

This meeting is not subject to Brown Act noticing requirements.



Administrative Hearing Officer:
Frances M. Farina,
District Counsel

Staff Contacts:
Stephanie Locke, Water Demand Manager

Stephanie Kister,
Conservation Analyst

**Administrative Hearing
of the Monterey Peninsula Water Management District**

Wednesday, April 6, 2022, 11:00 AM, *Virtual Meeting*

As a precaution to protect public health and safety, and pursuant to provisions of AB 361, this meeting will be conducted via Zoom Video/Teleconference only

Join the meeting at this link:
<https://us06web.zoom.us/j/84485569560?pwd=SmYxQmRPaHlsMU9oM1dKZmFOUVEvUT09>

Or access the meeting at: www.zoom.us
Meeting ID: 844 8556 9560
Passcode: 931115
Participate by Phone: (669) 900-9128

For detailed instructions on connecting to the Zoom meeting, see page 2 of this agenda.

Call to Order / Roll Call

Action Items – Public comment will be received

1. Consideration of Approval of a Water Distribution System Permit for a Replacement Well for Irrigation at the Carmel Middle School (MPWMD Permit #M22-01-L3)

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service by noon on Monday, April 4, 2022. Requests should be forwarded to joel@mpwmd.net or by phone at 831-658-5652. Alternatively, you may reach Sara Reyes, Admin Services Division at (831) 658-5600.

Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link: <https://us06web.zoom.us/j/84485569560?pwd=SmYxQmRPcHlsMU9oM1dKZmFOUVEvUT09> or paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING (PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on “Join a Meeting”
4. Where it says, “Meeting ID”, type in the Meeting ID# above and click “Join Meeting”
5. Your computer will begin downloading the Zoom application. Once downloaded, click “Run” and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click “Test Speaker and Microphone”.
2. The client will first ask “Do you hear a ringtone?” •If no, please select “Join Audio by Phone”.
•If yes, proceed with the next question:
3. The client will then ask “Speak and pause, do you hear a replay?” •If no, please select “Join Audio by Phone”
•If yes, please proceed by clicking “Join with Computer Audio”

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click “Phone Call”
2. Dial one of the numbers listed below using a phone. Select a phone number based on your current location for better overall call quality.

+1 253 215 8782 US (Tacoma)	+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)	+1 346 248 7799 US (Houston)
+1 720 707 2699 US (Denver)	+1 720 707 2699 US (Denver)

3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap “Join a Meeting”
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap “Join Meeting”
7. Tap “Join Audio” on the bottom left-hand corner of your device
8. You may select either ONE of two options: “Call via Device Audio” or “Dial in”

DIAL IN

1. If you select “Dial in”, you will be prompted to select a toll-free number to call into.
2. You may select any of the numbers listed below:

+1 253 215 8782 US (Tacoma)	+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)	+1 312 626 6799 US (Chicago)
+1 720 707 2699 US (Denver)	+1 646 558 8656 US (New York)

3. The phone will automatically dial the number and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app
5. You are now connected to the meeting.

Present Public Comment

Receipt of Public Comment – the Hearing Officer will ask for comments from the public. Limit your comment to 3 minutes.

- (a) Computer Audio Connection: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
- (b) Phone audio connection **with** computer to view meeting: Select the “raised hand” icon. When you are called on to speak, press *6 to unmute yourself and please identify yourself.
- (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM CARMEL MIDDLE SCHOOL WDS" or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on Tuesday April 5, 2022. Comments submitted by noon will be provided to the Administrative Hearing Officer and compiled as part of the record of the meeting.

ADMINISTRATIVE HEARING

ITEM: ACTION ITEM

1. CONSIDER APPROVAL OF A WATER DISTRIBUTION SYSTEM PERMIT FOR A REPLACEMENT WELL FOR IRRIGATION AT THE CARMEL MIDDLE SCHOOL (MPWMD PERMIT #22-01-L3)

Meeting Date: April 6, 2022 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Stephanie Locke
Stephanie Kister Campbell **Cost Estimate:** N/A

General Counsel Review: Completed.

Committee Recommendation: N/A

CEQA Compliance: Negative Declaration

SUMMARY: The MPWMD Administrative Hearing Officer will consider Application #WDS-20220119CAR (**Exhibit 1-A**) submitted on January 19, 2022, and revised on February 10, 2022, by the Carmel Unified School District. Approval will authorize issuance of a Water Distribution System Permit (WDS) to the Carmel Middle School to allow a Replacement Well to irrigate landscaping and recreation fields located on four Parcels (APN's 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000). The Production Limit will be set at 37 Acre-Feet Annually (AFA) which reflects the historical average. The original Well had been used since 1962 and failed in 2015. The Replacement Well was approved by Monterey County Environmental Health Bureau in 2021. Water Rights for the four Parcels were reviewed and determined to be intact with no severance or subordination.

