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ORDINANCE NO. 6

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING THE RULES AND REGULATIONS OF THE DISTRICT
TO DEFINE THE PROCESS FOR ANNEXATIONS TO
SERVICE AREAS OF WATER DISTRIBUTION SYSTEMS

WHEREAS, The State Public Utilities Commission, by Decision 92793
has delegated the power to review annexations to the California American Water
Company Company Service Territory;

NOW THEREFORE, BE IT ORDAINED that the amendments shown as italics
on the attached Exhibit A and incorporated herein by reference, are made to the
District's Rules and Regulations.

On motion of Director Gerald Fry and second by Director
Nancy McClintock, the foregoing ordinance is duly passed to print this
13th day of April, 1981, by the following votes:

AYES: Directors Gawthrop, Fry, Lee, McClintock, Peters, Williams and
Woodworth

NAYES: None

ABSENT: None

I, Gladys McKillop, Secretary of the Board of Directors of the
Monterey Peninsula Water Management District, hereby certify that the fore-
going is a full, true and correct copy of an ordinance duly passed to print
on the 13th day of April, 1981, and now is of record in my office.

Witness my hand and seal of the Board of Directors this 15th day
of April, 1981.


Gladys McKillop, Secretary



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

187 Eldorado • Suite E • P.O. Box 85 • Monterey, CA 93940 • (408) 649-4866

**RULES AND REGULATIONS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

ORDINANCE NO. 1, FEBRUARY 11, 1980
ORDINANCE NO. 2, MARCH 11, 1980
ORDINANCE NO. 3, JUNE 9, 1980
ORDINANCE NO. 4, FEBRUARY 9, 1981
ORDINANCE NO. 5, APRIL 13, 1981
ORDINANCE NO. 6, MAY 11, 1981

DISTRICT BOARD

Chairman, Alfred Gawthrop
Director, Edwin B. Lee
Director, Nancy McClintock
Director, John Williams
Director, William Woodworth
Director, Gerald Fry
Director, William Peters

DISTRICT STAFF

General Manager, Bruce Buel
District Engineer, Kevin Walsh
Secretary, Gladys McKillop

March 1, 1981

AMENDMENTS TO THE RULES AND REGULATIONS OF THE MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT

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RULES AND REGULATIONS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

REGULATION I. GENERAL PROVISIONS

RULE 10. Title - These rules and regulations shall be known as the Rules and Regulations of the Monterey Peninsula Water Management District.

RULE 11. Definitions - Except as otherwise specified in the Monterey Peninsula Water Management District Law, and except where the context otherwise indicates, the following words shall be defined as indicated:

AQUIFER - "Aquifer" means a geologic formation that stores, transmits, and yields significant quantities of water to wells and springs.

BOARD - "Board" and "Board of Directors" means the governing Board of Directors of the Monterey Peninsula Water Management District.

COMPLETION OF A WELL - "Completion of a Well" means the completion of all physical tasks necessary, so that the well is producing or is capable of producing ground water, including an operable pumping facility.

CONNECTION - "Connection" means the point of intersection where a user gains access to the water distribution system. Where a water measuring device is installed, the water distribution system shall include the water measuring device and the connection shall be the nearest point of user access beyond the water measuring device. Where a water measuring device has been removed for more than five years, the connection shall cease to exist. For the purpose of these rules and regulations, service for fire protection shall not be deemed a connection. Each new connection, based upon projected quantity of water use, shall be categorized as either "Residential", "Commercial", or "Industrial".

Residential Connection: Unless otherwise determined by the General Manager, on a case by case determination, any house, apartment or

other living quarters intended for residential use.

Commercial Connection: Unless otherwise determined by the General Manager, on a case by case determination, any business or manufacturing company that requires a separate water service where the water is not used principally in the manufacturing or processing function including but not limited to, offices, retail stores, hospitals, churches, gas stations and service businesses.

Industrial Connection: Unless otherwise determined by the General Manager, on a case by case determination, any manufacturing or processing establishment where the water is used principally in the manufacturing or processing function, including but not limited to factories, refineries, bottling plants, nurseries, laundries and golf courses.

CONTINUE - "Continue" means to postpone action on an item to a specific date.

CREATE - "Create" means the construction and operation of a water distribution system including the addition of new water gathering facilities or the annexation of new service area after June 11, 1981 to existing water distribution systems.

DELEGATED AGENT - "Delegated Agent" means a municipal unit building inspector acting pursuant to Rule 211.

DELEGATED REGISTRAR - "Delegated Registrar" means an official acting pursuant to Regulation V.

DISTRICT - "District" means the Monterey Peninsula Water Management District.

ENVIRONMENTAL REVIEW - "Environmental Review" means the consideration of environmental impacts of a project pursuant to the California Environmental Quality Act and the Monterey Peninsula Water Management District Environmental Guidelines (Resolution 79-7).

