



AGENDA

Regular Meeting

Board of Directors

Monterey Peninsula Water Management District

Monday, September 28, 2026 at 6:00 p.m. [PST]

Director Karen Paull will participate remotely from the following location,
which will be open and accessible to the public:

1520 Putnam Avenue
Brooklyn, NY 11237

**Meeting Location: MPWMD – Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940**

[This is an in-person meeting. Remote participation via Zoom may be offered; however, it is optional and is not required for the meeting to proceed. **The meeting will proceed as scheduled even if technical difficulties affect Zoom access.** The District will make reasonable efforts to resolve technical issues as quickly as possible.]

To Join via Zoom- Teleconferencing means, please click the link below:

<https://mpwmd-net.zoom.us/j/84022457821?pwd=2kBt7RAN54YcEskyAYRqohJE1zy49X.1>

Webinar ID: **840 2245 7821** | Passcode: **092826** | To Participate by Phone: **(669) 900-9128**

For detailed instructions on how to connect to the meeting, please click the link below:

<https://www.mpwmd.net/instructions-for-connecting-to-the-zoom-meetings/>

The public may also view the live broadcast of the meeting on Comcast Channel 24 or the live webcast on AMP
<https://accessmediaproductions.org/> scroll down to the bottom of the page and select AMP 1.

Copies of the agenda packet are available for review on the District website (www.mpwmd.net) and at 5 Harris Court, Bldg. G, Monterey, CA.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. This is a warning that if a member of the public attending this meeting remotely or in-person violates the Brown Act by failing to comply with these requirements, then the Chair may request that speaker be muted. If a member of the public attending this meeting in-person engages in disruptive behavior that disturbs the orderly conduct of the meeting, they may be removed from the meeting after a warning.

Board of Directors Ian Oglesby, Chair – Mayoral Representative Rebecca Lindor, Vice-Chair – Division 3 Alvin Edwards – Division 1 George Riley – Division 2 Karen Paull – Division 4 Marianne Gawain – Division 5 Kate Daniels – Monterey County Board of Supervisors Representative General Manager David J. Stoldt Assistant General Manager Mike McCullough	Mission Statement Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments. Vision Statement Model ethical, responsible, and responsive governance in pursuit of our mission. Board's Goals and Objectives Are available online at: https://www.mpwmd.net/who-we-are/mission-vision-goals/
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CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS – *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - *The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks “**”, Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.*

1. Consider Adoption of Minutes of the Regular Board Meeting on August 17, 2026
2. Consider Approval of Cost Sharing Agreement for Recalibration and Updating Groundwater Models for the Seaside Groundwater Basin
3. Consider Adoption of Treasurer’s Report for July 2026

GENERAL MANAGER’S REPORT

4. General Manager’s Report (*Verbal Report*)

REPORT FROM DISTRICT COUNSEL

5. Report from District Counsel – General Report of Pending Litigation

DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

6. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARING – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

7. Consider Adoption of October through December 2026 Quarterly Water Supply Strategy and Budget

[CEQA Compliance: Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1) ESA Compliance: Consistent with the September 2001 and February 2009 Conservation Agreements between the National Marine Fisheries Service and California American Water to minimize take of listed steelhead in the Carmel River and Consistent with SWRCB WR Order Nos. 95-10, 98-04, 20020002, and 2016-0016.]

Recommended Action: *The Board will consider approval of a proposed production strategy for the California American Water Distribution System for the three-month period of October through December 2025. The strategy sets monthly goals for surface and groundwater production from various sources within the California American Water System.*

8. Consider Adoption of Resolution No. 2026-10 - Modifying Rule 160 – Regulatory Water Production Targets for California American Water Systems

[Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.]

Recommended Action: The Board will consider adopting Resolution No. 2026-10 Modifying Rule 160.

9. Consider Second Reading and Adoption of Ordinance No. 202 – Deleting Rules 18, 19, 19.5, 26, 32, 80, 81, 82, 100, and 129, and Amending Rules 42, 52, 54, 56, 64, 101, 110, 123, 128, and 161

Recommended Action: The Board will consider adoption of Ordinance No. 202 clarifying and updating various District rules which do not have a relevant Committee for initial review.

ACTION ITEMS – Public Comment will be received. Please limit your comments to three (3) minutes per item.

10. Consider Request by RE:Vision West for District Reserve Water for Workforce Attainable Housing at 1045 Cass Street, Monterey, CA (APN 001-671-003-000)

Recommended Action: The Board will consider RE:Vision West's request for 0.338 acre-feet of water from the District Reserve Allocation.

DISCUSSION ITEMS – Public Comment will be received. Please limit your comments to three (3) minutes per item.

11. Update on Cease and Desist Order Hearing Schedule

Recommended Action: The Board will receive an update from the General Manager regarding the Cease and Desist Order hearing schedule.

12. Update on Cal-Am Progress to Satisfy Coastal Commission Permit Conditions

Recommended Action: The Board will receive an update from the General Manager regarding Cal-Am's progress in satisfying Coastal Commission permit conditions.

INFORMATIONAL ITEMS/STAFF REPORTS - The public may address the Board on Informational Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.

13. Report on Activity/Progress on Contracts Over \$25,000
14. Status Report on Expenditures – Public's Ownership of Monterey Water System
15. Letters Received and Sent Supplemental Letter Packet
16. Committee Reports
17. Monthly Allocation Report
18. Water Efficiency Program Report for August 2026
19. Carmel River Fishery Report for August 2026

20. Monthly Water Supply and California American Water Production Report
[Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental

Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]

ADJOURNMENT

Board Meeting Schedule		
Monday, October 19, 2026	<i>Regular</i>	6:00 p.m.
Monday, November 16, 2026	<i>Regular</i>	6:00 p.m.

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time to Sara Reyes, Board Clerk by e-mail at sara@mpwmd.net or at (831) 658-5610.

Options for Providing Public Comment

Attend In-Person

The Board meeting will be held in the Main Conference Room at **5 Harris Court, Building G, Monterey, CA 93942** and has limited seating capacity.

Submission of Written Public Comment

Send written comments to District Office, 5 Harris Court, Building G, Monterey, CA or online at comments@mpwmd.net. Include the following subject line: "PUBLIC COMMENT ITEM #" (insert the agenda item number relevant to your comment). Written comments must be received by 2:00 PM on the day of the meeting. All submitted comments will be provided to the Board of Directors, compiled as part of the record, and placed on the District's website as part of the agenda packet for the meeting. Correspondence is not read during the public comment portion of the meeting.

Instructions for Connecting to the Zoom Meeting can be found at

<https://www.mpwmd.net/instructions-for-connecting-to-the-zoom-meetings/>

Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings:

<https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

ITEM: CONSENT CALENDAR

**1. CONSIDER ADOPTION OF MINUTES OF THE REGULAR BOARD MEETING
ON AUGUST 17, 2026**

Meeting Date: September 28, 2026 **Budgeted:** N/A

From: David J. Stoldt,
 General Manager **Program/
Line Item No.:** N/A

Prepared By: Sara Reyes **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for Board consideration are the draft minutes of the MPWMD Board of Directors' Regular Meeting held on August 17, 2026 (**Exhibit 1-A**).

RECOMMENDATION: Adopt the draft minutes of the August 17, 2026 Regular Board Meeting.

EXHIBIT

1-A Draft Minutes – MPWMD Board of Directors' August 17, 2026 Regular Board Meeting

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EXHIBIT 1-A

**Draft Minutes
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
August 17, 2026 at 6:00 p.m.**

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940 AND
By Teleconferencing Means - Zoom

CALL TO ORDER

Chair Oglesby called the regular session to order at 6:00 p.m.

ROLL CALL

Board Members Present:

Ian Oglesby, Chair
Kate Daniels (arrived at 6:07 p.m.)
Alvin Edwards
George Riley
Karen Paull
Marianne Gawain

Board Members Absent:

Rebecca Lindor, Vice-Chair

District Staff Members Present:

David Stoldt, General Manager
Mike McCullough, Assistant General Manager
Nishil Bali, Chief Financial Officer/Administrative
Services Manager
Sara Reyes, Clerk of the Board / Executive Assistant

Jonathan Lear, Water Resources Manager
Mollie Wooden, Water Demand Manager
Cory Hamilton, Senior Fisheries Biologist

District Counsel Present:

Michael Laredo, De Lay & Laredo

PLEDGE OF ALLEGIANCE

Those present recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA

None.

ORAL COMMUNICATIONS

Chair Oglesby opened the oral communications period; no comments were received.

CONSENT CALENDAR

Chair Oglesby introduced the Consent Calendar.

Chair Oglesby opened public comment; no comments were received.

Director Edwards requested that Items 2 and 3 be pulled for discussion.

Motion 1: Director Riley made a motion, seconded by Director Gawain, to approve Consent Calendar Items 1, 4, 5, 6, 7, and 8. The motion passed by voice vote with 5 Ayes (Edwards, Paull, Oglesby, Gawain, and Riley), 0 Noes, and 1 Absent (Daniels).

Motion 2: Director Edwards made a motion, seconded by Director Paull, to approve Consent Calendar Item 2. The motion passed by voice vote with 5 Ayes (Edwards, Paull, Oglesby, Gawain, and Riley), 0 Noes, and 1 Absent (Daniels).

Motion 3: Director Edwards made a motion, seconded by Director Paull, to approve Consent Calendar Item 3. The motion passed by voice vote with 6 Ayes (Edwards, Daniels, Paull, Oglesby, Gawain, and Riley) and 0 Noes.

The following agenda items were accepted as part of the Consent Calendar:

- 1. Consider Adoption of Minutes of the Regular Board Meeting on July 20, 2026**
- 2. Recommend an Internship Program and Approve Accompanying Resolution No. 2026-09 Providing Workers' Compensation**
- 3. Consider Recommendation to Approve Contract Amendments for Rutan & Tucker and Shute, Mihaly & Weinberger**
- 4. Consider Update to District Financial Policy and Repeal of Certain Rules Through Subsequent Ordinance**
- 5. Consider Approval of Contribution to National Water Research Institute for Funding Phase 3 of the CalVal Initiative**
- 6. Consider Approving a Scope of Work from the Fergusson Group for Federal Grant Application Services**
- 7. Consider Adoption of Treasurer's Report for June 2026**
- 8. Consider Approval of Fourth Quarter Fiscal Year 2025-2026 Investment Report**

GENERAL MANAGER'S REPORT

Chair Oglesby introduced the General Manager's Report.

9. General Manager's Report

General Manager David Stoldt reported that water consumption was higher than the prior year, primarily due to dry conditions in March and April. Carmel River use was at 77 percent, Pure Water Monterey supplies were being prioritized, and no stored water had been used. The presentation is available on the District's website.

Chair Oglesby opened public comment; no comments were received.

10. Recognition of CFO for Government Finance Officers Association Award

Chief Financial Officer Nishil Bali displayed the certificate recognizing the District for excellence in financial reporting and also noted the District's recognition for having no paid claims during the previous five consecutive years.

11. Results for Summer Splash 2026

Water Demand Manager Mollie Wooden reported that Summer Splash participation increased 12 percent over the prior year. District and CalAm newsletters generated the most participation, while boosted Facebook posts also received a strong response.

REPORT FROM DISTRICT COUNSEL

Chair Oglesby introduced the District Counsel Report.

12. Report from District Counsel - General Report of Pending Litigation

District Counsel Michael Laredo referenced the litigation report on page 53 of the meeting packet and briefly summarized ongoing legal matters.

Chair Oglesby opened public comment; no comments were received.

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

Chair Oglesby introduced the Directors' Reports.

13. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

- Director Riley reported that he attended the Special Districts Association of Monterey County's regular quarterly meeting on July 21, 2026.
- Director Gawain reported that she attended the same quarterly meeting for the first time.

PUBLIC HEARING

Chair Oglesby introduced the public hearing item.

14. Consider First Reading of Ordinance No. 202 – Deleting Rules 18, 19, 19.5, 26, 32, 80, 81, 82, 100, and 129, and Amending Rules 42, 52, 54, 56, 64, 101, 110, 123, 128, and 161

General Manager David Stoldt presented the first reading of Ordinance No. 202, which would delete 10 outdated or reassigned rules and amend 10 others as part of a comprehensive review of the District's rules and regulations. District Counsel will review the proposed changes before the second reading. He noted that the review was timely given the upcoming retirement of a long-term employee with 38 years of institutional knowledge.

Chair Oglesby opened public comment; no comments were received.

Director Edwards made a motion, seconded by Director Riley, to approve the first reading of Ordinance No. 202. The motion passed by roll call vote with 6 Ayes (Edwards, Daniels, Paull, Gawain, Oglesby, and Riley) and 0 Noes.

DISCUSSION ITEM

Chair Oglesby introduced the discussion items.

15. Discuss Proposed Response to City of Carmel Letter

General Manager David Stoldt discussed requests from the cities of Carmel and Seaside for a formal policy governing additional water allocations. He noted that adopting a policy may be premature pending State Water Resources Control Board action on the cease-and-desist order and meter-setting restrictions. He acknowledged planning representatives present from the County and two cities and requested general direction from the Board.

Chair Oglesby opened the public comment period, during which the following comments were received:

- 1) Brandon Swanson, Acting City Administrator for the City of Carmel-by-the-Sea, requested collaboration with District staff to develop a predictable water-allocation framework for future planning, particularly housing.
- 2) Andrew Myrick, City of Seaside requested that District staff collaborate with local planning professionals to develop a clear framework for future water allocations.
- 3) Craig Spencer Monterey County Housing and Community Development Director, supported developing a collaborative framework to provide greater certainty for future water allocations needed for housing.
- 4) Tom Rowley, recommended postponing the item until early next year, pending resolution of the cease-and-desist order, and considering historical allocation challenges before establishing a future policy.

16. Update on Strategic Goals and Objectives

Assistant General Manager Mike McCullough presented a midyear update on the District's strategic goals and reported substantial progress on the cease-and-desist order, public ownership, water supply and storage, conservation, rules and regulations, financial health, and ratepayer advocacy.

Chair Oglesby opened public comment; no comments were received.

17. Update on the Citizen's Water Panel

Assistant General Manager Mike McCullough reported that the first Citizen's Water Panel meeting was well attended and included introductions, District division overviews, and participant questions. The next meeting is scheduled for November 6 and will include additional presentations and a facility tour.

Chair Oglesby opened public comment; no comments were received.

18. Update on the Cease and Desist Order

General Manager David Stoldt reported that the District's written testimony regarding the cease-and-desist order was complete and would be submitted to the State Water Resources Control Board. The testimony would be provided to the Board and posted on the District's website with introductory context.

INFORMATIONAL ITEMS / STAFF REPORTS

Chair Oglesby introduced the item and asked if Board members had any comments or questions.

19. Report on Activity/Progress on Contracts Over \$25,000**20. Status Report on Spending – Public's Ownership of Monterey Water System****21. Letters Received and Sent****22. Committee Reports****23. Monthly Allocation Report****24. Water Efficiency Program Report for July 2026****25. Carmel River Fishery Report for July 2026****26. Monthly Water Supply and California American Water Production Report**

These items were informational only, and no action was taken. Copies of these reports are available at the District office and on the District website.

ADJOURNMENT

Chair Oglesby adjourned the meeting at 7:54 p.m.

Sara Reyes, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on _____.

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ITEM: CONSENT CALENDAR**2. CONSIDER APPROVAL OF COST SHARING AGREEMENT FOR RECALIBRATION AND UPDATING GROUNDWATER MODELS FOR THE SEASIDE GROUNDWATER BASIN**

Meeting Date:	September 28, 2026	Budgeted:	Yes
From:	Mike McCullough, Assistant General Manager	Program/ Line Item No.:	Water Supply Projects 1-2-1
Prepared By:	Mike McCullough	Cost Estimate:	\$31,250

General Counsel Review: N/A**Committee Recommendation:** The Water Supply Planning Committee reviewed this item on September 8, 2026, and recommended approval.**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: There is a pending effort to model the Seaside Groundwater Basin for which District funding will be required: Recalibration and Updating of the Basin Model, summarized below.

Recalibration and Updating of the Basin Model: The Seaside Basin Watermaster is considering recalibrating and updating its Seaside Groundwater Basin Model in 2026. The Model was developed for the Watermaster by its consultant, Montgomery and Associates, and was provided to Pure Water Monterey for use in performing modeling studies for the Pure Water Monterey groundwater replenishment project. The Watermaster has asked that the District and Monterey One Water participate in cost-sharing. Such a modeling effort is expected to cost \$125,000 and should be cost-shared by the District and Monterey One Water. The cost sharing proposed by the Watermaster would have the Watermaster pay 50% of the costs (\$62,500), and the District and M1W cover the other 50% of the costs directly (\$62,500). The cost will be split equally between M1W and the District (\$31,250).

Adequate funds for both studies have been identified in the adopted Fiscal Year 2026-27 budget.

RECOMMENDATION: Water Supply Planning Committee recommends that the Board approve a not-to-exceed amount of exceed \$31,250 for the District's share in recalibration and updating the basin model from the FY 2026-27 budget.

EXHIBIT**2-A** Draft MOA between the Seaside Watermaster and the District and M1W

EXHIBIT 2-A**MEMORANDUM OF AGREEMENT**

**BETWEEN THE SEASIDE BASIN WATERMASTER
THE MONTEREY PENINSULA WATER MANAGEMENT
DISTRICT
AND
MONTEREY ONE WATER**

**TO SHARE IN THE COSTS OF UPDATING THE SEASIDE BASIN
GROUNDWATER MODEL**

THIS AGREEMENT is made and entered into this _____ day of _____, 2026, by and between the SEASIDE BASIN WATERMASTER, hereinafter referred to as the “WATERMASTER”, and the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, hereinafter referred to as the “DISTRICT”, and MONTEREY ONE WATER, hereinafter referred to as “M1W,” as follows.

In this Agreement the terms “Party” and “Parties” refer to the WATERMASTER, the DISTRICT, and/or M1W, either individually or collectively.

RECITALS:

- A. Under Case No. M66343, California Superior Court, Monterey County, on March 27, 2006 by entry of Judgment (“Judgment”) the WATERMASTER was created. The purpose of the WATERMASTER is to assist the Court in the administration and enforcement of the provisions of the Judgment.
- B. As part of carrying out its duties and responsibilities under the Judgment, the WATERMASTER had a hydrogeologic model (“Model”) of the Seaside Groundwater Basin (“Seaside Basin”) prepared by its consultant, HydroMetrics WRI. Preparation of the Model was completed by HydroMetrics in November 2009.
- C. Periodic recalibration and updating of the Model is necessary to ensure the Model simulates groundwater levels within an acceptable industry standard accuracy. The Model was last updated in 2014, and was recalibrated 2018. However, since that work was done considerable new hydrogeologic information and groundwater data have been acquired that warrants further updating the Model.
- D. M1W and the DISTRICT have together developed projects referred to as the Pure Water Monterey Project (PWM) and the Pure Water Monterey Expansion Project (PWMX) that store purified recycled water in the Seaside Basin for subsequent recovery and reuse.

EXHIBIT 2-A

- E. Because these Pure Water Monterey projects will need to use the Model for further studies and reporting purposes, the Parties wish to enter into this Agreement to share in the cost of recalibrating and updating the Model.

Terms and Conditions

In consideration of the mutual promises contained herein, the WATERMASTER, the DISTRICT, and M1W hereby agree to the following terms and conditions:

- A. Work to be performed.** The WATERMASTER will have its consultant, Montgomery and Associates, recalibrate and update the Model. The Scope of Work and the estimated costs to update and recalibrate the Model are described in Attachment 1 to this Agreement. The staff of each of the Parties to this Agreement will be invited to attend any key milestone meetings and conference calls that are held between the WATERMASTER and its consultant as the work is being performed, in order to enable each of the Parties to stay abreast of the work, raise pertinent questions in a timely manner, and provide input as appropriate.

The Parties hereto understand, as discussed in Attachment 1, that it is difficult for Montgomery & Associates to accurately estimate the costs to perform the work to update and recalibrate the Model, and that the costs listed in Attachment 2 are Montgomery & Associates' best estimates. In the event it is determined, during the course of the work, that the cost to complete the work will be greater than the total cost listed in Attachment 2, the Parties agree to meet and confer to reach agreement on a revised cost that will be shared as described in paragraph B, so that the work can be completed. Agreement on said revised cost shall not be binding on any Party unless and until that Party formalizes its agreement to the revised cost in writing to each of the other Parties.

- B. Costs to be shared.** The costs to be shared are listed in Attachment 2. These costs will be shared in the following percentages:

Watermaster share = 50% (\$62,500)

District and M1W combined share = 50% (\$62,500).

(In the event a revised cost is agreed to, as described in paragraph A, these dollar figures will change, but the percentage contributions will remain the same).

- C. Documents to be provided.** After completion of the work described in Attachment 1, the WATERMASTER will provide the DISTRICT and M1W each with one copy of the Technical Report documenting the model update and calibration results. At either Party's request, the WATERMASTER will also provide the DISTRICT and M1W with all original documents, explanations of methods, maps, tables, computer programs, reports, and other documents

EXHIBIT 2-A

prepared pursuant to this Agreement for use for further studies and reporting purposes.

- D. Payment of costs and reimbursement to the WATERMASTER.** The WATERMASTER will make progress payments to Montgomery & Associates as it satisfactorily performs the work described in Attachment 1. After the satisfactory completion of the work, the WATERMASTER will provide to the DISTRICT and to M1W, copies of the payments it made to Montgomery & Associates. Within 30 days of receiving those documents, the DISTRICT and M1W will reimburse the WATERMASTER for 50% of those costs.
- E. Term of Agreement.** The term of this Agreement shall commence on the date of its execution, and shall continue in effect until the WATERMASTER has been reimbursed as described in paragraph D.
- F. Hold Harmless.** Under this Agreement the DISTRICT and M1W do hereby agree to indemnify, defend, and hold the WATERMASTER and its Board members, officers, employees, agents, and representatives harmless from and against any and all liability, claims, suits, actions, damages, and causes of action of any kind arising out of the DISTRICT'S and/or M1W's use of the Model in operating and maintaining the PWM and PWMX Projects.
- G. Venue.** In the event that suit shall be brought by any Party to this Agreement, the Parties agree that venue shall be exclusively vested in the state courts of the County of Monterey, or, if brought in federal court, in the United States District Court handling matters arising in Monterey County. Further, the prevailing Party shall be entitled to reasonable attorney fees and costs.
- H. Notices.** Written notice shall be deemed to have been duly served if delivered in person or by mail to the individuals and at the addresses listed below:
- A. WATERMASTER: Technical Program Manager
 Seaside Basin Watermaster
 P.O. Box 1271
 Seaside, CA 93955
- B. DISTRICT: General Manager
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 Monterey, CA 93940
- B. M1W: Executive Officer
 Monterey One Water
 5 Harris Court, Building D

EXHIBIT 2-A

Monterey, CA 93940

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the dates shown below.

WATERMASTER

Date: _____

By: _____
Mary Ann Carbone,
Chair, Board of Directors**DISTRICT**

Date: _____

By: _____
David Stoldt, General Manager**M1W**

Date: _____

By: _____
Paul Sciuto, Executive Officer

EXHIBIT 2-A

ATTACHMENT 1

SCOPE OF WORK

(Excerpted from Montgomery & Associates Request for Service No. 2026-03, approved by Watermaster's Board of Directors at its July 1, 2026 meeting)

The scope consists of providing professional consulting services to WATERMASTER for updating the WATERMASTER'S Groundwater Model, as described in more detail below in the "Proposed Scope of Work."

PROPOSED SCOPE OF WORK

Phase 1 - Historical Model Extension

Extend Historical Model

The first step is to extend the Model input data sets through WY 2025 and assess whether additional updates or recalibration are needed to maintain model estimation accuracy. Select inputs will also be revised to improve consistency with the regional SWIM and SVIHM models and facilitate future updates of all the models:

- Update historical pumping and injection inputs to extend the simulation period from 1987–2017 through WY 2025
- Update soil-moisture balance inputs used to estimate monthly deep groundwater recharge
- Review and update production well and calibration-target screen layer and aquifer assignments to reflect current understanding, well log data, and updated SWIM/SVIHM aquifer designations that M&A identified as part of the recent regional model update support work
- Update northern boundary constant-head values using simulated heads from the latest SWIM version 4 runs to better represent MCWD pumping and 180-400 Foot Aquifer conditions.
- Update groundwater elevation calibration target data sets for the extended 2018-2025 period and to include new monitoring wells, such as the monitoring wells installed in support of the Pure Water Monterey Project, the FO-9 Shallow replacement well, and other new monitoring wells in the Monterey Subbasin that fall within the Model domain that are not currently included as calibration targets. The screen intervals and aquifer layer assignments will be adjusted for certain wells to align with improved understanding of the aquifer designations that came out of a more detailed review Dr. Benito conducted during collaboration with the SVBGSA.

EXHIBIT 2-A

Model Calibration Assessment

Once model inputs are updated, the Model will be run to assess the accuracy of the calibration by comparing simulated and observed groundwater levels across the Seaside Subbasin and key monitoring wells in the Monterey Subbasin. The assessment will compare hydrographs of observed and simulated groundwater levels to evaluate how well the Model captures recent operational changes, including triennial pumping reductions, the shift from Seaside golf-course irrigation pumping to recycled water, the cessation of Cal-Am Laguna Seca Subarea pumping, and the effects of the Pure Water Monterey (PWM) project. Other standard statistical measures of model performance will also be used to compare the updated Model with the previous calibrated version.

Phase 2 - Model Recalibration & Structural Improvements

Recalibration Approach

Periodic model recalibration is needed to maintain acceptable accuracy in simulated groundwater levels. If simulated levels are inaccurate, other model outputs, including groundwater flow directions, storage, and water budget estimates, will also be less reliable. Rather than overhauling the Model all at once, an iterative update process will be used that makes only the changes needed. For example, if the extended historical model with the current layering and aquifer parameters continues to match observed groundwater levels in key areas, additional changes in those areas may not be necessary or cost-effective at this time.

If the Model does not adequately match observed groundwater levels in some areas, updates may be needed to aquifer parameters or layer discretization. For example, if observed groundwater levels near the PWM project are not well matched, model layer 5 (Santa Margarita) may need to be subdivided into upper and lower units and local parameter calibration may need to be revised.

If substantial recalibration is required, it is recommended to first update the numerical modeling framework to one of the more recent versions of MODFLOW that can streamline the model update and improve the recalibration process and model performance.

Upgrade MODFLOW Framework

The Model was developed using MODFLOW-2005, which represented the standard platform at the time of model construction in 2009. If substantial recalibration is required, upgrading the Model to a current MODFLOW platform is recommended, preferably MODFLOW 6 or MODFLOW-USG, to take advantage of enhanced functionality, including unstructured grids that support targeted local refinement in critical areas without requiring refinement of the full model domain.

There are other technical upgrades that can also be made that would improve how production wells screened across multiple model layers and/or aquifers are simulated. The current version of the Model uses the MODFLOW WELL package, which is limited in its ability to dynamically

EXHIBIT 2-A

adjust the amount of the total assigned well pumping that should be allocated to each of the screen intervals in different model layers. This can be problematic, for example, in Shallow Aquifer wells when the groundwater table falls below the bottom of the uppermost model layer across which a multi-layer well is screened in. The portion of the total reported pumping rate that was originally allocated to that uppermost layer that has gone “dry” is lost instead of being shifted to the next deepest layers the well is screened across. This can result in under-simulating the amount of actual pumping from the well. There are newer MODFLOW packages for handling multi-layer wells, such as the MNW2 and the CLN packages, that dynamically allocate the amount of pumping that should occur in each layer and can help address this problem. This well package upgrade can occur even if the Model is not upgraded to a current MODFLOW platform.

Grid and Layering Enhancements

New hydrogeologic data developed since the Model was first developed indicate opportunities to improve how groundwater flow is distributed among aquifer formations, and in some cases within individual formations. Where vertical flow profiles are available—such as for many PWM injection wells, some ASR wells, and production wells like Paralta and Ord Grove 2—simulated flow distribution and transmissivity ratios will be adjusted to match observed vertical flow patterns. Upgraded multi-layer well packages, such as MNW2 or CLN, will help incorporate these data. Aquifer parameter ranges will also be constrained using aquifer test results, including in the PWM area. Model layer 5 (Santa Margarita Formation) may potentially be subdivided into upper and lower units based on improved aquifer characterization and newly available well log data. Where applicable, updated interpretations of bedrock and layer depths from recent DWR SkyTEM surveys will be incorporated based on Salinas Valley Basin hydrogeologic conceptual model updates.

Documentation in Technical Report & Presentation to TAC

M&A will prepare a technical report documenting the Model updates and improvements. The report will also summarize the overall model performance and trends and observations of how the Model is capturing the impacts of new projects and other recent operational changes in the Seaside Subbasin. M&A will also prepare and deliver a summary presentation on this topic to the TAC via Zoom.

BUDGET AND TIMELINE

It is anticipated that Phase 1 and Phase 2 can be completed within a five-month period, though the timing may depend on the scheduling of TAC and Board meetings. Work can commence on this immediately following notice to proceed.

The combined estimated cost for Phase 1 and Phase 2 is \$125,000. The cost estimate contained in [Attachment 2](#) provides a breakdown of costs by task and subtask.

EXHIBIT 2-A**ATTACHMENT 2**
BUDGET

EXHIBIT 2-A*Estimated Cost for Seaside Watermaster Model Update.*

Seaside Watermaster Model Update		Montgomery & Associates Estimate of Hours, Fees and Expenses						
		Scientist VI	Scientist VII	Scientist V	Scientist II	GIS I	Editor	Total Professional Fees
		CT	GK	PB	WC			
Professional Billing Rates (\$/hr)		\$290	\$290	\$240	\$165	\$165	\$95	
Phase 1: Historical Model Extension & Regional Model Input Alignment								
Task 1	Update Watermaster Historical Model to extend through WY2025							
1.1	Compile production data and prepare new pumping input files	0	0	8	16	0	0	\$4,560
1.2	Prepare revised recharge input for updated climate period	0	0	8	16	0	0	\$4,560
1.3	Develop updated northern boundary condition head input files from SWIM output	1	2	8	16	0	0	\$5,430
1.4	Prepare updated and extended groundwater level observation data set	0	0	8	20	0	0	\$5,220
1.5	Run model and assess calibration and simulated groundwater level trends	4	4	24	32	0	0	\$13,360
	Subtotal	5	6	56	100	0	0	\$33,130
	Phase 1 Total							
Phase 2: Model Recalibration & Structural Improvements								
Task 2	Model Recalibration & Structural Improvements (if warranted)							
2.1	Update model to MODFLOW-6 or MODFLOW-USG	2	1	24	32	0	0	\$11,910
2.2	Grid layering & discretization enhancements	2	1	24	40	2	0	\$13,560
2.3	Parameter Recalibration	2	1	40	80	0	0	\$23,670
	Subtotal	6	3	88	152	2	0	\$49,140
Task 3	Documentation in Technical Report & Presentation to TAC							
3.1	Prepare Technical Report summarizing method and results	8	16	60	40	38	6	\$34,800
3.2	Prepare presentation and deliver to TAC via Zoom	1	4	16	16	0	0	\$7,930
	Subtotal	9	20	76	56	38	6	\$42,730
	Phase 2 Total							
Total (hours)		20	29	220	308	40	6	623
Total (\$)		\$5,800	\$8,410	\$52,800	\$50,820	\$6,600	\$570	\$125,000

ITEM: CONSENT CALENDAR**3. CONSIDER ADOPTION OF TREASURER'S REPORT FOR JULY 2026**

Meeting Date:	September 28, 2026	Budgeted:	N/A
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From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
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Prepared By:	Nishil Bali	Cost Estimate:	N/A
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General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Exhibit 3-A comprises the Treasurer's Report for July 2026. Exhibit 3-B includes listings of check disbursements for the period July 1-31, 2026. Checks, virtual checks (AP Automation), direct deposits of employee paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$5,677,970.10 and rebate payments in the amount of \$17,187.35. Exhibit 3-C reflects the unaudited version of the Statement of Revenues and Expenditures for the month ending July 31, 2026.

RECOMMENDATION: The Finance and Administration Committee should recommend that the Board adopt the July 2026 Treasurer's Report and Statement of Revenues and Expenditures and ratify the disbursements made during the month.

