

Ordinance No. 84

**AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
MODIFYING JURISDICTIONAL ALLOCATIONS**

FINDINGS

1. The Monterey Peninsula Water Management District enacted Ordinance No. 70 on June 21, 1993 to regulate water produced by and available from the California-American Water Company (Cal-Am) water distribution system. Ordinance No. 70 divided water among the Monterey Peninsula area cities, Monterey County and the Monterey Peninsula Airport District (Jurisdictions).
2. The Monterey Peninsula Water Management District enacted Ordinance No. 73 to reaffirm the water allocation program, and production and sales limits set by Ordinance No. 70. Ordinance No. 73 allocated an additional increment of water among the Jurisdictions within the District.
3. The annual production limit for the Cal-Am water system remains at 17,621.15 acre-feet (AF), as defined by Ordinance No. 83. The annual production limit for non-Cal-Am water users and other water systems which also derive their source of supply from the Monterey Peninsula Water Resource System remains at 3,045.71 acre-feet.
4. This Ordinance further reaffirms the District water allocation program and production and sales limits, and allocates an additional increment of water among the Jurisdictions within the District. The water made available for use and allocation by reason of this Ordinance derives from a portion of the potable water freed by reason of the Pebble Beach Community Services District/Carmel Area Wastewater District Wastewater Reclamation Project. This water is an increment of the 800 acre-feet (380 AF designated for entitlements, and 420 AF not yet designated) of potable water which had been preserved within the production and sales data for the California-American Water System pursuant to Finding 10 of Ordinance No. 70.
5. Properties which rely upon reclamation water entitlements pursuant to Rule 23.5 are not affected by this Ordinance.
6. A separate water allocation for the Community Hospital of the Monterey Peninsula is required to enable a currently planned expansion project which will serve and benefit the entire Monterey Peninsula region.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Statement of Purpose.

This Ordinance continues the water allocation program set by Ordinance No. 70 and allocates an increment of potable water among the Jurisdictions within the District. The increment of water allocated by this Ordinance has been freed for re-use by reason of the delivery of reclaimed water to golf courses and open space users from the Pebble Beach Community Services District/Carmel Area Wastewater District Wastewater Reclamation Project. The water allocated by this Ordinance is an increment of the 420 acre-feet of non-designated water which remains from planned increment of 800 acre-feet of potable water formerly used on those golf courses and open space users and which has been preserved within the production and sales data for the California-American Water System (Cal-Am).

Section Two: No Modification of Water Resource System Production or Sales Limits.

This Ordinance shall not modify the total annual production limit from the Monterey Peninsula Water Resource System, and/or Cal-Am's annual water supply capacity limit.

Section Three: Addition to Jurisdictional Water Allocations.

The water allocation set forth in Rule 33 A shall, as of the effective date of this Ordinance, be increased by the amount shown for each Jurisdiction:

Carmel by the Sea.....	16.75 AF
Del Rey Oaks.....	16.75 AF
Monterey (City).....	16.75 AF
Pacific Grove.....	16.75 AF
Sand City.....	16.75 AF
Seaside.....	16.75 AF
Monterey County.....	16.75 AF
Monterey Peninsula Airport District.....	16.75 AF

A special community reserve water allocation in the amount of 16 AF shall be created exclusively for the Community Hospital of the Monterey Peninsula in the City of Monterey.

Rule 33, "Jurisdictional Water Allocations" of the Rules and Regulations of the Monterey Peninsula Water Management District shall be modified to reflect the addition of this water to those Jurisdictional allocations.

Section Four: Limit on Future Water Allocations

There will be no further allocation of water until an adequate water supply is established.

Section Five: Effective Date

This ordinance shall be given effect at 12:01 a.m., on October 1, 1996.

Section Six: Sunset Provision for this Ordinance

This Ordinance shall have no sunset provision.

Section Seven: Publication and Application

Following the effective date of this ordinance, the following provisions of the permanent Rules and Regulations of the Monterey Peninsula Water Management District shall be modified: Rule 33, A.

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 Karas, and second by Director Burkleo, the foregoing ordinance is adopted on second reading this 19th day of August, 1996, by the following vote:


AYES: Chairperson Burkleo, and Directors Haddad, Karas and Pendergrass

NAYS: Director Hughes

ABSENT: Vice Chairperson Ely and Director Ernst

I, Darby W. Fuerst, 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 adopted this 19th day of August, 1996.

Witness my hand and seal of the Board of Directors this 12th day of September, 1996.



Darby W. Fuerst, Secretary to the Board