



**Administrative Hearing of the
Monterey Peninsula Water Management District
October 19, 2023, 10 am**

Call to Order

Item for Consideration

- 1. Consider Approval of Application to Amend Scarlett Barn Water Distribution System Permit to add Residential Use and Set System Limits (MPWMD Permit #S23-01-L3-Amd1)**

Action: The Monterey Peninsula Water Management District staff hearing officer will consider Application #WDS-20230622SCA submitted on June 22, 2023, by applicant Cindi Scarlett.

Adjourn

\\fileh2o\udrive\demand\Work\WDS\2023\185031012_Scarlett Barn\Agenda.docx

ITEM: ADMINISTRATIVE HEARING

1. CONSIDER APPROVAL OF APPLICATION TO AMEND SCARLETT BARN WATER DISTRIBUTION SYSTEM PERMIT TO ADD RESIDENTIAL USE AND SET SYSTEM LIMITS (MPWMD PERMIT #S23-01-L3-AMD1)

Meeting Date: October 19, 2023

Prepared By: Gabriela Bravo

SUMMARY: The MPWMD staff hearing office will consider Application #WDS-20230622SCA (**Exhibit A**) submitted on June 22, 2023, by applicant Cindi Scarlett. The proposed project is to add a Residential use and set System Limits on a pre-existing Water Distribution System (Well) located in the Carmel Valley Alluvial Aquifer (CVAA) that has historically provided irrigation water. The proposed amendment would: 1) set the Production Limit at 0.39 Acre-Feet Annually; 2) set the Expansion Capacity Limit (number of Connections) at one Connection. This action necessitates Conditions of Approval for the Scarlett Barn WDS.

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 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 the District’s office window.

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

Findings of Approval: Findings of Approval for Application #WDS-20230622SCA (**Exhibit B**) are based on evidence provided in the Application materials, including supporting documents on file at the District 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 should “not create an Overdraft or increase an existing Overdraft” (Rule 22-C-4).

Conditions of Approval: Permit S23-01-L3-AMD1 results in Conditions of Approval for the Scarlett Barn WDS shown as (**Exhibit C**). The key substantive changes for the Scarlett Barn WDS are to add a Residential Use and Set System Limits: The Expansion Capacity Limit (e.g. number of Connections) will be set at one Connection. The Production Limit will be set at 0.39 Acre-Feet Annually.

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. and finds that the setting of System Limits as determined by MPWMD Rule 40-A is exempt from CEQA under Section 15308, Actions by Regulatory Agencies for the

Protection of the Environment.

Section 15308, Actions by Regulatory Agencies for Protection of the Environment, as published in the 2020 CEQA Guidelines. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

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

1. Adopt the MPWMD Findings of Approval for Application #WDS-20230622SCA for the Scarlett Barn WDS Amendment.
2. Amend Scarlett Barn WDS (Permit #S23-01-L3-AMD1) to add Residential Use and Set System Limits: The Expansion Capacity Limit (e.g. number of Connections) will be set at one Connection. The Production Limit will be set at 0.39 Acre-Feet Annually; authorize issuance of MPWMD Permit #S23-01-L3-AMD1. This action will result in Conditions of Approval for the Scarlett Barn WDS.
3. Direct staff to file a Notice of Exemption with the County Clerk: This would be a Class 1 Categorical Exemption Actions by Regulatory Agencies for the Protection of the Environment pursuant to CEQA Guidelines Section 15308 (**Exhibit D**).

BACKGROUND: The Scarlett Barn Water Distribution System (Permitted System) is authorized by the Monterey Peninsula Water Management District (MPWMD or District). This Permit recognizes historic agricultural pumping from the Well at an average of 0.42 Acre-Feet Annually (AFA) during the most recent three years (2020-2022). The System Limits for the Permitted System is to be set at 0.39 AFA, and the Expansion Capacity Limit set at one (1) Connection. The Parcel is in unincorporated Monterey County.

