



October 21, 2025

Mr. Eric Oppenheimer
Executive Director
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812

Subject: Application for Order Modifying WRO 2016-0016 Cease and
Desist Order (CDO), and Precedents WRO 2009-0060 and Order 95-10

Dear Mr. Oppenheimer:

The State Water Resources Control Board's (SWRCB) protection and enforcement of water rights on the Carmel River has been in force since 1995, through Order 95-10, subsequently reinforced by Cease and Desist Order WR 2009-0060 as amended in WR 2016-0016.

Pursuant to Water Code Section 1832, the Monterey Peninsula Water Management District (Applicant or District) is an "aggrieved person" and was also an "Applicant" in Order WR 2016-0016¹. The District, by this letter, hereby applies to the SWRCB for an order modifying Order WR 2016-0016 (referred to herein as "Order" or "CDO").

Water Code Section 1831, subdivision (d) authorizes the SWRCB to issue a CDO in response to a violation or threatened violation of numerous conditions, including the prohibition set forth in Section 1052 of the Water Code against the unauthorized diversion or use of water. The District believes it is timely for the SWRCB to modify the Order for the following reasons:

- There has been no violation of Section 1052 for four (4) years, and
- There is no threatened violation of Section 1052 in the foreseeable future.

The District hereby submits the enclosed Application for Order Modifying SWRCB Orders 2016-0016 and WR 2009-0060. We respectfully request the SWRCB address the need to modify the CDO with an effective date no later than January 31, 2026.

As always, we appreciate your commitment of time and consideration of this matter. Please contact me to discuss when and how the SWRCB intends to proceed.

¹ See footnote 16 of Order WR 2016-0016, page 20.

Mr. Eric Oppenheimer

Page 2 of 2

October 21, 2025

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first name "David" and last name "Stoldt" clearly legible.

David Stoldt

General Manager

Monterey Peninsula Water Management District

CC: [via email]

E. Joaquin Esquivel

Doren D'Adamo

Nichole Morgan

Sean Maquire

Laurel Firestone

Erik Ekdahl

Juliet Christian-Smith

Robert Cervantes

Michael Lauffer

Julia Nick

Courtney Tyler

David Laredo

DE LAY & LAREDO
David C. Laredo (State Bar No. 66532)
606 Forest Avenue
Pacific Grove, CA 93950
Telephone: (831) 646-1502

Attorneys for MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Unauthorized Diversion
and Use of Water by the California American
Water Company; Cease and Desist Order WR
2016-0016

APPLICATION FOR ORDER MODIFYING
STATE WATER BOARD ORDERS WR
2016-0016 and WR 2009-0060 (CEASE AND
DESIST ORDER)

Pursuant to Water Code Section 1832, the Monterey Peninsula Water Management District (Applicant or District), which was one of the “Applicants” as defined in Order WR 2016-0016¹, hereby applies to the State Water Resources Control Board (SWRCB) for an order modifying certain of the ordering provisions enforced upon California American Water (Cal-Am) in Order WR 2016-0016 (referred to herein as “Order” or “CDO”) and which amended WR 2009-0060.²

I. Background

During drought years of the late 1980s and early 1990s, four complaints were filed to the SWRCB expressing concern about the environmental impacts of Cal-Am’s pumping on the Carmel River’s habitat and fish population. They included the Carmel River Steelhead Association (1987), Residents Water Committee (1989), Sierra Club (1991), and California Department of Parks & Recreation (1991). The steelhead trout and red-legged frog, aquatic residents of the Carmel River, later became “Threatened” species under the Endangered Species Act.

In July 1995, the SWRCB issued Order No. WR 95-10 which identified an estimated 10,730 acre-feet per year (AFY) of historical unauthorized Cal-Am diversions from the Carmel River that had to be replaced by another water project or projects. Over time, that number declined due to permanent demand reductions within the service territory, primarily due to District conservation programs and Cal-Am rate structures.

Because of a lack of progress toward completion of a replacement water supply, the SWRCB issued a Cease and Desist Order (CDO) on October 20, 2009 (Order WR 2009-0060). The CDO set mandatory reductions of the Carmel River diversions culminating in a legally authorized diversion amount of 3,376 AFY by December 31, 2016. On July 19, 2016, the

¹ See footnote 16 of Order WR 2016-0016, page 20.

² Applicant understands that, as of its effective date, the requested Order would supersede the ordering provisions of State Water Board Orders WR 2016-0016, WR 2009-0060, and 95-10. All other provisions of State Water Board orders concerning CAW’s diversions from the Carmel River would remain in effect until terminated by law or action of the State Water Board.

SWRCB adopted Order WR 2016-0016 amending Order WR 2009-0060 and extending the CDO period to December 31, 2021.