ESTABLISH - "Establish" means the construction and operation of a water distribution system including the addition of new water gathering facilities or the annexation of new service area after June 11, 1981 to existing water distribution systems.

EXPAND or EXTEND - "Expand or Extend" means the addition and/or enlargements of connections or water works to a water distribution system, including but not limited to the addition of all meters, conduits, mains, pipes, pipelines, reservoirs, and other facilities used in the storage, transmission, or distribution of water from the source of supply to the connection excluding the replacement of existing water works for purposes of maintenance.

EXPANSION CAPACITY LIMIT - "Expansion Capacity Limit" means the maximum number of connections beyond which a water distribution system is not authorized to expand.

GROUND WATER - "Ground Water" means nonsaline and saline water beneath the natural surface of the ground, whether or not flowing through known and definite channels.

MAY - "May" is permissive.

MUNICIPAL UNIT ALLOTMENT - "Municipal Unit Allotment" means the maximum quantity of water than can be delivered by a particular water distribution system within a municipal unit in one water year beyond which permits for creation or establishment and permits for expansion or extension of a water distribution system are not authorized for approval in that municipal unit.

MUNICIPAL UNIT - "Municipal Unit" means the Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside and the portion of the County of Monterey and the City of Marina inside the District.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT LAW - "Monterey Peninsula Water Management District Law" means Statutes of 1977, Chapter 527, found at West's California Water Code Appendix, Section 118-1 et. seq.

NONSALINE WATER - "Nonsaline Water" means water having chemical properties meeting the drinking water standards of Chapter 15, Division 4, Title 22 of the California Administrative Code, including the maximum contaminant levels specified in Table 7 of said Chapter.

OVERDRAFT - "Overdraft" means the condition of a ground water basin where the amount of water withdrawn by pumping exceeds the amount of water replenishing the basin over a period of time, or where the amount of water withdrawn by pumping results in an unacceptable degradation of water quality of the ground water within the basin.

OWNER or OPERATOR - "Owner or Operator" means the person to whom a water-gathering facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which a water-gathering facility is located.

PERSON - "Person" means public entities, public utilities, private corporations, firms, partnerships, individuals or groups of individuals, whether organized or not.

PUMP TEST - "Pump Test" means an experimental pumping of a well to determine yield of that well.

PUBLIC UTILITY - "Public Utility" means a water distribution system subject to regulation by the State Public Utilities Commission.

RESPONSIBLE PARTY - "Responsible Party" means the person or persons who assume through the permit process legal responsibility at all times for the proper performance of the things required of a permit holder by this ordinance.

REVOKE - "Revoke" means to permanently withdraw authority to act as previously provided by a valid permit.

SALT WATER INTRUSION - "Salt Water Intrusion" means the movement of saline water into nonsaline water aquifers.

SERVICE AREA - "Service Area":

(a) For public utilities means the area served by a privately owned public utility in which the facilities have been dedicated to public use and in which territory the utility is required to render service to the public as further defined by the service area map maintained by the utility;

(b) For water distribution systems other than public utilities means the area or properties for which approvals have been secured for service from Monterey County and the Monterey Peninsula Water Management District.

SHALL - "Shall" is mandatory.

SOURCE OF SUPPLY - "Source of Supply" means the ground water, surface water, or reclaimed water sources where a person, owner or operator gains access by a water gathering facility.

SUSPEND - "Suspend" means to temporarily withdraw authority to act as previously provided by a valid permit.

SUSTAINED YIELD OF WELL - "Sustained Yield of Well" means the continuous production capacity of a well as determined from a pump test.

SYSTEM CAPACITY - "System Capacity" is the amount of water in gallons, cubic feet or acre feet that can be produced for annual delivery to a water distribution system based on the cumulative sustained yield of wells adjusted for periodic lowering of the water table and the projected yield of other sources of supply.

USER - "User" means a customer or consumer of water delivered by a water distribution system. User does not include any owner or operator

construction permit which had been issued prior to such date.

The term "existing well" shall not apply to any well which ceases to produce water for 364 days or to any facility for which a Notice of Abandonment has been filed. "New Well" means a well for which a construction permit is issued (or is required to be issued) by the Monterey County Department of Health after July 9, 1980, and shall also mean the reactivation of any existing well which ceased water production for 364 days or more, or which was abandoned.

WORK or WORKS - "Work or Works" includes, but is not limited to, dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, collection, conservation, storage, reclamation, treatment, or disposal of sewage, waste, or storm waters, and all land, property, franchises, easements, rights-of-way, and privileges necessary or useful to operate, maintain, repair, or replace any of the foregoing.

RULE 12. Effective Date - These Rules and Regulations are operational as of March 12, 1980. Future amendments to these Rules and Regulations shall take effect on the date as specified in the order by which they are adopted.

