

**Dave Stoldt**

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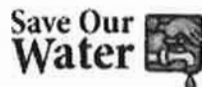
**From:** Lauffer, Michael@Waterboards <michael.lauffer@waterboards.ca.gov>  
**Sent:** Monday, March 19, 2018 3:33 PM  
**To:** Dave Stoldt; dave@laredolaw.net  
**Subject:** MPWMD Item Concerning the Cal-AM CDO Condition 2

Dear Messrs. Stoldt and Laredo:

Over the weekend, the State Water Resources Control Board (State Water Board) received information from third parties that the Monterey Peninsula Water Management District (MPWMD) has before it this evening a resolution that would adopt an interpretation of State Water Board Order WR 2009-0060, Condition 2. The proffered interpretation is contrary to two interpretive letters on the matter issued by the State Water Board on April 9, 2012 and May 31, 2013. As you are aware, there have been stalled conversations regarding the potential to change the interpretation, but neither State Water Board staff nor the Board itself has indicated willingness to adopt either the credit/debit system or to substitute an interpretation of "capacity for use" as a baseline against which to measure increases, as opposed to the measurement of actual use. The formal interpretation letters of April 9, 2012 and May 31, 2013 specifically reject these interpretations.

I am gravely concerned that the MPWMD is going forward unilaterally with an agendized item interpreting an order issued by the State Water Board, contrary to prior interpretations by the Board, and without notifying the State Water Board or attempting to bring final closure to a common interpretation. Cementing the MPWMD's interpretation may stoke further confusion regarding whether water is available for new or increased uses on the peninsula, and lead to potential, needless, future conflict between the agencies. I encourage the MPWMD to withdraw the item from tonight's agenda so staff of the two agencies can attempt to resolve the issues.

-maml



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