EXHIBITS**3-A** Treasurer's Report**3-B** Listing of Cash Disbursements**3-C** Statement of Revenues and Expenditures

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR JULY 2026**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>California CLASS</u>	<u>L.A.I.F.</u>	<u>Multi-Bank Securities*</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance (A)	\$1,414,981.99	\$3,514,103.32	\$1,059,910.35	\$14,756,414.24	\$10,930,509.50	\$31,675,919.39	\$150,950.89
Fees/Deposits		3,203,130.29				3,203,130.29	793,957.70
MoCo Tax & WS Chg Installment Pymt						0.00	
Interest Received			3,354.96	148,746.27	28,665.42	180,766.65	
Transfer - Checking/CLASS						0.00	
Transfer - Money Market/LAIF		2,500,000.00		(2,500,000.00)		0.00	
Transfer - Money Market/Checking	5,500,000.00	(5,500,000.00)				0.00	
Transfer - Money Market/Multi-Bank						0.00	
Transfer to CAWD						0.00	(644,000.00)
Sub-total - Receipts/Transfers (B)	\$5,500,000.00	\$203,130.29	\$3,354.96	(2,351,253.73)	\$28,665.42	\$3,383,896.94	\$149,957.70
[1] AP Automation Payments	(400,712.82)					(400,712.82)	
[2] General Checks	(4,043,827.80)					(4,043,827.80)	
[3] Bank Draft Payments	(47,065.97)					(47,065.97)	
[3] Payroll Tax/Benefit Deposits	(958,962.09)					(958,962.09)	
[4] Rebate Payments	(17,187.35)					(17,187.35)	
* Payroll Checks/Direct Deposits	(211,940.37)					(211,940.37)	
** Bank Charges/Other	(2,583.75)					(2,583.75)	
Reversals of Outstanding Payments	4,310.05					4,310.05	
Voided Checks	-					0.00	
Credit Card Fees						0.00	
Returned Deposits						0.00	
Sub-total - Disbursements (C)	(5,677,970.10)	-	-	-	-	(5,677,970.10)	-
Ending Balance (A+B+C)	\$1,237,011.89	\$3,717,233.61	\$1,063,265.31	\$12,405,160.51	\$10,959,174.92	\$29,381,846.23	\$300,908.59

Refer to Exhibit B for payments totalling [1], [2], [3], and [4]

* Total amount of District Employee and Board payroll

** Merchant account fees from Bank of America

EXHIBIT 3-B

23

Check Report

By Check Number

Date Range: 07/01/2026 - 07/31/2026



Monterey Peninsula Water Management District

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
Payment Type: Regular						
01352	Dave Stoldt	07/13/2026	Regular	0.00	1,042.76	41096
00274	Monterey One Water	07/13/2026	Regular	0.00	1,844,766.00	41097
03979	Special Districts Association of Monterey Count	07/13/2026	Regular	0.00	80.00	41098
00274	Monterey One Water	07/20/2026	Regular	0.00	1,850,820.84	41099
01002	Monterey County Clerk	07/31/2026	Regular	0.00	50.00	41100
00987	SDRMA - Prop & Liability Pkg	07/31/2026	Regular	0.00	347,068.20	41101
Total Regular:				0.00	4,043,827.80	[2]

Check Report

Date Range: 07/01/2026 - 07/31/2026

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Virtual Payment						
41145	Advance Cleaning 365, Inc.	07/06/2026	Virtual Payment	0.00	2,500.00	APA021697
04732	AM Conservation Group, Inc.	07/06/2026	Virtual Payment	0.00	6,848.24	APA021698
00760	Andy Bell	07/06/2026	Virtual Payment	0.00	664.00	APA021699
00263	Arlene Tavani	07/06/2026	Virtual Payment	0.00	1,223.80	APA021700
00983	Beverly Chaney	07/06/2026	Virtual Payment	0.00	3,043.34	APA021701
00046	De Lay & Laredo	07/06/2026	Virtual Payment	0.00	85,214.91	APA021702
18734	DeVeera Inc.	07/06/2026	Virtual Payment	0.00	4,118.82	APA021703
02833	Greg James	07/06/2026	Virtual Payment	0.00	1,544.16	APA021704
00986	Henrietta Stern	07/06/2026	Virtual Payment	0.00	915.80	APA021705
04717	Inder Osahan	07/06/2026	Virtual Payment	0.00	1,467.40	APA021706
81513	Jackson Lewis P.C	07/06/2026	Virtual Payment	0.00	8,190.00	APA021707
03857	Joe Oliver	07/06/2026	Virtual Payment	0.00	1,223.80	APA021708
00222	M.J. Murphy	07/06/2026	Virtual Payment	0.00	116.07	APA021709
05829	Mark Bekker	07/06/2026	Virtual Payment	0.00	519.20	APA021710
01012	Mark Dudley	07/06/2026	Virtual Payment	0.00	540.00	APA021711
00242	MBAS	07/06/2026	Virtual Payment	0.00	7,507.00	APA021712
06536	Mc Crometer Inc	07/06/2026	Virtual Payment	0.00	4,673.91	APA021713
16182	Monterey County Weekly	07/06/2026	Virtual Payment	0.00	970.00	APA021714
13396	Navia Benefit Solutions, Inc.	07/06/2026	Virtual Payment	0.00	1,252.11	APA021715
00154	Peninsula Messenger Service	07/06/2026	Virtual Payment	0.00	697.00	APA021716
24366	Project Energy Savers LLC	07/06/2026	Virtual Payment	0.00	6,464.61	APA021717
00176	Sentry Alarm Systems	07/06/2026	Virtual Payment	0.00	942.57	APA021718
19700	Shute, Mihaly & Weinberger LLP	07/06/2026	Virtual Payment	0.00	7,714.40	APA021719
17965	The Maynard Group	07/06/2026	Virtual Payment	0.00	1,844.93	APA021720
00212	Ventana Wildlife Society	07/06/2026	Virtual Payment	0.00	5,624.00	APA021721
08105	Yolanda Munoz	07/06/2026	Virtual Payment	0.00	540.00	APA021722
06009	yourservicesolution.com	07/06/2026	Virtual Payment	0.00	3,063.00	APA021723
41000	IGM US Holdings, Inc	07/07/2026	Virtual Payment	0.00	23,000.00	APA021724
14567	Applicant Information	07/10/2026	Virtual Payment	0.00	139.00	APA021757
06908	Danny Hala	07/10/2026	Virtual Payment	0.00	250.00	APA021758
21199	G3, Green Gardens Group, LLC	07/10/2026	Virtual Payment	0.00	3,950.00	APA021759
00986	Henrietta Stern	07/10/2026	Virtual Payment	0.00	915.80	APA021760
00094	John Arriaga	07/10/2026	Virtual Payment	0.00	10,500.00	APA021761
13431	Lynx Technologies, Inc	07/10/2026	Virtual Payment	0.00	4,125.00	APA021762
00222	M.J. Murphy	07/10/2026	Virtual Payment	0.00	15.82	APA021763
00223	Martins Irrigation Supply	07/10/2026	Virtual Payment	0.00	178.98	APA021764
18325	Minuteman Press Monterey	07/10/2026	Virtual Payment	0.00	125.44	APA021765
16182	Monterey County Weekly	07/10/2026	Virtual Payment	0.00	3,282.00	APA021766
13396	Navia Benefit Solutions, Inc.	07/10/2026	Virtual Payment	0.00	495.22	APA021767
00262	Pure H2O	07/10/2026	Virtual Payment	0.00	131.08	APA021768
00251	Rick Dickhaut	07/10/2026	Virtual Payment	0.00	616.00	APA021769
17968	Rutan & Tucker, LLP	07/10/2026	Virtual Payment	0.00	15,941.20	APA021770
19700	Shute, Mihaly & Weinberger LLP	07/10/2026	Virtual Payment	0.00	37,235.88	APA021771
08067	Stephanie Locke	07/10/2026	Virtual Payment	0.00	1,544.16	APA021772
04359	The Carmel Pine Cone	07/10/2026	Virtual Payment	0.00	1,275.00	APA021773
09425	The Ferguson Group LLC	07/10/2026	Virtual Payment	0.00	6,615.00	APA021774
04366	Tom Lindberg	07/10/2026	Virtual Payment	0.00	818.00	APA021775
06639	TruePoint Solutions, LLC	07/10/2026	Virtual Payment	0.00	5,362.50	APA021776
00271	UPEC, Local 792	07/10/2026	Virtual Payment	0.00	1,312.50	APA021777
23550	WellmanAD	07/10/2026	Virtual Payment	0.00	12,482.35	APA021778
06009	yourservicesolution.com	07/10/2026	Virtual Payment	0.00	5,704.00	APA021779
00763	ACWA-JPIA	07/17/2026	Virtual Payment	0.00	384.48	APA021780
00760	Andy Bell	07/17/2026	Virtual Payment	0.00	664.00	APA021781
04043	Campbell Scientific, Inc.	07/17/2026	Virtual Payment	0.00	8,213.42	APA021782
06001	Cypress Coast Ford	07/17/2026	Virtual Payment	0.00	150.06	APA021783
18225	DUDEK	07/17/2026	Virtual Payment	0.00	371.25	APA021784
02660	Forestry Suppliers Inc.	07/17/2026	Virtual Payment	0.00	802.04	APA021785
03857	Joe Oliver	07/17/2026	Virtual Payment	0.00	1,223.80	APA021786
06999	KBA Document Solutions, LLC	07/17/2026	Virtual Payment	0.00	491.01	APA021787
31342	Kennedy/Jenks Consultants, Inc	07/17/2026	Virtual Payment	0.00	4,376.25	APA021788

Check Report

Date Range: 07/01/2026 - 07/31/2026

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
27302	Kyocera Document Solutions America, Inc.	07/17/2026	Virtual Payment	0.00	535.75	APA021789
05830	Larry Hampson	07/17/2026	Virtual Payment	0.00	1,499.18	APA021790
00222	M.J. Murphy	07/17/2026	Virtual Payment	0.00	52.79	APA021791
04715	Matthew Lyons	07/17/2026	Virtual Payment	0.00	202.90	APA021792
00242	MBAS	07/17/2026	Virtual Payment	0.00	740.00	APA021793
26785	Monterey Bay Pest Control, Inc.	07/17/2026	Virtual Payment	0.00	135.00	APA021794
16182	Monterey County Weekly	07/17/2026	Virtual Payment	0.00	1,641.00	APA021795
22201	Montgomery & Associates	07/17/2026	Virtual Payment	0.00	123.50	APA021796
00176	Sentry Alarm Systems	07/17/2026	Virtual Payment	0.00	221.75	APA021797
04359	The Carmel Pine Cone	07/17/2026	Virtual Payment	0.00	1,275.00	APA021798
12187	Toro Petroleum Cop.	07/17/2026	Virtual Payment	0.00	804.19	APA021799
06639	TruePoint Solutions, LLC	07/17/2026	Virtual Payment	0.00	585.00	APA021800
31189	UBEO West, LLC	07/17/2026	Virtual Payment	0.00	22,892.21	APA021801
00263	Arlene Tavani	07/22/2026	Virtual Payment	0.00	1,223.80	APA021802
18734	DeVeera Inc.	07/22/2026	Virtual Payment	0.00	7,829.12	APA021803
01012	Mark Dudley	07/22/2026	Virtual Payment	0.00	540.00	APA021804
00242	MBAS	07/22/2026	Virtual Payment	0.00	637.00	APA021805
00755	Peninsula Welding Supply, Inc.	07/22/2026	Virtual Payment	0.00	163.53	APA021806
08105	Yolanda Munoz	07/22/2026	Virtual Payment	0.00	540.00	APA021807
13396	Navia Benefit Solutions, Inc.	07/22/2026	Virtual Payment	0.00	1,654.56	APA021808
00767	AFLAC	07/31/2026	Virtual Payment	0.00	788.64	APA021833
00983	Beverly Chaney	07/31/2026	Virtual Payment	0.00	1,544.16	APA021834
12601	Carmel Valley Ace Hardware	07/31/2026	Virtual Payment	0.00	136.34	APA021835
00224	City of Monterey	07/31/2026	Virtual Payment	0.00	697.75	APA021836
00281	CoreLogic Information Solutions, Inc.	07/31/2026	Virtual Payment	0.00	1,416.25	APA021837
04041	Cynthia Schmidlin	07/31/2026	Virtual Payment	0.00	610.92	APA021838
18734	DeVeera Inc.	07/31/2026	Virtual Payment	0.00	567.91	APA021839
21199	G3, Green Gardens Group, LLC	07/31/2026	Virtual Payment	0.00	1,600.00	APA021840
02833	Greg James	07/31/2026	Virtual Payment	0.00	1,544.16	APA021841
04717	Inder Osahan	07/31/2026	Virtual Payment	0.00	1,467.40	APA021842
19897	John K. Cohan dba Telemetrix	07/31/2026	Virtual Payment	0.00	23,123.00	APA021843
00769	Laborers Trust Fund of Northern CA	07/31/2026	Virtual Payment	0.00	1,499.18	APA021844
21460	MoGo Urgent Care	07/31/2026	Virtual Payment	0.00	60.00	APA021845
16182	Monterey County Weekly	07/31/2026	Virtual Payment	0.00	1,641.00	APA021846
13396	Navia Benefit Solutions, Inc.	07/31/2026	Virtual Payment	0.00	1,654.56	APA021847
08925	Quinn Company	07/31/2026	Virtual Payment	0.00	1,258.71	APA021848
40998	RWG Law	07/31/2026	Virtual Payment	0.00	2,590.00	APA021849
04359	The Carmel Pine Cone	07/31/2026	Virtual Payment	0.00	2,550.00	APA021850
20230	Zoom Video Communications Inc	07/31/2026	Virtual Payment	0.00	552.25	APA021851
Total Virtual Payment:				0.00	400,712.82	

[1]

Check Report

Date Range: 07/01/2026 - 07/31/2026

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Bank Draft						
00277	Home Depot Credit Services	07/06/2026	Bank Draft	0.00	720.62	DFT0004287
00259	Marina Coast Water District	07/06/2026	Bank Draft	0.00	3,108.11	DFT0004288
00266	I.R.S.	07/10/2026	Bank Draft	0.00	70.48	DFT0004291
00266	I.R.S.	07/10/2026	Bank Draft	0.00	301.32	DFT0004292
00266	I.R.S.	07/10/2026	Bank Draft	0.00	20,416.70	DFT0004293
00266	I.R.S.	07/10/2026	Bank Draft	0.00	4,428.12	DFT0004294
00267	Employment Development Dept.	07/10/2026	Bank Draft	0.00	8,327.37	DFT0004295
00266	I.R.S.	07/10/2026	Bank Draft	0.00	358.10	DFT0004296
00252	Cal-Am Water	07/10/2026	Bank Draft	0.00	401.74	DFT0004297
00758	FedEx	07/10/2026	Bank Draft	0.00	3.89	DFT0004298
00993	Harris Court Business Park	07/10/2026	Bank Draft	0.00	793.39	DFT0004299
00277	Home Depot Credit Services	07/10/2026	Bank Draft	0.00	50.09	DFT0004300
00769	Laborers Trust Fund of Northern CA	07/10/2026	Bank Draft	0.00	46,436.00	DFT0004301
00282	PG&E	07/10/2026	Bank Draft	0.00	4,902.41	DFT0004302
00221	Verizon Wireless	07/10/2026	Bank Draft	0.00	2,162.54	DFT0004303
18163	Wex Bank	07/10/2026	Bank Draft	0.00	1,854.20	DFT0004304
29035	BlueTriton Brands Inc	07/17/2026	Bank Draft	0.00	159.68	DFT0004305
00758	FedEx	07/17/2026	Bank Draft	0.00	39.27	DFT0004306
00259	Marina Coast Water District	07/17/2026	Bank Draft	0.00	4,208.71	DFT0004307
00256	PERS Retirement	07/17/2026	Bank Draft	0.00	1,617.20	DFT0004308
00282	PG&E	07/17/2026	Bank Draft	0.00	2,276.97	DFT0004309
00766	Standard Insurance Company	07/17/2026	Bank Draft	0.00	1,321.84	DFT0004310
00256	PERS Retirement	07/17/2026	Bank Draft	0.00	770,003.00	DFT0004311
00277	Home Depot Credit Services	07/22/2026	Bank Draft	0.00	848.17	DFT0004312
00768	MissionSquare Retirement- 302617	07/22/2026	Bank Draft	0.00	8,689.35	DFT0004313
00256	PERS Retirement	07/22/2026	Bank Draft	0.00	25,914.45	DFT0004315
00282	PG&E	07/22/2026	Bank Draft	0.00	2,447.22	DFT0004316
18163	Wex Bank	07/22/2026	Bank Draft	0.00	1,601.58	DFT0004317
00266	I.R.S.	07/24/2026	Bank Draft	0.00	20,821.90	DFT0004318
00266	I.R.S.	07/24/2026	Bank Draft	0.00	4,724.86	DFT0004319
00267	Employment Development Dept.	07/24/2026	Bank Draft	0.00	8,362.35	DFT0004320
00266	I.R.S.	07/24/2026	Bank Draft	0.00	1,119.66	DFT0004321
00768	MissionSquare Retirement- 302617	07/24/2026	Bank Draft	0.00	8,704.54	DFT0004322
00256	PERS Retirement	07/24/2026	Bank Draft	0.00	27,344.85	DFT0004323
00252	Cal-Am Water	07/31/2026	Bank Draft	0.00	376.90	DFT0004324
00282	PG&E	07/31/2026	Bank Draft	0.00	4,754.77	DFT0004325
00269	U.S. Bank	07/31/2026	Bank Draft	0.00	9,735.65	DFT0004326
00269	U.S. Bank	07/31/2026	Bank Draft	0.00	6,620.06	DFT0004327
Total Bank Draft:				0.00	1,006,028.06	

[3]

From Treasurer's report:

Bank Draft Payments	47,065.97
Payroll Tax/Benefit Deposits	958,962.09
Sub-total	\$1,006,028.06

[3]

Check Report

Date Range: 07/01/2026 - 07/31/2026

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: REBATES-02-Rebates: Use Only For Rebates						
Payment Type: Virtual Payment						
06930	Adam Soger	07/10/2026	Virtual Payment	0.00	200.00	APA021725
06638	Amy Simpson	07/10/2026	Virtual Payment	0.00	500.00	APA021726
06928	Anna Marie Cardoso	07/10/2026	Virtual Payment	0.00	200.00	APA021727
06633	Barbara Buikema	07/10/2026	Virtual Payment	0.00	500.00	APA021728
26038	Cass Schrock	07/10/2026	Virtual Payment	0.00	275.00	APA021729
06911	Charles Timm	07/10/2026	Virtual Payment	0.00	500.00	APA021730
06929	Daniel Green	07/10/2026	Virtual Payment	0.00	200.00	APA021731
06926	David Leeb	07/10/2026	Virtual Payment	0.00	200.00	APA021732
06925	Diane Cullen	07/10/2026	Virtual Payment	0.00	200.00	APA021733
06927	Digvijay Puar	07/10/2026	Virtual Payment	0.00	200.00	APA021734
06917	Elizabeth Hagman	07/10/2026	Virtual Payment	0.00	500.00	APA021735
06919	Garth W. Young	07/10/2026	Virtual Payment	0.00	500.00	APA021736
23753	Joyce E Lindley	07/10/2026	Virtual Payment	0.00	75.00	APA021737
06920	Kevin Prickett	07/10/2026	Virtual Payment	0.00	125.00	APA021738
06913	Lawrence Burkart	07/10/2026	Virtual Payment	0.00	500.00	APA021739
06921	Lei Yu	07/10/2026	Virtual Payment	0.00	300.00	APA021740
06923	Mark Hellner	07/10/2026	Virtual Payment	0.00	200.00	APA021741
06915	Matt Seidenzahl	07/10/2026	Virtual Payment	0.00	500.00	APA021742
06922	Michael Doyle	07/10/2026	Virtual Payment	0.00	200.00	APA021743
06924	Michael Patton	07/10/2026	Virtual Payment	0.00	200.00	APA021744
06933	Michael W Kidd	07/10/2026	Virtual Payment	0.00	75.00	APA021745
06916	Michelle Jung	07/10/2026	Virtual Payment	0.00	500.00	APA021746
06931	Patrick Lynch	07/10/2026	Virtual Payment	0.00	200.00	APA021747
26622	Richard Simms	07/10/2026	Virtual Payment	0.00	200.00	APA021748
06910	Robin Robinson	07/10/2026	Virtual Payment	0.00	500.00	APA021749
06934	Romeo Centeno	07/10/2026	Virtual Payment	0.00	75.00	APA021750
06909	Salvador Garcia	07/10/2026	Virtual Payment	0.00	500.00	APA021751
06935	Samuel Park	07/10/2026	Virtual Payment	0.00	250.00	APA021752
06914	Slavco Strezoski	07/10/2026	Virtual Payment	0.00	500.00	APA021753
06918	Song Ae Lim	07/10/2026	Virtual Payment	0.00	500.00	APA021754
06912	Vilma Alvarenga	07/10/2026	Virtual Payment	0.00	500.00	APA021755
06932	Virginia Montanez	07/10/2026	Virtual Payment	0.00	225.00	APA021756
07022	Adrienne Upton	07/30/2026	Virtual Payment	0.00	125.00	APA021809
07016	Bill McClintock	07/30/2026	Virtual Payment	0.00	500.00	APA021810
07023	Bruce Mehringer	07/30/2026	Virtual Payment	0.00	200.00	APA021811
07035	Cary Neiman	07/30/2026	Virtual Payment	0.00	500.00	APA021812
07019	Charles Brauer	07/30/2026	Virtual Payment	0.00	125.00	APA021813
07026	David Lawton	07/30/2026	Virtual Payment	0.00	118.35	APA021814
07030	Eve Mauldin	07/30/2026	Virtual Payment	0.00	199.00	APA021815
07033	Frank Granziano	07/30/2026	Virtual Payment	0.00	75.00	APA021816
07025	Gabriel Gross	07/30/2026	Virtual Payment	0.00	140.00	APA021817
07014	Gregory Hanlon	07/30/2026	Virtual Payment	0.00	500.00	APA021818
07032	Janet Mason	07/30/2026	Virtual Payment	0.00	75.00	APA021819
07020	Jonathan M Fradkin	07/30/2026	Virtual Payment	0.00	125.00	APA021820
25331	Jonathan Siegel	07/30/2026	Virtual Payment	0.00	500.00	APA021821
07015	Katharine Hayden	07/30/2026	Virtual Payment	0.00	500.00	APA021822
07028	Mary Deffinger	07/30/2026	Virtual Payment	0.00	200.00	APA021823
07013	Michael M Holl	07/30/2026	Virtual Payment	0.00	500.00	APA021824
07029	Miguel Tirado	07/30/2026	Virtual Payment	0.00	200.00	APA021825
07021	Mike Asfoor	07/30/2026	Virtual Payment	0.00	125.00	APA021826
07031	Raymond Ramirez	07/30/2026	Virtual Payment	0.00	500.00	APA021827
07018	Royce Kirk	07/30/2026	Virtual Payment	0.00	500.00	APA021828
07017	Sarah Devine	07/30/2026	Virtual Payment	0.00	500.00	APA021829
07027	Stefanie Kelsey	07/30/2026	Virtual Payment	0.00	200.00	APA021830
07024	Tim Vitoux	07/30/2026	Virtual Payment	0.00	180.00	APA021831

Check Report

Date Range: 07/01/2026 - 07/31/2026

Vendor Number

Vendor Name

Payment Date

Payment Type

Discount Amount

Payment Amount

Number

07011

Timothy M Bernotas

07/30/2026

Virtual Payment

0.00

500.00

APA021832

Total Virtual Payment:

0.00

17,187.35

[4]



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH JULY 31, 2026

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
REVENUES							
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,081,000	\$ -
User fees	-	-	-	-	-	8,400,000	-
PWM Water Sales			1,583,509	1,583,509	1,583,509	20,086,800	1,368,307
Capacity fees			43,840	43,840	43,840	600,000	23,260
Permit fees	-	17,572		17,572	17,572	250,000	19,764
Investment income	10,429	10,429	10,745	31,604	31,604	660,000	30,779
Miscellaneous	-	-	-	-	-	15,000	-
Sub-total district revenues	10,429	28,002	1,638,094	1,676,525	1,676,525	33,092,800	1,442,109
Project reimbursements	-	9,755	-	9,755	9,755	932,108	16,475
Legal fee reimbursements		300		300	300	15,000	300
Grants	-	-	-	-	-	2,494,896	-
Recording fees		6,750		6,750	6,750	65,000	5,075
Sub-total reimbursements	-	16,805	-	16,805	16,805	3,507,004	21,850
From Reserves	-	-	-	-	-	2,837,896	-
Total revenues	10,429	44,807	1,638,094	1,693,330	1,693,330	39,437,700	1,463,959
EXPENDITURES							
Personnel:							
Salaries	64,746	57,613	92,104	214,463	214,463	4,096,000	203,027
Retirement	225,528	253,566	311,178	790,272	790,272	1,383,884	716,461
Unemployment Compensation	-	-	-	-	-	10,100	-
Auto Allowance	100	100	301	502	502	11,000	517
Deferred Compensation	127	127	381	636	636	22,605	654
Temporary Personnel	-	-	-	-	-	10,000	-
Workers Comp. Ins.	2,584	312	2,374	5,270	5,270	114,341	5,075
Employee Insurance	15,203	14,308	17,981	47,492	47,492	789,311	44,117
Medicare & FICA Taxes	1,455	1,097	1,366	3,918	3,918	87,178	3,514
Personnel Recruitment	20	19	21	60	60	11,500	-
Other benefits	66	64	70	201	201	2,000	200
Staff Development	363	942	385	1,690	1,690	33,900	1,080
Sub-total personnel costs	310,193	328,150	426,161	1,064,504	1,064,504	6,571,820	974,645
Services & Supplies:							
Board Member Comp	579	579	597	1,755	1,755	37,000	2,565
Board Expenses	73	70	77	220	220	7,500	5,686
Rent	168	163	179	510	510	30,000	1,870
Utilities	1,359	1,323	1,445	4,127	4,127	51,200	3,902
Telephone	1,035	1,527	854	3,415	3,415	40,900	2,865
Facility Maintenance	1,915	1,857	2,031	5,804	5,804	95,100	6,502
Bank Charges	853	827	904	2,584	2,584	25,100	949
Office Supplies	413	721	438	1,571	1,571	26,300	4,229
Courier Expense	134	130	142	405	405	7,600	665
Postage & Shipping	59	56	59	174	174	8,900	25,088
Equipment Lease	-	-	-	-	-	13,200	-
Equip. Repairs & Maintenance	182	187	199	568	568	5,100	40
Printing/Duplicating/Binding	-	-	-	-	-	3,100	-
IT Supplies/Services	10,696	10,399	11,316	32,411	32,411	331,000	10,127
Operating Supplies	517	1,375	22	1,914	1,914	27,500	2,978
Legal Services	20,325	15,258	14,890	50,473	50,473	420,000	31,403
Professional Fees	18,642	19,497	19,772	57,910	57,910	358,100	60,454
Transportation	1,869	156	556	2,581	2,581	60,200	3,480
Travel	253	246	291	790	790	40,100	2,375



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH JULY 31, 2026

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
Meeting Expenses	950	922	1,008	2,880	2,880	28,700	2,351
Insurance	-	-	-	-	-	360,000	26,210
Legal Notices	-	-	-	-	-	3,700	-
Membership Dues	668	351	231	1,250	1,250	51,900	1,075
Public Outreach	4,067	3,944	4,314	12,325	12,325	247,500	1,666
Assessors Administration Fee	-	-	-	-	-	24,000	-
Miscellaneous	-	-	-	-	-	3,500	-
Sub-total services & supplies costs	64,755	59,588	59,324	183,666	183,666	2,307,200	196,478
Project expenditures	23,366	20,551	1,621,500	1,665,418	1,665,418	29,368,680	1,443,246
Fixed assets	138	134	147	420	420	262,200	1,239
Contingencies	-	-	-	-	-	70,000	-
Election costs	-	-	-	-	-	250,000	-
Capital equipment reserve	-	-	-	-	-	407,800	-
General fund balance	-	-	-	-	-	-	-
Debt Reserve	-	-	-	-	-	-	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Sub-total other	23,505	20,686	1,621,647	1,665,837	1,665,837	30,558,680	1,444,485
Total expenditures	398,453	408,423	2,107,131	2,914,008	2,914,008	39,437,700	2,615,608
Excess (Deficiency) of revenues over expenditures	\$ (388,024)	\$ (363,617)	\$ (469,038)	\$ (1,220,678)	\$ (1,220,678)	\$ (0)	\$ (1,151,649)

 De LAY & LAREDO
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September 22, 2026

TO: Chair Oglesby, Members of the Board and General Manager Stoldt

FROM: Michael D. Laredo, General Counsel

RE: General Report of Pending Litigation effective September 22, 2026

This memo presents a public summary of litigation matters that are deemed to be open and active. This is a recurring memo; the newly updated data is shown in **highlighted text**.

1 – MPWMD v. Cal-Am; 23CV004102

This lawsuit embodies District efforts to fulfill the electoral mandate of Measure J to acquire ownership and operation of Cal-Am's Monterey Division water supply facilities by eminent domain. Cal-Am contends the District lacks the power to both acquire the water system, or to operate a retail potable water system. The District disputes Cal-Am's contentions and objections.

On December 12, 2025 Judge Rivamonte reviewed two competing motions filed by MPWMD and Cal-Am, respectively, to narrow the scope of this proceeding. Judge Rivamonte denied both motions and ruled a trial is necessary to resolve several factual disputes

At the February 24, 2026 Case Management Conference (CMC) Judge Rivamonte set a bench trial in Department 14 to begin October 19, 2026. This trial shall focus solely on LAFCO issues. The trial is estimated to take two to four days. A Management Conference for the trial is set for October 16, 2026 in Department 14, at 10:00 a.m.

2 – MPWMD v. Local Agency Formation Commission (LAFCO); Cal-Am; 22CV000925
6th Dist. Court of Appeal H051849

The District successfully challenged LAFCO's decisions affecting and limiting MPWMD's power to acquire Cal-Am water system facilities as directed by the voter mandate in Measure J. LAFCO and Cal-Am then appealed the 2023 decision of Judge Thomas Wills. The matter is on appeal before the Sixth District Court of Appeal.

MPWMD's brief was filed in November 2025. LAFCO and Cal-Am filed their respective briefs in April. MPWMD timely prepared and filed its reply brief earlier this month. The matter has not yet been set for oral argument.

3 – City of Marina; MPWMD, et al, v. California Coastal Commission (CCC); Cal-Am; Trial Case 22CV004063; 6th District Appellate Case H053560

The trial court judgment entered on May 29, 2025 found the CCC did not exceed its jurisdiction or abuse its discretion in this matter. Parties City of Marina, Marina Coast Water District (MCWD), and MPWMD jointly filed a Notice of Appeal on July 24, 2025.

Respondents have not yet filed their reply briefs.

4 – City of Marina; MPWMD, et al, v. California State Lands Commission; Cal-Am; 26CV004100

This case arises from the State Lands Commission’s (SLC) decision to issue a General Lease – Industrial Use (Lease 9177; A4181; RA# 2022354) applied for by Cal-Am for its Monterey Peninsula Water Supply Project. Petitioners and Plaintiffs City of Marina, MPWMD, and Marina Coast Water District (collectively, “Petitioners”), allege causes of action for violation of the California Environmental Quality Act, violation of the Public Trust Doctrine, violation of the SLC’s Public Resources Code Requirements, and violation of the Bagley-Keene Open Meeting Act. Petitioners seek a writ of mandate, interim and permanent injunctive relief, and attorneys’ fees and costs.

The Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief was filed on July 24, 2026. Petitioners, Respondent SLC, and Real Party in Interest Cal-Am (collectively, the “Parties”) met and jointly filed a Case Management Conference Statement in advance of its Case Management Conference. A Case Management Conference was held on August 18, 2026.

The trial will be based on the Administrative Record, which is currently being prepared by Respondent SLC. The Parties have agreed that respective answers may be filed 30 days after certification of the Administrative Record.

5 – Matters before the California Public Utilities Commission (CPUC) pertaining to Cal-Am.

The following actions are separate proceedings in which MPWMD is involved due to their impact on the Monterey area or upon the Cal-Am water system.

5.a A.25-07-003 Cal-Am 2025 General Rate Case (GRC)

Cal-Am filed its latest triennial rate request with the CPUC on July 1, 2025. This request is part of the regular three-year rate cycle by which the CPUC reviews and authorizes Cal-Am’s rates and charges, and also by which the CPUC authorizes Cal-Am to modify its operating system. Evidentiary Hearings were held in San Francisco from April 20 to April 24, 2026. The District conducted cross examination of witnesses to provide a basis to comment on Cal-Am’s proposed settlement. At the time of the hearing the proposed settlement had been orally described, but no written summary was made available.

California American Water and Cal Advocates filed their proposed settlement on June 8, 2026. The projected increase is 16%, down from the almost 28% increase originally proposed. It includes

operation and maintenance expenses, labor and benefits, capital budgets, various account balance recovery and other requests. For 2027, the Central Division (Monterey) Operating Revenues will approach \$116 million to maintain Cal-Am's rate of return at 7.68%.

MPWMD filed comments on the Settlement Agreement on July 8, 2026 with reply comments submitted on July 23, 2026. Opening briefs on the overall application were submitted June 29 with reply briefs filed July 20th. A Proposed Decision is anticipated in October with Commission approval sometime before the end of 2026.

5.b R.22-04-003 CPUC Acquisition Rulemaking

This action is a statewide CPUC Rulemaking matter that addresses statewide public utility system policy regarding water system acquisitions, with specific impact on the Cal-Am system. The matter is assigned to Commissioner Darcie Houck.

A Proposed Decision was issued May 29, 2026, containing many revisions to the existing procedures specifically advocated for by MPWMD. New revisions include mandatory detailed impact analyses for both existing and acquired customers, expanded public notice requirements, and mandatory community engagement. The primary focus of the acquisition process is on failing, at-risk, and potentially at-risk

systems identified by the SWRCB with expedited review timelines and refined incentives. The Commission adopted the recommendations at the July 2, 2026, meeting. California Water Association and Small Water Companies filed a Joint Application for Rehearing of Decision 26-07-031 on August 10, 2026.

5.c C.26-06-021 MPWMD, MCWD, City of Marina v. Cal-Am

On June 16, 2026, MPWMD, Marina Coast Water District, and the City of Marina filed a joint Complaint against Cal-Am for violation of D.18-09-017, various sections of the California Public Utilities Code, and the California Constitution. The parties allege Cal-Am is proceeding with a desalination project of a smaller size in violation of a Commission order. Commissioner Matthew Baker and Administrative Law Judge Gerald Kelly were assigned to this proceeding on July 7, 2026.

Cal-Am timely filed an Answer and a Motion to Dismiss on August 6, 2026. Complainants responded to the motion on August 24, 2026. Cal-Am requested permission to file a reply which was granted. The reply was served on September 4, 2026.

A Prehearing Conference was held in San Francisco on August 19, 2026, before the Administrative Law Judge and Assigned Commissioner. Commissioner Baker subsequently issued a scoping memo on September 1, 2026.

6 –MPWMD v. SWRCB. Case No. 1-10-CV-163328 (Santa Clara County Superior Court) 10/27/2009.

This matter was filed in 2010 to challenge the Cease & Desist Order (CDO) issued by the SWRCB. The case asserted four causes of action against the SWRCB related to the Cease & Desist Order. Originally filed in Monterey County, the case was transferred to Santa Clara County.

After the action was dismissed by the July 2025 motion of the Sierra Club and Carmel River Steelhead Association (CRSA), the Sierra Club filed a Motion Award of Attorney’s Fees against Cal-Am and MPWMD, requesting payment of approximately \$450,000 in total fees, costs and interest thereon. De Lay & Laredo defended MPWMD’s interests before the trial court.

Following briefing and a hearing on the merits, Santa Clara County Superior Court, Judge Beth McGowen denied Sierra Club’s request in its entirety, finding Sierra Club’s request (1) was flawed due to procedural deficiencies, (2) Sierra Club failed to make “ ‘a clear showing of some unique contribution to the litigation” and also (3) Sierra Club had “not met its burden to establish that “an action involving a successful party ‘has resulted in the enforcement of an important right affecting the public interest....’ ”

Sierra Club has filed a Notice of Appeal and has designated the Record for Appeal. The 6th District Court of Appeal assigned Case # H054345 to this case.

Appellant's opening brief and appendix is required to be served and filed within 70 days from the date of filing the notice of election under Rule 8.212(a)(1)(B) of the California Rules of Court). De Lay & Laredo will continue to represent District interests as lead appellate counsel in this appeal.

7 – Hearing to Consider Modification of California American Water Company Cease and Desist Order (State Water Board Orders WR2016-0016 and WR2009-0060).

On October 24, 2025, MPWMD submitted an Application seeking modification of the State Water Resource Control Board (SWRCB) Cease and Desist Order (State Water Board Orders WR2016-0016 and WR2009-0060) (“Application”). The Application was filed under California Water Code § 1832 which allows the Water Board, after notice and opportunity for hearing, upon receipt of an application from an aggrieved person, to modify, revoke, or stay in whole or in part a cease and desist order.

On June 19, 2026, SWRCB Senior Hearing Officer Megan S. Knize issued a “Notice of Hearing” establishing a briefing schedule and hearing date. On July 1, 2026, the SWRCB received an objection from Cal-Am to the proposed deadline of July 20, 2026, for submitting testimony, and all deadlines thereafter. The objection requested an extension of 30 days for each deadline, which was granted on July 9, 2026.

The amended Hearing Schedule is as follows:

- **August 19, 2026:** Written testimony and exhibits addressing the hearing questions.
- **September 18, 2026:** Written rebuttal to testimony and exhibits.

- **November 5, 2026:** Opportunity for public comments and presentation of policy statements. This will be conducted as a hybrid hearing with the opportunity to participate in person at the CalEPA Building in Sacramento or online on the Zoom platform.
- **November 10, 2026:** Closing briefs due.

MPWMD timely submitted written testimony and exhibits to the SWRCB before August 19, 2026. MPWMD also submitted timely written rebuttal testimony and exhibits before September 19, 2026. MPWMD is currently preparing its closing brief to be submitted to the SWRCB by November 10, 2026.

ITEM: PUBLIC HEARING**7. CONSIDER ADOPTION OF OCTOBER THROUGH DECEMBER 2026
QUARTERLY WATER SUPPLY STRATEGY AND BUDGET****Meeting Date:** September 28, 2026 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.: N/A**Prepared By:** Jonathan Lear **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1)**ESA Compliance:** Consistent with the September 2001 and February 2009 Conservation Agreements between the National Marine Fisheries Service and California American Water to minimize take of listed steelhead in the Carmel River and Consistent with SWRCB WR Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016.

SUMMARY: The Board will accept public comment and take action on the **October through December 2026** Quarterly Water Supply Strategy and Budget for California American Water's (Cal-Am's) Main and Satellite Water Distribution Systems (WDS), which are within the Monterey Peninsula Water Resources System (MPWRS). The proposed budget, which is included as **Exhibit 7-A**, outline monthly production by source of supply that will be required to meet projected customer demand in Cal-Am's Main and Laguna Seca Subarea systems, i.e., Ryan Ranch, Bishop, and Hidden Hills, during the **October through December 2026** period. The proposed strategy and budget is designed to maximize the long-term production potential and protect the environmental quality of the Seaside Groundwater and Carmel River Basins.