RULE 13. Responsibility of Applicant - Nothing in these Rules and Regulations shall be deemed to preclude the responsibility of the applicant to secure other such permits as required by law.

RULE 14. Severability - If any provision of these Rules and Regulations or the application of these Rules and Regulations to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations, and to this end, the provisions of these Rules and Regulations are severable.

B. Permits to Expand/Extend a Water Distribution System.

Before any person expands/extends a water distribution system, such person shall obtain a written permit from the District or the District's delegated agent. The addition of any connection to a water distribution system shall be deemed an expansion or extension of that system. A proper applicant for such an expansion/extension permit may be either the owner or operator of the water distribution system, the prospective user of the proposed connection as the real party in interest, or any agent thereof.

RULE 21. Applications.

A. Application for Permit to Establish/Create a Water Distribution System.

The applicant shall submit the following:

- (1) A completed written application in the manner and form prescribed by the General Manager; and
- (2) Environmental information as required by the District Environmental Guidelines; and
- (3) Proof of land use approval by municipal unit in which proposed system would be located; and
- (4) A copy of application submitted to Monterey County Environmental Health Department for Creation of a Water Distribution System; and
- (5) The name and address of each responsible party; and
- (6) The results of a pumping test, the cost of which shall be borne by the applicant, and which shall be observed by a District representative or agent; and
- (7) Applicable fees prescribed in Rule 60.

B. Application for Permit to Extend/Expand a Water Distribution System.

The applicant shall submit the following:

- (1) A completed written application in the manner and form prescribed by the General Manager.
- (2) Proof of Building Permit by municipal unit in which extension or expansion is proposed, or statement of need for proposed expansion/extension.
- (3) Applicable fees prescribed in Rule 60.

C. Application for Amendment to Permit.

The applicant shall submit the following:

- (1) A completed written application in the manner and form prescribed by the General Manager.
- (2) The fee prescribed in Rule 60.

D. Application for Appeal.

- (1) A complete written application in the manner and form prescribed by the General Manager.
- (2) The fee prescribed in Rule 63.

E. Application for Variance.

- (1) A complete written application in the manner and form prescribed by the General Manager.
- (2) The fee prescribed in Rule 63.
- (3) Applicable fees prescribed in Rule 60.

RULE 22. Action on Application for Permit to Create/Establish a Water Distribution System.

A. Process.

The General Manager shall review the application, and if he determines the application to be complete, he shall act within thirty (30) days subsequent to satisfaction of Environmental Review, to set a public hearing by the Board on the application for such permit, and shall

notify the applicant in writing and give public notice of the hearing date. If the application is determined to be incomplete, the General Manager shall notify the applicant concerning that information in which the application is deficient and request the applicant to submit that information. At the hearing, the applicant shall be entitled to present evidence in support of his application. Interested persons may present evidence in opposition or support of the application. The Board, in conducting the public hearing, may request hydrologic, geologic or other studies necessary to obtain information required for its decision. The cost of such studies shall be borne by the applicant. The Board may deny, approve, or continue any permit based on the minimum standards as set forth in Rule 21 B and its findings pursuant to Rule 21 C. The Board may impose such conditions on the permit that it deems necessary and proper. The General Manager shall notify the applicant within thirty (30) days in writing by mail or in person of the Board action taken; namely continuance, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

B. Minimum Standards for Granting Permit.

(1) An application shall be denied unless it complies with each of the following minimum standards:

(a) The application identifies at least one responsible party who, at all times, will be available and legally responsible for the proper performance of those things required of a permit holder by this ordinance; and

- (b) The ability of the source of supply to provide water complies with the standards set forth in Title 23 of the California Administrative Code; and
- (2) Every applicant as a condition to holding a permit pursuant to this rule shall report annually by August 1st in the form and manner prescribed by the District, the quantity of water delivered from each source of supply, total water produced, the average daily number of connections in the system, and the number of new connections and disconnections, a map or maps of the service area, and a listing of permits filed in the previous water year (July 1 to June 30) in each municipal unit, and the identity and address of each responsible party as of June 30th of the previous water year.

C. Findings.

The Board shall determine:

- (1) Whether the system for which a permit is sought would cause unnecessary duplication of the same types of services by any existing system; and
- (2) Whether the permit would result in exportation or importation of water outside or into the District.
- (3) Whether the permit would result in significant environmental affects that cannot be mitigated by conditions attached to the permit.

Notwithstanding the above determinations, no permit shall be granted if the Board finds and determines that the permit:

- (1) Will create an overdraft or increase an existing overdraft; or
- (2) Will adversely affect the ability of existing systems to provide water to users.

If the Board approves the permit, it shall establish an expansion capacity limit, the system capacity and municipal unit allocation for that water distribution system. The Board may impose other conditions in granting the permit.