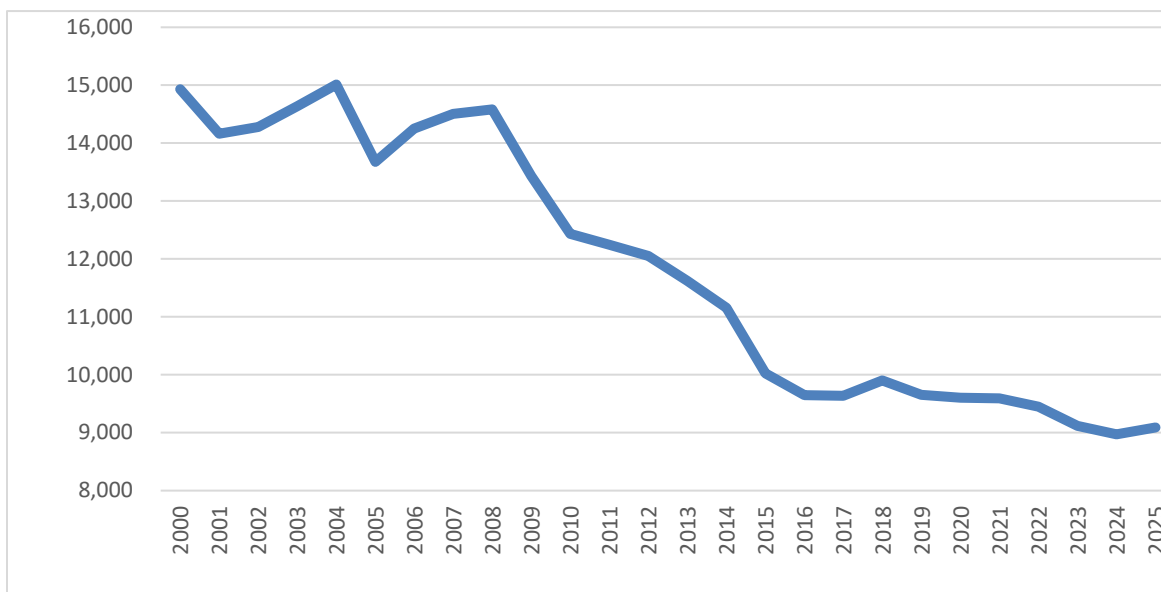
II. Preliminary Statement

A cease and desist order is an enforcement tool under Water Code Section 1831, subdivision (d) in response to a violation or threatened violation of unauthorized diversion or use of water under California Water Code Section 1052. Section 1052, subsection (a) provides “[t]he diversion or use of water subject to this division other than as authorized in this division is a trespass.” Hence, the key tests are – Test A: Is there a current violation or trespass? and, Test B: Is there a threatened or likelihood of a violation in the foreseeable future?

Test A: There is No Current Violation or Trespass Under Water Code Sec. 1052

The Monterey Peninsula communities have reduced consumption of water by over 4,300 AF since issuance of WR 2009-0060 in October 2009. This success has been due to aggressive conservation practices through District ordinances and incentives, and the steeply tiered Cal-Am local rate structure.

Water Demand in AF
Production for Customer Service (Demand)
Cal-Am Monterey Water System



For the past four years, Cal-Am diversions from the Carmel River were less than its legal water right and have not been in violation of Water Code Section 1052. This is due primarily to the Pure Water Monterey base project brought online in 2020. The chart below, derived from Cal-Am’s Consolidated CDO 4th Quarter Report to the SWRCB, shows Cal-Am’s actual diversions compared to its legal limit each October.

Water Year	Carmel River Diversions (AF)	Carmel River Limit (AF)
2025	3,291.22 ³	3,376 ⁴
2024	3,336.75	3,376
2023	2,416.33	3,376
2022	3,914.01	4,110 ⁵

Test B: There is No Threatened Violation in the Foreseeable Future

The Pure Water Monterey Expansion project will become available at the end of 2025, which when combined with the Pure Water Monterey base project promises to offset unlawful diversions by a total of 5,750 AF per year. Further, as discussed in Section V.3. below, Cal-Am continues to pursue its Monterey Peninsula Water Supply Project (MPWSP) desalination plant which could come online in three to five years. At this moment, the proposed desalination plant is NOT a necessary condition to modify the CDO now.

The August 14, 2025 decision (D.25-08-006 as modified by Decision 25-10-001) by the California Public Utilities Commission (CPUC) in Application A.21-11-024 – the Phase 2 Supply and Demand proceeding – indicates no near-term and foreseeable threat of trespass by Cal-Am under Section 1052 of the Water Code. D.25-08-006 confirmed two important findings:

1. Cal-Am has available water supplies in 2025, and going forward without the

³ Preliminary, end of Water Year 2025

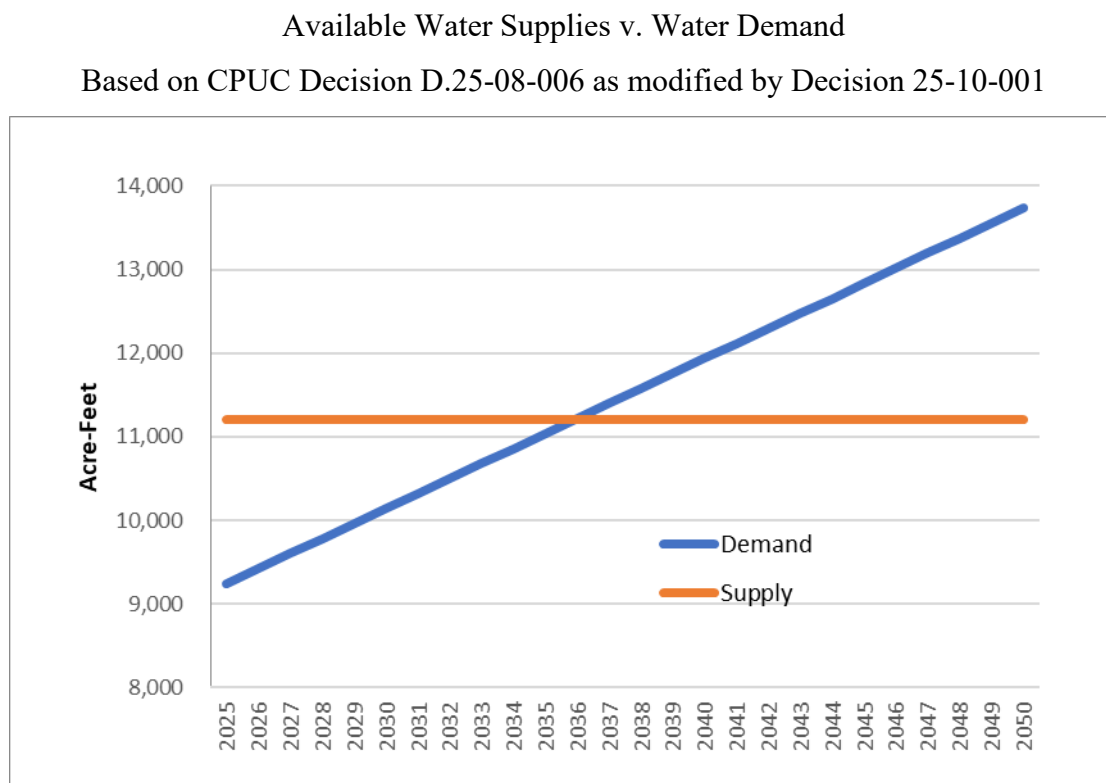
⁴The total quantity of Carmel River water presently used by Cal-Am does not exceed Cal-Am’s legal rights (calculated as 3,376 AFA pursuant to Order 95-10, page 25, line 4). These legal rights are separate and distinct from water rights related to Aquifer Storage and Recovery or Table 13.

⁵ SWRCB Letter dated 11/19/21 from E. Ekdahl to R. Donlan, p.2.

MPWSP, of at least 11,204 AF

2. Cal-Am's system Water Demand in 2050 does not exceed 13,732 AF

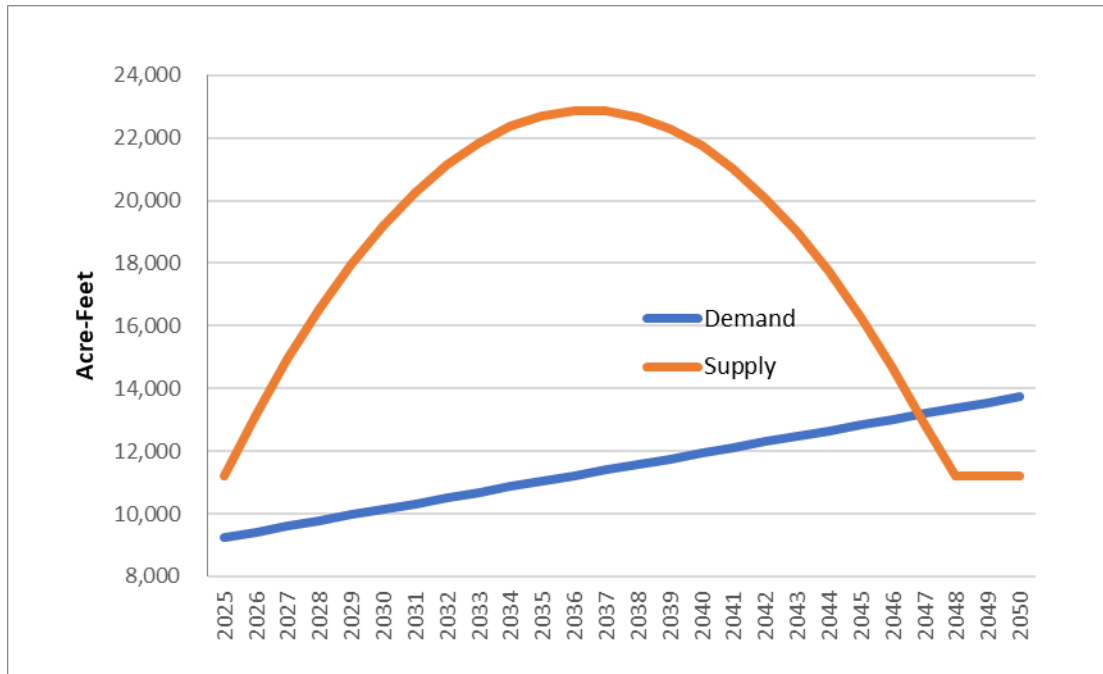
The CPUC did not rule on what is considered to be current water demand, however actual data can be utilized for determining such. Current water demand as of October 1, 2025, based on the last 5-year average of production for delivery to customer service is 9,245 AF. A chart showing water demand compared to available supply using the CPUC's findings in D.25-08-006 as modified by Decision 25-10-001 is shown below:



The chart shows available supplies will exceed demand for the next 11 years through 2036.