For non-controversial WDS matters, District Rule 22 allows the General Manager, in consultation with the Board Chairperson, to direct that a hearing be scheduled before the General Manager (or his/her designee) as the sole hearing officer. Notice of the staff action shall be provided to the public via the "Appealable Decisions" section of the District's website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, "Appeals." This hearing was noticed for at least ten days around the project site as well as in the District office's window and website and on the State Clearinghouse at the Governor's Office of Planning and Research where it was posted for 30 days.

DISCUSSION: The following paragraphs describe the proposed Findings and Conditions of Approval as required by MPWMD Rule 22.

Findings of Approval: The Findings of Approval for Application #WDS-20220119CAR (**Exhibit 1-B**) are based on evidence provided in the application materials, including supporting documents on file at the District's office. With the Findings of Approval, District staff believes a finding can be made that the application meets the criteria and minimum standards for approval set by the

District Rules 22-B and C. Specifically, this action would “not create an Overdraft or increase an existing Overdraft” (Rule 22-C-4).

Conditions of Approval: Permit M22-01-L3 results in Conditions of Approval for the Carmel Middle School WDS Permit shown as (**Exhibit 1-C**). Key Conditions of Approval are to provide Non-Potable Water for irrigation use on four Parcels identified as Assessor’s Parcel Numbers (APNs) 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000. The Production Limit shall be set at 37 AFA, and no new Connections are permitted.

CEQA Compliance: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, et seq. Specifically, the MPWMD as a lead agency under CEQA for the approval of a Water Distribution System Permit for a Replacement Well for irrigation at the Carmel Middle School, determined that a Negative Declaration is applicable as the Initial Study showed that there is no substantial evidence that the project may have significant effect on the environment. In accordance with CEQA Guidelines 15070 et seq., MPWMD will file a Notice of Determination after approval of the permit.

RECOMMENDATIONS: District staff recommends that the staff hearing officer take the following actions:

1. Adopt the MPWMD Findings of Approval for Application #WDS-20220119CAR for the Carmel Middle School WDS Permit.
2. Approve the Carmel Middle School WDS Permit (Permit #M22-01-L3) to allow a Replacement Well to irrigate the landscaping and recreation fields on four Parcels (015-162-028-000 (Well Site), 015-162-029-000, 015-162-014-000, and 015-162-015-000), including setting the Production Limit on the Well at 37 AFA.
3. Direct staff to file a Notice of Determination with the County Clerk. (**Exhibit 1-D**).

EXHIBITS

- 1-A Application #WDS-20220119CAR submitted on January 19, 2022
- 1-B MPWMD Draft Findings of Approval
- 1-C MPWMD Draft Conditions of Approval
- 1-D Notice of Determination



Exhibit 1-A
RECEIVED

JAN 19 2022

**APPLICATION for a PERMIT to CREATE or AMEND a MPWMD
WATER DISTRIBUTION SYSTEM or MOBILE WDS**

For detailed guidance, please visit the District website at:
<http://www.mpwmd.net/regulations/wells-water-systems/water-distribution-systems/>
 (click on "2014 Implementation Guidelines").
 For staff assistance, contact 831-658-5601 or skister@mpwmd.net or gabby@mpwmd.net

Form received on 1/19/2022 by K Smith
 Fee Received: \$1,200 (Level 1 or 2); ~~✗~~ \$3,000 (Level 3)
 ID# WDS- 20220119CAR

Please complete the table below (attach extra sheets as needed):

#	QUESTIONS	FILL IN ANSWERS BELOW
1	System Name	Carmel Middle School Well
2	Assessor's Parcel # (list all)	If multiple parcel, identify APN for well/facility location and APN of parcels receiving water from WDS or Mobile WDS. Well - 015-162-028-000 Other parcels - 015-162-029-000, 015-162-014-000, 015-162-015-000
3	Physical Address or Location	4380 Carmel Valley Road
4	Name of Applicant	Carmel Unified School District
5	Mailing Address	(Street or PO) 4380 Carmel Valley Road
6	City, State, Zip	Carmel, CA 93921
7	Phone/fax/email:	P-831-624-6311 F-831-622-9958 dpaul@carmelunified.org
8	Agent (if applicable)	(i.e., person who may receive paperwork on behalf of applicant/owner)
9	Agent mailing address	
10	Agent City, State, Zip	
11	Agent phone/fax/email	
12	Hydrogeologist (if applicable)	(e.g., licensed professional who has conducted well testing and evaluation)
13	Hydro mailing address	
14	Hydro City, State, Zip	
15	Hydro phone/fax/email	
16	Is this an amendment to an existing WDS?	YES or NO. If yes, identify previous MPWMD permit #, if any. # _____ Describe planned changes. No
17	Is this a Mobile WDS?	YES OR NO. If yes, go to Row 42 No
18	Is this a water Well?	YES or NO. If no, go to Row 21. Yes