D. Amendments to Permit.

No owner or operator of a water distribution system shall modify, add to or change his source of supply, expand the system beyond the expansion capacity limit, or expand the service area unless that person first files an application to do so with the District and receives an amended permit. Such applications shall be made pursuant to Rule 21, and shall be investigated, considered, determined and acted upon on the same terms and conditions as provided for the approval, conditional approval, or denial of a permit, as provided in this rule.

RULE 23. Action on Application for Permit to Expand or Extend a Water Distribution System.

A. Authority to Process Applications.

Application to expand or extend a water distribution system may be submitted either to the General Manager or to an agent holding delegated authority as set forth in Rule 23 (C). The General Manager shall process all applications which he receives. A delegated agent may process any application for permit to expand or extend a water distribution system which he receives and which extension lies within his jurisdiction. The delegated agent shall not issue permits to applicants without a valid building permit on the parcel on which the expansion or extension is proposed.

The delegated agent shall refer any application for permit to expand or extend a water distribution system which exceeds his jurisdiction or on which a classification as to use cannot be made to the General

Manager, and may refer any proposed expansion of a system within his jurisdiction to the General Manager. Any application which has not been acted upon within thirty (30) days of submission, shall be deemed referred to the General Manager. The District shall maintain a current list available for public inspection of delegated agents, together with the jurisdiction in which they are authorized to issue permits.

Neither the General Manager nor a delegated agent shall issue any single permit to expand or extend a water system where such expansion or extension will utilize a water measuring device to provide water to more than one user. Multiple users must seek individual permits pursuant to this rule.

B. Process.

The General Manager or the delegated agent of the District shall review the application, and if he determines the application to be incomplete, he shall request the applicant to submit additional information. When the application is complete, the General Manager or Delegated Agent shall classify any proposed connection as Residential, Commercial, or Industrial as defined in these Rules. If such proposed connection cannot be adequately categorized pursuant to existing data, the General Manager may in his discretion define such connection as either Residential, Commercial, or Industrial based upon the quantity of anticipated water use by said connection. Determination of connection categorization by the General Manager may be appealed pursuant to Rule 70. After each connection is categorized, and when the General Manager or delegated agent is authorized to act on the application, he shall issue the permit within thirty (30) days except (1) when the District Board has determined that the water distribution system has reached its expansion capacity limit as provided for in Rule 40, (2) where the municipal unit in which the expansion or extension is lo-

cated has exceeded its municipal unit allocation for that water distribution system pursuant to Rule 30, (3) where no building permit has been submitted, or if the General Manager determines that the expansion is not reasonably required to satisfy the near term needs of the applicant, or (4) where any portion of the expansion or extension lies outside of the water distribution system's service area.

Where such an application as described above is pending, the General Manager or delegated agent shall deny the application. The General Manager or delegated agent may not process any application for permit to expand or extend a water distribution system in the unincorporated area of Monterey County without prior approval from the Monterey County Director of Environmental Health. Determinations of the General Manager or delegated agent, either granting or denying a permit, may be appealed to the Board pursuant to Rule 70. A permit issued pursuant to this rule shall be effective seven (7) days subsequent to the date of which issued.

C. Delegation of Permit Approval.

The District Board may delegate in writing the authority of granting permits for expansion or extension of a water distribution system to the Building Inspector of the Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Seaside, Sand City, Marina and the County of Monterey. Such delegated agent shall be required to:

- (1) Process applications for permit to expand/extend a water distribution system pursuant to Rule 23 (A) and Rule 23 (B).
- (2) Transmit daily to the District copies of all permits issued and monthly a summary of permits issued compiled in the form and manner prescribed by the District.
- (3) Tender daily to the District all expansion surcharge fees

collected pursuant to Rule 60 (3). Expansion surcharges shall be levied as a connection charge for any permit affecting the California American Water Company Water Distribution System. The fee set forth in Rule 60 (3) shall not be charged against a permit affecting any other water distribution system.

Such delegation of authority to approve permits may be revoked by the District after a public hearing by action of the Board of Directors for violation of the requirements of being a delegated agent or if the Board determines that the delegated agent's municipal unit has exceeded its municipal unit allotment pursuant to Rule 30. Where the delegated agent processes the application for permit, the permit process fee as prescribed in Rule 60 (2) shall be paid to his jurisdiction.

RULE 24. Cancellation of Applications - All permits issued pursuant to these regulations which are not completed within one year of date of issuance shall expire one year following the date of issuance. Persons whose permits have expired may re-apply for a new permit pursuant to Rule 20. The General Manager may extend the time period in increments of one year where failure to complete was occasioned by good cause. Completion, as used within this rule, shall mean the creation, establishment, extension, or expansion of a water distribution system so that the system or expansion is capable of delivering water for consumption.

