AGENDA
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
****
Monday, November 16, 2026 at 5:00 p.m. [PST]
****
Meeting Location: MPWMD – Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940

[This is an in-person meeting. Remote participation via Zoom may be offered; however, it is optional and is not required for the meeting to proceed. **The meeting will proceed as scheduled even if technical difficulties affect Zoom access.** The District will make reasonable efforts to resolve technical issues as quickly as possible.]

To Join via Zoom- Teleconferencing means, please click the link below:
https://mpwmd-net.zoom.us/j/81319001861?pwd=qkl3OOBcyDUe37V83MGDB1ONWQuNqs.1

Webinar ID: **813 1900 1861** | Passcode: **111626** | To Participate by Phone: **(669) 900-9128**

For detailed instructions on how to connect to the meeting, please click the link below:
https://www.mpwmd.net/instructions-for-connecting-to-the-zoom-meetings/

The public may also view the live broadcast of the meeting on Comcast Channel 24 or the live webcast on AMP https://accessmediaproductions.org/ scroll down to the bottom of the page and select AMP 1.

Copies of the agenda packet are available for review on the District website (www.mpwmd.net) and at 5 Harris Court, Bldg. G, Monterey, CA.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. This is a warning that if a member of the public attending this meeting remotely or in-person violates the Brown Act by failing to comply with these requirements, then the Chair may request that speaker be muted. If a member of the public attending this meeting in-person engages in disruptive behavior that disturbs the orderly conduct of the meeting, they may be removed from the meeting after a warning.

Board of Directors
Ian Oglesby, Chair – Mayoral Representative
Rebecca Lindor, Vice-Chair – Division 3
Alvin Edwards – Division 1
George Riley – Division 2
Karen Paull – Division 4
Marianne Gawain – Division 5
Kate Daniels – Monterey County Board of Supervisors Representative

General Manager
David J. Stoldt

Assistant General Manager
Mike McCullough

Mission Statement
Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments.

Vision Statement
Model ethical, responsible, and responsive governance in pursuit of our mission.

Board's Goals and Objectives
Are available online at: https://www.mpwmd.net/who-we-are/mission-vision-goals/

CLOSED SESSION AT 5 P.M.

CALL TO ORDER / ROLL CALL

ADDITIONS AND CORRECTIONS TO THE CLOSED SESSION AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA - *Members of the public may address the Board on the item or items listed on the Closed Session agenda.*

CLOSED SESSION - *As permitted by Government code Section 54956.9 et seq., the Board may recess to closed session to consider specific matters dealing with pending or threatened litigation, certain personnel matters or certain property acquisition matters.*

CS 1. Public Employee Performance Evaluation, (Government Code Section 54957) - Title: General Manager

CS 2. Conference with Legal Counsel – Pending Litigation (§54956.9) (Two Cases):

- **CPUC A.26-10-020** – Cal-Am Application for an Updated Cost Cap and Ratemaking Framework for the Monterey Peninsula Water Supply Project; CA Public Utilities Commission
- **CPUC A.26-10-024** – Cal-Am Financing Application; CA Public Utilities Commission

RECESS TO CLOSED SESSION

Any Closed Session Items not completed may be continued to after the end of all open session items.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF ALVIN EDWARDS, OUTGOING DIVISION 1 DIRECTOR

SWEARING IN CEREMONY / ADMINISTER OATH OF OFFICE TO:

GEORGE T. RILEY, DIRECTOR DIVISION 2
MARIANNE GAWAIN, DIRECTOR DIVISION 5

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS – *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - *The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks "**", Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.*

1. Consider Adoption of Minutes of the Regular Board Meeting on October 19, 2026
2. Consider Approval of Funding for a 0.8 GPF Toilet Giveaway Conservation Program and Increase District Budget
3. Receive and File First Quarter Financial Activity Report for Fiscal Year 2026-2027
4. Consider Adoption of Treasurer's Report for September 2026
5. Consider Approval of First Quarter Fiscal Year 2026-2027 Investment Report

GENERAL MANAGER'S REPORT

6. General Manager's Report *(Verbal Report)*

REPORT FROM DISTRICT COUNSEL

7. Report from District Counsel – Report on Closed Session and General Report on Pending Litigation and Other Legal Matters

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

8. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARING – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

9. Consider Second Reading and Adoption of Ordinance No. 203– Adding Rule 142.2, a Prohibition on Irrigation of Non-Functional Turf with Potable Water, and Amending Rules 11, 23, 24, 25.5, 141, 142.1 and 162

   Recommended Action: The Board will consider second reading and adoption of Ordinance No. 203 adding a prohibition on Irrigation of Non-Functional Turf with Potable Water and Amending Rules 11, 23, 24, 25.5, 141, 142.1 and 162.

ACTION ITEMS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

10. Consider Amendment to the Technical Advisory Committee (TAC) Charge in the MPWMD Meeting Rules

    Recommended Action: The Board will consider approving an amendment to the Technical Advisory Committee (TAC) charge, which is included as part of the MPWMD Meeting Rules.

11. Receive Fiscal Year 2025-2026 Annual Comprehensive Financial Report

    Recommended Action: The Board will consider reviewing and receiving the Annual Comprehensive Financial Report for Fiscal Year 2025-2026.

12. Consider Adoption of Agreement with De Lay & Laredo for Legal Services

    Recommended Action: The Board will consider adopting the Agreement for Legal Services with De Lay & Laredo Attorneys at Law.

DISCUSSION ITEM – Public Comment will be received. Please limit your comments to three (3) minutes per item.

13. Update on Cease and Desist Order *(Verbal Report)*

Recommended Action: The Board will receive an update from the General Manager regarding the Cease and Desist Order.

14. Update the Board on MPWMD's Response to the Central Coast Regional Water Quality Control Board's (RWQCB) Draft Addendum to the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Monterey Peninsula Water Supply Project (MPWSP)

    Recommended Action: The Board will receive an update on the MPWMD's response to the RWQCB's Draft Addendum.

INFORMATIONAL ITEMS/STAFF REPORTS - *The public may address the Board on Informational Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.*

15. Report on Activity/Progress on Contracts Over $25,000
16. Status Report on Expenditures – Public's Ownership of Monterey Water System
17. Letters Received and Sent
18. Committee Reports
19. Monthly Allocation Report
20. Water Efficiency Program Report for October 2026
21. Carmel River Fishery Report for October 2026
22. Monthly Water Supply and California American Water Production Report
    [Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]

ADJOURNMENT

Board Meeting Schedule		
Monday, December 21, 2026	*Regular*	6:00 p.m.
Monday, January 25, 2027	*Regular*	6:00 p.m.

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time to Sara Reyes, Board Clerk by e-mail at sara@mpwmd.net or at (831) 658-5610.

Options for Providing Public Comment

Attend In-Person
The Board meeting will be held in the Main Conference Room at **5 Harris Court, Building G, Monterey, CA 93942** and has limited seating capacity.

Submission of Written Public Comment

Send written comments to District Office, 5 Harris Court, Building G, Monterey, CA or online at comments@mpwmd.net. Include the following subject line: "PUBLIC COMMENT ITEM #" (insert the agenda item number relevant to your comment). Written comments must be received by 2:00 PM on the day of the meeting. All submitted comments will be provided to the Board of Directors, compiled as part of the record, and placed on the District's website as part of the agenda packet for the meeting. Correspondence is not read during the public comment portion of the meeting.

Instructions for Connecting to the Zoom Meeting can be found at
https://www.mpwmd.net/instructions-for-connecting-to-the-zoom-meetings/

Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings:
https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/

ITEM: CONSENT CALENDAR

1. CONSIDER ADOPTION OF MINUTES OF THE REGULAR BOARD MEETING ON OCTOBER 19, 2026

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Sara Reyes**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for Board consideration are the draft minutes of the MPWMD Board of Directors' Regular Meeting held on October 19, 2026 **(Exhibit 1-A)**.

RECOMMENDATION: Adopt the draft minutes of the October 19, 2026 Regular Board Meeting.

EXHIBIT
1-A Draft Minutes – MPWMD Board of Directors' October 19, 2026 Regular Board Meeting

EXHIBIT 1-A

Draft Minutes
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
October 19, 2026 at 6:00 p.m.

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940 AND
By Teleconferencing Means - *Zoom*

CALL TO ORDER
Chair Oglesby called the regular session to order at 6:00 p.m.

ROLL CALL

Board Members Present:
Ian Oglesby, Chair
Rebecca Lindor, Vice Chair
Kate Daniels
Alvin Edwards
George Riley
Karen Paull
Marianne Gawain (joined via Zoom at 6:10 p.m.)

Board Members Absent:
None

District Staff Members Present:
David Stoldt, General Manager
Mike McCullough, Assistant General Manager
Mollie Wooden, Water Demand Manager
Nishil Bali, Chief Financial Officer/Administrative Services Manager
Jonathan Lear, Water Resources Manager
Thomas Christensen, Environmental Resources Manager
Sara Reyes, Executive Assistant / Board Clerk

District Counsel Present:
Michael Laredo, De Lay & Laredo

PLEDGE OF ALLEGIANCE
Director Lindor led the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA
Staff noted two corrections to the agenda packet. On Item 11, page 308, second paragraph, the dollar amount was removed; the corrected sentence reads: "Rebates for eligible Sites within the District that are not served by Cal-Am would be funded through the District's separate Rebate budget." For Item 21, a corrected report and exhibits were distributed to Board members in their red folders.

ORAL COMMUNICATIONS
Chair Oglesby opened the oral communications period, during which the following comments were received:

1) Tom Rowley, Vice President of the Monterey Peninsula Taxpayers Association, supported the City of Monterey's position that the District should stay out of land use decisions and should not have allocated

District Reserve Water to a developer on Cass Street. He also stated that Measure J is not a mandate, that Cal-Am's water system is still not for sale, and that only the cities, as land use jurisdictions, hold water reserves.

2) Abbi Crismon introduced herself as the new master planner for the Army, representing the Presidio of Monterey, and expressed that she was glad to attend the meeting.

3) Melodie Chrislock stated that Measure J was written as a mandate and passed by 24,000 voters, and she supported the District's pursuit of eminent domain. She also noted that Cal-Am customers pay thousands of dollars more per year for water than customers elsewhere.

4) Katie Rodda, a resident of East Carmel Valley, thanked Supervisor Daniels' office for informing her of the meeting and asked about the status, timeline, and decision-making process for the Los Padres Dam study. She stated that her community considers the dam important for firefighting, flood control, and wildlife, expressed concern that only Cal-Am customers may vote on the issue, and asked how to submit a petition with about 1,500 signatures in support of repairing and keeping the dam.
General Manager Stoldt stated that the reservoir was heavily used for water dipping by Cal Fire and other agencies during the recent fires in the area, and that staff would report back with data on that usage and an update on the schedule for the Los Padres Dam studies.

CONSENT CALENDAR
Chair Oglesby introduced the Consent Calendar.

Director Gawain requested Item 3 be pulled for questions.

Chair Oglesby opened public comment; no comments were received.

Director Daniels moved to approve Consent Calendar items 1, 2, 4, 5 and 6, seconded by Director Paull. The motion passed by a roll call vote with 7 Ayes (Edwards, Daniels, Paull, Oglesby, Lindor, Riley, and Gawain) and 0 Noes.

Director Gawain moved to approve item 3, seconded by Director Edwards. The motion passed by a roll call vote with 7 Ayes (Edwards, Daniels, Paull, Oglesby, Lindor, Riley, and Gawain) and 0 Noes.

The following agenda items were accepted as part of the Consent Calendar:

1. **Consider Adoption of Minutes of the Regular Board Meeting on September 28, 2026**
2. **Consider Adoption of Treasurer's Report for August 2026**
3. **Receive Government Accounting Standards Board (GASB) Statement No. 68 – Financial Reporting for Pensions**
4. **Receive Government Accounting Standard Board (GASB) Statement No. 75 – Financial Reporting for Post-Employment Benefits Other Than Pensions**
5. **Consider Updates to Surplus Property Disposal Policy and Declaration of Surplus Items**
6. **Consider Approval of Additional Contract Spending for Legal Services with Richards Watson Gershon (RWG Law)**

GENERAL MANAGER'S REPORT
Chair Oglesby introduced the General Manager's Report.

7. General Manager's Report
General Manager David Stoldt reported that production for customer service in the water year ending September 30 was 258 acre-feet higher than the prior year, which was within reason given the dry March and increased irrigation. He noted that 704 acre-feet of Seaside Basin water went unused and is expected to carry over, and that Cal-Am's projected demand growth far exceeds the current five-year average of about 9,200 acre-feet. Rainfall

of 24.3 inches was above normal. The presentation is available on the District's website.

Chair Oglesby opened public comment; no comments were received.

REPORT FROM DISTRICT COUNSEL
Vice Chair Lindor introduced the District Counsel Report.

8. Report from District Counsel - General Report of Pending Litigation
District Counsel Michael Laredo referenced the litigation report on page 93 of the meeting packet and briefly summarized ongoing legal matters.

Chair Oglesby opened the public comment period; no comments were received.

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

Chair Oglesby introduced the Directors' Reports.

9. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations
No reports were presented by Board members.

PUBLIC HEARING
Chair Oglesby introduced the public hearing items.

10. Consider First Reading of Ordinance No. 203 – Adding Rule 142.2, a Prohibition on Irrigation of Non-Functional Turf with Potable Water, and Amending Rules 11, 23, 24, 25.5, 141, 142.1 and 162
Water Demand Manager Mollie Wooden presented the first reading of Ordinance No. 203, which adds Rule 142.2 implementing the state prohibition on irrigating non-functional turf with potable water, with violations treated as water waste, and amends several existing rules. She noted that the prohibition does not apply to functional turf or single-family residential properties, and that the first reporting requirement is not until 2030. Other changes include eliminating the conditional water permit program, ending credits for properties that receive rebates, and reducing the credit reclaim period from 10 to 5 years. District Counsel review and CEQA determination remain pending, and the ordinance would take effect 30 days after adoption of the second reading. The presentation is available on the District's website.

Chair Oglesby opened public comment, during which the following comment was received:

1) Susan Schiavone asked when the rule changes would take effect, noting that an acquaintance building an accessory dwelling unit (ADU) was planning to trade water use for another use and wanted to know whether the changes would apply immediately or in some months.

Director Riley made a motion, seconded by Director Edwards, to approve first reading of Ordinance No. 203. The motion passed by a roll call vote with 7 Ayes (Edwards, Daniels, Paull, Lindor, Oglesby, Riley, and Gawain) and 0 Noes.

ACTION ITEM
Chair Oglesby introduced the action item.

11. Consider Adoption of Resolution No. 2026-11 – Establish a Time-Limited Multi-Family Residential Sites Common Laundry Room Amnesty and Rebate Program
Water Demand Manager Mollie Wooden reported that Ordinance No. 178, adopted in 2017, required multifamily residential sites and common interest developments with four or more dwelling units to meet specified water efficiency standards by 2019. District inspections have found that many common laundry room washing machines do not meet the standard, and the current practice of filing a deed restriction has had a limited effect because few of these properties change hands. Staff proposed a time-limited amnesty and rebate program offering a $750

rebate per qualifying high-efficiency washer, limited to four washers per site, with additional washers allowed with General Manager approval and a de-restriction to allow monitoring of water use. The program would be funded from the District's rebate budget and reimbursed through the District's partnership with Cal-Am, at about $535,500 over two years, and staff would re-evaluate the program when 50 percent of the funding, or $267,750, has been used.

Chair Oglesby opened the public comment period, during which the following comment was received:

1) Susan Schiavone asked whether Cal-Am ratepayers are ultimately funding the rebate program if Cal-Am funds it, noting that Cal-Am may have tax incentives to participate and that the public should know the funding source. She stated that she believes it is a good program.

Director Riley made a motion, seconded by Director Paull, to adopt a Common Laundry Room Amnesty and Rebate Program and Resolution 2026-11. The Rebate would be a maximum of $750 per qualifying high-efficiency washer (HEW), limited to four HEWs per Site unless the Site obtains General Manager approval and a deed restriction for any additional Rebate, and the Rebate is not more than the actual eligible cost, with applications due December 31, 2028. The motion passed by a roll call vote with 7 Ayes (Edwards, Daniels, Paull, Oglesby, Lindor, Riley, and Gawain) and 0 Noes.

DISCUSSION ITEM
Chair Oglesby introduced the discussion item.

12. Update on Cease and Desist Order

General Manager David Stoldt explained that the State Water Board will hold a hybrid hearing on November 5 to receive written or oral policy statements. Comments can be given in person or remotely through Zoom with pre-registration. He clarified that a quorum of the State Water Board will not be present and no action will be taken that day. Information presented will become part of the administrative record but will not be considered evidence when the State Water Board makes its determination.

Chair Oglesby opened the public comment period; no comments were received.

INFORMATIONAL ITEMS / STAFF REPORTS
Chair Oglesby introduced the item and asked if Board members had any comments or questions.

13. Report on Activity/Progress on Contracts Over $25,000
14. Status Report on Spending – Public's Ownership of Monterey Water System
15. Letters Received and Sent
16. Committee Reports
17. Monthly Allocation Report
18. Water Efficiency Program Report for September 2026
19. Carmel River Fishery Report for September 2026
20. Quarterly Carmel River Riparian Corridor Management Program Report
21. Monthly Water Supply and California American Water Production Report

These items were informational only, and no action was taken. Copies of these reports are available at the District office and on the District website.

ADJOURNMENT
Chair Oglesby adjourned the meeting at 7:39 p.m.

_____
Sara Reyes, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on _____.

ITEM: CONSENT CALENDAR

2. CONSIDER APPROVAL OF FUNDING FOR A 0.8 GPF TOILET GIVEAWAY CONSERVATION PROGRAM AND INCREASE DISTRICT BUDGET

Meeting Date:	**November 16, 2026**	**Budgeted:**	**Yes**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**Conservation Program 26-05-781387**
Prepared By:	**Mollie Wooden**	**Cost Estimate:**	**$15,000**

General Counsel Approval: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The District, in partnership with California American Water (CAW), plans to hold an event to promote water conservation in the home by providing free 0.8 GPF toilets to District occupants. Toilets consume roughly 20% of all indoor residential water use. Today's homes commonly have 1.28 – 1.6 GPF toilets. Replacing one toilet in a single-family dwelling with a 0.8 GPF toilet would save approximately 2,014 gallons per year or up to 50% of its annual water use. The proposed program would allow District residents to apply for free toilet(s) that they would pick up from the District office and to self-install in their residence. Preliminary quotes for Niagara Shadow 0.8 GPF toilets are $199 per toilet with seat and wax ring included.

As part of the joint MPWMD/CAW conservation program, staff requests approval of funding not to exceed $30,000 for the program during 2026-2027 with 50% of all costs reimbursed by CAW. The toilet giveaway will provide free toilet(s) to CAW customers within the District, for residential properties. The toilets will be purchased in 2026 and held at a local warehouse until the event in early 2027. An email blast and/or advertising will go out to residents inviting them to apply to receive free toilet(s). MPWMD staff will review all applications to confirm eligibility. Those that qualify will be invited to come to MPWMD office for the event where they can pick up their toilet(s). The toilets are 2-piece and come in two boxes for easy loading and transportation.

The toilet giveaway will be promoted by email (using MPWMD and CAW's email database), print ads in local papers and social media. Customers will be required to confirm eligibility, which will be reviewed by MPWMD staff. The budget for the program is $30,000.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board approve the expenditure of up to $30,000 to partner with CAW for the 0.8 GPF Toilet Giveaway conservation program and increase the budget for Reimbursable Water Conservation Devices for the District's 50% contribution.

EXHIBITS
2-A A Toilet Pace_Supply_Quote
2-B Toilet Giveaway Eligibility Requirements

PACE SUPPLY CORP
349 E MARKET ST
SALINAS CA 93901
833-505-4228

EXHIBIT 2-A

Quote#	3001693
Quote Date	10/14/26
Page#	1

QUOTATION

Monterey Peninsula Water Manag Dist 39271-00

5 Harris Ct, Bld G
MONTEREY CA 93940
Ship To:

Expiration Date	11/13/26	Requested By	STEPHANIE KISTER
FOB	ORIGIN	Prepared By	Nancy Harrison nharrison@pacesupply.com
Online Quote	3001693	Salesperson	
Job Name	WPWMD		

WE ARE PLEASED TO QUOTE YOU ON THE FOLLOWING MATERIAL

Ln#	Part Number	Description	Price	Qty	Unit	Extended Price
		>>> SEGMENT: NIAGARA - SHADOW TOILETS				
1	NIA33020101WHT	TOILET BOWL EB 12" RGH WHT ADA SHADOW NIAGARA	85.22	200	EA	17044.00
2	NIA33030001LCHWHT	TOILET TANK 0.8GPF LCH GRAV WHT ADA SHADOW NIAGARA	73.86	200	EA	14772.00
3	BEM1500TTTWHT	EBCFWC WOOD RES SEAT WHT BEMIS	15.70	200	EA	3140.00
4	WAX1	3 OR 4 WAX RING W/ HORN 2BB 2N 2W	2.75	200	EA	550.00
						35506.00

Subtotal	35506.00
Estimated Sales Tax	3284.31
Estimated Freight	
Total	38790.31

EXHIBIT 2-B

Free 0.8 GPF Toilet Giveaway Eligibility Requirements

Free 0.8 GPF toilets are available for installation at existing, occupied residential Sites within the District. Applications require prequalification. Installation is the responsibility of the Applicant and is not included in the program.

Each free toilet must replace an existing toilet at the approved Site. Toilets provided through this program may not be used for new construction, an additional bathroom, or an installation required to obtain a Water Permit or comply with District Rules. A free toilet shall not be issued for a retrofit required by a local, State, or Federal water conservation program. The Site must be in compliance with District Rules before a free toilet is issued. Installation is subject to MPWMD Rule 25.5.

A free toilet shall not be issued to replace a 0.8 GPF toilet previously provided or rebated by the District unless at least ten (10) years have passed since that toilet was installed.

Free toilets are available only while funding and supplies remain and before the replacement becomes mandatory, including when a Change of Ownership or Change of Use occurs or a Water Permit is issued. A maximum of two (2) free toilets may be provided per Site during the initial distribution. Previous awards under this program count toward that limit.

Application Priority

If eligible requests exceed available supplies, the District will prioritize applications based on anticipated water savings. Staff will consider the number of people living at the Site and the number of toilets regularly used by those residents. Toilets serving more residents will receive greater priority. Applications with equivalent priority will be considered in the order complete applications were received. If supplies remain after the initial distribution, the District may consider requests for additional toilets.

Application and Conditions of Approval

Applications will be accepted and considered while funding and supplies are available. A complete application must include the Applicant’s name, address, and telephone number; the property owner’s name and contact information; the installation address and

Assessor's Parcel Number; the CAW account number; the number of free toilets requested; the number of toilets regularly used at the Site; and the number of people living at the Site.

An Applicant who does not own the property must provide written authorization from the current property owner or property manager consenting to the Applicant's receipt and installation of the free toilet(s) at the property. Applications without the required authorization will be denied.

The Applicant shall certify under penalty of perjury that the application is true and complete and that each toilet will be installed at the property listed on the application. If approved, the Applicant or their authorized agent must pick up the toilet(s) from the District office by the date stated in the approval email. Failure to pick up the toilet(s) by that date will result in forfeiture of the approval.

The Applicant agrees to install the free toilet(s) within 30 days of pickup. The property owner agrees to keep the toilet(s) installed and operational for at least two years. The Applicant agrees that the District may inspect the property to verify installation. A toilet provided through this program is not eligible for an additional District rebate for the same installation.

Application information will be added to District records and may be used to assess water savings achieved through the toilet giveaway program.

ITEM: CONSENT CALENDAR

3. RECEIVE AND FILE FIRST QUARTER FINANCIAL ACTIVITY REPORT FOR FISCAL YEAR 2026-2027

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The first quarter of Fiscal Year (FY) 2026-2027 concluded on September 30, 2026. Table comparing budgeted and actual year-to-date revenues and expenditures for the period July 1, 2026, through September 30, 2026 is included as **Exhibit 3-A. Exhibits 3-B** and **3-C** present the same information in bar graph format. The following comments summarize District staff's observations:

REVENUES

The revenue table compares amounts received through the first quarter of FY 2026-2027 to the amounts budgeted for that same time period. Total revenues collected were $6,463,766, or 65.6% of the year-to-date (YTD) budgeted amount of $9,859,424. Variances within the individual revenue categories are described below:

- Property tax revenues were $0, or 0% of the budget for the period. The first installment of this revenue is expected to be received in December 2026.
- User fee revenues were $1,268,144, or about 60.4% of the amount budgeted for YTD. This is lower than the budgeted amount, as collections for September are received after the close of the fiscal quarter. After September collections are booked, user fees are expected to be $1,778,751, or 85.1% of the YTD budget.
- Pure Water Monterey (PWM) Water Sales revenue was $4,273,177, or 85.1% of the budget for the period. This is water sales revenue for water purchased from Monterey One Water and sold to California American Water, and is a pass-through to the District. The FY 2026-27 PWM budget includes revenue from the PWM Expansion project that became operational in November 2025.
- Capacity Charge revenues were $123,622, or 82.4% of the budget for the period. Actual collection was lower than the anticipated budget, as the forecasted figures are based on the estimated number of customers pulling permits.
- Permit Fee revenues were $58,267, or 93.2% of the budget for the period.

- Interest revenues were $111,854 or 67.8% of the budget for the period. This excludes the first-quarter interest revenue from the Local Agency Investment Pool, which is received in the second quarter.
- Reimbursements were $614,996, or 259.7% of the budget. These are for reimbursable project funds tied to the Aquifer Storage and Recovery, Watermaster, rebates, and other reimbursements. The increase is related to $583,476 in other reimbursements tied to partial true-up of PWM water purchases.
- Grant revenue from the Integrated Regional Water Management (IRWM) projects was $0, or 0% of the budget, as this revenue is received at the end of the quarter and is based on quarterly submission of expenditures to the Department of Drinking Water.
- The Other revenue category totaled $13,705, or about 68.5% of the YTD budgeted amount. This category includes reimbursement revenues from legal and other miscellaneous services and recording fees.
- No Reserves were booked in the first quarter. This category includes potential use of reserves for the entire year, with adjustments typically made at the end of the fiscal year.

EXPENDITURES

Expenditure activity, as depicted on the expenditure table, is similar to patterns seen in past fiscal years. Total expenditures of $6,134,232 were about 62.2% of the budgeted amount of $9,859,424 for the period. Variances within the individual expenditure categories are described below:

- Personnel costs of $1,937,655 were about 117.9% of the budget. This was higher than the anticipated budget due to CalPERS' employers' portion of the unfunded liability, paid upfront for the fiscal year.
- Expenditures on supplies and services were $496,150 or about 86% of the budgeted amount. This was lower than the anticipated budget due to lower YTD expenditures for legal services, facilities, and transportation for the first quarter.
- Fixed asset-related purchases of $77,819 represented around 118.7% of the YTD budgeted amount. This is related to the payments for new District vehicles.
- Funds spent on project expenditures were $3,622,608, or approximately 49.3% of the amount budgeted for the period. This is lower than budgeted due to lower water purchases in the first quarter and no expenditure received for the IRWM grants.
- Contingencies/Other expenditures were 0% of the budgeted amount, as no contingency budget was spent during this quarter.
- Reserve expenditures were 0% of the budgeted amount. Adjustments to reserves are made at the end of the fiscal year.