 MONTEREY PENINSULA

WATER

 MANAGEMENT DISTRICT

19	MCEHB² Permit # and issuance date	(One for each well) 20-13419 Issued 12/29/2020
20	DWR Well Completion Report # and date	(One for each well) WCR2021-004253 4/7/2021
21	Within MPWRS³ ?	YES or NO. Consult with District staff if unsure; see definition in footnote. Yes
22	>1,000 ft. MPWRS?	YES or NO. Consult with District staff if unsure. See Section 4.0 of 2014 Implementation Guidelines. No
23	≤1,000 ft. MPWRS?	YES or NO. Consult with District staff if unsure. Staff will assess well log re: potential impacts; additional testing may be required. See Section 4.2 of 2014 Implementation Guidelines. Yes
24	Seaside Basin source?	YES or NO. If yes, Adjudication documentation and/or approval from Watermaster are required. See Section 5.0 of 2014 Implementation Guidelines. No
25	CV Alluvium source?	YES or NO. If yes, water rights documentation is required. See Section 6.0 of 2014 Implementation Guidelines. District staff will confirm if alluvial. Yes
26	Fractured rock spring or seep?	YES or NO. If yes, state if onsite or offsite use, and if potable (drinking water) or non-potable use. See Section 7.0 of 2014 Implementation Guidelines. No
27	River/tributary direct diversion?	YES or NO. If yes, water rights documentation is required. See Section 7.0 of 2014 Implementation Guidelines. Describe system. No
28	Dam/reservoir?	YES or NO. If yes, water rights documentation and EIR is required. See Section 7.0 of 2014 Implementation Guidelines. No
29	Desal plant?	YES or NO. If yes, describe facilities, annual production and recipients. EIR required. See Section 7.0 of 2014 Implementation Guidelines. No
30	Reclamation plant?	YES or NO. If yes, describe facilities, annual production and recipients. EIR required. See Section 7.0 of 2014 Implementation Guidelines. No
31	Rainwater harvest + offsite delivery?	YES or NO. If yes, describe. See Section 7.0 of 2014 Implementation Guidelines. No
32	Other water systems?	YES or NO. Describe. See Section 7.0 of 2014 Implementation Guidelines. No
33	Estimated production	Unit is acre-feet per year (AFY). See Section 2.9 of 2014 Implementation Guidelines. 37
34	Total acreage served	(Break out acreage of each parcel served) 015-162-028-000 = 2.09 Acres 015-162-029-000 = 2.48 acres, 015-162-014-000=acres, 015-162-015-000=45 acres
35	Type of water use?	(e.g., drinking water, irrigation only) Irrigation only
36	Type of land use?	(e.g., residential, commercial, agriculture) Public
37	New subdivision?	YES or NO. CEQA document from lead agency is required. No
38	In CAW⁴ service area?	YES or NO. Yes
39	Active CAW service?	What is currently served by CAW on the property (e.g. home or business)? Yes
40	What is Zoning?	PQP-D-S-RAZ
41	Environmental information	Describe CEQA documentation and Lead Agency, if applicable. NA

² MCEHB= Monterey County Environmental Health Bureau

³ MPWRS= Monterey Peninsula Water Resource System (i.e., Carmel Valley Alluvial Aquifer, Carmel River/tributaries, and Seaside Basin)

⁴ CAW = California American Water Company



42	Is Mobile WDS source within MPWMD?	YES or NO. If yes, describe source and location. See Rows 21 - 32 for possibilities.
43	Is water source outside MPWMD?	YES or NO. If yes, describe source and location.
44	Source agency and approval	If outside MPWMD, identify source agency with authority. Attach written documentation that the source water may be exported to serve applicant.
45	Describe intended use (long-term)	Mobile WDS may only be non-potable (e.g., irrigation, pools only) unless an emergency.
46	# Parcels served?	Use Request for Exemption form if service is to 3 or fewer parcels from a source out side MPWMD.
47	Emergency drinking water service?	YES or NO. If yes, describe situation.
48	Other relevant information or unique considerations?	Refer to Question #. Attach explanatory sheets as needed.
ATTACHMENTS		
A1	Parcel Maps	
A2	MCEHB permit(s)	
A3	DWR Well log(s)	
A4	Well registration forms	
A5	Well meter sign-offs	
A6	Grant deed	
A7	Water rights docs.	
A8	Environmental docs.	
A9	Mobile WDS approval	
A10	Application fee (check)	
A11	Other	

This Application for a Permit must be signed by the person who is identified in a recorded Deed as the owner of the parcel on which the well or other water producing facility is located. If multiple owners, at least two must sign.

Under penalty of perjury, I verify that the above information is accurate to the best of my knowledge and understanding.