Exhibit 7-A shows the anticipated production by Cal-Am's Main system for each production source and the actual production values for the water year to date through the end of **August 2026**. Cal-Am's annual Main system production from the Monterey Peninsula Water Resource System (MPWRS) for Water Year (WY) 2026 will not exceed 3,376 acre-feet (AF). Sources available to meet customer demand are 1,474 AF from the Coastal Subareas of the Seaside Groundwater Basin as set by the Seaside Basin Adjudication Decision and 3,376 AF from the Carmel River as set by WRO 2016-16. Additional water projects and water rights available are an estimated 1,370 AF of Pure Water Monterey Injection over this quarter, an estimated 5,308 AF from ASR Phase 1 and 2 storage are available but is being banked for drought reserve and/or summer production, an estimated 75 AF from the Sand City Desalination Plant, and an estimated 0 AF from Cal-Am's Table 13 water rights. Under Table 13 water rights, Cal-Am is allowed to produce water for in-basin uses when bypass flows are in excess of permit conditions. This water budget proposes to inject an estimated 1,530 AF of Pure Water Monterey and recover about 1,370 AF. The schedule of production from the Carmel Valley Alluvial Aquifer is consistent with State Water Resources Control Board (SWRCB) Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016.

According to the Seaside Basin Adjudication Decision, CalAm's production has been reduced to 0 AF. The Quarterly Water Budget Group recognizes that CalAm will need to produce water to serve its customers in the Hidden Hills Distribution System and not all of the demand can be served by the intertie with the main system. Therefore, production in Laguna Seca will be tracked as a ministerial component of tracking production against the Adjudication Decision.

RECOMMENDATION: The Board should receive public input, close the Public Hearing, and discuss the proposed quarterly water supply budget. District staff recommends adoption of the proposed budget. The budget is described in detail in **Exhibit 7-B**, Quarterly Water Supply Strategy Report: **October to December 2026**.

BACKGROUND: The Water Supply Strategy and Budget prescribes production within CalAm's Main and Laguna Seca Subarea systems and is developed on a quarterly schedule. Staff from the District, CalAm, the National Marine Fisheries Services (NMFS), State Water Resources Control Board's Division of Water Rights (SWRCB-DWR), and the California Department of Fish and Wildlife (CDFW) cooperatively develop this strategy to comply with regulatory requirements and maximize the environmental health of the resource system while meeting customer demand. To the greatest extent pumping in the Carmel Valley is minimized in the summer months and the Seaside wells are used to meet demand by recovering native water and banked Carmel River water. Also, it was agreed that CalAm will operate its wells in the Lower Carmel Valley in a downstream to upstream order and the Upper Valley wells will be used to support ASR injection.

If flows exceed 20 cfs at the District's Don Juan Gage, CalAm is allowed to produce from its Upper Carmel Valley Wells, which are used to supply water for injection into the Seaside Groundwater Basin. The permitted diversion season for ASR is between December 1 and May 31. Diversions to storage for ASR will be initiated whenever flows in the river are above permit threshold values. For planning purposes, the QWB group schedules diversions to ASR storage based on operational days that would occur in an average streamflow year. CalAm may also divert under Table 13 Water Rights for in-basin use within Carmel Valley when flows are adequate. This schedule is estimated with above average year streamflow conditions and average daily demand for the Main System. CalAm will schedule the recovery of Pure Water Monterey water stored in the Seaside Basin with the goal of removing most of the water injected over the operational reserve for WY 2026. There is also a projected goal of producing 25 AF of treated brackish groundwater from the Sand City Desalination Plant in each of these three months.

Rule 101, Section B of the District Rules and Regulations requires that a Public Hearing be held at the time of determination of the District water supply management strategy. Adoption of the quarterly water supply strategy and budget is categorically exempt from the California Environmental Quality Act (CEQA) requirements as per Article 19, Section 15301 (Class 1). A Notice of Exemption will be filed with the Monterey County Clerk's office, pending Board action on this item.

EXHIBITS

- 7-A** Quarterly Water Supply Strategy and Budget for Cal-Am Main System: October to December 2026
- 7-B** Quarterly Water Supply Strategy and Budget Report: October to December 2026

California American Water Main Distribution System
Quarterly Water Supply Strategy and Budget: October - December 2026
Proposed Production Targets by Source and Projected Use in Acre-Feet

SOURCE/USE	MONTH			YEAR-TO-DATE		
	Oct-26	Nov-26	Dec-26	Oct-25 - Aug-26	% of YTD	% of Annual Budget
<u>Source</u>						
<u>Carmel Valley Aquifer</u>						
Upper Subunits (95-10)	0	0	25	765		
Lower Subunits (95-10)	240	150	155	2,293	78.4%	90.6%
Diversions for Injection (ASR)	0	0	200	916		
Upper and Lower (Table 13)	0	0	50	241		
Total	240	150	430			
<u>Seaside Groundwater Basin</u>						
Coastal Subareas	70	20	20	462	31.2%	25.4%
ASR Recovery	0	0	0	0	0.0%	79.2%
Sand City Desalination	25	25	25	57	20.7%	19.0%
Pure Water Monterey	445	465	460	4,463		
Total	540	510	505			
<u>Total for All Sources</u>	780	660	935			
<u>Use</u>						
Customer Service (95-10 & SGB)	780	660	685			
ASR Injection	0	0	200			
Customer Service (Table 13)	0	0	50			
Total	780	660	935			

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 October, November, and December 9.1%, 7.5%, and 6.7% , 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 would not exceed 3,376 AF in WY 2023. The average production percentages were based on monthly data for customer service from WY 2013 to 2018.
3. Anticipated production for ASR injection is based on an average diversion rate of approximately 4,500 gallons per minute (gpm) or 19.9 AF per day from CAW's sources in the Carmel River Basin. "Total" monthly CAW "Use" includes water for customer service and water for injection into the Seaside Basin.
4. The production targets for CAW's wells in the Upper Subunits of the Carmel Valley Aquifer are set at 0 assuming low flow periods.
5. The production target for CAW's wells in the Seaside Coastal Subareas in December is based on the assumption that sufficient flow will occur in the Carmel River at the targeted levels, to support ASR injection. It is planned that Coastal Subarea pumping will not occur, or will be proportionally reduced, if ASR injection does not occur at targeted levels.
6. The production targets for CAW's wells in the Seaside Coastal Subareas are based on the need for CAW to produce its full native water allocation during WY 2023 to be in compliance with SWRCB WRO No 2016-0016.
7. 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 the Cal-Am Seaside Wellfield 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.
8. Table 13 values reflect source/use estimates based on SWRCB Permit 21330, which allows diversions from the CVA for "in Basin use" (3.25 AFD) when flows in the River exceed threshold values.

EXHIBIT 7-B

Quarterly Water Supply Strategy and Budget Report California American Water Main Water Distribution System: October to December 2026

1. Management Objectives

The Monterey Peninsula Water Management District (District) desires to maximize the long-term production potential and protect the environmental quality of the Carmel River and Seaside Groundwater Basins. In addition, the District desires to maximize the amount of water that can be diverted from the Carmel River Basin and injected into the Seaside Groundwater Basin while complying with the instream flow requirements recommended by the National Marine Fisheries Service (NMFS) to protect the Carmel River steelhead population. Additionally the QWB seeks to shift a large component of pumping from the Carmel River to the Seaside Groundwater Basin to recover injected PWM water. To accomplish these goals, a water supply strategy and budget for production within California American Water's (Cal-Am's) Main and Laguna Seca Subarea water distribution systems is reviewed quarterly to determine the optimal strategy for operations, given the current hydrologic and system conditions, and legal constraints on the sources and amounts of water to be produced.

2. Quarterly Water Supply Strategy: October to December 2026

On September 14, 2026 the Quarterly Water Budget Group which includes staff from the District, CalAm, the National Marine Fisheries Services (NMFS), State Water Resources Control Board's Division of Water Rights (SWRCB-DWR), and the California Department of Fish and Wildlife (CDFW) met and discussed the proposed water supply strategy and related topics for upcoming quarter.

Carmel River Basin Cal-Am will operate its wells in the Lower Carmel Valley in a downstream to upstream sequence, as needed to meet customer demand. The group planned that WY 2027 would be an above normal water year and storms will bring up in stream flows to support ASR injections and Table 13 diversions. ASR injections are limited to 13 Acre Feet per day because ASR 3 and ASR 4 are scheduled to be used to recover PWM water and therefore will not be available to support injection of excess Carmel River water. It was agreed that Cal-Am would plan to produce water from the wells in the Lower Carmel Valley to support system demand. PWM Recovery will be the primary source to meet system demand. December is the first month permits allow for ASR and Table 13 Diversions. If storms in December bring River conditions within permit conditions, Cal-Am will use the increase the production from the Carmel Valley wells to provide water for injection into the Seaside Basin.

Seaside Groundwater Basin Cal-Am has shut off the Upper Carmel Valley wells and turned on the Seaside wellfield. The Seaside wells are currently being used to recover PWM injected water and Native Seaside Groundwater. PWM water will be recovered at the same rate injected this quarter with the goal maximizing PWM as a source to meet system demand and shift pumping away from the Carmel River Basin. There is also a goal to produce 25 AF of treated brackish

groundwater from the Sand City Desalination Plant in each of these three months.

It is recognized that, based on recent historical use, Cal-Am's production from the Laguna Seca Subarea during this period may not be reduced to zero, as is set by Cal-Am's allocation specified in the Seaside Basin Adjudication Decision. In this context, the production targets represent the maximum monthly production that should occur so that Cal-Am remains within its adjudicated allocation for the Laguna Seca Subarea. Under the amended Seaside Basin Decision, Cal-Am is allowed to use production savings in the Coastal Subareas to offset over-production in the Laguna Seca Subarea. However, the quarterly budget was developed so that Cal-Am would produce all native groundwater in the Coastal Subareas and Laguna Seca production would be over the Adjudication allotment. On February 5, 2020 the Seaside Groundwater Basin Watermaster Board voted to allow Cal-Am to claim carryover credits to cover the pumping over the Laguna Seca allotment in the interim prior to establishing a physical solution. Because of this decision, the Quarterly Water Budget Group decided that the table presenting the Laguna Seca allotment of zero would no longer be necessary as the Watermaster is now planning to handle the pumping over allotment with a different mechanism.

ITEM: PUBLIC HEARING**8. CONSIDER ADOPTION OF RESOLUTION NO. 2026-10 - MODIFYING RULE 160 – REGULATORY WATER PRODUCTION TARGETS FOR CALIFORNIA AMERICAN WATER SYSTEMS**

Meeting Date:	September 28, 2026	Budgeted:	N/A
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From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
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Prepared By:	Jonathan Lear	Cost Estimate:	N/A
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General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

SUMMARY: District Rule 160 specifies the regulatory water production targets that are used in the District's *Expanded Water Conservation and Standby Rationing Plan* to trigger higher stages of water conservation to facilitate California American Water (Cal-Am) compliance with the production limits set by State Water Resources Control Board (SWRCB) Orders 95-10 and 2016-0016 and the Seaside Groundwater Basin adjudication decision, as amended.

Rule 160 contains a series of tables summarizing sources of supply to the Cal-Am system on an annual and monthly availability. Table XV-1 in **Exhibit 8-A** shows monthly and year-to-date at month-end available supply for all Cal-Am systems that derive their source of supply from the Monterey Peninsula Water Resource System (MPWRS) and Water Resources Projects (WRP). Table XV-2 in **Exhibit 8-A** breaks out monthly and year-to-date at month-end demand targets for the Seaside Groundwater Basin native water production. The values in the table reflect recent historic values, which may differ from the production schedule in WY 2027. Actual production schedules for the Seaside Native water may differ due to WRP operations and the actual proposed schedule will be determined through the Quarterly Water Budget process and adopted by the District Board on a quarterly time step. Additionally, it should be noted that the demand for the Hidden Hills system is included in this table and in WY 2022, the Seaside Adjudication decision lowers the limit in the satellite systems to 0 Acre Feet. However, the compliance of Cal-Am with the Adjudication decision limits are calculated using production limits set for the entire Basin. Table XV-3 in **Exhibit 8-A** breaks out monthly and year-to-date at month-end targets for Cal-Am Carmel River system sources and is included to provide additional clarification as to the production target maximums for this component of the MPWRS. The values in this table reflect historic production from the Carmel River system over the past few water years, which could vary in WY 2027 based on WRP operations. The actual proposed production from the River system will be evaluated in the Quarterly Water Budget process and adopted by the District Board for each quarter

of WY 2027. Table XV-4 in **Exhibit 8-A** contains the delivery schedules from Pure Water Monterey, Sand City Desalination Plant, Mal Paso Water Right, and Seaside Basin Water Transfers available to meet system demand.

It is understood that water allocated by Rule 160 constitutes the legal sources of water from the MPWRS and WRP available to meet demand in WY 2027 and not all of the supply will be needed to meet system demand based on historical demand. The tables adopted for the production of the MPWRS and delivery schedules for the WRP are to be used to track the production of legal sources of water against the Quarterly Water Budget process so that they are not overproduced in WY 2027, however not all of the sources will be produced to their full capacity.

Rule 160 authorizes modifications to Tables XV-1, XV-2, XV-3, and XV-4 to account for changes in the amount of water that Cal-Am is allowed to divert from the Carmel River System under the pertinent SWRCB Orders and the amount of water that Cal-Am is allowed to produce from the Seaside Groundwater Basin under the Seaside Basin Decision, as administered by the Seaside Basin Watermaster. Any modifications to these tables must be made by Board resolution.

Resolution 2026-10 (**Exhibit 8-A**) modifies Tables XV-1, XV-2, XV-3, and XV-4 of Rule 160 to account for the projected change in allowable diversions by Cal-Am from the Carmel River and Seaside Groundwater Basins for Water Year 2027.

RECOMMENDATION: District staff recommends adoption of Resolution 2026-10 (**Exhibit 8-A**) modifying Rule 160.

EXHIBIT

8-A Resolution 2026-10 Modifying Rule 160 – Regulatory Water Production Targets for California American Water Systems



EXHIBIT 8-A

RESOLUTION NO. 2026-10 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT MODIFYING RULE 160 – REGULATORY PRODUCTION TARGETS FOR CALIFORNIA AMERICAN WATER SYSTEMS

WHEREAS, the Monterey Peninsula Water Management District has developed a set of rules to facilitate compliance by California American Water systems with the regulatory and legal water production limits set by the State Water Resources Control Board and the Seaside Basin Adjudication as administered by the Seaside Groundwater Basin Watermaster;

WHEREAS, District Rule 160 specifies the regulatory water production targets that are used to trigger higher stages of water conservation to ensure compliance with these legal and regulatory water production limits;

WHEREAS, these limits are subject to change by action of the State Water Resources Control Board and Seaside Groundwater Basin Watermaster;

WHEREAS, the State Water Resources Control Board adopted Order WR 2016-0016 on July 19, 2016, which requires California American Water to divert no more than 3,376 acre-feet in Water Year 2027 from its Carmel River system sources;

WHEREAS, the Monterey County Superior Court adopted an Amended Decision in the Seaside Groundwater Basin Adjudication on February 9, 2007 (*California American Water v. City of Seaside, et al.*, Case No. M66343), which requires California American Water to divert no more than 1,466 acre-feet from the Coastal Subareas and 0 acre-feet from the Laguna Seca Subarea of the Seaside Groundwater Basin in Water Year 2027;

WHEREAS, the Seaside Groundwater Basin Watermaster has not yet determined the amount of carryover credit, if any, that California American Water has from Water Year 2026 that will be available for diversion in Water Year 2027;

WHEREAS, the Pure Water Monterey and Sand City Water Projects, Mal Paso Water Right, and Seaside Water Transfers are Other Supplies totaling 5,594 acre-feet available to the Cal-Am system in Water Year 2027; and

WHEREAS, it is necessary to modify the monthly and year-to-date at month-end water production targets in Tables XV-1, XV-2, XV-3, and XV-4 to reflect the projected quantities of production available to California American Water for diversion from the Carmel River, Seaside

Groundwater Basin, and Water Supply Projects for Water Year 2027.

THEREFORE, BE IT RESOLVED:

1. District staff shall modify Tables XV-1, XV-2, XV-3, and XV-4 of District Rule 160 to reflect the projected quantities of production available to California American Water for diversion from the Carmel River, Seaside Groundwater Basin, and Other Supplies for Water Year 2027.
2. Specifically, District staff shall replace the monthly and year-to-date at month-end values presently shown in Tables XV-1, XV-2, XV-3, and XV-4 of Rule 160 with the monthly and year-to-date at month-end values shown on the attached tables (**Attachment 1**).

PASSED AND ADOPTED this ____ day of ____ on a motion by Director _____, seconded by Director _____ by the following vote:

AYES:

NAYES:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors for the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the ____ day of ____ 2026.

Dated: _____

David J. Stoldt,
Secretary to the Board

Table XV-1 Combined Total Available**(All Values in Acre-Feet)**

Month	Monthly Target	Year-to-Date at Month-End Target
October	881	881
November	901	1,782
December	963	2,745
January	1,003	3,748
February	809	4,557
March	929	5,486
April	844	6,330
May	816	7,146
June	848	7,994
July	820	8,814
August	844	9,658
September	778	10,436
TOTAL	10,436	--

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for the California American Water (Cal-Am) systems for Water Year (WY) 2026 from Carmel River sources per State Water Resources Control Board Order WR 2016-0016 (3,376 acre-feet) and adjusted annual production limits specified for the Cal-Am satellite systems from its Coastal Subarea sources (1,466 acre-feet) and Laguna Seca Subarea sources (0 acre-feet) of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. These values do not include consideration of any carryover credit in the Seaside Basin for WY 2025. This combined total (4,850 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its main and satellite systems during the 2013 through 2018 period.

Table XV-2 Seaside Native**(All Values in Acre-Feet)**

Month	Monthly Target	Year-to-Date at Month-End Target
October	134	134
November	110	245
December	100	345
January	109	455
February	99	554
March	116	670
April	116	787
May	132	919
June	132	1,051
July	141	1,192
August	142	1,335
September	131	1,466
TOTAL	1,466	--

Notes:

Monthly and year-to-date at month-end production targets are based on the adjusted annual production limit specified for the California American Water (Cal-Am) satellite systems for Water Year 2026 from its sources in the Laguna Seca Subarea of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. This Laguna Seca Subarea total (0 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its satellite systems during the 2013 through 2018 period.

Table XV-3 Carmel River**(All Values in Acre-Feet)**

Month	Monthly Target	Year-to-Date at Month-End Target
October	308	308
November	252	560
December	234	794
January	256	1,050
February	228	1,278
March	266	1,544
April	268	1,812
May	305	2,117
June	304	2,421
July	326	2,747
August	327	3,074
September	302	3,376
TOTAL	3,376	--

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for California American Water (Cal-Am) for Water Year (WY) 2026 from its Carmel River system sources per State Water Resources Control Board Order WR 2016-0016 (3,376 acre-feet). This amount was distributed monthly based on Cal-Am's reported monthly average production for its Main system sources during the 2013 through 2018 period. These values incorporate consideration of the triennial reductions specified for the Cal-Am systems in the Seaside Basin adjudication decision, in setting the monthly maximum production targets from each source as part of the MPWMD Quarterly Water Supply Budget Strategy.

Table XV-4 Other Supplies**(All Values in Acre-Feet)**

Month	Monthly Target Pure Water Monterey	Monthly Target Sand City Desalination	Monthly Target Malpaso	Monthly Target Other Seaside Basin	Year-to-Date at Month-End Target
October	413	16.7	7.2	1.8	439
November	513	16.7	7.2	1.8	977
December	603	16.7	7.2	1.8	1,606
January	612	16.7	7.2	1.8	2,244
February	456	16.7	7.2	1.8	2,725
March	521	16.7	7.2	1.8	3,272
April	434	16.7	7.2	1.8	3,732
May	353	16.7	7.2	1.8	4,110
June	386	16.7	7.2	1.8	4,522
July	327	16.7	7.2	1.8	4,875
August	349	16.7	7.2	1.8	5,249
September	319	16.7	7.2	1.8	5,594
TOTAL	5,286	200.0	86.0	22.0	--

ITEM: PUBLIC HEARING**9. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE NO. 202 – DELETING RULES 18, 19, 19.5, 26, 32, 80, 81, 82, 100 AND 129, AND AMENDING RULES 42, 52, 54, 56, 64, 101, 110, 123, 128, AND 161**

Meeting Date:	September 28, 2026	Budgeted:	N/A
From:	David Stoldt General Manager	Program/ Line Item No.:	N/A
Prepared By:	David Stoldt Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: Completed.**Committee Recommendation: N/A**

CEQA Finding: This action is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a “project” as defined by CEQA Guidelines Section 15378. The action consists of administrative activities that will not result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, § 15060(c)(2)-(3), 15378(a) & (b)(5).)

SUMMARY: Draft Ordinance No. 202 (**Exhibit 9-A**) is the second of several ordinances intended to update and clarify the District’s Rules and Regulations in support of the Board’s mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance focuses on deleting non-functional and outdated rules, relocating policies for better flow, and updating other policies that do not require review by a District committee (i.e., Water Demand Committee or Finance and Administration Committee) or outside stakeholders (e.g., Monterey Association of Realtors or the Technical Advisory Committee).

Draft Ordinance No. 202 is presented in the revised format that was used for Ordinance No. 201: The draft ordinance refers to exhibits for each amended rule. Each rule has both a redlined version (showing the proposed changes) and a “clean” version where the amendments have been accepted so the reader can see how the text reads with the changes.

Since first reading in August, the ordinance has been reviewed by legal counsel, and minor corrections were made based on counsel’s direction: There were no substantial changes. This ordinance focuses on deleting non-functional and outdated rules, relocates policies for better flow, and updates older rules.

RECOMMENDATION: Following a public hearing, staff recommends the Board adopt Ordinance No. 202 and its CEQA finding on second reading.

EXHIBIT**9-A Draft Ordinance No. 202**

EXHIBIT 9-A

SECOND READING

ORDINANCE NO. 202

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DELETING RULES 18, 19, 19.5, 26, 32, 80, 81, 82, 100 AND 129, AND AMENDING
RULES 42, 52, 54, 56, 64, 101, 110, 123, 128, AND 161**

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. Draft Ordinance No. 202 is the second of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's 2026 mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance deletes non-functional and outdated rules, relocates policies for better flow, and updates older rules.
3. Ordinance No. 202 deletes obsolete and/or redundant rules 18, 19, 19.5, 26, 32, 80, 81, 82, 100, and 129.
4. Ordinance No. 202 updates reporting requirements for large Water Distribution Systems (Section Four).
5. Ordinance No. 202 updates Rules 52, 54, and 56 by relocating provisions formerly contained in Rules 80, 81, and 82, which are deleted by this ordinance (Section Five).
6. Ordinance No. 202 updates Rule 64 to acknowledge the District's annual budget considerations (Section Six).
7. Ordinance No. 202 updates Rule 101 to current circumstances (Section Seven). It was last updated in 2006.
8. Ordinance No. 202 relocates and makes minor edits to clarify billing for charges and penalties in Rule 110 (Section Eight).
9. Ordinance No. 202 makes minor edits and clarifications to the District's river management activities (Section Nine).
10. Ordinance No. 202 revises the title of Rule 123 and clarifies that the District is not

responsible for the detection, prevention, control, or mitigation of erosion, flooding, or flood damage (Section Ten).

11. Ordinance No. 202 amends Rule 161 to remove reporting requirements found elsewhere in the District's Rules and Regulations (Section Eleven).
12. This ordinance is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined by CEQA Guidelines Section 15378. The action consists of administrative activities that will not result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, §§ 15060(c)(2)-(3), 15378(a) & (b)(5).)

NOW THEREFORE, be it ordained:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the "Second 2026 Rule Update Ordinance" of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance is the second of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance focuses on deleting non-functional and outdated rules, relocates policies for better flow, and updates older rules.

Section Three: Deletion of Unnecessary Rules

The following rules shall be deleted in their entirety, and their rule numbers shall be added to the list of deleted rules in Rule 10. Copies of the deleted rules are shown in **Exhibit A** to this ordinance.

- A. RULE 18 - POLICY FAVORING INTRA-DISTRICT FUND TRANSFERS. Rule 18 shall be deleted as this information is found in the District's Debt Management Policy.
- B. RULE 19 - AUTHORIZATION REQUIRED FOR FUND TRANSFERS. Fund transfers are governed through the District's budget process and pooled treasury operations.
- C. RULE 19.5 - FEE SCHEDULE REDUCTION BY USE OF EXCESS REVENUES. The use of excess revenues is governed by Article XIII B of the California Constitution (the Gann Limit), established by Proposition 4. Because these requirements are established in State Law, Rule 19.5 is unnecessary.

- D. RULE 26 – RESUBMISSION OF DENIED APPLICATION. This rule is outdated and no longer reflects the current practice for resubmission of denied applications.
- E. RULE 32 – WATER RESOURCE SYSTEM PRODUCTION AND SALES LIMITS. This rule is obsolete: Rule 160 reflects the District’s current practice for managing annual water production, and Rules 23, 24, and 30 codify the practices and policies for documenting Water Use Capacity.
- F. RULE 80 – REGISTRATION. Content moved to Rule 52.
- G. RULE 81 – METERING. Content moved to Rule 54.
- H. RULE 82 – REPORTING. Content moved to Rule 56.
- I. RULE 100 – WATER RESOURCE OPERATIONS PLAN. This rule was adopted in 1984 and is obsolete.
- J. RULE 129 – EFFECTIVE DATES. This rule reflects the date of adoption of an ordinance and does not belong in the Rules and Regulations.

Section Four: Amendments to MPWMD Rule 42, Mandatory Release of Customer Information from Water Distribution Systems

Rule 42 shall be amended as shown in **Exhibit B-1** (redlined version of the rule) and **Exhibit C-1** (clean version of the rule after redlines have been accepted).

Section Five: Amendments to MPWMD Rules 52, 54, and 56 (Well Monitoring)

Rules 52, 54, and 56 are amended to add language pertaining to Well monitoring and reporting formerly found in Rules 80, 81, and 82 (deleted by this ordinance). The redlined version of Rule 52 is **Exhibit B-2**, and the clean version is **Exhibit C-2**. The redlined version of Rule 54 is **Exhibit B-3**, and the clean version is **Exhibit C-3**. The redlined version of Rule 56 is **Exhibit B-4**, and the clean version is **Exhibit C-4**.

Section Six: Amendments to MPWMD Rule 64, Water Distribution System User Fees

Rule 64 shall be amended as shown in **Exhibit B-5** (redlined version of the rule) and **Exhibit C-5** (clean version of the rule after redlines have been accepted).

Section Seven: Amendments to MPWMD Rule 101, Forecast of Water Supply

Rule 101 shall be amended as shown in **Exhibit B-6** (redlined version of the rule) and **Exhibit C-6** (clean version of the rule after redlines have been accepted).

Section Eight: Amendments to MPWMD Rule 110, General Enforcement

Rule 110 shall be amended as shown in **Exhibit B-7** (redlined version of the rule) and **Exhibit C-7** (clean version of the rule after redlines have been accepted).

Section Nine: Amendments to MPWMD Rule 123, River Management Activities

Rule 123 shall be amended as shown in **Exhibit B-8** (redlined version of the rule) and **Exhibit C-8** (clean version of the rule after redlines have been accepted).

Section Ten: Amendments to MPWMD Rule 128, Limitations

Rule 128 shall be amended as shown in **Exhibit B-9** (redlined version of the rule) and **Exhibit C-9** (clean version of the rule after redlines have been accepted).

Section Eleven: Amendments to MPWMD Rule 161, General Provisions

Rule 161 shall be amended as shown in **Exhibit B-10** (redlined version of the rule) and **Exhibit C-10** (clean version of the rule after redlines have been accepted).

Section Twelve: Effective Date

This ordinance shall take effect at 12:01 a.m. thirty days after its adoption at second reading.

Section Thirteen: Severability

If any section, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted independently irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

PASSED AND ADOPTED on this _____ day of _____ on a motion by Director _____, with a second by Director _____ by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the ____ day of _____ 2026.

Dated:

David J. Stoldt,
Secretary to the Board

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DRAFT

Ordinance No. 202
Exhibit A
Deleted Rules

RULE 18 - POLICY FAVORING INTRA-DISTRICT FUND TRANSFERS

The General Manager, Treasurer or other fiscal officer may limit the borrowing of money or the incurring of indebtedness from commercial lenders in favor of transfers, loans, and/or advances from District-held funds whenever District funds are available for transfer, loan and/or advance and the public's interest is best served by not incurring the commercial indebtedness. The interests of the District shall include the amount of funds needed, the period for repayment, competing requirements for the use of funds, the cost of the funds, and other limitations, which may be imposed on those funds.

Added by Ordinance No. 32 (2/8/88) (Deletes and supersedes Ordinance No. 29)

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DELETED

RULE 19 - AUTHORIZATION REQUIRED FOR FUND TRANSFERS

All intra-District fund transfers, loans and/or advances shall be made pursuant to prior authorization of the Board of Directors. The General Manager, Treasurer, and/or fiscal officer may be granted continuing authority by resolution of the Board of Directors to make temporary or revolving fund transfers to accommodate routine fiscal activities of the District.

Any transfer, loan and/or advance of District funds from one account to another for a duration in excess of forty-five (45) calendar days shall only be authorized pursuant to a separate resolution of the Board of Directors, and shall be evidenced by a note which states the principal amount transferred, loaned or advanced, the terms for repayment, interest rates, if any, and any other conditions which may apply to the transfer, loan or advance. Each note which has been issued shall be reviewed by the Board of Directors at the time the annual District budget is approved, and a resolution of the Board of Directors shall be adopted approving the continuation of those terms each year for which any portion of the loan, transfer or advance remains unpaid to the originating fund account.

Added by Ordinance No. 32 (2/8/88) (Deletes and supersedes Ordinance No. 29)

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RULE 19.5 - FEE SCHEDULE REDUCTION BY USE OF EXCESS REVENUES

To the extent that a temporary suspension of tax rates is infeasible, impractical, or not cost effective, the General Manager, Treasurer, and/or fiscal officer shall use any proceeds of taxes received by the Monterey Peninsula Water Management District in excess of State Constitutional expenditure limitations for the payment of expenses which would otherwise result in an increase to District fee schedules. This activity shall be itemized to the Board of Directors at the time the annual District budget is approved, and shall be ratified by resolution of the Board of Directors.

Added by Ordinance No. 32 (2/8/88) (Deletes and supersedes Ordinance No. 29)

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DELETED

RULE 26 - RESUBMISSION OF DENIED APPLICATION

Permission of the General Manager shall be secured prior to resubmission of any application denied by the District within the preceding twelve (12) months.

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 8 (1/14/81); Ordinance No. 125 (9/18/2006)

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DELETED

RULE 32 - WATER RESOURCE SYSTEM PRODUCTION AND SALES LIMITS**A. RESOURCE LIMITS**

The total annual Production Limit from the Monterey Peninsula Water Resource System shall be established annually pursuant to Rule 160 and reflected in Table XV-4 as “Carryover Storage Needs for Next Year Demand”.

B. ACCOUNTING

Each new water Connection or Water Permit for expanded water use shall be strictly accounted for, and each new water use shall be debited from the appropriate Jurisdiction or Entitlement.

Rule added by Ordinance No. 70 (6/21/93); amended by Ordinance No. 81 (11/20/95); Ordinance No. 83 (4/15/96); Ordinance No. 86 (12/12/96); Ordinance No. 87 (2/27/97); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017).

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DELETED

RULE 80 - REGISTRATION

Violation of Rule 52 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, pursuant to Section 348 and Section 360 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 122 (8/15/2005)

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RULE 81 - METERING

Violation Rule 56 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, pursuant to Sections 360 and 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 122 (8/15/2005)

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DELETED

RULE 82 -- REPORTING

Violation of Rule 54 may subject the Owner or Operator of a Well to criminal prosecution of a misdemeanor and punishment by a fine not exceeding \$500 per separate violation or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment pursuant to Section 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 122 (8/15/2005)

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DELETED

RULE 100 - WATER RESOURCE OPERATIONS PLAN

Commencing in February 1985, and annually thereafter, the Board shall adopt and amend a Two-Year Operations Plan for water resources within the District. This operations plan shall be based upon a computer simulation of water supply and water resources within the District, operating on a time step of one month or less, that accounts for all known sources and sinks of water greater than 100 acre feet per year. The operations plan may comprise a system of simulation models operating at different degrees of resolution or with different time steps. The operations plan shall provide an operative model for Water Distribution System operations during the two succeeding Water Years. The Board shall seek consistency between successive operations plans.

Rule added by Ordinance No. 7 (7/13/81); amended by Ordinance No. 19 (12/10/84); Ordinance No. 125 (9/18/2006)

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DELETED

RULE 129 - EFFECTIVE DATES

Rules Nos. 20, 120 123, 124 and 127 as amended by Ordinance No. 69 shall be given effect at 12:01 a.m. July 21, 1993.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 14 (11/12/84); Ordinance No. 22 (3/11/85); Ordinance No. 69 (6/21/93)

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DELETED

Ordinance No. 202
Exhibit B
Red-Lined Rules

Ordinance No. 202
Exhibit C
Clean Version of Rules

RULE 42 - MANDATORY ~~RELEASE OF CUSTOMER~~REPORTING OF INFORMATION FROM WATER DISTRIBUTION SYSTEMS

A. DEFINITIONS

All references to the terms “water use records” or “water use data” made by this rule and Regulation IV of the District Rules and Regulations shall refer to data respecting water production, water storage, water delivery, and water consumption. The terms “water use records” or “water use data” shall not be construed to require a Water Distribution System to provide data or records on its internal financial matters or on its billing or accounts payable or accounts receivable. Data shall be in the form and manner specified by the General Manager and may be subject to a non-disclosure agreement with the Water Distribution System Owner/Operator. Each failure to respond in full to such written request by the date specified therein shall result in a penalty to the Water Distribution System of five-hundred dollars (\$500) per day for each day or portion thereof that the response is delayed.

B. WATER USE DATA

Each Water Distribution System with fifty (50) or more Connections shall annually provide the District with a report of water consumption by political jurisdiction and by -User categories (i.e., Residential, Multi-Family, Non-Residential, Industrial, Municipal, Non-Revenue, Golf Course, etc.) both as annual totals and monthly totals. Such data shall be based on the Water Year ending September 30 each year and shall be transmitted to the District by December 1.

C. WATER PRODUCTION DATA

Water Distribution Systems with fifty (50) or more Connections, if requested by the District, shall (a) provide a monthly report to the District of daily water production by each source in the Water Distribution System, (b) other monthly summary reports as the District should request, and (c) any quarterly or annual compliance reports required by the State Water Resources Control Board, or the California Public Utilities Commission.

D. WATER USE EFFICIENCY (WUE) DATA

Each Water Distribution System subject to the California Urban Water Use

Efficiency Standards, Objectives, and Performance Measures found in Title 23 of the California Code of Regulations shall provide the District a copy of the required Water Use Efficiency (WUE) filing at the time of submission to the State annual filing deadline, including but not limited to:

- Annual Water Supply and Demand Assessment Summary Report (Also referred to as “Annual Water Shortage Report”);
- Annual Urban Water Use Objective Reporting forms;
- Annual Water Loss Audit Reports;
- Urban Water Management Plans; and
- Any other WUE reporting required under the State policy “Making Conservation a California Way of Life” including data review and confirmation reporting.

B.E. WATER USE SURVEY DATA

~~Within ninety (90) days of the effective date of this rule, e~~Each Water Distribution System with fifty (50) or more Connections shall notify the District of the name, address, and water use category of Users included within ~~any~~the District's annual Non-Residential Connection water use survey request. ~~Those Water Distribution Systems shall further provide the District all periodic and cumulative water use data pertaining to these customers beginning with the 1986-1987 water year.~~

C.F. WATER WASTE DATA

All Water Distribution Systems with fifty (50) or more Connections shall provide in writing to the District periodic and cumulative water use data on customers within the District's jurisdiction identified by the District as using water excessively or ~~Wasting~~committing Water Waste. This information is to be provided by the Water Distribution System within thirty (30) days of a written request from the District.