EXHIBITS

- 1-A** Application #20230622SCA received June 22, 2023
- 1-B** MPWMD Draft Findings of Approval dated July 2023
- 1-C** MPWMD Draft Conditions of Approval for Scarlett Barn WDS, July 2023
- 1-D** Notice of Exemption



RECEIVED
JUN 22 2023
MPWMD

APPLICATION for a PERMIT to CREATE or AMEND a 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 6/22/23 by Skister
Fee Received: \$1,200 (Level 1 or 2); ☒ \$3,000 (Level 3)
ID# WDS- 20230622SCA

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

#	QUESTIONS	FILL IN ANSWERS BELOW
1	System Name	SCARLETT BARN
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. <u>185.031012</u>
3	Physical Address or Location	<u>14 SCARLETT RD CARMEL VALLEY</u>
4	Name of Applicant	<u>CINDI SCARLETT</u>
5	Mailing Address (Street or PO)	<u>6C SCARLETT RD</u>
6	City, State, Zip	<u>CARMEL VALLEY CA 93924</u>
7	Phone/fax/email:	<u>831-402-1800 scarlett-ramsey@comcast.net</u>
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. <input checked="" type="radio"/> NO. If yes, identify previous MPWMD permit #, if any. # _____ Describe planned changes.
17	Is this a Mobile WDS?	YES or NO. <input checked="" type="radio"/> NO. If yes, go to Row 50

18	Is this a water well?	YES or NO. If no, go to Row 21.
19	MCEHB ¹ Permit # and issuance date	(One for each well) # W6602 1.17.92
20	DWR Well Completion Report # and date	(One for each well)
21	Within MPWRS ² ?	YES or NO. Consult with District staff if unsure; see definition in footnote.
22	>1,000 ft. MPWRS?	YES or NO. Consult with District staff if unsure. See Section 4.0 of 2014 Implementation Guidelines.
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.
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.
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.
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.
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.
28	Dam/reservoir?	YES or NO. If yes, water rights documentation and EIR is required. See Section 7.0 of 2014 Implementation Guidelines.
29	Desal plant?	YES or NO. If yes, describe facilities, annual production and recipients. EIR required. See Section 7.0 of 2014 Implementation Guidelines.
30	Reclamation plant?	YES or NO. If yes, describe facilities, annual production and recipients. EIR required. See Section 7.0 of 2014 Implementation Guidelines.
31	Rainwater harvest + offsite delivery?	YES or NO. If yes, describe. See Section 7.0 of 2014 Implementation Guidelines.
32	Other water systems?	YES or NO. Describe. See Section 7.0 of 2014 Implementation Guidelines.
33	Estimated production	Unit is acre-feet per year (AFY). See Section 2.9 of 2014 Implementation Guidelines.
34	Total acreage served	(Break out acreage of each parcel served) .27 acre feet 3 ACRES ADU ONLY
35	Type of water use?	(e.g., drinking water, irrigation only) DRINKING & DOMESTIC
36	Type of land use?	(e.g., residential, commercial, agriculture) RESIDENTIAL
37	New subdivision?	YES or NO. CEQA document from lead agency is required.
38	In CAW ³ service area?	YES or NO.
39	Active CAW service?	What is currently served by Cal-Am on the property (e.g., home or business)? RESIDENCE
40	What is Zoning?	LDR/2.5 D-S RAZ
41	Environmental	Describe CEQA documentation and Lead Agency, if applicable.

¹ MCEHB= Monterey County Environmental Health Bureau

² MPWRS= Monterey Peninsula Water Resource System (i.e., Carmel Valley Alluvial Aquifer, Carmel River/tributaries, and Seaside Basin)

³ CAW = California American Water Company

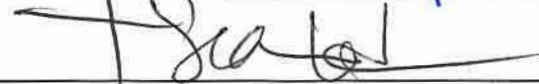
	information	
50	Is Mobile WDS source within MPWMD?	YES or NO. If yes, describe source and location. See Rows 21 - 32 for possibilities.
51	Is water source outside MPWMD?	YES or NO. If yes, describe source and location.
52	Source agency and approval	If outside MPWMD, identify source agency with authority. Attach written documentation that the source water may be exported to serve applicant.
53	Describe intended use (long-term)	Mobile WDS may only be non-potable (e.g., irrigation, pools only) unless an emergency.
54	# parcels served?	Use Request for Exemption form if service is to 3 or fewer parcels from a source outside MPWMD.
55	Emergency drinking water service?	YES or NO. If yes, describe situation.
60	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	N/A
A10	Application fee (check)	
A11	Other	

This Request for Exemption 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.