Yvonne Perez
Signature of Applicant/System Owner
 Printed name of Applicant: Yvonne Perez

1-19-22
Date

Signature of Applicant/System Owner
 Printed name of Applicant: _____

Date

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APPLICATION for a PERMIT to CREATE or AMEND a WATER DISTRIBUTION SYSTEM or MOBILE WDS

For detailed guidance, please visit the District website at:
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 (click on "2014 Implementation Guidelines").
 For staff assistance, contact 831-658-5601 or skister@mpwmd.net or gabby@mpwmd.net

Form received on 1/19/2022 by K Smith.
 Fee Received: \$1,200 (Level 1 or 2); ~~\$3,000 (Level 3)~~
 ID# WDS- 20220119CAR

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8	Agent (if applicable)	(i.e., person who may receive paperwork on behalf of applicant/owner) Dan Paul
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39	Active CAW service?	What is currently served by CAW on the property (e.g. home or business)? Yes
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41	Environmental information	Describe CEQA documentation and Lead Agency, if applicable. NA

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WATER
 MANAGEMENT DISTRICT

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A10	Application fee (check)	
A11	Other	

This Application for a Permit must be signed by the person who is identified in a recorded Deed as the owner of the parcel on which the well or other water producing facility is located. If multiple owners, at least two must sign.

Under penalty of perjury, I verify that the above information is accurate to the best of my knowledge and understanding.

Yvonne Perez 2/10/22
Signature of Applicant/System Owner **Date**
 Printed name of Applicant: Yvonne Perez, Chief Business official

_____ _____
Signature of Applicant/System Owner **Date**
 Printed name of Applicant: _____

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**DRAFT
FINDINGS OF APPROVAL**

**APPROVAL OF A WATER DISTRIBUTION SYSTEM PERMIT FOR A
REPLACEMENT WELL FOR IRRIGATION AT THE
CARMEL MIDDLE SCHOOL**

Permittee: Carmel Unified School District, a Body Politic

Permitted System: Carmel Middle School Water Distribution System

Recipient Assessor Parcel Numbers: 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000

Application #WDS-20220119CAR, Permit #M22-01-L3

Adopted by MPWMD Administrative Hearing Officer on April 6, 2022

Unless noted otherwise, all cited documents and materials are available for review on the MPWMD website <https://www.mpwmd.net/regulations/public-notices/> and will be available for 30 days following action on the application.

It is hereby found and determined:

1. **FINDING:** Carmel Unified School District (CUSD), a Body Politic, is the Owner of a Replacement Well located in the Carmel Valley Alluvial Aquifer (CVAA) that replaced a failed irrigation Well that was historically used since 1962. The Site comprises four Parcels Assessor Parcel Numbers (APNs) 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000. The Carmel Middle School Parcels are 57.45 acres combined and consist of a school, administrative offices, landscape and sports fields. Irrigation water is provided by the Well and Potable water is supplied by California-American Water Company (CAW).

EVIDENCE: Application #WDS-20220119CAR submitted on January 19, 2022, and amended February 10, 2022, including a Site map and list of APNs, County and State Permits, and other materials. Database of Monterey County APNs and ownership.
2. **FINDING:** The four Subject Parcels (015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000) are within the CAW Service Area boundary and overlie the CVAA.

- EVIDENCE: Permit application materials. Mapped extent of the Carmel Valley Alluvial Aquifer, and the CAW Service Area map.
3. FINDING: The Monterey County Environmental Health Bureau (MCEHB) approved the Replacement Well in December 2020. The Well was approved for irrigation use.
- EVIDENCE: Application #WDS-20220119CAR specified in Finding #1, including MCEHB Construction Permit #20-13419 issued December 29, 2020, and DWR Well Completion Report #WCR2021-004253 signed April 7, 2021.
4. FINDING: The MPWMD recognizes historic irrigation use on the Site from a failed Well that had been in use since 1962.
- EVIDENCE: Permit application materials specified in Finding #1. MPWMD WDS records.
5. FINDING: In compliance with Rule 40-A-2, Water Distribution Systems with System Limits Not Previously Defined by MPWMD, the Production Limit is set at 37 Acre-Feet Annually (AFA, which is the average of reliable annual metered usage over six years. Unfortunately, additional reliable data is not available due to issues with previous meters on the Well, however it is known that the Well has been regularly used at this production level for irrigation of the fields, and that the irrigation fluctuates depending on the sports needs of the students and athletic programs.
- EVIDENCE: Use at this level is supported by the fact that there are approximately 19 acres of grasses and vegetables (including the MEarth outdoor classroom) under irrigation. The historic use of Well water for irrigation on this Site supports the continued use of the CMS Water Distribution System and approval of the Replacement Well as the Source of Supply with a limit of 37 AFA.

