

RULE 23.10 - CITY OF SEASIDE WATER ENTITLEMENT

A. CITY OF SEASIDE WATER ENTITLEMENT

1. The City of Seaside (Seaside) Water Entitlement confers a Water Entitlement of 13.00 Acre-Feet annually (AFA) for Benefited Properties in the City of Seaside supplied by California-American Water Company (Cal-Am) from Cal-Am Wells located in the Coastal Subareas of the Seaside Groundwater Basin based on a temporary assignment of Seaside's banked water credits from its in-lieu groundwater storage program as recognized by the Seaside Watermaster and approved by the Monterey County Superior Court pursuant to the Seaside Basin Groundwater Adjudication Decision.
2. The water available for permitting purposes shall be 12.09 AFA, which includes an assumed system loss factor of seven percent (7%) from the allowed production of 13.0 AFA.
3. The Seaside Water Entitlement shall be available for assignment and use upon the Benefited Properties consisting of Assessor's Parcel Numbers 012-191-001, -002, -003, -004, -030, -031, -033, -034, and -035 presently owned by Ascent Seaside LLC, a Delaware Limited Liability Company.
4. Seaside is authorized to separately sell, transfer, and convey to owners of Benefited Properties for such consideration and upon such terms and conditions as Seaside in its discretion may determine, such portions of the Seaside Water Entitlement as it may choose. Any portion of the Seaside Water Entitlement conveyed to the owner of a Benefited Property by an Assignment Document shall temporarily vest in the owner of the Benefited Property subject to the provisions of Rule 23.10-C.
5. The Seaside Water Entitlement shall be separate and distinct from any other Allocations provided in Rule 30. The existence of the Seaside Water Entitlement shall not affect any existing use of water in the County of Monterey or any City, or any existing Allocation to the County of Monterey or any City.
6. For purposes of collecting Capacity Fees and tracking the use of a Water Entitlement, the projected increase in Water Use Capacity of a Benefited Property shall be calculated in the manner set forth in Rule 24, as it may be amended from time to time.
7. Each Water Use Permit issued pursuant to this Rule shall represent a temporarily vested property interest upon issuance and shall be subject to Revocation or cancellation as expressly set forth in subparagraph C below.

8. The portion of the Seaside Water Entitlement granted by the Water Use Permit shall not be subject to reallocation pursuant to MPWMD Rule 30, nor shall the setting of meters by Cal-Am be terminated or diminished by reason of a water emergency, water moratorium, or other curtailment on the setting of meters with the exception of a water emergency or other curtailment that affects the use of water by all Cal-Am Users of the Coastal Subarea of the Seaside Groundwater Basin.

B. REPORTING REQUIRED

The City of Seaside will provide MPWMD with a copy of its monthly Recycled Water Reports at the same time Seaside provides such reports to the Watermaster to ensure compliance with this Rule.

C. REVOCATION, TERMINATION, OR MODIFICATION OF WATER USE PERMITS

Prior to sunset of this Ordinance, Seaside shall authorize a deduction of water from a Cal-Am Allocation for each Water Permit issued using this Entitlement and shall ensure conversion of all Water Permits from the Seaside Entitlement to a Seaside Allocation by issuance of an amended Water Permit that identifies the Allocation used.

D. SUNSET OF SEASIDE ENTITLEMENT

This Ordinance shall sunset following Cal-Am's filing of a Tier 1 advice letter transmitting the written concurrence of the Deputy Director of Water Rights of the State Water Resources Control Board with a finding that a permanent supply of water is ready to serve as a replacement for the unlawful diversion of Carmel River water and removing from its tariffs the special condition contained in Ordering Paragraph 1 of California Public Utilities Commission Decision 11-03-048. Sunset shall occur upon completion of the conversion of Water Permits from the Seaside Entitlement to a Seaside Allocation as set forth in subparagraph C above.

Added by Ordinance No. 194 (2/12/2024)