RULE 25. Rehearing - Permission of the District Board shall be secured prior to re-submission of any application denied within the preceeding twelve (12) months.

RULE 26. Revocation of Permit - The District Board may suspend or revoke any permit issued pursuant to these Rules and Regulations whenever it finds any of the following:

- (1) That any requirement or conditon of the permit is not being met.
- (2) That the permittee has violated any provision of these Rules and Regulations.
- (3) That the permittee has misrepresented intentionally or negligently any material fact in his application, or in any supporting documents, for his permit.

RULE 27. Transfer - Any permit issued pursuant to these regulations may be transferred from one person to another, but not from one location to another upon notification to the District. Such transferred permits shall be subject to all conditions attached to the original permit.

RULE 28. Suspension of Permit - The General Manager shall suspend any permit issued pursuant to these Rules and Regulations whenever he finds any of the following:

- (1) Failure to report pursuant to Rule 22 B (2).

REGULATION III. MUNICIPAL UNIT ALLOTMENT

RULE 30. Determination of Municipal Unit Allotment - Annually by June 30, the Board shall adopt a resolution establishing municipal unit allotments for each water distribution system for the next water year. These allotments shall be determined based on information regarding supply, demand, changes in jurisdiction, physical boundaries and other factors.

REGULATION IV. MONITORING

RULE 40. Determination of Expansion Capacity Limit.

A. Determination of Expansion Capacity Limit.

Systems with a valid permit for construction and operation of a water distribution system prior to March 12, 1980 shall have an expansion capacity limit equal to the maximum number of connections specified in that permit. For those systems existing prior to March 12, 1980, where no maximum number of connections has been specified, and for water utilities, the initial expansion capacity limit of that system shall be based upon the following formula:

Initial Expansion Capacity Limit =

$$\frac{\text{System Capacity}}{\text{Actual 1979 Production}} \times \text{Average Daily Number 1979 Connections}$$

The General Manager, by applying the above formula, shall determine the expansion capacity limit for previously existing systems and notify each system of that number within thirty (30) days of the effective date of this ordinance. Persons may appeal the General Manager's determination of expansion capacity limit pursuant to Rule 70.

The expansion capacity limit of new systems shall be determined by the Board pursuant to Rule 22 C.

Expansion capacity limit of any system may be amended by the Board upon request by the permit holder pursuant to Rule 22 D. Amendment of the expansion capacity limit shall be based upon changes in the system capacity of the water distribution system.

B. Annual Water Delivery System Report.

The General Manager shall annually by October 1, compile a report stating the quantity of water delivered from each source of supply, the total water produced, the average daily number of connections in the system, and the number of new connections in the system, and the number of new connections and disconnections in the previous water year for each water distribution system in the District. The General Manager shall compile this report from the reports submitted by the owner/operator of water distribution systems pursuant to Rule 22 B (3) and other sources as appropriate. Such report shall be submitted to the Board.

C. Findings

The Board of Directors shall hold a public hearing to review the annual water delivery system report and other evidence as necessary, and determine if any water distribution system has reached or exceeded its expansion capacity limit. Where a water distribution system has reached

or exceeded its expansion capacity limit, the Board shall direct the General Manager or the delegated agent to deny any application for permit to expand or extend that system until the permit is amended.

D. Notification.

The General Manager shall, within thirty (30) days, notify all delegated agents and the owner/operator of the findings of the Board regarding any water distribution system that has reached or exceeded its expansion capacity limit. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the responsible party, or when personally delivered to the applicant or his representative.

RULE 41. Review of Municipal Unit Compliance with Allotment.

A. Annual Water Demand Report.

The General Manager shall annually by October 1 compile a report stating the amount of water delivered to users, the number of new connections, and an estimate of the water demand from new connections in the preceding water year for each water distribution system in the Cities of Carmel, Del Rey Oaks, Pacific Grove, Monterey, Sand City and Seaside and the portion of Marina and the County of Monterey inside the District. The report will further state the municipal unit allotment for each water distribution system determined by the Board for that year.

B. Findings.

The Board of Directors shall hold a public hearing to review the Annual Water Demand Report and other evidence as necessary, and determine if the previous water year's water delivery to any municipal unit exceeds that municipal unit's allotment for any water distribution system. Where the water deliveries in the previous water year have been exceeded, or where the Board finds that a municipal unit's usage exceeds any municipal unit's allotment for any water distribution system, the Board of Directors shall

suspend the authority of that municipal unit to issue permits to expand or extend that water distribution system and direct the General Manager to deny any application for permit to expand or extend that water distribution system.

C. Notification.

The General Manager shall, within thirty (30) days, notify all municipal units of the findings of the Board regarding municipal unit compliance with that municipal unit's allotment. Notice of the action shall be deemed to have been given when the written notification has been deposited in the mail postpaid, addressed to the municipal unit, or when personally delivered to the municipal unit.