 Signature of Applicant/System Owner

Printed name of Applicant: CINDI SCARLETT


 Signature of Applicant/System Owner

Printed name of Applicant: _____

19 APRIL 2023
 Date

5.5.23
 Date

DRAFT

FINDINGS OF APPROVAL

**AMEND SCARLETT BARN WATER DISTRIBUTION SYSTEM
TO ADD RESIDENTIAL USE AND SET SYSTEM LIMITS**

Permittees: Steven Jacoubowsky and Teri Scarlett

Permitted System: Scarlett Barn Water Distribution System

Assessor's Parcel Number: 185-031-012

Application #: WDS-20230622SCA, Permit #S23-01-L3-AMD1

Adopted by MPWMD Hearing Officer on [REDACTED]

Unless noted otherwise, all cited documents and materials will be available for review on the MPWMD website at <https://www.mpwmd.net/regulations/public-notice/> prior to and for 30 days following the administrative hearing.

It is hereby found and determined as follows:

1. **FINDING:** Steven Jacoubowsky and Teri Scarlett (Scarlett Barn) are the current Owners of a pre-existing Water Distribution System (WDS) located in the Carmel Valley Alluvial Aquifer (CVAA) that has historically provided agricultural irrigation water. The Parcel (APN: 185-031-012) consists of approximately 3.08 acres.

EVIDENCE: Application #20230622SCA, submitted June 22, 2023, including Site map; Utility Services Source Capacity Test Report dated December 10, 2022; MPWMD records of annual water production and hydrogeologic maps showing boundaries of the Carmel Valley Alluvial Aquifer (CVAA) that include the Scarlett Barn Parcel.
2. **FINDING:** The Parcel is within the Service Area of California-American Water Company (CAW), and there is an active Connection serving one Single-Family Dwelling. The Parcel is in unincorporated Monterey County.

EVIDENCE: Permit application materials specified in Finding #1.
3. **FINDING:** The Scarlett Barn Parcel is riparian to and entirely overlies the CVAA.



- EVIDENCE: Permit application materials specified in Finding #1.
4. FINDING: The Monterey County Environmental Health Bureau (MCEHB) approved the Well in 1992 for irrigation use.
- EVIDENCE: Application #20230622SCA specified in Finding #1, including MCEHB Water Well Permit #W6602 issued on January 17, 1992, and Department of Water Resources Water Well Drillers Report #361492 signed April 11, 1993.
5. FINDING: The Applicant has applied for an amendment to the WDS Permit to add one Residential Connection.
- EVIDENCE: Permit application materials specified in Finding #1; CEQA Guideline Section 15308; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4.
6. FINDING: The MPWMD recognizes historic agricultural use on the Parcel from the Well at an average of 0.420 AFA for the most recent three years (2020-2022). In compliance with Rule 40-A-4, Determination of System Capacity and Expansion Capacity Limits, the System Capacity/Production Limit shall be set at 0.390 AFA and the Expansion Capacity Limit shall be set at one (1) Connection.
- EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Condition of Approval #2; Calculation of Consumptive Use and Environmental Set-Aside as described in MPWMD Rule 40 and as calculated by Jonathan Lear, MPWMD Water Resources Manager, on June 29, 2023.
7. FINDING: The Well was tested for eight hours by Gary Weigand of Utilities Services as a requirement by Monterey County Environmental Health Bureau to demonstrate that the Well is capable of providing a reliable supply of water for the proposed Residential Accessory Dwelling Unit.
- EVIDENCE: Application #20230622SCA, specified in Finding #1.
8. FINDING: The application for the Scarlett Barn WDS amendment, along with supporting materials, is consistent with District Rule 21 and Rule 22.



EVIDENCE: Permit application materials specified in Finding #1; “Notice of Public Hearing” letter to Cindi Scarlett, authorized agent for Steven Jacobowsky and Teri Scarlett from MPWMD dated October 5, 2023; MPWMD Rules and Regulations.

Required Findings (MPWMD Rule 22-B)

9. FINDING: The approval of the Permit would not cause unnecessary duplication of Potable water service within any existing system. [Rule 22-B-1]

EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4 and #13.

10. FINDING: The approval of the Permit would not result in water importation or exportation to or from the District, respectively. The Parcel is located wholly within the MPWMD and is in the Carmel Valley Alluvial Aquifer (CVAA). [Rule 22-B-2]

EVIDENCE: District boundary location maps and evidence of current riparian rights as reviewed and confirmed by District Counsel Frances M. Farina.

