



DRAFT

FINDINGS OF APPROVAL

APPROVE COOKS WATER DISTRIBUTION SYSTEM TO ADD ADDITIONAL RESIDENTIAL USE AND SET SYSTEM LIMITS

Permittees: The Suzanne M. Cook Trust, dated July 22, 2003 and the Exempt Family Trust of the KLC-018 Trust, dated December 3, 2001

Permitted System: Cooks Water Distribution System

Assessor's Parcel Number: 416-028-018-000

Application #: WDS-20250916COO, Permit #S25-01-L3

Adopted by MPWMD Hearing Officer on xxxxxxxx

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:** The Suzanne M. Cook Trust, dated July 22, 2003 and the Exempt Family Trust of the KLC-018 Trust, dated December 3, 2001 (Cook) are the current Owners of a pre-existing Water Distribution System (WDS) located in the Carmel Valley Alluvial Aquifer (CVAA) that has historically provided Domestic and irrigation water to a Single-Family Dwelling. The Parcel (APN: 416-028-018-000) consists of approximately 8.95 acres.

EVIDENCE: Application #20250916COO, submitted September 16, 2025, including Site map; Source Capacity Test Report dated May 29, 2025; MPWMD records of annual water production and hydrogeologic maps showing boundaries of the Carmel Valley Alluvial Aquifer (CVAA) that include the Cook Parcel.

2. **FINDING:** The Cook Parcel is riparian to and entirely overlies the CVAA.

EVIDENCE: Permit application materials specified in Finding #1.



3. FINDING: The Monterey County Environmental Health Bureau (MCEHB) approved the Well in 1995 for Domestic and irrigation use.

EVIDENCE: Application #20250916COO specified in Finding #1, including MCEHB Water Well Permit #WSAL 95-302 issued on November 28, 1995, and Department of Water Resources Well Completion Report #544562 signed December 12, 1995.
4. FINDING: The Applicant has applied for a WDS Permit to add one additional Residential Connection.

EVIDENCE: Permit application materials specified in Finding #1; CEQA Guideline Section 15308; MPWMD Permit #S25-01-L3, Conditions of Approval #1 through #4.
5. FINDING: The MPWMD recognizes historic agricultural use on the Parcel from the Well at an average of **3.29** AFA for the most recent ten years (2013-2023). In compliance with Rule 40-A-4, Determination of System Capacity and Expansion Capacity Limits, the System Capacity/Production Limit shall be set at **3.29** AFA and the Expansion Capacity Limit shall be set at two (2) Connections.

EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S25-01-L3, 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 October 28, 2025.
6. FINDING: The Well was tested for eight hours by Bierman Hydrogeologic 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 #20250916COO, specified in Finding #1.
7. FINDING: The application for the Cooks WDS, 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 Lombardo and Associates, authorized agent for the Cook Family from MPWMD dated October 31, 2025; MPWMD Rules and Regulations.

Required Findings (MPWMD Rule 22-B)

8. 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 #S25-01-L3, Conditions of Approval #1 through #4 and #13.
9. 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.
10. 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 #S25-01-L3, Condition of Approval #13.
11. FINDING: The Cooks WDS has adequately identified riparian water rights as defined by the SWRCB in Order 95-10. [Rule 22-B-4]

EVIDENCE: Cook Grant Deed and Chain of Title Guarantee; 2025 Water Rights Analysis by Sheryl A. Fox, Attorney at Law, confirmed by MPWMD Counsel.
12. 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 May 29, 2025.

13. FINDING: The Source of Supply for the Cooks Well is the Carmel Valley Alluvial Aquifer (CVAA). The cumulative effects of issuance of this WDS Permit Approval does 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 #S25-01-L3, Conditions of Approval #1 through #4 and #13.

14. FINDING: The Source of Supply for the Cooks Well 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 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 #S25-01-L3, Conditions of Approval #1 through #4, and #13.

15. FINDING: MPWMD Permit #S25-01-L3 sets System Limits for the Cooks WDS. The MPWMD recognizes historic Domestic and irrigation pumping from the Well located in the CVAA at an average of 3.87 AFA. [Rule 22-B-8]

EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit #S25-01-L3, Conditions of Approval #1 through #4 and #13.

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

16. FINDING: The application adequately identifies the Responsible Parties as the Suzanne M. Cook Trust, dated July 22, 2003 and the Exempt Family Trust of the KLC-018 Trust, dated December 3, 2001. [Rule 22-C-1]

EVIDENCE: Permit application materials specified in Finding #1.



17. 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 #S25-01-L3, Conditions of Approval #1 through #4 and #12; California Code of Regulations, Title 22.
18. FINDING: The application identifies the location of the Source of Supply for the Cooks 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 #S25-01-L3, Conditions of Approval #1 and #4.
19. 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 #S25-01-L3, Conditions of Approval #12 and #13.
20. 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 #S25-01-L3 Conditions of Approval #1 through #4, #6 through #11 and #12.

Compliance with California Environmental Quality Act (CEQA)

21. 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.