as shown by the records of the U.S. Postal Service or private delivery service) at the address listed above.

14. Legal Fees, Costs. Except as otherwise provided, all legal consulting and advisory fees and other costs and expenses incurred in connection with this Agreement are to be paid by the Party incurring such costs and expenses.

15. Waiver, Modification or Amendment. Any waiver, modification or amendment of any provision of this Agreement will be effective only if in writing and signed by duly authorized representatives of the Parties. Any such waiver or failure to insist upon strict compliance with such obligation, covenant, agreement or condition does not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

16. Authority. The persons executing this Agreement on behalf of the Parties hereto warrant that: (i) such Party is duly organized and existing; (ii) they are duly authorized to execute and deliver this Agreement on behalf of said Party; and (iii) by so executing this Agreement such Party is formally bound to the provisions of this Agreement.

17. Counterparts; Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall be deemed to constitute one and the same instrument. This Agreement may be executed by signatures transmitted by facsimile or electronically, including by e-mail or DocuSign, and any such electronically transmitted signature shall be as valid as an original ink signature.

18. Governing Law; Interpretation; Disputes.

a. The Agreement and the rights and obligations of the Parties are governed by and construction and interpreted in accordance with the laws of the State of California, without regard to choice or conflict of law rules.

b. Headings used in this Agreement are for convenience only and are not to be used in the construction or interpretation of this Agreement.

c. It is agreed and understood by the Parties hereto that this Agreement has been arrived at through negotiation and that no party is deemed the Party which prepared this Agreement within the meaning of Civil Code §1654. The provisions of this Agreement shall be interpreted in a reasonable manner to effect the purpose of the Parties and this Agreement.

d. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

e. If any dispute under this Agreement arises, the Parties shall first meet and confer in a good faith attempt to resolve the matter between themselves prior to seeking recourse in a court of law.

f. The Parties agree that in the event of litigation, exclusive venue shall be, in Monterey County, California.

g. In the event of any legal action or other proceeding between the Parties regarding this Agreement (an "**Action**"), the prevailing Party or Parties shall be entitled to the payment by the losing Party or Parties of the prevailing Party's reasonable attorney's fees, court costs and litigation expenses, as determined by the court. The right to attorney's fees and costs pursuant to this paragraph shall extend to fees and costs incurred for the post judgment collection of any sums due and to fees and costs incurred on appeal of any judgment made by a court of competent jurisdiction.

19. No Third-Party Beneficiaries. This Agreement is made and entered into solely for the benefit of Seaside and Cal Am and no other person shall have any right of action under or by reason of this Agreement.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

20. Entire Agreement. This Agreement constitutes the entire and complete agreement between the Parties regarding the subject matter hereof, and supersedes all prior or contemporaneous negotiations, understandings or agreements of the Parties, whether written or oral, with respect to such subject matter.

CALIFORNIA-AMERICAN WATER COMPANY

Dated: 9/28/23

By: _____

CHRISTOPHER COOK, DIRECTOR OF OPERATIONS
Print Name and Title

CITY OF SEASIDE

Dated: 9/11/23

By: _____

Jaime M. Fontes
Print Name and Title

Attachment H

Data in Support of Carmel River Annual Yield

Attachment H

Data in Support of Carmel River Annual Yield

The Carmel Valley Alluvial Aquifer, the storage available under the Carmel River has two unique characteristics: (i) It refills in almost every year, irrespective of water year type, and (ii) on average the aquifer stores almost 8 years of Cal-Am's basic legal water right on the river established by Order 95-10.

The table on the next page shows the past 30 years of Carmel River storage as of May 1 of each year – the beginning of the dry summer season. As can be seen, the 30-year average storage as of May 1 each year is 26,713.36 AF.

Cal-Am's legal water right established in Order 95-10 is 3,376 AFY.

