

RULE 23.1 -- ACTION ON APPLICATION FOR A WATER USE PERMIT ON A BENEFITED PROPERTY

A. PROCESS

1. Action on Application for a Water Use Permit

- a. The General Manager shall review the application and Assignment Document and determine whether the Applicant has met the criteria for a Water Use Permit. If additional information is required to complete the application, the Applicant shall be notified within thirty (30) days of the initial application.
- b. The General Manager shall ensure that the Assessor's Parcel Number of the Benefited Property shown on the Assignment Document matches the APN(s) shown on the spreadsheet of water purchasers provided by the Water Entitlement Holder.
 - (1) When the APN(s) shown on the Assignment Document does not match the spreadsheet of water purchasers, the General Manager shall contact the appropriate Water Entitlement Holder to verify the validity of the Assignment Document.
 - (2) When the APN(s) shown on the Assignment Document is found to be incorrect, the Applicant shall submit a corrected and recorded Assignment Document from the Water Entitlement Holder prior to issuance of a Water Use Permit. The Water Entitlement Holder shall notify the District in writing of any correction.
- c. The General Manager shall prepare and execute a Water Use Permit for the APN(s) shown on the Assignment Document.
- d. The original Water Use Permit shall be provided to the Applicant.
- e. The District shall retain one copy of the Water Use Permit and the copy of the Assignment Document.

B. AMENDMENT OF WATER USE PERMIT

1. A Water Use Permit may be amended to reflect a Change of Ownership of a Parcel.

2. A Water Use Permit may be amended to reflect assignment of water previously held collectively by two or more Parcels under a Water Use Permit. A written request for assignment shall be submitted to the District, along with processing fees and ownership information sufficient to prepare a new Water Use Permit.
3. A Water Use Permit may be amended to reflect newly-assigned Assessor's Parcel Numbers when a Benefited Property is subdivided into two or more Parcels or when new APNs are assigned to existing lots of record on a Site. A written request for amendment shall be submitted to the District, along with processing fees, evidence of the subdivision approval by the land use Jurisdiction and ownership information sufficient to prepare a new Water Use Permit.

C. WATER USE PERMIT LIMITATIONS

Water Use Permits issued under this Rule 23.1 shall be subject to the following limitations:

1. The Water Use Permit and subsequent Water Permit shall not limit the power of the District to curtail water use in the event of any emergency caused by drought, or other threatened or existing water shortage, as defined in Section 332 of the Monterey Peninsula Water Management Act or other provision of law, including without limitation the power of the District to terminate water service as a consequence of a violation of water use restrictions.
2. The Water Use Permit and subsequent Water Permit shall not relieve or reduce any obligation of the holder of the Permit to pay customary fees, Capacity Fees, User fees, surcharges, taxes, utility taxes and/or other customary monetary obligation which may be imposed by the California Public Utilities Commission, California American Water, or the District upon Water Users of the same class within the California American Water Service Area, including but not limited to fees and charges due and payable to the District by reason of Rule 24, nor shall such Permit limit the authority of California American Water or the District to terminate water use for non-payment of such fees and changes.

Added by Ordinance No. 128 (6/18/2007); amended by Ordinance No. 132 (1/24/2008); Ordinance No. 165 (8/17/2015)