11. 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 #S23-01-L3-AMD1, Condition of Approval #13.

12. FINDING: The Scarlett Barn WDS has adequately identified riparian water rights as defined by the SWRCB in Order 95-10. [Rule 22-B-4]

EVIDENCE: Scarlett Barn Grant Deed and Chain of Title Guarantee; 2023 Water Rights Analysis by Sheryl A. Fox, Attorney at Law, confirmed by MPWMD Counsel.

13. FINDING: The application confirms a long-term reliable supply as required by standard methodology adopted by the Monterey County Environmental



Health Bureau (MCEHB). [Rule 22-B-5]

EVIDENCE: Permit application materials specified in Finding #1 including MCEHB Source Capacity Test Letter dated February 14, 2023.

14. FINDING: The Source of Supply for the Scarlett Barn Well is the Carmel Valley Alluvial Aquifer (CVAA). The cumulative effects of issuance of this WDS Permit Amendment do not result in significant adverse impacts to the Source of Supply or the species and habitats dependent on the Source of Supply due to the establishment of a System Capacity/Production Limit which reduces the annual allowed diversions. [Rule 22-B-6]

EVIDENCE: MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4 and #13.

15. FINDING: The Source of Supply for the Scarlett Barn is derived from the Carmel Valley Alluvial Aquifer, which is a component of the Monterey Peninsula Water Resource System. While the source is shared by many, no additional impacts are anticipated due to reduced Production Limits. [Rule 22-B-7]

EVIDENCE: MPWMD maps showing boundaries of project area and jurisdiction of the SWRCB; Permit application materials specified in Finding #1; MPWMD hydrogeologic maps on file; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4, and #13.

16. FINDING: MPWMD Permit #S23-01-L3-AMD1 sets System Limits for the Scarlett Barn WDS. The MPWMD recognizes historic agricultural pumping from the Well located in the CVAA at an average of 0.420 AFA. [Rule 22-B-8]

EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4 and #13.

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

17. FINDING: The application adequately identifies the Responsible Parties as Steven Jacobowsky and Teri Scarlett. [Rule 22-C-1]



- EVIDENCE: Permit application materials specified in Finding #1.
18. FINDING: The application meets the definition of a “Single-Parcel Connection System,” as water will be provided by the existing Well for use on the same Parcel. Compliance with California Code of Regulations Title 22 water quality standards is the authority of the SWRCB Division of Drinking Water. [Rule 22-C-2]
- EVIDENCE: Permit application specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 through #4 and #12; California Code of Regulations, Title 22.
19. FINDING: The application identifies the location of the Source of Supply for the Scarlett Barn WDS as one existing Well in the Carmel Valley Alluvial Aquifer (CVAA) capable of producing a long-term reliable supply for the intended purposes. [Rule 22-C-3]
- EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #1 and #4.
20. FINDING: Approval of the application would not create an Overdraft or increase an existing Overdraft. The Carmel Valley Alluvial Aquifer has not been declared to be in Overdraft, but the SWRCB has determined it is over-appropriated during certain seasons. [Rule 22-C-4]
- EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1, Conditions of Approval #12 and #13.
21. FINDING: The approval of the application would not adversely affect the ability of existing systems to provide water to Users due to conditions of approval by MPWMD and other entities that limit future water use to a reasonable and acceptable amount. [Rule 22-C-5]
- EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S23-01-L3-AMD1 Conditions of Approval #1 through #4, #6 through #11 and #12.

Compliance with California Environmental Quality Act (CEQA)



22. 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.* and finds that the setting of System Limits as determined by MPWMD Rule 40-A is exempt from CEQA under Section 15308, Actions by Regulatory Agencies for the Protection of the Environment.