However, the comparison above does not take into account the ability to store water. Existing infrastructure allows surplus supply in early years to be stored for use in later years. Efforts to bank surplus water, if optimized, could ensure that demand will not exceed available supplies until at least 2046, or 21 years from today, as shown in the chart below.

Available Water Supplies v. Water Demand
Based on CPUC Decision D.25-08-006 as modified by Decision 25-10-001
With Storage of Surplus Supplies



For these reasons, there is no factual basis for the SWRCB to conclude that a “threatened violation” presently exists or will likely arise.

Leaving WR Order 2016-0016 in Place Unfairly Penalizes Residents for Violations Neither Occurring, nor Threatened.

In Order WR 2016-0016, the SWRCB required Cal-Am to comply with Condition 2 of SWRCB Order WR 2009-0060 limiting new service connections and increases of use at existing connections.

Specifically, Order WR 2016-0016 states “This Order shall supersede the requirements in State Water Board Orders WR 2009-0060, 95-10, and any other State Water Board orders affecting Cal-Am’s diversions from the Carmel River to the extent stated herein, or to the extent that there is an irreconcilable conflict between the requirements here and those orders. All other requirements in State Water Board orders affecting Cal-Am’s diversions from the Carmel River

remain in effect until terminated by operation of law or action of the State Water Board.”⁶ Because WRO 2016-0016 did not directly alter or address Condition 2 of WR 2009-0060, said prior Condition 2 provision remains in effect.

Condition 2 of WR 2009-0060 states “Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use. Cal-Am may supply water from the river for new service connections or for any increased use at existing service addresses resulting from a change in zoning or use after October 20, 2009, provided that any such service had obtained all necessary written approvals required for project construction and connection to Cal-Am’s water system prior to that date.”

The prohibitions against new service connections and increased use at existing service connections resulting from Condition 2 unfairly restrict local jurisdictions from pursuing housing construction mandated by the State and job growth sought by the local business community.

The State Housing and Community Development (HCD) Department has declared there is a housing crisis squarely in the public interest to change. If unmet, local public health and safety will be impaired. The Monterey Peninsula aspires to make progress on its Regional Housing Needs Allocation (RHNA) and housing requirements set by the HCD as mandated by the Housing Element Law, but is restricted by the SWRCB CDO limiting setting of new meters or increasing water use at existing sites.

Similarly, the Association of Monterey Bay Area Governments (AMBAG) most recent Draft Final 2026 Regional Growth Forecast projects 8,250 new jobs in the Cal-Am Monterey Water System by 2050 if there are no constraints. The local business community supports the creation of well-paying jobs to support population and housing growth, and economic prosperity. Constraints such as Condition 2 should be rescinded to allow the community a path forward.

⁶ WRO 2016-0016 Ordering paragraph 1.

III. Relief Requested

Accordingly, Applicant hereby requests that the SWRCB issue a new order modifying and restating certain of the ordering provisions of the CDO as specifically proposed in the Proposed Modified CDO found in Attachment A, hereto.

The Applicant's proposal would achieve the following:

- Rescind Condition 2 from prior Order(s). The SWRCB would reserve the right to reinstate such a condition subject to monitoring and triggers proposed.
- Maintain existing quarterly and annual reporting to the SWRCB, subject to including a few additional data; Certain prior reporting requirements would be clarified or deleted because they have either been met on an ongoing basis or are no longer required.
- Create a water supply and demand monitoring regime that would provide triggers to the SWRCB that would allow the Deputy Director for Water Rights to consider the annually submitted information to determine if a reinstatement of Condition 2 of Order 2009-0060 might be necessary.

IV. The SWRCB has Authority to Modify the CDO

The SWRCB has broad discretion to modify a CDO and to revise a schedule of compliance contained in a CDO. *See* Order WR 2010-0002. The District makes this Application pursuant to Water Code section 1832, which states, in relevant part: "The board may, after notice and opportunity for hearing, upon its own motion or upon receipt of an application from an aggrieved person, modify, revoke, or stay in whole or in part any cease and desist order issued pursuant to this chapter."

V. It is Reasonable and in the Public Interest to Modify the CDO as Requested

The Public Interest is at Issue.

