



COMMUNITY DEVELOPMENT DEPARTMENT

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August 18, 2025

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Re: August 18, 2025 Agenda Item 11: ASR Cooperation Agreement with Marina Coast Water District

Dear Board of Directors:

The City of Seaside understands the potential benefits of supplemental water injection in the Seaside Groundwater Basin; however, we wish to express concern with the proposed terms and conditions for the proposed Aquifer Storage and Recovery (ASR) Cooperation Agreement between the Marina Coast Water District (MCWD) and Monterey Peninsula Water Management District (MPWMD). These concerns include the following:

1. Seaside wishes to be afforded the same right to inject surplus water into the Seaside Basin.
2. Seaside is concerned that surplus water injection could occur ahead of MCWD committing to supply existing customers and planned projects within their jurisdiction.
3. Seaside is concerned about how MCWD's water rights would be enforced and what withdrawal implications are after the injection and storage of MCWD's water.
4. Seaside is concerned about what effects some of the source waters would have on the Seaside Basin

Each of these respective concerns is described in more detail below.

1. Seaside's Right to Inject Water

Seaside is a member to the adjudication decision for the Seaside Basin with extraction rights in the Basin. Seaside has water resources including storm water runoff and wells outside the Seaside Basin. In the event that Seaside develops these resources, Seaside would like to reserve its right to use surplus capacity in the ASR wells to inject and store water. Seaside has an existing right and means



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to withdraw Seaside Basin water, and would like priority when it comes to injection of water.

2. MCWD Meeting Existing Demands

Priority for surplus water should go to meeting existing demands within the MCWD's jurisdiction ahead of potentially speculative injection and storage. Seaside and MCWD are still working through water supply agreements for projects such as Main Gate and Campus Town Phase 2. Seaside wishes to have assurance that water which could provide beneficial use for planned projects within the MCWD service area is prioritized above speculative storage of the water.

If MPWMD approves the amendments to the cooperation agreement, Seaside requests that approval is contingent upon the satisfaction of primary beneficial uses within MCWD's jurisdiction acknowledging existing law.

Examples of potentially unmet in-district demands include:

Main Gate – A known development area within MCWD boundaries with established water demand.

Campus Town Phase 2 – A well-planned, in-district development with a documented demand of over 130 acre-feet per year.

Seaside Highlands – Constructed their irrigation system to use recycled water, but is still being supplied with potable water despite the availability recycled water.

The following legal framework supports this Local-Needs Priority:

California Water Code §106 – Domestic and in-district uses have the highest priority.

California Constitution Article X, §2 – All water, including recycled, must be put to beneficial use to the fullest extent possible; unreasonably withholding water from entitled in-district users to store for speculative purposes is prohibited.



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State Water Board Recycled Water Policy – It is an unreasonable use not to deliver recycled water of adequate quality to local customers when feasible, especially when replacing potable water for non-potable needs.

Seaside Groundwater Basin Adjudication Judgment (Monterey County Superior Court, Case No. M66343; see also City of Seaside v. California American Water, 107 Cal. Rptr. 3d 529, 536–37 (Ct. App. 2010)) – Prohibits speculative storage for external sale if it impairs in-basin rights or beneficial uses.

The City of Seaside requests that the following language be included in any proposed Agreement between MCWD and MPWMD:

Local Needs Priority: MCWD shall not allocate, transfer, sell, or export any stored water—including advanced treated recycled water—from the Seaside Groundwater Basin to any entity or property outside the MCWD service area unless and until all current and foreseeable water supply needs for MCWD's existing service area constituents are fully satisfied and documented in an annual sufficiency certification to the Board and Watermaster. This certification must address—and confirm adequate service to—known in-district demands such as the Main Gate area, Campus Town Phase 2 (~130 AFY), and the delivery of recycled water for non-potable use in areas such as Seaside Highlands. Only after such certification and Board/Watermaster review may any stored water be designated as surplus for external purposes.

Without enforceable language protecting in-district needs first, the proposed agreement risks worsening service shortfalls for existing customers while allowing water to be banked for out-of-district transactions.

3. Extraction Right Implications

Seaside believes that if MPWMD allows MCWD's surplus water injection into an adjudicated basin, then MPWMD has a duty to consider, explore, and make public the associated extraction rights and processes. In addition, Seaside believes MPWMD may be usurping the rights and authority of the Seaside Watermaster.

The Seaside Watermaster has the authority to administer water rights and allocations as well as the authority to develop and implement management



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plans. MCWD plans to retain ownership of the water after it is injected. Injection of water from a new entity who is not party to the adjudication will create a water allotment within the Seaside Basin that the Seaside Watermaster has not approved, or included in its management plan. It would be irresponsible for the MPWMD to put an outside party's allotment of water in the Seaside Basin, as that outside party may assert their property rights over that water and then attempt to leverage those rights to draw water out of the Seaside Basin.

Seaside requests that any approval for injection or storage of water from any entity not party to the Seaside Basin Adjudication be contingent to approval by the Seaside Watermaster.

4. Source Water Impacts

Seaside is concerned about how pumping water from the northern adjacent Salinas Groundwater Basin for storage in the Seaside Groundwater Basin would affect flows between the two basins.

The proposed cooperation agreement discussion published for the August 18th, 2025 MPWMD Board meeting states that "The Source may vary during time of year and in the future, but in general would be from any and all sources available to MCWD for municipal supply." This includes MCWD extraction wells in the Salinas Basin. The discussion then states "The concept of injecting MCWD's surplus Pure Water Monterey delivered product water is not part of the discussion."

The Pure Water Monterey Injection system was primarily designed for recycled water and surplus river water. Using recycled water and surplus river water as an injection source makes good use of water that otherwise would be discharged to the ocean.

Drawing source water from the Salinas Basin and moving it across a boundary line surcharging the Seaside Basin could cause an imbalance between two contiguous basins whose interactions are not well understood. The effects of source water from adjacent basins should be well understood before it is approved. Source water drawn from an adjacent basin may create cross basin flows reducing the percentage actually retained in the Seaside Basin.



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Seaside does not believe all source water should be treated equally. We request that MPWMD qualify and understand the impacts and water quality of various source waters prior to approving it for injection.

To summarize, Seaside urges the Board to amend the proposed terms and conditions of the proposed Agreement to reflect these priorities and factual realities before taking any action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Myrick", is written over a horizontal line.

Andrew Myrick, AICP, CEcD
Housing and Planning Manager