

## **RULE 21 - APPLICATIONS**

### **A. APPLICATION PACKAGE FOR PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM AND APPLICATION PACKAGE FOR A CONFIRMATION OF EXEMPTION**

1. The Applicant for a permit to Create/Establish a Water Distribution System shall submit the following information, based on guidance provided in the Implementation Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. The application package shall include the following:
  - a. A completed written application form signed by the system Owner.
  - b. Environmental information as required by the California Environmental Quality Act (CEQA).
  - c. Zoning and land use designations for the property, identification of land-use approvals which may be required for the proposed Project by the Jurisdiction in which the proposed system would be located (i.e., tentative map, use permit, etc.), or by other Governmental agencies, consistent with state and local regulations that require proof of available water supply.
  - d. Identify type of water right claimed to exist with each Water-Gathering Facility and each Source of Supply for the system (e.g., riparian, pre-1914, appropriative, overlying or other). Provide written verification of legal water rights applicable to type of right claimed (see Implementation Guidelines for further detail). The verification shall include, but shall not be limited to the following forms of documentation, as applicable:
    - (1) Condition of Title Report, prepared by a title company at the Applicant's expense, and any and all supporting documentation to indicate whether legal water rights have been subordinated or severed; this documentation may include a judicial declaration of right or a full title opinion prepared by an attorney with expertise in water law;
    - (2) Information that describes the legal basis or authority for diversion and extraction of water;
    - (3) If Groundwater is being pumped from a Groundwater basin that has not been adjudicated or declared to be in a state of overdraft, a statement to that effect in addition

to a copy of the current deed to the property is sufficient documentation to satisfy this requirement; or

- (4) If the source of the water is subject to permit requirements under the State Water Resources Control Board, a copy of the SWRCB water rights permit or domestic registration must be included.
- e. A copy of an approved Water Well Construction Permit issued by the Monterey County Environmental Health Bureau, including the associated impact assessment conducted by the Monterey County Water Resources Agency (if applicable).
- f. A copy of the State of California Well Completion Report submitted to the California Department of Water Resources (“well log”).
- g. A copy of the Monterey County Environmental Health Bureau “Source Water Quality and Quantity Analysis Certification Form”, “Source Capacity Test”, or similar approval document from that agency (if applicable).
- h. The name and address of each Responsible Party.
- i. The results of Well Capacity Tests (Aquifer Pumping Tests) as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant, and which may be observed by a District representative or agent.
- j. The results of water quality tests as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant.
- k. An evaluation of the hydrogeologic information in the manner and form required in the Implementation Guidelines. This evaluation shall be prepared by a qualified individual or firm as determined by the District. Qualified consultants shall include a certified hydrogeologist, a licensed professional geologist with a specialty in hydrogeology, a certified engineering geologist with a specialty in hydrogeology, or a registered civil engineer with a specialty in hydrology; these specialists shall be certified in, registered or licensed by the State of California. The costs of this evaluation shall be borne by the Applicant.
- l. Documentation regarding notification to Neighboring Well owners, if applicable. If required by the District, the Applicant shall provide notice to Neighboring Well owners regarding the

opportunity to monitor Wells as specified in the Implementation Guidelines. Applicant shall provide documentation of notice to, and responses (if any) by, Neighboring Well owners to the District prior to the commencement of Well Capacity (Aquifer Pumping) Tests, as specified in the Implementation Guidelines.

- m. Current Well registration with MPWMD, and the Well must be metered and in compliance with Regulation V, Well Monitoring.
- n. For a Mobile Water Distribution System, documentation about the Source of Supply, quantity and intended uses, including written approval from the agency with regulatory authority over the source (if source is located outside of the MPWMD boundary).
- o. The applicable fees prescribed in Rule 60.
- p. An application for a Water Distribution System for a Public Water System must have preliminary approval from the Division of Drinking Water in the California Department of Water Resources before District consideration of a Water Distribution System Permit.

2. Application for a Confirmation of Exemption.

The Applicant for a Confirmation of Exemption shall submit the following, based on guidance provided in the Implementation Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. The application package shall include the following:

- a. A completed written Request for Confirmation of Exemption signed by the system Owner.
- b. A copy of an approved Water Well Construction Permit issued by the Monterey County Environmental Health Bureau, including the associated impact assessment conducted by the Monterey County Water Resources Agency.
- c. A copy of the State of California Well Completion Report submitted to the California Department of Water Resources (“well log”).
- d. A copy of the Monterey County Environmental Health Bureau “Source Water Quality and Quantity Analysis Certification Form,” “Source Capacity Test,” or similar approval document from that agency as applicable.
- e. The name and address of each Responsible Party.