Required Findings (MPWMD Rule 22-B)

6. FINDING: The approval of the Permit would not cause unnecessary duplication of Non-Potable water service within any existing system. [Rule 22-B-1]
- EVIDENCE: Permit application materials specified in Finding #1. MPWMD Permit #M22-01-L3, Conditions of Approval #1 through #3.
7. FINDING: The approval of the Permit would not result in water importation or exportation to or from the District, respectively. The Source of Supply is located wholly within the MPWMD and is in the Carmel Valley Alluvial

Aquifer (CVAA). [Rule 22-B-2]

EVIDENCE: MPWMD District boundary location maps and evidence of historical usage as reviewed by and confirmed by Stephanie Locke, Water Demand Manager. Evidence of current riparian rights reviewed and confirmed by District Counsel Frances M. Farina.

8. FINDING: Approval of the application would not result in significant adverse impacts to “Sensitive Environmental Receptors” (SER) as defined by MPWMD Rule 11, including the Carmel Valley Alluvial Aquifer (CVAA). [Rule 22-B-3]

EVIDENCE: Permit application materials specified in Finding #1. MPWMD Permit #M22-01-L3.

9. FINDING: Water Rights for the four Parcels are intact with no severance or subordination. [Rule 22-B-4]

EVIDENCE: MPWMD files for the Subject Parcels. Water Rights Determination by Dannis Woliver Kelley, dated March 22, 2022, including Chain of Title and Analysis and confirmed by MPWMD Counsel.

10. FINDING: The application demonstrates existence of a long-term reliable source of water supply for the irrigation uses up to 37 AFA from the CVAA. [Rule 22-B-5]

EVIDENCE: Mapped extent of the CVAA. Department of Water Resources Well Completion Report #2021-004253.

11. FINDING: The Source of Supply is the CVAA. Production Limit is set at 37 AFA with no new Connections. [Rule 22-B-6]

EVIDENCE: Permit Application materials as specified in Finding #1. Conditions of Approval #2.

12. FINDING: The Source of Supply is shared by other Water Distribution Systems, but no new water use above approved amounts is associated with this action. However, the cumulative effect of existing water extractions from the CVAA has resulted in significant adverse impacts to the CVAA and the species and habitats dependent on this Source of Supply. [Rule 22-B-7]

EVIDENCE: WDS Parcel Map and CAW Service Area map.

13. FINDING: The Source of Supply for the Subject Parcels is derived from the Monterey Peninsula Water Resource System because the source of water is an Alluvial Well. The Source of Supply is also within the jurisdiction

of the State Water Resources Control Board (SWRCB) and has not been determined to be tributary to the Source of Supply for any other system. [Rule 22-B-8]

EVIDENCE: Mapped extent of the CVAA; MPWMD Rules and Regulations.

14. FINDING: The Source of Supply derives from the Monterey Peninsula Water Resource System and is within the jurisdiction of the SWRCB. MPWMD Permit #M22-01-L3 does not allow a permanent intertie to any other Water Distribution System. One of the Subject Parcels, APN 015-162-015-000, is connected to and served by the Main CAW System for Potable use and irrigation adjacent to the buildings, including water for emergency fire protection. Temporary water service via trucked-in water pursuant to MPWMD Rule 173 could occur if the Main CAW System experienced a fire or other non-fire emergency. [Rule 22-B-9]

EVIDENCE: Map of CAW Service Area available at District office; MPWMD Rules and Regulations.

15. FINDING: A Backflow Protection Device to prevent contamination of the Main CAW System is determined to be not necessary as the WDS is not connected to the CAW system. [Rule 22-B-10]

EVIDENCE: MPWMD Rules and Regulations.

Minimum Standards for Granting a Permit (MPWMD Rule 22-C)

16. FINDING: The application adequately identifies the Responsible Party as Carmel Unified School District, a Body Politic. [Rule 22-C-1]

EVIDENCE: Permit application materials specified in Finding #1.

17. FINDING: The Source of Supply for the Permitted System is one Well located within the Carmel Valley Alluvial Aquifer (CVAA). The Well is located on APN 015-162-028-000. [Rule 22-C-2]

EVIDENCE: Permit application specified in Finding #1.

18. FINDING: The application identifies the location of the Source of Supply as a Well drawing from the CVAA capable of producing a long-term reliable supply for the intended purposes. The system complies with the standards set forth by the Monterey County Environmental Health Bureau. [Rule 22-C-3]

EVIDENCE: Permit application materials specified in Finding #1; Condition of Approval #3.

Compliance with California Environmental Quality Act (CEQA)

19. FINDING: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, *et seq.* Specifically, the MPWMD as a lead agency under CEQA conducted and circulated an Initial Study which determined the Carmel Middle School irrigation Well could not have a significant effect on the environment.

EVIDENCE: Public Resources Code §21080 (c)(1), CEQA Guidelines §§15070 *et seq.* MPWMD Initial Study and Negative Declaration for approval of a Water Distribution System Permit for a Replacement Well for irrigation at the Carmel Middle School signed by MPWMD General Manager David J. Stoldt on February 28, 2022.

20. FINDING: Based on the Initial Study, the MPWMD believes that there is an absence of substantial evidence from which a fair argument can be made that approval of a Water Distribution System Permit for a Replacement Well at Carmel Middle School has meaningful actual or potential adverse environmental consequences.