EXHIBITS

3-A Revenue and Expenditure Table
3-B Revenue Graph
3-C Expenditure Graph

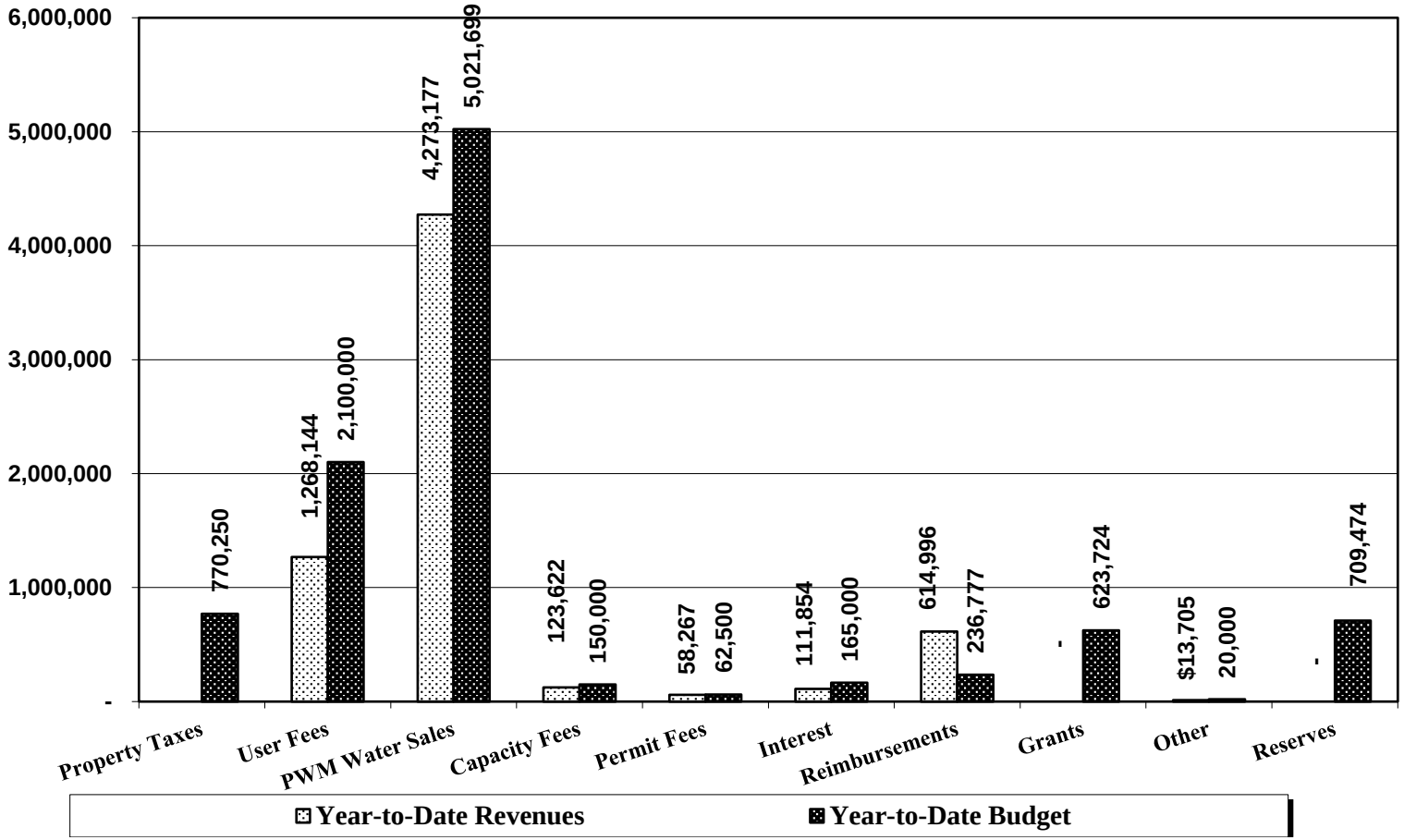
EXHIBIT 3-A

Monterey Peninsula Water Management District
Financial Activity as of September 30, 2026
Fiscal Year 2026-2027

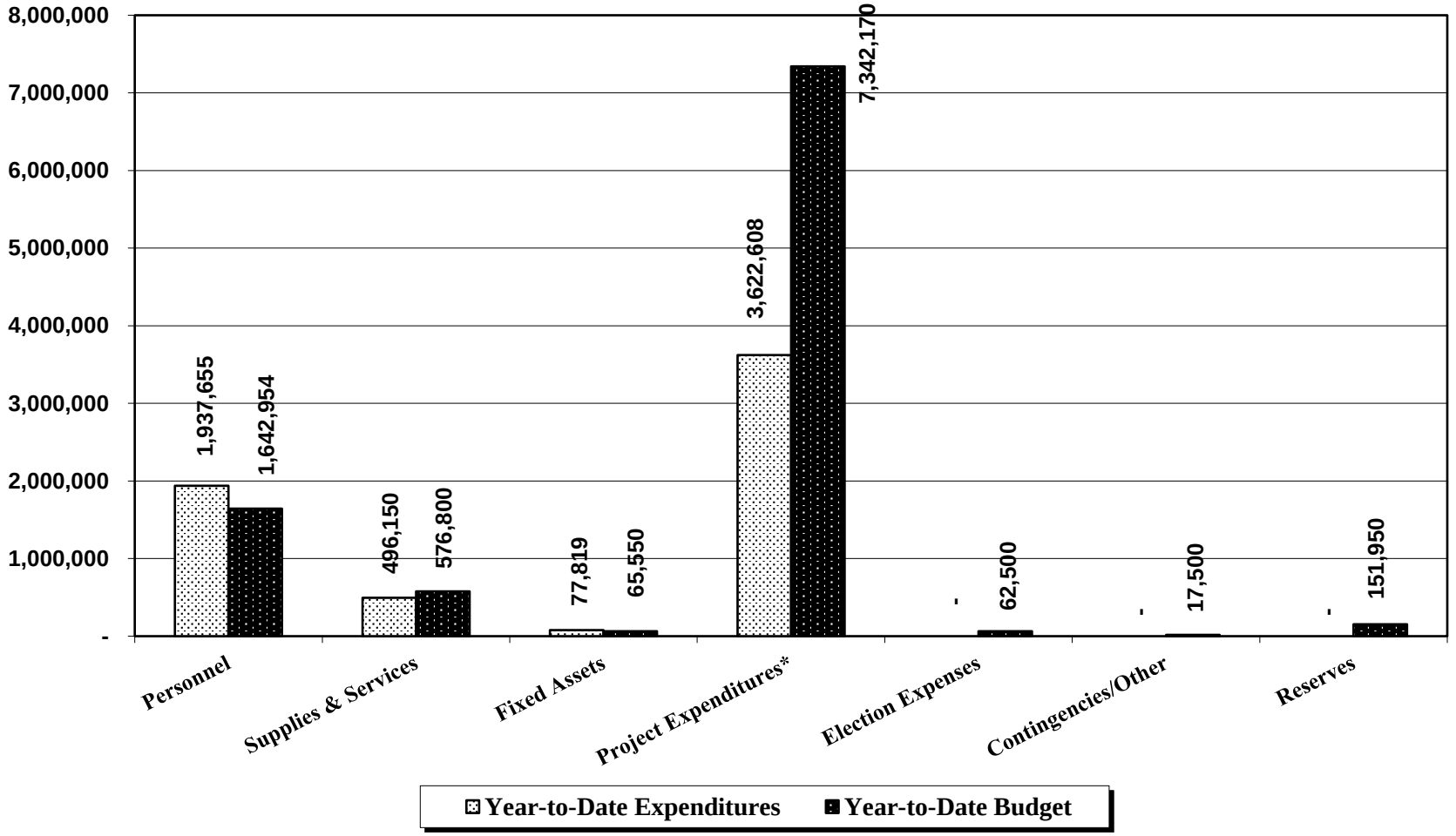
	Year-to-Date Revenues	Year-to-Date Budget	Variance	Percent of Budget
Property Taxes	-	770,250	770,250	0.0%
User Fees	1,268,144	2,100,000	831,856	60.4%
PWM Water Sales	4,273,177	5,021,699	748,522	85.1%
Capacity Fees	123,622	150,000	26,378	82.4%
Permit Fees	58,267	62,500	4,233	93.2%
Interest	111,854	165,000	53,146	67.8%
Reimbursements	614,996	236,777	(378,219)	259.7%
Grants	-	623,724	623,724	0.0%
Other	$13,705	20,000	6,295	68.5%
Reserves	-	709,474	$709,474	0.0%
Total Revenues	6,463,766	9,859,424	3,395,658	65.6%

	Year-to-Date Expenditures	Year-to-Date Budget	Variance	Percent of Budget
Personnel	1,937,655	1,642,954	(294,701)	117.9%
Supplies & Services	496,150	576,800	80,650	86.0%
Fixed Assets	77,819	65,550	(12,269)	118.7%
Project Expenditures*	3,622,608	7,342,170	3,719,562	49.3%
Election Expenses	-	62,500	62,500	0.0%
Contingencies/Other	-	17,500	17,500	0.0%
Reserves	-	151,950	151,950	0.0%
Total Expenditures	$6,134,232	$9,859,424	$3,725,192	62.2%

REVENUES
Q1 of FYE2027 - September 30, 2026
Year-to-Date Budgeted Revenues $9.86 M
Year-to-Date Actual Revenues $6.46 M



EXPENDITURES
Q1 of FYE2027 - September 30, 2026
Year-to-Date Budgeted Expenditures $9.86 M
Year-to-Date Actual Expenditures $6.14 M



ITEM: CONSENT CALENDAR

4. CONSIDER ADOPTION OF TREASURER'S REPORT FOR SEPTEMBER 2026

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Exhibit 4-A comprises the Treasurer's Report for September 2026. **Exhibit 4-B** includes listings of check disbursements for the period September 1-30, 2026. Checks, virtual checks (AP Automation), direct deposits of employee paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of $664,646.37. **Exhibit 4-C** reflects the unaudited version of the Statement of Revenues and Expenditures for the month ending September 30, 2026.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board adopt the September 2026 Treasurer's Report and Statement of Revenues and Expenditures and ratify the disbursements made during the month.

EXHIBITS
4-A Treasurer's Report
4-B Listing of Cash Disbursements
4-C Statement of Revenues and Expenditures

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EXHIBIT 4-A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR SEPTEMBER 2026

	Description	Checking	MPWMD Money Market	California CLASS	L.A.I.F.	Multi-Bank Securities*	MPWMD Total	PB Reclamation Money Market
	Beginning Balance (A)	**$1,495,494.44**	**$2,210,701.09**	**$1,066,649.61**	**$12,405,160.51**	**$11,031,806.88**	**$28,166,630.97**	**$348,582.27**
	Fees/Deposits		2,345,836.37				2,345,836.37	791,916.34
	MoCo Tax & WS Chg Installment Pymt						0.00	
	Interest Received			3,347.29		43,181.55	46,528.84	
	Transfer - Checking/CLASS						0.00	
	Transfer - Money Market/LAIF		-				0.00	
	Transfer - Money Market/Checking						0.00	(5,142.42)
	Transfer - Money Market/Multi-Bank						0.00	
	Transfer to CAWD						0.00	
	Sub-total - Receipts/Transfers (B)	*$0.00*	*$2,345,836.37*	*$3,347.29*	-	*$43,181.55*	*$2,392,365.21*	*$786,773.92*
[1]	AP Automation Payments	(144,136.01)					(144,136.01)	
[2]	General Checks	(78,129.42)					(78,129.42)	
[3]	Bank Draft Payments	(47,188.29)					(47,188.29)	
[3]	Payroll Tax/Benefit Deposits	(187,337.08)					(187,337.08)	
[4]	Rebate Payments	-					0.00	
[5]	WSC APA Payments Re-issues	(53.04)					(53.04)	
*	Payroll Checks/Direct Deposits	(206,426.98)					(206,426.98)	
**	Bank Charges/Other	(1,086.82)					(1,086.82)	
	Reversals of Outstanding WSC Payments	626.77					626.77	
	Voided Checks	-					0.00	
	Credit Card Fees	(915.50)					(915.50)	
	Returned Deposits						0.00	
	Sub-total - Disbursements (C)	*(664,646.37)*	-	-	-	-	*(664,646.37)*	-
	Ending Balance (A+B+C)	**$830,848.07**	**$4,556,537.46**	**$1,069,996.90**	**$12,405,160.51**	**$11,074,988.43**	**$29,894,349.81**	**$1,135,356.19**

Refer to Exhibit B for payments totalling [1], [2], [3], [4] and [5]

* Total amount of District Employee and Board payroll

** Merchant account fees from Bank of America

WSC: Water Supply Charge

* Fixed Income investments are reported at face value

Check Report

Monterey Peninsula Water Management District

By Check Number

Date Range: 09/01/2026 - 09/30/2026

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	**-Bank of America Checking**					
Payment Type: Regular						
16717	State Water Resources Control Board	09/04/2026	Regular	0.00	4,212.00	41112
46567	Cappo Management XXXIV	09/29/2026	Regular	0.00	73,378.22	41115
01020	Sandra Alonso - Petty Cash Custodian	09/29/2026	Regular	0.00	539.20	41116
			Total Regular:	**0.00**	**78,129.42**	

[2]

Check Report **Date Range: 09/01/2026 - 09/30/2026**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Virtual Payment						
06001	Cypress Coast Ford	09/02/2026	Virtual Payment	0.00	110.48	APA022108
01349	Suresh Prasad	09/02/2026	Virtual Payment	0.00	1,125.06	APA022109
41145	Advance Cleaning 365, Inc.	09/04/2026	Virtual Payment	0.00	1,850.00	APA022110
12601	Carmel Valley Ace Hardware	09/04/2026	Virtual Payment	0.00	235.29	APA022111
00094	John Arriaga	09/04/2026	Virtual Payment	0.00	7,000.00	APA022112
27302	Kyocera Document Solutions America, Inc.	09/04/2026	Virtual Payment	0.00	535.75	APA022113
00222	M.J. Murphy	09/04/2026	Virtual Payment	0.00	175.77	APA022114
00242	MBAS	09/04/2026	Virtual Payment	0.00	779.00	APA022115
26785	Monterey Bay Pest Control, Inc.	09/04/2026	Virtual Payment	0.00	135.00	APA022116
00755	Peninsula Welding Supply, Inc.	09/04/2026	Virtual Payment	0.00	64.50	APA022117
00251	Rick Dickhaut	09/04/2026	Virtual Payment	0.00	1,232.00	APA022118
08067	Stephanie Locke	09/04/2026	Virtual Payment	0.00	1,544.16	APA022119
09425	The Ferguson Group LLC	09/04/2026	Virtual Payment	0.00	6,615.00	APA022120
17965	The Maynard Group	09/04/2026	Virtual Payment	0.00	1,848.30	APA022121
00763	ACWA-JPIA	09/11/2026	Virtual Payment	0.00	357.96	APA022122
18225	DUDEK	09/11/2026	Virtual Payment	0.00	232.50	APA022123
00222	M.J. Murphy	09/11/2026	Virtual Payment	0.00	39.48	APA022124
00242	MBAS	09/11/2026	Virtual Payment	0.00	313.00	APA022125
07280	National Water Research Institute	09/11/2026	Virtual Payment	0.00	10,000.00	APA022126
13396	Navia Benefit Solutions, Inc.	09/11/2026	Virtual Payment	0.00	1,750.39	APA022127
21876	Timothy G. Scarpa	09/11/2026	Virtual Payment	0.00	500.00	APA022128
22792	Uline	09/11/2026	Virtual Payment	0.00	107.98	APA022129
06009	yourservicesolution.com	09/11/2026	Virtual Payment	0.00	2,955.00	APA022130
00225	AAA Workspace	09/21/2026	Virtual Payment	0.00	288.38	APA022131
00010	Access Monterey Peninsula	09/21/2026	Virtual Payment	0.00	875.00	APA022132
00767	AFLAC	09/21/2026	Virtual Payment	0.00	358.94	APA022133
00760	Andy Bell	09/21/2026	Virtual Payment	0.00	664.00	APA022134
12601	Carmel Valley Ace Hardware	09/21/2026	Virtual Payment	0.00	22.11	APA022135
00028	Colantuono, Highsmith, & Whatley, PC	09/21/2026	Virtual Payment	0.00	126.00	APA022136
04041	Cynthia Schmidlin	09/21/2026	Virtual Payment	0.00	1,221.84	APA022137
18734	DeVeera Inc.	09/21/2026	Virtual Payment	0.00	8,365.63	APA022138
00192	Extra Space Storage	09/21/2026	Virtual Payment	0.00	523.00	APA022139
02660	Forestry Suppliers Inc.	09/21/2026	Virtual Payment	0.00	102.27	APA022140
21199	G3, Green Gardens Group, LLC	09/21/2026	Virtual Payment	0.00	1,800.00	APA022141
06849	GSI Environmental Inc.	09/21/2026	Virtual Payment	0.00	3,000.00	APA022142
00986	Henrietta Stern	09/21/2026	Virtual Payment	0.00	915.80	APA022143
03857	Joe Oliver	09/21/2026	Virtual Payment	0.00	1,223.80	APA022144
06999	KBA Document Solutions, LLC	09/21/2026	Virtual Payment	0.00	278.55	APA022145
07622	KISTERS North America, Inc.	09/21/2026	Virtual Payment	0.00	6,188.21	APA022146
05830	Larry Hampson	09/21/2026	Virtual Payment	0.00	1,544.16	APA022147
13431	Lynx Technologies, Inc	09/21/2026	Virtual Payment	0.00	3,000.00	APA022148
00222	M.J. Murphy	09/21/2026	Virtual Payment	0.00	237.27	APA022149
05829	Mark Bekker	09/21/2026	Virtual Payment	0.00	519.20	APA022150
00242	MBAS	09/21/2026	Virtual Payment	0.00	3,387.00	APA022151
07418	McMaster-Carr	09/21/2026	Virtual Payment	0.00	50.61	APA022152
26785	Monterey Bay Pest Control, Inc.	09/21/2026	Virtual Payment	0.00	650.00	APA022153
13396	Navia Benefit Solutions, Inc.	09/21/2026	Virtual Payment	0.00	1,550.39	APA022154
00036	Parham Living Trust	09/21/2026	Virtual Payment	0.00	850.00	APA022155
24869	Raftelis Financial Consultants, Inc.	09/21/2026	Virtual Payment	0.00	737.50	APA022156
19700	Shute, Mihaly & Weinberger LLP	09/21/2026	Virtual Payment	0.00	22,483.59	APA022157
00203	ThyssenKrup Elevator	09/21/2026	Virtual Payment	0.00	824.70	APA022158
21876	Timothy G. Scarpa	09/21/2026	Virtual Payment	0.00	200.00	APA022159
27964	TM Process & Controls	09/21/2026	Virtual Payment	0.00	12,898.90	APA022160
00271	UPEC, Local 792	09/21/2026	Virtual Payment	0.00	1,312.50	APA022161
23550	WellmanAD	09/21/2026	Virtual Payment	0.00	10,709.26	APA022162
08105	Yolanda Munoz	09/21/2026	Virtual Payment	0.00	540.00	APA022163
20230	Zoom Video Communications Inc	09/21/2026	Virtual Payment	0.00	552.25	APA022164
00263	Arlene Tavani	09/25/2026	Virtual Payment	0.00	1,223.80	APA022166
00281	CoreLogic Information Solutions, Inc.	09/25/2026	Virtual Payment	0.00	1,273.95	APA022167
18734	DeVeera Inc.	09/25/2026	Virtual Payment	0.00	3,024.14	APA022168

Check Report **Date Range: 09/01/2026 - 09/30/2026**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00285	Gabby Bravo	09/25/2026	Virtual Payment	0.00	1,499.00	APA022169
05371	June Silva	09/25/2026	Virtual Payment	0.00	1,155.80	APA022170
00222	M.J. Murphy	09/25/2026	Virtual Payment	0.00	21.70	APA022171
01012	Mark Dudley	09/25/2026	Virtual Payment	0.00	540.00	APA022172
18325	Minuteman Press Monterey	09/25/2026	Virtual Payment	0.00	128.14	APA022173
16182	Monterey County Weekly	09/25/2026	Virtual Payment	0.00	970.00	APA022174
00154	Peninsula Messenger Service	09/25/2026	Virtual Payment	0.00	842.00	APA022175
09425	The Ferguson Group LLC	09/25/2026	Virtual Payment	0.00	5,950.00	APA022176
			Total Virtual Payment:	**0.00**	**144,136.01**	[1]

Check Report **Date Range: 09/01/2026 - 09/30/2026**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Bank Draft						
00266	I.R.S.	09/04/2026	Bank Draft	0.00	20,063.68	DFT0004362
00266	I.R.S.	09/04/2026	Bank Draft	0.00	4,636.82	DFT0004363
00267	Employment Development Dept.	09/04/2026	Bank Draft	0.00	7,965.27	DFT0004364
00266	I.R.S.	09/04/2026	Bank Draft	0.00	891.26	DFT0004365
00252	Cal-Am Water	09/04/2026	Bank Draft	0.00	402.67	DFT0004366
00993	Harris Court Business Park	09/04/2026	Bank Draft	0.00	794.39	DFT0004367
00282	PG&E	09/04/2026	Bank Draft	0.00	2,587.23	DFT0004368
22667	Pitney Bowes Inc	09/04/2026	Bank Draft	0.00	1,122.81	DFT0004369
22667	Pitney Bowes Inc	09/04/2026	Bank Draft	0.00	-1,122.81	DFT0004369
00221	Verizon Wireless	09/04/2026	Bank Draft	0.00	932.77	DFT0004370
00266	I.R.S.	09/11/2026	Bank Draft	0.00	62.66	DFT0004373
00266	I.R.S.	09/11/2026	Bank Draft	0.00	267.84	DFT0004374
00758	FedEx	09/11/2026	Bank Draft	0.00	188.07	DFT0004375
00769	Laborers Trust Fund of Northern CA	09/11/2026	Bank Draft	0.00	48,222.00	DFT0004376
00259	Marina Coast Water District	09/11/2026	Bank Draft	0.00	2,316.55	DFT0004377
00768	MissionSquare Retirement- 302617	09/11/2026	Bank Draft	0.00	9,754.54	DFT0004378
00256	PERS Retirement	09/11/2026	Bank Draft	0.00	26,243.54	DFT0004379
00266	I.R.S.	09/18/2026	Bank Draft	0.00	19,975.15	DFT0004381
00266	I.R.S.	09/18/2026	Bank Draft	0.00	4,597.06	DFT0004382
00267	Employment Development Dept.	09/18/2026	Bank Draft	0.00	7,937.94	DFT0004383
00266	I.R.S.	09/18/2026	Bank Draft	0.00	721.24	DFT0004384
07281	Amazon Capital Services	09/21/2026	Bank Draft	0.00	934.54	DFT0004385
29035	BlueTriton Brands Inc	09/21/2026	Bank Draft	0.00	244.92	DFT0004386
00277	Home Depot Credit Services	09/21/2026	Bank Draft	0.00	1,960.69	DFT0004387
00768	MissionSquare Retirement- 302617	09/21/2026	Bank Draft	0.00	9,754.54	DFT0004388
00256	PERS Retirement	09/21/2026	Bank Draft	0.00	26,243.54	DFT0004389
00282	PG&E	09/21/2026	Bank Draft	0.00	2,445.78	DFT0004390
07627	Purchase Power	09/21/2026	Bank Draft	0.00	300.00	DFT0004391
18163	Wex Bank	09/21/2026	Bank Draft	0.00	2,231.36	DFT0004392
00269	U.S. Bank	09/21/2026	Bank Draft	0.00	14,577.74	DFT0004393
07281	Amazon Capital Services	09/25/2026	Bank Draft	0.00	79.03	DFT0004394
00252	Cal-Am Water	09/25/2026	Bank Draft	0.00	396.46	DFT0004395
00282	PG&E	09/25/2026	Bank Draft	0.00	15,366.40	DFT0004396
04736	Pitney Bowes Global Financial Svc, LLC	09/25/2026	Bank Draft	0.00	437.59	DFT0004397
06746	POSTMASTER	09/25/2026	Bank Draft	0.00	400.00	DFT0004398
06746	POSTMASTER	09/25/2026	Bank Draft	0.00	-400.00	DFT0004398
00221	Verizon Wireless	09/25/2026	Bank Draft	0.00	970.28	DFT0004399
00277	Home Depot Credit Services	09/25/2026	Bank Draft	0.00	21.82	DFT0004400
			Total Bank Draft:	**0.00**	**234,525.37**	

[3]

From Treasurer's Report:

Bank Draft Payments	47,188.29
Payroll Tax/Benefit Deposits	187,337.08
Sub-total	234,525.37

Check Report **Date Range: 09/01/2026 - 09/30/2026**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: WSC -Water Supply Charge						
Payment Type: Virtual Payment						
07284	MELGUNOVA ZHANNA	09/22/2026	Virtual Payment	0.00	53.04	APA022165
			Total Virtual Payment:	**0.00**	**53.04**	

[5]

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH SEPTEMBER 30, 2026

	Mitigation	Conservation	Water Supply	Current Period Activity	Current FY Year-to-Date Actual	Current FY Annual Budget	Prior FY Year-to-Date Actual
REVENUES							
Property taxes	$ -	$ -	$ -	$ -	$ -	$ 3,081,000	$ -
Water supply charge			-	-	-	-	-
User fees	121,775	109,432	319,918	551,125	1,268,144	8,400,000	1,360,301
Mitigation revenue	-			-	-	-	-
PWM Water Sales			1,024,099	1,024,099	4,273,177	20,086,800	3,952,373
Capacity fees			47,425	47,425	123,622	600,000	442,709
Permit fees	-	19,393		19,393	58,267	250,000	70,514
Investment income	15,502	15,498	15,977	46,977	111,854	660,000	94,752
Miscellaneous	133	129	141	403	403	15,000	680
Sub-total district revenues	**137,411**	**144,452**	**1,407,560**	**1,689,422**	**5,835,468**	**33,092,800**	**5,921,329**
Project reimbursements	-	-	-	-	613,946	932,108	81,252
Legal fee reimbursements		300		300	1,050	15,000	1,950
Grants	-	-	-	-	-	2,494,896	3,861,346
Recording fees		5,125		5,125	18,000	65,000	13,705
Sub-total reimbursements	**-**	**5,425**	**-**	**5,425**	**632,996**	**3,507,004**	**3,958,253**
From Reserves	-	-	-	-	-	2,837,896	-
Total revenues	**137,411**	**149,877**	**1,407,560**	**1,694,847**	**6,468,463**	**39,437,700**	**9,879,582**
EXPENDITURES							
Personnel:							
Salaries	96,750	81,743	126,327	304,820	873,610	4,096,000	785,072
Retirement	9,566	7,100	12,534	29,200	848,171	1,383,884	774,442
Unemployment Compensation	-	-	-	-	-	10,100	-
Auto Allowance	148	148	443	738	1,979	11,000	1,994
Deferred Compensation	187	187	561	935	2,506	22,605	2,524
Temporary Personnel	-	-	-	-	-	10,000	-
Workers Comp. Ins.	3,684	458	3,329	7,471	19,991	114,341	19,792
Employee Insurance	19,752	18,094	22,378	60,224	170,255	789,311	158,640
Medicare & FICA Taxes	2,175	1,410	1,859	5,443	15,798	87,178	13,405
Personnel Recruitment	152	147	161	460	580	11,500	-
Other benefits	66	64	70	200	601	2,000	600
Staff Development	-	713	-	713	4,165	33,900	5,426
Sub-total personnel costs	**132,480**	**110,063**	**167,661**	**410,204**	**1,937,655**	**6,571,820**	**1,761,895**
Services & Supplies:							
Board Member Comp	579	579	597	1,755	5,670	37,000	6,750
Board Expenses	46	45	49	140	500	7,500	6,132
Rent	173	167	183	523	2,393	30,000	4,590
Utilities	1,320	1,280	1,400	3,999	12,999	51,200	12,481
Telephone	381	306	163	850	6,926	40,900	8,516
Facility Maintenance	1,877	1,820	1,991	5,689	14,872	95,100	19,737
Bank Charges	661	641	701	2,002	7,233	25,100	2,769
Office Supplies	578	619	380	1,577	4,149	26,300	6,532
Courier Expense	552	536	586	1,674	2,079	7,600	1,995
Postage & Shipping	99	96	105	300	774	8,900	25,170
Equipment Lease	-	-	-	-	-	13,200	-
Equip. Repairs & Maintenance	-	-	-	-	1,691	5,100	40
Printing/Duplicating/Binding	-	50	-	50	50	3,100	-
IT Supplies/Services	16,014	15,557	16,958	48,529	97,317	331,000	97,333
Operating Supplies	334	-	113	447	5,228	27,500	7,486
Legal Services	-	-	-	-	81,024	420,000	103,000

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH SEPTEMBER 30, 2026

	Mitigation	Conservation	Water Supply	Current Period Activity	Current FY Year-to-Date Actual	Current FY Annual Budget	Prior FY Year-to-Date Actual
Professional Fees	5,442	5,277	5,772	16,490	93,515	358,100	109,922
Transportation	3,024	559	900	4,482	9,220	60,200	14,716
Travel	111	24	26	161	1,585	40,100	3,554
Meeting Expenses	467	452	495	1,414	6,504	28,700	7,056
Insurance	9,544	9,255	10,123	28,922	86,767	360,000	78,726
Legal Notices	-	-	-	-	-	3,700	-
Membership Dues	(392)	196	61	(135)	2,075	51,900	2,840
Public Outreach	6,880	6,671	7,297	20,847	53,580	247,500	1,921
Assessors Administration Fee	-	-	-	-	-	24,000	-
Miscellaneous	-	-	-	-	-	3,500	-
Sub-total services & supplies costs	**47,690**	**44,129**	**47,898**	**139,717**	**496,150**	**2,307,200**	**521,266**
Project expenditures	24,428	14,912	94,629	133,970	3,622,608	29,368,680	8,298,342
Fixed assets	25,390	24,640	26,928	76,958	77,819	262,200	2,447
Contingencies	-	-	-	-	-	70,000	-
Election costs	-	-	-	-	-	250,000	-
Flood drought reserve	-	-	-	-	-	-	-
Capital equipment reserve	-	-	-	-	-	407,800	-
General fund balance	-	-	-	-	-	-	-
Debt Reserve	-	-	-	-	-	-	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Sub-total other	**49,818**	**39,552**	**121,557**	**210,927**	**3,700,427**	**30,558,680**	**8,301,079**
Total expenditures	**229,988**	**193,744**	**337,117**	**760,849**	**6,134,232**	**39,437,700**	**10,584,241**
Excess (Deficiency) of revenues over expenditures	**$ (92,577)**	**$ (43,867)**	**$ 1,070,443**	**$ 933,999**	**$ 334,231**	**$ (0)**	**$ (704,658)**

ITEM: CONSENT CALENDAR

5. CONSIDER APPROVAL OF FIRST QUARTER FISCAL YEAR 2026-2027 INVESTMENT REPORT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The District's investment policy requires that each quarter the Board of Directors receive and approve a report on investments held by the District. **Exhibit 5-A** is the report for the quarter ending September 30, 2026. District staff has determined that these investments do include sufficient liquid funds to meet anticipated expenditures for the next six months, and this portfolio is in compliance with the current District investment policy. This portfolio is also in compliance with the California Government Code and the permitted investments of Monterey County.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board approve the First Quarter Fiscal Year 2026-2027 Investment Report.