D.G. HIGH WATER USE DATA

Within thirty (30) days of a written request from the District, each Water Distribution System shall identify by name and address the ten (10) highest Water Users within that Water Distribution System's Service Area for the period subject to the request. ~~Upon request by the District, each Water Distribution System shall further provide to the District all periodic and cumulative water use data on these high water use customers, beginning with the 1980-1981 water year.~~

E.H. WATER AUDIT DATA

~~Within thirty (30) days of the effective date of this rule, t~~The California American Water Distribution System shall ~~identify by name and address each customer found by the California American Water 1986 water consumption audit to have been assigned to an incorrect municipal Jurisdiction and California American Water shall provide the District the periodic and cumulative water use data on these customers for the 1985-1986 fiscal year. Similar information on other customer use data hereafter found to have been mis coded shall be supplied to the District~~provide any customer water audit data, within thirty (30) days of the District's request~~discovery by California American Water.~~

F.I. DATA SYSTEMS MANAGEMENT

~~Within ninety (90) days of the effective date of this rule, a~~All Water Distribution Systems with fifty (50) or more Connections shall provide the District a comprehensive list of the nature and types of water use records and water data reports maintained by it on a regular or special basis. The list is to include the following:

1. The name of each water use record system;
2. The categories of individual or business entities on whom water use records are maintained;
3. The categories of water use records maintained;
4. The manner or method by which each water use record is maintained.

~~Twenty-four (24) months following the effective date of this rule, and every two (2)~~

~~years thereafter, From time to time~~ the District General Manager shall notify each Water Distribution System of this provision, and upon receipt of that notice each Water Distribution System shall update and correct the information previously provided to the District.

G.J. DATA RETENTION SCHEDULES

~~Within ninety (90) days of the effective date of this rule, a~~ All Water Distribution Systems with fifty (50) or more Connections shall inform the District of that Water Distribution System's water use record retention, destruction, and disposal practices and schedules, through the provision to the District of copies of any written policy, procedure, or practice relating to the retention, destruction, or disposal of each water use record system it maintains.

H.K. DATA DESTRUCTION NOTIFICATION

All Water Distribution Systems with fifty (50) or more Connections shall notify the District General Manager in writing at least ninety (90) days prior to destruction or disposal of those water use records identified in writing by the District and allow the District the opportunity to transfer or copy such records for use by the District. The Water Distribution System shall have no duty to notify the District of records destruction or disposal in the event destruction or disposal is undertaken in accord with the record retention schedule provided to the District in accord with the preceding paragraph.

The District shall notify a Water Distribution System of its intent to copy specific records within thirty (30) days following receipt of notice of intent to destroy or dispose of records or thirty (30) days prior to the scheduled destruction date where records are destroyed in accord with a record retention schedule. The District shall, at that time, inform the Water Distribution System of the methods and procedure it intends to use to transfer or copy the water use records. The choice of methods and procedures used to transfer or copy water use records shall be made solely by the District, but shall be made in consultation with the Water Distribution System to assure an efficient transfer and to minimize disruption to the Water Distribution System. Transfer, copying, or extraordinary retention by the Water Distribution System of these records shall be done at the District's expense.

H.L. GENERAL WATER USE DATA

All Water Distribution Systems with fifty (50) or more Connections shall provide the District water use data in response to other reasonable requests made by the District General Manager. Such information is to be provided within thirty (30) days of a written request from the District.

J.M. PRIVACY OF DATA

All water use data obtained by the District from a Water Distribution System by reason of this rule shall be used only for purposes consistent and compatible with the purposes for which the District exists. The District shall restrict access to and distribution of personally identifiable information consistent with privacy protections and requirements and trade secret protections. Personal information acquired by the District under this rule shall be available to District staff only on a need-to-know basis.

~~K. IMPLEMENTATION DATES~~

~~Unless otherwise provided, all water use data or water use records required to be provided by Water Distribution Systems with fifty (50) or more Connections to the District shall be provided within thirty (30) days of adoption of this rule and on or before September 30 of each following water year. This rule shall be in force and take effect thirty (30) days after final adoption.~~

Rule added by Ordinance No. 28 (4/13/87); amended by Ordinance No. 125 (9/18/2006)

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RULE 52 - REGISTRATION REQUIRED

All existing or new Wells located within ~~a Groundwater charge zone~~the District shall be registered by the Owner or Operator with the District ~~or the District's delegated registrar~~. All existing Wells shall be registered pursuant to Rule 52-A. All new Wells shall be registered pursuant to Rule 52-B.

A. EXISTING WELL REGISTRATION

~~After~~ ~~On or about~~ January 9, 1981, the Owner or Operator of any existing Well shall register such Well by filing with the District or the District's delegated registrar, for each such Well:

1. A completed registration statement, in the form prescribed by the General Manager;
2. An executed Water Well Registration Form; and
3. The Well registration fee prescribed in Rule 60.

~~Registration of existing Wells after the above date must be submitted to the District along with the fee prescribed in Rule 60.~~

B. NEW WELL REGISTRATION

No later than thirty (30) days following the Completion of a Well, the Owner or Operator of any new Well shall register such Well by filing with the District ~~or the District's delegated registrar~~ for each such Well:

1. The completed application form(s) required by the Monterey County ~~Department of Health~~Environmental Health Bureau prior to the issuance of a ~~w~~Well construction permit ~~pursuant to County Ordinance No. 1967~~;
2. An executed Water Well Registration Form; and
3. The Well registration fee prescribed in Rule 60.

C. FEES FOR DELINQUENT WELL REGISTRATION

~~The District shall impose the following schedule of fees and charges on or after July 1, 1992, upon the registration of each Well to defray the costs of administration and~~

~~enforcement of the Well registration requirement set forth by Regulation V.~~

~~Date of Registration~~ _____ ~~Delinquent Registration Fee~~

~~July 1, 1992 to September 30, 1992:~~ _____ ~~\$ 250.00~~

~~October 1, 1992 and thereafter:~~ _____ ~~\$ 500.00~~

~~The delinquent registration fee required by this rule shall not apply to the registration of any new Well, provided that Well is registered within 90 days of its completion, or within 90 days of its first use, or within 90 days of the date the Well first becomes operable, whichever date occurs first.~~

CD. USE OF UNREGISTERED WELLS IS PROHIBITED

~~On and after October 1, 1992,~~ I the General Manager shall ~~use the best efforts of the District to~~ enforce Section 357 of the Water Management District Act ~~as applied to~~ each Well that has been completed for at least 90 days, and which has not been registered with the District as required by this Regulation. Section 357 states, in part,

“The superior court... may issue a temporary restraining order prohibiting operation of any water producing facility upon the filing by the District with such court of a petition or complaint setting forth that... (the) water-producing facility... has not been registered with the District....”

In each such action, the District shall also request that the court award fees to the Water Management District in accord with Section 348 and Section 360 of the Water Management District Act, in addition to the schedule of fees and charges set forth in ~~Paragraph C of this r~~Rule 60~~for the administrative costs of delinquent Well registration.~~

Prior to initiating any action under this provision, in addition to any other notice required by law, the District shall fi-rst publish the name of the Owner or Operator (if known) and location of the unregistered Well on the District’s Consent Calendar.

D. FINES AND PENALTIES

Violation of Rule 52 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, pursuant to Section 348 and Section 360 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); formerly Rule 503, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 56 (11/25/91); Ordinance No. 96 (3/19/2001); Ordinance No. 120 (3/21/2005); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006)

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RULE 54 – REPORTING**A. REPORTING REQUIRED**

Each Owner or Operator of a Well located within the boundaries of the Monterey Peninsula Water Management District shall file ~~an with the District~~ **Annual** Water Production ~~statement~~ **Form** in the form and manner prescribed by the District. The ~~statement form~~ shall ~~set forth~~ **record** the water production from each Well for the preceding Water Year ~~(the 12-month period commencing on October 1 of the preceding calendar year, and concluding on September 30 of the current calendar year)~~ **and may request additional information such as the types of uses, etc.**

B. REPORTING STATUS

Reporting status refers to the computation method ~~selected~~ **allowed** for each Well by the District to calculate water production on the Annual Water Production ~~statement~~ **Form**. The reporting status for each Well shall be either by ~~the~~ water meter ~~method~~, or by ~~the~~ land use method, as ~~required~~ **allowed** by the provisions of this ~~R~~ **Rule**.

C. WELLS NOT REQUIRED TO HAVE WATER METERS

Water ~~m~~ **M**eters shall not be required for the following classes of Wells:

1. All Wells outside the boundaries of the Monterey Peninsula Water Resource System ~~(MPWRS) (defined by Rule 11)~~ which meet each of the following criteria:
 - a. ~~Wells~~ that were completed before February 23, 1992; and
 - b. that were registered and reporting water use by June 30, 1992; and
 - c. that produce less than ~~five (5) Acre-Feet AF~~ in each ~~water reporting year (the 12-month period commencing on October 1 of the preceding calendar year, and concluding on September 30 of the current calendar year)~~, **Water Year**; and
 - d. where the total land area ~~of (all Parcels)~~ served by that Well does not exceed ~~2-1/2~~ **22.5** acres.

2. Wells within the boundaries of the ~~MPWRS~~ Monterey Peninsula Water Resource System which meet each of the following criteria:
 - a. Wells that were completed before February 23, 1992~~;~~²⁵ and
 - b. that were registered and reporting water use by June 30, 1992; and
 - c. that produce less than five (5) Acre-Feet AF in each water reporting year (the 12 month period commencing on October 1 of the preceding calendar year, and concluding on September 30 of the current calendar year) Water Year; and
 - d. where the total land area of ~~(all Parcels)~~ served by that Well does not exceed 2-1/2/22.5 acres; and
 - e. that are located on property which has not had a Change of Ownership change of title due to sale of property after June 30, 1992.
3. Any Well that ~~has been was~~ issued a well construction permit from the Monterey County Environmental Health Department Bureau on or before November 30, 2000₂ (inside or outside the boundaries of the ~~MPWRS~~ Monterey Peninsula Water Resource System) which ~~has been was~~ granted a variance from this standard pursuant to Rule 57.

D. WELLS REQUIRED TO HAVE WATER METERS

Water ~~m~~Meters shall be required for the following classes of Wells within the boundaries of the Monterey Peninsula Water Management District:

1. All new Wells ~~(inside or outside the boundaries of the Monterey Peninsula Water Resource System (MPWRS))~~, which are completed on or after February 23, 1992.
2. All Wells within the boundaries of the ~~MPWRS~~ Monterey Peninsula Water Resource System that:
 - a. were completed before February 23, 1992; and
 - b. that did were not registered~~ed~~ with ~~the~~ MPWMD by June 30, 1992.

3. All Wells ~~(inside or outside the boundaries of the MPWRS)~~ which produce five (5) Acre-Feet (or more) in any single Water Year ~~(the 12 month period commencing on October 1 of the preceding calendar year, and concluding on September 30 of the current calendar year).~~
4. All Wells ~~(inside or outside the boundaries of the MPWRS)~~ where the total land area ~~(of all Parcels)~~ served is larger than 2-1/22.5 acres. A property owner can apply for a variance from this standard pursuant to Rule 57.
5. All Wells ~~upon property~~ within the boundaries of the MPWRS-Monterey Peninsula Water Resource System for which a ~~title transfer is made upon resale~~Change of Ownership occurred after June 30, 1992.
6. Any Well that has been issued a well construction permit from the Monterey County Environmental Health Department-Bureau on or after December 1, 2000, must be metered and report using the water meter method, regardless of parcel size, location, type of use or annual production.

E. FINES AND PENALTIES

Violation of Rule 54 may subject the Owner or Operator of a Well to criminal prosecution of a misdemeanor and punishment by a fine not exceeding \$500 per separate violation or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment pursuant to Section 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 4 (2/11/81); Ordinance No. 6 (5/11/81); Ordinance No. 10 (7/26/83); Ordinance No. 48 (3/12/90); Ordinance No. 56 (11/25/91); Ordinance No. 96 (3/19/2001); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 125 (9/18/2006)

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RULE 56 - WATER METER METHOD**A. ~~REPORTING REQUIRED~~**

~~Each Owner or Operator of a Well located within the boundaries of the Monterey Peninsula Water Management District, whose Well is identified in Rule 54-D as being in a class of Wells which require a water meter, shall file with the District an Annual Water Production statement in the form and manner prescribed by the District. The statement shall set forth the water production from each Well for the preceding Water Year (the 12 month period commencing on October 1 of the preceding calendar year, and concluding on September 30 of the current calendar year) based upon the water meter method.~~

B.A. ~~REPORTING METHOD~~

Water production for Wells identified in Rule 54-D shall be computed based upon actual water meter readings derived from an approved ~~w~~Water ~~m~~Meter and reported to the District on the Annual Water Production ~~statement~~Form. Water production ~~from each Well on which an approved water meter is installed~~ shall be computed by the District from the beginning and ending totalizer reading on the ~~W~~water ~~M~~meter during the ~~reporting~~ period ~~as reported on the Annual Water Production statement filed by the Owner or Operator of the Well.~~

C.B. ~~WATER METER INSTALLATION~~

Each Owner or Operator of a Well listed in Rule 54-D ~~which is located within the boundaries of the Monterey Peninsula Water Management District~~ shall install and maintain a District-approved ~~w~~Water ~~m~~Meter on the Well according to the time-table set forth in this ~~r~~Rule. It shall be the Owner or Operator's ~~joint and several~~ responsibility to install, maintain, and repair the ~~w~~Water ~~m~~Meter required by this ~~R~~rule.

Water ~~m~~Meters satisfactory to the District shall be capable of recording water production within an accuracy of plus or minus five percent (5%). The General Manager shall maintain a list of meters satisfactory to the District. The ~~W~~water ~~m~~Meter shall also be equipped with a totalizer, susceptible to correction only by changing mechanical gear equipment.

D.C. ~~CONFIGURATION OF WATER METER INSTALLATION~~

Each ~~w~~Water ~~m~~Meter shall be installed ~~so as to~~ permit access for inspection and testing

as the District may, from time to time, deem necessary. The installation configuration shall be in accordance with good design practices and shall include the following elements to ~~insure~~ensure meter accuracy:

1. Each meter shall be situated to provide a minimum of eight (8) diameters of straight pipe (no bends or valves) both upstream and downstream of the Wwater Mmeter; ~~in order to~~to limit turbulence at the meter point; and
2. Each meter shall be situated to provide a minimum of one (1) foot increase in elevation of the pipe from meter point to the discharge opening; ~~in order to~~to have a full pipe at the meter point.

~~E.D.~~ TIMING OF WATER METER INSTALLATION

~~All water meters required by Rule 54-D shall be installed on or before July 1, 1992. In the case of a new Well, the~~A District-approved Wwater Mmeter shall be installed upon Completion of a Well. ~~In the case of any Well which requires a meter because it is situated upon property for which a title transfer is made upon resale after June 30, 1992, the water meter shall be installed on or before the close of escrow. For any Well requiring a meter due to a Change of Ownership after June 30, 1992, the Water Meter shall be installed no later than the transfer of title. In either case, The Water Meter shall be installed sufficiently in advance to allow the District to inspect and approve the meter and its installation within the prescribed time period. the installation of the water meter shall be scheduled in such a timely fashion as to permit inspection and approval of the meter and the meter installation by the District or the District's delegated registrar within the prescribed time period.~~

The installation of all Wwater mMeters required by this Regulation shall be completed on the following schedule:

1. ~~Each Existing~~ Wells requiring a ~~w~~Wwater ~~m~~Mmeter by Rule 54-D shall be metered ~~on or before~~by July 1, 1992.
2. Each new Well completed on or after February 23, 1992, shall be metered within 90 days of its ~~C~~completion, or within 90 days of its first use, or within 90 days of the date the Well first becomes operable, whichever date occurs first.
3. Each Well within the Monterey Peninsula Water Resource System shall be metered before the close of escrow upon ~~resale~~Change of Ownership of that

~~property~~ after June 30, 1992.

After a Well has been fitted with a meter, all production reports shall be based upon water meter readings unless otherwise authorized by written approval of the District.

F.E. MAINTENANCE OF ACCURACY

The Owner or Operator of a Well which requires a ~~w~~Water ~~m~~Meter shall maintain meter accuracy within a minimum of plus or minus five percent (5%). It shall be the Owner or Operator's ~~joint and several~~ responsibility to repair or replace the meter. Such actions shall be taken as necessary ~~or where it is shown to the Owner or Operator by~~ when the District determines that the meter fails to comply with this specification.

G.F. VERIFICATION OF WELL METER INSTALLATION AND ACCURACY

To implement this Regulation, the General Manager or the General Manager's designee, acting pursuant to Section 362(c) of the District Law and Rule 58, may enter upon any land for purposes consistent with this Regulation V, including investigations relating to water production.

Upon presentation of credentials, an authorized District representative shall have the right to enter premises on which a water-producing facility is located to inspect the facility, verify the accuracy of Water-Measuring Devices, and inspect records required to be maintained in connection with the facility by federal, state, or local law, order, ordinance, regulation, or rule. When required by the circumstances, entry shall be made pursuant to an inspection warrant obtained under Title 13 (commencing with Section 1822.50) of Part 3 of the California Code of Civil Procedure.

~~To implement this Regulation, the General Manager or his delegated agent, acting in accord with the provisions of Section 362 (c) of the District law and pursuant to Rule 58, may enter on to any land for purposes consistent with this Regulation V and for the purpose of making investigations relating to water production. For such purposes, the authorized representative of the District, upon presentation of credentials, or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which a water producing facility is located for the purpose of inspecting such facility, including verifying accuracy of Water-Measuring Devices or any records required to be maintained in connection therewith by federal, state, or local law, order, ordinance, regulation, or rule.~~

H.G. PROHIBITION AGAINST PRODUCTION FROM A WELL WITHOUT THE INSTALLATION OF ANY REQUIRED WATER METER

It shall be unlawful for any Owner or Operator of a Well located within the District to produce water from that facility unless that water-producing facility has been registered with the District and has been equipped with a ~~w~~Water ~~m~~Meter as required by Rules 54 and 56 of this Regulation. A violation of this ~~r~~Regulation shall also be a violation of Section 360 of the District law (production without a required Wwater Mmeter)-~~and shall be punishable by a fine not to exceed five hundred dollars (\$500). E;~~ each day of Wwell operation in violation of this Rule shall constitute a separate offense.

I.H. LIMITATION ON USE OF DATA FROM METERED WELLS

District staff shall not use any data collected pursuant to this Regulation for the purpose of imposing a charge or levy against any overlying land where the water production was from a resource naturally occurring in the Groundwater basin, and the water use was on the overlying land.

I. FINES AND PENALTIES

Violation of Rule 56 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, pursuant to Sections 360 and 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 48 (3/12/90); Ordinance No. 56 (11/25/91); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006); Ordinance No. 125 (9/18/2006)

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RULE 64 - WATER DISTRIBUTION SYSTEM USER FEES

- A. Each Water Distribution System which possesses 50 or more Connections and derives all or a part of its Potable water supply from the Carmel River watershed, or from Carmel Valley aquifers shall be subject to a Water Distribution System User fee as established by the Board from time to time through Ordinance or Resolution. The Owner or Operator of each Water Distribution System shall pay the fee specified herein.
- B. Prior to setting the User fee and surcharge to be collected for each fiscal year, the District Board shall conduct a public hearing regarding District needs which provide a benefit and/or service to existing water Users for which the fee shall be collected. At the close of such hearing, the Board shall determine by resolution:
1. The amount of money needed to fund District activities which provide a benefit and/or service to existing water Users for which the fee shall be collected.
 2. The User fee rate, as a percentage, to be collected on the Water Distribution System monthly bill pursuant to this Rule 64.

The public hearing which results in the adoption of the District's annual budget shall satisfy the requirements of this Rule.

- C. Water Distribution System User fees established by the Board shall be collected from each applicable Water Distribution System. Each Water Distribution System shall pay its User fee to the District in monthly installments during the ~~following~~ fiscal year. Water Distribution Systems are required ~~by this Rule 64 to tender~~ submit payment of User fees within thirty (30) days of the monthly Water Distribution System billing cycle. An alternate collection and remittance cycle may be established by agreement between the District and the Water Distribution System.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 12 (4/9/84); Ordinance No. 125 (9/18/2006); Ordinance No. 176 (1/25/2017)

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RULE 101 - FORECAST OF WATER SUPPLY**A. GENERAL MANAGER'S WATER SUPPLY FORECAST ~~REPORT~~**

The General Manager shall annually by May 1, compile a summary forecast ~~report which analyzes rainfall in the preceding twelve (12) months and~~ which estimates the amount of water in reservoirs, ~~and~~ aquifers, and other Sources of Supply available for use by each Water Distribution System ~~with more than three thousand (3,000) Connections~~. The water supply forecast ~~report~~ shall ~~also include a summary of operation~~ include equipment operational status ~~submitted by each Water Distribution System~~ including, but not limited to, all Wells and pumps, transmission mains, treatment plants, pumping stations, auxiliary reservoirs and tanks. The forecast report shall further evaluate the projected demands of the applicable Water Distribution Systems system and determine the number of months that the water available for use will support the projected demands. The General Manager's forecast report shall ~~, consistent with the Board's operations plan,~~ set forth a draft Water Supply Management Strategy for use in the remaining and following Water Year by each such Water Distribution System. The Water Supply Management Strategy shall also support the requirements of District Rule 160. ~~which derives its Source of Supply from more than one Hydrological Management Unit.~~

~~If equipment failures or other emergencies reduce the present or projected long-term delivery capability of any Water Distribution System below current demand rates, the General Manager shall also compile or revise the water supply forecast report for each Water Distribution System which experiences equipment failures or other emergencies that threaten to reduce long-term delivery capabilities of that system below current demand rates.~~

B. WATER SUPPLY MANAGEMENT STRATEGIES

The Board shall quarterly hold a public hearing to determine District-wide water supply management strategies. ~~The Water Supply Management Strategy adopted for California American Water shall include a goal that no more than 29% of that Water Distribution System's total production be derived from surface diversion and a goal that at least 71% of its total production be derived from subsurface water in Carmel Valley and Seaside.~~ The Board shall review the General Manager's water supply forecast report, information, and models which may be provided by the Owner or Operator of any affected Water Distribution System in the District.

The Board shall further determine if the water in resources projected to be available for use by each subject Water Distribution System is less than that needed to meet the near~~long~~-term projected demands of that system. Where such a finding is made, the Board shall direct the General Manager to ~~institute an active conservation program and institute active voluntary rationing for all Users within that system~~ District Regulations and may declare a Water Supply Emergency. ~~Where the Board determines that the water resources projected to be available for use by any Water Distribution System is inadequate to supply current or near term demand, the Board shall declare a Water Supply Emergency and follow provisions underpursuant to~~ Regulation XVI, Expanded The 2016 Monterey Peninsula Water Conservation and ~~Standby~~ Rationing Plan, as set forth in these Rules and Regulations, as amended.

C. **DRAFT OPERATIONAL WATER SUPPLY BUDGETS PREPARED BY WATER DISTRIBUTION SYSTEMS**

Each Water Distribution System with more than three thousand (3,000) Connections~~which derives its Source of Supply from more than one Hydrological Management Unit~~ shall, in the form and manner set by the General Manager, on or before June 1st, submit a draft Operational Water Supply Budget for the forthcoming water quarter to meet the demand projected in the General Manager's water supply forecast report and to comply with the water supply management strategies adopted by the Board. The draft Operational Water Supply Budget shall forecast the anticipated production by the Water Distribution System from each Hydrological Management Unit for each month of the forthcoming water quarter and shall specify target withdrawals for each Hydrological Management Unit, either as absolute amounts or as percentages to total production.

D. **APPROVAL OF OPERATIONAL WATER SUPPLY BUDGETS**

The Board shall quarterly hold a public hearing to review the draft Operational Water Supply Budget submitted by each Water Distribution System with more than three thousand (3,000) Connections, and determine if that draft budget complies with District-wide water supply management strategies. Based upon the General Manager's water supply report, each draft Operational Water Supply Budget, information, and models which may be provided by the Owner or Operator of any affected Water Distribution System, and other evidence, the Board shall approve and/or modify an Operational Water Supply Budget for the following Water Year for each ~~Multi-Source~~subject Water Distribution System in the District.

E. **DAILY PRODUCTION REPORTS PREPARED BY WATER DISTRIBUTION SYSTEMS**

On or before the Friday prior to the second Monday of each month, during the Water Year, each Water Distribution System with more than three thousand (3,000) Connections shall report its actual daily production from each Water-Gathering Facility during the preceding month, and if necessary, shall submit a revised draft operational budget for the remainder of the Water Year. Each subject Water Distribution System shall, in the form and manner requested, further provide operational information to the District upon written request of the General Manager. Each revision of an operational budget shall be submitted to the Board in accord with the process set forth in Subdivision D of this rule.

F. **EMERGENCY REVISION OF OPERATIONAL WATER SUPPLY BUDGETS**

Where a Water Distribution System with more than three thousand (3,000) Connections provides written notice to the General Manager that immediate revision of the Operational Water Supply Budget is required due to equipment or facilities failure, or when no other Source of Supply is able to meet consumptive demand, then the Water Distribution System may deviate from the Board approved Operational Water Supply Budget upon approval of the General Manager. This notice shall state the reasons for the deviation, the anticipated length of time for the deviation, and the actions to be taken by the Water Distribution System to alleviate the need for the deviation. The General Manager, upon receipt of the notice, shall determine whether to suspend the Operational Water Supply Budget, or to require compliance with the existing budget. Determinations of the General Manager may be appealed pursuant to the provisions of Rule 70 of these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81); amended by Ordinance No. 19 (12/10/84); Ordinance No. 41 (3/13/89); Ordinance No. 125 (9/18/2006)

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RULE 110 – GENERAL ENFORCEMENT

- A. The General Manager is charged with ~~the~~ enforcement of these Rules and Regulations, and all other policies adopted by the District. To meet this charge, insofar as inspection of property may be necessary, and in any circumstance where consent to inspect has been sought but is refused or is otherwise unobtainable, the General Manager, or his designee, may obtain an inspection warrant in accord with the Code of Civil Procedure, Section 1822.50 et seq., and may conduct such inspections as are necessary to enforce these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81)

B. Charges and Penalty Assessments

The General Manager may bill and collect all charges and penalties assessed pursuant to these Rules and Regulations-, including but not limited to:

- Well registration, ~~and~~ reporting, and metering pursuant to Rules 52, 54, and 56;
- Exceedance of production targets pursuant to Rule 103; and
- Water Waste pursuant to Rule 162.

Further, failure to pay fees and charges under any District rule and/or identified in the Rule 60 Fees and Charges Table, may result in other penalties or enforcement as identified in Regulation XI.

Rule added by Ordinance No. 7 (7/13/81); Renumbered by Ordinance No. 133 (5/19/2008)

C. Cease & Desist Order/Compliance Order

1. If the General Manager determines that water or property in the District is being used or maintained in a manner that creates or fosters the creation of a Public Nuisance and/or results in Water Waste, the General Manager shall issue a Cease & Desist Order and/or Administrative Compliance Order to the owner of the subject property, the occupant of the subject property and/or to any other Person(s) responsible for creating or fostering the creation of the Public Nuisance or creating or fostering Wwater waste.
2. The Cease & Desist Order and/or Compliance Order shall:

- a. Describe the nature of the Public Nuisance, Water Waste or other activity that was created maintained or fostered by or on the subject property; and
 - b. Specify a compliance date by which the Public Nuisance, Water Waste or other activity shall cease.
 - c. Specify a compliance date by which remedial activity shall be completed to ameliorate the effects of the Public Nuisance, Water Waste or other activity.
 - d. State the proposed financial penalty.
3. A Cease & Desist Order and/or Administrative Compliance Order shall be deemed to be prima facie evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a Public Nuisance and/or Water Waste unless and until a Hearing Officer or a court of competent jurisdiction determines otherwise.

Rule added by Ordinance No. 133 (5/19/2008)

D. Permit Rule Noncompliance

Creation, Establishment, Expansion, Extension or Amendment of a Water Distribution System without a written Permit from the District is a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. The District may seek criminal prosecution and/or civil enforcement of its rules pursuant to this Rule.

Rule added by Ordinance No. 118 (12/13/04); amended by Ordinance No. 125 (9/18/06); renumbered by Ordinance No. 133 (5/19/2008)

E. General Enforcement

Any Person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of these Rules and Regulations; or, any contractor who installs or removes plumbing fixtures contrary to the provisions of these Rules and Regulations with the intent to defeat the purposes of these regulations, shall be guilty of a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. Violations carry a maximum penalty of \$250 for each offense. 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, and upon conviction thereof, shall be separately punishable.

Rule added by Ordinance No. 141 (11/16/2009)

F. Public Nuisance

1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of these Rules and Regulations, and/or any use of any land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of these Rules and Regulations, shall be, and the same is hereby declared to be a violation of these Rules and Regulations and a Public Nuisance.
2. The District may summarily abate the Public Nuisance, and the Board of Directors or District Attorney may cause or maintain a civil suit or other action, to enjoin or abate the nuisance.
3. Each day any violation of this regulation continues shall be regarded as a new and separate offense. The remedies provided in this regulation shall be cumulative and not exclusive.
4. Should any Person, firm, or corporation violate the terms of this Regulation, and any action is authorized either by the Board of Directors, or District Attorney, or is in fact commenced, no other action shall be taken on any application filed by or on behalf of said Person, firm, or corporation until the action has been concluded or resolved.

Rule added by Ordinance No. 141 (11/16/2009); amended by Ordinance No. 145 (9/20/2010)

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RULE 123 - RIVER MANAGEMENT ACTIVITIES

The following activities fall within the purview of the Carmel River Management Plan and may be undertaken by the District as discretionary acts to the extent that funds are reasonably available.

A. EROSION PROTECTION AND PREVENTION**1. Formulation of Standards**

Develop technical standards and a structural master plan to guide all riverbank and channel modification projects. Guidelines may (a) set the optimum channel width and bank steepness to depth relationships, (b) address coordination requirements among nearby property owners, (c) evaluate the cost and effectiveness of alternative bank stabilization solutions, (d) establish preferred solutions, (e) define acceptable circumstances and processes for sediment management, (f) set general engineering requirements for material and design, (g) establish requirements for covering, replanting and maintaining works once completed. Standards shall be reviewed to reflect experience gained during implementation of the program, and (h) establish aesthetic requirements for erosion works.

2. Assessment~~annual~~ Review

Review aerial photos as required to remain familiar with the changing environment of the river; regularly inspect the Riverbed. Review areas that may be subject to erosion during high flows.

3. Removal of Hazardous Trees

Identify trees that appear to be diseased or likely to fall into the river. Attempt to effect removal~~, or~~ modification~~, or~~ replacement of such trees where ~~their~~ removal or modification does not conflict with shade or wildlife requirements.

4. Snag Removal

Remove or modify snags and debris from the channel that increase the risk of bank erosion at high flows.

5. Technical Assistance

Provide technical assistance through staff as follows:

a. Permits

Coordinate issuance of River Work Permits with the requirements of the County of Monterey, the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and any other agency that regulates activities in the Riverbed.

b. Design of Works

Provide design, engineering and construction supervision upon request to landowners proposing riverbank or channel protection projects.

c. Landowners

Assist landowners to carry out appropriate projects by providing information on standards ~~and costs~~.

d. ~~Government~~Regulatory

~~Monitor the availability of outside funding and~~Regularly monitor and review proposed legislation and regulations affecting the program or the interests of the Carmel River.

e. Funding

Participate in specific River Works projects as feasible and desired by the Board. Financial participation may be partial or full at the discretion of the Board. Monitor the availability of grants and/or other outside funding.

6. Project Sponsor

Administer grant funds, donations, and District projects with multiple other governmental agencies, non-profits, or property owner participation.

7. Construction

Construct riverbank and channel works.

8. Maintenance of Works

Operate and maintain District projects and works related to riverbank and Riverbed erosion along the Carmel River.

B. **MAINTENANCE OF VEGETATION**

1. Monitoring

Review aerial photos, conduct inspections of the Riparian Corridor and use other monitoring data to determine changes in the health of the riparian vegetation and stability of riverbanks. Maintain records showing changes in the Riparian Corridor.

2. Planting and Revegetation

Replant areas as needed and prioritize areas for planting. Costs of planting may be borne fully or partially by the District.

3. Technical Assistance

As District resources and priorities allow, provide technical assistance through staff as follows:

a. Permits

Assist individuals seeking permits to revegetate and change the vegetation type along the Riparian Corridor.

b. Design

Provide design, engineering, and construction support upon request to landowners proposing Irrigation Systems for watering riparian vegetation in the corridor.

4. Construction of Irrigation Systems

Design District Irrigation System standards and specifications, and identify reaches where such irrigation is necessary ~~for~~ the health of the Riparian Corridor. Prioritize areas for irrigation. Irrigation development and construction costs may be borne fully or partially by the District at the discretion of the Board.

5. Operations and Maintenance

Monitor and maintain District Irrigation Systems. Operation should integrate monitoring of plant health.

6. Channel Clearing

Monitor reaches where vegetation or debris has become established in the Riverbed. If feasible, maintain an adequate clearance within the Riverbed to safely pass debris or reduce the risk of erosion due to blockages that could cause damage to streambanks and riparian habitat due to storm flows within the Riverbed.

C. INSPECTION

1. Erosion Protection Works

Inspect bank work and channel modification projects to obtain compliance with standards and permit conditions.

2. Vegetation Removal

Monitor activities along the river to prevent unauthorized vegetation removal, grading and works.

D. EDUCATION

1. Erosion Works and Prevention

Educate landowners and the general public regarding river management and erosion prevention. Initiate forums with landowners to provide information on the cost, effectiveness, and liabilities of bank modification.

2. Vegetation

Assist property owners to encourage planting of desirable species and to discourage removal of native vegetation. Provide information on desirable species, spacing and maintenance.

3. Grading

Develop and distribute information on grading.

4. Regulation

Develop and distribute standards and conditions to be met in River Work Permits and emergency River Work Permits pursuant to Rule 127. Distribute information as to those activities which may be undertaken without a River Work Permit, and activities which are defined as “minor works” pursuant to Rule 127.

E. **RESEARCH**

Research stream geomorphology, erosion potential, fishery and vegetation to understand the system dynamics and to maintain appropriate standards.

F. **EASEMENTS AND AGREEMENTS**

Accept and acquire easements or agreements needed to provide right-of-way for Irrigation Systems and access to undertake works; and accept other property interests deeded to the District.

G. **EMERGENCY**

Provide emergency response to remove or modify snags and to minimize damage where the river is causing erosion or threatening to erode.

A. **PERIODICALLY REVIEW AND UPDATE MAPS SHOWING THE LIMITS OF THE RIPARIAN CORRIDOR**

Develop and periodically update a geo-referenced set of maps showing property lines, the 10-year flowline, and the limits of the Riparian Corridor.

B. OTHER RELATED ACTIVITIES

Manage the Riparian Corridor, examine sedimentation from non-riparian drainage areas and evaluate culvert design at tributary junctions in conjunction with the Monterey County Department of Public Works. Monitor existing trails for impact upon the Riparian Corridor. Develop and propose trail standards. Accept river management funds, grants, and deeds from public and private sources.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 69 (6/21/93); Ordinance No. 111 (1/29/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017); Ordinance No. 181 (5/20/2019)

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**RULE 128 – ~~LIMITATIONS~~ LIMITATION OF DISTRICT RESPONSIBILITY FOR
FLOODING AND EROSION**

~~Notwithstanding any other provision of this regulation, neither the Monterey Peninsula Water Management District nor their Directors, officers, members, employees or staff shall be responsible by operation of these Rules and Regulation for the detection, prevention, or mitigation of erosion, floods or flood damage~~The District is not responsible for the detection, prevention, control, or mitigation of erosion, flooding, or flood damage within the Monterey Peninsula Water Management District.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 14 (11/12/84)

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RULE 161 - GENERAL PROVISIONS

- A. All Water Users within the Monterey Peninsula Water Management District shall comply with the District's Water Waste Prohibitions of Rule 162 and with the requirements of MPWMD Regulation XIV, Water Conservation.
- B. California American Water shall amend its Urban Water Management Plan and its Rule 14.1.1 ~~(Standard Practice U-40-W)~~, Water Shortage Contingency Plan - Monterey County District (Monterey Main System), to conform to this Regulation. A copy of Rule 14.1.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- C. Water Distribution Systems regulated by the CPUC shall amend their Rule 14.1 (or 14.1.1) to conform to this Regulation. A copy of Rule 14.1 (or 14.1.1) shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- ~~D. At least ten (10) days prior to a first reading of amendments to Regulation XV, a copy of the proposed changes shall be provided to the CPUC Office of Ratepayer Advocates (ORA).~~
- ~~E. California American Water shall provide the District with monthly consumption reports by customer classification and jurisdiction in a format approved by the District. A Water Year summary report shall be provided by December 1 of the next Water Year. Monthly reports shall be provided within fifteen (15) days of the close of the preceding month.~~
- ~~F. Each Water Distribution System Operator shall provide individual consumption data pertaining to any Water User of that Water Distribution System upon written request of the General Manager. Data shall be in the form and manner specified by the General Manager and may be subject to a non-disclosure agreement with the Water Distribution System Owner/Operator. Each failure to respond in full to such written request by the date specified therein shall result in a penalty to the Water Distribution System of five hundred dollars (\$500) per day for each day or portion thereof that the response is delayed.~~
- ~~G. The General Manager shall retain and use any data received under this provision for the sole purposes of testing, administering, evaluating or enforcing Water Rationing, Water Waste, or other provisions of the Rules and Regulations.~~
- H.D. California American Water shall maintain Non-Revenue Water in its Water District Systems at or below seven (7) percent. Average losses of more than seven (7) percent during the most

recent twelve-month period shall be considered Water Waste.