- f. Current Well registration with MPWMD, and the Well must be metered and in compliance with Regulation V, Well Monitoring.
- g. An evaluation of the hydrogeologic information in the manner and form required in the Implementation Guidelines. This evaluation shall be prepared by a qualified individual or firm as determined by the District. Qualified consultants shall include a certified hydrogeologist, a licensed professional geologist with a speciality in hydrogeology, a certified engineering geologist with a specialty in hydrogeology, or a registered civil engineer with a specialty in hydrology. These specialists shall be certified in, registered or licensed by the State of California. The costs of this evaluation shall be borne by the Applicant.
- h. For a Mobile Water Distribution System: Documentation about the Source of Supply, quantity and intended uses, including written approval from the agency with regulatory authority over the source (if source is located outside of the MPWMD boundary).
- i. The applicable fees prescribed in Rule 60.

**B. APPLICATION FOR PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM**

Each application for a Water Permit shall follow the process set forth in Rule 23. A proper Applicant for a Water Permit may be the prospective User of the proposed or existing Connection as the real party in interest, the property owner, or any agent thereof. The application for a Water Permit to Connect to or modify a water use Connection shall be deemed complete when the Applicant submits all of the following:

1. The authorized official of the applicable Jurisdiction shall sign a Water Release Form pertaining to the Site on which the water use shall occur. When the completed project has fewer fixture units than the number permitted (Residential Water Permits) or has a smaller Water Use Capacity than permitted (Non-Residential Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form. It shall be the responsibility of the Jurisdiction to complete all discretionary approvals on a project prior to authorizing a Water Permit release via the Water Release Form.
2. Complete Construction Plans that reflect water use pursuant to Tables 1 or 2 of Rule 24. The Applicant shall apply for and receive an amended Water Permit to reflect any amendment, addition, or modification to the water fixtures and/or Water Use Capacity which may be made prior to use or occupancy of the project.
3. New development projects that include Landscape Areas of 500 sq. ft. or more and existing Rehabilitated Landscape Areas over 2,500 square-feet that are associated with a Jurisdiction's building or landscape permit, plan check, or

design review shall comply with Rule 142.1. The Jurisdiction shall be responsible for CEQA review, if applicable.

4. A copy of the District-issued documentation of a Water Use Credit or documentation of an on-site Water Credit when a credit is used to offset new water fixtures or uses.
5. A copy of a District inspection report for the property, if required to process the permit.
6. Payment of the applicable fees prescribed in Rule 60.
7. Payment of the Capacity Fee prescribed in Rule 24.

**C. APPLICATION FOR AMENDMENT TO A WATER DISTRIBUTION SYSTEM PERMIT**

The Applicant shall submit the following:

1. A completed written application in the manner and form prescribed by the General Manager. An amendment to a Water Distribution System Permit under Rule 22-E shall require the signature of the system owner. When the application involves the expansion or annexation to an existing Water Distribution System Service Area or expansion of the Water Distribution System beyond its prior authorized System Capacity (annual production) limit or its prior authorized Expansion Capacity (Connection) limit, the application shall be processed as an amendment of the permit to Create/Establish a Water Distribution System.
2. The fee prescribed in Rule 60.

**D. NAME CHANGES**

An Applicant or permit holder's name or identifying information may be changed without charge, and in such circumstances a revised permit may be issued.

**E. APPLICATION FOR WATER USE PERMIT FOR BENEFITED PROPERTIES**

1. Any person that has an Assignment Document may file an application for a Water Use Permit. The application for a Water Use Permit shall be deemed complete when the Applicant submits all of the following:
  - a. A completed Water Use Permit application;
  - b. A copy of the recorded Assignment Document;
  - c. Processing fees.

2. Upon completion of the process described in Rule 23.1, each holder of an Assignment Document shall be issued a Site-specific Water Use Permit for the quantity of water shown on the Assignment Document.
3. Each Water Use Permit issued pursuant to Rule 23.1 shall be appurtenant to the title of the Benefited Property and shall vest in the owner a property interest for the use and benefit of the quantity of Potable water in Acre-Feet per year.
4. Upon issuance of a Water Use Permit to the owner of a Benefited Property, the General Manager shall simultaneously make a record of the quantity of Water Entitlement that was conveyed to the owner of the Benefited Property and a commensurate reduction in the remaining amount of the Water Entitlement, if any, that thereafter is still held by the Water Entitlement Holder.

*Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 8 (1/14/82); formerly Rule 203, renumbered by Ordinance No. 6 (5/11/81); Ordinance No. 26 (9/8/86); Ordinance No. 71 (12/20/93); amended and renumbered by Ordinance No. 96 (3/19/2001); Ordinance No. 118 (12/13/2004); Ordinance No. 122 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 132 (1/24/2008); Ordinance No. 150 (5/21/2012); Ordinance No. 157 (12/9/2013); Ordinance No. 160 (4/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 172 (8/15/2016); Ordinance No. 175 (11/14/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 189 (12/13/2021).*