EXHIBITS
5-A Investment Report as of September 30, 2026
5-B FAC Presentation Slides

EXHIBIT 5-A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
INVESTMENT REPORT AS OF SEPTEMBER 30, 2026

MPWMD

Issuing Institution / Security Description	Purchase Date	Maturity Date	Cost Basis	Par Value	Market Value	Rate of Return	Portfolio Distribution
Local Agency Investment Fund[1]			$12,405,161	$12,405,161	$12,405,161	3.91% *	41.50%
Bank of America:							
Public Funds Interest (Money Market)			4,556,537	4,556,537	4,556,537	0.20%	
Checking			830,848	830,848	830,848	0.00%	
			$5,387,386	$5,387,386	$5,387,386	0.00%	18.02%
California CLASS Fund			$1,069,997	$1,069,997	$1,069,997	3.82% *	3.58%
Multi-Bank Securities Cash Account			123,807	123,807	123,807	0.00%	0.41%
Multi-Securities Bank Securities:							
Interest Bearing Certificate of Deposit	10/27/2021	10/27/2026	$ 250,000	$250,000	$249,765.00	1.05%	
Interest Bearing Certificate of Deposit	10/27/2023	10/27/2026	$ 250,000	$250,000	$250,105.00	5.50%	
Interest Bearing Certificate of Deposit	1/11/2022	1/7/2027	$ 250,000	$250,000	$248,452.50	1.50%	
Interest Bearing Certificate of Deposit	3/10/2022	3/10/2027	$ 250,000	$250,000	$248,137.50	2.50%	
Interest Bearing Certificate of Deposit	3/21/2025	3/22/2027	$ 249,000	$250,000	$248,858.07	4.10%	
Interest Bearing Certificate of Deposit	3/27/2025	3/25/2027	$ 249,000	$250,000	$248,751.00	4.00%	
Interest Bearing Certificate of Deposit	3/28/2024	3/29/2027	$ 249,000	$245,000	$249,572.70	4.75%	
Interest Bearing Certificate of Deposit	3/31/2025	3/29/2027	$ 249,000	$250,000	$248,688.75	4.00%	
Interest Bearing Certificate of Deposit	5/11/2022	5/11/2027	$ 250,000	$250,000	$248,140.00	3.05%	
Interest Bearing Certificate of Deposit	5/12/2022	5/12/2027	$ 250,000	$250,000	$248,335.00	3.20%	
Interest Bearing Certificate of Deposit	7/12/2022	7/12/2027	$ 245,000	$250,000	$242,915.05	3.35%	
Interest Bearing Certificate of Deposit	9/15/2022	9/15/2027	$ 250,000	$250,000	$247,917.50	3.60%	
Interest Bearing Certificate of Deposit	9/30/2022	9/30/2027	$ 250,000	$250,000	$248,747.50	4.00%	
Interest Bearing Certificate of Deposit	11/28/2025	11/29/2027	$ 245,000	$250,000	$242,628.40	3.70%	
Interest Bearing Certificate of Deposit	11/28/2025	11/29/2027	$ 249,000	$250,000	$246,554.82	3.70%	
Interest Bearing Certificate of Deposit	12/8/2023	12/8/2027	$ 250,000	$250,000	$251,077.50	5.00%	
Interest Bearing Certificate of Deposit	2/10/2023	2/10/2028	$ 250,000	$249,000	$248,702.50	4.25%	
Interest Bearing Certificate of Deposit	3/23/2023	3/23/2028	$ 250,000	$249,000	$250,667.50	4.90%	
Interest Bearing Certificate of Deposit	9/30/2024	3/27/2028	$ 248,000	$249,000	$245,410.88	3.95%	
Interest Bearing Certificate of Deposit	4/12/2024	4/12/2028	$ 249,000	$244,000	$247,852.11	4.40%	
Interest Bearing Certificate of Deposit	7/26/2023	7/26/2028	$ 250,000	$223,000	$250,820.00	5.00%	
Interest Bearing Certificate of Deposit	7/26/2023	7/26/2028	$ 250,000	$248,000	$250,820.00	5.00%	
Interest Bearing Certificate of Deposit	8/22/2023	8/22/2028	$ 250,000	$245,000	$250,302.50	4.90%	
Interest Bearing Certificate of Deposit	9/12/2025	9/12/2028	$ 249,000	$249,000	$244,669.89	3.90%	
Interest Bearing Certificate of Deposit	11/21/2025	11/21/2028	$ 245,000	$245,000	$239,127.35	3.70%	
Interest Bearing Certificate of Deposit	11/28/2025	11/28/2028	$ 245,000	$249,000	$239,066.10	3.70%	
Interest Bearing Certificate of Deposit	12/4/2025	12/4/2028	$ 249,000	$249,000	$242,441.34	3.60%	
Interest Bearing Certificate of Deposit	1/29/2024	1/29/2029	$ 249,000	$249,000	$244,620.09	4.10%	
Interest Bearing Certificate of Deposit	4/29/2024	4/30/2029	$ 244,000	$249,000	$241,398.96	4.50%	
Interest Bearing Certificate of Deposit	8/15/2024	8/15/2029	$ 223,000	$249,000	$218,691.64	4.25%	
Interest Bearing Certificate of Deposit	9/30/2024	9/25/2029	$ 245,000	$249,000	$235,729.20	3.60%	
Interest Bearing Certificate of Deposit	12/11/2024	12/11/2029	$ 249,000	$245,000	$241,604.70	4.00%	
Interest Bearing Certificate of Deposit	12/17/2024	12/17/2029	$ 245,000	$245,000	$238,032.20	4.05%	
Interest Bearing Certificate of Deposit	4/16/2025	4/16/2030	$ 249,000	$249,000	$241,027.02	4.05%	
Interest Bearing Certificate of Deposit	5/21/2025	5/21/2030	$ 249,000	$245,000	$239,520.57	3.90%	
Interest Bearing Certificate of Deposit	9/22/2025	9/10/2030	$ 245,000	$245,000	$232,188.95	3.60%	
			$ 8,918,000	$ 8,919,000	$ 8,811,340	3.90%	29.83%
Multi-Securities Bank Securities:							
Government Agency	2/26/2026	2/26/2031	$600,000	$600,000	$574,230	4.05%	
Treasury	5/29/2026	5/31/2031	$500,000	$500,000	$494,180	4.63%	
Government Agency	6/23/2026	6/23/2031	$390,000	$390,000	$377,836	4.45%	
Treasury	7/22/2026	6/30/2031	$500,000	$500,000	$486,230	4.25%	
			$1,990,000	$1,990,000	$1,932,476	4.32%	6.66%
TOTAL MPWMD			**$29,894,350**	**$29,895,350**	**$29,730,166**	**3.24%**	100.00%

CAWD/PBCSD WASTEWATER RECLAMATION PROJECT

Issuing Institution / Security Description	Purchase Date	Maturity Date	Cost Basis	Par Value	Market Value	Annual Rate of Return	Portfolio Distribution
Bank of America:							
Money Market Fund			1,135,356	1,135,356	$1,135,356	0.000%	100.00%
TOTAL WASTEWATER RECLAMATION PROJECT			**$1,135,356**	**$1,135,356**	**$1,135,356**	**0.000%**	

These investments do include sufficient liquid funds to meet anticipated expenditures for the next six months as reflected in the FY 2026-2027 annual budget adopted on June 15, 2026.
[1] Includes Pooled Money Investment Account Average Monthly Effective Yield
* Includes thirty day average yields







Quarterly Investment Report

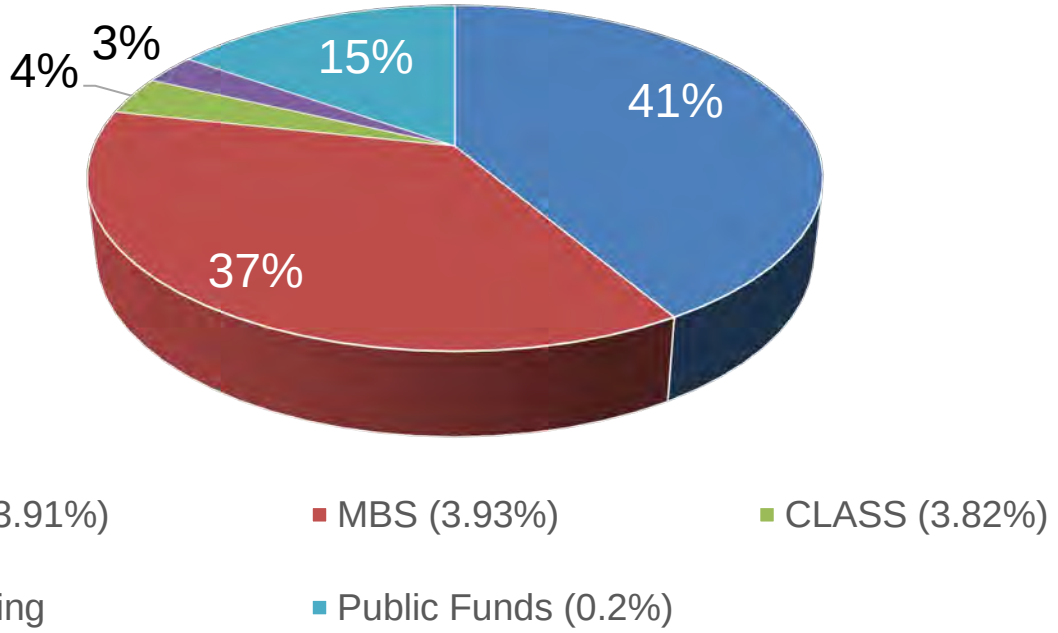
FY2026-2027 – Q1

Finance and Administration Committee

Presented at the November 09, 2026, MPWMD Finance/ Admin Committee Staff contact: Nishil Bali

Quarterly Investment Report

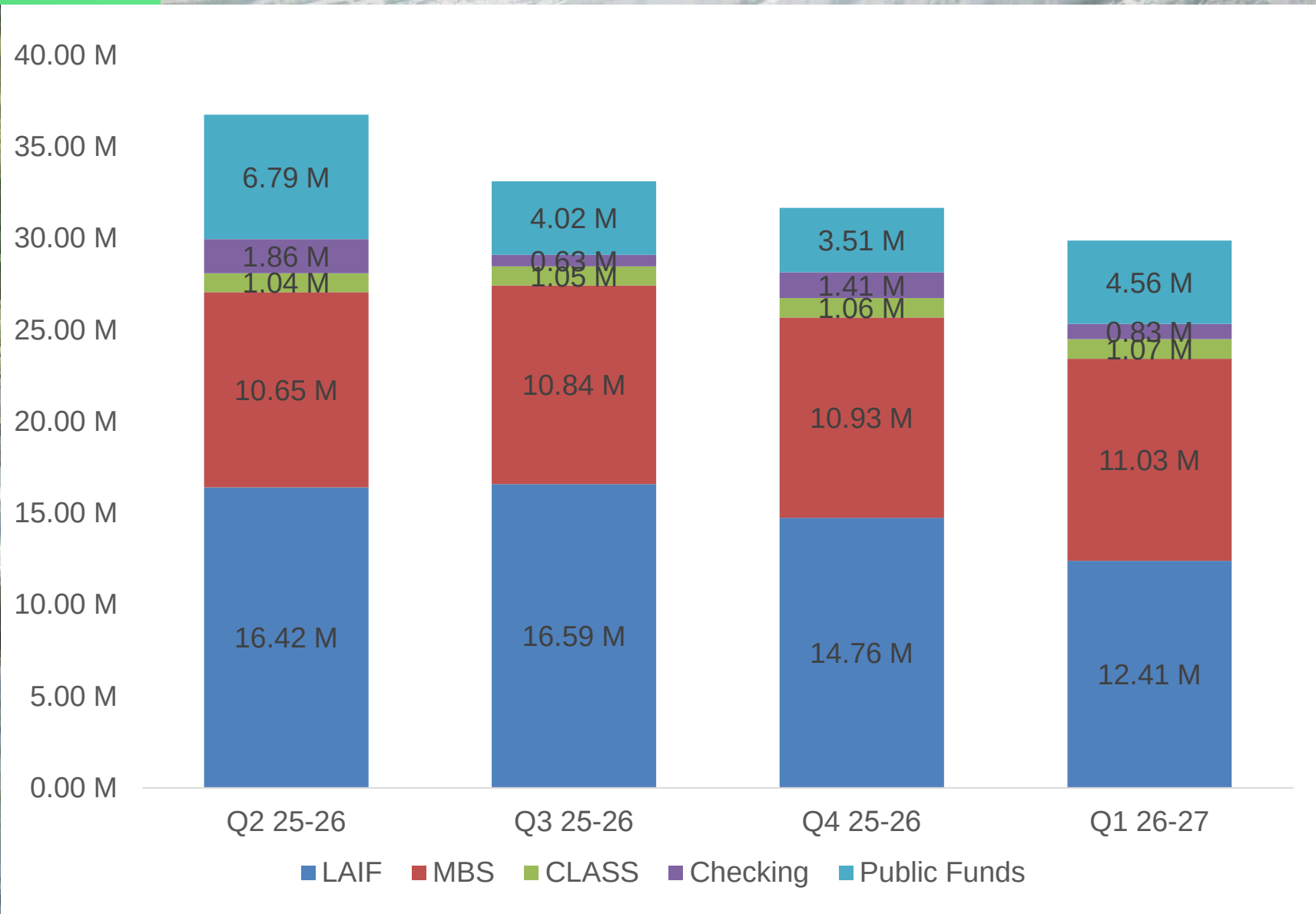




Type	Value	Approx. Yield
LAIF	$12,405,161	3.91%
MBS	$11,031,807	3.39%
Class	$1,030,066	3.82%
Chk Account	$4,556,537	0.00%
Public Funds (MM) Account	$830,848	0.20%
Total	$29,894,350	

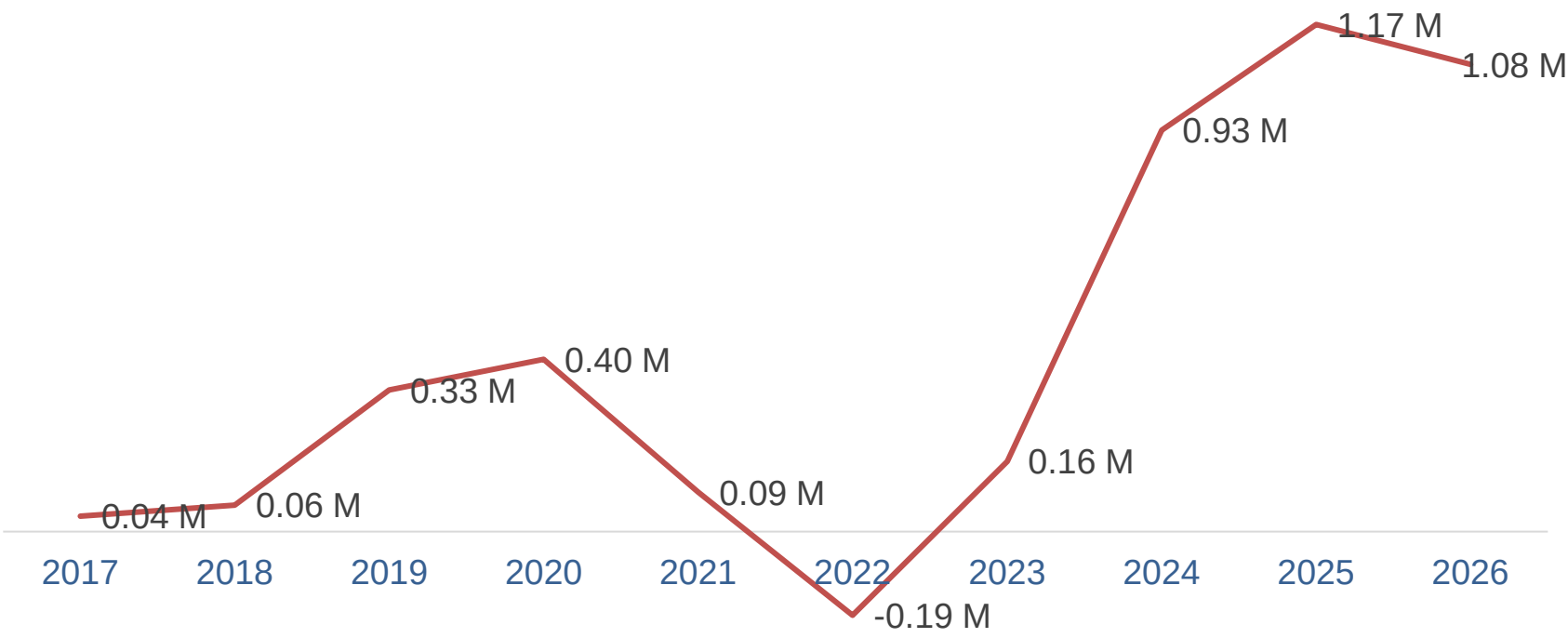
Quarterly/Treasurer's Report





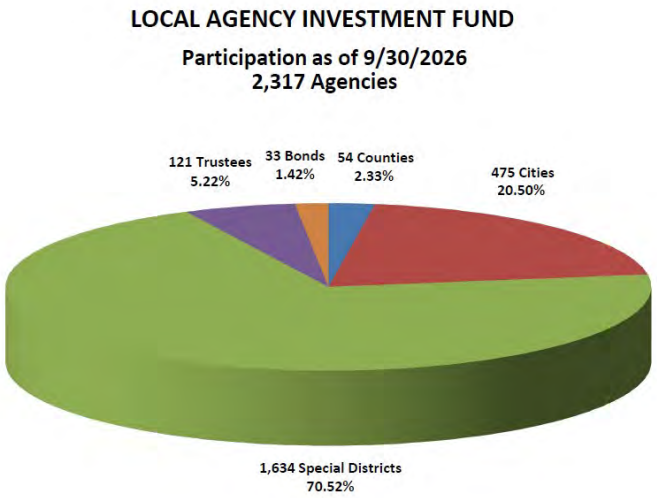
Annual Investment Income

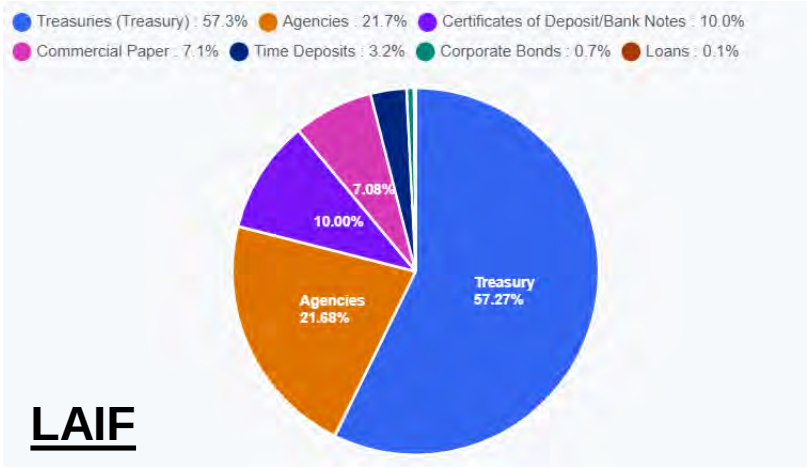




District Investments

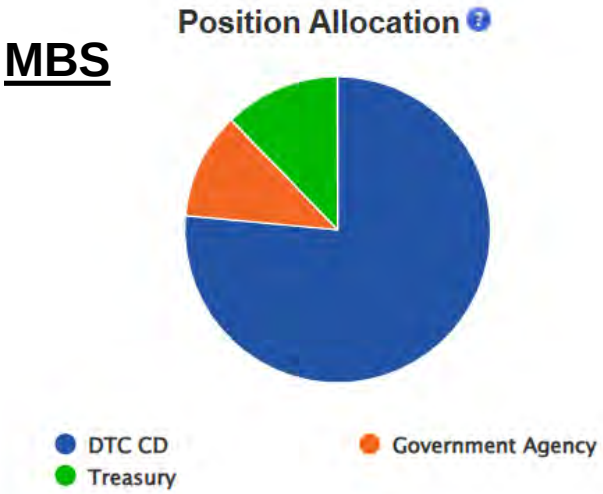


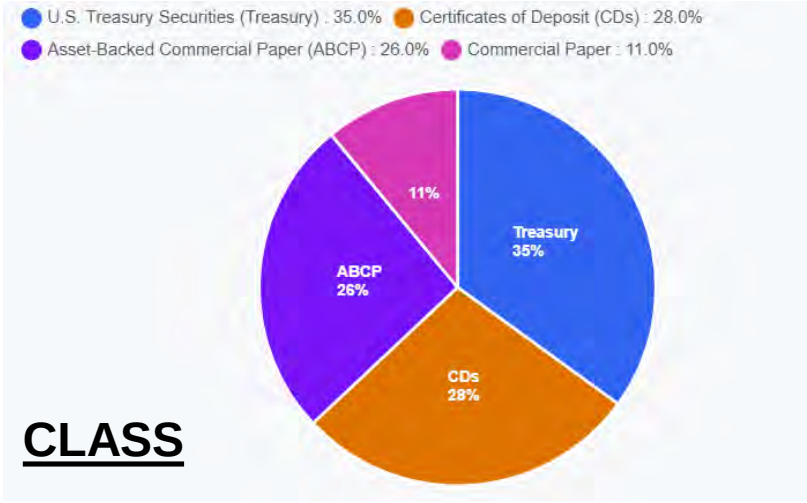




LAIF

MBS





CLASS

De LAY & LAREDO
ATTORNEYS AT LAW

David C. Laredo
Frances M. Farina
Michael D. Laredo

Paul R. De Lay
(1919 – 2018)

Pacific Grove Office:
606 Forest Avenue
Pacific Grove, CA 93950
Telephone: (831) 646-1502
Facsimile: (831) 646-0377

November 10, 2026

TO: Chair Oglesby, Members of the Board and General Manager Stoldt

FROM: Michael D. Laredo, General Counsel

RE: General Report of Pending Litigation effective November 10, 2026

This memo presents a public summary of litigation matters that are deemed to be open and active. This is a recurring memo; the newly updated data is shown in ***bold-italics text***.

1 – *MPWMD v. Cal-Am*; 23CV004102

This lawsuit embodies District efforts to fulfill the electoral mandate of Measure J to acquire ownership and operation of Cal-Am's Monterey Division water supply facilities by eminent domain. Cal-Am contends the District lacks the power to both acquire the water system, or to operate a retail potable water system. The District disputes Cal-Am's contentions and objections.

On December 12, 2025 Judge Rivamonte reviewed two competing motions filed by MPWMD and Cal-Am, respectively, to narrow the scope of this proceeding. Judge Rivamonte denied both motions and ruled a trial is necessary to resolve several factual disputes

A bench trial was held in Department 14 on October 19, 2026 through October 26, 2026. This trial focused solely on LAFCO issues. Judge Rivamonte received testimony from witnesses, including MPWMD General Manager Stoldt. Parties will be submitting written closing briefs, due December 5, 2026. Response briefs are due December 18, 2026. An additional hearing date is set for January 15, 2027, at 10:00a.m. in Department 14.

2 – *MPWMD v. Local Agency Formation Commission (LAFCO); Cal-Am*; 22CV000925
6th Dist. Court of Appeal H051849

The District successfully challenged LAFCO's decisions affecting and limiting MPWMD's power to acquire Cal-Am water system facilities as directed by the voter mandate in Measure J. LAFCO and Cal-Am then appealed the 2023 decision of Judge Thomas Wills. The matter is on appeal before the Sixth District Court of Appeal.

MPWMD's brief was filed in October 2025. LAFCO and Cal-Am filed their respective briefs in April. MPWMD timely prepared and filed its reply brief earlier July 10, 2026. The matter has not yet been set for oral argument.

3 – *City of Marina; MPWMD, et al, v. California Coastal Commission (CCC); Cal-Am*; Trial Case 22CV004063; 6th District Appellate Case H053560

The trial court judgment entered on May 29, 2025 found the CCC did not exceed its jurisdiction or abuse its discretion in this matter. Appellants City of Marina, Marina Coast Water District (MCWD), and MPWMD jointly filed a Notice of Appeal on July 24, 2025.

Appellants are jointly represented by T. Peter Pierce of Richards, Watson Gershon in San Francisco. Opening briefs were filed on March 3, 2026. The Coastal Commission filed its brief on May 20, 2026; Appellants' reply brief was filed August 25, 2026. A request for oral argument has been submitted but no hearing is currently scheduled.

4 – *City of Marina; MPWMD, et al, v. California State Lands Commission; Cal-Am*; 26CV004100

This case arises from the State Lands Commission's (SLC) decision to issue a General Lease – Industrial Use (Lease 9177; A4181; RA# 2022354) applied for by Cal-Am for its Monterey Peninsula Water Supply Project. Petitioners and Plaintiffs City of Marina, MPWMD, and Marina Coast Water District (collectively, "Petitioners"), allege causes of action for violation of the California Environmental Quality Act, violation of the Public Trust Doctrine, violation of the SLC's Public Resources Code Requirements, and violation of the Bagley-Keene Open Meeting Act. Petitioners seek a writ of mandate, interim and permanent injunctive relief, and attorneys' fees and costs.

The Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief was filed on July 24, 2026. Petitioners, Respondent SLC, and Real Party in Interest Cal-Am (collectively, the "Parties") met and jointly filed a Case Management Conference Statement in advance of its Case Management Conference. A Case Management Conference was held on August 18, 2026.

The Administrative Record is currently being prepared by Respondent SLC. The Parties have agreed that respective answers may be filed 30 days after certification of the Administrative Record.

5 – Matters before the California Public Utilities Commission (CPUC) pertaining to Cal-Am.

The following actions are separate proceedings in which MPWMD is involved due to their impact on the Monterey area or upon the Cal-Am water system.

5.a A.25-07-003 Cal-Am 2025 General Rate Case (GRC)

Cal-Am filed its latest triennial rate request with the CPUC on July 1, 2025. This request is part of the regular three-year rate cycle by which the CPUC reviews and authorizes Cal-Am's rates and charges, and also by which the CPUC authorizes Cal-Am to modify its operating system. Evidentiary Hearings were held in San Francisco from April 20 to April 24, 2026. California American Water and Cal Advocates filed their proposed settlement on June 8, 2026. The projected increase is 16%, down from the almost 28% increase originally proposed. It includes

operation and maintenance expenses, labor and benefits, capital budgets, various account balance recovery and other requests. For 2027, the Central Division (Monterey) Operating Revenues will approach $116 million to maintain Cal-Am's rate of return at 7.68%.

MPWMD filed comments on the Settlement Agreement on July 8, 2026 with reply comments submitted on July 23, 2026. Opening briefs on the overall application were submitted June 29 with reply briefs filed July 20th.

A Proposed Decision (PD) was issued on November 5, 2026, adopting the settlement agreement between Cal-Am and Cal Advocates. The monthly bill for a Monterey average residential ratepayer increases 9.46% in 2027 excluding any applicable surcharges. Additional increases of about 5% in 2028 and again in 2029 are also expected. The steeply tiered rate design will continue limiting the quantity of water in Tier 1 while increasing the meter charge. Conservation funding of $1.722 million for Monterey remains non-transferable to other Cal-Am divisions. Cal-Am expects to spend $92 million on capital expenditures during the three-year rate cycle. The Monterey Rates Website will be deactivated as this information is now available on other webpages.

Comments on the PD must be filed by December 7, 2026, and Reply Comments by December 22, 2026.

5.b R.22-04-003 CPUC Acquisition Rulemaking

This action is a statewide CPUC Rulemaking matter that addresses statewide public utility system policy regarding water system acquisitions, with specific impact on the Cal-Am system. The matter is assigned to Commissioner Darcie Houck.

A Proposed Decision was issued May 29, 2026, containing many revisions to the existing procedures specifically advocated for by MPWMD. New revisions include mandatory detailed impact analyses for both existing and acquired customers, expanded public notice requirements, and mandatory community engagement. The primary focus of the acquisition process is on failing, at-risk, and potentially at-risk systems identified by the SWRCB with expedited review timelines and refined incentives. The Commission adopted the recommendations at the July 2, 2026, meeting. California Water Association and Small Water Companies filed a Joint Application for Rehearing of Decision 26-07-031 on August 10, 2026. The Public Advocates Office filed a Response on August 25, 2026.

5.c C.26-06-021 MPWMD, MCWD, City of Marina v. Cal-Am

On June 16, 2026, MPWMD, Marina Coast Water District, and the City of Marina filed a joint Complaint against Cal-Am for violation of D.18-09-017, various sections of the California Public Utilities Code, and the California Constitution. The parties allege Cal-Am is proceeding with a desalination project of a smaller size in violation of a Commission order. Commissioner Matthew Baker and Administrative Law Judge Gerald Kelly were assigned to this proceeding on July 7, 2026.

Cal-Am timely filed an Answer and a Motion to Dismiss on August 6, 2026. Complainants responded to the motion on August 24, 2026. Cal-Am requested permission to file a reply which was granted. The reply was served on September 4, 2026. ***Cal-Am's motion is scheduled for argument in San Francisco on December 8, 2026***

A Prehearing Conference was held in San Francisco on August 19, 2026. Commissioner Baker subsequently issued a scoping memo on September 1, 2026.

Cal-Am's reply revealed for the first time since the Complaint was filed that construction had begun on the desalination plant. Since the ALJ previously delayed further action until December, the three public agencies prepared, filed, and served an Emergency Motion for Summary Judgment/Adjudication on September 29, 2026. Cal-Am's response is due by October 14, 2026. ***Cal-Am responded on October 14, 2026, and the public agencies were given permission to file a reply that was submitted on October 26, 2026. Communication from the Administrative Law Judge currently indicates this emergency motion will not be considered before December 8, 2026.***

5.d A.26-10-020 Cal-Am Application for an Updated Cost Cap and Ratemaking Framework for the Monterey Peninsula Water Supply Project

Cal-Am filed a massive 600+ page application on Friday, October 23, 2026, requesting approval for an updated cost cap and updated ratemaking framework for the Monterey Peninsula Water Supply Project (MPWSP). This desalination project would produce 4.8 million gallons per day (mgd) at a cost of $825 million in 2030 dollars. This contradicts a Commission decision in 2018 that authorized the desalination project sized at 6.4 mgd for a cost of $279.1 million. D.18-09-017 specifically provides that any non-major change to the desalination project requires Cal-Am to file a petition for modification. MPWMD, the City of Marina, and Marina Coast Water District have a pending complaint, C.26-06-021, that addresses these issues.