~~I.E.~~ Each Water Distribution System Operator shall provide written notice of any adjustment to a Water Conservation or Rationing Stage to every customer via first class mail at least thirty (30) days before any change in Stage is imposed. At all times during Stages 2 through 4 each affected Water Distribution System shall send monthly conservation reminders.

~~J.F.~~ During a Water Supply Emergency, or at the direction of the Board of Directors, each Owner or Operator or Extractor of a private water Well, Water Distribution System, or other Water-Gathering Facility shall comply with the provisions of this Regulation, as they relate to such Well, Water Distribution System, or other Water-Gathering Facility.

~~K.G.~~ The owner and/or manager of rental property shall provide current and new tenants with information about the water conservation requirements, including the Water Waste and Non-Essential Water Use regulations of the District. This information shall be readily accessible on a tenant portal website with annual notification of its presence, or when notice is not provided electronically, the owner and/or manager shall annually provide written information to existing tenants and to new tenants as they move in.

Rule added by Ordinance No. 92 (1/29/99); amended by Ordinance No. 134 (8/18/2008); Ordinance No. 137 (12/8/2008); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/17/2016); Ordinance No. 182 (5/20/2019).

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RULE 42 - MANDATORY REPORTING OF INFORMATION FROM WATER DISTRIBUTION SYSTEMS

A. DEFINITIONS

All references to the terms “water use records” or “water use data” made by this rule and Regulation IV of the District Rules and Regulations shall refer to data respecting water production, water storage, water delivery, and water consumption. The terms “water use records” or “water use data” shall not be construed to require a Water Distribution System to provide data or records on its internal financial matters or on its billing or accounts payable or accounts receivable. Data shall be in the form and manner specified by the General Manager and may be subject to a non-disclosure agreement with the Water Distribution System Owner/Operator. Each failure to respond in full to such written request by the date specified therein shall result in a penalty to the Water Distribution System of five-hundred dollars (\$500) per day for each day or portion thereof that the response is delayed.

B. WATER USE DATA

Each Water Distribution System with fifty (50) or more Connections shall annually provide the District with a report of water consumption by political jurisdiction and by User categories (i.e., Residential, Multi-Family, Non-Residential, Industrial, Municipal, Non-Revenue, Golf Course, etc.) both as annual totals and monthly totals. Such data shall be based on the Water Year ending September 30 each year and shall be transmitted to the District by December 1.

C. WATER PRODUCTION DATA

Water Distribution Systems with fifty (50) or more Connections, if requested by the District, shall (a) provide a monthly report to the District of daily water production by each source in the Water Distribution System, (b) other monthly summary reports as the District should request, and (c) any quarterly or annual compliance reports required by the State Water Resources Control Board, or the California Public Utilities Commission.

D. WATER USE EFFICIENCY (WUE) DATA

Each Water Distribution System subject to the California Urban Water Use Efficiency Standards, Objectives, and Performance Measures found in Title 23 of

the California Code of Regulations shall provide the District a copy of the required Water Use Efficiency (WUE) filing at the time of submission to the State annual filing deadline, including but not limited to:

- Annual Water Supply and Demand Assessment Summary Report (Also referred to as “Annual Water Shortage Report”;
- Annual Urban Water Use Objective Reporting forms;
- Annual Water Loss Audit Reports;
- Urban Water Management Plans; and
- Any other WUE reporting required under the State policy “Making Conservation a California Way of Life” including data review and confirmation reporting.

E. WATER USE SURVEY DATA

Each Water Distribution System with fifty (50) or more Connections shall notify the District of the name, address, and water use category of Users included within any District annual Non-Residential Connection water use survey request.

F. WATER WASTE DATA

All Water Distribution Systems with fifty (50) or more Connections shall provide in writing to the District periodic and cumulative water use data on customers within the District’s jurisdiction identified by the District as using water excessively or committing Water Waste. This information is to be provided by the Water Distribution System within thirty (30) days of a written request from the District.

G. HIGH WATER USE DATA

Within thirty (30) days of a written request from the District, each Water Distribution System shall identify by name and address the ten (10) highest Water Users within that Water Distribution System’s Service Area for the period subject to the request.

H. WATER AUDIT DATA

The California American Water Distribution System shall provide any customer water audit data, within thirty (30) days of the District's request.

I. DATA SYSTEMS MANAGEMENT

All Water Distribution Systems with fifty (50) or more Connections shall provide the District a comprehensive list of the nature and types of water use records and water data reports maintained by it on a regular or special basis. The list is to include the following:

1. The name of each water use record system;
2. The categories of individual or business entities on whom water use records are maintained;
3. The categories of water use records maintained;
4. The manner or method by which each water use record is maintained.

From time to time the District General Manager shall notify each Water Distribution System of this provision, and upon receipt of that notice each Water Distribution System shall update and correct the information previously provided to the District.

J. DATA RETENTION SCHEDULES

All Water Distribution Systems with fifty (50) or more Connections shall inform the District of that Water Distribution System's water use record retention, destruction, and disposal practices and schedules, through the provision to the District of copies of any written policy, procedure, or practice relating to the retention, destruction, or disposal of each water use record system it maintains.

K. DATA DESTRUCTION NOTIFICATION

All Water Distribution Systems with fifty (50) or more Connections shall notify the District General Manager in writing at least ninety (90) days prior to destruction or disposal of those water use records identified in writing by the District and allow the

District the opportunity to transfer or copy such records for use by the District. The Water Distribution System shall have no duty to notify the District of records destruction or disposal in the event destruction or disposal is undertaken in accord with the record retention schedule provided to the District in accord with the preceding paragraph.

The District shall notify a Water Distribution System of its intent to copy specific records within thirty (30) days following receipt of notice of intent to destroy or dispose of records or thirty (30) days prior to the scheduled destruction date where records are destroyed in accord with a record retention schedule. The District shall, at that time, inform the Water Distribution System of the methods and procedure it intends to use to transfer or copy the water use records. The choice of methods and procedures used to transfer or copy water use records shall be made solely by the District but shall be made in consultation with the Water Distribution System to assure an efficient transfer and to minimize disruption to the Water Distribution System. Transfer, copying, or extraordinary retention by the Water Distribution System of these records shall be done at the District's expense.

L. GENERAL WATER USE DATA

All Water Distribution Systems with fifty (50) or more Connections shall provide the District water use data in response to other reasonable requests made by the District General Manager. Such information is to be provided within thirty (30) days of a written request from the District.

M. PRIVACY OF DATA

All water use data obtained by the District from a Water Distribution System by reason of this rule shall be used only for purposes consistent and compatible with the purposes for which the District exists. The District shall restrict access to and distribution of personally identifiable information consistent with privacy protections and requirements and trade secret protections. Personal information acquired by the District under this rule shall be available to District staff only on a need-to-know basis.

Rule added by Ordinance No. 28 (4/13/87); amended by Ordinance No. 125 (9/18/2006)

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RULE 52 - REGISTRATION REQUIRED

All existing or new Wells located within the District shall be registered by the Owner or Operator with the District. All existing Wells shall be registered pursuant to Rule 52-A. All new Wells shall be registered pursuant to Rule 52-B.

A. EXISTING WELL REGISTRATION

After January 9, 1981, the Owner or Operator of any existing Well shall register such Well by filing with the District or the District's delegated registrar, for each such Well:

1. A completed registration statement, in the form prescribed by the General Manager;
2. An executed Water Well Registration Form; and
3. The Well registration fee prescribed in Rule 60.

B. NEW WELL REGISTRATION

No later than thirty (30) days following the Completion of a Well, the Owner or Operator of any new Well shall register such Well by filing with the District for each such Well:

1. The completed application form(s) required by the Monterey County Environmental Health Bureau prior to the issuance of a Well construction permit;
2. An executed Water Well Registration Form; and
3. The Well registration fee prescribed in Rule 60.

C. USE OF UNREGISTERED WELLS IS PROHIBITED

The General Manager shall enforce Section 357 of the Water Management District Act to each Well that has been completed for at least 90 days, and which has not been registered with the District as required by this Regulation. Section 357 states, in part,

“The superior court... may issue a temporary restraining order prohibiting operation of any water producing facility upon the filing by the District with such court of a petition or complaint setting forth that... (the) water-producing facility... has not been registered with the District....”

In each such action, the District shall also request that the court award fees to the Water Management District in accord with Section 348 and Section 360 of the Water Management District Act, in addition to the schedule of fees and charges set forth in Rule 60.

Prior to initiating any action under this provision, in addition to any other notice required by law, the District shall first publish the name of the Owner or Operator (if known) and location of the unregistered Well on the District's Consent Calendar.

D. FINES AND PENALTIES

Violation of Rule 52 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, pursuant to Section 348 and Section 360 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); formerly Rule 503, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 56 (11/25/91); Ordinance No. 96 (3/19/2001); Ordinance No. 120 (3/21/2005); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006)

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RULE 54 – REPORTING

A. REPORTING REQUIRED

Each Owner or Operator of a Well located within the boundaries of the Monterey Peninsula Water Management District shall file an Annual Water Production Form in the form and manner prescribed by the District. The form shall record the water production from each Well for the preceding Water Year and may request additional information such as the types of uses, etc.

B. REPORTING STATUS

Reporting status refers to the computation method allowed for each Well by the District to calculate water production on the Annual Water Production Form. The reporting status for each Well shall be either by the water meter method or by the land use method as allowed by the provisions of this Rule.

C. WELLS NOT REQUIRED TO HAVE WATER METERS

Water Meters shall not be required for the following classes of Wells:

1. All Wells outside the boundaries of the Monterey Peninsula Water Resource System which meet each of the following criteria:
 - a. Wells that were completed before February 23, 1992; and
 - b. that were registered and reporting water use by June 30, 1992; and
 - c. that produce less than five (5) Acre-Feet in each Water Year; and
 - d. where the total land area of all Parcels served by that Well does not exceed 2.5 acres.
2. Wells within the boundaries of the Monterey Peninsula Water Resource System which meet each of the following criteria:
 - a. Wells that were completed before February 23, 1992; and
 - b. that were registered and reporting water use by June 30, 1992; and

- c. that produce less than five (5) Acre-Feet in each Water Year; and
 - d. where the total land area of all Parcels served by that Well does not exceed 2.5 acres; and
 - e. that are located on property which has not had a Change of Ownership after June 30, 1992.
3. Any Well that was issued a well construction permit from the Monterey County Environmental Health Bureau on or before November 30, 2000, (inside or outside the boundaries of the Monterey Peninsula Water Resource System) which was granted a variance from this standard pursuant to Rule 57.

D. WELLS REQUIRED TO HAVE WATER METERS

Water Meters shall be required for the following classes of Wells within the boundaries of the Monterey Peninsula Water Management District:

- 1. All new Wells which are completed on or after February 23, 1992.
- 2. All Wells within the boundaries of the Monterey Peninsula Water Resource System that:
 - a. were completed before February 23, 1992; and
 - b. that were not registered with MPWMD by June 30, 1992.
- 3. All Wells which produce five (5) Acre-Feet (or more) in any single Water Year.
- 4. All Wells where the total land area of all Parcels served is larger than 2.5 acres. A property owner can apply for a variance from this standard pursuant to Rule 57.
- 5. All Wells within the boundaries of the Monterey Peninsula Water Resource System for which a Change of Ownership occurred after June 30, 1992.
- 6. Any Well that has been issued a well construction permit from the Monterey County Environmental Health Bureau on or after December 1, 2000, must be metered and report using the water meter method, regardless of parcel size,

location, type of use or annual production.

E. FINES AND PENALTIES

Violation of Rule 54 may subject the Owner or Operator of a Well to criminal prosecution of a misdemeanor and punishment by a fine not exceeding \$500 per separate violation or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment pursuant to Section 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 4 (2/11/81); Ordinance No. 6 (5/11/81); Ordinance No. 10 (7/26/83); Ordinance No. 48 (3/12/90); Ordinance No. 56 (11/25/91); Ordinance No. 96 (3/19/2001); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 125 (9/18/2006)

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RULE 56 - WATER METER METHOD

A. REPORTING METHOD

Water production for Wells identified in Rule 54-D shall be computed based upon actual water meter readings derived from an approved Water Meter and reported to the District on the Annual Water Production Form. Water production shall be computed by the District from the beginning and ending totalizer reading on the Water Meter during the reporting period.

B. WATER METER INSTALLATION

Each Owner or Operator of a Well listed in Rule 54-D shall install and maintain a District-approved Water Meter on the Well according to the timetable set forth in this Rule. It shall be the Owner or Operator's responsibility to install, maintain, and repair the Water Meter required by this Rule.

Water Meters satisfactory to the District shall be capable of recording water production within an accuracy of plus or minus five percent (5%). The General Manager shall maintain a list of meters satisfactory to the District. The Water Meter shall also be equipped with a totalizer, susceptible to correction only by changing mechanical gear equipment.

C. CONFIGURATION OF WATER METER INSTALLATION

Each Water Meter shall be installed to permit access for inspection and testing as the District may, from time to time, deem necessary. The installation configuration shall be in accordance with good design practices and shall include the following elements to ensure meter accuracy:

1. Each meter shall be situated to provide a minimum of eight (8) diameters of straight pipe (no bends or valves) both upstream and downstream of the Water Meter to limit turbulence at the meter point; and
2. Each meter shall be situated to provide a minimum of one (1) foot increase in elevation of the pipe from meter point to the discharge opening to have a full pipe at the meter point.

D. TIMING OF WATER METER INSTALLATION

A District-approved Water Meter shall be installed upon Completion of a Well. For any Well requiring a meter due to a Change of Ownership after June 30, 1992, the Water Meter shall be installed no later than the transfer of title. The Water Meter shall be installed sufficiently in advance to allow the District to inspect and approve the meter and its installation within the prescribed time period.

The installation of all Water Meters required by this Regulation shall be completed on the following schedule:

1. Existing Wells requiring a Water Meter by Rule 54-D shall be metered by July 1, 1992.
2. Each new Well completed on or after February 23, 1992, shall be metered within 90 days of its completion, or within 90 days of its first use, or within 90 days of the date the Well first becomes operable, whichever date occurs first.
3. Each Well within the Monterey Peninsula Water Resource System shall be metered before the close of escrow upon Change of Ownership after June 30, 1992.

After a Well has been fitted with a meter, all production reports shall be based upon water meter readings unless otherwise authorized by written approval of the District.

E. **MAINTENANCE OF ACCURACY**

The Owner or Operator of a Well which requires a Water Meter shall maintain meter accuracy within a minimum of plus or minus five percent (5%). It shall be the Owner or Operator's responsibility to repair or replace the meter. Such actions shall be taken as necessary when the District determines that the meter fails to comply with this specification.

F. **VERIFICATION OF WELL METER INSTALLATION AND ACCURACY**

To implement this Regulation, the General Manager or the General Manager's designee, acting pursuant to Section 362(c) of the District Law and Rule 58, may enter upon any land for purposes consistent with this Regulation V, including investigations relating to water production.

Upon presentation of credentials, an authorized District representative shall have the right to enter premises on which a water-producing facility is located to inspect the facility,

verify the accuracy of Water-Measuring Devices, and inspect records required to be maintained in connection with the facility by federal, state, or local law, order, ordinance, regulation, or rule. When required by the circumstances, entry shall be made pursuant to an inspection warrant obtained under Title 13 (commencing with Section 1822.50) of Part 3 of the California Code of Civil Procedure.

G. PROHIBITION AGAINST PRODUCTION FROM A WELL WITHOUT THE INSTALLATION OF ANY REQUIRED WATER METER

It shall be unlawful for any Owner or Operator of a Well located within the District to produce water from that facility unless that water-producing facility has been registered with the District and has been equipped with a Water Meter as required by Rules 54 and 56 of this Regulation. A violation of this Regulation shall also be a violation of Section 360 of the District law (production without a required Water Meter). Each day of Well operation in violation of this Rule shall constitute a separate offense.

H. LIMITATION ON USE OF DATA FROM METERED WELLS

District staff shall not use any data collected pursuant to this Regulation for the purpose of imposing a charge or levy against any overlying land where the water production was from a resource naturally occurring in the Groundwater basin, and the water use was on the overlying land.

I. FINES AND PENALTIES

Violation of Rule 56 may subject the Owner or Operator of a Well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500 per separate violation, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, pursuant to Sections 360 and 361 of the Monterey Peninsula Water Management District Law.

Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 48 (3/12/90); Ordinance No. 56 (11/25/91); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006); Ordinance No. 125 (9/18/2006)

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RULE 64 - WATER DISTRIBUTION SYSTEM USER FEES

- A. Each Water Distribution System which possesses 50 or more Connections and derives all or a part of its Potable water supply from the Carmel River watershed, or from Carmel Valley aquifers shall be subject to a Water Distribution System User fee as established by the Board from time to time through Ordinance or Resolution. The Owner or Operator of each Water Distribution System shall pay the fee specified herein.
- B. Prior to setting the User fee and surcharge to be collected for each fiscal year, the District Board shall conduct a public hearing regarding District needs which provide a benefit and/or service to existing water Users for which the fee shall be collected. At the close of such hearing, the Board shall determine by resolution:
 - 1. The amount of money needed to fund District activities which provide a benefit and/or service to existing water Users for which the fee shall be collected.
 - 2. The User fee rate, as a percentage, to be collected on the Water Distribution System monthly bill pursuant to this Rule 64.

The public hearing which results in the adoption of the District's annual budget shall satisfy the requirements of this Rule.

- C. Water Distribution System User fees established by the Board shall be collected from each applicable Water Distribution System. Each Water Distribution System shall pay its User fee to the District in monthly installments during the fiscal year. Water Distribution Systems are required to submit payment of User fees within thirty (30) days of the monthly Water Distribution System billing cycle. An alternate collection and remittance cycle may be established by agreement between the District and the Water Distribution System.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 12 (4/9/84); Ordinance No. 125 (9/18/2006); Ordinance No. 176 (1/25/2017)

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RULE 101 - FORECAST OF WATER SUPPLY

A. GENERAL MANAGER'S WATER SUPPLY FORECAST

The General Manager shall annually by May 1, compile a summary forecast which estimates the amount of water in reservoirs, aquifers, and other Sources of Supply available for use by each Water Distribution System with more than three thousand (3,000) Connections. The water supply forecast shall include equipment operational status including, but not limited to, all Wells and pumps, transmission mains, treatment plants, pumping stations, auxiliary reservoirs and tanks. The forecast report shall further evaluate the projected demand of the applicable system and determine the number of months that the water available for use will support the projected demands. The General Manager's forecast report shall set forth a draft Water Supply Management Strategy for use in the remaining and following Water Year by each such Water Distribution System. The Water Supply Management Strategy shall also support the requirements of District Rule 160.

B. WATER SUPPLY MANAGEMENT STRATEGIES

The Board shall quarterly hold a public hearing to determine District-wide water supply management strategies. The Board shall review the General Manager's water supply forecast report, information, and models which may be provided by the Owner or Operator of any affected Water Distribution System in the District.

The Board shall further determine if the water in resources projected to be available for use by each subject Water Distribution System is less than that needed to meet the near-term projected demands of that system. Where such a finding is made, the Board shall direct the General Manager to District Regulations pursuant to Regulation XVI, The Monterey Peninsula Water Conservation and Rationing Plan, as set forth in these Rules and Regulations.

C. DRAFT OPERATIONAL WATER SUPPLY BUDGETS PREPARED BY WATER DISTRIBUTION SYSTEMS

Each Water Distribution System with more than three thousand (3,000) Connections shall, in the form and manner set by the General Manager, on or before June 1st, submit a draft Operational Water Supply Budget for the forthcoming water quarter to meet the demand projected in the General Manager's water supply forecast report and to comply with the water supply management strategies adopted by the Board. The draft Operational Water Supply Budget shall forecast the anticipated production by the Water Distribution System

from each Hydrological Management Unit for each month of the forthcoming water quarter and shall specify target withdrawals for each Hydrological Management Unit, either as absolute amounts or as percentages to total production.

D. APPROVAL OF OPERATIONAL WATER SUPPLY BUDGETS

The Board shall quarterly hold a public hearing to review the draft Operational Water Supply Budget submitted by each Water Distribution System with more than three thousand (3,000) Connections and determine if that draft budget complies with District-wide water supply management strategies. Based upon the General Manager's water supply report, each draft Operational Water Supply Budget, information, and models which may be provided by the Owner or Operator of any affected Water Distribution System, and other evidence, the Board shall approve and/or modify an Operational Water Supply Budget for the following Water Year for each subject Water Distribution System in the District.

E. DAILY PRODUCTION REPORTS PREPARED BY WATER DISTRIBUTION SYSTEMS

On or before the Friday prior to the second Monday of each month, during the Water Year, each Water Distribution System with more than three thousand (3,000) Connections shall report its actual daily production from each Water-Gathering Facility during the preceding month, and if necessary, shall submit a revised draft operational budget for the remainder of the Water Year. Each subject Water Distribution System shall, in the form and manner requested, further provide operational information to the District upon written request of the General Manager. Each revision of an operational budget shall be submitted to the Board in accord with the process set forth in Subdivision D of this rule.

F. EMERGENCY REVISION OF OPERATIONAL WATER SUPPLY BUDGETS

Where a Water Distribution System with more than three thousand (3,000) Connections provides written notice to the General Manager that immediate revision of the Operational Water Supply Budget is required due to equipment or facilities failure, or when no other Source of Supply is able to meet consumptive demand, then the Water Distribution System may deviate from the Board approved Operational Water Supply Budget upon approval of the General Manager. This notice shall state the reasons for the deviation, the anticipated length of time for the deviation, and the actions to be taken by the Water Distribution System to alleviate the need for the deviation. The General Manager, upon receipt of the notice, shall determine whether to suspend the Operational Water Supply Budget, or to

require compliance with the existing budget. Determinations of the General Manager may be appealed pursuant to the provisions of Rule 70 of these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81); amended by Ordinance No. 19 (12/10/84); Ordinance No. 41 (3/13/89); Ordinance No. 125 (9/18/2006)

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RULE 110 – GENERAL ENFORCEMENT

- A. The General Manager is charged with enforcement of these Rules and Regulations and all other policies adopted by the District. To meet this charge, insofar as inspection of property may be necessary, and in any circumstance where consent to inspect has been sought but is refused or is otherwise unobtainable, the General Manager, or his designee, may obtain an inspection warrant in accord with the Code of Civil Procedure, Section 1822.50 et seq., and may conduct such inspections as are necessary to enforce these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81)

B. Charges and Penalty Assessments

The General Manager may bill and collect all charges and penalties assessed pursuant to these Rules and Regulations, including but not limited to:

- Well registration, reporting, and metering pursuant to Rules 52, 54, and 56;
- Exceedance of production targets pursuant to Rule 103; and
- Water Waste pursuant to Rule 162.

Further, failure to pay fees and charges under any District rule and/or identified in the Rule 60 Fees and Charges Table, may result in other penalties or enforcement as identified in Regulation XI.

Rule added by Ordinance No. 7 (7/13/81); Renumbered by Ordinance No. 133 (5/19/2008)

C. Cease & Desist Order/Compliance Order

1. If the General Manager determines that water or property in the District is being used or maintained in a manner that creates or fosters the creation of a Public Nuisance and/or results in Water Waste, the General Manager shall issue a Cease & Desist Order and/or Administrative Compliance Order to the owner of the subject property, the occupant of the subject property and/or to any other Person(s) responsible for creating or fostering the creation of the Public Nuisance or creating or fostering Water Waste.
2. The Cease & Desist Order and/or Compliance Order shall:
 - a. Describe the nature of the Public Nuisance, Water Waste or other activity that

was created maintained or fostered by or on the subject property; and

- b. Specify a compliance date by which the Public Nuisance, Water Waste or other activity shall cease.
 - c. Specify a compliance date by which remedial activity shall be completed to ameliorate the effects of the Public Nuisance, Water Waste or other activity.
 - d. State the proposed financial penalty.
3. A Cease & Desist Order and/or Administrative Compliance Order shall be deemed to be prima facie evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a Public Nuisance and/or Water Waste unless and until a Hearing Officer or a court of competent jurisdiction determines otherwise.

Rule added by Ordinance No. 133 (5/19/2008)

D. Permit Rule Noncompliance

Creation, Establishment, Expansion, Extension or Amendment of a Water Distribution System without a written Permit from the District is a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. The District may seek criminal prosecution and/or civil enforcement of its rules pursuant to this Rule.

Rule added by Ordinance No. 118 (12/13/04); amended by Ordinance No. 125 (9/18/06); renumbered by Ordinance No. 133 (5/19/2008)

E. General Enforcement

Any Person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of these Rules and Regulations; or, any contractor who installs or removes plumbing fixtures contrary to the provisions of these Rules and Regulations with the intent to defeat the purposes of these regulations, shall be guilty of a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. Violations carry a maximum penalty of \$250 for each offense. 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, and upon conviction thereof, shall be separately punishable.

Rule added by Ordinance No. 141 (11/16/2009)

F. Public Nuisance

1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of these Rules and Regulations, and/or any use of any land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of these Rules and Regulations, shall be, and the same is hereby declared to be a violation of these Rules and Regulations and a Public Nuisance.
2. The District may summarily abate the Public Nuisance, and the Board of Directors or District Attorney may cause or maintain a civil suit or other action, to enjoin or abate the nuisance.
3. Each day any violation of this regulation continues shall be regarded as a new and separate offense. The remedies provided in this regulation shall be cumulative and not exclusive.
4. Should any Person, firm, or corporation violate the terms of this Regulation, and any action is authorized either by the Board of Directors, or District Attorney, or is in fact commenced, no other action shall be taken on any application filed by or on behalf of said Person, firm, or corporation until the action has been concluded or resolved.

Rule added by Ordinance No. 141 (11/16/2009); amended by Ordinance No. 145 (9/20/2010)

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RULE 123 - RIVER MANAGEMENT ACTIVITIES

The following activities fall within the purview of the Carmel River Management Plan and may be undertaken by the District as discretionary acts to the extent that funds are reasonably available.

A. EROSION PROTECTION AND PREVENTION

1. Formulation of Standards

Develop technical standards and a structural master plan to guide all riverbank and channel modification projects. Guidelines may (a) set the optimum channel width and bank steepness to depth relationships, (b) address coordination requirements among nearby property owners, (c) evaluate the cost and effectiveness of alternative bank stabilization solutions, (d) establish preferred solutions, (e) define acceptable circumstances and processes for sediment management, (f) set general engineering requirements for material and design, (g) establish requirements for covering, replanting and maintaining works once completed. Standards shall be reviewed to reflect experience gained during implementation of the program, and (h) establish aesthetic requirements for erosion works.

2. Assessment

Review aerial photos as required to remain familiar with the changing environment of the river; regularly inspect the Riverbed. Review areas that may be subject to erosion during high flows.

3. Removal of Hazardous Trees

Identify trees that appear to be diseased or likely to fall into the river. Attempt to effect removal, modification, or replacement of such trees where removal or modification does not conflict with shade or wildlife requirements.

4. Snag Removal

Remove or modify snags and debris from the channel that increase the risk of bank erosion at high flows.

5. Technical Assistance

Provide technical assistance through staff as follows:

a. Permits

Coordinate issuance of River Work Permits with the requirements of the County of Monterey, the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and any other agency that regulates activities in the Riverbed.

b. Design of Works

Provide design, engineering and construction supervision upon request to landowners proposing riverbank or channel protection projects.

c. Landowners

Assist landowners to carry out appropriate projects by providing information on standards.

d. Regulatory

Regularly monitor and review proposed legislation and regulations affecting the program or the interests of the Carmel River.

e. Funding

Participate in specific River Works projects as feasible and desired by the Board. Financial participation may be partial or full at the discretion of the Board. Monitor the availability of grants and/or other outside funding.

6. Project Sponsor

Administer grant funds, donations, and District projects with multiple other governmental agencies, non-profits, or property owner participation.

7. Construction

Construct riverbank and channel works.

8. Maintenance of Works

Operate and maintain District projects and works related to riverbank and Riverbed erosion along the Carmel River.

B. MAINTENANCE OF VEGETATION

1. Monitoring

Review aerial photos, conduct inspections of the Riparian Corridor and use other monitoring data to determine changes in the health of the riparian vegetation and stability of riverbanks. Maintain records showing changes in the Riparian Corridor.

2. Planting and Revegetation

Replant areas as needed and prioritize areas for planting. Costs of planting may be borne fully or partially by the District.

3. Technical Assistance

As District resources and priorities allow, provide technical assistance through staff as follows:

a. Permits

Assist individuals seeking permits to revegetate and change the vegetation type along the Riparian Corridor.

b. Design

Provide design, engineering, and construction support upon request to landowners proposing Irrigation Systems for watering riparian vegetation in the corridor.

4. Construction of Irrigation Systems

Design District Irrigation System standards and specifications and identify reaches where such irrigation is necessary for the health of the Riparian Corridor. Prioritize areas for irrigation. Irrigation development and construction costs may be borne

fully or partially by the District at the discretion of the Board.

5. Operations and Maintenance

Monitor and maintain District Irrigation Systems. Operation should integrate monitoring of plant health.

6. Channel Clearing

Monitor reaches where vegetation or debris has become established in the Riverbed. If feasible, maintain an adequate clearance within the Riverbed to safely pass debris or reduce the risk of erosion due to blockages that could cause damage to streambanks and riparian habitat due to storm flows within the Riverbed.

C. INSPECTION

1. Erosion Protection Works

Inspect bank work and channel modification projects to obtain compliance with standards and permit conditions.

2. Vegetation Removal

Monitor activities along the river to prevent unauthorized vegetation removal, grading and works.

D. EDUCATION

1. Erosion Works and Prevention

Educate landowners and the general public regarding river management and erosion prevention. Initiate forums with landowners to provide information on the cost, effectiveness, and liabilities of bank modification.

2. Vegetation

Assist property owners to encourage planting of desirable species and to discourage removal of native vegetation. Provide information on desirable species, spacing and maintenance.

3. Grading

Develop and distribute information on grading.

4. Regulation

Develop and distribute standards and conditions to be met in River Work Permits and emergency River Work Permits pursuant to Rule 127. Distribute information as to those activities which may be undertaken without a River Work Permit, and activities which are defined as “minor works” pursuant to Rule 127.

E. **RESEARCH**

Research stream geomorphology, erosion potential, fishery and vegetation to understand the system dynamics and to maintain appropriate standards.

F. **EASEMENTS AND AGREEMENTS**

Accept and acquire easements or agreements needed to provide right-of-way for Irrigation Systems and access to undertake works and accept other property interests deeded to the District.

G. **EMERGENCY**

Provide emergency response to remove or modify snags and to minimize damage where the river is causing erosion or threatening to erode.

A. **PERIODICALLY REVIEW AND UPDATE MAPS SHOWING THE LIMITS OF THE RIPARIAN CORRIDOR**

Develop and periodically update a geo-referenced set of maps showing property lines, the 10-year flowline, and the limits of the Riparian Corridor.

B. **OTHER RELATED ACTIVITIES**

Manage the Riparian Corridor, examine sedimentation from non-riparian drainage areas and evaluate culvert design at tributary junctions in conjunction with the Monterey County Department of Public Works. Monitor existing trails for impact upon the Riparian Corridor.

Develop and propose trail standards. Accept river management funds, grants, and deeds from public and private sources.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 69 (6/21/93); Ordinance No. 111 (1/29/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017); Ordinance No. 181 (5/20/2019)

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**RULE 128 – LIMITATION OF DISTRICT RESPONSIBILITY FOR FLOODING AND
EROSION**

The District is not responsible for the detection, prevention, control, or mitigation of erosion, flooding, or flood damage within the Monterey Peninsula Water Management District.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 14 (11/12/84)

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RULE 161 - GENERAL PROVISIONS

- A. All Water Users within the Monterey Peninsula Water Management District shall comply with the District's Water Waste Prohibitions of Rule 162 and with the requirements of MPWMD Regulation XIV, Water Conservation.
- B. California American Water shall amend its Urban Water Management Plan and its Rule 14.1.1, Water Shortage Contingency Plan - Monterey County District (Monterey Main System), to conform to this Regulation. A copy of Rule 14.1.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- C. Water Distribution Systems regulated by the CPUC shall amend their Rule 14.1 (or 14.1.1) to conform to this Regulation. A copy of Rule 14.1 (or 14.1.1) shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- D. California American Water shall maintain Non-Revenue Water in its Water District Systems at or below seven (7) percent. Average losses of more than seven (7) percent during the most recent twelve-month period shall be considered Water Waste.
- E. Each Water Distribution System Operator shall provide written notice of any adjustment to a Water Conservation or Rationing Stage to every customer via first class mail at least thirty (30) days before any change in Stage is imposed. At all times during Stages 2 through 4 each affected Water Distribution System shall send monthly conservation reminders.
- F. During a Water Supply Emergency, or at the direction of the Board of Directors, each Owner or Operator or Extractor of a private water Well, Water Distribution System, or other Water-Gathering Facility shall comply with the provisions of this Regulation, as they relate to such Well, Water Distribution System, or other Water-Gathering Facility.
- G. The owner and/or manager of rental property shall provide current and new tenants with information about the water conservation requirements, including the Water Waste and Non-Essential Water Use regulations of the District. This information shall be readily accessible on a tenant portal website with annual notification of its presence, or when notice is not provided electronically, the owner and/or manager shall annually provide written information to existing tenants and to new tenants as they move in.

Rule added by Ordinance No. 92 (1/29/99); amended by Ordinance No. 134 (8/18/2008); Ordinance No. 137 (12/8/2008); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/17/2016); Ordinance No. 182 (5/20/2019).

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ITEM: ACTION ITEM**10. CONSIDER REQUEST BY RE:VISION WEST FOR DISTRICT RESERVE WATER FOR WORKFORCE ATTAINABLE HOUSING AT 1045 CASS STREET, MONTEREY (APN 001-671-003-000)****Meeting Date:** September 28, 2026 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Stephanie Kister **Cost Estimate:** N/A**General Counsel Approval:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental quality Act Guidelines Section 15378.

SUMMARY: RE:VISION West (“Applicant”) is requesting 0.338 Acre-Feet (AF) of water from the District Reserve Allocation to permit workforce attainable housing in Monterey. The project consists of six two-bedroom, one and one half-bath condo units located at 1045 Cass Street. RE:VISION West’s request for District Reserve water is found at **Exhibit 10-A**. The Monterey Peninsula Unified School District (MPUSD) has expressed strong interest in reserving all six units upon completion to help them house their teachers before the start of the 2027-2028 school year. A letter of support is included in **Exhibit 10-A** from MPUSD Superintendent, Dr. PK Diffenbaugh.

RE:VISION West would use one other water source to reduce the amount of water needed from the District Reserve. The Site has a Water Use Credit of 0.148 AF, leaving them short by 0.338 AF. Since affordable teacher housing is a top issue for schools trying to hire, this request is time-critical. An allocation from the District Reserve in the amount of 0.338 Acre-Feet would allow a Water Permit to be issued for this project. The Site currently consists of one Single-Family Dwelling and an 1,100 sq ft office. The existing water meter would serve the project.