Health and safety concerns place the housing crisis squarely in the public interest to modify the CDO. Senate Bill 330 findings and HDC requirements consider the critical role housing plays in developing sustainable communities and supporting employment growth. If unmet, local public health and safety will be impaired.

Applicant and Cal-Am have Diligently and Aggressively Implemented Measures to Comply with the CDO.

1. Continued Efficiency and Conservation Measures

Prior to and since the issuance of the CDO, Applicant and Cal-Am have dedicated tremendous resources to implement efficiency and conservation measures to control and reduce customer demand and system losses within Cal-Am's Monterey Water System, such that the community is currently outperforming the Carmel River diversion reduction targets. The Applicant has implemented a variety of customer water conservation and efficiency programs, including programs targeting large commercial customers such as laundries, hotels, and car washes. Monterey Peninsula's efficiency standards have placed it among the lowest residential per-capita usage in the State. The Applicant and Cal-Am have also implemented programs targeting reductions in outdoor irrigation, including replacement of irrigated turf with drought tolerant landscaping or artificial turf, incentives for installation of weather-based irrigation controllers, mandatory installation of rain sensors on irrigation systems, and mandatory water efficiency requirements for all non-residential customers and certain residential customers. Since February 2010, Cal-Am implemented, with CPUC approval, a tiered conservation rate structure with increases directed at the top tier users to promote conservation practices and reduce overall water usage. The Applicant has no intention to reduce such measures.

2. Continued Development and Implementation of Projects to Develop Alternative and Supplemental Water Supplies

Since approximately 2015, the Applicant and its partner Monterey One Water have funded and constructed the Pure Water Monterey base and Expansion projects as a replacement water supply necessary to eliminate unauthorized diversions from the Carmel River. The capacity to deliver up to 5,750 AFY will come online by the end of 2025, and will comprise

more than 60% of available water to Cal-Am in the future.

The Applicant has also worked to enable and develop other sources of supply such as the Malpas Water Company, LLC., the City of Seaside, and certain Seaside Groundwater Basin rights holders to augment supplies available to Cal-Am.

3. Cal-Am is Pursuing Development of an Additional Water Supply

On April 23, 2012, CAW filed an application to the CPUC for approval of the MPWSP. The MPWSP includes a desalination plant and associated source-water slant wells and conveyance system, which can produce up to 6.4 million gallons per day (MGD) for system demand. The CPUC issued a Certificate of Public Convenience and Necessity approving construction on September 13, 2018. Following a November 17, 2022 de novo appeal hearing, the California Coastal Commission adopted final findings for approval (with conditions) of a Coastal Development Permit for a downsized 4.8 MGD, Phase 1, desalination project. Cal-Am continues to attempt to make progress on the Coastal Commission's 20 special conditions.

4. Continued development and implementation of fish and wildlife protection and enhancement measures.

In 2025, the Applicant successfully carried out its Mitigation Program required by the 1990 Water Allocation Environmental Impact Report and various water permits. This program is designed to preserve the ecological integrity of the Carmel River by alleviating impacts associated with water extraction for the community's water supply. The program includes river restoration activities, monitoring, and rescuing threatened steelhead from drying portions of the Carmel River and tributaries. This comprehensive program tracks changes in the riparian corridor, steelhead population, depth to groundwater and river flow, and the lagoon environment. The Applicant is committed to continued environmental stewardship and mitigation efforts going forward.

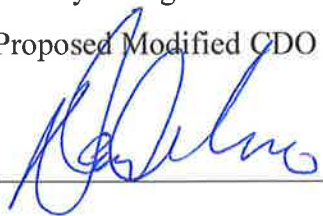
VI. Conclusion

For the reasons stated herein, the Applicant respectfully requests modification of Order

WR 2016-0016 as set forth in the Proposed Order found in Attachment A, hereto. Applicant makes this request upon the express understanding and condition that the hearing record developed and adduced before the SWRCB for Orders WR 2016-0016, WR 2009-0060, and WR 2010-0001 are incorporated within the proceedings on this Application, for all purposes. Further, this Application is made upon the express understanding and condition that Applicant shall preserve, and not waive, its right to petition for relief from any provision of the order amending and restating the CDO, for any reason, upon a claim that the order amending and restating the CDO causes a threat to public health or safety or otherwise jeopardizes the water supply for the Monterey Peninsula.

Should the SWRCB consider or act on adoption of an order amending and restating the CDO on terms or conditions different from the Proposed Modified CDO submitted as Attachment A to this Application, Applicant requests the SWRCB not take final action thereon until Applicant has been provided 30 days prior advance notice and a copy of the final draft order related to any meeting to adopt the order. Applicant also requests it be provided an opportunity to augment the record of proceedings, in advance of the proceeding, with respect to any Proposed Modified CDO that differs from Attachment A.

By: _____



David C. Laredo, General Counsel

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

Respectfully submitted: October 21, 2025

Attachment A

PROPOSED ORDER AMENDING AND RESTATING ORDER WR 2016-0016

NOW, THEREFORE, IT IS ORDERED THAT as of the effective date of this Order, Cal-Am shall cease and desist from any unauthorized diversion of water from the Carmel River in accordance with the following schedule and conditions.