REGULATION V. WELL MONITORING

RULE 50. General Provisions of the Well Monitoring Program - This regulation shall govern the well monitoring program of the Monterey Peninsula Water Management District and shall apply to those water wells located in any ground water charge zone established by the District pursuant to its authority under the Monterey Peninsula Water Management District Law.

RULE 51. Registration Process.

A. Authority to Process Registrations.

Well registrations may be submitted either to the General Manager or to a delegated registrar holding authority as set forth in this regulation. The General Manager shall process all registrations he receives. The delegated registrar may process any registration he receives except late registrations, or refer any registration to the General Manager. Any complete registration not acted upon within thirty (30) days of completion shall be deemed referred to the General Manager. The District shall maintain a current list available for public inspection of delegated registrars, together with the jurisdiction in which they are authorized to issue registrations.

tion. The General Manager shall process all registrations he receives. The delegated registrar may process any registration he receives except late registrations, or refer any registration to the General Manager. Any complete registration not acted upon within thirty (30) days of completion shall be deemed referred to the General Manager. The District shall maintain a current list available for public inspection of delegated registrars, together with the jurisdiction in which they are authorized to issue registrations.

B. Process.

The General Manager or the delegated registrar of the District shall review the registration, and if he determines the application to be incomplete, he shall request the well owner/operator to submit additional information. When the registration is complete, and where the General Manager or delegated registrar is authorized to act on the registration, he shall issue the registration within thirty (30) days.

C. Delegation of Registration Approval - The District Board may delegate in writing the authority to process well registration. Such delegated registrar shall be required to:

- (1) Process registration of wells pursuant to Regulation V.
- (2) Transmit daily to the District copies of any registrations filed.
- (3) Forward any late registration received.

Where the delegated registrar processes the registration, the fee prescribed in Rule 62 shall be retained by the delegated registrar except where the registration is late.

RULE 52. Registration Required - All existing or new wells located within a ground water charge zone shall be registered by the owner and/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 - On or before January 9, 1981, the owner and/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, of the form prescribed by the General Manager;
- (2) An executed Declaration of Reporting Status, as more fully described in Rule 54 (C); and
- (3) The fee prescribed in Rule 62.

Registration of existing wells after the above date must be submitted to the District along with the fee prescribed in Rule 62 (5).

B. New Well Registration - No later than thirty (30) days following the completion of the well, the owner and/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 prior to the issuance of a well construction permit pursuant to County Ordinance No. 1967;
- (2) An executed Declaration of Reporting Status, as more fully described in Rule 54 (C); and
- (3) The fee prescribed in Rule 62.

Registration of new wells later than thirty (30) days following completion of the well must be submitted to the District along with the fee prescribed in Rule 62 (5).

RULE 53. Abandonment of Well - The owner/operator of a well that has been destroyed, condemned or is permanently incapable of water production, shall file a notice of abandonment with the District or the District's delegated registrar, within thirty (30) days of such abandonment.

RULE 54. Reporting

- A. Reporting Required - Each owner and/or operator of a well shall file with the District a semi-annual water production statement of the form prescribed by the General Manager on or before the 31st day of January and on or before the 31st day of July. The statement shall set forth the water production for the preceding six month period excluding the month in which the statement is due.
- B. Reporting Status - The reporting status of a well refers to the computation method selected for calculating production on the semi-annual water production statement. There shall be three categories of reporting status:
- (1) Land Use Method - Every owner and/or operator of a well which is located on a parcel smaller than 2 1/2 acres or which has a discharge opening smaller than two inches shall report by the Land Use Method as described in Rule 55 unless the owner and/or operator elects the water meter method.
 - (2) Water Meter Method - Every owner and/or operator of a well which is located on a parcel larger than 2 1/2 acres and which has a discharge opening larger than two inches shall report by the water meter method as described in Rule 56 unless that owner and/or operator elects the power consumption correlation method.
 - (3) Power Consumption Correlation Method - Any owner and/or operator of a well which is located on a parcel larger than 2 1/2 acres and which has a discharge opening larger than two inches may elect to report by the power consumption correlation method as described in Rule 57.

C. Declaration of Reporting Status - In accordance with Rule 52, the owner and/or operator of a well at the time of registration shall execute and file with the District or the District's delegated registrar, a Declaration of Reporting Status, of the form prescribed by the General Manager, which shall include among other things, a designation by the owner and/or operator of the reporting status of the well. The owner and/or operator of a well may amend the Declaration of Reporting Status from time to time by filing an amendment, along with the fee prescribed in Rule 62, with the District or the District's delegated registrar. The owner and/or operator of any well with a two inch (2") or less discharge opening who enlarges that opening to more than two inches (2"), shall file an amended Declaration of Reporting Status.