Under Commission Rule 2.6 a protest or response to an application must be filed within 30 days of the date the notice of the filing of the application first appears in the Daily Calendar. Since the notice appeared on October 28, 2026, any filing is due on or before November 30, 2026.

5.e A.26-10-024 Cal-Am Financing Application

On October 27, 2026, Cal-Am submitted a Financing Application for authority to issue long-term bonds, notes, or other debt securities in an amount not to exceed about $551 million. This debt includes State Revolving Fund Loans which Cal-Am alleges about $50 million is for the MPWSP. A comprehensive financing plan for the MPWSP was included in the Commission's 2018 decision so this application may also need to be considered within the purview of D.18-09-017. Notice appeared on October 28, 2026, making any filing due on or before November 30, 2026.

6 –MPWMD v. SWRCB. Case No. 1-10-CV-163328 (Santa Clara County Superior Court) 10/27/2009.

This matter was filed in 2010 to challenge the Cease & Desist Order (CDO) issued by the SWRCB. The case asserted four causes of action against the SWRCB related to the Cease & Desist Order. Originally filed in Monterey County, the case was transferred to Santa Clara County.

After the action was dismissed by the July 2025 motion of the Sierra Club and Carmel River Steelhead Association (CRSA), the Sierra Club filed a Motion Award of Attorney's Fees against Cal-Am and MPWMD, requesting payment of approximately $450,000 in total fees, costs and interest thereon. De Lay & Laredo defended MPWMD's interests before the trial court.

Following briefing and a hearing on the merits, Santa Clara County Superior Court, Judge Beth McGowen denied Sierra Club's request in its entirety, finding Sierra Club's request (1) was flawed due to procedural deficiencies, (2 Sierra Club failed to make " 'a clear showing of some unique contribution to the litigation" and also (3) Sierra Club had "not met its burden to establish that "an action involving a successful party 'has resulted in the enforcement of an important right affecting the public interest….' "

Sierra Club has filed a Notice of Appeal and has designated the Record for Appeal. The 6th District Court of Appeal assigned Case # H054345 to this case.

Appellant's opening brief and appendix was filed July 16, 2026. MWPMD filed its response on October 16, 2026. De Lay & Laredo will continue to represent MPWMD's interests as lead appellate council in this appeal.

7 – Hearing to Consider Modification of California American Water Company Cease and Desist Order (State Water Board Orders WR2016-0016 and WR2009-0060).

On October 24, 2025, MPWMD submitted an Application seeking modification of the State Water Resource Control Board (SWRCB) Cease and Desist Order (State Water Board Orders WR2016-0016 and WR2009-0060) ("Application"). The Application was filed under California Water Code § 1832 which allows the Water Board, after notice and opportunity for hearing, upon receipt of an application from an aggrieved person, to modify, revoke, or stay in whole or in part a cease and desist order.

On June 19, 2026, SWRCB Senior Hearing Officer Megan S. Knize issued a "Notice of Hearing" establishing a briefing schedule and hearing date. On July 1, 2026, the SWRCB received an objection from Cal-Am to the proposed deadline of July 20, 2026, for submitting testimony, and all deadlines thereafter. The objection requested an extension of 30 days for each deadline, which was granted on July 9, 2026.

Public Comment was received on November 5, 2026. ***On November 6, 2026, the SWRCB extended the deadline to file Closing briefs. Anyone wishing to file a closing brief may do so on or before November 17, 2026 at 11:59 p.m. SWRCB dictates that closing briefs shall be limited to 10 pages, double-spaced, and written in size 12 font. Parties may submit closing briefs to Cal-AmProject@waterboards.ca.gov.***

ITEM: PUBLIC HEARING

9. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE NO. 203 ADDING RULE 142.2, A PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER, AND AMENDING RULES 11, 23, 24, 25.5, 141, 142.1 AND 162

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Stephanie Locke**	**Cost Estimate:**	**N/A**

General Counsel Review: Completed.
Committee Recommendation: The Water Demand Committee reviewed this ordinance on October 1, 2026, and recommended approval.
CEQA Compliance: This action is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined by CEQA Guidelines Section 15378. The action consists of administrative activities that will not result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, §§ 15060(c)(2)-(3), 15378(a) & (b)(5).)

SUMMARY: Ordinance No. 203 is part of the District's ongoing effort to update and clarify its Rules and Regulations in support of the Board's 2026 Strategic Goal #6, *Update and Prioritize District Rules and Regulations*. The ordinance makes targeted changes to implement State requirements, incorporate Water Demand Committee direction, and clarify existing water-use, permitting, rebate, and landscape provisions.

The most significant action is the addition of new Rule 142.2, which implements the State legislation prohibiting the use of Potable Water to irrigate Non-Functional Turf beginning in January 2027. As part of this ordinance, the District is adding definitions for Functional and Non-Functional Turf. Nonfunctional Turf is decorative grass that serves no active public or recreational purpose, such as grass around parking lots and buildings, sloped areas and narrow strips around sidewalks and buildings. Lawns at Single-Family Dwellings are exempt from the prohibition but are subject to the District's Landscape Water Permit requirements when installed. Functional turf (sports fields, parks, golf courses, dog parks, and cemeteries) is also exempt. Areas irrigated with Recycled or Non-Potable Water are also exempt. Trees planted within Turf areas can still receive water.

Compliance will be phased in beginning January 1, 2027:

- State, local government, and public agency buildings beginning January 1, 2027.
- Institutional properties and all Commercial and Industrial properties, beginning January 1, 2028.

- All common areas of properties of homeowners' associations, and Common Interest Developments, beginning January 1, 2029.

- All properties owned by local governments, local public agencies, and Public Water Systems in a Disadvantaged Community, beginning January 1, 2031, or when funding is available. Note that there are few systems in the District that might fall into this category.

The ordinance also adds related definitions to Rule 11 and updates Rule 142.1 to reference non-compliance with the new prohibition as Water Waste.

Other amendments include:

- **Water Permits:** Eliminates Conditional Water Permits, adds a Limitation for Use of Water Deed Restriction as a permit condition, and clarifies that Water Meters are required for all Users, including Users served by Wells as a condition of the Water Permit.

- **Water Use Capacity:** Clarifies the calculation of capacity for Common Laundry Rooms and incorporates the Water Demand Committee's direction regarding installation of multiple High-Efficiency Dishwashers.

- **Rebates and Water Use Credits:** Clarifies that an appliance receiving a Rebate is not eligible for a Water Use Credit and adds the potential to allow Rebates for appliances replaced through special District programs, such as the proposed amnesty program item on the October 2026 agenda.

- **Landscape Requirements:** Updates provisions related to Non-Functional Turf, restores inadvertently deleted provisions concerning rainwater storage, clarifies information needed for Prescriptive Compliance with the rule and makes the Lawn-removal deed restriction permanent unless a Landscape Water Permit is issued to reinstall the Lawn.

- **Administrative Updates:** Corrects regulation and table numbering, updates table references, eliminates duplicate table numbering, and makes other clarifying and organizational changes.

The ordinance is intended to improve the clarity, consistency, and administration of the District's Rules and Regulations while incorporating applicable State requirements and previously adopted Board or Water Demand Committee direction. If approved following second reading, the ordinance will become effective January 1, 2027.

Ordinance No. 203 was circulated to the Technical Advisory Committee members and to the Monterey County Association of REALTORS® (MCAR) for review. Two emails were received from TAC members, and staff met with Adam Pinterits, Interim CEO of MCAR. Of the two emails received, the City of Monterey asked questions about the credit timeline, and Carmel asked questions about process. No further action is needed, and no changes were to the proposed ordinance as a result of any comments.

RECOMMENDATION: The Board of Directors should receive public comments before approving the second reading and adoption of Ordinance No. 203. If adopted, the ordinance will take effect on January 1, 2027.

EXHIBIT

9-A Draft Ordinance No. 203

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EXHIBIT 9-A

SECOND READING

ORDINANCE NO. 203
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ADDING RULE 142.2, A PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER, AND AMENDING RULES 11, 23, 24, 25.5, 141, 142.1 AND 162

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).

2. Draft Ordinance No. 203 is the third of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's 2026 mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance deletes non-functional and outdated rules, relocates policies for better flow, and updates older rules.

3. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.

4. California Senate Bill 1139 authorizes the Monterey Peninsula Water Management District to enforce state prohibitions against using Potable water for irrigating nonfunctional turf with Potable water on Commercial, Industrial, and Institutional properties.

5. Assembly Bill (AB) 1572 was passed in 2023 and amended the California Water Code to prohibit the use of Potable water for irrigation of nonfunctional turf on Commercial, Institutional, and Industrial Sites, as well as on common areas of homeowners' associations and similar entities.

6. AB 1572 established phased compliance deadlines based on property type, with the first compliance deadline being January 1, 2027, for properties owned by local governments, local or regional public agencies, and Public Water Systems.

7. Ordinance No. 203 adds the provisions of AB 1572 to Rule 142.2 and adds related definitions to Rule 11.

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8. This ordinance makes administrative updates to align provisions with the appropriate rule numbers, adds regulation references to tables, renumbers Table XVI-6 to eliminate a duplicate table number, and makes other edits for clarification.

9. This ordinance implements June 4, 2026, direction from the Water Demand Committee regarding multiple High Efficiency Dishwashers in a Dwelling Unit.

10. This ordinance removes the program for Conditional Water Permits as water is now available in Jurisdiction Allocations.

11. This ordinance supports the District's metering requirements by clarifying that Water Meters are required as a condition of a Water Permit for all Users, including Users served by Wells.

12. This ordinance makes amendments to Rules 25.5 (Water Use Credits and Water Credits) and 141 (Rebates) primarily for clarification, including clarifying that receipt of a Rebate for an appliance makes that appliance ineligible for a Water Use Credit.

13. Rule 141 (Rebates) is amended to allow certain Rebates for special District programs, such as the Amnesty Program proposed for Multi-Family Dwellings and Common Interest Developments that will be considered at the October 2026 meeting. The rule was also amended to make a Lawn removal Rebate permanent (currently deed restricted to 15 years) unless a Water Permit is issued for reinstallation of Lawn.

14. This ordinance was reviewed and recommended by the Water Demand Committee on October 1, 2026. The committee recommended approval.

15. This Technical Advisory Committee and the Monterey County Association of Realtors were provided the opportunity to review and comment on this ordinance prior to adoption.

16. The ordinance is intended to improve the clarity, consistency, and administration of the District's Rules and Regulations while incorporating applicable State requirements and previously adopted Board or Water Demand Committee direction.

17. This action is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined by CEQA Guidelines Section 15378. The action consists of administrative activities that will not result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, §§ 15060(c)(2)-(3), 15378(a) & (b)(5).)

NOW THEREFORE, be it ordained:

ORDINANCE

Section One: <u>Short Title</u>

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This ordinance shall be known as the "Third 2026 Rule Update Ordinance" of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance is the third of several ordinances intended to update and clarify the District's Rules and Regulations in support of the Board's mid-level Strategic Goal #6: Update and Prioritize District Rules and Regulations. This ordinance focuses on adding a prohibition on Potable irrigation of non-functional turf and implementing direction from the Water Demand Committee.

Section Three: Renumbering of Regulations

Over time, regulations have been added to or removed from the District's Rules and Regulations without corresponding adjustments to the regulation numbering system. As a result, certain regulation numbers no longer correspond to their associated rule numbers. To restore consistency and improve organization, the regulations shall be renumbered as follows. *These amendments are administrative in nature and do not modify the substantive requirements of any rule or regulation.*

A. Upon adoption of this ordinance, the following regulation numbers shall be revised:

   1. Regulation XVI (16): The Monterey Peninsula Water Conservation and Rationing Plan (Rules 160-169).

   2. Regulation XVIII (18): Ex Parte Communication (Rules 180-189).

   3. Regulation XIX (19): Claims (Rules 190-203).

B. The Table of Contents of the District's Rules and Regulations shall be amended to reflect these changes.

C. Tables and references to tables found in (renumbered) Regulation XVI shall be renumbered as follows:

   a. Table XV-1, Regulatory Water Production Targets for All California American Water Systems from Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-1;

   b. Table XV-2, Regulatory Water Production Targets for California American Water Satellite Systems from Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-2;

   c. Table XV-3, Regulatory Water Production Targets for California American Water Systems from Carmel River Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-3;

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d. Table XV-4, Regulatory Water Production Targets for All California American Water Systems from Other Sources Within The Monterey Peninsula Water Resource System, shall be renumbered to XVI-4;

e. Table XV-5, Physical Supply Target for the California American Water Main System for the May-September 2025 and All WY 2026, shall be renumbered to XVI-5; and

f. Table XV-5, Water Waste Fines, shall be renumbered to XVI-6.

D. Tables found throughout the Rules and Regulations shall be renumbered with the regulation number before the table number, consistent with the table references in Section 3-B, above.

Section Four: <u>Prohibition on Irrigation of Non-Functional Turf with Potable Water</u>

The District adopts subsections (a) and (b) of California Water Code section 10608.14, which prohibit the use of Potable Water to irrigate Non-Functional Turf as specified in those provisions, as amended from time to time. The terms used in Rule 142.2 have the meanings provided in California Water Code section 10608.12, as amended from time to time.

A. The following definitions shall be added to Rule 11, Definitions, to support Rule 142.2:

COMMON AREA – "Common Area" shall mean that portion of a Common Interest Development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual Dwelling Unit within the property.

DISADVANTAGED COMMUNITY – "Disadvantaged Community" shall mean a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

FUNCTIONAL TURF – "Functional Turf" shall mean turf grass used for sports, play, recreation, or other activities that require a functional turf surface, as defined by applicable California law. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

INSTITUTIONAL USE – "Institutional Use" shall mean a water User dedicated to public service. This type of User includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

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IRRIGATION – "Irrigation" means the application of water to landscape areas through irrigation systems, manual watering, or other means.

NON-FUNCTIONAL TURF – "Non-Functional Turf" shall mean turf grass that is not regularly used for sports, play, recreation, or other activities that require a functional turf surface, as defined by applicable California law. Non-Functional Turf includes turf located within street rights-of-way and parking lots.

B. The text found in **Exhibit A-1** shall be added as Rule 142.2, Prohibition on Irrigation of Non-Functional Turf with Potable Water.

C. Rule 162-B shall be amended as shown in **Exhibit A-2** to include irrigation of non-functional turf with potable water as Water Waste.

Section Five: Renumbering of Tables in the Rules and Regulations

Tables in the Rules and Regulations shall be numbered using the regulation number, followed by a hyphen and the table number in consecutive order. For example, the Residential Fixture Unit Count, currently identified as Rule 24, Table 1, shall be renumbered Table II-1, and the Non-Residential Water Use Factors, currently identified as Table 2, shall be renumbered Table II-2.

Section Six: Amendments to Rule 23, Action on Application for a Water Permit to Connect to or Modify a Connection to an Existing Water Distribution System

Rule 23 shall be amended as shown in **Exhibit B-1**, the redlined version of the rule, and **Exhibit C-1**, the clean version of the rule reflecting the accepted redlines. The primary amendments include:

1. Deleting Conditional Water Permits now that Jurisdictions have water Allocations;

2. Implementing June 4, 2026, direction from the Water Demand Committee regarding multiple High Efficiency Dishwashers in a Dwelling Unit;

3. Adding a requirement for a Limitation for Use of Water deed restriction as a condition of a Water Permit; and

4. Clarifying that Water Meters are required as a condition of a Water Permit for all Users, including Users served by Wells.

Section Seven: Amendments to Rule 24, Calculation of Water Use Capacity and Capacity Fees

Rule 24 shall be amended as shown in **Exhibit B-2**, the redlined version of the rule, and **Exhibit C-2**, the clean version of the rule reflecting the accepted redlines. The primary amendments include:

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1. Clarifying the calculation of Water Use Capacity for Common Laundry Rooms; and

2. Amending Table II-1, Residential Fixture Unit Count Values, to reflect the Water Demand Committee's direction regarding multiple High-Efficiency Dishwashers provided on June 4, 2026.

Section Eight: Amendments to Rule 25.5, Water Use Credits and Water Credits

Rule 25.5 shall be amended as shown in **Exhibit B-3**, the redlined version of the rule, and **Exhibit C-3**, the clean version of the rule reflecting the accepted redlines. The amendments are primarily for clarification, including clarifying that receipt of a rebate for an appliance makes that appliance ineligible for a Water Use Credit.

Section Nine: Amendments to Rule 141, Water Conservation Rebates

Rule 141 shall be amended as shown in **Exhibit B-4**, the redlined version of the rule, and **Exhibit C-4**, the clean version of the rule reflecting the accepted redlines. The amendments include:

1. Adding a provision to allow rebates for the replacement of mandatory appliances through special District programs when the appliances would otherwise be ineligible for a rebate.

2. Clarifying that behind-the-wall toilets do not qualify as Ultra-High-Efficiency Toilets;

3. Clarifying that receipt of a rebate for an appliance makes that appliance ineligible for a Water Use Credit; and

4. Changing the deed restriction for Lawn removal from 15 years to a permanent requirement unless a Landscape Water Permit is issued to replace Lawn, subject to the water efficiency requirements of Rule 142.1.

Section Ten: Amendments to Rule 142.1, Water Efficient Landscape Requirements

Rule 142.1 shall be amended as shown in **Exhibit B-5**, the redlined version of the rule, and **Exhibit C-5**, the clean version of the rule reflecting the accepted redlines. The amendments include:

1. Adding references to the prohibition on irrigation of Non-Functional Turf; and

2. Restoring language that was inadvertently deleted and provides direction for sites that use rainwater storage as part of an irrigation system; and

3. Clarifying requirements for Prescriptive Compliance.

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Section Eleven: Effective Date

This ordinance shall take effect at 12:01 a.m. on January 1, 2027.

Section Twelve: Severability

If any section, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted independently irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

PASSED AND ADOPTED on this _____ day of _____ on a motion by Director _____, with a second by Director _____ by the following vote:

AYES:
NAYS:
ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the ___ day of _____ 2026.

Dated:

_____
David J. Stoldt,
Secretary to the Board

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RULE 142.2 – PROHIBITION ON IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER

A. The use of Potable water for the irrigation of Non-Functional Turf located on Non-Residential properties, other than a cemetery, and on properties of homeowners' associations, Common Interest Developments, and community service organizations or similar entities is prohibited and can be cited as Water Waste pursuant to Rule 162 as of the following dates:

1. All properties owned by the Department of General Services, beginning January 1, 2027.

2. All properties owned by local governments, local or regional public agencies, and Public Water Systems, except those specified in paragraph (5), beginning January 1, 2027.

3. All other Institutional Use Sites and all Commercial Use and Industrial Use Sites, beginning January 1, 2028.

4. All Common Areas on Sites owned by homeowners' associations, Common Interest Developments, and community service organizations or similar entities, beginning January 1, 2029.

5. All properties owned by local governments, local public agencies, and Public Water Systems in a Disadvantaged Community, beginning January 1, 2031, or the date upon which a state or local funding source is made available to fund conversion of Non-Functional Turf on these properties to climate-appropriate landscapes, whichever is later.

B. The use of Potable water is not prohibited by this rule to the extent necessary to ensure the health of trees and other perennial non-turf plantings, or to the extent necessary to address an immediate health and safety need.

C. The Board of Directors may, upon a showing of good cause for reasons including economic hardship, critical business need, and potential impacts to human health or safety, postpone a compliance deadline in Rule 142.2-A by up to three (3) years for certain persons, institutions, and businesses, and may create a form to be used for compliance certification to the District by property owners.

D. Public Water Systems shall, by no later than January 1, 2027, revise their regulations, ordinances, or policies governing water service to include the requirements of Rules 142.2-A and 142.2-B, and any extensions approved by the Board of Directors pursuant to Rule 142.2-C, and shall communicate the requirements to their customers on or before that date.

E. An owner of Commercial, Industrial, or Institutional Use Sites with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the board, commencing June 30, 2030, and every three years through 2039, that their property is in compliance with the requirements of this Rule.

F. An owner of a property with more than 5,000 square feet of irrigated Common Area that is a homeowners' association, Common Interest Development, or community service organization or similar entity shall certify to the board, commencing June 30, 2031, and every three years thereafter through 2040, that their property is in compliance with the requirements of this Rule.

G. Noncompliance by a person or entity with this rule or regulations adopted thereunder shall be subject to civil liability and penalties set forth in Water Code §1846, or to civil liability and penalties imposed by an urban retail water supplier pursuant to a locally adopted ordinance or policy.

1. To avoid duplication of enforcement, the District shall notify the retail Public Water System thirty (30) days prior to enforcement of the provisions of this rule against a property served by such system.

2. Nothing in paragraph (1) shall preclude enforcement once adequate notice is given.

H. The District shall, when using funds appropriated for water conservation for Turf replacement, prioritize financial assistance for Non-Functional Turf replacement to Public Water Systems serving Disadvantaged Communities and to owners of Affordable Housing.

Rule added by Ordinance No. 203 (X/XX/XX)

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RULE 162 - STAGE 1 WATER CONSERVATION: PROHIBITION ON WATER WASTE

A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.

B. Water Waste Prohibitions. Water Waste shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:

1. Waste caused by correctable leaks, breaks or malfunctions. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.

2. Indiscriminate or excessive water use which allows excess to run to waste.

3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.

4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard.

5. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. This prohibition applies to hand watering with a hose, and irrigation systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others) with notification by the business owner to the District, and subject to the

approval of the General Manager.

Irrigation using water from a Well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a Well or other Source of Supply on the Site.

6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle.

7. Irrigating during rainfall and for 48 hours after Measurable Precipitation.

8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations.

9. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed.

10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle.

11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use.

12. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either: (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use Recycled Water provided by a water supplier for at least 60 percent of its wash and rinse water.
13. Charity car washes.

14. Use of Potable water for street cleaning.

15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing Non-Residential User after having been given a reasonable amount of time to comply.

16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.

17. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest.

18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.

19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.

20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System.

21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Non-Potable Water or other alternatives are available or satisfactory.

22. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.

23. Water use in excess of a Water Ration.

24. Non-compliance with Regulations XIV and XVI.

25. Non-compliance with Rule 142.2, Prohibition on Irrigation of Non-Functional Turf with Potable Water.

C. The following activities shall not be cited as Water Waste:

1. Flow resulting from firefighting or essential inspection of fire hydrants;

2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;

3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;

4. Storm run-off;

5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;

6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Air Resources District, except when prohibited;

7. When a Mobile Water Distribution System Permit is not obtained by a State licensed Potable water handler by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.

D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.

E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.

F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User

has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor with a maximum flow rate of six (6) CCF/month within the water line or Water Meter. Exemptions to the installation of a Flow Restrictor as a means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.

G. Water Waste Fines shall be assessed as shown in Table XVI-6. Table XVI-6 may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.

H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

Rule added by Ordinance No. 92 (1/28/99); amended by Ordinance No. 119 (3/21/05); Ordinance No. 125 (9/18/2006); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Resolution No. 2009-17 (12/14/2009); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/7/2016); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018); amended by Ordinance No. 203 (11/16/2026)

Table XVI-6
Water Waste Fines

First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	$100*
Fine for second Flagrant Violation within two (2) months	$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	$500*
Fine for Administrative Compliance Order or Cease & Desist Order	Up to $2,500 per day* for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars ($100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month
*Fines triple for customers using over 500,000 gallons/year	

Table XVI-6 added by Ordinance No. 169 (2/17/2016); amended by Ordinance No. 203 (X/XX/XX)

RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO AN EXISTING WATER DISTRIBUTION SYSTEM

A. PROCESS

1. New and Amended Water Permit

   a. The General Manager shall review the application and determine whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application. Applications are subject to the rules in effect at the time the application is deemed complete.

   b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XIV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant.

   c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area. Annexation of the Site must be pursued.

   d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations or is non-compliant with conditions attached to previous District Permits.

   e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees. Estimation of past and future water use should be done according to the Rule 24 methodology.

   f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not

subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production limit, the Connection limit, or the total Water Entitlement available of the Water Distribution System serving the Project Site.

g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.

h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.

i. When the application involves recordation of notices on the title of the property, all notices shall be recorded by the District prior to final issuance of a Water Permit. Additional information (e.g. trust documents, Articles of Incorporation) may be requested to verify ownership and to facilitate preparation of District notices.

j. The General Manager shall collect payment of the appropriate Capacity Fee and processing fees and shall issue a receipt prior to final issuance of a Water Permit.

k. When the application requests a Permit to install a new W~~w~~ater ~~m~~Meter for a fire suppression system, to extend a water main within the boundaries of the Water Distribution System, or to individually meter uses previously metered by one ~~w~~Water ~~m~~Meter (i.e. Meter Split), there shall be no processing fee.

l. A digital copy of the District-approved Construction Plans and the Landscape Design Plan shall be retained by the District.

m. The General Manager shall review the final Water Permit with the Applicant or his agent prior to securing a signature on the Water Permit and releasing the permit.

n. Following Project completion, a final inspection of the Project shall be conducted by the District. Major Landscape Projects shall be audited by a Certified Landscape Irrigation Auditor and corrections noted in the audit shall be made prior to District inspection. If the completed Project varies from the permitted Project, application for an amended Water Permit is required. When the completed Project has fewer fixture units than the number permitted (Residential Water Permits)~~,~~ or has a smaller Water Use Capacity than permitted (Non-Residential and landscape Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form.

o. Notice by the District to correct any discrepancy shall be provided on the inspection report to the Person contacted at the Site and by regular mail or email to the owner of record. Notice of violations that may result in a debit to a Jurisdiction's Allocation shall also be mailed, faxed or emailed to the Jurisdiction. Such notice shall include a date by which any corrections and amendments shall be made.

~~o.~~p. Following the notice period referenced above, if no action is taken to correct the violation~~Thereafter,~~ the General Manager may adjust the charge and debit the water from a Jurisdiction's Allocation or cause a refund of Capacity Fees paid and water previously debited from an Allocation to reflect the Project as built rather than the Project as permitted.

~~p.~~q. Removal of unpermitted water fixture. When a water fixture requiring a Water Permit by the District is installed without a Water Permit and the Applicant is unable to secure sufficient Allocation from a Jurisdiction or Entitlement, or if there is insufficient Water Credit on Site to permit the fixture, the Applicant shall remove the fixture and return the location to its original state where there is no evidence of the unpermitted water fixture.

2. Temporary Water Permits.

a. The General Manager may issue a Water Permit for temporary water use when the Applicant has submitted a written request for a Temporary Water Permit, including an explanation of the type of use and quantity of water requested and a signed Water Release Form authorizing a temporary water debit from the Jurisdiction.

b. The Applicant for a Temporary Water Permit shall acknowledge in writing that the Temporary Water Permit does not confer a property interest to obtain or use water after expiration and/or Revocation of the Permit. The terms and conditions of the Temporary Water Permit shall be recorded on the title of the property for the duration of the Temporary Water Permit.

c. The term of a Temporary Water Permit shall not exceed twenty-four (24) months.

d. The General Manager shall process a Temporary Water Permit pursuant to the process in Rule 23-A-1.

e. Following removal of the temporary use and verification by the District, water temporarily debited from the Jurisdiction's Allocation will be returned to the Jurisdiction and the Capacity Fee paid for the temporary use will be refunded to the current property owner.

f. A Notice of Removal of Deed Restriction shall be recorded by the District at the conclusion of the Temporary Water Permit process.

~~3. Conditional Water Permits.~~

~~A category of Water Permits known as Conditional Water Permits shall be available to a limited group of Applicants under restricted circumstances and only with the Jurisdiction's endorsement. A Conditional Water Permit creates a record that specifically quantifies the increment of water assigned for use at the location designated by the Jurisdiction and debits the Jurisdiction's Allocation. Conditional Water Permits are available to those Projects that are unable to meet all of the criteria of Rule 23-A-1 and meet the standards of this Rule.~~

~~a. The following categories of Projects may obtain a Conditional Water Permit:~~

(1) Large Projects - Commercial Projects with a projected water demand of over one Acre-Foot annually.

(2) Government Projects - Projects owned and operated or financed by a Governmental agency.

(3) Projects with Complex Financial Underwriting - Determined at the discretion of the Board of Directors.

b. The Conditional Water Permit may be issued when the following criteria have been met:

(1) There is no Water Supply Emergency;

(2) There is sufficient water supply in the Jurisdiction's Allocation;

(3) The governing body of a Jurisdiction submits a written request that a Conditional Water Permit be issued to a Project;

(4) A completed Water Release Form for the Project is submitted which includes the authorizing signature of the Jurisdiction to debit its Allocation;

(5) Payment of all Capacity Fees and fees has been received by the District.

c. A Conditional Water Permit shall be numbered with the next sequential alpha and numeric number beginning with C-001, C-002, etc. A Water Permit bearing the Permit number referenced in the Conditional Water Permit shall be maintained unsigned in the District's file.

d. The Applicant's notarized signature is required on the Conditional Water Permit form before the General Manager's approval.

e. A Conditional Water Permit shall be valid after the General Manager has signed the Permit.

f. An amount of water approved for use by the Jurisdiction for the Project will be debited from the Jurisdiction's Allocation at the time the Conditional Water Permit is issued.

~~g. A Conditional Water Permit does not allow the setting of any Water Meter or the start of any new or expanded water use until the conditions of the Permit have been met and a Water Permit has been issued pursuant to Rules 21, 23 and 24.~~

~~h. Each Conditional Water Permit is time limited. The Conditional Water Permit shall expire on December 31st of the year following issuance.~~

~~i. A written request for extension of the Conditional Water Permit may be requested and shall require Board authorization for extension. Requests for extension must be received no earlier than ninety (90) days and no later than forty-five (45) days prior to expiration and must include an explanation for the request and the Jurisdiction's agreement that the Board should grant an extension.~~

~~4.~~3. Water Permit Waiver

When requested by a Jurisdiction, or at the request of an Applicant, the District will review a Water Permit application that does not appear to require a Water Permit. When a Water Permit is not required, the District will issue a "permit waiver." A waiver involves the same review process as a Water Permit but does not result in recordation of deed restrictions and does not authorize changes that require a Water Permit.

