

ORDINANCE NO. 53

AN ORDINANCE OF THE  
BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
SELECTING WATER SUPPLY OPTION V  
TO IMPLEMENT THE WATER ALLOCATION PROGRAM

RECEIVED  
DEC 18 1990  
M.P.W.M.D.

FINDINGS

1. The Water Allocation Program EIR is the core environmental document for decisions by the District Board concerning water supply and water distribution for the Monterey Peninsula. That document assesses the cumulative impact of the District's issuance of individual water meter permits to expand water use.
2. The Water Allocation Program EIR was certified by the Board of Directors through the adoption of Resolution 90-22 on November 5, 1990. The Board determined the Final EIR for the Water Allocation Program was adequate and had been prepared in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. Resolution 90-22 selected Water Supply Option V to balance competing public objectives, including economic, environmental, and social factors, as well as the goal of providing a decent home and satisfying living environment for every Californian. This action was based on information in the EIR which altered past assumptions regarding the quantity of water available from the Monterey Peninsula Water Resource System. Even the lowest water supply option and the recommended mitigation program will not avoid all significant environmental impacts caused by use of our water supply.
4. Prior to certifying the Water Allocation Program EIR, the Board considered overriding considerations which could have justified the issuance of some limited number of new permits. The District chose not to adopt those findings, and chose to allocate only water that presently exists. The Board found that the present water supply emergency, and the rationing response, has been intensified because of past deficit spending of water supplies, and the past allocation of "paper water."
5. Water Supply Option V has been selected to protect existing water supplies and ensure sufficient supplies are available to meet human and environmental water use needs.

NOW THEREFORE be it ordained as follows:

**ORDINANCE**

**Section One: Statement of Purpose, Selection of Water Supply Option, and Finding of Water Supply Emergency**

The Monterey Peninsula Water Management District enacts this ordinance to implement the water allocation program and to modify assumptions used for measuring the water supply available for the Monterey Peninsula. This measure is enacted due to the present over-dedication of the existing water supply. This circumstance constitutes a water supply emergency in accord with Section 332 of the District Law. This measure is also required to maintain a balance between water demand and the limited water available for consumption.

This ordinance implements the water allocation program and the water supply option. The District selects Supply Option V as identified in the Water Allocation EIR. This Supply Option means that the total annual production from the Monterey Peninsula Water Resource System shall be limited to 19,881 acre-feet, and Cal-Am's annual water supply capacity limit shall not exceed a production level of 16,744 acre-feet. Only 15,572 acre-feet shall be available for water sales to consumers within the Cal-Am system due to system losses and unmetered consumption.

This ordinance is required to meet the health and safety requirements of the communities served by the District.

**Section Two: Effective Date for Implementation of Water Supply Option V.**

Supply Option V shall have the effective date of January 1, 1991. As of that date, Supply Option V shall limit the quantity of available water for the issuance of new or expanded water meter permits. The selection of Supply Option V means that, as of January 1, 1991, the total annual production from the Monterey Peninsula Water Resource System shall be limited to 19,881 acre-feet, and Cal-Am's annual water supply capacity limit shall not exceed a production level of 16,744 acre-feet. Only 15,572 acre-feet shall be available for water sales to consumers within the Cal-Am system due to system losses and unmetered consumption. Supply Option V also reflects a non Cal-Am production limit of 3,137 acre-feet.

**Section Three: Continued Effect of Ordinance 47 before January 1, 1991**

The District shall, prior to the January 1, 1991, continue to adhere to the limits on the issuance of new water use permits previously imposed by Ordinance 47. Thereafter, water use permits shall be issued only in accord with the limits set by Supply Option V. This action is necessary as the Supply Option V production limit of 16,700 afa (consumption of 15,572 afa) is currently not being exceeded only as a consequence of mandatory water rationing. After cessation of rationing which has been imposed by reason of the present drought-related water supply emergency, it is expected that the limits of Supply Option V cannot continue to be achieved on a long-term basis .

**Section Four: Monitoring of Water Supply Use**

The Water Allocation Program and the selection of Supply Option V shall be reviewed at the end of 5 years, or at an earlier date as may be determined by the Board of Directors. The Supply Option V production level of 16,744 acre-feet will be monitored each year by tracking the total annual Cal-Am production. The Supply Option V consumption level will be monitored each year by tracking Cal-Am per meter average consumption on an annual basis. The 3,137 acre-feet of non Cal-Am production will be monitored by tracking the total non Cal-Am production of 3,137 acre-feet. In compliance with this Section, the General Manager shall prepare a detailed monitoring plan, and present that to the Board for approval.

Should Water Management District consumption exceed Supply Option V (15,572 acre-feet), without additional water being available from new interim water supply projects, a special program to reduce consumption to the 15,572 acre-feet level shall be implemented. Should non Cal-Am production exceed 3,137 acre-feet without additional water being available from new interim water supply projects, a special program either to reduce non Cal-Am production to 3,137 acre-feet or to reduce Cal-Am production to accommodate the non Cal-Am production increase shall be implemented.

**Section Five: Definitions**

The following phrases, as used in this ordinance, shall be given the definition set forth below.

"Monterey Peninsula Water Resource System" - shall mean the ground water and surface water supplies which serve major water distribution systems within the District, including the surface water and groundwater resources of the Carmel

Valley (both the Carmel River and the Carmel Valley aquifer) and the resources of the Seaside Coastal groundwater subbasin. The Monterey Peninsula Water Resource System shall exclude resources of the Seaside Inland groundwater subbasin, and the Carmel Valley upland formation.

**Section Six: Review and Sunset Provision for this Ordinance**

The standards enacted by this ordinance shall be reviewed at the time any new supplies of water have been developed which augment the available supply from the Monterey Peninsula Water Resource System. Until new supplies of water are developed, this ordinance shall have no sunset provision.

**Section Seven: Conjunctive Application**

The provisions of this ordinance shall be distributed together with the permanent Rules and Regulations of the Monterey Peninsula Water Management District. This Ordinance shall be read in conjunction with and compliment those provisions of the District's Rules and Regulations, provided, however that the provisions of this measure shall take precedence and supersede any contradictory provision of those rules.

**Section Eight: Severability**

If any subdivision, 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 or unenforceability 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 irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director Heuer, and second by Director Hekhuis, the foregoing ordinance is adopted on second reading this 13th day of December, 1990, by the following vote:

**AYES:** Directors Hekhuis, Long, Strasser Kauffman and Heuer

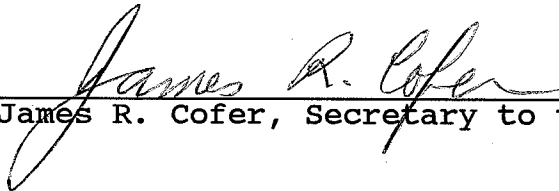
**NAYS:** Director Hughes

ABSENT: None

ABSTAIN: Director Davis

I, James R. Cofer, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly enacted this 13th day of December, 1990.

Witness my hand and seal of the Board of Directors this 8th day of November, 1993.

  
James R. Cofer, Secretary to the Board

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