1. **EFFECT ON PRIOR ORDERS AFFECTING CARMEL RIVER DIVERSIONS.** This Order shall supersede the requirements in State Water Board Orders WR 2016-0016, WR 2009-0060, 95-10, and any other State Water Board orders affecting Cal-Am's diversions from the Carmel River, to the extent stated herein, or to the extent that there is an irreconcilable conflict between the requirements here and those orders. All other requirements in State Water Board orders affecting Cal-Am's diversions from the Carmel River remain in effect until terminated by operation of law or action of the State Water Board.
2. **RESTRICTIONS ON NEW OR EXISTING SERVICE CONNECTIONS.** Condition 2 of Order WR 2009-0060 which states, "Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use" is hereby rescinded. The State Water Board reserves the right to reinstate such a condition subject to the monitoring and triggers discussed in Order Condition 4, below.
3. **REPORTING.** The reporting requirements contained herein supersede reporting required in Orders WR 2016-0016, WR 2009-0060, and 95-10. Cal-Am shall provide and post on its website the following information in quarterly reports:
 - i. Monthly summaries of the total quantity of water produced from the Carmel River, and other separate sources of water produced by Cal-Am for distribution for customer service within its Monterey service area, limited as shown in Exhibit A, hereto.
 - ii. Monthly summaries of the quantity of "Native" water produced by Cal-Am from the Seaside Groundwater Basin for distribution for customer service within its Monterey service area.
 - iii. Monthly summaries of the quantity of Pure Water Monterey (PWM) project water delivered to Cal-Am and stored in the Seaside Groundwater Basin. The monthly reporting shall also state quantity of PWM water recovered by Cal-Am from storage for distribution for customer service within its Monterey service area, the current balance of PWM Operating Reserve water, and the current balance of other PWM water available to Cal-Am remaining in storage in the Seaside Groundwater Basin.
 - iv. Monthly summaries of the quantity of ASR project water diverted from the Carmel River under water right Permits 20808A and 20808C and stored in the Seaside Groundwater Basin. The monthly reporting shall also state the quantity of Cal-Am ASR water recovered from aquifer storage for distribution for customer service within its Monterey service area, and the current balance of Cal-Am ASR water remaining in storage in the Seaside Groundwater Basin.
 - v. Monthly summaries of the quantity of water produced by the Sand City desalinization plant for distribution for customer service within Cal-Am's Monterey service area.

- vi. Monthly summaries of the quantity of water supplied under water right Permit 020905B held by Malpaso Water Company, LLC to Cal-Am for distribution for customer service within Cal-Am's Monterey service area.
- vii. Monthly summaries of the quantity of water produced by Cal-Am on behalf of other Seaside Groundwater Basin producers wheeled for distribution for customer service within Cal-Am's Monterey service area.
- viii. Monthly summaries of the quantity of interruptible water supplies being utilized or produced by Cal-Am for distribution for customer service within Cal-Am's Monterey service area, including but not limited to Table 13 water rights and Seaside Groundwater Basin Carryover Credits
- ix. For the final quarter of each water year, the report shall include reflect annual totals for the water year in each reporting category and shall be referred to as the "CDO Annual Consolidated Report."
- x. Cal-Am shall agree the following reporting requirements under WRO 2009-0060 have either been met on an ongoing basis or are no longer required:¹
 - a) Monthly summaries of water saved by reducing system losses. Effective January 1, 2022 this condition is reported pursuant to California Code of Regulations, Title 23, Section 638.5 to CA Department of Water Resources. Submitted reports for past years can be found through their WUE data portal These annual reports are also available upon request.
 - b) Monthly summaries of water use reductions due to conservation actions. Effective January 1, 2022 this condition is reported as an annual summary of quantifiable and measurable water savings associated with conservation actions via Cal-Am's "Water Conservation Annual Summary Report" filed as part of Schedule E-3 of the Annual California Public Utilities Commission ("CPUC") Reports per CPUC Decision D.10-06-038.
 - c) Monthly summaries of new Cal-Am service connections.
 - d) Monthly summaries identifying existing Cal-Am service addresses that receive an increased supply due to a change in zoning or use.
- xi. Cal-Am shall agree the following reporting requirements under Order 95-10 have either been met on an ongoing basis or are no longer required:²
 - a) Condition 13(b) reports of progress of Monterey Peninsula Water Management District mitigation measures.

¹ In a letter dated November 19, 2021 from the State Water Board to the Ellison, Schneider, Harris & Donlan law firm, consolidated reporting related to all State Water Board orders was discussed and was tentatively agreed to by the parties. Current ongoing quarterly reporting by Cal-Am includes multiple items requested in conditions 6, 7, 8, and 11 of WRO 2009-0060.

² Current ongoing consolidated quarterly reporting by Cal-Am includes multiple items requested in Condition 13 related to Conditions 5-9 of Order 95-10.