B. MANDATORY CONDITIONS, ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY AN EXISTING WATER DISTRIBUTION SYSTEM

1. Construction Affecting the Interior or Exterior of an Existing Structure. All Projects that require a Water Permit shall be subject to the following conditions:

a. The project Site must meet all applicable water conservation requirements of Regulations XIV and XV.

b. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.

~~b.~~c. The installation of more than one Dishwasher in a Dwelling Unit shall

require that all Dishwashers meet the definition of High Efficiency Dishwasher.

~~c.~~d. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.

~~d.~~e. Permit amendments or other actions required as a result of a final inspection shall be completed within thirty (30) days of the date of the final inspection.

~~e.~~f. All Water Permits shall include ~~a~~ Notice and Deed Restrictions titled "Provide Public Access to Water Use Data~~.~~" and "Limitation on Use of Water on a Site." There shall be no ~~additional~~ charge for ~~this~~ the public access deed restriction.

~~f.~~g. To encourage separate metering, permits for Meter Splits for existing Users shall be processed and issued with no charge to the Applicant.

2. Construction of a New Structure.

a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User except as allowed in Rule 23-B-3.

b. All Non-Residential New Structures that include irrigated landscapes of 1,000 square-feet or greater shall utilize a separate Water Meter supplied by the Water Distribution System to measure all exterior water uses. All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.

c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines that tee off in the meter box after the Water Meter to supply fire suppression service and domestic service as demonstrated in **Figure 23-1**, (found at the end of this rule) unless the User has separate Water Meters maintained by the Water Distribution System Operator for fire and domestic services. This configuration shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service. The General Manager shall

have authority to make exceptions to this requirement for Undue Hardship. Exceptions shall be recorded on the property title with notice that rationing enforcement could result in a Flow Restrictor.

d. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.

e. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and ~~L~~Landscaping for compliance with the Water Permit.

f. Permit amendments or other actions required as a result of a final inspection shall be completed within sixty (60) days of the date of the final inspection.

g. All Water Permits shall include ~~a~~ Notice and Deed Restrictions titled "Provide Public Access to Water Use Data" and "Limitation on Use of Water on a Site." There shall be no ~~additional~~ charge for ~~this~~ the public access deed restriction.

3. Water Meter Requirements

a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User, including Wells, with exceptions listed below.

b. Accessory Dwelling Unit. Permanent submetering of all water use into ~~one~~ Accessory Dwelling Units that comply with local Accessory Dwelling Unit laws shall be allowed when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. An Accessory Dwelling Unit contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure) shall be exempt from the submetering requirement. Submetering is, however, encouraged as a conservation tool that promotes the efficient use of water.

~~b.~~c. Transfer of Title to an Accessory Dwelling Unit shall require installation of a Water Meter for that Dwelling Unit.

~~c.~~d. Multi-Family Dwelling and Residential Common Interest Developments of four or more units. Permanent submetering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units shall be allowed pursuant to California Water Code Division 1 Chapter 8, Water Measurement. Submeters or Water Meters shall be required for Common Areas. Landscape shall be separately metered pursuant to Rule 142.1.

Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site/common area owners to comply with the following conditions:

(1) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;

(2) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XVI), submetered consumption shall be provided to the District monthly or more frequently if requested by the General Manager.

~~d.~~e. A Non-Residential User may extend incidental water use to another Non-Residential User within an existing structure ~~unless the Remodel or Addition requires a Water Permit for a Change of Use~~. For example, incidental water use would include the addition of a Bathroom for use by the tenant, but would not include the addition of a commercial kitchen or manufacturing facilities.

~~e.~~f. A Change of Use shall trigger the requirement for a separate Water Meter if the User ~~has a Bathroom or~~ uses water as a component of their business (i.e., restaurant, Group II uses, manufacturing, etc.).

~~f.~~g. Multiple structures on a Site occupied by one Non-Residential User may submeter with a meter per building. A landscape Water Meter may be

required by Rule 142.1.

~~g.~~h. The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

~~h.~~i. The General Manager shall allow submetering for each Multi- Family Dwelling (including condominiums and Common Interest Developments), Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible due to a Connection moratorium and the User is utilizing Water Credits, ~~or~~ an Entitlement, or a Jurisdiction's Allocation on a Site that has a Connection. Applications for submetering of Single-Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:

(1) The Site's owner shall have Water Meters installed for each submetered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the submeter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed and verified by the District, the deed restriction shall be removed.

(2) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and requested information about common area uses;

(3) During Stage Four of the Monterey Peninsula Water Conservation

and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently as requested by the General Manager.

4. Sleepy Hollow Subdivision in Carmel Valley.

a. All Landscape Area water use shall be supplied by the Sleepy Hollow Non-Potable Water system or by an On-Site Well.

b. Potable water use shall be supplied by California-American Water Company (also known as the Sleepy Hollow Mutual Potable Water Distribution System) by a Master Meter at the subdivision boundary. See Rule 23-A-1 or Rule 23-A-1-c for restrictions that require annexation of the subdivision by California American Water prior to issuance of Water Permits.

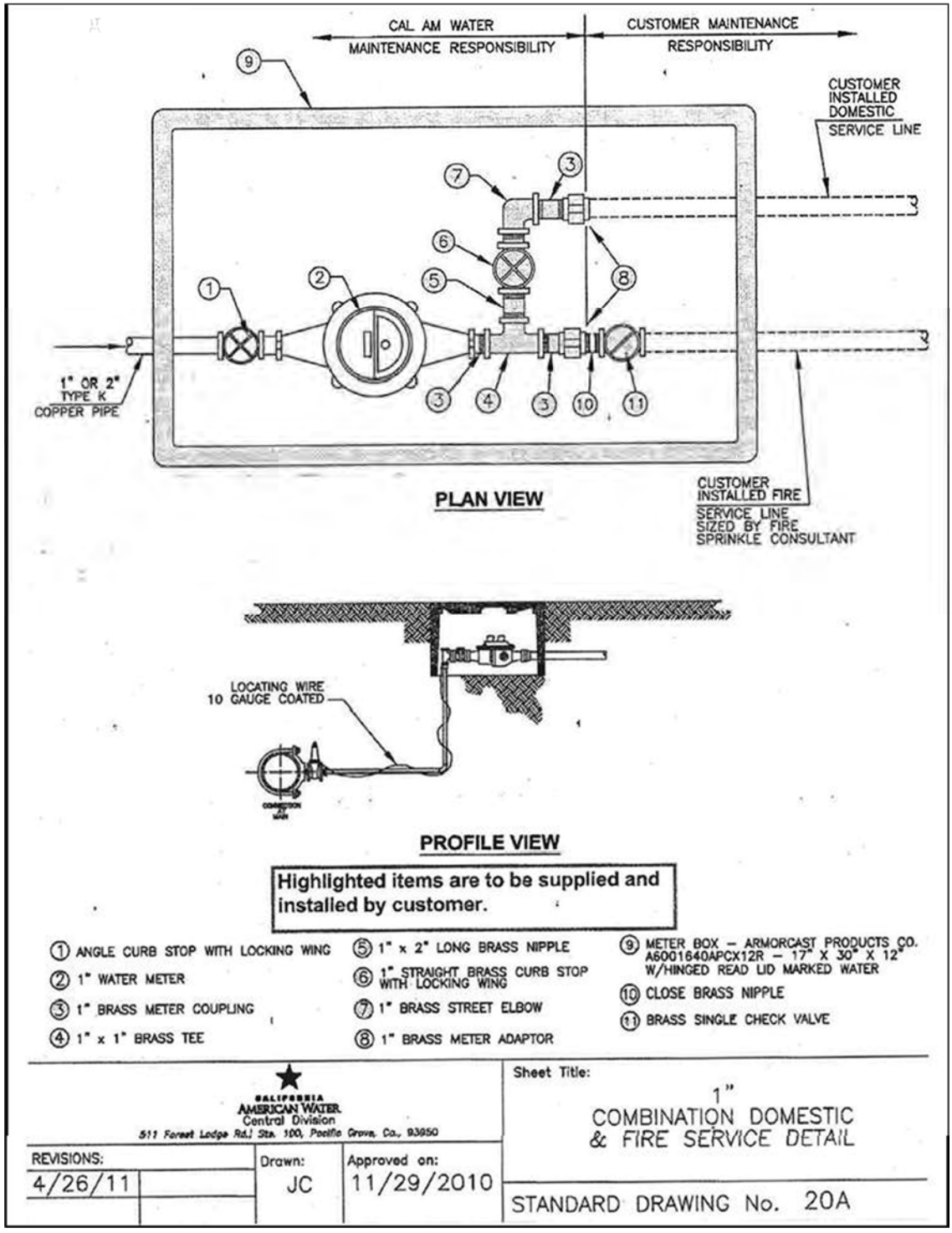
c. Both Potable water uses and Landscape Areas shall be metered by individual Water Meters.

C. ADJUSTMENT OF ALLOCATION OR WATER USE PERMIT FOR UNUSED WATER CAPACITY

1. Any permitted Water Use Capacity which is not used because of an abandoned, expired, Revoked, returned, or amended Water Permit shall be returned to the applicable Allocation or Water Use Permit.

2. The Owner of any Benefited Property shall be entitled to receive additional Water Permit(s) until the Water Use Permit has been used in full.

Figure 23-1


CAL AM WATER
MAINTENANCE RESPONSIBILITY
CUSTOMER MAINTENANCE
RESPONSIBILITY
CUSTOMER INSTALLED DOMESTIC SERVICE LINE
1" OR 2" TYPE K COPPER PIPE
CUSTOMER INSTALLED FIRE SERVICE LINE SIZED BY FIRE SPRINKLE CONSULTANT
PLAN VIEW
LOCATING WIRE 10 GAUGE COATED
PROFILE VIEW
Highlighted items are to be supplied and installed by customer.
① ANGLE CURB STOP WITH LOCKING WING
② 1" WATER METER
③ 1" BRASS METER COUPLING
④ 1" x 1" BRASS TEE
⑤ 1" x 2" LONG BRASS NIPPLE
⑥ 1" STRAIGHT BRASS CURB STOP WITH LOCKING WING
⑦ 1" BRASS STREET ELBOW
⑧ 1" BRASS METER ADAPTOR
⑨ METER BOX – ARMORCAST PRODUCTS CO. A6001640APCX12R – 17" X 30" X 12" W/HINGED READ LID MARKED WATER
⑩ CLOSE BRASS NIPPLE
⑪ BRASS SINGLE CHECK VALVE
CALIFORNIA AMERICAN WATER
Central Division
511 Forest Lodge Rd., Ste. 100, Pacific Grove, Ca., 93950
Sheet Title:
1"
COMBINATION DOMESTIC & FIRE SERVICE DETAIL
REVISIONS:
4/26/11
Drawn:
JC
Approved on:
11/29/2010
STANDARD DRAWING No. 20A

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 7 (7/13/81); Ordinance No. 8 (1/14/81); Ordinance No. 9 (2/14/83); Ordinance No. 11 (11/14/83); Ordinance No. 16 (8/13/84); Ordinance No. 26 (9/8/86); Ordinance No. 40 (4/10/89); Ordinance No. 44 (10/9/89); Ordinance No. 60 (6/15/92); Ordinance No. 64 (10/5/92); Ordinance No. 71 (12/20/93); Ordinance No. 77 (8/21/95); Ordinance No. 115 (05/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 137 (12/8/2008); Ordinance No. 145 (9/20/2010); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 161 (7/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No.172 (8/15/2016); Ordinance No. 177 (/18/2017); Ordinance No. 178 (11/13/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 184 (8/19/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 198 (7/21/2025); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO AN EXISTING WATER DISTRIBUTION SYSTEM

A. PROCESS

1. New and Amended Water Permit

   a. The General Manager shall review the application and determine whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application. Applications are subject to the rules in effect at the time the application is deemed complete.

   b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XIV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant.

   c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area. Annexation of the Site must be pursued.

   d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations or is non-compliant with conditions attached to previous District Permits.

   e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees. Estimation of past and future water use should be done according to the Rule 24 methodology.

   f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not

subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production limit, the Connection limit, or the total Water Entitlement available of the Water Distribution System serving the Project Site.

g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.

h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.

i. When the application involves recordation of notices on the title of the property, all notices shall be recorded by the District prior to final issuance of a Water Permit. Additional information (e.g. trust documents, Articles of Incorporation) may be requested to verify ownership and to facilitate preparation of District notices.

j. The General Manager shall collect payment of the appropriate Capacity Fee and processing fees and shall issue a receipt prior to final issuance of a Water Permit.

k. When the application requests a Permit to install a new Water Meter for a fire suppression system, to extend a water main within the boundaries of the Water Distribution System, or to individually meter uses previously metered by one Water Meter (i.e. Meter Split), there shall be no processing fee.

l. A digital copy of the District-approved Construction Plans and the Landscape Design Plan shall be retained by the District.

m. The General Manager shall review the final Water Permit with the Applicant or his agent prior to securing a signature on the Water Permit and releasing the permit.

n. Following Project completion, a final inspection of the Project shall be conducted by the District. Major Landscape Projects shall be audited by a Certified Landscape Irrigation Auditor and corrections noted in the audit shall be made prior to District inspection. If the completed Project varies from the permitted Project, application for an amended Water Permit is required. When the completed Project has fewer fixture units than the number permitted (Residential Water Permits) or has a smaller Water Use Capacity than permitted (Non-Residential and landscape Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form.

o. Notice by the District to correct any discrepancy shall be provided on the inspection report to the Person contacted at the Site and by regular mail or email to the owner of record. Notice of violations that may result in a debit to a Jurisdiction's Allocation shall also be mailed, faxed or emailed to the Jurisdiction. Such notice shall include a date by which any corrections and amendments shall be made.

p. Following the notice period referenced above, if no action is taken to correct the violation the General Manager may adjust the charge and debit the water from a Jurisdiction's Allocation or cause a refund of Capacity Fees paid and water previously debited from an Allocation to reflect the Project as built rather than the Project as permitted.

q. Removal of unpermitted water fixture. When a water fixture requiring a Water Permit by the District is installed without a Water Permit and the Applicant is unable to secure sufficient Allocation from a Jurisdiction or Entitlement, or if there is insufficient Water Credit on Site to permit the fixture, the Applicant shall remove the fixture and return the location to its original state where there is no evidence of the unpermitted water fixture.

2. Temporary Water Permits.

a. The General Manager may issue a Water Permit for temporary water use

when the Applicant has submitted a written request for a Temporary Water Permit, including an explanation of the type of use and quantity of water requested and a signed Water Release Form authorizing a temporary water debit from the Jurisdiction.

b. The Applicant for a Temporary Water Permit shall acknowledge in writing that the Temporary Water Permit does not confer a property interest to obtain or use water after expiration and/or Revocation of the Permit. The terms and conditions of the Temporary Water Permit shall be recorded on the title of the property for the duration of the Temporary Water Permit.

c. The term of a Temporary Water Permit shall not exceed twenty-four (24) months.

d. The General Manager shall process a Temporary Water Permit pursuant to the process in Rule 23-A-1.

e. Following removal of the temporary use and verification by the District, water temporarily debited from the Jurisdiction's Allocation will be returned to the Jurisdiction and the Capacity Fee paid for the temporary use will be refunded to the current property owner.

f. A Notice of Removal of Deed Restriction shall be recorded by the District at the conclusion of the Temporary Water Permit process.

3. Water Permit Waiver

When requested by a Jurisdiction, or at the request of an Applicant, the District will review a Water Permit application that does not appear to require a Water Permit. When a Water Permit is not required, the District will issue a "permit waiver." A waiver involves the same review process as a Water Permit but does not result in recordation of deed restrictions and does not authorize changes that require a Water Permit.

B. MANDATORY CONDITIONS, ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY AN EXISTING WATER DISTRIBUTION SYSTEM

1. Construction Affecting the Interior or Exterior of an Existing Structure. All Projects

that require a Water Permit shall be subject to the following conditions:

a. The project Site must meet all applicable water conservation requirements of Regulations XIV and XV.

b. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.

c. The installation of more than one Dishwasher in a Dwelling Unit shall require that all Dishwashers meet the definition of High Efficiency Dishwasher.

d. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.

e. Permit amendments or other actions required as a result of a final inspection shall be completed within thirty (30) days of the date of the final inspection.

f. All Water Permits shall include Notice and Deed Restrictions titled "Provide Public Access to Water Use Data" and "Limitation on Use of Water on a Site." There shall be no charge for the public access deed restriction.

g. To encourage separate metering, permits for Meter Splits for existing Users shall be processed and issued with no charge to the Applicant.

2. Construction of a New Structure.

a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User except as allowed in Rule 23-B-3.

b. All Non-Residential New Structures that include irrigated landscapes of 1,000 square-feet or greater shall utilize a separate Water Meter supplied by the Water Distribution System to measure all exterior water uses. All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.

c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines that tee off in the meter box after the Water Meter to supply fire suppression service and domestic service as demonstrated in **Figure 23-1**, (found at the end of this rule) unless the User has separate Water Meters maintained by the Water Distribution System Operator for fire and domestic services. This configuration shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service. The General Manager shall have authority to make exceptions to this requirement for Undue Hardship. Exceptions shall be recorded on the property title with notice that rationing enforcement could result in a Flow Restrictor.

d. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.

e. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.

f. Permit amendments or other actions required as a result of a final inspection shall be completed within sixty (60) days of the date of the final inspection.

g. All Water Permits shall include Notice and Deed Restrictions titled "Provide Public Access to Water Use Data" and "Limitation on Use of Water on a Site." There shall be no charge for the public access deed restriction.

3. Water Meter Requirements

a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User, including Wells, with exceptions listed below.

b. Accessory Dwelling Unit. Permanent submetering of all water use into Accessory Dwelling Units that comply with local Accessory Dwelling Unit laws shall be allowed when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site

through subdivision or transfer of ownership of a portion of the Site. An Accessory Dwelling Unit contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure) shall be exempt from the submetering requirement. Submetering is, however, encouraged as a conservation tool that promotes the efficient use of water.

c. Transfer of Title to an Accessory Dwelling Unit shall require installation of a Water Meter for that Dwelling Unit.

d. Multi-Family Dwelling and Residential Common Interest Developments of four or more units. Permanent submetering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units shall be allowed pursuant to California Water Code Division 1 Chapter 8, Water Measurement. Submeters or Water Meters shall be required for Common Areas. Landscape shall be separately metered pursuant to Rule 142.1.

Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site/common area owners to comply with the following conditions:

(1) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;

(2) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XVI), submetered consumption shall be provided to the District monthly or more frequently if requested by the General Manager.

e. A Non-Residential User may extend incidental water use to another Non-Residential User within an existing structure. For example, incidental water use would include the addition of a Bathroom for use by the tenant, but would not include the addition of a commercial kitchen or

manufacturing facilities.

f. A Change of Use shall trigger the requirement for a separate Water Meter if the User uses water as a component of their business (i.e., restaurant, Group II uses, manufacturing, etc.).

g. Multiple structures on a Site occupied by one Non-Residential User may submeter with a meter per building. A landscape Water Meter may be required by Rule 142.1.

h. The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

i. The General Manager shall allow submetering for each Multi- Family Dwelling (including condominiums and Common Interest Developments), Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible due to a Connection moratorium and the User is utilizing Water Credits, an Entitlement, or a Jurisdiction's Allocation on a Site that has a Connection. Applications for submetering of Single-Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:

(1) The Site's owner shall have Water Meters installed for each submetered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the submeter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed and verified by the District, the deed restriction shall be removed.

(2) When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and requested information about common area uses;

(3) During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently as requested by the General Manager.

4. Sleepy Hollow Subdivision in Carmel Valley.

a. All Landscape Area water use shall be supplied by the Sleepy Hollow Non-Potable Water system or by an On-Site Well.

b. Potable water use shall be supplied by California-American Water Company (also known as the Sleepy Hollow Mutual Potable Water Distribution System) by a Master Meter at the subdivision boundary. See Rule 23-A-1 or Rule 23-A-1-c for restrictions that require annexation of the subdivision by California American Water prior to issuance of Water Permits.

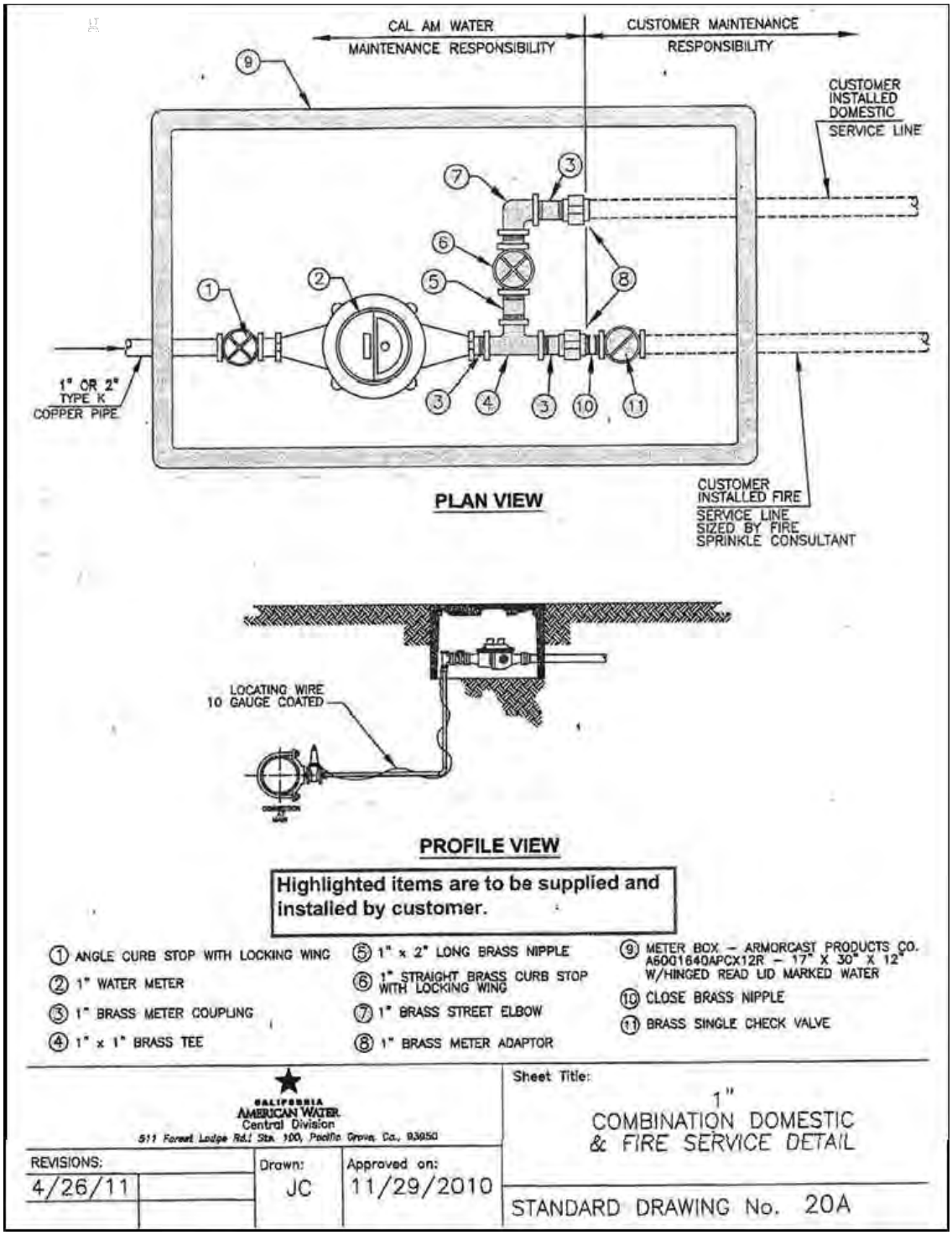
c. Both Potable water uses and Landscape Areas shall be metered by individual Water Meters.

C. ADJUSTMENT OF ALLOCATION OR WATER USE PERMIT FOR UNUSED WATER CAPACITY

1. Any permitted Water Use Capacity which is not used because of an abandoned, expired, Revoked, returned, or amended Water Permit shall be returned to the applicable Allocation or Water Use Permit.

2. The Owner of any Benefited Property shall be entitled to receive additional Water Permit(s) until the Water Use Permit has been used in full.

Figure 23-1


CAL AM WATER
MAINTENANCE RESPONSIBILITY
CUSTOMER MAINTENANCE
RESPONSIBILITY
CUSTOMER INSTALLED DOMESTIC SERVICE LINE
1" OR 2" TYPE K COPPER PIPE
CUSTOMER INSTALLED FIRE SERVICE LINE SIZED BY FIRE SPRINKLE CONSULTANT
PLAN VIEW
LOCATING WIRE 10 GAUGE COATED
PROFILE VIEW
Highlighted items are to be supplied and installed by customer.
① ANGLE CURB STOP WITH LOCKING WING
② 1" WATER METER
③ 1" BRASS METER COUPLING
④ 1" x 1" BRASS TEE
⑤ 1" x 2" LONG BRASS NIPPLE
⑥ 1" STRAIGHT BRASS CURB STOP WITH LOCKING WING
⑦ 1" BRASS STREET ELBOW
⑧ 1" BRASS METER ADAPTOR
⑨ METER BOX – ARMORCAST PRODUCTS CO. A6001640APCX12R – 17" X 30" X 12" W/HINGED READ LID MARKED WATER
⑩ CLOSE BRASS NIPPLE
⑪ BRASS SINGLE CHECK VALVE
CALIFORNIA AMERICAN WATER
Central Division
511 Forest Lodge Rd., Ste. 100, Pacific Grove, Ca., 93950
Sheet Title:
1"
COMBINATION DOMESTIC & FIRE SERVICE DETAIL
REVISIONS:
4/26/11
Drawn:
JC
Approved on:
11/29/2010
STANDARD DRAWING No. 20A

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 7 (7/13/81); Ordinance No. 8 (1/14/81); Ordinance No. 9 (2/14/83); Ordinance No. 11 (11/14/83); Ordinance No. 16 (8/13/84); Ordinance No. 26 (9/8/86); Ordinance No. 40 (4/10/89); Ordinance No. 44 (10/9/89); Ordinance No. 60 (6/15/92); Ordinance No. 64 (10/5/92); Ordinance No. 71 (12/20/93); Ordinance No. 77 (8/21/95); Ordinance No. 115 (05/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 137 (12/8/2008); Ordinance No. 145 (9/20/2010); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 161 (7/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No.172 (8/15/2016); Ordinance No. 177 (/18/2017); Ordinance No. 178 (11/13/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 184 (8/19/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 198 (7/21/2025); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 24 - CALCULATION OF WATER USE CAPACITY AND CAPACITY FEES

A. RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Residential Water Use Capacity shall be calculated using a fixture unit methodology whereby each water fixture is assigned a fixture unit value that corresponds to its approximate annual Water Use Capacity. Residential applications shall be reviewed to determine if there is an increase in fixture units as a result of the proposed Project. Amendments to Table II-1 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

a. The General Manager shall estimate Water Use Capacity of the proposed Project using the fixture unit values and outdoor water uses calculation from Table II-1: Residential Fixture Unit Count Values.

b. If the application includes a Residential water fixture that is not specifically exempt from the Residential Permit requirements, and no factor is shown on Table II-1: Residential Fixture Unit Count Values, for a proposed water fixture, the General Manager shall research the projected annual consumption of the fixture and shall recommend a fixture unit count value to the Board that corresponds to the Estimated Annual Water Use Capacity of the fixture. Table II-1 shall subsequently be amended by Resolution of the Board of Directors to assign a value to the new fixture.

c. Using Table II-1: Residential Fixture Unit Count Values, the General Manager shall compare the pre-Project fixture unit count against the fixture unit count shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity shall be verified by inspection.

d. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed Project.

e. Based upon the review conducted in Rule 24-A-1, the General Manager shall determine if Project will result in a positive, neutral or reduced Water Use Capacity on the Site.

(1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.

(2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.

(3) A reduction in Water Use Capacity shall result in a Water Use Credit upon verification that the former use has been permanently abandoned. This credit shall be established in conformance with Rule 25.5.

2. Exempt Residential Water Fixtures

The following water fixtures shall be exempt from the Residential Permit requirements and shall have no fixture unit value: Portable Water Fixtures, fountains, ponds, hot tub/spas, drinking fountains, pot fillers behind a cooktop, darkroom sinks, outdoor showers, outdoor sinks, hose bibs, pet/livestock wash racks and water troughs, and multiple Utility Sinks (more than one per Site).

