

EXHIBIT 32-A

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June XX, 2021

Eileen Sobek
Executive Director
State Water Resources Control Board (SWRCB)
1001 I Street
Sacramento, CA 95814

Re: December 23, 2020 MPWMD Letter re Order WR 2016-0016; 2020 Joint Annual Report

Dear Ms. Sobek:

On December 23, 2020 Mr. David Stoldt sent you a letter on behalf of the Monterey Peninsula Water Management District (District). That letter commented on your earlier correspondence of November 17, 2020 wherein you explained to California American Water (Cal-Am) that “regardless of control or fault, the 1,000-acre-foot Effective Diversion Limit reduction is an appropriate and intended consequence of Cal-Am’s missing Milestone 5.”

Mr. Stoldt’s December 23 letter also addressed issues related to the October 21, 2020 letter previously sent to you by Cal-Am; the letter specifically repudiated Cal-Am’s unfounded accusation which erroneously attempted to cast fault upon the District for Cal-Am’s failure to meet its required Milestone 5.

I write this letter as General Counsel to the District to reiterate the District’s stated concern and belief that the SWRCB failed to consult with the District or any Applicant other than Cal-Am. This failure to consult is now compounded by your lack of response to the December 23 letter.

On behalf of the District, we renew the request that the Effective Diversion Limit (EDL) reduction to be waived and the EDL for Water Year 2020-21 restored. Missed Milestone 5 did not result from action of the Applicants and was beyond their control. You noted at page 2 of your November 17 letter that the Order requires any action on this matter be taken in consultation among Cal-Am and all other Applicants. The SWRCB errs in acting on Cal-Am’s unilateral approach and ignores rights and interests of all other Applicants, including the District, to their detriment.

Eileen Sobeck
June XX, 2021 Director
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As noted to you, Ordering Paragraph 3.b.viii requires a Joint Annual Report indicate “whether Applicants expect the Milestone to be achieved by its Deadline and, if not, whether the Milestone will be missed for reasons beyond Applicants’ control.”

Ordering Paragraph 3.b.viii states: “Cal-Am, in coordination with Applicants, shall present written and/or oral comments on the progress towards Milestones at a regularly scheduled State Water Board meeting that falls at least 60 days after submission of the report.” The District, as one of the original Applicants, tendered its request, by the letter of December 23, for an opportunity to present evidence to support its request that the SWRCB suspend reductions under Condition 3.b.vi.

The District also seeks a hearing to present evidence refuting other incorrect statements made by Cal-Am in its October 21, 2020 letter, as noted in Mr. Stoldt’s letter to you. Among other matters, this evidence will provide a current and accurate analysis of water supply and demand affecting the Cal-Am system.

The District by this letter renews its request that the SWRCB provide the forum to review the evidence under Ordering Paragraph 3.b.viii and suspend corresponding reductions under Condition 3.b.vi.

Sincerely,

De LAY & LAREDO

David C. Laredo

CC: [via email]

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