The Applicant approached City Planning and City Council about obtaining water from its Pure Water Monterey Allocation. Unfortunately, the city has not made any decisions about releasing its allocation and will likely not do so until next year. The Applicant also is unable to obtain funding for this project until water is secured. Therefore, because the project provides a benefit to schools and teachers, staff encouraged RE:VISION West to make a request for District Reserve water.

District Reserve Allocation

The District Reserve has a balance of 2,089.464 AF. The Applicant’s request for 0.338 AF represents approximately 0.016% of the current Reserve balance. If approved, the remaining District Reserve balance would be 2,089.126 AF. Staff has reviewed the requested allocation and determined that it will not adversely impact the District’s overall water supply planning or reserve management objectives.

Rule 33-B states that the District Reserve Allocation is a quantity of water available for use at the District's discretion. The District Reserve Allocation can be augmented by dedications of water from a Water Entitlement, Water Use Credit, Water Credit, or a new Source of Supply.

RECOMMENDATION: As the RE:VISION West project is a benefit to MPUSD, teachers, students and the community and the city has not yet developed a policy for the release and use of its Pure Water Monterey allocation, District staff recommends the Board approve 0.338 AF of District Reserve for RE:VISION West. Approval of this request would not obligate the District to approve similar future requests, as the District Reserve remains subject to Board discretion under Rule 33-B.

Alternatively, the application could be denied and the Applicant would be required to wait for the City of Monterey to start releasing their Pure Water Monterey Allocation which would delay the project.

EXHIBIT

10-A Request for District Reserve Water

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September 4, 2026

Board of Directors

Monterey Peninsula Water Management District

5 Harris Court, Building G

Monterey, CA 93940

cc: Molly Wooden, Water Demand Manager; David J. Stoldt, General Manager

RE: Request for Allocation of District Reserve Water for Workforce Attainable Housing – 1045 Cass Street, Monterey, CA (APN 001-671-003-000)

Dear Members of the Board:

RE:VISION WEST is a mission-driven real estate development company dedicated to providing attainable housing for the “missing middle” workforce.

The Monterey Peninsula faces a critical shortage of workforce attainable housing and is quickly losing the vibrancy that makes for a strong and resilient community. RE:VISION WEST receives requests on a near-daily basis from schools, nonprofits, and health care employers who cannot recruit or retain staff because of the lack of attainable housing in the area.

The City of Monterey holds a jurisdictional water allocation from the District that is sufficient to serve this project. However, the City has not yet implemented the process they passed earlier this year for assigning that allocation to individual projects, and has not been able to give us a timeline for doing so. We have spoken with decision makers on many occasions and have testified several times at Planning and City Council Meetings expressing the need for the water to be assigned to complete our project. Given this uncertainty, and the time-sensitive nature of our construction schedule for units to be completed in Spring 2027, we are respectfully requesting that the District consider a direct allocation from the District Reserve to bridge this gap.

The Monterey Peninsula Unified School District (MPUSD) has expressed strong interest in being able to reserve all six units upon completion, which would help them to house its teachers before the start of the 2027–28 school year. MPUSD's reservation of the units would help ensure they remain workforce housing for educators over the long term.

- Our project will add six (6) two-bedroom, one and one half-bath units to a walkable infill site at 1045 Cass Street, Monterey and would be available for MPUSD faculty before the start of the 2027–28 school year.
- The project is served by an existing Cal-Am water meter; no new meter or connection to the Cal-Am distribution system is required.
- The Project currently holds 0.148 acre-feet of water from a formal communication, dated December 4, 2025, from the Water District (attached), which is sufficient to serve 1.63 of the 6 units.
- Based on our calculations using the Water District's form (attached), an additional 0.338 acre-feet of water is needed to activate the remaining 4 townhomes, for a total project demand of 0.486 acre-feet.
- The project's construction schedule requires water availability as soon as possible to allow the project to secure permits and construction funding. We have been in conversation with The Community Foundation for Monterey County for financing a construction loan. However, their investment hinges on our getting the water necessary to complete construction and gain occupancy

We are respectfully requesting that the District allocate 0.338 acre-feet of water from the District Reserve to this project as soon as possible so that we can deliver this workforce housing for MPUSD and our community.

In support of this request, we offer the following:

- If MPUSD, a public school district, were able to reserve all six units to house its educators the result would be a direct public benefit;
- The project is served by an existing Cal-Am meter; **no new connection** to the distribution system is required;
- Approximately 30.5% of the project's total water demand (0.148 of 0.486 acre-feet) is already met through the Project's existing water resources;
- The requested 0.338 acre-feet represents a small fraction of the District's Reserve Allocation; and
- Water availability would enable the project to qualify for investment by the Community Foundation of Monterey Peninsula helping to strengthen and support the workforce that keeps Monterey vibrant and resilient.

Feel free to contact us with any questions or if you need further information. Thank you in advance for your consideration.



Diane Coward

CEO RE:VISION WEST

831-250-3416

Attachments:

- Support Letter from Monterey Peninsula Unified School District
- Deed Restriction Communication Letter showing remaining .148 Acre Feet on property
- Water Permit form showing existing and additional water needed for Project



Monterey Peninsula Unified School District

PK Diffenbaugh, Superintendent
 700 Pacific Street, Monterey, CA 93940
 Phone: 831.645.1204

September 8, 2026

Board of Directors
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 Monterey, CA 93940

Dear Members of the Board:

I am writing in strong support of RE:VISION WEST's request that the Monterey Peninsula Water Management District (MPWMD) assign 0.338 acre-feet of water to support the workforce housing project proposed at 1045 Cass Street.

As you know, attainable workforce housing is extremely difficult to secure on the Monterey Peninsula. This shortage has a direct impact on our schools. Each year, the Monterey Peninsula Unified School District (MPUSD) loses approximately 80–100 certificated employees—including teachers, counselors, and school psychologists. The inability of our employees to find affordable housing close to where they work is a significant challenge in recruiting and retaining the talented educators our students need, and ultimately affects the quality and continuity of education our children receive.

MPUSD has not sat on the sidelines in addressing this challenge. We have worked diligently to support the development of workforce housing and, thanks to a voter-approved bond, purchased a 65-unit converted apartment complex off Garden Road in Monterey. That housing has provided a lifeline for many of our educators, and we continue to explore opportunities to partner with developers to acquire additional units on the Peninsula that would remain dedicated to MPUSD's workforce.

While no agreement has been reached, MPUSD is very interested in the potential of the 1045 Cass Street development. Its location would be particularly valuable to our employees, offering the opportunity to live within walking distance of downtown Monterey and close to the schools and community they serve.

I respectfully urge the Board to approve the requested water allocation. Providing the necessary water to allow this project to move forward would be a meaningful step toward addressing the Peninsula's critical workforce housing shortage and, in turn, strengthening our ability to recruit and retain the educators our students depend upon.

Thank you for your consideration and for your continued work on behalf of the Monterey Peninsula community.

Sincerely,

A handwritten signature in black ink, appearing to be "PK Diffenbaugh", written over a horizontal line.

Dr. PK Diffenbaugh
 Superintendent

ITEM: DISCUSSION ITEM**11. UPDATE ON CEASE AND DESIST ORDER HEARING SCHEDULE**

Meeting Date: **September 28, 2026** **Budgeted:** **N/A**

From: **David Stoldt** **Program/**
 General Manager **Line Item No.:** **N/A**

Prepared By: **David Stoldt** **Cost Estimate:** **N/A**

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: **This does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The District has been participating in the State Water Resources Control Board hearing process to consider modification of the Cease and Desist Order. Most recently the District file written rebuttal testimony on September 18th.

Cal-Am Does Not Intend to Help Lift the Moratorium Immediately

Of note, in its August 19, 2026 direct testimony Cal-Am stated that it will not be able to immediately provide service to new connections. Their testimony goes on to state that Cal-Am “will file a petition with the CPUC to modify Decision 11-03-048.” A petition to modify a decision of the CPUC is an administrative proceeding that can take one to two years. This is neither what the community needs or desires, nor is this delay warranted.

The more direct route to removing the moratorium was described in the CPUC moratorium Decision: “Upon the receipt by California-American Water Company of the written concurrence of the Deputy Director of Water Rights of the State Water Resources Control Board with California-American Water Company’s finding that a permanent supply of water is ready to serve as a replacement for the unlawful diversions of Carmel River water, California-American Water Company shall file a Tier 1 advice letter transmitting the written concurrence and removing from its tariffs the special condition contained in Ordering Paragraph 1 of this decision.” A Tier 1 advice letter is a 30-day process.

Here, Cal-Am signals that it will refuse to make a finding that “a permanent supply of water is ready to serve as a replacement for the unlawful diversions.” Yet, there has been no violation of the water right, or other trespass, for five years, and there is no imminent threat of a violation. All unlawful diversions have, in fact, been replaced. In its rebuttal, the District requests the SWRCB issue an order that waives Condition 15 of Order WR 2016-0016 and Condition 11 of Order WR 2009-0060, such that Cal-Am is not required to certify that it has obtained a permanent supply of water, that the Deputy Director of Water Rights makes such a finding, and the SWRCB directs Cal-Am to file a Tier 1 advice letter to remove the moratorium from its tariff sheets.

Testimony filed can be found at the following link:

<https://ftp.waterboards.ca.gov/WebInterface/login.html>

Username: Cal-AmProject

Password: AccessCal-Am

The hearing schedule is as follows:

August 19, 2026: Written testimony and exhibits addressing the hearing questions were due by e-mail or mail.

September 18, 2026: Written rebuttal to testimony and exhibits were due by e-mail or mail.

November 5, 2026: Opportunity for public comment and presentation of policy statements. This will be conducted as a hybrid hearing with the opportunity to participate in person at the CalEPA Building in Sacramento or online on the Zoom platform.

November 10, 2026: Closing briefs due. Any party may file a closing brief addressing the hearing questions below. The brief should be limited to 10 pages, double-spaced, and written in size 12 font.

EXHIBITS

11-A Rebuttal Testimony of David J. Stoldt filed September 18, 2026

BEFORE THE STATE WATER RESOURCES CONTROL BOARD

Hearing to Consider Modification of California
American Water Company Cease
and Desist Order.

State Water Board Orders
WR2016-0016 and WR2009-0060

REBUTTAL TESTIMONY OF DAVID J. STOLDT

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Attorneys for
**MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT**

September 18, 2026

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BEFORE THE STATE WATER RESOURCES CONTROL BOARD

Hearing to Consider Modification of
California American Water Company Cease
and Desist Order.

State Water Board Orders
WR2016-0016 and WR2009-0060

REBUTTAL TESTIMONY OF DAVID J. STOLDT**I. INTRODUCTION**

Q1: What is your name and business address?

A1: My name is David Stoldt, and my address is 5 Harris Court, Building G, Monterey, CA 93940.

Q2: By whom are you employed and in what capacity?

A2: I have been employed by the Monterey Peninsula Water Management District (the "District") as its General Manager since 2011.

Q3: Briefly describe your current responsibilities and that of the District.

A3: Please see the Introduction to my Direct Testimony submitted August 19, 2026.

II. PURPOSE OF REBUTTAL TESTIMONY

Q4: What is the purpose of your rebuttal testimony?

A4: This rebuttal testimony is submitted as instructed by the July 9, 2026 Amended Notice of Hearing to Consider Modification of California American Water Company Cease and

Desist Order (State Water Board Orders WR 2016-0016 and WR 2009-0060 or “CDO”).)

The Amended Notice set forth an Amended Hearing Schedule to require “Written rebuttal to testimony and exhibits are due by e-mail or mail” on or before September 18, 2026.

My rebuttal testimony is intended to respond, rebut and comment upon testimony submitted on behalf of California American Water Company (Cal-Am) by David Pezzini, and also upon testimony offered by witnesses on behalf of the Carmel River Steelhead Association, the Sierra Club, and the Coalition of Peninsula Businesses. By this rebuttal testimony I also submit provide a summary of additional testimony filed on August 19, 2026 which overwhelmingly supports the request that the SWRCB modify the CDO.

III. TESTIMONY SUPPORTS THE DISTRICT’S APPLICATION FOR MODIFICATION OF THE CEASE AND DESIST ORDER

Q5: How would you summarize the testimony submitted on August 19, 2026?

A5: There were 137 submittals to the State Water Resources Control Board (SWRCB) in this hearing. In addition, the District submitted with its testimony letters of support by advocacy groups and businesses – 22 of those did not also submit testimony August 19th, hence can be added for a total of 159 respondents. The responses are summarized below:

Hearing Question 1: Should Condition 2 of State Water Board Order WR 2009-0060 be modified to lift the moratorium on new service connections?

Support	135
Oppose	20
Non-Responsive	4

Hearing Question 2: If Condition 2 is modified, is the following trigger appropriate for reimposing restrictions currently in Condition 2 such as the moratorium on new service connections?

“Upon Cal-Am reporting diversions exceeding 3,376 acre-feet under the water rights described in Order 95-10 in any water year, the moratorium on new water service connections described in Condition 2 shall immediately be reimposed with no further action required by the Board.”

Support	7
Support District’s Proposed Trigger	56
Support Some Other Trigger	8
Non-Responsive	88

In summary, submitted testimony significantly supports modifying CDO Condition 2 to allow the setting of new meters. Testimony also urges the SWRCB exercise an abundance of caution that the modification should not enable even a single-year violation of Cal-Am’s 3,376 acre-feet water right to cause immediate reinstatement of the moratorium. This testimony appears to primarily relate to a lack of trust in Cal-Am’s ability to manage its Carmel River withdrawals.

IV. REBUTTAL TO TESTIMONY OF DAVID PEZZINI ON BEHALF OF CAL-AM

Q6: What is the District’s view of Cal-Am’s testimony?

A6: Although Cal-Am’s witness David Pezzini state Cal-Am “does not object to a temporary suspension of the moratorium condition in the CDO”¹, it does not actually support the fastest path to do so. In addition, Cal-Am continues to inflate water demand and understate

¹ Testimony of David Pezzini, page 3, August 19, 2026, line 16.

1 available water supplies, in order to create the speculation that without its desalination
2 plant a California Water Code § 1052 trespass is imminently threatened.

3
4 Q7: What do you mean that Cal-Am does not actually support the fastest path to lift the
5 moratorium on new meters?

6 A7: In Cal-Am's response to Question 5 in David Pezzini's testimony, he states Cal-Am will
7 not be able to immediately provide service to new connections.² His testimony goes on to
8 state that Cal-Am "will file a petition with the CPUC to modify Decision 11-03-048."³ A
9 petition to modify a decision of the CPUC is an administrative proceeding that can take
10 one to two years. This is neither what the community needs or desires, nor is this delay
11 warranted.

12
13 Cal-Am witness Pezzini describes the more direct route to removing the moratorium in
14 testimony at the top of page 5: "Upon the receipt by California-American Water Company
15 of the written concurrence of the Deputy Director of Water Rights of the State Water
16 Resources Control Board with California-American Water Company's finding that a
17 permanent supply of water is ready to serve as a replacement for the unlawful diversions of
18 Carmel River water, California-American Water Company shall file a Tier 1 advice letter
19 transmitting the written concurrence and removing from its tariffs the special condition
20 contained in Ordering Paragraph 1 of this decision." A Tier 1 advice letter is a 30-day
21 process.

22
23 Here, Cal-Am witness Pezzini signals that Cal-Am will refuse to make a finding that "a
24 permanent supply of water is ready to serve as a replacement for the unlawful diversions."
25 Yet, there has been no violation of the water right, or other trespass, for five years, and
26

27 ² Testimony of David Pezzini, August 19, 2026, page 4, line 21.

28 ³ *Id.*, page 5 lines 15-17.

1 there is no imminent threat of a violation. All unlawful diversions have, in fact, been
2 replaced. The District requests the SWRCB issue an order that waives Condition 15 of
3 Order WR 2016-0016 and Condition 11 of Order WR 2009-0060, such that Cal-Am is not
4 required to certify that it has obtained a permanent supply of water, that the Deputy
5 Director of Water Rights makes such a finding, and the SWRCB directs Cal-Am to file a
6 Tier 1 advice letter to remove the moratorium from its tariff sheets.

7
8 Q8: Do you contend Cal-Am continues to inflate water demand and understate available water
9 supplies?

10 A8: Yes. Cal-Am witness David Pezzini states that Cal-Am's actual system water demand was
11 8,852 acre-feet (AF) in 2025, and the previous 5-year average was 9,147 AF.⁴ Yet, Cal-
12 Am states in its 2025 Urban Water Management Plan (UWMP) water demand will be
13 10,287 AF by 2030 and 12,498 AF by 2040.⁵

14
15 No facts have been presented to allow a substantial basis to conclude Cal-Am's system
16 water demand will grow 12.5% by 2030, let alone 37% overall growth in fifteen years to
17 2040. In my previously submitted August 19, 2026 direct testimony⁶, the Water
18 Management District rebutted Cal-Am's UWMP. Cal-Am continues to overstate demand
19 for water on the Monterey Peninsula.

20
21 Cal-Am also understates available supplies from Aquifer Storage and Recovery (ASR) and
22 Pure Water Monterey – contrary to the 2025 findings of the California Public Utilities
23 Commission.

24
25
26
27 ⁴ Testimony of David Pezzini, August 19, 2026, page 5, lines 25-26.

28 ⁵ *Id.*, page 13, lines 13-14.

⁶ Direct Testimony of David J. Stoldt, August 19, 2026, page 14, line 19.

1 Cal-Am witness David Pezzini states that “Over the past 15 years, ASR diversions have
2 averaged about 774 afy.”⁷ His testimony includes a table showing ASR injection and
3 recovery during that period.⁸ However, neither witness David Pezzini nor any other Cal-
4 Am witness testimony includes information that ASR wells 3 and 4 were not brought
5 online until 2016, or that Cal-Am limited ASR injection in multiple seasons due to
6 extraction well limitations in the Carmel Valley and/or limited availability of Cal-Am-
7 owned injection wells in the Seaside Basin. In 2025, CPUC Decision D.25-08-006 as
8 modified by Decision 25-10-001, found the average annual supply availability of ASR to
9 be 1,210 AF. I can verify that each of these omitted facts is true and correct, and the net
10 effect of these circumstances is that additional supply is available for Cal-Am use that the
11 water company has not recognized.

12
13 Cal-Am witness David Pezzini goes on to say that during an extended drought “the ASR
14 storage could be completely depleted”⁹ but he fails to acknowledge the Carmel River
15 aquifer has an active increment of stored water of almost 8 years’ worth of Cal-Am’s basic
16 legal water right of 3,376 AFY from the river established by Order 95-10. Cal-Am witness
17 David Pezzini ignores that the Carmel River Basin has sufficient stored water to sustain
18 multiple “Below Normal” to “Critically Dry” water year types and this stored water will
19 still allow Cal-Am to produce its full legally-available water right. For this reason Cal-Am
20 witness David Pezzini errs because stored ASR water would not be immediately depleted.

21
22 Regarding Pure Water Monterey available supplies, Pezzini makes the spurious claim that
23 “the amount of water California American Water can realistically receive from the [Pure
24 Water Expansion] projects during a normal year is estimated to be between 2,001 afy and
25

26
27 ⁷ Testimony of David Pezzini, August 19, 2026, page 9, lines 27-28.

28 ⁸ *Id.*, page 10, Table 1.

⁹ Testimony of David Pezzini, August 19, 2026, page 10, line 26.

2,234 afy, and may be limited to between 0 afy and 1,100 afy during dry years.”¹⁰ This statement is demonstrably false. CPUC Decision D.25-08-006, as modified by Decision 25-10-001, found the average annual supply available to Cal-Am by Pure Water Monterey Expansion to be 2,250 AF and the overall Pure Water Monterey total annual supply to be 5,750 AF. Cal-Am witness David Pezzini ignores this fact. Cal-Am continues to write its own narrative of water supplies despite the findings of a statewide regulatory agency.

Q9: Does the District agree with Cal-Am’s proposed trigger for automatic reinstatement of the moratorium in 2030?

A9: No. Cal-Am is tying its support to temporarily lifting the moratorium to construction of its desalination plant by 2030, which they believe would result in “lifting” the entire CDO. Cal-Am witness David Pezzini testifies, “If the CDO has not been lifted by July 1, 2030, the moratorium should automatically be reinstated, as the risk of drought and accompanying water supply shortfall is too great.”¹¹ Pezzini’s suggestion is based on speculation rather than deriving from an analysis of fact. By 2030, Cal-Am will not have contributed to a California Water Code § 1052 trespass for almost nine years, Cal-Am’s near-term annual surplus of supplies will have increased stored water, and there will be no likelihood that a trespass will be imminently threatened. The SWRCB should take a wait-and-see approach, identify then-current facts, and at that time adapt to actual conditions before a reinstatement is considered.

Q10: Do you concur with Cal-Am witness David Pezzini’s concept of carry-over or storage credit on a year-to-year basis through 2029?¹²

A10: No. None of the existing water rights that comprise the 3,376 AF include diversion to storage. License 11866 allows water stored behind Los Padres Dam to be released for

¹⁰ Testimony of David Pezzini, August 19, 2026, page 11, lines 20-22.

¹¹ Testimony of David Pezzini, August 19, 2026, page 16, lines 1-2.

¹² See Testimony of David Pezzini, August 19, 2026, page 16, lines 9-15.

1 rediversion and, over time, the points of rediversion have become Cal-Am wells to allow
2 system production for customer service. The concept of a carry-over provides storage
3 credit for water that has already run to the ocean.

4
5 Q11: Do you concur with Cal-Am's concept of a temporary urgency permit application or a
6 temporary urgency change petition?¹³

7 A11: No. Cal-Am witness David Pezzini proposes a trigger that is too speculative and too
8 narrow. Cal-Am has limited ability to accurately forecast customer demand over a 30-day
9 period. The District has offered trigger language that is a far better early warning
10 mechanism.

11
12 **V. REBUTTAL TO OTHER TESTIMONY**

13
14 Q12: Is there any other testimony the District chooses to rebut?

15 A12: Yes, testimony on behalf of the Carmel River Steelhead Association, the Sierra Club, and
16 the Coalition of Peninsula Businesses.

17
18 Q13: Do you wish to rebut the Carmel River Steelhead Association (CRSA) testimony?

19 A13: Yes. CRSA witness of Brian LeNeve states the District "has not provided documentation
20 of a finalized permit for" the Pure Water Monterey Expansion.¹⁴ By this rebuttal testimony
21 I can verify that the Central Coast Regional Water Quality Control Board issued Order R3-
22 2025-0008 to Monterey One Water on October 9, 2025. CRSA may not have been aware
23 of this fact but there was no requirement for a copy to be provided to CRSA. The
24 Expansion began delivering water effective October 9, 2025

25
26
27

¹³ See Testimony of David Pezzini, August 19, 2026, page 16, lines 16-24.

28 ¹⁴ Testimony of Brian LeNeve, CRSA, August 19, 2026, page 1.

1 Brian LeNeve also claims State-mandated housing far exceeds housing predicted by the
2 District. This is not true. My testimony on behalf of the District was presented to the
3 CPUC in the record that resulted in Decision D.25-08-006, as modified by Decision 25-10-
4 001. This testimony accurately addressed the 2022 6th Cycle Regional Housing Needs
5 Allocation.

6
7 Most of Brian LeNeve's testimony on behalf of CRSA embodies a request that Cal-Am
8 fulfill or increase environmental mitigations to protect threatened species. The District has
9 no dispute over such environmental activities. The CDO, however, instead is founded
10 upon whether a California Water Code § 1052 trespass is occurring or threatened.
11 Environmental mitigations are mutually exclusive from the water right compliance.

12
13 Q14: Do you wish to rebut the Sierra Club testimony?

14 A14: Yes. Similar to the CRSA testimony, Sierra Club testimony presents a request that
15 SWRCB consider additional environmental mitigations to protect threatened species. As
16 stated earlier, the District's requested modification of the CDO solely focuses on whether a
17 California Water Code § 1052 trespass is occurring or threatened. The environmental
18 mitigations are mutually exclusive from the water right compliance.

19
20 Q15: Do you wish to rebut the Coalition of Peninsula Businesses testimony?

21 A15: Yes. The Coalition offers the testimony of Jeff Davi to urge the SWRCB to "explicitly
22 reaffirm the necessity of completing the MPWSP in its entirety" where MPWSP stands for
23 the Monterey Peninsula Water Supply Project.¹⁵ However, the two topics are unrelated.
24 Assessing trespass is not based on future speculative projects if there is no imminent threat.

25
26 Q16: Does that conclude your Testimony?

27 _____
28 ¹⁵ Testimony of Jeff Davi, August 19, 2026, page 2.

1 A16: Yes. I have been authorized by the District Board of Directors to submit this rebuttal
2 testimony as the formal position of the District. I declare under penalty of perjury under
3 the laws of the State of California that the foregoing rebuttal testimony is true and correct
4 based upon my own personal knowledge, except as to conclusions that are presented or
5 referenced therein, and as to each conclusion it has been made by me in my professional
6 capacity as General Manager of the District.

7
8 Executed on this 18th day of September 2026, Monterey, California.

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10 

11 David J. Stoldt
12 General Manager
13 MONTEREY PENINSULA
14 WATER MANAGEMENT DISTRICT
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ITEM: DISCUSSION ITEM**12. UPDATE ON CAL-AM PROGRESS TO SATISFY COASTAL COMMISSION PERMIT CONDITIONS**

Meeting Date:	September 28, 2026	Budgeted:	N/A
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From:	David Stoldt	Program/
	General Manager	Line Item No.: N/A

Prepared By:	David Stoldt	Cost Estimate:	N/A
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General Counsel Review: N/A.**Committee Recommendation: N/A****CEQA Compliance: This does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The District has been tracking certain conditions related to the California Coastal Commission (CCC) issuance of a Coastal Development Permit which the CCC described as follows:

“Staff recommends that the Commission finds that there is no current alternative that can provide a reliable supply of water in the longer-term. Although the Pure Water Expansion is expected to meet demand in the near term, based on updated supply and demand estimates, the Pure Water Expansion project alone is likely inadequate to meet demand over the next twenty years. For that reason, denial of the Project would adversely affect the public welfare. Staff’s recommended Findings recognize the need for long-term planning to address the region’s critical water supply constraints and has conditioned this approval in ways that allow the Commission to evaluate any changed circumstances in the future (including any feasible alternatives that may emerge in the future) if the Project’s construction timeline becomes too remote. Finally, through the imposition of a number of conditions, staff believes the Project’s impacts have been mitigated to the maximum extent feasible.

Commission Action

The Commission approved, as described herein, the findings and the special conditions for Coastal Development Permit (CDP) No. A-3-MRA-19-0034 and Coastal Development Permit No. 9-20-0603.”

If development has not commenced, the permit will expire five years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. This means that all CDP permit conditions must be met by November 17, 2027 or an extension of the permit must be made prior to the expiration date.

EXHIBITS**12-A Unresolved Conditions or Requirements for MPWSP Desalination Plant**

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Updated 9/12/26
Unresolved Conditions or Requirements for
MPWSP¹ Desalination Plant to Move Forward

Coastal Commission Key Conditions		
Condition or Requirement	Background/Status	Comments
1.Monterey One Water (“M1W”): Coastal Commission permit authorization for construction of modifications to the existing M1W ocean outfall.	The MPWSP anticipates discharging reject brine (highly salty water) from the desalination facility into the M1W ocean outfall. In October 2023, Cal-Am and M1W entered an Outfall Capacity Negotiation, Cooperation, & Funding Agreement (Agreement). The Agreement outlined a series of activities to be completed before Cal-Am and M1W can negotiate a Long-Term Capacity Lease that would allow Cal-Am to discharge brine into M1W’s ocean outfall. The following four major activities are described in the Agreement: 1. Design Outfall Improvements required to accept MPWSP desalination brine; 2. Amend M1W’s National Pollutant Discharge Elimination System (NPDES) Permit to allow discharge of MPWSP desalination brine through M1W’s Ocean Outfall. (<i>See below</i>); 3. Apply to the California Coastal Commission for an amendment to M1W’s existing Coastal Development Permit for the outfall, which is needed to construct, operate, and maintain the Outfall Improvements; and	On March 30, 2026 M1W Board authorized submitting an application for the Coastal Development Permit. Incomplete letter received April 29, 2026. Expect additional filing 6 months following Regional Board hearing in December 2026 on NPDES permit (see below.)

¹ The term “MPWSP” refers to the Monterey Peninsula Water Supply Project and in this context refers to the proposed desalination project.

	4. Submit an application to amend and extend M1W's State Lands Commission Lease for the Outfall Improvements to allow for MPWSP brine discharge. M1W's existing lease expires 11/30/30 so this creates an opportunity for a long-term extension.	
1.Monterey County: encroachment permit(s) for construction within the coastal zone and County jurisdiction.	Permit 19CP00658 (Grading) has been approved (will need to be extended 6/5/26 if no action) Permit 19CP00902 (Combination) has been approved (will need to be extended 11/21/25 if no action)	Condition satisfied.
1.Cities of Marina, Seaside, and Sand City: encroachment permit(s) for construction and operation of Project within the jurisdiction of these entities.		Condition not satisfied as of 9/12/26.
1.Transportation Agency of Monterey County ("TAMC"): approvals necessary for construction and operation of Project within TAMC rights-of-way.	An "Easement Purchase Agreement" was executed in September 2019 for both a series of temporary construction easements (TCEs) and a Permanent Easement. The permanent non-exclusive easement and right of way for water utility purposes was recorded on August 25, 2020.	Condition satisfied.
1.State Lands Commission (SLC): lease(s) of state tidelands for continued use of the Project's existing and new proposed wells beneath state tidelands.	Cal-Am has applied to the SLC for a "General Lease – Industrial Use." The proposed lease would allow Cal-Am to construct four new subsurface slant wells and convert an existing test slant well into a fifth subsurface slant well. This is part of Cal-Am's first phase, a 4.8-MGD ocean desalination project. The SLC first issued Cal-Am a "General Lease – Right-of-Way Use" to construct and operate a temporary	Condition satisfied 6/23/26.

	exploratory test slant well on December 17, 2014 and has renewed it several times. The SLC held a public meeting on Environmental Justice issues in Marina on December 6, 2024. In 2017, the Coastal Commission and the State Lands Commission negotiated a Settlement Agreement under which CEMEX ceased beach sand mining on its property. The agreement requires CEMEX to eventually transfer the land associated with its former beach sand mining operation to a nonprofit or governmental entity or consortium approved by the Commission in consultation with the City of Marina. This land transfer has not occurred but may occur before or after CEMEX completes mine reclamation required by the Surface Mining and Reclamation Act. Before the land is transferred, it must be placed under a deed restriction “to preserve the open space and habitat values of the property” that allows for public access. The agreement does not supersede or interfere with Cal-Am’s rights or obligations under its existing easement granted by CEMEX.	
1. Central Coast Regional Water Quality Control Board (RWQCB): A National Pollution Discharge Elimination System (NPDES) permit allowing the discharge of effluent through the M1W outfall and approval to modify that outfall.	On September 30, 2024 the M1W Board authorized the Report of Waste Discharge (ROWD) to be submitted to the Regional Water Quality Control Board (RWQCB) to start the permit process. After the RWQCB amends the NPDES permit, the amendment must be authorized by the Monterey Bay National Marine Sanctuary (MBNMS). In 2024, staff from the MBNMS and RWQCB expressed concerns about the	Condition not satisfied as of 9/12/26. Regional Board sent Cal-Am a notice of incomplete application May 1, 2026. Cal-Am supplied items on May 27, 2026. Best case for a hearing is December. Regional Water Board staff will share an Administrative Draft version of the permit with M1W, U.S. EPA, and Monterey Bay National

	proposed outfall modifications and the adequacy of the Environmental Impact Report/Statement (EIR/EIS) for the MPWSP. MIW staff met with staff from MBNMS, RWQCB, CPUC, and Coastal Commission to discuss the EIR/EIS and if/how the additional outfall modifications. MIW staff also met with the same agencies to discuss a broader set of topics, including a Marine Life Mortality Study and other steps in the NPDES permitting process. The RWQCB reviewed the October 2024 ROWD and found it to be incomplete. The Regional Water Board provided comments and requests for additional information in a letter to MIW dated January 31, 2025. MIW and Cal-Am have since worked to identify and select a project alternative to address the Regional Water Board's comments and submitted addenda to its ROWD on July 1, 2025.	Marine Sanctuary (MBNMS) and accept informal comments. When the informal comments have been addressed, Regional Water Board staff will post a Tentative Order NPDES permit amendment for 30-day public comment period. Only formal written comments will be accepted. After the public comment period ends, Regional Water Board staff will review comments received, modify the Tentative Order as needed, and prepare a written Response-to-Comments. The Regional Water Board will schedule a public hearing to adopt the amended NPDES permit. Such hearing is not expected until late-2026.
1.California Public Utilities Commission (“CPUC”): completion of the CPUC’ spending proceeding (A.21-11-024) of water supply and demand estimates for the Monterey Peninsula Water Supply Project (MPWSP) with a determination that there is projected demand for additional water supply beyond the Pure Water Project Expansion		Condition satisfied.
1.Monterey Bay National Marine Sanctuary: authorization from the Sanctuary to allow discharges into Sanctuary waters and drilling and disturbance of submerged lands within the Sanctuary. This is to include any necessary Biological Opinions required.		Condition not satisfied as of 9/12/26.

1.Legal: a final judgment of the pending action entitled <i>City of Marina v. RMC Lonestar, et al.</i>, Monterey County Superior Court No. 20CV001387. The Coastal Commission permit shall not be issued if that judgment or disposition demonstrates that (1) Cal-Am does not have, and cannot feasibly obtain, water rights for the Project or (2) Cal-Am’s project would cause harm to any aquifer that is a source of drinking water to the City of Marina or the Marina Coast Water District.	In its referral, the SWRCB states “We cannot say with reasonable certainty that the amount drawn by the Cal-Am wells <i>will not exceed</i> 500 AFY from any source beneath the CEMEX Property. To the contrary, the evidence strongly supports the conclusion that the amount drawn by the proposed slant wells will significantly exceed 500 AFY from beneath the CEMEX Property.”² Yet 500 AFY is the purported limit under the Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands (“Annexation Agreement”) originally entered into by the City, Defendant RMC Lonestar and other parties in 1996. In that Agreement, Defendant RMC Lonestar, a predecessor of Defendant RMC Pacific Materials, LLC, agreed (A) to limit all groundwater withdrawals at and under the CEMEX Property to no more than 500 acre feet per year (“AFY”), and (B) to ensure that all extracted groundwater would be used within the Salinas Valley Groundwater Basin. ³ The lawsuit also states that Defendant Cal-Am lacks any right to extract groundwater for the Project at the CEMEX Property or to export this groundwater to users located outside of the Salinas Valley Groundwater Basin.⁴	Condition not satisfied as of 9/12/26. This lawsuit requests determination and relief on two water issues: (i) may Cal-Am extract more than 500 AFY of groundwater from the site, and perhaps whether or not the Lonestar/Cemex limit is valid. (ii) the groundwater extraction contemplated by the Easement for the Cal-Am Project is prohibited by the Agency Act because it violates the export ban and Cal-Am is not entitled to export any water extracted by the wells located on the CEMEX Property directly or indirectly to users located outside of the Basin. However, it is unclear if the water rights issue will be resolved in this legal proceeding. <i>See below.</i> The trial is ongoing with a hearing scheduled for November 12, 2026 so it is unlikely a final decision will be issued until the end of the calendar year.
2.Project Phasing. The Coastal Commission conditional permit authorizes Phase I of the Project. To obtain authorization for		Condition for 4.8 MGD plant satisfied per Coastal Commission application. Unclear if

² Final Report of the Board as Referee in *City of Marina v. RMC Lonestar*, Superior Court of California, County of Monterey, Case No. 20CV001387, prepared by the Administrative Hearings Office, State Water Resources Control Board, June 25, 2025, p. 66

³ Case No. 20CV001387, Second Amended Complaint for Declaratory Relief Under the Annexation Agreement and the Agency Act, p. 2

⁴ *Id.*, p. 3

construction and operation of Phase II in the future, Cal-Am shall submit an application for an amendment that includes all of the following: a) Authorization from the CPUC for the 6.4 MGD facility. b) A detailed description of Phase II. c) An assessment of coastal resource effects from Phase II. and d) Confirmation that Cal-Am has submitted monitoring reports for Phase I. Cal-Am shall not begin operation of Phase II until the following criteria have been met: a) Phase I has been in full operation for a minimum of two years; and b) All required monitoring reports have been submitted, including the Groundwater Monitoring Report, Wetland Monitoring Report, etc., for a minimum two-year period, to demonstrate that the Project's Phase I has not caused any significant adverse effect on local groundwater supplies for the City of Marina and Marina Coast Water District, wetlands or other coastal resources.		CPUC approval for 4.8 MGD plant is required. <i>See below.</i> The District, City of Marina, and MCWD filed a Complaint at the CPUC regarding the revised project size, among other things.
3.Construction Best Management Practices PRIOR TO STARTING CONSTRUCTION ACTIVITIES, the Applicant shall provide, for Executive Director review and approval, Construction Plans that address construction methods and Best Management Practices ("BMPs") of all project components...		Condition not satisfied as of 9/12/26. Coastal Commission staff indicates not yet received and expect this submittal once the prior-to-issuance conditions are satisfied and before construction begins within the coastal zone.
5.Spill Prevention and Response Plan PRIOR TO THE START OFCONSTRUCTION ACTIVITIES, the Applicant shall submit, for Executive Director		Condition not satisfied as of 9/12/26. Coastal Commission staff indicates not yet received and expect this submittal once the

review and approval, Project-specific Spill Prevention and Response Plans that address potential spills or releases of hazardous materials during both project construction and project operations.		prior-to-issuance conditions are satisfied and before construction begins within the coastal zone.
7.a) Pre-Construction Biological Surveys PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES IN SPECIFIED WORK AREAS, Protocol-level surveys shall be conducted for any species that have been previously documented in the work area...		Condition not satisfied as of 9/12/26. Coastal Commission staff indicates not yet received and expect this submittal once the prior-to-issuance conditions are satisfied and before construction begins within the coastal zone.
9.Dune Habitat and Open Space Protection. PRIOR TO THE START OF CONSTRUCTION, Cal-Am shall submit to the Executive Director evidence of existing deed restriction(s) or documentation irrevocably dedicating habitat and open space conservation easement(s) in perpetuity.		Coastal Commission staff indicates a draft received and expects this submittal before construction begins within the coastal zone.