EVIDENCE: MPWMD Initial Study and Negative Declaration for approval of a Water Distribution System Permit for a Replacement Well for irrigation at the Carmel Middle School signed February 28, 2022, and circulated through the State Clearinghouse and County of Monterey from March 1, 2022, through March 31, 2022. No comments were received.



**DRAFT
CONDITIONS OF APPROVAL**

**APPROVAL OF A WATER DISTRIBUTION SYSTEM PERMIT FOR
A REPLACEMENT WELL FOR IRRIGATION AT THE
CARMEL MIDDLE SCHOOL**

Permittee: Carmel Unified School District, a Body Politic

Permitted System: Carmel Middle School Water Distribution System

Recipient Assessor's Parcel Numbers: 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000

Application #WDS-20220119CAR, Permit #M22-01-L3

Mandatory Conditions of Approval

1. The Carmel Middle School Water Distribution System (Permitted System) Permit is authorized by the Monterey Peninsula Water Management District (MPWMD or District) by action on April 6, 2022, under Permit M22-01-L3 to irrigate the landscaping and recreation fields located on four Parcels identified as Assessor's Parcel Numbers (APNs) 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), & 015-162-029-000, as shown in Attachment 1- Parcel Map. This action is referred to herein as the "Carmel Middle School WDS Permit." [Rule 22-D-1-a]
2. The Carmel Middle School WDS is authorized under Permit M22-01-L3 to provide Non-Potable Well water for irrigation on four Parcels identified as Assessor Parcel Numbers (APNs) 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), & 015-162-029-000. The Production Limit shall be set at 37 Acre-Feet-Annually (AFA), and no new Connections are permitted. [Rule 22-D-1-b]
3. The Source of Supply for the Permitted System is one Well located within the Carmel Valley Alluvial Aquifer (CVAA). The Well is located on APN 015-162-028-000 and permitted by Monterey County Environmental Health Bureau Well Permit #20-13419 issued December 29, 2020, and DWR Well Completion Report #WCR2021-004253 signed on April 7, 2021. [Rule 22-D-1-b]
4. No additional agency approvals are required before the WDS is finalized.



5. Permittee shall execute an Indemnification Agreement, provided separately, which holds the District harmless and promises to defend the District from any claims, demands, or expenses of any nature or kind arising from or in any way related to the District approval of the Permitted System or the adequacy of the system water supply. This Permit is not valid until the Indemnification Agreement is signed within 60 days of the hearing date by both the Permittee, Carmel Unified School District, and MPWMD. [Rule 22-D-1-d]
6. Permittee shall comply with District rules relating to water Well registration, metering, and annual reporting of production (MPWMD Rules 52 and 54). [Rule 22-D-1-e; Rule 22-D-2]
7. Permittee shall report production by the Water Meter Method (MPWMD Rule 56) for the Well designated in Condition #2. [Rule 22-D-1-e; Rule 22-D-2]
8. Permittee shall comply with all MPWMD water efficiency rules (e.g., Regulations XIV and Regulation XV). [Rule 22-D-1-f]
9. Permittee shall comply with District regulations that govern Water Meter Connections, including payment of applicable fees. No new Connections are approved as part of Permit #M22-01-L3. [Regulation II, Permits]
10. Any new Water Gathering Facility, Source of Supply, expansion of Service Area boundary, changed conditions regarding water service by other entities, increase in the System Limit set in Condition #2, or other changes described in MPWMD Rule 22-E shall require a Permit to amend the Permitted System. [Rule 22-E]
11. A back-flow protection device to prevent contamination of the California American Water system is not required. [Rule 22-D-1-h]
12. Upon District approval of this Permit, Permittee shall pay to the District the invoiced cost for MPWMD staff, attorney, and consultant time spent to process the Permit subsequent to the application date, if required. Actual costs will be compared to the initial Application Fee. The Permittee will be separately provided documentation to support the invoiced amount. This Permit is not valid until payment for the invoiced amount is received by MPWMD. The payment must be received within 60 days of the hearing date. [Rule 22-D-1-i]
13. Upon finalization of these conditions, the Permittee shall sign and notarize an Acceptance of Permit Conditions form associated with the approval of the Permitted System. By signing the form, Permittee acknowledges that Permittee understands and accepts these conditions as a binding part of the Permit approval and agrees to carry them out faithfully. The Acceptance



form must be received within 60 days of the hearing date for this Permit to remain valid. [Rule 22-D-1-m]