RULE 55. Land Use Method - Approximate water production of a well which is located on a parcel smaller than 2 1/2 acres or which has a discharge opening smaller than two inches (2"), will be computed based on land use information provided by the owner and/or operator in the Semi-Annual Water Production Statement unless that owner and/or operator elects the water meter method. Among other things, the owner and/or operator of the well will report in the Semi-Annual Production Statement the use of the land and the area and type of irrigation during the reporting period.

RULE 56. Water Meter Method

- A. Water Meter Required - Each owner and/or operator of a well who has chosen the water meter method in the Declaration of Reporting Status, shall install an approved water meter on the well according to the time table set forth in this rule.
- B. Description of Method - Approximate water production of a well on which an approved water meter is installed will be computed by the District from the beginning and ending totalizer reading on the water meter during the period as reported on the Semi-Annual Water Production Statement filed by the owner/operator of the well.

- C. Water Meter Type - Water meters satisfactory to the District shall be capable of recording to within an accuracy of 98%. 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.
- D. Configuration of Water Meter Installation - The water meter shall be installed so as to permit access for such 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 meter accuracy:
- (1) Eight diameters of straight pipe (no bends or valves) both upstream and downstream of the water meter, in order to limit turbulence at the meter point; and
 - (2) A minimum of one foot increase in elevation of the pipe from meter point to the discharge opening, in order to have a full pipe at the meter point.
- E. Timing of Water Meter Installation - In the case of an existing well for which the owner/operator has elected the water meter method, the water meter shall be installed on or before January 9, 1981. In the case of a new well, for which the owner and/or operator has elected the water meter method, the water meter shall be installed within one month of the completion of the well. In either case, 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.
- F. Maintenance of Accuracy - The owner/operator of a well electing the water meter method shall maintain meter accuracy within approximately two percent accuracy. It shall be the owner/operator's responsibility to repair or

replace the meter. Such actions shall be taken as necessary or where it is shown by the District that the meter fails to comply with this specification.

RULE 57. Power Consumption Correlation Method

- A. Description of Method - Approximate water production of a well for which the owner/operator has elected the Power Consumption Correlation Method, will be computed by the District, provided the District is given access by the owner and/or operator to a current power company or private contractor pump efficiency test complying with the minimum standards prescribed by the General Manager, determining the kilowatt hours of electrical power necessary to produce an acre feet of water from the well (KWH/AF), together with the power company records of the consumption of kilowatt hours within the reporting period. In electing the Power Consumption Correlation Method on the Declaration of Reporting Status, the owner/operator of a well grants the District access to the power company records covering the well for the previous five years and as far into the future as the owner and/or operator shall elect this reporting method. By adjusting the KWH/AF factor for the well in accordance with the pumping water level from observation wells in the immediate area during the reporting period, the District can compute water production by the following formula:

$$\frac{\text{KWH consumed within reporting period}}{\text{KWH per AF (adjusted)}} = \text{Acre Foot of Water Produced}$$

- B. Pump Efficiency Test - The owner/operator of a well using the power consumption correlation method must maintain on file with the District, a power company or private contractor pump efficiency test for the well which has been conducted no more than two years previous to the start of the reporting period to which the power consumption correlation method is to be applied, and which complies with the minimum standards prescribed by the General Manager.

C. Electrical Units on Power Meter - The power consumption correlation method can be used only if the well pump has a separate meter. If a double-throw switch, drier or any other electrical unit is using the same power meter as the well pump, these units must be metered separately from the well. However, if the only other use of the power meter is a booster pump motor, it can be included in the pump efficiency test.

RULE 58. Access to Wells - The owner and/or operator of a well shall allow access to the well by the District or its delegated registrar for the purpose of carrying out the inspections and tests related to registration, reporting, and water meters, and for the purpose of carrying out other tests, studies, and investigations necessary and proper to the objects and purposes of the District, including investigations of water quality and depth to ground water.

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 the provisions of these Rules and Regulations of the District.

RULE 59. Well Construction Standards - In addition to the water well standards of the State of California and the County of Monterey, all new wells within the District shall be equipped with a sounding tube. Where the well uses an electrical motor pump, that pump shall be metered separately from any other power use except booster pumps.

REGULATION VI. FEES

RULE 60. Permit Fees. Every applicant, excepting governmental agencies, shall pay such non-refundable fees at time of application as follows:

- (1) Fee for Permit to Create/Establish a Water Distribution System - \$150.00.
- (2) Fee for permit to Expand/Extend a Water Distribution System - \$5.00.

- (3) Fee for Expansion Surcharge - Those fees established annually, by July 1, by a resolution of the Board establishing the fees to be paid by new Residential, Commercial, and Industrial users to pay for the projected costs of the irrigation program for the four wells in lower Carmel Valley.
- (4) Fee for Amendment of Permit - \$25.00.