3. Second Bathroom Addition

A distinctive Water Permit protocol shall apply to any Residential application that proposes adding a second Bathroom to a Dwelling Unit built before May 16, 2001, that has less than two full Bathrooms and that has not removed water fixtures in a Bathroom to facilitate the addition of water fixtures elsewhere on the Site.

a. The second Bathroom protocol shall be limited and shall apply only to the following water appliances if they are installed in a second Bathroom as an expansion or remodel of an existing Dwelling Unit: (a) a single toilet, and (b) a single Standard Bathtub, or single Shower Stall, or a single standard tub-shower combination, and (c) one or two Washbasins.

b. The second Bathroom protocol shall further apply to a Residential application that proposes to add one or more of the water fixtures referenced above to a second Bathroom which lacks that fixture(s) within a Dwelling Unit that has less than two full Bathrooms.

c. The second Bathroom protocol shall apply only to a Dwelling Unit that has less than two full Bathrooms and that has not removed basic Bathroom water fixtures (i.e., a toilet, a Standard Bathtub or Shower Stall or a Washbasin) to enable the addition of water fixtures elsewhere on the Site.

d. The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site with four or more units. Water fixtures installed pursuant to this provision shall be installed within the Dwelling Unit. The second Bathroom protocol shall not be used to create a new Accessory Dwelling Unit. This includes the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow a Bathroom to be used by an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. The protocol was adopted to recognize that a second Bathroom is for convenience. It is not intended to support a new User.

e. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of the water fixtures in the second Bathroom.

f. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.

g. No credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.

h. Use of the second Bathroom protocol is voluntary. Any Dwelling Unit installing a second Bathroom pursuant to this provision shall be limited to two Bathrooms unless the fixtures permitted by this protocol in the second Bathroom are permitted by debit to a Jurisdiction's Allocation, an Entitlement, or offset by a credit. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property shall be recorded on the real property as a condition of the Water Permit.

i. All Water Permits issued pursuant to this Rule shall include a Notice and

Deed Restriction titled "Provide Public Access to Water Use Data" pursuant to Rule 23. In addition, permits utilizing the second Bathroom protocol shall authorize access to water records for the sixty (60) months prior to the date the Water Permit is issued.

j. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

4. Master Bathroom Fixture Unit Accounting

a. All fixtures utilizing a Master Bathroom fixture unit value as shown in Table II-1: Residential Fixture Unit Count Values shall occur in the same Bathroom, and that Bathroom shall be designated as the "Master Bathroom." Each Dwelling Unit shall have no more than one Master Bathroom.

b. The Master Bathroom fixture unit value shall not apply to second Bathrooms utilizing the second Bathroom protocol.

5. Exterior Residential Water Demand Calculations

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

6. Swimming Pools Filled by a Mobile Water Distribution System.

Swimming Pools constructed with a condition prohibiting use of the local Potable Water Distribution System to fill the pool shall be required to secure their water supply from an entity that holds a current and valid Water Hauler's License from the California Department of Public Health, Food and Drug Branch (FDB). The Water Hauler's License is required to haul more than 250 gallons by any means of transportation for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. There shall be a minimum deduction to the Water Distribution System serving the property in the amount of 0.01 Acre-Foot Annually to offset potential maintenance demand in addition to the requirement to fill and maintain the pool using a licensed Mobile Water Distribution System.

7. Calculating Adjusted Water Use Capacity

a. Each fixture unit shall have a value of 0.01 Acre-Foot of water.

b. Water use calculations shall be rounded to the third decimal place.

8. Multi-Family Dwelling Clothes Washers

Installation of a High Efficiency Clothes Washer within a Dwelling Unit on a Multi-Family Residential Site or Common Interest Development served by a Common Laundry Room does not increase Capacity.

When a Common Laundry Room is provided, Water Use Capacity shall be calculated based on the number of Dwelling Units with access to the laundry room. For example, if ten Dwelling Units have access to one or more Common Laundry Rooms, the Water Use Capacity shall be based on ten Dwelling Units multiplied by the applicable Clothes Washer fixture unit value. The number of Clothes Washers in the Common Laundry Room shall not be used to determine Water Use Capacity.

B. NON-RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Non-Residential Water Use Capacity shall be calculated using Table II-2: Non-Residential Water Use Factors. Each Non-Residential use shall be assigned a factor that when multiplied by a specified measurement shown on Table II-2 (i.e., square-footage, number of rooms/seats, etc.) results in an estimate of the approximate annual Water Use Capacity in Acre-Feet. Non-Residential applications shall be reviewed to determine if there is an increase in water demand as a result of the proposed Project. Amendments to Table II-2 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

a. The General Manager shall estimate Water Use Capacity of the proposed Project using the Water Use Factors from Table II-2: Non-Residential Water Use Factors.

(1) New Construction: When the Non-Residential Water Use Factor is based on a square-footage factor, the gross square-footage shall be applied to the factor for construction of a new building.

(2) Tenant Improvements within a defined lease space: When the Non-Residential Water Use Factor is based on square-footage for a Tenant Improvement in a defined lease space, the useable square-footage shall be applied to the factor. This calculation does not affect the remaining Capacity of the building and is to be used only to identify the Capacity of the area being remodeled.

b. When a Non-Residential Project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. By way of example, a hotel with a restaurant would be subject to both the hotel use by unit and the restaurant use by seat calculation. Where a proposed use can be placed in more than one group, the group which most accurately depicts overall projected water use shall be selected or the uses shall be calculated based on the square-footage or other factor for each area in which the use occurs. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

c. If the application includes a Non-Residential use that is not identical to or similar to those uses shown on Table II-2: Non-Residential Water Use Factors, the General Manager shall research the projected annual consumption of the use and shall recommend a value to the Board that corresponds to the Estimated Annual Water Use Capacity.

d. The General Manager shall compare the pre-Project Estimated Annual Water Use Capacity against the Estimated Annual Water Use Capacity shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity may be verified by inspection.

e. The General Manager may reduce the Estimated Annual Water Use Capacity for the permanent installation and use of known and validated technology that results in a quantifiable reduction in Water Use Capacity above that anticipated with Best Management Practices.

f. The General Manager shall reduce the Estimated Annual Water Use

Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed project.

g. Based upon the review conducted in 24-B-1-f, the General Manager shall determine if the Project will result in a positive, neutral or reduced Water Use Capacity on the Site.

(1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.

(2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.

(3) A reduction in Water Use Capacity shall result in a Water Credit upon verification that the former use has been abandoned. This credit shall be established in conformance with Rule 25.5.

h. Non-Residential Projects at Public School District Sites acquired prior to 2020 shall be considered to have a zero Adjusted Water Use Capacity when the entire Public School District Site meets or exceeds Rule 143 Water Efficiency Standards for Existing Non-Residential Uses.

i. A Restaurant's Water Use Capacity shall be determined by the maximum Interior Restaurant Seat count authorized by the Jurisdiction and District. Exterior Restaurant Seats may be maintained for al fresco dining without a requirement for a new or amended Water Permit provided the maximum number of Exterior Restaurant Seats does not exceed one-half the number of authorized Interior Restaurant Seats (the "standard exterior seat allowance"). Exterior Restaurant Seating not in compliance with this paragraph shall require a new or amended Water Permit.

2. Exterior Water Demand

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

3. Calculating Adjusted Water Use Capacity

Water use calculations shall be rounded to the third decimal place.

C. WATER SUPPLY COST COMPONENT

The water supply cost component used as a monetary multiplier in each Capacity Fee calculation required by this rule shall be $10,623.20. This water supply cost component shall be adjusted on July 1st of each year beginning in July, 1985, to include the annual increase or decrease of the April Consumer Price Index (CPI), all items, for San Francisco/Oakland, as promulgated by the U.S. Department of Labor Bureau of Statistics. The adjusted multiplier shall apply to each Water Permit application received on or after July 1st of each year. Table II-3: Capacity Fee History shall be updated annually by Resolution of the Board to reflect the current year's Capacity Fee.

D. CALCULATION OF CAPACITY FEES

The Capacity Fee paid for a Water Permit shall be determined by multiplying the Adjusted Water Use Capacity by the current Capacity Fee. This charge shall be applied to each application for a Water Permit as follows:

1. Projects served by the California American Water Company System and Seaside Municipal Water System shall pay 100 percent of the final calculation.

2. All other Water Distribution Systems including private Wells shall pay 18.67 percent of the final calculation.

E. ADJUSTMENT OF CALCULATIONS WHERE SPECIAL CIRCUMSTANCES EXIST

1. The General Manager may reduce (or increase) the Adjusted Water Use Capacity when Special Circumstances exist with respect to the anticipated water consumption resulting from that Permit. Special Circumstances shall be deemed to exist in the following circumstances:

    a. After project completion and verification that Sub-potable Water or untreated Well water is the exclusive supply for all exterior uses, the

General Manager may make a proportional adjustment for the final Adjusted Water Use Capacity and shall refund that portion of the Capacity Fee and the portion of water debited from an Allocation or Water Entitlement.

b. Projects that utilize water in conjunction with a manufacturing process.

c. Non-Residential projects owned by a Public entity.

2. The preliminary Estimated Annual Water Use Capacity Adjustment shall operate to exact a Capacity Fee as it relates to the increment of water which is projected to be available to and subject to use by the Applicant as a function of the Connection or the use of water. In the absence of a comparable water use factor on Table II-2, the General Manager may make this adjustment based upon projected use figures supported by historical use or other relevant documentation. In the absence of Special Circumstances, calculation of the Estimated Annual Water Use Capacity shall be made by use of Non-Residential Water Use Factors shown on Table II-2.

3. The General Manager shall be granted authority to factor Adjusted Water Use Capacity and Capacity Fees for Industrial and Public Projects based upon the actual average annual water use record following 60 months of occupancy and use without the necessity of a hearing before the Board of Directors. The process shall require payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual annual water use record for that Connection.

4. For all situations where the General Manager finds Special Circumstances with Substantial Uncertainty exist regarding the Estimated Annual Water Use Capacity proposed by the permit Applicant, the Board shall consider approving a Water Permit upon payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual average annual water use record for that Connection.

5. This Rule shall not apply where a single meter supplies more than one water User.

6. All Water Permits issued with a finding of Special Circumstances shall be subject to the following conditions:

a. A deed restriction listing the conditions of the Permit shall be recorded on the property prior to issuance of a Water Permit.

b. By written communication, the Jurisdiction shall authorize the District to issue a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the approved Project.

c. The Jurisdiction shall acknowledge in writing to the District that annual average water use above the preliminary Estimated Annual Water Use Capacity shall either result in a debit to its Allocation or shall require additional action to reduce or offset water use as authorized by the District Board.

d. Approval of Special Circumstances with Substantial Uncertainty is valid for thirty-six (36) months. The project shall be completed within thirty-six (36) months of District approval. One extension of time for twelve (12) months will be granted by the General Manager upon evidence of due diligence by the Applicant.

e. The Project shall be exclusively equipped with all reasonable conservation measures as determined by the General Manager.

f. The property owner shall agree to allow public access to water consumption records for the life of the Project. Access shall be authorized by recordation of the appropriate deed restriction.

g. A Landscape Documentation Package, shall be included with the Water Permit application.

h. Prior to issuance of a Water Permit, the Water Permit Applicant shall submit Capacity Fees and processing fees as outlined in Rule 24 and Rule 60.

i. A water meter shall be installed to monitor exterior water use, apart from any interior use. District staff shall have access to the water meters and consumption reports upon reasonable request.

j. The property owner or his agent shall annually complete and submit a Special Circumstances Review Form and applicable attachments to the

District by February 1. The Special Circumstances Review Form shall require the property owner to provide information about the Project's annual water use and practices, copies of the past year's water bills, information about the performance of any special appliances, and other information useful in reviewing Project-related water demand. The Special Circumstances Review Form shall be submitted each year during construction and for ten years following full occupancy after completion of the Project.

k. Water use will be reviewed annually after occupancy. If actual water use exceeds the preliminary Water Use Capacity estimate during any annual review, the District will debit the Jurisdiction's Allocation for the difference. At the end of the monitoring period, if the average annual water use exceeds the preliminary Water Use Capacity estimate, the District will determine whether the Jurisdiction shall transfer some of its Allocation to the Project, or whether the Applicant shall pay the cost of District-approved water conservation projects within the District or on the Project Site to establish Water Use Credits to offset the increased increment of water needed by the Project.

l. The Applicant and any successor in interest to the Water Permit shall enter into an indemnification agreement with the District, whereby the Applicant agrees to indemnify, defend and hold harmless the District from any and all legal and financial responsibility that may arise in connection with approval of the application, including but not limited to attorney's fees and costs that the District may incur.

7. The Board shall specify the appropriate number of years to monitor actual annual water use when it finds Special Circumstances with Substantial Uncertainty exist.

8. In all applications where evidence does not support the finding that Special Circumstances with Substantial Uncertainty exist regarding a Project's Water Use Capacity, it shall be presumed that the Non-Residential Water Use Factors as shown on Table II-2 apply to the Permit.

9. Determinations of the General Manager pursuant to this Rule may be appealed to the Board.

F. CAPACITY FEE REFUNDS

1. The Capacity Fee paid for a Water Permit under these Rules and Regulations shall be a fee retained by the District in consideration of, and as reimbursement for the costs and expenses incurred by the District in planning for, acquiring, reserving, and maintaining capacity in the water distribution facilities existing or to be constructed within the District.

2. If a Project, as built, eliminates all or a portion of the Adjusted Water Use Capacity upon which the Water Permit was originally calculated, a refund of that portion of the Capacity Fee may occur.

3. Refunds of Capacity Fees shall occur if the Permit is abandoned prior to construction.

4. Refunds will only occur if a reduction in the Water Use Capacity is documented, or for abandoned Projects, if the Applicant has permanently removed the Water Meter and canceled the building permit.

5. Requests for refunds shall be in writing, and shall include the Water Permit number and the reason a refund is requested. Refunds are subject to fees under Rule 60.

6. All refunds shall be made to the then-current titleholder of the real property to which the Water Permit was issued.

7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines:

    a. Refunds of less than fifty thousand dollars ($50,000) shall be processed within thirty (30) days;

    b. Refunds between fifty thousand dollars ($50,000) and one hundred thousand dollars ($100,000) shall be processed within forty-five (45) days;

    c. Refunds over one hundred thousand dollars ($100,000) shall be processed within sixty (60) days.

G. CAPACITY FEE FUND ACCOUNTING

1. The District shall maintain separate accounts in its general fund for Capacity Fees received. Those separate fund accounts shall be maintained and designated as Capacity Fee accounts "A" and "B". Account "A" shall receive 18.67% of all Capacity Fees collected. Account "B" shall receive 81.33% of all Capacity Fees collected. The proceeds of any connection surcharge shall be transferred to the District's general fund, without restriction.

2. Capacity Fee funds shall be expended from Capacity Fee accounts "A" and "B" for the sole purpose of planning for, acquiring and/or reserving augmented water supply capacity for District water distribution facilities. It is recognized that such purposes include engineering, hydrologic, geologic, fishery, appraisal, financial, and property acquisition endeavors. Capacity Fee funds may further be used to acquire, maintain, and/or reserve capacity in existing water distribution facilities existing within the District.

H. PERMIT FEE PAYMENT PLANS

1. Except as may be required by operation of law, or as approved by the Board of Directors on a case-by-case basis pursuant to this Rule, the District shall not authorize a payment plan for fees and charges due for the issuance of a Water Permit. This means that no Permit will be issued by the District unless all required fees and charges have first been paid in full to the District. In any circumstance where a Permit has been issued on less than full payment of all fees and charges due from that Parcel, that Permit shall immediately be Suspended and thereafter Revoked. Revocation of a Water Permit shall cause removal or limitation of water service to that Connection.

2. Notwithstanding any provision of this Rule, the Board, on a case-by-case basis, may authorize delayed payment for Projects which are solely undertaken by California Non-Profit Public Benefit Corporations provided each such plan shall ensure, by recorded deed restriction which includes the consent of each property owner, that all fees and charges due for the issuance of a Water Permit, together with deferred interest at the rate to be set by the Board, shall be paid in full in the event Project-ownership or occupancy is transferred to any entity other than a California Non-Profit Public Benefit Corporation. This provision is intended for use only in the presence of a substantial financial hardship to the Project proponent such that the development of the Project would be jeopardized by the present assessment of the full fees and charges due for the issuance of a Water Permit.

Rule added by Ordinance No. 8 (1/14/81); amended by Ordinance No. 9 (2/14/83); Ordinance No. 17 (9/24/84); Ordinance No. 18 (11/12/84); Ordinance No. 20 (12/10/84); Ordinance No. 21 (3/11/85); Ordinance No. 26 (9/8/86); Ordinance No. 33 (3/14/88); Ordinance 34 (5/9/88); Ordinance No. 40 (4/10/89); Ordinance No. 60 (6/15/92); Ordinance No. 71 (12/20/93); Ordinance No. 76 (5/15/95); Ordinance No. 80 (11/20/95); Ordinance No. 98 (4/16/2001); Ordinance No. 111 (1/29/2004); Ordinance No. 114 (5/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 145 (9/20/2010); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 193 (8/21/2023); Ordinance No. 198 (7/21/2025); Ordinance No. 199 (11/17/2025); Ordinance No. 203 (X/XX/XX)

TABLE II-1: RESIDENTIAL FIXTURE UNIT COUNT VALUES

	Water Fixture Description	Fixture Unit Value
1	Washbasin, each	1
2	Two Washbasins in the Master Bathroom	1
3	Toilet	1.3
4	Toilet, Ultra High Efficiency w/Deed Restriction (UHET) (0.8 gallon maximum)	0.8
5	Urinal, (Pint (0.125 gallon maximum)	0.1
6	Urinal, Zero Water Consumption	0
7	Bathtub, (may be Large Bathtub) & Separate Shower located in the Master Bathroom	3
8	Bathtub, Large (may have Showerhead above)	3
9	Bathtub, Standard (may have Showerhead above) or Shower Stall (one Showerhead)	2
10	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
11	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	Inquire
12	Kitchen Sink (including optional adjacent non-High Efficiency Dishwasher)	2
13	Kitchen Sink with adjacent High Efficiency Dishwasher[1]	1.5
14	Dishwasher, High Efficiency, each additional when all Dishwashers are High Efficiency Dishwashers in a Dwelling Unit	0
15	Dishwasher, High Efficiency, each additional, when one or more Dishwashers are NOT High Efficiency Dishwashers (including optional adjacent sink)	0.5
16	Laundry Sink/Utility Sink (debit/Capacity Fee applies to only one Laundry/Utility Sink per Residential Site)	2
17	Clothes Washer (existing non-High Efficiency Clothes Washer)	2
18	Clothes Washer, Common Laundry Room (per Dwelling Unit with access to the CLR)	1
19	Clothes Washer, High Efficiency (HEW)	1
20	Bidet	1
21	Bar Sink	1
22	Entertainment Sink	1
23	Vegetable Sink	1
24	Swimming Pool (each 100 square-feet of pool surface area)	1

[1] When a Kitchen Sink exists without the benefit of a Dishwasher, a Dishwasher may be added without a Water Permit.

Table Amended by Resolution 2009-11 (8/17/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-13 (12/14/2009); Resolution 2010-15 (12/13/2010); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2016-04 (2/17/2016); Resolution 2021-14 (11/15/2021); Resolution 2022-22 (7/18/2022); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

25	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.

TABLE II-2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.

Group II 0.0002 AF/SF

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid Food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

Group III

Assisted Living (more than 6 beds)[2]	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF[1]
Dog Grooming	0.0567 AF/Grooming
Child/Dependent Adult Day Care	0.0072 AF/Person
Dry Cleaner w/on-Site laundry	0.0002 AF/SF
Dormitory Beds @ Educational Institution[3]	0.02 AF/Bed
Laundromat	0.12 AF/Machine
Motel/Hotel/Bed & Breakfast	0.064 AF/Bedroom
Large Bathtub (Add to bedroom factor)	0.03 AF/Tub
Each additional Showerhead beyond one per stall (Add to bedroom factor)	0.02 AF/Showerhead
Nail and/or Beauty Salon	0.00007 AF/SF
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Recreational Vehicle Water Hookup	0.064 AF
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the "Standard Exterior Seat Allowance"[4]	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the "Standard Exterior Seat Allowance"	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
School or Church	0.00007 AF/SF
Self-Storage	0.0002 AF/100 SF
Skilled Nursing/Alzheimer's Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

[1] ABC Licensed Premises Diagram area shall be used for calculation of square-footage.
[2] Assisted living Dwelling Units shall be permitted as Residential uses per Table II-1, Residential Fixture Unit Count Values.
[3] Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table II-2.
[4] See Rule 24-B-1 and Rule 25.5 for information about the "Standard Exterior Seat Allowance".

Group IV – MODIFIED NON-RESIDENTIAL USES

Users in this category have a reduced water Capacity compared to Groups I-III and have received a Water Use Credit for modifications (Rule 25.5-F-4-d) or the permanent installation of validated technology that results in a quantifiable reduction in Water Use Capacity. Please inquire for specific property information.

Group V – INDUSTRIAL USES

Users in this category use water during the production process for either creating their products or cooling equipment. Industrial water may also be used for fabricating, processing, washing, diluting, cooling, or transporting a product.

This includes industries involved in the production of chemicals and food products, as well as certain hospital uses. The Water Use Capacity shall be determined after reviewing the project's construction and business plans, along with estimated water use, and may be considered under Rule 24 Special Circumstances.

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table II-2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site. When a Non-Residential project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/2013); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017); Resolution 2017-16 (12/11/2017); Resolution 2018-21 (11/19/2018); Ordinance No. 182 (5/20/2019); Resolution 2019-10 (7/15/2019); Resolution 2019-15 (9/16/2019); Resolution 2021-15 (11/15/2021); Resolution 2022-27 (9/19/2022); Resolution 2022-33 (11/14/2022); Resolution 2024-14 (12/16/2024); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

TABLE II-3: CAPACITY FEE HISTORY

YEAR	CAPACITY FEE	YEAR	CAPACITY FEE
1985	$10,623.20	2021-22	$32,008.00
1985-86	$11,133.00	2022-23	$33,608.00
1986-87	$11,433.59	2023-24	$35,019.00
1987-88	$11,890.93	2024-25	$36,350.00
1988-89	$12,295.22	2025-26	$36,823.00
1989-90	$12,983.75	2026-27	$38,222.00
1990-91	$13,529.07		
1991-92	$14,056.70		
1992-93	$14,661.00		
1993-94	$15,202.00		
1994-95	$15,325.00		
1995-96	$15,692.00		
1996-97	$15,960.00		
1997-98	$16,551.00		
1998-99	$17,048.00		
1999-00	$17,832.00		
2000-01	$18,492.00		
2001-02	$19,565.00		
2002-03	$19,976.00		
2003-04	$20,415.00		
2004-05	$20,517.00		
2005-06	$20,948.00		
2006-07	$21,618.00		
2007-08	$22,331.00		
2008-09	$22,979.00		
2009-10	$23,163.00		
2010-11	$23,567.00		
2011-12	$24,227.00		
2012-13	$24,735.00		
2013-14	$25,328.00		
2014-15	$26,037.00		
2015-16	$26,661,00		
2016-17	$27,380.00		
2017-18	$28,420.00		
2018-19	$29,329.00		
2019-20	$30,502.00		
2020-21	$30,837.00		

Table added by Ordinance No. 125 (9/18/2006); amended by Ordinance No. 145 (9/20/2010); Resolution 2014-19 (12/15/2014); Resolution No. 2015-20 (11/16/2015); Resolution 2016-13 (7/18/2016); Resolution 2017-11 (6/19/2017); Resolution 2018-14 (6/18/2018); 2019-08 (6/17/2019); Resolution 2020--11 (6/15/2020); Resolution 2021-08 (6/21/2021); Resolution 2022-20 (6/20/2022); Resolution No. 2023-11 (6/20/2023); Resolution No. 2024-10 (6/17/2024); Resolution 2025-06 (6/16/2025); Ordinance No. 201 (4/20/2026); Resolution No. 2026-07 (6/15/2026); Ordinance No. 203 (X/XX/XX)

RULE 24 - CALCULATION OF WATER USE CAPACITY AND CAPACITY FEES

A. RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Residential Water Use Capacity shall be calculated using a fixture unit methodology whereby each water fixture is assigned a fixture unit value that corresponds to its approximate annual Water Use Capacity. Residential applications shall be reviewed to determine if there is an increase in fixture units as a result of the proposed Project. Amendments to Table II-1 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

a. The General Manager shall estimate Water Use Capacity of the proposed Project using the fixture unit values and outdoor water uses calculation from Table II-1: Residential Fixture Unit Count Values.

b. If the application includes a Residential water fixture that is not specifically exempt from the Residential Permit requirements, and no factor is shown on Table II-1: Residential Fixture Unit Count Values, for a proposed water fixture, the General Manager shall research the projected annual consumption of the fixture and shall recommend a fixture unit count value to the Board that corresponds to the Estimated Annual Water Use Capacity of the fixture. Table II-1 shall subsequently be amended by Resolution of the Board of Directors to assign a value to the new fixture.

c. Using Table II-1: Residential Fixture Unit Count Values, the General Manager shall compare the pre-Project fixture unit count against the fixture unit count shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity shall be verified by inspection.

d. The General Manager shall reduce the Estimated Annual Water Use Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed Project.

e. Based upon the review conducted in Rule 24-A-1, the General Manager shall determine if Project will result in a positive, neutral or reduced Water Use Capacity on the Site.

(1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.

(2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.

(3) A reduction in Water Use Capacity shall result in a Water Use Credit upon verification that the former use has been permanently abandoned. This credit shall be established in conformance with Rule 25.5.

2. Exempt Residential Water Fixtures

The following water fixtures shall be exempt from the Residential Permit requirements and shall have no fixture unit value: Portable Water Fixtures, fountains, ponds, hot tub/spas, drinking fountains, pot fillers behind a cooktop, darkroom sinks, outdoor showers, outdoor sinks, hose bibs, pet/livestock wash racks and water troughs, and multiple Utility Sinks (more than one per Site).

3. Second Bathroom Addition

A distinctive Water Permit protocol shall apply to any Residential application that proposes adding a second Bathroom to a Dwelling Unit built before May 16, 2001, that has less than two full Bathrooms and that has not removed water fixtures in a Bathroom to facilitate the addition of water fixtures elsewhere on the Site.

a. The second Bathroom protocol shall be limited and shall apply only to the following water appliances if they are installed in a second Bathroom as an expansion or remodel of an existing Dwelling Unit: (a) a single toilet, and (b) a single Standard Bathtub, or single Shower Stall, or a single standard tub-shower combination, and (c) one or two Washbasins.

b. The second Bathroom protocol shall further apply to a Residential application that proposes to add one or more of the water fixtures referenced above to a second Bathroom which lacks that fixture(s) within a Dwelling Unit that has less than two full Bathrooms.

c. The second Bathroom protocol shall apply only to a Dwelling Unit that has less than two full Bathrooms and that has not removed basic Bathroom water fixtures (i.e., a toilet, a Standard Bathtub or Shower Stall or a Washbasin) to enable the addition of water fixtures elsewhere on the Site.

d. The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site with four or more units. Water fixtures installed pursuant to this provision shall be installed within the Dwelling Unit. The second Bathroom protocol shall not be used to create a new Accessory Dwelling Unit. This includes the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow a Bathroom to be used by an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. The protocol was adopted to recognize that a second Bathroom is for convenience. It is not intended to support a new User.

e. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of the water fixtures in the second Bathroom.

f. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.

g. No credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.

h. Use of the second Bathroom protocol is voluntary. Any Dwelling Unit installing a second Bathroom pursuant to this provision shall be limited to two Bathrooms unless the fixtures permitted by this protocol in the second Bathroom are permitted by debit to a Jurisdiction's Allocation, an Entitlement, or offset by a credit. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property shall be recorded on the real property as a condition of the Water Permit.

i. All Water Permits issued pursuant to this Rule shall include a Notice and

Deed Restriction titled "Provide Public Access to Water Use Data" pursuant to Rule 23. In addition, permits utilizing the second Bathroom protocol shall authorize access to water records for the sixty (60) months prior to the date the Water Permit is issued.

j. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

4. Master Bathroom Fixture Unit Accounting

a. All fixtures utilizing a Master Bathroom fixture unit value as shown in Table II-1: Residential Fixture Unit Count Values shall occur in the same Bathroom, and that Bathroom shall be designated as the "Master Bathroom." Each Dwelling Unit shall have no more than one Master Bathroom.

b. The Master Bathroom fixture unit value shall not apply to second Bathrooms utilizing the second Bathroom protocol.

5. Exterior Residential Water Demand Calculations

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

6. Swimming Pools Filled by a Mobile Water Distribution System.

Swimming Pools constructed with a condition prohibiting use of the local Potable Water Distribution System to fill the pool shall be required to secure their water supply from an entity that holds a current and valid Water Hauler's License from the California Department of Public Health, Food and Drug Branch (FDB). The Water Hauler's License is required to haul more than 250 gallons by any means of transportation for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. There shall be a minimum deduction to the Water Distribution System serving the property in the amount of 0.01 Acre-Foot Annually to offset potential maintenance demand in addition to the requirement to fill and maintain the pool using a licensed Mobile Water Distribution System.

7. Calculating Adjusted Water Use Capacity

a. Each fixture unit shall have a value of 0.01 Acre-Foot of water.

b. Water use calculations shall be rounded to the third decimal place.

8. Multi-Family Dwelling Clothes Washers

Installation of a High Efficiency Clothes Washer within a Dwelling Unit on a Multi-Family Residential Site or Common Interest Development served by a Common Laundry Room does not increase Capacity.

When a Common Laundry Room is provided, Water Use Capacity shall be calculated based on the number of Dwelling Units with access to the laundry room. For example, if ten Dwelling Units have access to one or more Common Laundry Rooms, the Water Use Capacity shall be based on ten Dwelling Units multiplied by the applicable Clothes Washer fixture unit value. The number of Clothes Washers in the Common Laundry Room shall not be used to determine Water Use Capacity.

B. NON-RESIDENTIAL CALCULATION OF WATER USE CAPACITY

Non-Residential Water Use Capacity shall be calculated using Table II-2: Non-Residential Water Use Factors. Each Non-Residential use shall be assigned a factor that when multiplied by a specified measurement shown on Table II-2 (i.e., square-footage, number of rooms/seats, etc.) results in an estimate of the approximate annual Water Use Capacity in Acre-Feet. Non-Residential applications shall be reviewed to determine if there is an increase in water demand as a result of the proposed Project. Amendments to Table II-2 shall be made by Resolution of the Board of Directors.

1. Methodology for Determining Water Use Capacity

The following process shall be used to determine if there is an increase in Water Use Capacity:

a. The General Manager shall estimate Water Use Capacity of the proposed Project using the Water Use Factors from Table II-2: Non-Residential Water Use Factors.