- b) Condition 13(c) as it relates to maximizing Seaside Groundwater Basin production under Condition 4, well operations as it may relate to Conditions 5 and 6.
 - c) Condition 13(c) as it relates to Conditions 7 and 8, as those Conditions have been met.
 - xii. On July 1 of each year, Cal-Am shall submit an operating plan to the Deputy Director for Water Rights specifying the quantity of water it will supply from the ASR Project for its customers after May 31 of each year.
 - xiii. Each report submitted by Cal-Am shall be certified under penalty of perjury and shall include the following declaration: "I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this report and any accompanying documents are true and correct, with full knowledge that all statements made in this report are subject to investigation and that any false or dishonest statement may be grounds for prosecution."
 - xiv. The Deputy Director for Water Rights is authorized to modify the timing and the content of the reporting required by all of the provisions of this Order to more effectively carry out the intent of this Order.
4. **MONITORING AND TRIGGERS.** The Deputy Director for Water Rights is directed to closely monitor Cal-Am's compliance with Orders WR 2016-0016, WR 2009-0060, 95-10, and this Order. Appropriate action shall be taken to ensure compliance with these Orders including the issuance of additional cease and desist orders under Water Code section 1831, the imposition of administrative civil liability under Water Code section 1055, and referral to the Attorney General under Water Code section 1845 for injunctive relief and for civil liability. If additional enforcement action becomes necessary, the Deputy Director is directed to consider including in such actions all Cal-Am's violations of Water Code section 1052 as may be threatened or occurring in the future.
- i. Each year, following the submittal of the Quarter 4 annual report under Condition 3, above, the Deputy Director shall evaluate the Available Supplies compared to the Prior Year Production for Customer Service, where:
 - a) "Available Supplies" means the total available water supplies available in the upcoming water year as further described in Exhibit B, hereto.
 - b) "Prior Year" means the most recently completed water year, as subject to the reporting requirements of the CDO Annual Consolidated Report.
 - c) "Prior Year Production for Customer Service" means the amounts reported for the most recently completed water year in the CDO Annual Consolidated Report for "Total Carmel Valley Wells for Customer Service" in Table 3, plus the "Total Additional Sources of Supply" in Table 4.
 - ii. Trigger: If "Prior Year Production for Customer Service" divided by "Available Supplies" equals or exceeds 80%, then:
 - a) Cal-Am and the Monterey Peninsula Water Management District shall meet with the Deputy Director for Water Rights within ninety (90) days and present a plan for

avoiding future withdrawals from the Carmel River in excess of the established water right.

- b) Cal-Am and/or the Monterey Peninsula Water Management District shall (i) calculate the trailing (historical) 5-year average growth rate in water demand as expressed by the most recent five years of Prior Year Production for Customer Service; (ii) apply it to the most recent Prior Year Production for Customer Service; and (iii) determine in how many years that projection in Production for Customer Service will meet or exceed Available Supplies.
 - iii. The Deputy Director for Water Rights shall consider the submitted information to determine if a reinstatement of Condition 2 of Order 2009-0060 under Condition 2, herein above, should be made.
5. The conditions of this Order, State Water Board Order WR 2016-0016, State Water Board Order WR 2009-0060, and State Water Board Order 95-10 shall remain in effect until the Deputy Director for Water Rights certifies, in writing, the Order has been lifted.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on **TBD**.

AYE:

NAY:

ABSENT:

ABSTAIN:

Update

Clerk to the Board

EXHIBIT A

California American Water
Monterey District
Quarterly CDO Consolidated Compliance Filings
Orders WR 2026-XXXX, WRO 2016-0016, WRO 2009-0060, 95-10

TABLE 1
Well Production for Customer Service
UPPER CV WELLS (AF)
Water Year XXXX

	Panetta #1	Panetta #2	Garzas #3	Garzas #4	LL #5	LL #6	Total AF
Oct							
Nov							
Dec							
Jan							
Feb							
Mar							
Apr							
May							
Jun							
Jul							
Aug							
Sep							
TOTAL AF							

TABLE 2
Well Production for Customer Service
LOWER CV VELLS (AF)
Water Year XXXX

	Berwick #8	Berwick #9	Begonia #2	Schulte #3	Pearce	Cypress #2	R. Canada #2	Total
Oct								
Nov								
Dec								
Jan								
Feb								
Mar								
Apr								
May								
Jun								
Jul								
Aug								
Sep								
TOTAL AF								

TABLE 3
Well Production for Customer Service
Carmel River (AF)
Water Year XXXX

	Carmel River Base Water Right	Eastwood- Canada Well (Malpaso) Production	Table #13	Total Carmel Valley Wells for Customer Service	ASR Diversion
Oct					
Nov					
Dec					
Q#1 Total					
WYTD					
Jan					
Feb					
Mar					
Q#2 Total					
WYTD					
Apr					
May					
Jun					
Q#3 Total					
WYTD					
Jul					
Aug					
Sep					
Q#4 Total					
WYTD					

