

**EXHIBIT 9-F**

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JAN 29 2008

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File No. 01491.000

January 28, 2008

Henrietta Stern, Project Manager  
Monterey Peninsula Water Management District  
P. O. Box 85  
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**Re: Application #200771212CVR, APN 416-522-020; Applicant's Response to Determination of Incomplete Application to Amend California American Water System (Annexation of Carmel Valley Ranch 12-Lot Subdivision Parcel)**

Dear Ms. Stern:

Please accept this letter as the applicant's response to your determination of an incomplete application to amend the California American Water System to add a portion of a parcel (APN 416-522-020) to its service area dated January 11, 2008. Your letter determination of incomplete application outlines required information to be in **bold italics**. I will respond to each of the four bold italic items as follows:

1. **Item A. Application Is Unclear About Area to be Annexed and Does Not Contain An Adequate Map.** *Please prepare an 8.5x11-inch map(s) and associated text that clarifies the area and lots to be annexed; the map(s) should include the following components:*

- APN 416-522-020 and any other relevant parcel in the CVR area,
- CAW boundary as it relates to the CVR project as a whole and in enough detail that one can see its relationship to APN 416-522-020,
- Designation of future single-family lots within APN 416-522-020 be annexed, and which ones are already within the CAW boundary; quantify how many are in or outside of CAW service area.

**Applicant's Response:** Applicant has enclosed an 8.5 x 11 map showing the Carmel Valley Ranch approved vesting tentative map for 12-lot subdivision with the area of the existing California American Water District service area boundary. If the final map is recorded, there would be four lots (Lots No 1, 2, 3, 12) currently within California American's Water service boundary, and four lots (Lots No. 6, 7, 8, 10) are outside Cal Am's service area..

As an existing legal lot of record, generally referred to as APN 416-522-020, has a portion of the lot area within the Cal Am service area boundary, the parcel is already in the service area of Cal Am. Until a final map is recorded and creates the described lots on the tentative map, it remains

Henrietta Stern, Project Manager  
Monterey Peninsula Water Management District  
January 28, 2008  
Page 2

a single lot of record. As an existing lot of record, APN 416-522-020 should have been wholly in its service area, as the remainder of Carmel Valley Ranch area is presently within California American's service area boundaries.

2. **Item B. Water Availability from Monterey County Should Be Confirmed.** *Please provide written confirmation from the person authorized by the Monterey County Water Resources Agency to manage the County's water allocation that 8.807 acre-feet of water will be set aside from the County's water allocation for these parcels.*

**Applicant's Response:** The Monterey County Water Resources Agency has written another letter that provides written confirmation that 8.807 acre-feet of water has been set aside, and currently remains allocated to the project from the County water allocation held by your agency for the project's 12-lot subdivision. Also attached is a written transcript of testimony, provided by Monterey County Water Resources Agency employee Al Mulholland on December 19, 2006 at the Monterey County Board of Supervisors hearing approving the subject Carmel Valley Ranch 12-lot vesting tentative subdivision map and related approvals (see transcript pages 36-41). It should be noted that Stephanie Pintar, an MPWMD employee, also attended this hearing (and also testified at the hearing) and was there to hear Mr. Mulholland's testimony, but the issue of whether 8.807 AFY has been set aside from the County's water allocation still appears to remain an issue for MPWMD. Hopefully, the recent Monterey County Water Resources Agency's letter, as well as Mr. Mulholland's testimony and previous correspondence as noted in the initial study, will provide sufficient information to satisfy the MPWMD that the water availability of 8.807 AFY for the CVR subdivision issue has been addressed.

3. **Item C. Application Has Incomplete Information About Future Water Use.** *Please provide additional written information that the District can use as credible evidence to support an MPWMD Finding that the planned homes on the 12 lots would not be expected to use more than 8.807 AFY or 0.734 AFY per lot on average. Please indicate whether the applicant concurs with these regulatory concepts, or provide alternative concepts to meet the desired goal to ensure that 8.807 AFY is not exceeded.*

**Applicant's Response:** The District previously expressed concern about this issue in its CEQA comments (November 6, 2006 letter from David Berger) to the Monterey County Board of Supervisors, prior to the Board of Supervisor's December 19, 2006 project approval. We disagree with your letter's statement that the Monterey County Board of Supervisors' response "selectively ignored important evidence submitted by MPWMD to the County that showed estimated water use from similar estate homes and parcel sizes in the Monterra, Quail Meadows, and Pasadera Subdivisions from January 1, 2004 through June 5, 2006 (pages 000480, 000484 and 000485 in CD)." The Board of Supervisors and its staff were quite aware of the estate

homes and particularly about landscaping and addressed Mr. Berger's concerns. See transcript pages 35-36 as well as the County's Initial Study already previously provided.

While there may be estimated water use for new single-family homes in the Monterra, Quail Meadows, and Pasadera subdivisions when the outdoor landscaping component is considered, the County did address the outdoor landscaping issue and estimated water demand issues, as raised in Mr. Berger's comments, dated November 6, 2006 ("include restrictions on and enforcement mechanisms for landscaping and its associated water demand for each of the proposed lots of the subdivision") in the project's conditions of approval as follows:

Condition of Approval No. 33: Notice of Water Conservation Requirements

A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water plumbing fixtures and drought tolerant Landscaping, in accordance with County Water Resources Agency, Ordinance No. 3932." Prior to recordation of the final, a copy of the completed notice shall be provided to the Water Resources Agency for approval.

Condition of Approval No. 34 Landscaping Requirements

A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy of the completed notice shall be provided to the Water Resources Agency for approval.

Condition of Approval No. 35 Water Use Information

The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in the water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant.

Condition of Approval No. 59 Proof of Water

A final analysis of water availability must be conducted by staff in order to provide absolute assurance of availability of water for the project. The analysis shall include review of information submitted by the Law Office of Michael Stamp at the public hearing on December 19, 2006. (Note; This condition was added by the Board of Supervisors.)

Applicant to provide absolute proof from the Monterey Peninsula Water Management District that water for the project has been approved by the District. Staff must review information concur on the availability of water.

Henrietta Stern, Project Manager  
Monterey Peninsula Water Management District  
January 28, 2008  
Page 4

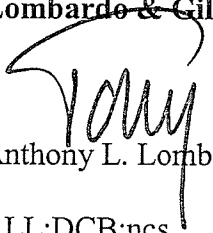
Mr. Berger's other concerns raised in his November 6, 2006 letter to the Monterey County Planning Department (place restrictions on the total water supply available for each lot and restrict the size and type of buildings developed on each lot) the applicant agrees to do as follows:

The applicant will record a deed restriction for on each of the 12 lots that states the water demand from the 12 lots shall not exceed 8.807 acre feet in a calendar year. The water meter use for each of the lots will be reported to MPWMD. If the sum of the 12 lots water demand exceeds 8.807 AFY, MPWMD may take action to ensure conservation or other appropriate action to bring the total below 8.807 AFY consistent with its current rules and policies.

If you have any questions about the applicant's response to your January 11, 2008 letter stating that the application is incomplete, please call me or email me.

Sincerely,

~~Lombardo & Gilles, LLP~~

  
Anthony L. Lombardo

ALL:DCB:ncs

Enclosures