14. Permittee shall disclose to any future Owner, successors and assigns of the property described in Condition #1 the requirements for the Permitted System associated with this Permit. MPWMD shall be advised in a timely manner of any changes in system ownership, system name, or other substantive changes to the system to facilitate accurate record-keeping. [Rule 22-D-2]
15. Permittee shall execute a Notice and Deed Restriction Regarding Limitation on Use of a Water Distribution System prepared by MPWMD regarding the limitation on water use as set forth in these conditions. Permittee shall pay all fees associated with preparation, review and recording of the Notice and Deed Restriction Regarding Limitation on Use of a Water Distribution System. The Notice and Deed Restriction Regarding Limitation of Use of a Water Distribution System must be signed and notarized by the Permittee and accepted by the Monterey County Recorder. [Rule 22-D-1-n]
16. Upon notice to the Permittee in writing, e-mail or by telephone, reasonable access shall be given to MPWMD staff or its designated representative to inspect and document Water-Gathering Facilities and Water-Measuring Devices, obtain hydrogeologic data, and take readings from Water Measuring Devices within the Permitted System. [Rule 22-D-1-o]
17. The Permit granted herein is subject to revocation in the event the Permittee does not fully comply with each condition set forth in this Permit. [Rule 22-D-1-p]

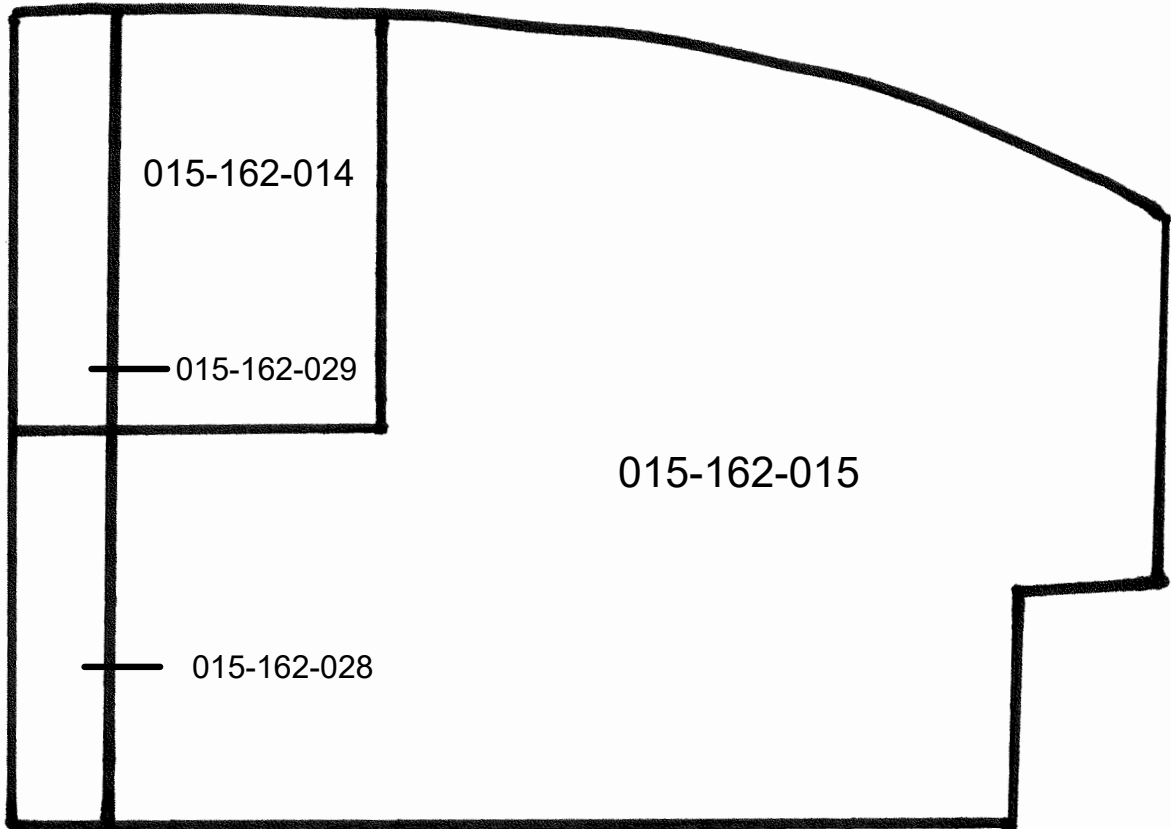
Other Standard Conditions of Approval

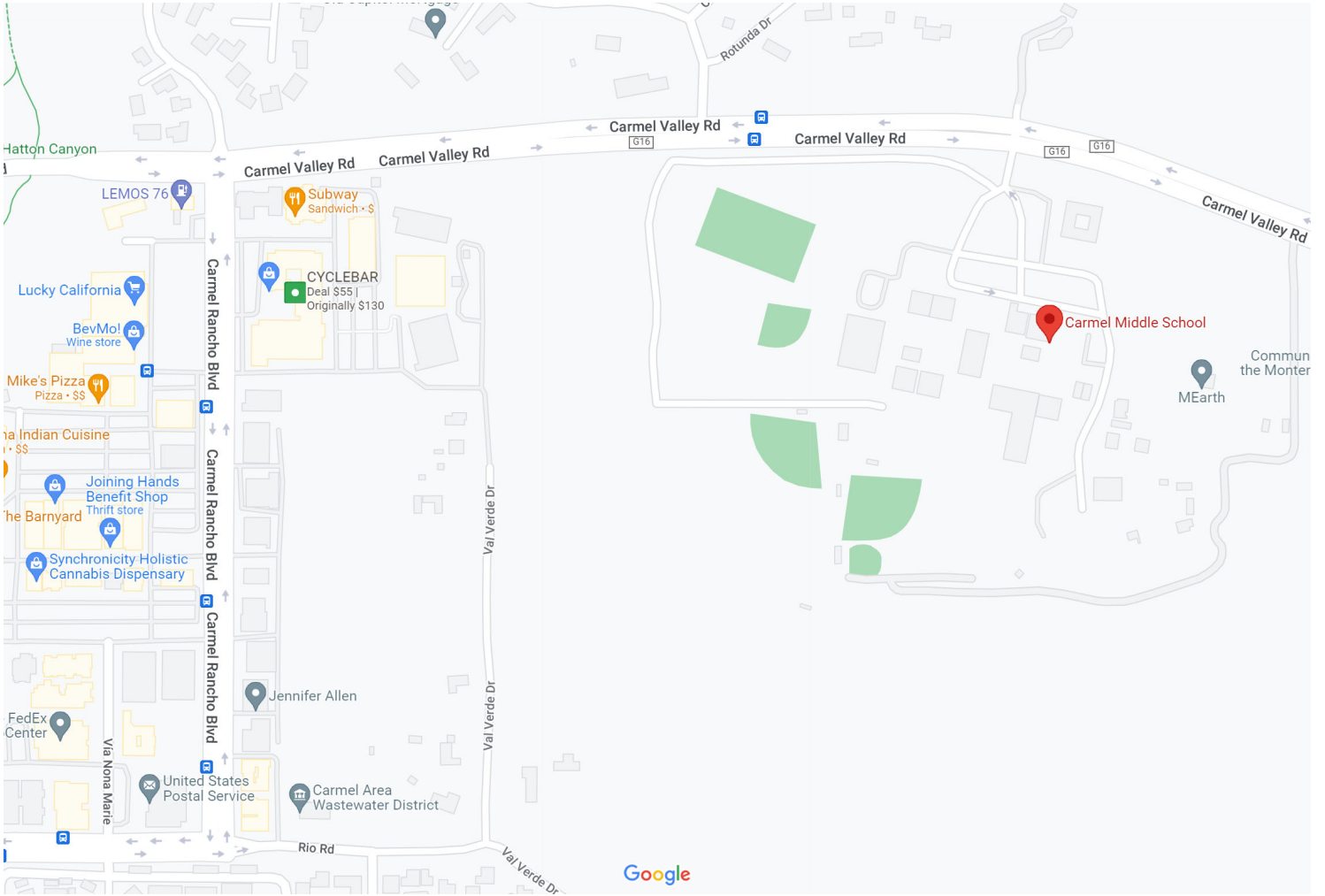
18. Nothing in this Permit shall be construed to grant or confirm any water right.
19. This Permit does not authorize any act that results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a “take” will result from any act authorized under this Permit, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this Permit.

