



DRAFT

**CONDITIONS OF APPROVAL
APPROVAL OF RIVER MEADOWS WATER DISTRIBUTION SYSTEM
TO ADD ADDITIONAL RESIDENTIAL USE AND SET SYSTEM LIMITS
MPWMD PERMIT #S26-L3-RIV**

Permittee: Rio Carmelo, LLC, a California Limited Liability Company

Permitted System: River Meadows Water Distribution System

Assessor's Parcel Number: 416-028-017-000

Mandatory Conditions of Approval

1. The River Meadows Water Distribution System (Permitted System) is located on one Parcel (APN: 416-028-017-000) consisting of 6.74 acres in unincorporated Monterey County. No construction activities are authorized by issuance of this Permit. The Permitted System boundaries map is shown in **Attachment 1**. This action is referred to herein as the "River Meadows WDS". [Rule 22-D-1-a]
2. This Permit recognizes Domestic and irrigation pumping from the Well on the Parcel at an average of 5.92 Acre-Feet Annually (AFA) during the most recent ten years (2016-2025). The System Limit for the Permitted System will be set at **5.775** AFA and the Expansion Capacity Limit set at **two (2)** Connections as approved by the MPWMD Hearing Officer on **xxxxxxx**. [Rule 22-D-1-b]
3. This Permit authorizes the Permitted System to expand to provide water to a Residential Accessory Dwelling Unit in addition to the existing Single-Family Dwelling and irrigation use on the Parcel referenced in Condition #1. [Rule 22-D-1]
4. The Source of Supply for the Permitted System is a subterranean stream flowing through a known and definite channel and is located within the Carmel Valley Alluvial Aquifer (CVAA) as evidenced by MCEHB Water Well Permit #WSAL 95-238 issued on October 3, 1995, and DWR Well Completion Report No.544559 signed on November 27, 1995. [Rule 22-C-3]
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. [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 #4. [Rule 22-D-1-e; Rule 22-D-2]
8. Permittee shall comply with all MPWMD water efficiency rules, as applicable (e.g., Regulations XIV and Regulation XV). [Rule 22-D-1-f]
9. No new Connections to the Permitted System may occur until a Water Permit has been secured from MPWMD in accordance with MPWMD regulations governing issuance of Water Permits. [Regulation II, Permits]
10. Any Intensification of Use or Expansions within the Permitted System shall first require a Water Permit pursuant to MPWMD Regulation II.
11. Any new Water Gathering Facilities, Source of Supply, expansion of Service Area boundaries, changed conditions regarding water service by other entities, increase in the System Limits 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]
12. The District shall not approve any Water Permit for a Connection to the Main California-American Water Company (CAW) Distribution System due to the inability of the Permitted System to deliver adequate water quality or quantity to the Parcel identified in Condition #1, unless there is: (a) full compliance by CAW with State Water Resources Control Board (SWRCB) Order 95-10 (as amended), (b) CAW compliance with the March 2006 Final Decision of the Seaside Groundwater Basin Adjudication (as amended), and (c) water is available in the respective Jurisdiction's Allocation for release to the subject Parcel. (See also Condition 11) [Rule 22-C-2]
13. Permittee is not required to carry out specific mitigation measures by MPWMD to offset adverse environmental impacts so long as water production does not exceed the established System Capacity in any year. The System Capacity is determined by average historical use for the last ten years as directed in MPWMD Rule 40-A-4. [Rule 22-D-1-i]
14. 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. Actual costs



will be compared to the initial Application Fee. The Permittee will be separately provided documentation to support any invoiced amount. [Rule 22-D-1-l]

15. 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. [Rule 22-D-1-m]
16. 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]
17. 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. [Rule 22-D-1-n]
18. 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]
19. 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]
20. Nothing in this Permit shall be construed to grant or confirm any water right.
21. 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.



Special Conditions of Approval

22. The Permittee is authorized by MPWMD under this Permit to provide Potable water for an Accessory Dwelling Unit on the Parcel referenced in Condition #1 upon issuance of applicable Water Permit.
23. The Permittee shall provide annual reports of the Well's water production.