(1) New Construction: When the Non-Residential Water Use Factor is based on a square-footage factor, the gross square-footage shall be applied to the factor for construction of a new building.

(2) Tenant Improvements within a defined lease space: When the Non-Residential Water Use Factor is based on square-footage for a Tenant Improvement in a defined lease space, the useable square-footage shall be applied to the factor. This calculation does not affect the remaining Capacity of the building and is to be used only to identify the Capacity of the area being remodeled.

b. When a Non-Residential Project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. By way of example, a hotel with a restaurant would be subject to both the hotel use by unit and the restaurant use by seat calculation. Where a proposed use can be placed in more than one group, the group which most accurately depicts overall projected water use shall be selected or the uses shall be calculated based on the square-footage or other factor for each area in which the use occurs. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

c. If the application includes a Non-Residential use that is not identical to or similar to those uses shown on Table II-2: Non-Residential Water Use Factors, the General Manager shall research the projected annual consumption of the use and shall recommend a value to the Board that corresponds to the Estimated Annual Water Use Capacity.

d. The General Manager shall compare the pre-Project Estimated Annual Water Use Capacity against the Estimated Annual Water Use Capacity shown on the Construction Plans submitted with the Water Release Form and Water Permit application. Pre-Project Estimated Annual Water Use Capacity may be verified by inspection.

e. The General Manager may reduce the Estimated Annual Water Use Capacity for the permanent installation and use of known and validated technology that results in a quantifiable reduction in Water Use Capacity above that anticipated with Best Management Practices.

f. The General Manager shall reduce the Estimated Annual Water Use

Capacity by any verified Water Use Credit or On-Site Water Credit applicable to the application as shown on the Water Release Form and Water Permit application and shall determine the Adjusted Water Use Capacity of the proposed project.

g. Based upon the review conducted in 24-B-1-f, the General Manager shall determine if the Project will result in a positive, neutral or reduced Water Use Capacity on the Site.

(1) An increase in Capacity (Intensification of Use) shall cause the calculation and collection of a Capacity Fee prior to issuance of a Water Permit.

(2) No Capacity Fee shall be assessed when there is no increase in Water Use Capacity.

(3) A reduction in Water Use Capacity shall result in a Water Credit upon verification that the former use has been abandoned. This credit shall be established in conformance with Rule 25.5.

h. Non-Residential Projects at Public School District Sites acquired prior to 2020 shall be considered to have a zero Adjusted Water Use Capacity when the entire Public School District Site meets or exceeds Rule 143 Water Efficiency Standards for Existing Non-Residential Uses.

i. A Restaurant's Water Use Capacity shall be determined by the maximum Interior Restaurant Seat count authorized by the Jurisdiction and District. Exterior Restaurant Seats may be maintained for al fresco dining without a requirement for a new or amended Water Permit provided the maximum number of Exterior Restaurant Seats does not exceed one-half the number of authorized Interior Restaurant Seats (the "standard exterior seat allowance"). Exterior Restaurant Seating not in compliance with this paragraph shall require a new or amended Water Permit.

2. Exterior Water Demand

See Rule 142.1, Water Efficient Landscape Requirements, for calculation of landscape water demand. An additional 0.01 Acre-Foot of water shall be added for outdoor water uses other than irrigation.

3. Calculating Adjusted Water Use Capacity

Water use calculations shall be rounded to the third decimal place.

C. WATER SUPPLY COST COMPONENT

The water supply cost component used as a monetary multiplier in each Capacity Fee calculation required by this rule shall be $10,623.20. This water supply cost component shall be adjusted on July 1st of each year beginning in July, 1985, to include the annual increase or decrease of the April Consumer Price Index (CPI), all items, for San Francisco/Oakland, as promulgated by the U.S. Department of Labor Bureau of Statistics. The adjusted multiplier shall apply to each Water Permit application received on or after July 1st of each year. Table II-3: Capacity Fee History shall be updated annually by Resolution of the Board to reflect the current year's Capacity Fee.

D. CALCULATION OF CAPACITY FEES

The Capacity Fee paid for a Water Permit shall be determined by multiplying the Adjusted Water Use Capacity by the current Capacity Fee. This charge shall be applied to each application for a Water Permit as follows:

1. Projects served by the California American Water Company System and Seaside Municipal Water System shall pay 100 percent of the final calculation.

2. All other Water Distribution Systems including private Wells shall pay 18.67 percent of the final calculation.

E. ADJUSTMENT OF CALCULATIONS WHERE SPECIAL CIRCUMSTANCES EXIST

1. The General Manager may reduce (or increase) the Adjusted Water Use Capacity when Special Circumstances exist with respect to the anticipated water consumption resulting from that Permit. Special Circumstances shall be deemed to exist in the following circumstances:

    a. After project completion and verification that Sub-potable Water or untreated Well water is the exclusive supply for all exterior uses, the General Manager may make a proportional adjustment for the final Adjusted Water Use Capacity and shall refund that portion of the Capacity

Fee and the portion of water debited from an Allocation or Water Entitlement.

b. Projects that utilize water in conjunction with a manufacturing process.

c. Non-Residential projects owned by a Public entity.

2. The preliminary Estimated Annual Water Use Capacity Adjustment shall operate to exact a Capacity Fee as it relates to the increment of water which is projected to be available to and subject to use by the Applicant as a function of the Connection or the use of water. In the absence of a comparable water use factor on Table II-2, the General Manager may make this adjustment based upon projected use figures supported by historical use or other relevant documentation. In the absence of Special Circumstances, calculation of the Estimated Annual Water Use Capacity shall be made by use of Non-Residential Water Use Factors shown on Table II-2.

3. The General Manager shall be granted authority to factor Adjusted Water Use Capacity and Capacity Fees for Industrial and Public Projects based upon the actual average annual water use record following 60 months of occupancy and use without the necessity of a hearing before the Board of Directors. The process shall require payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual annual water use record for that Connection.

4. For all situations where the General Manager finds Special Circumstances with Substantial Uncertainty exist regarding the Estimated Annual Water Use Capacity proposed by the permit Applicant, the Board shall consider approving a Water Permit upon payment of an estimated Capacity Fee and corresponding Allocation or Water Entitlement debit. The final Capacity Fee and corresponding Allocation or Water Entitlement debit shall be adjusted upon the actual average annual water use record for that Connection.

5. This Rule shall not apply where a single meter supplies more than one water User.

6. All Water Permits issued with a finding of Special Circumstances shall be subject to the following conditions:

a. A deed restriction listing the conditions of the Permit shall be recorded on

the property prior to issuance of a Water Permit.

b. By written communication, the Jurisdiction shall authorize the District to issue a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the approved Project.

c. The Jurisdiction shall acknowledge in writing to the District that annual average water use above the preliminary Estimated Annual Water Use Capacity shall either result in a debit to its Allocation or shall require additional action to reduce or offset water use as authorized by the District Board.

d. Approval of Special Circumstances with Substantial Uncertainty is valid for thirty-six (36) months. The project shall be completed within thirty-six (36) months of District approval. One extension of time for twelve (12) months will be granted by the General Manager upon evidence of due diligence by the Applicant.

e. The Project shall be exclusively equipped with all reasonable conservation measures as determined by the General Manager.

f. The property owner shall agree to allow public access to water consumption records for the life of the Project. Access shall be authorized by recordation of the appropriate deed restriction.

g. A Landscape Documentation Package, shall be included with the Water Permit application.

h. Prior to issuance of a Water Permit, the Water Permit Applicant shall submit Capacity Fees and processing fees as outlined in Rule 24 and Rule 60.

i. A water meter shall be installed to monitor exterior water use, apart from any interior use. District staff shall have access to the water meters and consumption reports upon reasonable request.

j. The property owner or his agent shall annually complete and submit a Special Circumstances Review Form and applicable attachments to the District by February 1. The Special Circumstances Review Form shall require the property owner to provide information about the Project's

annual water use and practices, copies of the past year's water bills, information about the performance of any special appliances, and other information useful in reviewing Project-related water demand. The Special Circumstances Review Form shall be submitted each year during construction and for ten years following full occupancy after completion of the Project.

k. Water use will be reviewed annually after occupancy. If actual water use exceeds the preliminary Water Use Capacity estimate during any annual review, the District will debit the Jurisdiction's Allocation for the difference. At the end of the monitoring period, if the average annual water use exceeds the preliminary Water Use Capacity estimate, the District will determine whether the Jurisdiction shall transfer some of its Allocation to the Project, or whether the Applicant shall pay the cost of District-approved water conservation projects within the District or on the Project Site to establish Water Use Credits to offset the increased increment of water needed by the Project.

l. The Applicant and any successor in interest to the Water Permit shall enter into an indemnification agreement with the District, whereby the Applicant agrees to indemnify, defend and hold harmless the District from any and all legal and financial responsibility that may arise in connection with approval of the application, including but not limited to attorney's fees and costs that the District may incur.

7. The Board shall specify the appropriate number of years to monitor actual annual water use when it finds Special Circumstances with Substantial Uncertainty exist.

8. In all applications where evidence does not support the finding that Special Circumstances with Substantial Uncertainty exist regarding a Project's Water Use Capacity, it shall be presumed that the Non-Residential Water Use Factors as shown on Table II-2 apply to the Permit.

9. Determinations of the General Manager pursuant to this Rule may be appealed to the Board.

F. CAPACITY FEE REFUNDS

1. The Capacity Fee paid for a Water Permit under these Rules and Regulations shall

be a fee retained by the District in consideration of, and as reimbursement for the costs and expenses incurred by the District in planning for, acquiring, reserving, and maintaining capacity in the water distribution facilities existing or to be constructed within the District.

2. If a Project, as built, eliminates all or a portion of the Adjusted Water Use Capacity upon which the Water Permit was originally calculated, a refund of that portion of the Capacity Fee may occur.

3. Refunds of Capacity Fees shall occur if the Permit is abandoned prior to construction.

4. Refunds will only occur if a reduction in the Water Use Capacity is documented, or for abandoned Projects, if the Applicant has permanently removed the Water Meter and canceled the building permit.

5. Requests for refunds shall be in writing, and shall include the Water Permit number and the reason a refund is requested. Refunds are subject to fees under Rule 60.

6. All refunds shall be made to the then-current titleholder of the real property to which the Water Permit was issued.

7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines:

   a. Refunds of less than fifty thousand dollars ($50,000) shall be processed within thirty (30) days;

   b. Refunds between fifty thousand dollars ($50,000) and one hundred thousand dollars ($100,000) shall be processed within forty-five (45) days;

   c. Refunds over one hundred thousand dollars ($100,000) shall be processed within sixty (60) days.

G. CAPACITY FEE FUND ACCOUNTING

1. The District shall maintain separate accounts in its general fund for Capacity Fees received. Those separate fund accounts shall be maintained and designated as

Capacity Fee accounts "A" and "B". Account "A" shall receive 18.67% of all Capacity Fees collected. Account "B" shall receive 81.33% of all Capacity Fees collected. The proceeds of any connection surcharge shall be transferred to the District's general fund, without restriction.

2. Capacity Fee funds shall be expended from Capacity Fee accounts "A" and "B" for the sole purpose of planning for, acquiring and/or reserving augmented water supply capacity for District water distribution facilities. It is recognized that such purposes include engineering, hydrologic, geologic, fishery, appraisal, financial, and property acquisition endeavors. Capacity Fee funds may further be used to acquire, maintain, and/or reserve capacity in existing water distribution facilities existing within the District.

H. PERMIT FEE PAYMENT PLANS

1. Except as may be required by operation of law, or as approved by the Board of Directors on a case-by-case basis pursuant to this Rule, the District shall not authorize a payment plan for fees and charges due for the issuance of a Water Permit. This means that no Permit will be issued by the District unless all required fees and charges have first been paid in full to the District. In any circumstance where a Permit has been issued on less than full payment of all fees and charges due from that Parcel, that Permit shall immediately be Suspended and thereafter Revoked. Revocation of a Water Permit shall cause removal or limitation of water service to that Connection.

2. Notwithstanding any provision of this Rule, the Board, on a case-by-case basis, may authorize delayed payment for Projects which are solely undertaken by California Non-Profit Public Benefit Corporations provided each such plan shall ensure, by recorded deed restriction which includes the consent of each property owner, that all fees and charges due for the issuance of a Water Permit, together with deferred interest at the rate to be set by the Board, shall be paid in full in the event Project-ownership or occupancy is transferred to any entity other than a California Non-Profit Public Benefit Corporation. This provision is intended for use only in the presence of a substantial financial hardship to the Project proponent such that the development of the Project would be jeopardized by the present assessment of the full fees and charges due for the issuance of a Water Permit.

Rule added by Ordinance No. 8 (1/14/81); amended by Ordinance No. 9 (2/14/83); Ordinance No. 17 (9/24/84);

Ordinance No. 18 (11/12/84); Ordinance No. 20 (12/10/84); Ordinance No. 21 (3/11/85); Ordinance No. 26 (9/8/86); Ordinance No. 33 (3/14/88); Ordinance 34 (5/9/88); Ordinance No. 40 (4/10/89); Ordinance No. 60 (6/15/92); Ordinance No. 71 (12/20/93); Ordinance No. 76 (5/15/95); Ordinance No. 80 (11/20/95); Ordinance No. 98 (4/16/2001); Ordinance No. 111 (1/29/2004); Ordinance No. 114 (5/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 145 (9/20/2010); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 185 (5/18/2020); Ordinance No. 189 (12/13/2021); Ordinance No. 193 (8/21/2023); Ordinance No. 198 (7/21/2025); Ordinance No. 199 (11/17/2025); Ordinance No. 203 (X/XX/XX)

TABLE II-1: RESIDENTIAL FIXTURE UNIT COUNT VALUES

	Water Fixture Description	Fixture Unit Value
1	Washbasin, each	1
2	Two Washbasins in the Master Bathroom	1
3	Toilet	1.3
4	Toilet, Ultra High Efficiency w/Deed Restriction (UHET) (0.8 gallon maximum)	0.8
5	Urinal, (Pint (0.125 gallon maximum)	0.1
6	Urinal, Zero Water Consumption	0
7	Bathtub, (may be Large Bathtub) & Separate Shower located in the Master Bathroom	3
8	Bathtub, Large (may have Showerhead above)	3
9	Bathtub, Standard (may have Showerhead above) or Shower Stall (one Showerhead)	2
10	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
11	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	Inquire
12	Kitchen Sink (including optional adjacent non-High Efficiency Dishwasher)	2
13	Kitchen Sink with adjacent High Efficiency Dishwasher[1]	1.5
14	Dishwasher, High Efficiency, each additional when all Dishwashers are High Efficiency Dishwashers in a Dwelling Unit	0
15	Dishwasher, High Efficiency, each additional, when one or more Dishwashers are NOT High Efficiency Dishwashers (including optional adjacent sink)	0.5
16	Laundry Sink/Utility Sink (debit/Capacity Fee applies to only one Laundry/Utility Sink per Residential Site)	2
17	Clothes Washer (existing non-High Efficiency Clothes Washer)	2
18	Clothes Washer, Common Laundry Room (per Dwelling Unit with access to the CLR)	1
19	Clothes Washer, High Efficiency (HEW)	1
20	Bidet	1
21	Bar Sink	1
22	Entertainment Sink	1
23	Vegetable Sink	1
24	Swimming Pool (each 100 square-feet of pool surface area)	1

[1] When a Kitchen Sink exists without the benefit of a Dishwasher, a Dishwasher may be added without a Water Permit.

Table Amended by Resolution 2009-11 (8/17/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-13 (12/14/2009); Resolution 2010-15 (12/13/2010); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2016-04 (2/17/2016); Resolution 2021-14 (11/15/2021); Resolution 2022-22 (7/18/2022); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

25	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.

TABLE II-2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.

Group II 0.0002 AF/SF

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid Food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

Group III

Assisted Living (more than 6 beds)[2]	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF[1]
Dog Grooming	0.0567 AF/Grooming
Child/Dependent Adult Day Care	0.0072 AF/Person
Dry Cleaner w/on-Site laundry	0.0002 AF/SF
Dormitory Beds @ Educational Institution[3]	0.02 AF/Bed
Laundromat	0.12 AF/Machine
Motel/Hotel/Bed & Breakfast	0.064 AF/Bedroom
Large Bathtub (Add to bedroom factor)	0.03 AF/Tub
Each additional Showerhead beyond one per stall (Add to bedroom factor)	0.02 AF/Showerhead
Nail and/or Beauty Salon	0.00007 AF/SF
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Recreational Vehicle Water Hookup	0.064 AF
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the "Standard Exterior Seat Allowance"[4]	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the "Standard Exterior Seat Allowance"	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
School or Church	0.00007 AF/SF
Self-Storage	0.0002 AF/100 SF
Skilled Nursing/Alzheimer's Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

[1] ABC Licensed Premises Diagram area shall be used for calculation of square-footage.
[2] Assisted living Dwelling Units shall be permitted as Residential uses per Table II-1, Residential Fixture Unit Count Values.
[3] Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table II-2.
[4] See Rule 24-B-1 and Rule 25.5 for information about the "Standard Exterior Seat Allowance".

Group IV – MODIFIED NON-RESIDENTIAL USES

Users in this category have a reduced water Capacity compared to Groups I-III and have received a Water Use Credit for modifications (Rule 25.5-F-4-d) or the permanent installation of validated technology that results in a quantifiable reduction in Water Use Capacity. Please inquire for specific property information.

Group V – INDUSTRIAL USES

Users in this category use water during the production process for either creating their products or cooling equipment. Industrial water may also be used for fabricating, processing, washing, diluting, cooling, or transporting a product.

This includes industries involved in the production of chemicals and food products, as well as certain hospital uses. The Water Use Capacity shall be determined after reviewing the project's construction and business plans, along with estimated water use, and may be considered under Rule 24 Special Circumstances.

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table II-2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site. When a Non-Residential project proposes two or more of the uses set forth in Table II-2, each proposed use shall be subject to a separate calculation. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/2013); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017); Resolution 2017-16 (12/11/2017); Resolution 2018-21 (11/19/2018); Ordinance No. 182 (5/20/2019); Resolution 2019-10 (7/15/2019); Resolution 2019-15 (9/16/2019); Resolution 2021-15 (11/15/2021); Resolution 2022-27 (9/19/2022); Resolution 2022-33 (11/14/2022); Resolution 2024-14 (12/16/2024); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

TABLE II-3: CAPACITY FEE HISTORY

YEAR	CAPACITY FEE	YEAR	CAPACITY FEE
1985	$10,623.20	2021-22	$32,008.00
1985-86	$11,133.00	2022-23	$33,608.00
1986-87	$11,433.59	2023-24	$35,019.00
1987-88	$11,890.93	2024-25	$36,350.00
1988-89	$12,295.22	2025-26	$36,823.00
1989-90	$12,983.75	2026-27	$38,222.00
1990-91	$13,529.07		
1991-92	$14,056.70		
1992-93	$14,661.00		
1993-94	$15,202.00		
1994-95	$15,325.00		
1995-96	$15,692.00		
1996-97	$15,960.00		
1997-98	$16,551.00		
1998-99	$17,048.00		
1999-00	$17,832.00		
2000-01	$18,492.00		
2001-02	$19,565.00		
2002-03	$19,976.00		
2003-04	$20,415.00		
2004-05	$20,517.00		
2005-06	$20,948.00		
2006-07	$21,618.00		
2007-08	$22,331.00		
2008-09	$22,979.00		
2009-10	$23,163.00		
2010-11	$23,567.00		
2011-12	$24,227.00		
2012-13	$24,735.00		
2013-14	$25,328.00		
2014-15	$26,037.00		
2015-16	$26,661,00		
2016-17	$27,380.00		
2017-18	$28,420.00		
2018-19	$29,329.00		
2019-20	$30,502.00		
2020-21	$30,837.00		

Table added by Ordinance No. 125 (9/18/2006); amended by Ordinance No. 145 (9/20/2010); Resolution 2014-19 (12/15/2014); Resolution No. 2015-20 (11/16/2015); Resolution 2016-13 (7/18/2016); Resolution 2017-11 (6/19/2017); Resolution 2018-14 (6/18/2018); 2019-08 (6/17/2019); Resolution 2020--11 (6/15/2020); Resolution 2021-08 (6/21/2021); Resolution 2022-20 (6/20/2022); Resolution No. 2023-11 (6/20/2023); Resolution No. 2024-10 (6/17/2024); Resolution 2025-06 (6/16/2025); Ordinance No. 201 (4/20/2026); Resolution No. 2026-07 (6/15/2026); Ordinance No. 203 (X/XX/XX)

RULE 25.5 - WATER USE CREDITS AND WATER CREDITS

A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may apply to receive a documented Water Use Credit for a Permanent Abandonment of Use on that Site by one of the methods set forth in this Rule. Water Use Credits pursuant to this Rule shall be documented by written correspondence between the District and the property owner and shall remain valid unless expired or prohibited by the provisions of Rule 25.5. Documented Water Use Credits shall not be recorded by notice on a property title, except as specified in Rule 25.5-H. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. When applicable, a Water Use Credit shall reference the factor shown in Rule 24 Table II-1 or Table II-2, at the time it was established, as the basis for the credit. A District correspondence documented Water Use Credit shall not be affected by any future change to that factor, although it is subject to the time limitation(s) specified in Rule 25.5.

B. Water savings resulting from mandatory compliance with Regulation XIV, Water Conservation, shall not result in a Water Use Credit other than those credits specifically available in Table II-4. Water Use Credits for required retrofits shall expire upon the date mandated by any District, State, or Federal law unless otherwise stated in these rules. Such savings shall be set aside as permanent water conservation savings.

C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of five years following the Permanent Abandonment of Use documented by a demolition permit or other credible evidence of removal. In the absence of documentation, the date of the last MPWMD inspection documenting the existence of the fixture shall be used as the date of Permanent Abandonment. A one-year extension of time may be granted by the General Manager for justifiable cause. Subsequently, any remaining unused Water Use Credit shall expire.

D. A Water Use Credit shall expire or retire based upon the date of installation or purchase, or the date the fixture becomes mandated by any District, State, or Federal conservation program. This rule shall apply to all Water Use Credits, including Water Use Credits tolled by a California Public Utilities Commission moratorium or by State 4 Water Rationing, unless otherwise exempted or modified by Rule 25.5. Credits documented in writing with an expiration date shall be honored by the District.

E. A Water Use Credit at a Department of Defense Site shall expire after twenty (20) years.

F. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use

Credit under this Rule:

1. Demolition of a building or use that has been recognized by the District as being a lawful water use;

2. Demolition or permanent removal of Exterior Restaurant Seats specifically permitted by debiting Water Use Capacity from an Allocation or Entitlement, Water Credit or Water Use Credit;

3. Permanent disconnection of a lawful water use from a Water Distribution System;

4. Permanent removal of District-documented and lawful water fixtures listed in Rule 24, Table II-1: Residential Fixture Unit Count Values and the associated plumbing for those fixtures so there is no evidence of the removed water fixture;

5. Permanent installation of water fixtures or appliances that are designed to achieve greater water efficiency than mandated in Regulations XIV and XVI. When newer appliances become more water efficient, no further credit shall be available, and upgrading to the newer standard may be required as a condition of a Water Permit.

6. Removal of established Lawn on sports fields at a Public School District Site that pre-dates the District's permit requirements or that was permitted with a debit to an Allocation.

G. To determine a Water Use Credit, the General Manager shall:

1. Verify that the reduction is one which is permanent (i.e. Permanent Abandonment of Use) and the date that Permanent Abandonment of Use occurred.

2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables II-1 and/or II-2. If no factor is available on Table II-2 or if the use is substantially different than any of the uses shown on Table II-2, the General Manager may make an estimate based upon water records showing the average use over a minimum of eight (8) years.

3. Grant a Residential Water Use Credit for the permanent removal of water using fixtures if the fixture was properly and lawfully installed.

   a. Water Use Credits for multiple Showerheads shall be limited to a maximum

of four (4) fixture units per Separate Stall Shower or Bathtub unless permitted using a Water Entitlement documented on an Assignment Document. A Shower System shall be considered a component of a Separate Stall Shower or Bathtub for purposes of this Rule.

b. Credit shall not be given for any reduction which occurs as the result of the removal of landscaping installed without a Water Permit or installed pursuant to a Water Permit for New Construction. An exception to this limitation shall be made for Non-Residential landscaping that was specifically identified, quantified, and permitted by the District. Any Water Use Credit granted under this subdivision shall be determined using the Estimated Applied Water for the increment of landscaping being permanently abandoned.

c. A 0.5 fixture unit credit for non-HET toilets that was available on Table II-4 prior to adoption of Ordinance No. 201 shall continue to be allowed until January 1, 2027. At that time, the Water Use Credit shall expire.

4. Quantify the water use reduction (the abandoned Capacity) using the following methods:

a. Residential Water Use Credit for demolitions, permanent disconnection of water service, and permanent removal of water fixtures shall be determined using the current Fixture Unit Values from Rule 24, Table II -1 -Residential Fixture Unit Count Values.

b. Residential Water Use Credits shall only be granted for installation of the ultra-low consumption appliances listed in Table II-4: High Efficiency Appliance Credits and for Permanent Abandonment of Use. This table may be amended by Resolution of the Board of Directors. A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

c. Non-Residential Water Use Credit for demolition and for permanent disconnection of water service shall be determined using current Table II-2: Non-Residential Water Use Factors.

d. Non-Residential Water Use Credit for retrofits with advanced Ultra-Low Consumption Technology may be granted by the Board of Directors for

the increment of water savings beyond the water savings anticipated from the installation of ,mandatory District requirements:

(1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When eight (8) years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings, subject to review and acceptance by the District. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

(2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline consumption level and documentation of the dates of previous retrofits done pursuant to Regulation XIV. When eight (8) years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table II-2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. When District staff is not able to verify the estimated water savings, the Applicant may be required to reimburse the District for costs to obtain an independent third party's review of the projected water savings. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

(3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there shall be a 15 percent reduction of the final calculated Water Use

Credit.

(4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.

5. Written notification of the quantity and expiration of a Water Use Credit shall be provided to the property owner.

6. No Water Use Credit or reduced Water Use Capacity shall be granted for the removal of a Non-Residential associated use to an ou-of-District location or to another Water Distribution System. For example: No reduction in Water Use Capacity or Water Use Credit shall be granted for laundering hotel textiles at another location.

H. A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site.

1. There shall be no Capacity Fee assessed for any Water Use Credit. Capacity Fees, however, shall apply to the Capacity for water use which exceeds the Water Use Credit, or for any Expansion of Use following the expiration of the Water Use Credit.
2. No Capacity Fee refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Water Use Credit.

3. Issuance of a Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.

I. When a Water Use Credit on a Site results from demolition of a building that straddled a lot line, the property owner shall specify in writing the quantity of Water Use Credit assigned to each of the lots formerly occupied by that building. Such designation may be recorded upon the title of each Parcel and shall specify the date the credit expires.

J. A Water Use Credit shall enable reuse of saved water on the Site.

1. Water Use Credits may be moved between one or more structures on the same Site or may be used to construct new uses on the same Site.

2. The District shall not require an additional increment of water for exterior water usage on a vacant lot or lot containing an uninhabitable structure when the owner of the Site has submitted clear and convincing evidence of continuous landscaping and irrigation that was installed by and has been consistently maintained since March 11, 1985. Examples of acceptable evidence are dated photographs, official documents, permits or correspondence of the Jurisdiction, receipts or invoices for gardening services or purchases related to landscaping and maintaining landscaping on the Site. Credit shall only apply to the portion of the Site for which evidence has been provided.

3. A Water Use Credit for disconnection from a Potable Water Distribution System shall be granted by the General Manager only upon the removal of the Connection and written confirmation of such removal by the Water Distribution System Owner or Operator.

4. Water Use Credits shall remain on the Department of Defense Site where the credit originated unless there is agreement between the parties to allow use of a Water use Credit at a different Department of Defense Site.

K. An on-Site Water Credit resulting from the non-permanent removal of a lawful Non-Residential use that occurred on or after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site. A Water Permit for reinstating the former use shall be required and allowed.

Rule added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 64 (10/05/92); Ordinance No. 71 (12/20/93); Ordinance No. 110 (9/30/2003); Ordinance No. 115 (05/17/2004); Ordinance No. 121 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 139 (5/12/2009); Ordinance No. 145 (9/20/2010); Ordinance No. 155 (3/18/2013); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 187 (6/21/2021); Ordinance No. 189 (12/13/2021); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

TABLE II-4: HIGH EFFICIENCY APPLIANCE CREDITS[1]		
Appliance	Description	Water Use Credit in Fixture Units (FU)
High Efficiency Toilets	A toilet designed to have an average maximum flush of 1.28 gallons and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is only available until January 1, 2027, at which time it shall be deleted from Table II-4.	0.5 FU
Ultra High Efficiency Toilet	A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is available until January 1, 2027, when it shall be adjusted to 0.5 FU.	1 FU
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the Dwelling Unit within ten (10) seconds. Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.	0.5 FU
High Efficiency Dishwasher	See Rules 11, 23, and Table II-1, Residential Fixture Unit Count Values. A High Efficiency Dishwasher (HEDW) shall have Energy Star certification. Granted for one HEDW per Dwelling Unit. Credit only available if not required to be installed.	0.5 FU
High Efficiency Clothes Washer	See Rule 11. A High Efficiency Clothes Washer shall have Energy Star certification. Credit only available if not required to be installed.	1 FU

Table II-4 amended by Resolution 2008-03 (2/28/2008); Resolution 2009-10 (7/20/2009); Ordinance

[1] A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

No. 140 (11/16/2009); Resolution 2009-14 (12/14/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2019-09 (7/15/2019); Resolution 2020-01 (1/23/2020); Resolution 2022-08 (3/21/2022); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 25.5 - WATER USE CREDITS AND WATER CREDITS

A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may apply to receive a documented Water Use Credit for a Permanent Abandonment of Use on that Site by one of the methods set forth in this Rule. Water Use Credits pursuant to this Rule shall be documented by written correspondence between the District and the property owner and shall remain valid unless expired or prohibited by the provisions of Rule 25.5. Documented Water Use Credits shall not be recorded by notice on a property title, except as specified in Rule 25.5-H. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. When applicable, a Water Use Credit shall reference the factor shown in Rule 24 Table II-1 or Table II-2, at the time it was established, as the basis for the credit. A District correspondence documented Water Use Credit shall not be affected by any future change to that factor, although it is subject to the time limitation(s) specified in Rule 25.5.

