



Final

**RESOLUTION NO. 2022-31**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
CONFIRMING DISTRICT PERMIT AUTHORITY ASSOCIATED WITH RECEIPT OF  
DESAL PLANT PRODUCT WATER INTO THE CALIFORNIA AMERICAN WATER  
COMPANY WATER DISTRIBUTION SYSTEM**

**WHEREAS**, The Monterey Peninsula Water Management District (“District”) is organized and exists under the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, and published at Water Code Appendix, Section 118-1, et seq.) (“District Law”); and

**WHEREAS**, Pursuant to Section 325 of the District Law, and except as otherwise limited by the District Law, the District has the power to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the District, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes; and

**WHEREAS**, Pursuant to Section 328 of the District Law, the District has the power, among other things, (e) To commence, maintain, intervene in, defend or compromise, in the name of the district on behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein. (f) To commence, maintain, intervene in, defend, and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun. (g) To prevent interference with or diminution of, or to declare rights in, the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; and

**WHEREAS**, Pursuant to Section 325.5 of the District Law, to the extent feasible, District policy shall require development of the water sources within the District boundaries before utilizing water originating outside its boundaries. The proposed Monterey Peninsula Water Supply Project desalination facility is proposed as a Source of Supply and a Water Gathering Device to be developed outside the District boundaries, for delivery and use of that water within the District boundaries, warranting regulatory interest and review by the District under said Section 325.5; and

**WHEREAS**, Pursuant to Section 363 of the District Law, no person, owner, or operator shall establish, extend, expand, or create a water distribution system unless and until the approval of the board is first obtained in writing. For the purposes of such approval, the board may adopt such rules and regulations and establish such forms for such applications as are necessary and proper; and

**WHEREAS**, Pursuant to Section 341 of the District Law, the District shall encourage the coordination and integration of ground water supplies with surface water supplies; and

**WHEREAS**, Pursuant to Section 256 of the District Law, the District Board may by ordinance adopt reasonable rules and regulations to carry out its powers and duties not inconsistent with District Law and any other law, and violation of a District ordinance is a misdemeanor punishable by law; and

**WHEREAS**, Pursuant to District Ordinance No.1 (February 11, 1980) amended by District Ordinance No.96 (March 19, 2001) "Water Distribution System" is defined to mean all works within the District used for the collection, storage, transmission or distribution of water from the Source of Supply to the Connection of a system providing water service to any Connection including all Water-Gathering Facilities and Water-Measuring Devices. In systems where there is a water meter at the point of Connection, the term "Water Distribution System" shall not refer to the User's piping; in systems where there is no water meter at the point of Connection, the term "Water Distribution System" shall refer to the User's piping; and

**WHEREAS**, Pursuant to District Rule 20.A., adopted by District Ordinance No. 1 (February 11, 1980 and as amended from time-to-time by District Ordinance), an Owner or Operator of a Water Distribution System shall not modify, add to or change his/her Source of Supply, location of uses, change the System Capacity (if applicable) or Expansion Capacity Limit (if applicable), or expand the Service Area unless that Person first files an application to do so with the District and receives an amended creation/establishment permit or written Confirmation of Exemption. Action on such an application for a permit to create or amend a Water Distribution System shall also conform to the process set forth in District Rules 21 and 22.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Monterey Peninsula Water Management District does hereby resolve as follows:

1. That prior to initiating construction of facilities designed to deliver water from the Monterey Peninsula Water Supply Project to the California American Water Distribution System, and prior to receipt of waters from that Source of Supply, Cal-Am shall first obtain approval by the District Board of an application to amend its Water Distribution System permit pursuant to District Rules 21.C. and 22.E.
2. That prior to importing, distributing or using desal product water from the Monterey Peninsula Water Supply Project into any surface or groundwater source within the District, Cal-Am shall first seek and obtain approval from the District in accord with Article 2 of the District Law, Sections 341 to 366, inclusive.

3. The District's General Manager, or designee, is hereby authorized and directed to ensure that Cal-Am shall make its application pursuant to District Rules 22.E. and 21.C., shall comply with each Rule therein, shall seek authorization to integrate imported waters into District ground water supplies as contemplated by District Law, and these efforts 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, in accord with District Rules.

4. The District's General Manager, or designee, is hereby directed to notify other public regulators with permit authority over the Monterey Peninsula Water Supply Project, including, but not limited to, the California Public Utilities Commission, California Coastal Commission, California State Lands Commission, the County of Monterey, and the City of Marina that Cal-Am has not yet applied for, nor received approval of, an amendment to its Water Distribution System by the District, and has not yet received approval of efforts to include introduction of desal product water into District ground water supplies.

**PASSED AND ADOPTED** on this 17<sup>th</sup> day of October 2022 on a motion by Director Riley with a second by Director Edwards by the following vote, to wit:

AYES: Director Edwards, Riley, Malek, Paull, Anderson, Adams and Roberson

NOES: None

ABSENT: None

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a resolution adopted on 17<sup>th</sup> day of October 2022.

Dated: October 18, 2022

  
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David J. Stoldt,  
Secretary to the Board of Directors