



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 This ordinance deletes non-functional and outdated rules, relocates policies for better flow, and updates older rules.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 28th day of September on a motion by Director Daniels, with a second by Director Edwards by the following vote:

AYES: Edwards, Daniels, Paull, Riley, Gawain, Lindor, Oglesby
NAYS: None
ABSENT: None

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 28th day of September 2026.

Dated: September 29, 2026


David J. Stoldt,
Secretary to the Board

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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DELETED

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

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, T~~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 ~~R~~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.

EXHIBIT B-2 (REDLINED)

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, 2000, (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 System ~~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 under~~pursuant 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 ~~W~~water ~~w~~aste.
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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Ordinance No. 202
Exhibit C
Clean Version of Rules

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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