RULE 61. Publication Fees - When other than a public agency, the maximum fees and charges for publications shall be set forth below:

- (1) Copies of Rules and Regulations - \$5.00.
- (2) Copies of Environmental Guidelines - \$5.00.
- (3) Copies of permits and other materials - 10¢ per page.

RULE 62. Well Monitoring Fees - Every applicant, excepting governmental agencies, shall pay up to the maximum a non-refundable fee as follows:

- (1) Fee for existing well registration - \$10.00.
- (2) Fee for new well registration - \$25.00.
- (3) Fee for amendment of Declaration of Reporting Status - \$25.00.
- (4) Fee for late registration - \$100.00 in addition to the above.

RULE 63. Miscellaneous Fees - Every applicant excepting governmental agencies, shall pay at time of application, a non-refundable fee as follows:

- (1) Fee for appeal of determination - \$25.00.
- (2) Fee for variance - \$25.00.
- (3) Fee for short-term variance - \$25.00.

REGULATION VII. APPEALS

RULE 70. Appeals - Determinations of the General Manager or delegated agent may be appealed to the District Board, in writing, within seven (7) days after any such determination. Such appeal shall specify in writing the grounds upon which it is taken and shall be accompanied by the fee prescribed in Rule 63. Within thirty (30) days of receipt of such appeal, the General Manager shall set a hearing on the appeal before the District Board and notify the appellant and/or applicant in writing of the time and place of the hearing at least five (5) days prior to the hearing and give public notice of the hearing date. An appeal may be filed by the applicant, the General Manager, or any other person. At said hearing the appellant and/or applicant and other persons may present evidence concerning the appeal. The Board may deny, approve or continue any appeal. The General Manager shall notify the appellant and/or applicant within ten (10) days in writing by mail or in person of the Board action taken; namely continuance, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the appellant and/or applicant or his representative. Unless the Board otherwise determines, any permit held by an applicant for which an appeal has been filed pursuant to these rules and regulations shall be deemed suspended until the appeal has been resolved.

REGULATION VIII. PENALTIES

RULE 80. Registration - Violation of Rule 52 may subject the owner and/or operator of a well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500.00 per separate violation, pursuant to Section 348 and Section 360 of the Monterey Peninsula Water Management District Law.

RULE 81. Metering - Violation of Rule 56 may subject the owner and/or operator of a well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500.00 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 82. Reporting - Violation of Rule 54. may subject the owner and/or operator of a well to criminal prosecution for a misdemeanor and punishment by a fine not exceeding \$500.00 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 District Law.

REGULATION IX. VARIANCES

RULE 90. Variance - The Board may, after holding a public hearing, in specific cases, grant a variance from any provision of the standards incorporated into these rules and regulations whenever it finds: (a) that special circumstances exist in a particular case, and (b) that practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any such standard, and (c) that the granting of such a variance would not tend to defeat the purposes of these rules and regulations. The Board may place conditions upon such variances.

RULE 91. Short Term Variance - Notwithstanding any other provision of these rules and regulations, the Board may, after holding a public hearing, in specific cases, grant a short term variance from the provisions of Rule 23, "Permits to Expand or Extend a Water Distribution System". A short term variance may only be granted when the Board finds:

- a. That special circumstances exist in a particular case, and
- b. That practical difficulties or unnecessary hardship would result from the strict application and enforcement of Rule 23, and
- c. That the grant of such a short term variance would not tend to defeat the purpose of these rules and regulations.

The short term variance shall not be valid beyond the date specified within the Board order, and in no instance shall a short term variance be granted for a term exceeding

365 days. During the term of a short term variance, the applicant may further apply for a permit pursuant to Rule 23 a variance pursuant to Rule 90, or a further short term variance pursuant to this Rule 91.

The grant of a short term variance shall not confer a property interest upon the grantee. Each short term variance is subject to revocation during its term without cause, without hearing, upon 10 days notice, and in no event shall the short term variance confer a right to obtain or use water upon expiration of the variance term. Any use of water following expiration shall be deemed to be unauthorized. The Board may place such further conditions upon the grant of a renewed short term variance as it deems proper.

Any connection which is the subject of an expired short term variance, and which connection is not the subject of current permit pursuant to Rule 23, a current variance pursuant to Rule 90, or a current short term variance pursuant to Rule 91, shall be removed by the responsible party of the water distribution system no later than 15 days after receipt of an order from the General Manager.

Each applicant for a short term variance shall (1) acknowledge that the grant of such variance does not confer a right to obtain or use water upon expiration and/or revocation of the variance, (2) each applicant shall consent to the physical removal of the connection upon expiration of the short term variance, and (3) each applicant shall agree to pay any applicable fee pursuant to Rule 60 in the event said short term variance is granted by the Board.