11.Groundwater Protection. Cal-Am shall install the Project's slant wells to extend at least 1,000 feet seaward of the proposed well head locations and shall screen the wells so they extract water as far seaward as is feasible and without penetrating the 400-Foot Aquifer.		Condition not satisfied as of 9/12/26. However, this condition can only be determined after construction.
12.Monitoring and Remedial Measures to Protect Groundwater. PRIOR TO ISSUANCE OF THE COMMISSION PERMIT, Cal-Am shall provide, for Commission review and approval, a Groundwater Monitoring Plan intended to ensure the Project's source water pumping does not adversely affect the aquifers that are a source of drinking water to the City of Marina and the Marina Coast Water District.		Coastal Commission staff received a draft groundwater monitoring plan on June 22, 2026 and it is being reviewed by the Commission and MCWD.
13.Wetlands and Vernal Pond Adaptive Management Program. PRIOR TO PERMIT ISSUANCE, Cal-Am shall submit a Wetlands and Vernal Pond Adaptive Management Program, for review and approval by the Executive Director. Cal-Am shall provide the funding necessary to allow the Executive Director to hire one or more independent third-party reviewers.		Coastal Commission staff received a draft wetlands and vernal pond adaptive management plan in April 2024 and provided written comments on February 10, 2026. Coastal staff are awaiting an updated draft plan for review.
16.Low-income ratepayer relief. Cal-Am shall prepare and implement a low-income ratepayer relief program, inclusive of the following: Cal-Am shall submit a low-income ratepayer relief program plan that includes baseline information on the number of low-income ratepayers in the district.		Condition not satisfied as of 7/1/26. Ratemaking is the purview of the CPUC. It is unclear how a \$500,000 and funding the United Way hardship program in perpetuity would not be subject to CPUC approval. Further, with no updated construction cost numbers, the level of subsidy provided by

a) The plan will also include an outreach strategy including a timeline to enroll qualified ratepayers in its Customer Assistance Program. The plan shall explore options to offset the increased costs of desalinated water on low-income ratepayers identified through AB 1550 that are not currently eligible for rate assistance. This may include Cal-Am working with the CPUC or independent of its approval to create new programs or expand income eligibility of existing programs, as detailed in subsection (b) and (c). The Plan shall also provide for annual reporting on the status and success of these programs, consistent with Special Condition 16. b) Cal-Am shall implement the following: i. A \$500,000 grant to the United Way Hardship fund and proposal to continue funding the United Way Hardship fund in perpetuity. ii. A \$10 cap on rate increases per month for ratepayers enrolled in its Customer Assistance Program. The cap shall be in place for the duration of the Project..		regular (non-CAP) ratepayers cannot be projected or analyzed by the CPUC. Further, it is unclear whether Cal-Am intends to seek CPUC permission for the cap and subsidy prior to construction. It is difficult to understand how the CPUC wouldn't require approval prior to commencement of construction.
17.Community Engagement and Public Access Plans and Implementation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, Cal-Am shall submit a Community Engagement Plan that ensures residents and representatives of the City of Marina will be equitably engaged in development of a revised Public Access and Amenities Plan. It shall include a schedule and agendas for at least five community workshops within the		A community engagement plan was reviewed, approved, and implemented and a community engagement report was submitted in April 2025. The City of Marina also completed its own community engagement and report in April 2025 and provided to Coastal Commission staff. Cal-Am developed a draft Public Access and Amenities Plan (November 2025) based on the results of both their own and the City's community engagement efforts, and Commission staff provided written comments on the draft plan in May 2026.

City to allow community input on preferred public access opportunities and improvements. Upon Coastal Commission approval of the Plan, Cal-Am shall implement to prepare a Public Access and Amenities Plan based on preferences expressed in the Community Engagement Plan. This Access Plan shall include two components: a Public Access and Amenities Plan for the City of Marina and a Plan describing how Cal-Am's project site will be connected into the larger planning effort for the CEMEX site. Cal-Am will provide three million dollars as funding to implement the elements of this Plan. The Plan shall describe the process for Cal-Am's funding of one full-time staff person at the City of Marina with appropriate professional credentials to provide technical oversight regarding the elements of the plan on behalf of the City of Marina, and Cal-Am shall fully fund that position for a period of ten years.		Coastal Commission staff are awaiting an updated draft plan for review. It is difficult to understand how the CPUC wouldn't require approval of the cost impacts of a \$3 million payment to Marina and a fully-funded staff person (paid for by ratepayers) for ten years, prior to commencement of construction.
19. Energy Minimization and Greenhouse Gas Reduction. PRIOR TO THE START OF CONSTRUCTION ACTIVITIES, Cal-Am shall submit, a plan that identifies the expected annual amount of indirect greenhouse gas ("GHG") emissions resulting from the Project's electricity use during its initial year of operations, with provisions to update these expected emissions during each subsequent year of operations.		Coastal Commission staff received a draft plan on August 17, 2026 and it is being reviewed.

20. Visual Resources PRIOR TO CONSTRUCTION, the Applicant shall submit, for Executive Director review and approval, a Visual Elements Plan that illustrates all above-grade elements of Project components within the coastal zone.		Coastal Commission staff received a visual elements plan on March 12, 2026 and it is being reviewed.
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ITEM: INFORMATIONAL ITEM/STAFF REPORT**13. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER \$25,000**

Meeting Date: September 28, 2026 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Nishil Bali **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review as **Exhibit 13-A** is a monthly status report on contracts over \$25,000 for the period July 2026. Contracts associated with District grants are provided in a separate section for reference. This status report is provided for information only, no action is required.

EXHIBIT**13-A Status on District Open Contracts (over \$25k)**

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EXHIBIT 13-A

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**Monterey Peninsula Water Management District
Status on District Open Contracts and Grants
For The Period July 2026**

Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending*	Total Expended To Date	Current Period Activity	P.O. Number
1 Albert A. Webb Associates	Consultant for Public's Acquisition of Monterey Water System (Cal-Am)	11/18/2024	\$ 1,200,000.00	\$ 117,465.00	\$ -	\$ 117,465.00		PO03880
2 Close and Associates	Utility consultant for Public's Acquisition of Monterey Water System	11/18/2024	\$ 965,000.00	\$ 131,346.33	\$ -	\$ 131,346.33		PO03876
3 Colantuono, Highsmith, & Whatley, PC	MTA Legal services for appeal to Water Supply Charge	9/15/2021	\$ 100,000.00	\$ 97,222.22	\$ -	\$ 97,222.22		PO03715
4 CSC	Recording Fees FY 25-26	7/1/2025	\$ 60,000.00	\$ 40,000.00	\$ -	\$ 40,000.00		PO03957
5 CSC	Recording Fees FY 26-27	4/20/2026	\$ 65,000.00	\$ -	\$ -	\$ -		PO04162
7 Deveera Inc	IT Managed Services & Subscriptions FY 26-27	4/20/2026	\$ 94,851.68	\$ -	\$ 7,829.12	\$ 7,829.12	Current period billing	PO04179
9 GSI Environmental Inc.	Upgrade CRBHM	4/20/2026	\$ 68,000.00	\$ -	\$ 2,868.62	\$ 2,868.62	Current period billing	PO04189
10 IGM Holdings	Budget Suite software	12/2/2025	\$ 52,704.00	\$ 23,000.00	\$ -	\$ 23,000.00		PO04067
11 JEA and Associates	State Advocacy Services FY 26-27	5/18/2026	\$ 72,000.00	\$ -	\$ 6,000.00	\$ 6,000.00	Current period billing	PO04159
12 John K. Cohan dba Telemetrix	Consultant Services for Sleepy Hollow Facility 25-26	7/1/2025	\$ 35,408.00	\$ 34,487.12	\$ -	\$ 34,487.12		PO04141
13 Kennedy/Jenks Consultants, Inc.	Urban Water Management Plan Services	7/1/2025	\$ 134,860.00	\$ 74,761.52	\$ -	\$ 74,761.52		PO04025
14 Kevin Robert Knapp/ Tierra Plan LLC	Surface Water Data Portal	11/14/2022	\$ 27,730.00	\$ 27,400.81	\$ -	\$ 27,400.81		PO03302
15 Lynx Technologies, Inc	GIS Consultant Contract for FY 26-27	6/22/2026	\$ 35,000.00	\$ -	\$ 4,500.00	\$ 4,500.00	Current period billing	PO04202
16 Maggiora Bros. Drilling, Inc	ASR Support from Maggiora Bros for Well Work	6/20/2023	\$ 50,000.00	\$ -	\$ -	\$ -		PO03407
17 Montgomery & Associates	Groundwater Modeling Montgomery Contract	6/27/2024	\$ 55,000.00	\$ -	\$ -	\$ -		PO03750
19 Montgomery & Associates	Tularcitos ASR Feasibility Study	3/20/2023	\$ 119,200.00	\$ 112,419.50	\$ -	\$ 112,419.50		PO03368
20 Montgomery & Associates	Annual Groundwater Modeling Support	6/20/2022	\$ 50,000.00	\$ 37,929.00	\$ -	\$ 37,929.00		PO03193
21 Montgomery & Associates	Annual Groundwater Modeling Support	6/22/2026	\$ 55,000.00	\$ -	\$ -	\$ -		PO04148
22 Pueblo Water Resources, Inc.	ASR Operations Support	6/20/2023	\$ 25,000.00	\$ 1,997.50	\$ -	\$ 1,997.50		PO03406
23 Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	\$ 68,679.00	\$ 57,168.85	\$ -	\$ 57,168.85		PO01628
24 Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	\$ 94,437.70	\$ 47,282.61	\$ -	\$ 47,282.61		PO01510
25 Raftelis Financial Consultants	Measure J/Rule 19.8 Appraisal/Rate Study Phase 4	8/21/2023	\$ 200,000.00	\$ 36,190.00	\$ 2,467.50	\$ 38,657.50	Current period billing	PO03491
26 Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase IV	2/24/2023	\$ 450,000.00	\$ 436,113.86	\$ -	\$ 436,113.86		PO03639
27 Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase IV	8/17/2026	\$ 360,000.00	\$ -		\$ -		PO04211
28 RWG Law	California Coastal Commission and Cal-Am Case	3/16/2026	\$ 40,000.00	\$ 33,443.44	\$ -	\$ 33,443.44		PO04117
29 Schaaf & Wheeler	Drawing Support Services	4/23/2023	\$ 30,000.00	\$ 29,425.00	\$ -	\$ 29,425.00		PO03474
30 Shute, Mihaly & Weinberger LLP	LAFCO Litigation	3/17/2025	\$ 355,000.00	\$ 351,648.66	\$ -	\$ 351,648.66		PO03882

Monterey Peninsula Water Management District
Status on District Open Contracts and Grants
For The Period July 2026

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending*	Total Expended To Date	Current Period Activity	P.O. Number
31	Shute, Mihaly & Weinberger LLP	Measure J/Rule 19.8 LAFCO Litigation	8/17/2026	\$ 360,000.00	\$ 23,174.98	\$ 8,811.85	\$ 31,986.83	Current period billing	PO04212
32	The Ferguson Group	TFG Advocacy Services FY 26-27	5/18/2026	\$ 79,380.00	\$ -	\$ 6,615.00	\$ 6,615.00	Current period billing	PO04158
33	The Pun Group	Audit Services for FY 26/27	4/21/2025	\$ 81,900.00	\$ -	\$ 39,375.00	\$ 39,375.00	Current period billing	PO04178
34	TJC and Associates	Perform a review of our electrical system, capacity, and provide overall support for the ASR project	6/27/2024	\$ 45,000.00	\$ 8,682.00	\$ -	\$ 8,682.00		PO03829
35	TM Process & Controls	ASR Well Turbidity Control	8/19/2024	\$ 57,749.00	\$ 54,390.49	\$ -	\$ 54,390.49		PO03852
36	WellmanAD	Public Outreach Consultant FY 25-26	7/1/2025	\$ 94,500.00	\$ 89,700.00	\$ -	\$ 89,700.00		PO03965
37	WellmanAD	Public Outreach Consultant FY 26-27	4/20/2026	\$ 97,344.00	\$ -	\$ 12,281.98	\$ 12,281.98	Current period billing	PO04160

Contracts related to District Grants

1	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	\$ 114,960.00	\$ 75,025.00	\$ -	\$ 75,025.00		PO02847
2	DUDEK	IRWM IR2 Grant Administration	10/1/2022	\$ 90,510.00	\$ 21,243.75	\$ 1,278.75	\$ 22,522.50	FY Q4 Billing	PO03718
3	City of Sand City	IRWM Round 1 Grant Reimbursement	3/28/2022	\$ 1,084,322.50	\$ 83,428.75	\$ 860.00	\$ 84,288.75	FY Q4 Billing	PO03093
4	County of Monterey	IRWM Grant Round 2 Reimbursement	5/19/2023	\$ 898,451.00	\$ -	\$ -	\$ -		PO03879
5	City of Monterey	IRWM Grant Round 2 Reimbursement	5/19/2023	\$ 500,000.00	\$ 85,767.60	\$ 56,031.44	\$ 141,799.04	FYQ3 and Q4 Billing	PO03878

ITEM: INFORMATIONAL ITEM/STAFF REPORT**14. STATUS REPORT ON EXPENDITURES – PUBLIC’S OWNERSHIP OF MONTEREY WATER SYSTEM**

Meeting Date:	September 28, 2026	Budgeted:	N/A
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From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
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Prepared By:	Nishil Bali	Cost Estimate:	N/A
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General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review as **Exhibit 14-A** is a monthly status report on spending – Public’s Ownership of Monterey Water System for the period July 2026. This status report is provided for information only; no action is required.

EXHIBIT**14-A Status Report on Spending – Public’s Ownership of Monterey Water System**

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Monterey Peninsula Water Management District
Status on Public's Ownership of Monterey Water System - Phase IV
Eminent Domain Proceedings through Bench Trial
Through July 2026

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel (Rutan)	12/16/2024	\$ 810,000.00	\$ 426,728.66		\$ 426,728.66	\$ 383,271.34	PA00009-01
2	Eminent Domain Legal Counsel (SMW)*	3/17/2025	\$ 715,000.00	\$ 374,455.61	\$ 8,811.85	\$ 383,267.46	\$ 331,732.54	PA00009-02
3	Financial Services (Raftelis)	8/21/2023	\$ 200,000.00	\$ 36,190.00	\$ 2,467.50	\$ 38,657.50	\$ 161,342.50	PA00009-03
5	Utility Consultant (Close & Associates)	12/16/2024	\$ 965,000.00	\$ 131,346.33		\$ 131,346.33	\$ 833,653.67	PA00009-07
6	Consulting Civil Engineer (Webb Associates)	11/18/2024	\$ 1,200,000.00	\$ 117,465.00		\$ 117,465.00	\$ 1,082,535.00	PA00009-07
	Total		\$ 3,890,000.00	\$ 1,086,185.60	\$ 11,279.35	\$ 1,097,464.95	\$ 2,792,535.05	

	District Legal Counsel			\$ 129,394.51	\$ 7,080.60	\$ 136,475.11		PA00009-05
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Status on Public's Ownership of Monterey Water System - Phase III
Appraisal through Resolution of Necessity
Through October 2023

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	\$ 200,000.00	\$ 98,283.28		\$ 98,283.28	\$ 101,716.72	PA00007-01
2	Appraisal Services	4/17/2023	\$ 220,000.00	\$ 220,000.75		\$ 220,000.75	\$ (0.75)	PA00007-03
3	District Legal Counsel	12/16/2019	\$ 100,000.00	\$ 63,065.50		\$ 63,065.50	\$ 36,934.50	PA00007-05
4	Real Estate Appraiser	8/15/2022	\$ 80,000.00	\$ 53,309.64		\$ 53,309.64	\$ 26,690.36	PA00007-06
6	Water Rights Appraisal	8/15/2022	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46	\$ 29,509.54	PA00007-10
7	Contingency/Miscellaneous	12/16/2019	\$ -	\$ -		\$ -	\$ -	PA00007-20
	Total		\$ 675,000.00	\$ 480,149.63	\$ -	\$ 480,149.63	\$ 194,850.37	

**Status on Public's Ownership of Monterey Water System - Phase II
EIR & LAFCO Application
Through September 2022**

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	9/20/2021	\$ 345,000.00	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	PA00005-01
2	CEQA Work	12/16/2019	\$ 134,928.00	\$ 134,779.54		\$ 134,779.54	\$ 148.46	PA00005-02
3	Appraisal Services	9/20/2021	\$ 430,000.00	\$ 188,683.75		\$ 188,683.75	\$ 241,316.25	PA00005-03
4	Operations Plan	12/16/2019	\$ 145,000.00	\$ 94,860.00		\$ 94,860.00	\$ 50,140.00	PA00005-04
5	District Legal Counsel	12/16/2019	\$ 40,000.00	\$ 162,254.16		\$ 162,254.16	\$ (122,254.16)	PA00005-05
6	MAI Appraiser	6/15/2020	\$ 170,000.00	\$ 76,032.00		\$ 76,032.00	\$ 93,968.00	PA00005-06
7	Jacobs Engineering	12/16/2019	\$ 87,000.00	\$ 86,977.36		\$ 86,977.36	\$ 22.64	PA00005-07
8	LAFCO Process	11/15/2021	\$ 240,000.00	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	PA00005-08
9	PSOMAS	9/20/2021	\$ 28,000.00	\$ 25,900.00		\$ 25,900.00	\$ 2,100.00	PA00005-09
10	Contingency/Miscellaneous/Uncommitted	12/16/2019	\$ 289,072.00	\$ 38,707.08		\$ 38,707.08	\$ 250,364.92	PA00005-20
	Total		\$ 1,909,000.00	\$ 1,194,244.45	\$ -	\$ 1,194,244.45	\$ 714,755.55	

1	Measure J CEQA Litigation Legal Services*	12/23/2020	\$ 200,000.00	\$ 140,303.06		\$ 140,303.06	\$ 59,696.94	PA00005-15
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1	Measure J LAFCO Litigation Legal Services*	1/1/2022	\$ 400,000.00	\$ 398,750.20		\$ 398,750.20	\$ 1,249.80	PA00005-16
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Status on Public's Ownership of Monterey Water System - Phase I
Financial Feasibility
Through November 2019

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	\$ 100,000.00	\$ 160,998.16		\$ 160,998.16	\$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	\$ 30,000.00	\$ 27,000.00		\$ 27,000.00	\$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consultant	2/21/2019	\$ 355,000.00	\$ 286,965.17		\$ 286,965.17	\$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	\$ 100,000.00	\$ 84,221.69		\$ 84,221.69	\$ 15,778.31	PA00002-04
5	District Legal Counsel		\$ 35,000.00	\$ 41,897.59		\$ 41,897.59	\$ (6,897.59)	PA00002-05
6	Contingency/Miscellaneous		\$ 30,000.00	\$ 45,495.95		\$ 45,495.95	\$ (15,495.95)	PA00002-10
	Total		\$ 650,000.00	\$ 646,578.56	\$ -	\$ 646,578.56	\$ 3,421.44	

* Amount amended to match totals for PO03882 with Shute Mihaly & Weinberger for LAFCO Litigation as stated in the Contracts Report

ITEM: INFORMATIONAL ITEM/STAFF REPORT**15. LETTERS RECEIVED AND SENT****Meeting Date:** September 28, 2026**Budgeted:** N/A**From:** David J. Stoldt,
General Manager**Program/** N/A
Line Item No.:**Prepared By:** Sara Reyes**Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

The letters listed below were sent to and/or received by the Board Chair and/or General Manager from August 12 through September 23, 2026. These letters are included in the Board meeting packet to provide transparency for the Board and the public.

Copies are available for review at the District office; reproduction fees may apply.

Digital versions are also available on the District's website at www.mpwmd.net.

Author	Addressee	Date	Topic
Andrew Myrick	MPWMD Board	8/12/26	MPWMD August 17, 2026 Agenda, Item No. 15
Craig Spencer	MPWMD Board	8/14/26	MPWMD August 17, 2026 Agenda, Item No. 15
Brandon Swanson	MPWMD Board	8/14/26	MPWMD August 17, 2026 Agenda, Item No. 15
Melodie Chrislock	MPWMD Board	8/19/26	Monterey Herald Guest Commentary
Elizabeth Cannon	David Stoldt	8/28/26	Gift of APN 008-191-002 to St. Jude Children's Research
Ellen and Robert Korstanje	Supervisor Daniels and David Stoldt	9/7/26	Water Concerns

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ITEM: INFORMATIONAL ITEM/STAFF REPORT**16. COMMITTEE REPORTS**

Meeting Date: September 28, 2026 **Budgeted:** N/A

From: David J. Stoldt, **Program/** N/A
 General Manager **Line Item No.:**

Prepared By: Sara Reyes **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

The final minutes of the committee meetings listed below are submitted for review.

EXHIBITS

16-A MPWMD Water Supply Planning Committee Meeting of May 4, 2026

16-B MPWMD Legislative Advocacy Committee Meeting of May 26, 2026

16-C MPWMD Public Outreach Committee Meeting of June 29, 2026

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EXHIBIT 16-A

**Final Minutes
Water Supply Planning Committee Meeting
Monday, May 4, 2026, at 2:00 p.m.
Meeting Location: Zoom**

Call to Order / Roll Call

Director Paull called the meeting to order at 2:00 p.m. and served as Chair.

Committee Members Present

Karen Paull, Chair
Alvin Edwards
Marianne Gawain, Alternate

Committee Members Absent

Rebecca Lindor

District Staff Members Present

David Stoldt, General Manager
Mike McCullough, Assistant General Manager
Jonathan Lear, Water Resources Manager
Maureen Hamilton, District Engineer
Sara Reyes, Board Clerk

District Staff Members Absent

None

District Counsel Present

Michael Laredo, De Lay & Laredo
Fran Farina

Additions and Corrections to the Agenda

None

Comments from the Public

Chair Paull opened the public comment period; however, no comments were received.

Action Items

Chair Paull introduced this item.

1. Consider Adoption of Committee Meeting Minutes from March 2, 2026

On a motion by Gawain and seconded by Edwards, the minutes of the March 2, 2026, committee meeting were approved on a roll call vote of 3 Ayes (Paull, Edwards, and Gawain) and 0 Noes.

2. Receive and Confirm Water Supply Forecast for Period of May 1, 2026 – September 30, 2027 and Consider Adopting Draft Resolution 2026-03 to Amend Water Supply Target Table XV-5

On a motion by Paull and seconded by Edwards, the committee recommended that the Board receive the water supply forecast for May 1, 2026, through September 30, 2027, and adopt Resolution No. 2026-03 to amend the Water Supply Target Table XV-5. The motion was adopted on a roll call vote of

3 Ayes (Paull, Gawain, and Edwards) and 0 Noes.

Discussion Items

Chair Paull introduced this item.

3. Status Report on Modification of Cease and Desist Order

General Manager David Stoldt reported that the District submitted a supplemental update to the State Water Board providing current water supply conditions, indicating a low risk of Carmel River overuse. No response has been received, and communication remains limited. He noted the District may need to consider legal options if progress is not made.

4. Update on Cal-Am Desalination Project Coastal Commission Conditions

David Stoldt reported limited updates, noting increased interest from stakeholders in Coastal Commission conditions. He advised that Monterey One Water's coastal permit application was deemed incomplete, delaying review, and that the NPDES permit hearing has also been postponed. Staff continue to monitor progress and seek updates from regulatory agencies.

5. Update on Federal Funding Request for Seaside Basin Monitoring Well Program

David Stoldt reported that a proposed federal earmark for a monitoring well replacement program was not submitted by Representative Panetta and may face challenges due to funding limits. While awaiting updates from Senators, the District plans to include the project in its budget and may proceed using local funding if federal support is not secured..

Suggest Items to Be Placed on a Future Agenda

No items were presented.

Adjournment

There being no further business, Chair Paull adjourned the meeting at 2:45 p.m.

/s/ Sara Reyes

Sara Reyes, Board Clerk to the
MPWMD Water Supply Planning Committee

Approved by the MPWMD Water Supply Planning Committee on May 4, 2026.

Received by the MPWMD Board of Director's on September 28, 2026.

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EXHIBIT 16-B

**Final Minutes
Legislative Advocacy Committee Meeting
Tuesday, May 26, 2026 at 8:30 a.m.
Meeting Location: Zoom**

Call to Order / Roll Call

Chair Oglesby called the meeting to order at 8:30 a.m.

Committee Members Present

Ian Oglesby, Chair
Karen Paull
George Riley

Committee Members Absent

None

District Staff Members Present

David Stoldt, General Manager
Mike McCullough, Assistant General Manager

District Staff Members Absent

Sara Reyes, Board Clerk

District Counsel Present

Michael Laredo, De Lay & Laredo

Additions and Corrections to the Agenda

None

Comments from the Public

No members of the public were present.

Action Items

Chair Oglesby introduced this item.

1. Consider Adoption of Committee Meeting Minutes from February 11, 2026

On a motion by Paull, seconded by Riley, the minutes of the February 11, 2026 committee meeting were approved by a vote of 3 Ayes (Oglesby, Riley and Paull), and 0 Noes.

Discussion Items

Chair Oglesby introduced this item.

2. Report from The Ferguson Group on Federal Legislative and Regulatory Activities

Roger Gwinn presented the second quarterly federal legislative update for 2026, noting that the District's stormwater and Seaside well monitoring projects were not included in FY26 and FY27 requests due to an emphasis on shovel-ready projects. He highlighted ongoing coordination with congressional offices, potential competitive grant opportunities, and planning for FY28.

Mr. Gwinn also reported improvement in WaterSmart funding and noted that the program supports water-use efficiency projects, with continued federal interest in groundwater investments. The

presentation is available on the District's website.

Chris Cummins reviewed key federal legislative updates, including bills affecting Endangered Species Act oversight, groundwater recharge funding, and water infrastructure. He highlighted the More Water Act's support for recycling and conveyance projects, and provided updates on the WRDA process and potential WIFIA loan term extensions..

Chris Kearney reported that the administration is reviewing certain PFAS regulations and seeking public comment. He highlighted EPA infrastructure funding opportunities, noted extended compliance timelines, and discussed ongoing considerations around "passive receiver" liability. He added that federal water funding is expected to remain stable despite proposed budget reductions.

Roger Gwinn noted potential opportunities tied to a possible third congressional reconciliation package, which could provide additional funding for drought response and water-related projects, including WaterSmart, aquifer storage and recovery, and water reuse.

3. Report from JEA & Associates on Legislative Status and Bill Tracking

John Arriaga noted that the Legislature is in a critical phase with bills being finalized or moving forward, making it a timely point for the update. He highlighted a busy year for state legislation, including active District engagement and a bill introduced by Senator Laird. He also noted the ongoing state budget process, improving revenue outlook, and additional pressures from election-year dynamics.

Laurie Johnson provided a state budget and legislative update, noting improved short-term revenues but caution about future deficits and no significant new water investments. She reported progress on the District-sponsored SB 1139 and highlighted concerns with AB 1548, which would create a regional authority with taxing and bonding powers and is generating opposition among local agencies. She noted the District is monitoring developments and continuing coordination with regional partners.

John Arriaga and Laurie Johnson provided an overview of upcoming ballot initiatives, including a voter ID measure, housing streamlining efforts, and proposals affecting local tax thresholds. They noted likely opposition to measures increasing tax requirements and discussed a potential wealth tax initiative and related countermeasures. Staff will continue monitoring qualifications and election outcomes.

Suggest Items to Be Placed on a Future Agenda

No items were suggested.

Adjournment

General Manager Stoldt adjourned the meeting at 9:38 a.m.

/s/ Sara Reyes

Sara Reyes, Board Clerk to the
MPWMD Legislative Advocacy Committee

Approved by the MPWMD Legislative Advocacy Committee on May 26, 2026.
Received by the MPWMD Board of Director's on September 28, 2026.

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EXHIBIT 16-C

**Final Minutes
Public Outreach Committee Meeting
Monday, June 29, 2026, at 2:00 p.m.
Meeting Location: Zoom**

Call to Order / Roll Call

Chair Lindor called the meeting to order at 2:00 p.m.

Committee Members Present

Rebecca Lindor, Chair
Alvin Edwards
Marianne Gawain

Committee Members Absent

None

District Staff Members Present

Dave Stoldt, General Manager
Mike McCullough, Assistant General Manager
Mollie Wooden, Water Demand Manager
Stephanie Kister, Water Demand Analyst
Sara Reyes, Board Clerk

District Counsel Present

Michael Laredo, De Lay & Laredo

Additions and Corrections to the Agenda

None

Comments from the Public

Chair Lindor opened the Public Comment period; however, no public was in attendance.

Action Items

Chair Lindor invited General Manager Dave Stoldt to present the action items.

1. Consider Adoption of Committee Meeting Minutes from April 27, 2026

On a motion by Gawain and seconded by Lindor, the minutes of the April 27, 2026 committee meeting were approved by a roll call vote of 2 Ayes (Gawain and Lindor), 0 Noes, with Edwards experiencing audio issues.

Discussion Items

Dave Stoldt introduced the item.

2. Status of Public Outreach Projects

Phil Wellman, Public Outreach Consultant with WellmanAd, presented a slide deck titled *MPWMD Public Outreach Report (April 28 to June 29)*. The presentation is available on the District's website.

Mr. Wellman reported provided the following updates:

- KAZU radio advertising running May through October, including a 15-second ad airing 56

- times per month plus 66 bonus ads, reaching about 72,000 weekly listeners across Monterey, Salinas Valley, and Santa Cruz.
- Print ads in Monterey County Weekly and Pine Cone highlighted aquifer replenishment (300 million gallons) and received strong response.
 - Phil Wellman reported that the latest newsletter received the strongest response the organization has ever seen. Mollie Wooden shared that she received positive feedback from community members and industry contacts, many of whom were excited to learn about her accomplishments and work with the organization.
 - Additional half-page ad promoted local watering schedules and encouraged tourists to conserve water (reuse towels, turn off faucets).
 - Upcoming “Summer Splash” campaign: full-page ads running weekly for four weeks in both publications.
 - Weekly newsletter ads will reinforce messaging; content will be refreshed regularly.
 - Interactive Q&A webpage launched with a simple 12-question format to engage users.
 - Documentary project “Future Secured: Pure Water Monterey” progressing: filming complete; research ongoing, including archival collection, expert interviews, and narrative development.

General Manager Stoldt thanked Phil Wellman for providing artwork for the lobby refresh.

3. Summer Splash Update

Stephanie Kister expressed excitement about launching the initiative on Wednesday, July 1. The program includes educational content on global water availability, major water users, and the impact of artificial intelligence and data centers on water resources. It also features a water calculator to help participants understand their personal water footprint based on lifestyle and diet. Participants may select their top three prize choices, adding an engaging incentive. The initiative will be promoted through an email blast and broader outreach.

4. Citizens’ Water Panel Update

Mike McCullough reported that an announcement was sent out approximately 10 days ago for the first session, scheduled for Friday, August 7, from 9:30 a.m. to 12:30 p.m. at the District office. The initial session will provide a general overview of the District, including its history and divisions. Additional sessions are being planned to highlight departments and include related tours, with the program expected to conclude in late April with General Manager topics and a tour of Pure Water Monterey.

Suggest Items to Be Placed on a Future Agenda

No items were received.

Adjournment

There being no further business, Chair Lindor adjourned the meeting at 2:23 p.m.

/s/ Sara Reyes

Sara Reyes, Board Clerk to the
MPWMD Public Outreach Committee

Approved by the MPWMD Public Outreach Committee on June 29, 2026.

Received by the MPWMD Board of Director’s on September 28, 2026.

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ITEM: INFORMATIONAL ITEM/STAFF REPORT**17. MONTHLY ALLOCATION REPORT**

Meeting Date:	September 28, 2026	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program:	N/A
		Line Item No.:	
Prepared By:	Kyle Smith	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: On March 1, 2025, the District released the first Allocation of water from Pure Water Monterey (“Pure Water”) via Ordinance No. 197. **Exhibit 17-A** shows the amount of water allocated to each Jurisdiction from Pure Water, the balance of water available by Jurisdiction from the Paralta Well Allocation and Pre-Paralta credits, the amount of “Public Water Credit” remaining, and the quantities of water permitted by Jurisdiction in August 2026 (“changes”), and the balances remaining. The table includes balances for Quail Meadows and Water West, which were specific amounts dedicated to properties located in specific areas of Monterey County.

Exhibit 17-B is the Monthly Entitlement Report which shows water available to Water Entitlement Holders. Entitlements were established by the following ordinances: The Pebble Beach Company (Ordinance Nos. 39 and 109), Hester Hyde Griffin Trust (Ordinance No. 39), J. Lohr Properties Inc. (Ordinance No. 39), the City of Sand City (Ordinance No. 132), Cypress Pacific Investors LLC (Water Distribution System Permit approved September 15, 2014), Malpaso Water Company LLC (Ordinance No. 165), D.B.O. Development No. 30, a California Limited Liability Company (Ordinance No. 166), the City of Pacific Grove (Ordinance No. 168), and the City of Seaside (Ordinance No. 194).

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 17-C**.