EVIDENCE: Section 15308, Actions by Regulatory Agencies for Protection of the Environment, as published in the 2020 CEQA Guidelines. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

DRAFT

**CONDITIONS OF APPROVAL
AMEND SCARLETT BARN WATER DISTRIBUTION SYSTEM
TO ADD RESIDENTIAL USE AND SET SYSTEM LIMITS
MPWMD PERMIT#S23-01-L3-AMD1**

Permittees: Steven Jacoubowsky and Teri Scarlett

Permitted System: Scarlett Barn Water Distribution System

Assessor's Parcel Number: 185-031-012

Mandatory Conditions of Approval

1. The Scarlett Barn Water Distribution System (Permitted System) is located on one Parcel (APN: 185-031-012) consisting of 3.08 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 "Scarlett Barn WDS Amendment." [Rule 22-D-1-a]
2. This Permit recognizes historic agricultural pumping from the Well on the Parcel at an average of 0.42 Acre-Feet annually (AFA) during the most recent three years (2020-2022). The System Limit for the Permitted System will be set at 0.39 AFA and the Expansion Capacity Limit set at one (1) Connection as approved by the MPWMD Hearing Officer on [REDACTED]. [Rule 22-D-1-b]
3. This Permit authorizes the Permitted System to provide water to a Residential Accessory Dwelling Unit in addition to agricultural use on the Parcel referenced in Condition #1. It is noted that a Single-Family Dwelling supplied by California-American Water Company (CAW) currently exists on the Parcel. [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 #W6602 issued on January 17, 1992, and DWR Water Well Drillers Report #361492 signed on April 11, 1993. [Rule 22-C-3]
5. Permittees 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. Permittees 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. Permittees 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. Permittees 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 or 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 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. Permittees are 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 historical use with a 15 percent environmental set-aside in pre-project Consumptive Use as directed in MPWMD Rule 40-A-4. [Rule 22-D-1-i]
14. Upon District approval of this Permit, Permittees 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 Permittees will be separately provided documentation to support any invoiced amount. [Rule 22-D-1-l]

15. Upon finalization of these conditions, the Permittees shall sign and notarize an Acceptance of Permit Conditions form associated with the approval of the Permitted System. By signing the form, Permittees acknowledge that Permittees understand and accept these conditions as a binding part of the Permit approval and agrees to carry them out faithfully. [Rule 22-D-1-m]
16. Permittees 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. Permittees 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. Permittees shall pay all fees associated with preparation, review, and recording of the Notice of Agreement. [Rule 22-D-1-n]
18. Upon notice to the Permittees 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 Permittees do 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 Permittees shall obtain authorization for an incidental take prior to construction or operation of the project. Permittees 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 Permittees are 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 Permittees shall provide annual reports of the Well's water production.

ATTACHMENT 1- Scarlett Barn WDS boundaries map

NOTICE OF EXEMPTION

TO: County Clerk, County of Monterey
PO Box 29
Salinas, CA 93902

FROM: Monterey Pen. Water Mgmt. Dist.
PO Box 85
Monterey, CA 93942-0085

Project Title: Amend Scarlett Barn Water Distribution System to Add Residential Use and to Set System Limits

Assessor Parcel Number: 185-031-012-000

Project Location: 14 Scarlett Road, Carmel Valley, California 93924-9460

County: Monterey

Description of Nature, Purpose and Beneficiaries of Project: The proposed project is to add a Residential use and set System Limits for a pre-existing Water Distribution System (Well) located in the Carmel Valley Alluvial Aquifer (CVAA) that has historically provided agricultural irrigation water. The Applicant is requesting the District set the Expansion Capacity Limit (number of Connections) at one Residential Connection. The Production Limit will be set at 0.39 Acre-Feet Annually (AFA). The MPWMD recognizes historic agricultural pumping from the Well at an average of 0.42 AFA during the most recent three years (2020-2022).

Name of Public Agency Approving Project: Monterey Peninsula Water Management District

Name of Person or Agency Carrying Out Project: Steven Jacoubowsky and Teri Scarlett

Exempt Status: (check one)

- ☒ Exempt 15308, Actions by Regulatory Agencies for the Protection of the Environment
☐ Ministerial (Sec. 15073)
☐ Declared Emergency (Sec. 15269 (a))
☐ Emergency Project (Sec. 15269 (b) and (c))
☐ Categorical Exemption. Class 1, Section 15301(b), Existing facilities; negligible or no expansion of a public utility

Reason(s) Why Project Is Exempt: MPWMD's approval complies with SWRCB Cease and Desist Order, Seaside Groundwater Basin Adjudication, and 2015-2017 General Rate Case approved by the Public Utilities Commission.

Agency Contact Person

Gabriela Bravo, Conservation Analyst, 831-658-5601 or gabby@mpwmd.net

David J. Stoldt
MPWMD General Manager

Date