ATTACHMENT 1- Parcel Map

Attachment 1: Map

Carmel Middle School, 4380 Carmel Valley Rd, Carmel





Notice of Determination

Appendix D

To: Office of Planning and Research
P.O. Box 3044 Sacramento
CA 95812-3044

From: Monterey Peninsula Water Management
District
5 Harris Ct, Building G
Monterey CA 93940
Contact: Stephanie Kister Campbell
831-658-5635

To: Monterey County Clerk
168 W. Alisal #1
Salinas, CA 93901

SUBJECT: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number (if submitted to State Clearinghouse): 2022030018

Project Title: Consider Approval of a Water Distribution System Permit for a Replacement Well to Irrigate the Recreation Fields at Carmel Middle School in Carmel Valley

Project Applicant: Carmel Unified School District

Project Location (include county): 4380 Carmel Valley Rd, Carmel, Ca; Monterey County

Project Description: Grant a Water Distribution System Permit to the Carmel Middle School to allow a Replacement Well to irrigate the landscaping and recreation fields on four Parcels, 015-162-028-000 (Well Site), 015-162-029-000, 015-162-014-000, 015-162-015-000. The System Limit is set at 37 Acre-Feet Annually which reflects the historical average. The Replacement Well was approved by Monterey County Environmental Health Bureau and was drilled in 2021 to replace a failed irrigation Well that had been in use since 1962.

This is to advise that **Monterey Peninsula Water Management District** has approved the above-described project on **April 6, 2022**, and made the following determinations regarding the above described project.

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was not adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration, is available to the General Public at <https://www.mpwmd.net/regulations/public-notices/>

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____