EXHIBITS**17-A** Monthly Allocation Report**17-B** Monthly Entitlement Report**17-C** District’s Water Allocation Program Ordinances

EXHIBIT 17-A
MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of August 2026

Jurisdiction	Pure Water Monterey Allocation Available	Changes During Period	Balance Remaining	Paralta & Pre-Paralta Water Balance	Changes During Period	Balance Remaining	Public Credits Balance	Changes During Period	Balance Remaining	Total Available
Airport District	39.773	0.000	39.773	5.197	0.000	5.197	0.000	0.000	0.000	44.970
Carmel-by-the-Sea	12.948	0.214	12.734	2.479	0.000	2.479	0.182	0.000	0.182	15.395
Del Rey Oaks	5.516	0.000	5.516	0.030	0.000	0.030	0.000	0.000	0.000	5.546
Dept of Defense	27.000	0.000	27.000	0.000	0.000	0.000	0.000	0.000	0.000	27.000
Monterey	141.000	0.646	140.354	0.533	0.000	0.533	3.627	0.000	3.627	144.514
Monterey County	72.000	0.000	72.000	11.016	0.000	11.016	1.181	0.000	1.181	84.197
Pacific Grove	31.949	0.000	31.949	0.019	0.000	0.019	0.002	0.000	0.002	31.970
Sand City	13.857	0.000	13.857	0.029	0.000	0.029	23.163	0.000	23.163	37.049
Seaside	20.812	0.051	20.761	28.184	0.000	28.184	1.144	0.000	1.144	50.089
District Reserve	2,090.169	0.705	2,089.464							2,089.464

Allocation Holder	Water Available	Changes During Period	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.000	10.324	2.436

EXHIBIT 17-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of August 2026
Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. *	183.345	0.000	34.160	151.950
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	181.655	0.130	89.963	88.927
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	0.130	138.952	241.048

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	21.831	184.169
Malpaso Water Company	80.000	0.100	26.752	53.248
D.B.O. Development No. 30	13.950	0.000	3.913	10.037
City of Pacific Grove	38.390	0.086	21.175	17.215
Cypress Pacific	3.170	0.000	3.170	0.000
City of Seaside	10.817	0.000	10.817	0.000

* Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 17-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and established an entitlement of 18.6 acre-feet of water to the Quail Meadows subdivision in Carmel Valley for permanently reducing annual water production from the Carmel Valley Alluvial Aquifer at the Quail Lodge golf course.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

Ordinance No. 194 was adopted on February 12, 2024, established a Water Entitlement for the City of Seaside.

Resolution 2024-13 was adopted October 21, 2024, to authorize use of the District Reserve Allocation to permit unpermitted water fixtures found on final inspections during a one-year "amnesty" period used to close certain older "open" Water Permits.

Ordinance No. 197 was adopted January 27, 2025, to allocate water from Pure Water Monterey.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**18. WATER EFFICIENCY PROGRAM REPORT**

Meeting Date: September 28, 2026 **Budgeted:** N/A

From: David J. Stoldt, **Program/** N/A
 General Manager **Line Item No.**

Prepared By: Tricia Nguyen **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

*The following information reflects activities undertaken by the Water Demand Division during the month of **August 2026**.*

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership¹ or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm Kitchen Sink, Utility Sink, and Bar Sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC) and a self-certification form. A Site inspection is occasionally conducted to verify compliance. Properties that do not require an inspection are issued a Conservation Certification.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is compared against the properties that have submitted WCCs.

56 property transfers that occurred were added to the database.

B. Verification

26 Site verifications were completed by District staff for Rule 144 (Retrofit Upon Change of Ownership or Use).

- **25** properties required Site visits where **15 (60%)** passed.
- **7** property verified compliance by submitting certification forms and/or receipts.

¹ Capitalized terms are defined in [MPWMD Rule 11, Definitions](#).

C. Non-Residential Compliance with Water Efficiency Standards

By January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses.

24 verification inspections were performed by District inspectors.

As part of the Non-Residential compliance effort, MPWMD notifies California American Water (Cal-Am) of properties with landscaping. Cal-Am staff then schedule an outdoor audit to verify compliance with the Rate Best Management Practices (BMPs). (Compliance with MPWMD's Rule 143 achieves Rate BMP compliance for indoor water uses.) Properties with landscaping must comply with Cal-Am's outdoor Rate BMPs to avoid rates in Division 4 (customers that are not in compliance with Rate BMPs). Rate BMPs are used to determine the appropriate Non-Residential rate division for each customer (there are four different rates based on the amount of irrigated area and compliance/noncompliance with the Rate BMPs).

12 properties were referred to Cal-Am by District staff for verification of outdoor Rate BMPs.

D. Water Waste Enforcement

The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waste occurrences at www.mpwmd.net or www.montereywaterinfo.org.

6 Water Waste responses were reported during the past month.

- **1** was a repeated incident that resulted in a fine.

E. Multi-Family Dwelling Water Efficiency Compliance

By January 1, 2019, all Multi-Family Dwellings (MFD) of four or more units were required to meet Rule 142 retro fit requirements. Property owners had the opportunity certify that their property complied by that deadline. This year District staff began the process of inspecting all MFDs of four or more units to ensure compliance. Property owners and agents acquired conservation devices from the District to assist with meeting compliance with Rule 142.

40 inspections were conducted.

- **4** of those inspections passed
- **17** inspections failed because the common laundry clothes washer was not a High Efficiency model.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels.

55 Water Permits were processed and issued by District Staff, including:

- **7** permits using Water Entitlements (e.g., Pebble Beach Company, Malpas Water, Sand City). No Public Water Credit accounts were debited.

- 6 permits using Pure Water Allocation.
- 1 permit using District Reserve.
- 4 permits using the District Rule 24-3-A, which allows the addition of a second bathroom to an existing single-bathroom dwelling.
- 3 residential Landscape permits.
- Other permits issued, include:
 - o 4 meter enlargement permits
 - o 10 hydrant meter permits.

B. Permit Compliance

35 site inspections were conducted for current permit compliance this month:

- 19 inspections passed on the first visit.
- 14 inspections required a second visit or other action to pass.
- 11 inspections failed due to unpermitted fixtures.

1 site inspection was conducted for Landscape Water Permit compliance:

- 1 inspection passed.

C. Notary Services

36 customers used District staff to provide Notary services.

D. Outreach Events

This month, the District participated in the **Carmel Valley Fiesta** and the **West End Celebration** where District staff distributed free conservation devices.

E. Rebates

The District processes rebate applications to ensure that only voluntary replacement of higher efficiency devices receive rebates. The comprehensive list of available rebates can be found in [Rule 141](#). Monthly statistics are included.

REBATE PROGRAM SUMMARY		August-2026				2026 YDT		1997 - Present	
I.	<u>Application Summary</u>								
A.	Applications Received	97				391		33,289	
B.	Applications Approved	84				315		26,206	
C.	Single Family Applications	96				333		29,112	
D.	Multi-Family Applications	1				5		1,641	
E.	Non-Residential Applications	0				1		364	
II.	<u>Type of Devices Rebated</u>	Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF	
A.	High Efficiency Toilet (HET)			0.000000	0	32	\$2,475.00	0.16000	
B.	Ultra HET			0.000000	0	27	\$3,075.00	0.27000	
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000	
D.	High Efficiency Dishwasher	5	\$625.00	0.015000	4,888	40	\$5,025.00	0.12000	
E.	High Efficiency Clothes Washer - Res	14	\$7,000.00	0.225400	73,447	120	\$60,000.00	1.93200	
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	\$0.00	0.00000	
G.	Instant-Access Hot Water System	2	\$400.00	0.010000	3,259	4	\$800.00	0.02000	
H.	Zero Use Urinals			0.000000	0	0	\$0.00	0.00000	
I.	Pint Urinals			0.000000	0	0	\$0.00	0.00000	
J.	Cisterns			0.000000	0	4	\$539.97	0.00000	
K.	Smart Controllers	2	\$289.83	0.000000	0	8	\$1,066.18	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	\$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	0	\$0.00	0.00000	
N.	Lawn Removal & Replacement			0.000000	0	0	\$0.00	0.00000	
O.	Graywater			0.000000	0	0	\$0.00	0.00000	
P.	Smart Flowmeters	61	\$12,200.00	0.000000	0	107	\$22,448.97	0.00000	
Q.	Smart Toilet Leak Detectors			0.000000	0	0	\$0.00	0.00000	
III.	<u>TOTALS</u>	84	\$20,514.83	0.250400	81,593	342	\$95,430.12	2.50200	
IV.	<u>TOTALS Since 1997</u>	Paid Since 1997: \$ 6,454,185						251.1 Acre-Feet Per Year Saved Since 1997 (from quantifiable retrofits)	

ITEM: INFORMATIONAL ITEM/STAFF REPORT**19. CARMEL RIVER FISHERY REPORT FOR AUGUST 2026****Meeting Date: September 28, 2026 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Cory Hamilton Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

AQUATIC HABITAT AND FLOW CONDITIONS: During August, conditions were dry and a trace of rainfall was observed. Flows released from Los Padres Reservoir generally kept the river flow stable all the way down to the Narrows (Scarlett Road area), flows in the lower river continuously decreased throughout the month. Decreasing flows in the lower river are mainly attributed to water production, which diminished lower river habitat conditions and the mainstem Carmel River became intermittent/dry around the Palo Corona Regional Park to the Schulte Well area. The lagoon mouth remained closed naturally for the entire month (see attached graphic). Los Padres Reservoir stopped spilling on July 10, 2026 and we began using storage to meet flow requirements. The water surface elevation at the end of the month was 1029.47 feet. Flow out of the reservoir at the end of the month was 7.7 cfs, while the incoming flow into the reservoir was 2.2 cfs.

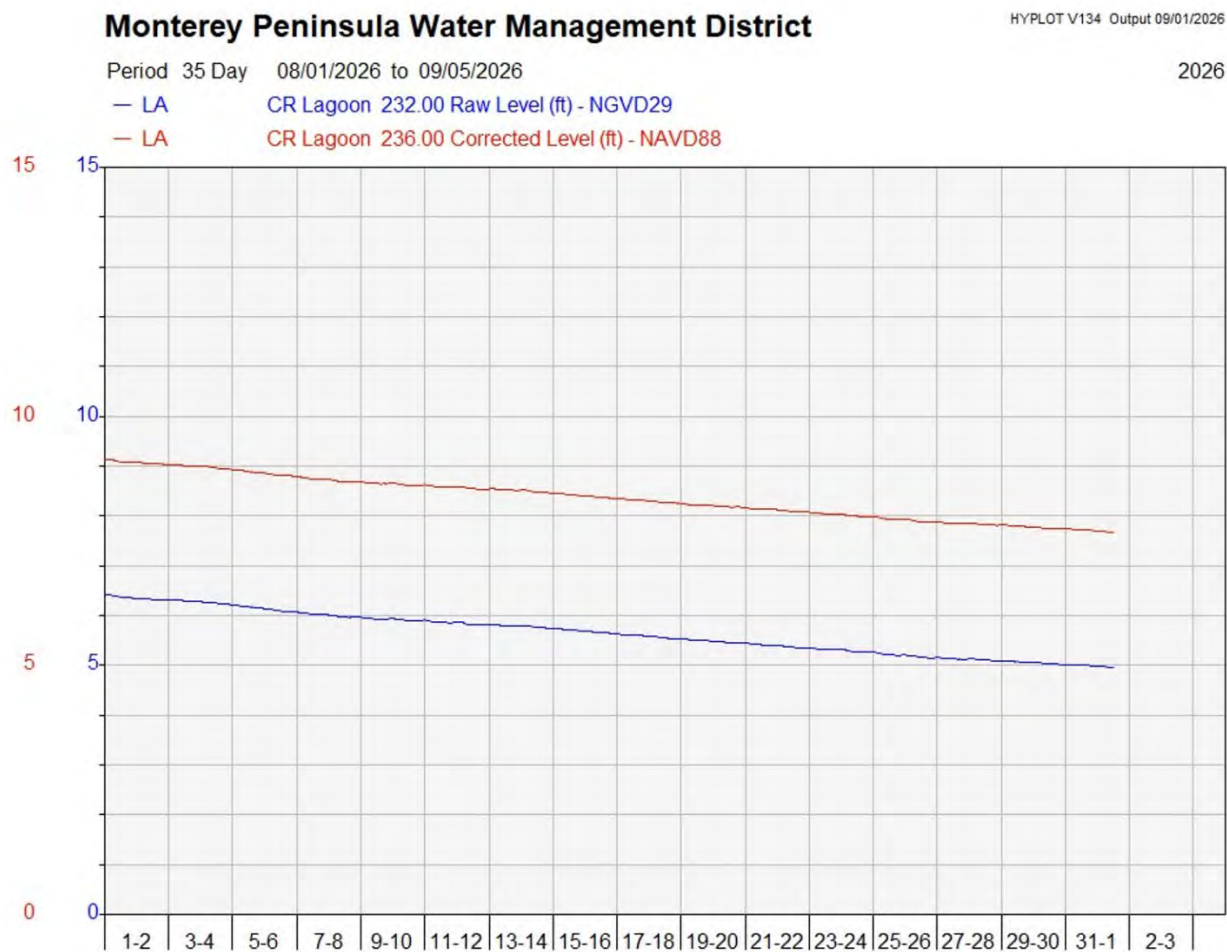
August's mean daily streamflow at the Sleepy Hollow Weir gaging station ranged from 8.0 to 8.9 cfs (mean 8.38 cfs), while flows at the Highway 1 gage ranged from 0.30 to 0.75 cfs (mean 0.49 cfs).

There was 0.01 inches of measurable rainfall in August as recorded at the San Clemente gauge. The total rainfall for Water Year (WY) 2026 (which started October 1, 2025) is 24.3 inches, which is 115% of normal to date.

FISH RESCUE: Staff started fish rescues in select tributaries starting May 11, 2026 and in the mainstem Carmel River on July 8, 2026. Rescue operations occurred in Robinson Canyon Creek, Hitchcock Creek, Garzas Creek, Cachagua Creek and the mainstem Carmel River. As of the end of August, a total of 8,430 fish were rescued from drying reaches. Fish are being relocated to the lagoon area, perennial waters, and Sleepy Hollow Steelhead Rearing Facility. Staff continue to monitor the river for dry-back conditions and rescue fish as needed.

CARMEL RIVER LAGOON: In August, the lagoon's Water Surface Elevation (WSE) ranged from approximately 7.73 to 9.16 feet (NGVD 1988) (see graph below). Water quality depth-profiles were conducted at five sites on August 20, 2026, while the lagoon mouth was closed, water surface elevation was 8.21 feet at the time of sampling, and river inflow was approximately 0.61

cfs. The lagoon was well mixed and no stratification was observed, except for the south arms salinity and dissolved oxygen, which was stratified at approximately 2 meters. Salinity levels ranged from 1.1-18.7 parts per thousand (ppt), throughout the lagoon. Water temperatures ranged from 66.3-71.2 degrees Fahrenheit, and dissolved oxygen (DO) levels ranged from 0-5.74 mg/l.



ITEM: INFORMATIONAL ITEM/STAFF REPORT**20. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT****Meeting Date:** September 28, 2026 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Jonathan Lear **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A

CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 20-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **September 1, 2026**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 20-A** is for Water Year (WY) 2026 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **August** 2026 totaled 0.00 **inches** and brings the cumulative rainfall total for WY 2026 to **24.29 inches**, which is **115%** of the long-term average through **August**. Estimated unimpaired runoff through **July** totaled **497 acre-feet (AF)** and brings the cumulative runoff total for WY 2026 to **56,314 AF**, which is **82%** of the long-term average through **August**. Usable storage for the MRWPRS was **27,170 acre-feet**, which is **94%** of average through **August**, and equates to **82%** of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 3,376 AF of water from the Carmel River in WY 2026. Through **August**, using the CDO accounting method, Cal-Am has produced **3,058AF** from the Carmel River (excluding **241 AF** of Table 13 and **78 AF** of Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,474 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2026. Through **August**, Cal-Am has produced **560 AF** from the Seaside Groundwater Basin. Through **July**, **916 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **241 AF** have been diverted under Table 13 water rights, and **4,463 AF** of Pure Water Monterey recovered. Cal-Am has produced **8,457 AF** for customer use from all sources through **August**. **Exhibit 20-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values.

EXHIBITS**20-A** Water Supply Status: **September 1, 2026****20-B** Monthly Cal-Am production by source: WY 2026

EXHIBIT 20-A

**Monterey Peninsula Water Management District
Water Supply Status
September 1, 2026**

Factor	Oct – Aug 2026	Average To Date	Percent of Average	Oct – Aug 2025
Rainfall (Inches)	24.29	21.07	115%	16.68
Runoff (Acre-Feet)	56,314	68,508	82%	33,916
Storage ⁵ (Acre-Feet)	27,180	28,830	94%	27,510

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2024 and 1902-2024 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2025 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

Production vs. CDO and Adjudication to Date: WY 2026

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				
	Carmel River Basin ^{2, 6}	Seaside Groundwater Basin		MPWRS Total						Water Projects and Rights Total
		Coastal	Laguna Seca			ASR Recovery	PWM Recovery	Table 13 ⁷	Sand City ³	
Target	3,431	775	0	775	4,206	0	3,706	138	275	4,119
Actual ⁴	3,058	462	98	560	3,618	0	4,463	241	57	4,761
Difference	373	313	-98	215	588	0	-757	-103	218	-642
WY 2025 Actual	3,023	1,286	110	1,395	4,419	0	3,435	182	155	3,772

1. This table is current through the date of this report
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Boan
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources project
4. To date, 916 AF and 241 AF have been produced from the River for ASR and Table 13 respectively
5. All values are rounded to the nearest Acre-Foot
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking

Monthly Production from all Sources for Customer Service: WY 2026

(All values in Acre-Feet)

	Carmel River Basin	Table 13	Mal Paso	Seaside Basin	ASR Recovery	PWM Recovery	Sand City	Total
Oct-25	232	0	7	124	0	413	14	790
Nov-25	129	0	7	38	0	489	3	666
Dec-25	132	0	7	32	0	473	12	657
Jan-26	60	101	8	32	0	428	20	648
Feb-26	116	55	7	26	0	389	8	602
Mar-26	259	59	9	29	0	435	0	790
Apr-26	340	26	8	29	0	358	0	762
May-26	457	0	9	42	0	314	0	821
Jun-26	462	0	4	94	0	295	0	855
Jul-26	399	0	7	82	0	439	0	927
Aug-26	470	0	7	32	0	430	0	938
Sep-26								
Total	3,058	241	78	560	0	4,463	57	8,457
WY 2025	3,023	182	83	1,395	0	3,435	155	8,274

1. This table is produced as a proxy for customer demand
2. Numbers are provisional and are subject to update



Supplement to September 28, 2026 MPWMD Board Packet

Attached are letters sent and/or received between **August 12, 2026** and **September 23, 2026**. These letters are referenced under Letters Received and Sent in the July 20 Board Packet.

Author	Addressee	Date	Topic
Andrew Myrick	MPWMD Board	8/12/26	MPWMD August 17, 2026 Agenda, Item No. 15
Craig Spencer	MPWMD Board	8/14/26	MPWMD August 17, 2026 Agenda, Item No. 15
Brandon Swanson	MPWMD Board	8/14/26	MPWMD August 17, 2026 Agenda, Item No. 15
Melodie Chrislock	MPWMD Board	8/19/26	Monterey Herald Guest Commentary
Elizabeth Cannon	David Stoldt	8/28/26	Gift of APN 008-191-002 to St. Jude Children's Research
Ellen and Robert Korstanje	Supervisor Daniels and David Stoldt	9/7/26	Water Concerns



COMMUNITY DEVELOPMENT DEPARTMENT | Planning Division

440 Harcourt Avenue
Seaside, CA 93955

planning@ci.seaside.ca.us
<https://www.ci.seaside.ca.us/>

August 12, 2026

SENT VIA EMAIL TO conserve@mpwmd.net

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

RECEIVED

AUG 12 2026

MPWMD

Dear MPWMD Board:

On behalf of the City of Seaside, thank you to the Board and Executive Director David Stoldt for the opportunity to review the proposed response to the City of Carmel-by-the-Sea's inquiries. The City of Seaside has a particular interest in the portion of the proposed response addressing the availability and future allocation of additional water supplies to local jurisdictions.

The City respectfully submits that the proposed staff response is premature. In particular, the conclusion that the District does not intend to develop a formal written allocation policy appears to foreclose a policy discussion that should instead be undertaken collaboratively with affected jurisdictions. Before the District adopts a position favoring continued case-by-case discretion, the Board should direct staff to work with the local jurisdictions to develop a comprehensive, transparent, and durable allocation strategy.

Need for a Comprehensive Strategy

The proposed letter suggests that the District will retain flexibility by relying on informal criteria when considering requests for additional water. Although flexibility may be appropriate in implementing an allocation program, it should not substitute for a clear framework that gives local jurisdictions reasonable certainty about the circumstances under which additional water may become available.

A jurisdiction cannot effectively plan for housing, economic development, public facilities, or other community priorities without a meaningful understanding of its current and prospective water supply. Where future allocations are addressed only through informal, discretionary criteria, jurisdictions must plan as though their existing allocation is the full extent of water that will be available. This uncertainty discourages jurisdictions from allocating water to otherwise beneficial projects, particularly where the jurisdiction must preserve capacity for unforeseen or high-priority needs.

The proposed response also indicates that a jurisdiction may need to use 80 percent of its existing allocation before the District would *consider* providing additional water. Without a

written policy addressing the purpose, application, and consequences of that threshold—as well as the availability of supply, timing of review, and criteria governing additional allocations—the threshold does not provide local jurisdictions with sufficient certainty for long-term planning.

A formal allocation strategy need not eliminate the District's ability to respond to changing conditions. Rather, it can establish clear and quantifiable standards while preserving appropriately defined discretion for extraordinary circumstances, supply constraints, and other relevant factors. A written policy could identify, among other matters:

- The water-supply conditions under which additional allocations may be considered;
- Measurable thresholds for eligibility;
- The amount, timing, and duration of additional allocations;
- The process for submitting and evaluating jurisdictional requests;
- Any conditions, reporting requirements, or limitations associated with supplemental allocations; and
- Procedures for periodic review and adjustment as water supplies and regional needs evolve.

Collaborative Development Process

The City recognizes that developing an effective allocation framework will require substantial discussion and refinement. For that reason, written correspondence and three-minute public-comment opportunities are not adequate substitutes for a structured interjurisdictional process.

The City respectfully requests that the Board direct staff to convene representatives of affected local jurisdictions to develop a comprehensive written policy governing the future allocation of additional water. This process could be conducted through the District's Technical Advisory Committee or another appropriate forum established by the Board. The goal should be to develop a policy that advances both the District's regional water-management objectives and the planning needs of its member jurisdictions.

The City of Seaside has included the framework of a potential program as **Exhibit A** to facilitate discussion. This example is not intended as the only possible approach; rather, it illustrates that a structured allocation program can be developed and refined through a collaborative process.

Requested Board Direction

Accordingly, the City respectfully requests that the Board:

1. Decline to adopt staff's proposed conclusion that no formal written allocation policy will be developed;
2. Direct staff to engage affected jurisdictions in a collaborative process to develop a comprehensive allocation strategy, with regular updates provided to the Board; and
3. Return to the Board with proposed written policy options for consideration following that process.

The City of Seaside appreciates the Board's attention to this important issue and looks forward to working with the District and neighboring jurisdictions on a water-allocation framework that provides transparency, predictability, and appropriate flexibility.

Sincerely,



Andrew Myrick, AICP, CEcD
Housing and Planning Manager
City of Seaside

Exhibit A

Proposed Water Allocation Program

The Program below is provided to illustrate an alternative way that MPWMD's goals (as stated in the letter) could be accomplished. It is understood that the specific details of any such program would need to be developed in collaboration with other local jurisdictions and MPWMD.

Under this program, MPWMD would automatically "refill" a local jurisdiction's allocation as they are used. Instead of waiting for a jurisdiction to utilize its entire allocation, allocated water would be automatically "refunded" when a project gets finalized (ie the project is fully constructed and a Certificate of Occupancy is issued by the jurisdiction).

As an example, suppose the City of Seaside were to allocate two acre-feet of water to a large commercial building. At the time of Building Permit issuance, a Water Permit Application would be submitted to MPWMD, and the two acre-feet would be deducted from the City's allocation at the District. Once the project receives its final approval after construction is complete, the water allocation becomes permanent, and the District would then provide Seaside with an additional two acre-feet, essentially returning Seaside to the same status as if it had never made the allocation.

This program would accomplish many of the District's goals as outlined in its letter, such as:

- **Encourage allocation of water.** If the local jurisdictions know that the water they provide will be replaced, it becomes much easier to allocate water. Jurisdictions could then use a "first come-first served" model without being concerned that doing so would compromise their strategic priorities.
- **No land use involvement.** Since MPWMD would be replacing the water as it is used, there is no need for MPWMD to concern itself with the specific land uses (called "buckets" in the letter) to which the water is allocated. This enables MPWMD to remain neutral with regards to land use.
- **Jurisdictions that use more water receive more water.** The letter expresses the belief that jurisdictions that don't use their water should not be provided additional water. The proposed program would only replace water that is used – the more water a jurisdiction allocates, the more it would receive.
- **Minimal Operational Effort.** The methodology described in the letter requires considerable analysis of the past actions and expected needs of each jurisdiction

before providing additional water, which would potentially require considerable staff resources on the part of MPWMD. By not including any discretionary process, the program proposed above could be fully administrative, thus eliminating the needs to conduct individual analyses of each local jurisdiction and avoiding conflicts regarding these items.

- **Ability to Maintain Control.** Although the program would be administrative, thresholds could be built in so that the program is automatically modified or suspended. For example, the program could automatically suspend itself if total allocations to the local jurisdictions exceed certain thresholds. This would accomplish the goal of ensuring that the region's water use does not reach unsustainable levels.

Again, this is provided only as an illustration of a potential program. Even if the proposal outlined above is not to the Board's liking, the City of Seaside still urges MPWMD to develop a formal written policy regarding the allocation of additional water.

COUNTY OF MONTEREY

Housing and Community Development



Planning – Building - Housing
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527
(831) 755-5025

August 14, 2026

Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Subject: MPWMD August 17, 2026 Agenda, Item No. 15

Dear MPWMD Board and Staff,

On behalf of the County of Monterey Housing & Community Development Department, we provide this letter to express our support for the request made by the City of Carmel wherein they ask for clear and predicable criteria for future water allocations. We support the Committee recommendation to request additional comments from the Technical Advisory Committee (TAC) before taking action on the proposed response from your staff.

Need for Criteria

As we understand it, MPWMD allocates water to local governments within its jurisdiction when water is available for such allocations. In turn, local governments release water to end users. Release of water to end users by local governments are most often considered in association with the land use and building permitting process. As noted in the draft response provided by your staff, MPWMD is “Not a Land Use Agency,” however, the degree of separation from land use agencies should not mean that the role of water allocation in land use is ignored. There should be a collaborative process between local governments needs and the District’s needs, something we are confident the TAC can address.

Local Governments make decisions and provide information to the public on a daily basis about permits and development. As it relates to the role of water in a potential development, information provided to the public necessarily relies on the allocations made by MPWMD already and on the potential for additional allocations in the future.¹ Lack of clarity about the potential for future allocations causes certain unknowns and risks for those involved.

Additionally, in the case of the County of Monterey, the allocation provided by MPWMD is not sufficient to cover planned growth. Housing Element Law², mandates that priority be given for the provision of water and sewer services to proposed developments that include housing units

¹ This is true with or without adopted local water allocation policies

² Section 65589.7 (as) of the California Government Code

affordable to lower income households. Local governments can face consequences if water is not available for planned housing developments because the water was not prioritized for this use.³

Proposed Response

Exhibit 15-B of your packet contains a proposed response to the City of Carmel's letter prepared by District staff. As drafted, the proposed response does not provide clear criteria or guidance to local governments or the public. The triggers, timing, and criteria that will be considered in future allocations are all unclear and undefined. We request that the Board not act on the proposed response and instead follow the Committee recommendation and direct staff to work with the TAC on getting feedback and developing appropriate criteria that provides the flexibility desired by District staff while balancing the predictability of outcomes desired by those affected.

We appreciate the efforts of your staff in working with the County Housing & Community Development Department on water allocations in the past and we look forward to collaborating on this important issue in the future if given the opportunity.

We also appreciate the Board's time and consideration of our comments on this matter.

Sincerely,

Craig Spencer

Craig Spencer, Director
Housing & Community Development Department
County of Monterey

³ 6th Cycle Housing Elements are 8-year plans. Housing growth considered in the Housing Elements must be feasible within that 8-year cycle.



City of Carmel-by-the-Sea

POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2000

August 14, 2026

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Dear MPWMD Board and Staff:

On behalf of the City, thank you for the opportunity to provide comments on the proposed response to Carmel's recent letter for guidance about the future allocation of additional water. We appreciate the District's willingness to engage on this important issue. We respectfully request the Board not adopt a position favoring continued case-by-case discretionary allocations. Rather, please direct staff to work with local jurisdictions to develop a predictable framework.

Understanding how additional water may become available is critical to responsible long-range planning. Decisions regarding housing, economic development, public facilities, and community priorities all depend on having reasonable certainty about future water supplies. While flexibility is an important component of any allocation program, reliance solely on case-by-case discretion leaves jurisdictions without the ability to plan effectively. Likewise, any formal threshold for receiving additional water should be established through a clear written policy that explains how it will be applied and what standards will govern future allocations.

The allocation of future regional water supplies affects every jurisdiction on the Monterey Peninsula and deserves a collaborative planning process. We respectfully request that the Board convene representatives from the affected jurisdictions—whether through the Technical Advisory Committee or another appropriate forum—to work with District staff to develop policy options for the Board's consideration. A collaboratively developed policy will provide consistency, while preserving the District's ability to respond to unforeseen circumstances.

Accordingly, the City respectfully requests that the Board:

1. **Decline to adopt** the proposed conclusion that no formal written allocation policy should be developed; and
2. **Direct staff to engage** with the affected jurisdictions to develop a comprehensive written allocation strategy to be brought back to the Board in the near future.

The City of Carmel-by-the-Sea values its partnership with the District and our neighboring jurisdictions. We believe the strongest and most enduring policy will be one developed together and look forward to participating in that effort.

Brandon Swanson
Acting City Administrator
The City of Carmel-by-the-Sea



[EXTERNAL] Monterey Herald – Lift the ban, let's use the water – MELODIE CHRISLOCK

From mwchrislock@redshift.com <mwchrislock@redshift.com>

Date Wed 8/19/2026 1:03 PM

To Alvin Edwards <alvinedwards420@gmail.com>; George Riley <georgetriley@gmail.com>; Karen Paull <karenppaull@gmail.com>; Kate Daniels <district5@countyofmonterey.gov>; Rebecca Lindor <lindordiv3mpwmd@gmail.com>; Ian Oglesby <ioglesby@ci.seaside.ca.us>; Dave Stoldt <dstoldt@mpwmd.net>; Sara Reyes <Sara@mpwmd.net>; Mike McCullough <mike@mpwmd.net>; Marianne Gawain <cvamarianne@gmail.com>

<https://www.montereyherald.com/2026/08/18/melodie-chrislock-guest-commentary-lift-the-ban-lets-use-the-water/>

MONTEREY HERALD GUEST COMMENTARY | August 18, 2026

Lift the ban, let's use the water

By [MELODIE CHRISLOCK](#)

After decades of water scarcity, it's hard for some to believe we now have plenty of water. But the numbers don't lie. California American Water Co. has reported surplus water to the California Department of Water Resources for the past four years. And the surplus has been growing: 12% in 2022, 20% in 2023, 34% in 2024, and 42% in 2025. This abundance of water is due to our new supply from Pure Water Monterey and its expansion. Going forward, we will have about 2,000 acre-feet each year beyond our current demand. In addition, we now have a full year's supply of over 9,000 acre-feet stored in the Seaside Basin.

With all this new water, can we finally build new housing and businesses? Not yet. Before we can use our surplus water, the State's 2009 Cease-and-Desist Order, or CDO, banning new water connections must be modified so new water meters can be set.

The order was put in place to protect the Carmel River. The river had been continuously overdrafted for decades, endangering the steelhead and other species.

Thanks to Pure Water Monterey, there has been no overdraft of the river for the past five years. Cal Am has remained within its annual legal draw of 3,376 acre-feet.

The Monterey Peninsula Water Management District argues that the moratorium on new water meters has outlived its purpose and should be lifted.

On Nov. 5, the State Water Resources Control Board will hear the District's case to modify the Carmel River CDO Condition 2 to lift the moratorium on new water meters.

The District's case states that there is no current violation or threat of violation of the CDO in the foreseeable future, that diversions from the Carmel River have remained within the authorized limit for the past five years due to new water supplies and conservation, and that the Pure Water Monterey Expansion provides an additional water supply sufficient for Cal Am to avoid future violations.

Cal Am opposes lifting the moratorium. It appears Cal Am fears the use of this new water supply may weaken its case for desal.

Cal Am contends its desal project must be agreed to as a condition of lifting the meter ban. Cal Am's argument is irrational. This has nothing to do with desal. And the State Water Board has no authority over Cal Am's desal, which was permitted by the CPUC and conditionally approved by the Coastal Commission.

Cal Am also argues that Pure Water Monterey is insufficient for long-term demand and not fully drought-proof.

It makes no sense to block the use of water we have now out of fear that it's not enough. Lift the moratorium and let's put this new supply to the test.

There's no danger to the river since the modified CDO will have a trigger to reinstate the ban if water supplies run low.

The Peninsula has waited decades for a new water supply. Our public agencies have delivered it. The public is paying for this water. We should be allowed to use it.

The issue before the State Water Board is simple: should the moratorium on new meters be lifted so we can use our surplus water for housing and growth?

Public Water Now strongly supports lifting the moratorium.

Public comments should be sent to Cal-AmProject@waterboards.ca.gov no later than Aug. 19. Comments should address the the State Water Board questions below. The public may also participate in person or via Zoom at the Water Board hearing Nov 5.

Hearing questions:

1. Should Condition 2 of State Water Board Order WR 2009-00602 be modified to lift the moratorium on new service connections?
2. If Condition 2 is modified, is the following trigger appropriate for reimposing restrictions currently in Condition 2 such as the moratorium on new service connections? "Upon Cal-Am reporting diversions exceeding 3,376 acre-feet under the

water rights described in Order 95-10 in any water year, the moratorium on new water service connections described in Condition 2 shall immediately be reimposed with no further action required by the Board.” If this trigger is not appropriate, what would be appropriate conditions to reimpose Condition 2?

Melodie Chrislock is the managing director of Public Water Now.

ELIZABETH CANNON
ECANNON@PLAGEMANLUND.COM

PLAGEMAN, LUND & CANNON LLP

ATTORNEYS AT LAW

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TEL 510/899-6100 • FAX 510/899-6101

August 28, 2026

David J. Stoldt, General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Re: Gift of APN 008-191-002 to St. Jude Children's Research Hospital

Dear Mr. Stoldt,

I represent LaVerne LeRoy Parks.

This letter is to notify you that Mr. Parks has made a gift to St. Jude Children's Research Hospital, a Tennessee nonprofit corporation, of the real property located at 4045 Sunridge Road, Pebble Beach, CA, APN 008-191-002.

Very Truly Yours,



Elizabeth Cannon

EC/pyl

cc: Amanda Myers, St. Jude Children's Research Hospital
2306.1/926

RECEIVED

SEP 01 2026

MPWMD



[EXTERNAL] Water concerns

From Ellen Korstanje <ellenkorstanje@hotmail.com>

Date Mon 9/7/2026 4:14 PM

To District5@countyofmonterey.gov <District5@CountyOfMonterey.gov>

Cc comments <comments@mpwmd.net>; Robert Korstanje <robertkorstanje@hotmail.com>; Ellen Korstanje <ellenkorstanje@hotmail.com>

Dear Supervisor and Administrator of the Monterey Peninsula Water Management District,

Given the ongoing drilling activity on the airfield in Carmel Valley Village, we, the 34 private well owners of this area are acutely aware of the potentially serious consequence of the proposed development.

Patrick Orosco, the developer, has stated that the water needed for the proposed 90 homes, as well as potentially 70 additional ADUs, would come from wells drilled into fractured rock rather than from the Carmel Valley aquifer.

This is extremely concerning for those of us who rely strictly on private wells in the area surrounding and above the airfield, including properties extending up to the top of El Caminito road. All of our wells draw water from the same fractured-rock formations.

The crucial question is therefore:

What is the demonstrated sustainable yield of the fractured-rock system beneath and surrounding the airfield, and what happens to the existing 32 private wells when the proposed development begins pumping? That requires actual pumping tests and monitoring of nearby wells, not the merely verbal assurance from the developer!

For those of us who depend entirely on private wells, this is not an abstract planning issue. Our homes, our property values, and our ability to continue living here depend on having a reliable supply of water.

We urgently call on you, our representatives, to investigate this highly questionable attempt of Mr. Orosco and to take action based on reliable data!

As always,

Respectfully yours,

Ellen and Robert Korstanje