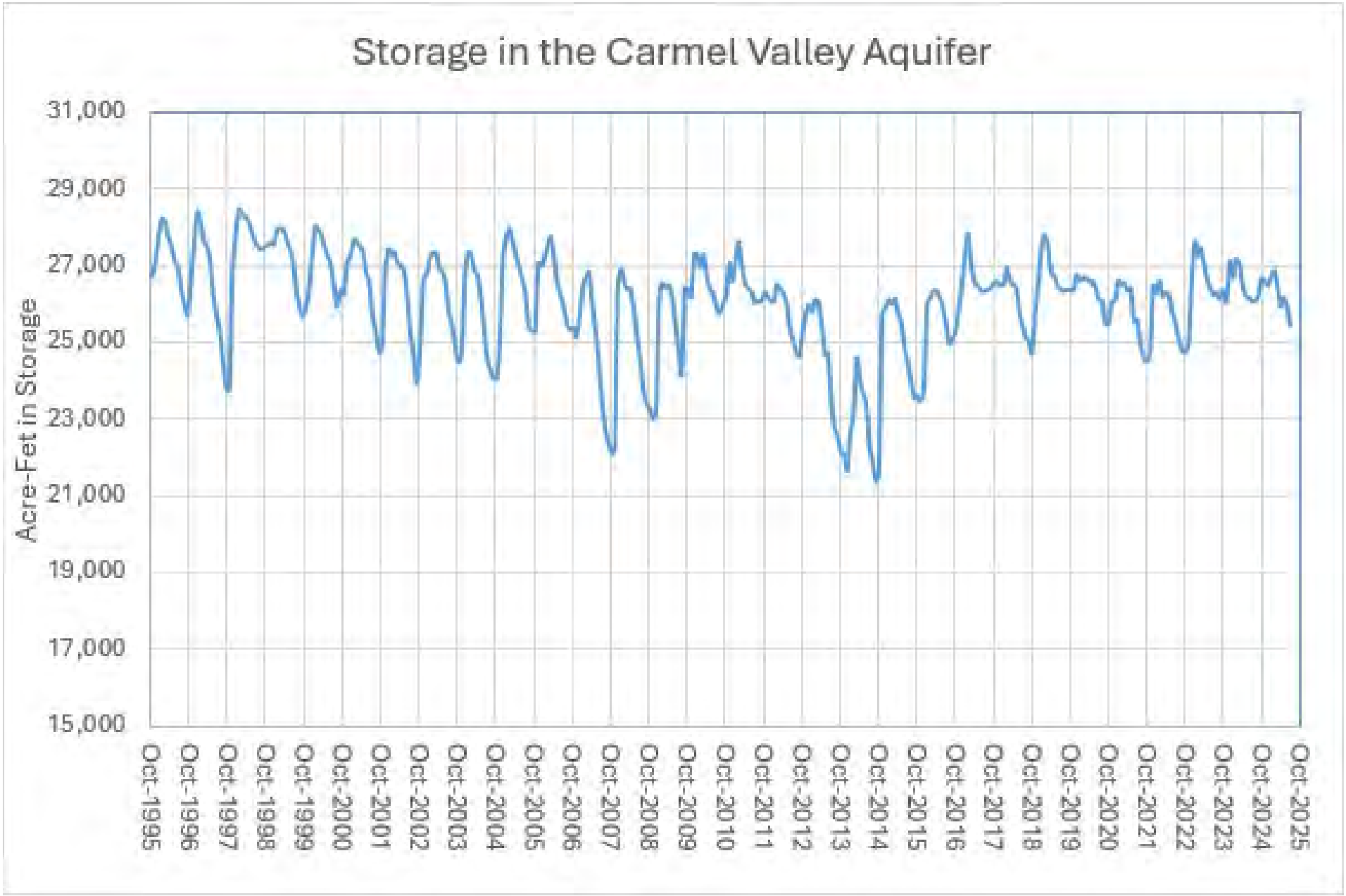
In other words, average storage is almost 8 times the annual water right. This is a clear signal that the Carmel River can sustain multiple "Below Normal" to "Critically Dry" water year types and still produce the full legally-available water.

As an additional data point, during the 4-year drought 2012-2015 (dry, dry, critically dry, and below normal, respectively) the average storage as of May 1 was 25,357.10 AF each year – over 7 times the annual water right.