Table 4
Well Production for Customer Service
Additional Sources of Supply (AF)
Water Year XXXX

	Seaside Basin Native Water	Seaside Basin Carryover Credits	PWM Recovery	ASR Recovery	Sand City Desal	Served by Others (Seaside Basin)	Total Additional Sources of Supply
Oct							
Nov							
Dec							
Q#1 Total							
WYTD							
Jan							
Feb							
Mar							
Q#2 Total							
WYTD							
Apr							
May							
Jun							
Q#3 Total							
WYTD							
Jul							
Aug							
Sep							
Q#4 Total							
WYTD							

TABLE 5
Stored Water Available for Customer Service
ASR, PWM, and OTHER (AF)
Water Year XXXX

	PWM Drought Reserve	ASR Bank	Total End of Year Storage Available
Cum. thru Q#1			
Cum. thru Q#2			
Cum. thru Q#3			
Cum. thru Q#4			
Cum. WYTD			

TABLE 6
Status of Carmel Valley Wells
Water Year XXXX

	Status
Lower CV	
Rancho Ca #2	
Cypress #2	
Pearce	
Schulte #3	
Begonia #2	
Berwick #8	
Berwick #9	
Eastwood	
Eastw'd Well	
Upper CV	
Panetta #1	
Panetta #2	
Garzas #3	
Garzas #4	
Los Laureles #5	
Los Laureles #6	

TABLE 7
Quarterly Water Supply Strategy and Budget

Include here the most recently adopted quarterly water budget adopted by the District in consultation with Cal-Am, SWRCB, CDWF, and NMFS

EXHIBIT B

Definition of “Available Supplies” shall include the following and be included in quarterly reporting and the Cal-Am CDO Annual Consolidated Report under this Order.

Available Supplies in any water year shall refer to the following:

Source of Supply	Origination of Supply	Amount (AFY)
Carmel River Base Right	State Water Board Order 95-10 defined the Cal-Am water right in footnote 16 as 1,137 AFY pre-1914 appropriative, plus 60 AFY riparian, plus 2,179 AFY per license 11866.	3,376
Seaside Basin Native Water	Under Superior Court adjudication, Cal-Am is limited to only 1,474 AFY from the basin. However, Cal-Am has a water repayment obligation for past withdrawals (“in-lieu” recharge plan.) Cal-Am has asserted it would begin repayment once a desalination plant comes online. Until then, the Basin water right is deemed part of Available Supplies. The amount available from the Seaside Basin should be monitored by the Deputy Director for Water Rights for the status of the “in-lieu” recharge plan.	1,474
Pure Water Monterey w/ Expansion	Under the amended Pure Water Monterey Water Purchase Agreement, Cal-Am is obligated to purchase 5,750 AFY.	5,750
Aquifer Storage & Recovery (ASR)	This source comprises water stored in the Seaside Groundwater Basin under water right Permits 20808A and 20808C. The 59-year hydrologic data indicates an annual availability of 1,210 AFY. However, for purposes of annual “Available Supplies” the ASR source will be reflected in the “Available Storage” line, below.	0*
Sand City Desalination	The plant is owned by the City of Sand City and leased to Cal-Am for operations. The plant was designed for 300 AFY, but operations indicate that may not be attainable. The plant achieved 276 AF in 2011 and 245 AF in 2015. However, due to source well failure, recent production has declined. A new source water well is currently being permitted by Cal-Am and is expected to bring supply availability back to an average of 200 AFY.	200

Malpaso Water LLC	Under State Water Board License 13868A, diversion of water for municipal use under the right is subject to the requirement that the right holder make the water available to Cal-Am for use in its water distribution system for the purpose of reducing Cal-Am's unauthorized diversions identified in State Water Board Orders 95-10 and 2009-0060. Going forward, such water is simply added to the system for delivery to Cal-Am customers. The stated amount is 85.6 AFY.	85.6
Supplied by Others (Seaside Basin)	The City of Seaside has entered into a contract with Cal-Am to deliver 13 AFY of Seaside Municipal Water System's own stored water rights in the Seaside Basin for delivery to Cal-Am customers. Other Seaside Basin producers have contracted for delivery of 7 AFY for delivery to Cal-Am Customers.	20
Available Storage	Available Storage shall mean end of Prior Year storage from the *ASR Program plus the Pure Water Monterey Drought Reserve amount, plus other storage as it may become available in the future.	Reported as 4,392.7 AF end of Water Year 2025
Table 13 Rights	This water right is deemed "interruptible" and therefore not counted in: "Available Supplies"	0
Seaside Basin Carryover Credit	This water right is deemed "interruptible" and therefore not counted in: "Available Supplies"	0
Total "Available Supplies" as of end of Prior Year 9/30/25		15,298.3

This table shall be revised from time to time under the following circumstances:

- a) A new source of supply comes online;
- b) An existing source of supply is retired or unavailable for an extended period;
- c) Additional storage is accrued; and
- d) When an "in-lieu" recharge program is enacted in the Seaside Groundwater Basin that affects Cal-Am's production rights.