This data indicates that the Cal-Am base Carmel River legal water right has significant resilience to extended periods of drought.

Storage in the Carmel Valley Alluvial Aquifer
At May 1st

Water Year	Rainfall at San Clemente Dam (Inches)	Type of Water Year	Lower Valley Storage May 1st (AF)	Percent Full	Upper Valley Storage May 1st (AF)	Percent Full	CV Combined Storage as of May 1st (AF)	Percent Combined versus Potential
2024	24.17	Above Normal	20,338.99	92.76%	6,224.33	95.30%	26,563.32	93.34%
2023	35.23	Extremely Wet	20,839.35	95.04%	6,227.57	95.35%	27,066.92	95.11%
2022	13.23	Dry	20,141.52	91.86%	6,161.45	94.34%	26,302.96	92.43%
2021	10.85	Critically Dry	20,178.98	92.03%	6,170.24	94.48%	26,349.22	92.59%
2020	17.57	Normal	20,357.89	92.84%	6,241.41	95.57%	26,599.30	93.47%
2019	30.93	Wet	20,427.27	93.16%	6,380.96	97.70%	26,808.23	94.20%
2018	13.52	Dry	20,305.20	92.60%	6,194.80	94.85%	26,500.01	93.12%
2017	32.22	Extremely Wet	20,466.35	93.34%	6,087.88	93.22%	26,554.23	93.31%
2016	22.25	Above Normal	20,187.83	92.07%	6,150.55	94.17%	26,338.38	92.55%
2015	16.04	Below Normal	19,801.01	90.30%	5,936.31	90.89%	25,737.32	90.44%
2014	10.61	Critically Dry	18,086.94	82.49%	5,883.07	90.08%	23,970.01	84.23%
2013	14.60	Dry	19,435.05	88.64%	6,017.22	92.13%	25,452.27	89.44%
2012	13.94	Dry	19,965.03	91.05%	6,303.76	96.52%	26,268.80	92.31%
2011	24.73	Above Normal	20,201.98	92.13%	6,324.24	96.83%	26,526.21	93.21%
2010	27.46	Wet	20,309.41	92.62%	6,391.36	97.86%	26,700.77	93.83%
2009	18.14	Normal	20,371.00	92.90%	6,110.00	93.55%	26,481.00	93.05%
2008	19.61	Normal	20,190.00	92.08%	6,202.00	94.96%	26,392.00	92.74%
2007	11.81	Critically Dry	20,046.00	91.42%	6,015.00	92.10%	26,061.00	91.58%
2006	28.03	Wet	21,104.00	96.25%	6,146.00	94.11%	27,250.00	95.76%
2005	29.95	Wet	20,994.00	95.74%	6,290.00	96.31%	27,284.00	95.87%
2004	18.16	Normal	20,630.00	94.08%	6,117.00	93.66%	26,747.00	93.99%
2003	24.29	Above Normal	20,706.00	94.43%	6,232.00	95.42%	26,938.00	94.66%
2002	15.56	Below Normal	20,780.00	94.77%	6,223.00	95.28%	27,003.00	94.89%
2001	20.99	Normal	20,993.00	95.74%	6,359.00	97.37%	27,352.00	96.11%
2000	20.37	Normal	21,292.00	97.10%	6,176.00	94.56%	27,468.00	96.52%
1999	17.41	Normal	21,381.00	97.51%	6,296.00	96.40%	27,677.00	97.26%
1998	46.29	Extremely Wet	21,853.00	99.66%	6,324.00	96.83%	28,177.00	99.01%
1997	21.67	Above Normal	20,840.00	95.04%	6,278.00	96.13%	27,118.00	95.29%
1996	22.40	Above Normal	21,127.00	96.35%	6,356.00	97.32%	27,483.00	96.57%
1995	36.29	Extremely Wet	21,750.00	99.19%	6,482.00	99.25%	28,232.00	99.21%
						Average:	26,713.36	


Storage in the Carmel Valley Aquifer
Acre-Fet in Storage
31,000
29,000
27,000
25,000
23,000
21,000
19,000
17,000
15,000
Oct-1995
Oct-1996
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Oct-1998
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