B. Water savings resulting from mandatory compliance with Regulation XIV, Water Conservation, shall not result in a Water Use Credit other than those credits specifically available in Table II-4. Water Use Credits for required retrofits shall expire upon the date mandated by any District, State, or Federal law unless otherwise stated in these rules. Such savings shall be set aside as permanent water conservation savings.

C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of five years following the Permanent Abandonment of Use documented by a demolition permit or other credible evidence of removal. In the absence of documentation, the date of the last MPWMD inspection documenting the existence of the fixture shall be used as the date of Permanent Abandonment. A one-year extension of time may be granted by the General Manager for justifiable cause. Subsequently, any remaining unused Water Use Credit shall expire.

D. A Water Use Credit shall expire or retire based upon the date of installation or purchase, or the date the fixture becomes mandated by any District, State, or Federal conservation program. This rule shall apply to all Water Use Credits, including Water Use Credits tolled by a California Public Utilities Commission moratorium or by State 4 Water Rationing, unless otherwise exempted or modified by Rule 25.5. Credits documented in writing with an expiration date shall be honored by the District.

E. A Water Use Credit at a Department of Defense Site shall expire after twenty (20) years.

F. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use

Credit under this Rule:

1. Demolition of a building or use that has been recognized by the District as being a lawful water use;

2. Demolition or permanent removal of Exterior Restaurant Seats specifically permitted by debiting Water Use Capacity from an Allocation or Entitlement, Water Credit or Water Use Credit;

3. Permanent disconnection of a lawful water use from a Water Distribution System;

4. Permanent removal of District-documented and lawful water fixtures listed in Rule 24, Table II-1: Residential Fixture Unit Count Values and the associated plumbing for those fixtures so there is no evidence of the removed water fixture;

5. Permanent installation of water fixtures or appliances that are designed to achieve greater water efficiency than mandated in Regulations XIV and XVI. When newer appliances become more water efficient, no further credit shall be available, and upgrading to the newer standard may be required as a condition of a Water Permit.

6. Removal of established Lawn on sports fields at a Public School District Site that pre-dates the District's permit requirements or that was permitted with a debit to an Allocation.

G. To determine a Water Use Credit, the General Manager shall:

1. Verify that the reduction is one which is permanent (i.e. Permanent Abandonment of Use) and the date that Permanent Abandonment of Use occurred.

2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables II-1 and/or II-2. If no factor is available on Table II-2 or if the use is substantially different than any of the uses shown on Table II-2, the General Manager may make an estimate based upon water records showing the average use over a minimum of eight (8) years.

3. Grant a Residential Water Use Credit for the permanent removal of water using fixtures if the fixture was properly and lawfully installed.

   a. Water Use Credits for multiple Showerheads shall be limited to a maximum

of four (4) fixture units per Separate Stall Shower or Bathtub unless permitted using a Water Entitlement documented on an Assignment Document. A Shower System shall be considered a component of a Separate Stall Shower or Bathtub for purposes of this Rule.

b. Credit shall not be given for any reduction which occurs as the result of the removal of landscaping installed without a Water Permit or installed pursuant to a Water Permit for New Construction. An exception to this limitation shall be made for Non-Residential landscaping that was specifically identified, quantified, and permitted by the District. Any Water Use Credit granted under this subdivision shall be determined using the Estimated Applied Water for the increment of landscaping being permanently abandoned.

c. A 0.5 fixture unit credit for non-HET toilets that was available on Table II-4 prior to adoption of Ordinance No. 201 shall continue to be allowed until January 1, 2027. At that time, the Water Use Credit shall expire.

4. Quantify the water use reduction (the abandoned Capacity) using the following methods:

a. Residential Water Use Credit for demolitions, permanent disconnection of water service, and permanent removal of water fixtures shall be determined using the current Fixture Unit Values from Rule 24, Table II -1 -Residential Fixture Unit Count Values.

b. Residential Water Use Credits shall only be granted for installation of the ultra-low consumption appliances listed in Table II-4: High Efficiency Appliance Credits and for Permanent Abandonment of Use. This table may be amended by Resolution of the Board of Directors. A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

c. Non-Residential Water Use Credit for demolition and for permanent disconnection of water service shall be determined using current Table II-2: Non-Residential Water Use Factors.

d. Non-Residential Water Use Credit for retrofits with advanced Ultra-Low Consumption Technology may be granted by the Board of Directors for

the increment of water savings beyond the water savings anticipated from the installation of ,mandatory District requirements:

(1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When eight (8) years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings, subject to review and acceptance by the District. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

(2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline consumption level and documentation of the dates of previous retrofits done pursuant to Regulation XIV. When eight (8) years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table II-2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. When District staff is not able to verify the estimated water savings, the Applicant may be required to reimburse the District for costs to obtain an independent third party's review of the projected water savings. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

(3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there

shall be a 15 percent reduction of the final calculated Water Use Credit.

(4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.

5. Written notification of the quantity and expiration of a Water Use Credit shall be provided to the property owner.

6. No Water Use Credit or reduced Water Use Capacity shall be granted for the removal of a Non-Residential associated use to an ou-of-District location or to another Water Distribution System. For example: No reduction in Water Use Capacity or Water Use Credit shall be granted for laundering hotel textiles at another location.

H. A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site.

1. There shall be no Capacity Fee assessed for any Water Use Credit. Capacity Fees, however, shall apply to the Capacity for water use which exceeds the Water Use Credit, or for any Expansion of Use following the expiration of the Water Use Credit.
2. No Capacity Fee refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Water Use Credit.

3. Issuance of a Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.

I. When a Water Use Credit on a Site results from demolition of a building that straddled a lot line, the property owner shall specify in writing the quantity of Water Use Credit assigned to each of the lots formerly occupied by that building. Such designation may be recorded upon the title of each Parcel and shall specify the date the credit expires.

J. A Water Use Credit shall enable reuse of saved water on the Site.

1. Water Use Credits may be moved between one or more structures on the same Site

or may be used to construct new uses on the same Site.

2. The District shall not require an additional increment of water for exterior water usage on a vacant lot or lot containing an uninhabitable structure when the owner of the Site has submitted clear and convincing evidence of continuous landscaping and irrigation that was installed by and has been consistently maintained since March 11, 1985. Examples of acceptable evidence are dated photographs, official documents, permits or correspondence of the Jurisdiction, receipts or invoices for gardening services or purchases related to landscaping and maintaining landscaping on the Site. Credit shall only apply to the portion of the Site for which evidence has been provided.

3. A Water Use Credit for disconnection from a Potable Water Distribution System shall be granted by the General Manager only upon the removal of the Connection and written confirmation of such removal by the Water Distribution System Owner or Operator.

4. Water Use Credits shall remain on the Department of Defense Site where the credit originated unless there is agreement between the parties to allow use of a Water use Credit at a different Department of Defense Site.

K. An on-Site Water Credit resulting from the non-permanent removal of a lawful Non-Residential use that occurred on or after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site. A Water Permit for reinstating the former use shall be required and allowed.

Rule added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 64 (10/05/92); Ordinance No. 71 (12/20/93); Ordinance No. 110 (9/30/2003); Ordinance No. 115 (05/17/2004); Ordinance No. 121 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 139 (5/12/2009); Ordinance No. 145 (9/20/2010); Ordinance No. 155 (3/18/2013); Ordinance No. 156 (11/18/2013); Ordinance No. 157 (12/9/2013); Ordinance No. 162 (8/18/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 182 (5/20/2019); Ordinance No. 187 (6/21/2021); Ordinance No. 189 (12/13/2021); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

TABLE II-4: HIGH EFFICIENCY APPLIANCE CREDITS[1]		
Appliance	Description	Water Use Credit in Fixture Units (FU)
High Efficiency Toilets	A toilet designed to have an average maximum flush of 1.28 gallons and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is only available until January 1, 2027, at which time it shall be deleted from Table II-4.	0.5 FU
Ultra High Efficiency Toilet	A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program. This credit is available until January 1, 2027, when it shall be adjusted to 0.5 FU.	1 FU
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the Dwelling Unit within ten (10) seconds. Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.	0.5 FU
High Efficiency Dishwasher	See Rules 11, 23, and Table II-1, Residential Fixture Unit Count Values. A High Efficiency Dishwasher (HEDW) shall have Energy Star certification. Granted for one HEDW per Dwelling Unit. Credit only available if not required to be installed.	0.5 FU
High Efficiency Clothes Washer	See Rule 11. A High Efficiency Clothes Washer shall have Energy Star certification. Credit only available if not required to be installed.	1 FU

Table II-4 amended by Resolution 2008-03 (2/28/2008); Resolution 2009-10 (7/20/2009); Ordinance

[1] A Water Use Credit shall not be issued for a fixture for which an MPWMD rebate has been issued, or for which an MPWMD rebate has previously been claimed.

No. 140 (11/16/2009); Resolution 2009-14 (12/14/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2019-09 (7/15/2019); Resolution 2020-01 (1/23/2020); Resolution 2022-08 (3/21/2022); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 141 - WATER CONSERVATION REBATES

A. QUALIFYING DEVICES

Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District. Qualifying Devices and the associated Rebate amount are shown in Table XIV-1.

B. REBATE AMOUNTS

Rebates shall be issued by the District on a first-come, first-served basis as long as funds remain available. Rebate amounts shall be listed in Table XIV-1 which may be modified from time to time by resolution of the Board. At no time shall a Rebate exceed the purchase price of the Qualifying Device.

Table XIV-1
Rebate Amounts
Updated April 20, 2026

Qualifying Device	Maximum Rebate
Ultra High Efficiency Toilet	$75
Toilet Flapper	$15
Pint Urinal (in a Residential use only)	$75
High Efficiency Dishwasher (Residential)	$125
High Efficiency Clothes Washer (Residential)	$500
Instant-Access Hot Water System (per Qualifying Property)	$200
On-demand hot water pump or point of source water heater (maximum of two per Qualifying Property)	$100
Smart Flowmeter (one per User on a Site)	$200
Smart Flowmeter with System Shut-Off (one per User on a Site)	$500
Graywater Irrigation System supplied by one Clothes Washer	$100
Graywater Irrigation System supplied by one or more Bathrooms that have a Bathtub/Shower connected to a Graywater Irrigation System. Residential limit: 4.	$100 per Bathroom
Non-Residential Graywater system	Case-by-case basis
Weather Based or Smart Irrigation Controller	$100 for up to four stations. An additional $10 shall be available per station up to twenty (20) stations
Soil Moisture Sensor(s) on a conventional automatic Irrigation System (gypsum block Soil Moisture Sensors shall not qualify for Rebate)	$25
Cistern water tanks installed on Sites supplied with water from the Monterey Peninsula Water Resource System (per Qualifying Property)	$50 per 100 gallons for the first 500 gallons and $25 per 100 gallons of water storage capacity to a maximum storage capacity of 25,000 gallons
Lawn removal and replacement with low water use plants or permeable surfaces[1] (Prequalification required - See MPWMD Rule 141-F)	$1.00 per square-foot to a maximum of 2,500 square-feet
Rotating Sprinkler Nozzle (minimum purchase and installation of ten)	$4 each
Water Broom	$150

[1] Lawn removal Rebate at a Public facility may exceed the square-footage limitation subject to Board approval.

Commercial High Efficiency Clothes Washer[2]	$1,000
Commercial Ozone Laundry System	$1,000
Cooling Tower Conductivity Controller	$1,000
Cooling Tower Conductivity/pH Controller	$2,500
High Efficiency Connectionless Food Steamer (per compartment)	$1,500
Commercial Waterless Wok Stove	$5,000
Water Efficient Commercial Steam or Combi Oven	$2,500
High Efficiency Commercial Dishwasher	
Under counter model	$1,000
Single tank door type model	$1,500
Single tank conveyor	$2,000
Multi-tank conveyor	$2,500
Water Pressure Regulator Valve Replacement	$250
Medical equipment steam sterilizer retrofit with a water tempering device	$1,500
Dry Vacuum Pump (per 0.05 HP to a limit of 4 HP)	$200
Removal of whirlpool (or jetted water system) Bathtub in Visitor-Serving Facility	$250
Multi-Family Dwelling Meter Split	$100/dwelling unit
Smart Toilet Leak Detectors installed in Visitor Serving Facilities and Master Metered Multi-Family Housing	25 percent of the cost of 20 or more smart toilet leak detector units to a maximum of $15,000

[2] Available only to Residential Sites with up to three Dwelling Units. Required for all Non-Residential Users and Common Laundry Rooms at Multi-Family Sites with four or more units.

Table added by Ordinance No. 163 (3/16/2015) and revised by Resolution 2015-04 (4/20/2015); Resolution 2015-25 (12/14/2015); Ordinance No. 176 (1/25/2017; Ordinance No. 177 (9/18/2017); Resolution 2021-09 (June 21, 2021); Resolution 2021-16 (12/13/2021); Resolution No. 2023-03 (2/13/2023); amended by Ordinance No. 201 (4/20/2026)

C. REBATE ELIGIBILITY

1. Rebates shall be issued for Qualifying Devices installed on Sites located within the District that are served by Water Distribution Systems regulated by the District. The Site shall be in compliance with District Rules prior to issuance of a Rebate.

2. No Rebate shall be issued for installation of Qualifying Devices that are required to be installed and maintained by Regulation II (Permits) or Regulation XIV (Water Conservation) of the District. No Rebate shall be issued for installation of Qualifying Devices that were required to obtain a Water Permit. Rebates shall be available until the date the retrofit becomes mandatory, such as the date a Change of Ownership or Change of Use occurs or a Water Permit is issued. Rebates shall not be available for Qualifying Devices that have been required to be installed and maintained by local, State, or Federal water conservation programs, including state requirements for the sale and installation of High Efficiency Toilets. Special programs undertaken by MPWMD may be exempt from this restriction by specific action of the Board.

3. Rebates shall be available only for the initial purchase of a Qualifying Device. Rebates shall not be issued for replacement of an existing Qualifying Device except for High Efficiency Clothes Washers that have been removed from the Qualifying Property by a previous owner/tenant or that are being replaced after eight or more years and High Efficiency Dishwashers and Ultra High Efficiency Toilets replaced after ten years. Applicants submitting an application for a High Efficiency Clothes Washer Rebate on a Site that has previously qualified for a High Efficiency Clothes Washer Rebate may be required to provide information to substantiate a subsequent Rebate.

4. Ultra High Efficiency Toilets shall meet or exceed the EPA WaterSense labeling criteria and shall bear the WaterSense Label and be listed on the WaterSense website. No behind-the-wall mounted toilets (e.g. Durivet and Gerberit) shall qualify as Ultra High Efficiency Toilets.

5. No Water Use Credit (Rule 25.5) shall be available for a Qualifying Device that has received a Rebate.

6. Rebates shall be available for a maximum of twenty (20) toilets at one Site.

7. Outdoor Water Use Rebates

   a. Rebates for Cisterns shall be limited to 25,000 gallons of rainwater storage capacity on a Qualifying Property. All Cistern Rebate Sites shall have sufficient roof area to fill the capacity of the Cistern(s) after first flush during a "normal" Water Year and may require verification of usable roof area by Site inspection.

   b. Rebates for Lawn removal shall be available only to Qualifying Properties irrigated with water from the Monterey Peninsula Water Resource System.

   c. To be eligible for any Rebate for Lawn Removal, Lawns must be green, regularly maintained at a low even height, irrigated regularly, and be well cared for at the time of application for a Rebate. Dead Lawns or Lawns that have been removed prior to issuance of a Lawn Rebate prequalification statement from the District shall not be eligible for a Rebate.

   d. A minimum of 250 square-feet of Lawn shall be removed to qualify for a Rebate.

   e. Eligibility for any Lawn Removal Rebate shall be determined upon receipt of a complete application as described in Rule 141-E. The District will notify the Applicant by written prequalification documentation that the proposed Lawn removal and replacement proposal has been "prequalified."

8. Non-Residential Rebates

   a. Rebates for Dry Vacuum Pumps shall be available only when the Qualifying Device is replacing a water (liquid) ring pump.

   b. Rebates for retrofitting medical steam sterilizers with water tempering devices are limited to those sterilizers that use a continuous water flow to cool the steam discharge.

D. CONDITIONS OF APPROVAL

1. Applications for all Rebates with the exception of Lawn removal Rebates, shall be

submitted within 120 days of purchase of Qualifying Devices.

2. Applicant shall install the fixture and/or appliance at the property listed on the application form.

3. Applicant shall certify under the penalty of perjury that the information on the application is true and complete.

4. Rebates shall only be granted for Qualifying Devices that meet the definitions as provided in Rule 11.

5. Applicant agrees that the District may conduct an inspection of the Rebate Site to verify installation of Qualifying Devices.

6. Rebates for Weather Based Irrigation Controllers

   a. Rebates shall only be granted for Weather Based Irrigation Controllers that meet minimum quality and dependability requirements as determined by product testing conducted by the Irrigation Association.

   b. Irrigation System shall be a fully operational, and shall be efficiently designed, or modified if necessary, to include proper Distribution Uniformity, matched spray heads or emitters with similar precipitation rates, efficient Hydrozoning, and proper spacing.

   c. Site shall include at least 1,500 square-feet of automatically irrigated Landscaping.

7. Rebates for Lawn removal and replacement with low water use plants or permeable surfaces.

   a. Lawn removal and replacement at a Qualifying Property shall be subject to annual visual verification by the District.

   b. Determinations of eligibility for Lawn removal and replacement Rebates shall be at the discretion of the General Manager.

   c. Applications for Lawn removal Rebates shall require prequalification. The prequalification process is explained in Rule 141-F-2, Process.

d. Lawn must be replaced with low water use plants or permeable surfaces (e.g., mulch, decomposed granite, Synthetic Turf, permeable pavers). Concrete and grouted pavers do not qualify.

e. If converted area is irrigated, a Drip Irrigation System must be installed and maintained. Overhead irrigation shall not be installed.

f. Planted areas must be mulched to a minimum depth of three inches from the plant to the drip line of the plant.

g. Lawn shall not be relocated to another area on the Site. The total Lawn area shall be listed on the deed restriction that restricts the changed Landscaped Area.

h. Recipients of Rebates for Lawn removal shall agree to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded. Rejected notarizations shall void the date of completion until the document has been recorded.

i. Lawn removal Rebates shall require recordation of a deed restriction on the title of the property prior to release of Rebate funds that specifies that the property is restricted to the changed Landscaped Area. The deed restriction shall be rescinded upon repayment to the District of the full Rebate amount and any processing fee required pursuant to Regulation VI, Fees, and issuance of a Landscape Water Permit pursuant to Rule 142.1. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded.

8. Graywater Irrigation System Rebates shall be granted when the following conditions have been met:

a. Applicant shall comply with the Monterey County Environmental Health Bureau Graywater Irrigation Systems Permitting Process and Design Criteria.

b. Any necessary building/plumbing permits have been completed and copies provided with the Rebate application.

c. MPWMD staff may verify Graywater Irrigation Systems by Site inspection or other means.

9. Multi-Family Dwelling Meter Split Rebates shall only be approved and processed after verification that a Water Meter has been installed by the Water Distribution System Operator.

10. Rebates for Smart Flowmeters. Qualifying Devices shall meet the following requirements:

a. Eligible Smart Flowmeters shall measure total water usage at least hourly and report water usage on a web portal or smartphone application.

b. Limit of one Smart Flowmeter Rebate per User on a Parcel.

c. An Applicant for a Smart Flowmeter shall obtain authorization from the Water Distribution System Operator when a flowmeter is attached to the Water Meter.

d. The Smart Flowmeter shall be designed for at least two years of continuous operation.

e. Property owner shall agree to keep the flowmeter installed and operational for a minimum of two years.

f. Applicant shall submit a photograph of the installed Smart Flowmeter with the Rebate application.

E. APPLICATION

1. A completed application for Rebate shall include the name and address of the Applicant, property owner's name, telephone numbers, address of property where the fixture and/or Qualifying Device is being installed, Assessor's Parcel Number, water company account number, date of retrofit, brand and model of Qualifying Device installed, name of installer and receipt for the purchase of the appliance. The application shall also request information about how the Applicant learned of

the Rebate program.

2. Lawn removal Rebate applications shall follow the process shown in Rule 141-F-2.

3. Applications for Rebate shall include either the original or a full copy of the receipt for purchase.

4. Written authorization of the current property owner or property manager shall be required for Applicants who are not the owners of the property for which a Rebate is requested. The authorization must indicate consent to the Applicant receiving a Rebate for installation of the Qualifying Devices. Applications submitted without approval will be denied.

F. PROCESS

1. Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the purchase of the Qualifying Device(s) by reviewing the purchase receipt(s).

2. Lawn removal Rebate application process.

   a. Prequalification: Applicants must complete and submit a Lawn Rebate application form that includes the following documents:

      (1) Water records (either copies of bills or a printout from the Water Distribution System) for the two most recent years;

      (2) A drawn Site plan showing a detailed description (including measured areas) of the Lawn replacement project, including square-footage of Lawn to be removed, names and numbers of plants or other surfaces to be installed, and the irrigation plan.

      (3) Two to three current photographs of the Lawn to be removed. A minimum of 250 square-feet of Lawn shall be removed to qualify for Rebate.

   b. The Lawn Rebate Application shall be reviewed for completeness. The Applicant may be contacted to arrange a Site inspection to verify the Lawn.

c. When a determination has been made that removal of Lawn will result in permanent and quantifiable water savings, and when present funding is available in an amount sufficient to fund a Rebate for the Lawn removal, the District shall issue a Lawn Rebate prequalification letter. The Applicant shall have 120 days from the date of the prequalification letter to complete the project and submit receipts, arrange for a final inspection by the District, and successfully record deed restrictions. Applications not completed within 120 days of the date of the prequalification letter shall be denied.

d. Rebates shall be subject to availability of funding.

3. The District shall search its records and shall verify compliance with previous retrofit requirements. If no violation is found, a Rebate shall be processed if funds are available in the Rebate Account.

4. Information contained on the application shall be added to the District's records for future use in assessing water savings achieved through the Rebate Program.

5. When funds are available in the Rebate Account, a Rebate check shall be processed and mailed to the Applicant.

Added by Ordinance No. 129 (8/20/2007); amended by Ordinance No. 139 (5/21/2009); Ordinance No. 140 (11/16/2009); Ordinance No. 144 ((8/16/2010); Ordinance No. 148 (4/18/2011); Ordinance No. 149 (9/19/2011); Ordinance No. 153 (6/19/2012); Ordinance No. 156 (11/18/2013); Ordinance No. 159 (4/21/2014); Ordinance No. 163 (3/16/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 189 (12/31/2021); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 141 - WATER CONSERVATION REBATES

A. QUALIFYING DEVICES

Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District. Qualifying Devices and the associated Rebate amount are shown in Table XIV-1.

B. REBATE AMOUNTS

Rebates shall be issued by the District on a first-come, first-served basis as long as funds remain available. Rebate amounts shall be listed in Table XIV-1 which may be modified from time to time by resolution of the Board. At no time shall a Rebate exceed the purchase price of the Qualifying Device.

Table XIV-1
Rebate Amounts
Updated April 20, 2026

Qualifying Device	Maximum Rebate
Ultra High Efficiency Toilet	$75
Toilet Flapper	$15
Pint Urinal (in a Residential use only)	$75
High Efficiency Dishwasher (Residential)	$125
High Efficiency Clothes Washer (Residential)	$500
Instant-Access Hot Water System (per Qualifying Property)	$200
On-demand hot water pump or point of source water heater (maximum of two per Qualifying Property)	$100
Smart Flowmeter (one per User on a Site)	$200
Smart Flowmeter with System Shut-Off (one per User on a Site)	$500
Graywater Irrigation System supplied by one Clothes Washer	$100
Graywater Irrigation System supplied by one or more Bathrooms that have a Bathtub/Shower connected to a Graywater Irrigation System. Residential limit: 4.	$100 per Bathroom
Non-Residential Graywater system	Case-by-case basis
Weather Based or Smart Irrigation Controller	$100 for up to four stations. An additional $10 shall be available per station up to twenty (20) stations
Soil Moisture Sensor(s) on a conventional automatic Irrigation System (gypsum block Soil Moisture Sensors shall not qualify for Rebate)	$25
Cistern water tanks installed on Sites supplied with water from the Monterey Peninsula Water Resource System (per Qualifying Property)	$50 per 100 gallons for the first 500 gallons and $25 per 100 gallons of water storage capacity to a maximum storage capacity of 25,000 gallons
Lawn removal and replacement with low water use plants or permeable surfaces[1] (Prequalification required - See MPWMD Rule 141-F)	$1.00 per square-foot to a maximum of 2,500 square-feet
Rotating Sprinkler Nozzle (minimum purchase and installation of ten)	$4 each
Water Broom	$150

[1] Lawn removal Rebate at a Public facility may exceed the square-footage limitation subject to Board approval.

Commercial High Efficiency Clothes Washer[2]	$1,000
Commercial Ozone Laundry System	$1,000
Cooling Tower Conductivity Controller	$1,000
Cooling Tower Conductivity/pH Controller	$2,500
High Efficiency Connectionless Food Steamer (per compartment)	$1,500
Commercial Waterless Wok Stove	$5,000
Water Efficient Commercial Steam or Combi Oven	$2,500
High Efficiency Commercial Dishwasher	
Under counter model	$1,000
Single tank door type model	$1,500
Single tank conveyor	$2,000
Multi-tank conveyor	$2,500
Water Pressure Regulator Valve Replacement	$250
Medical equipment steam sterilizer retrofit with a water tempering device	$1,500
Dry Vacuum Pump (per 0.05 HP to a limit of 4 HP)	$200
Removal of whirlpool (or jetted water system) Bathtub in Visitor-Serving Facility	$250
Multi-Family Dwelling Meter Split	$100/dwelling unit
Smart Toilet Leak Detectors installed in Visitor Serving Facilities and Master Metered Multi-Family Housing	25 percent of the cost of 20 or more smart toilet leak detector units to a maximum of $15,000

[2] Available only to Residential Sites with up to three Dwelling Units. Required for all Non-Residential Users and Common Laundry Rooms at Multi-Family Sites with four or more units.

Table added by Ordinance No. 163 (3/16/2015) and revised by Resolution 2015-04 (4/20/2015); Resolution 2015-25 (12/14/2015); Ordinance No. 176 (1/25/2017; Ordinance No. 177 (9/18/2017); Resolution 2021-09 (June 21, 2021); Resolution 2021-16 (12/13/2021); Resolution No. 2023-03 (2/13/2023); amended by Ordinance No. 201 (4/20/2026)

C. REBATE ELIGIBILITY

1. Rebates shall be issued for Qualifying Devices installed on Sites located within the District that are served by Water Distribution Systems regulated by the District. The Site shall be in compliance with District Rules prior to issuance of a Rebate.

2. No Rebate shall be issued for installation of Qualifying Devices that are required to be installed and maintained by Regulation II (Permits) or Regulation XIV (Water Conservation) of the District. No Rebate shall be issued for installation of Qualifying Devices that were required to obtain a Water Permit. Rebates shall be available until the date the retrofit becomes mandatory, such as the date a Change of Ownership or Change of Use occurs or a Water Permit is issued. Rebates shall not be available for Qualifying Devices that have been required to be installed and maintained by local, State, or Federal water conservation programs, including state requirements for the sale and installation of High Efficiency Toilets. Special programs undertaken by MPWMD may be exempt from this restriction by specific action of the Board.

3. Rebates shall be available only for the initial purchase of a Qualifying Device. Rebates shall not be issued for replacement of an existing Qualifying Device except for High Efficiency Clothes Washers that have been removed from the Qualifying Property by a previous owner/tenant or that are being replaced after eight or more years and High Efficiency Dishwashers and Ultra High Efficiency Toilets replaced after ten years. Applicants submitting an application for a High Efficiency Clothes Washer Rebate on a Site that has previously qualified for a High Efficiency Clothes Washer Rebate may be required to provide information to substantiate a subsequent Rebate.

4. Ultra High Efficiency Toilets shall meet or exceed the EPA WaterSense labeling criteria and shall bear the WaterSense Label and be listed on the WaterSense website. No behind-the-wall mounted toilets (e.g. Durivet and Gerberit) shall qualify as Ultra High Efficiency Toilets.

5. No Water Use Credit (Rule 25.5) shall be available for a Qualifying Device that has received a Rebate.

6. Rebates shall be available for a maximum of twenty (20) toilets at one Site.

7. Outdoor Water Use Rebates

   a. Rebates for Cisterns shall be limited to 25,000 gallons of rainwater storage capacity on a Qualifying Property. All Cistern Rebate Sites shall have sufficient roof area to fill the capacity of the Cistern(s) after first flush during a "normal" Water Year and may require verification of usable roof area by Site inspection.

   b. Rebates for Lawn removal shall be available only to Qualifying Properties irrigated with water from the Monterey Peninsula Water Resource System.

   c. To be eligible for any Rebate for Lawn Removal, Lawns must be green, regularly maintained at a low even height, irrigated regularly, and be well cared for at the time of application for a Rebate. Dead Lawns or Lawns that have been removed prior to issuance of a Lawn Rebate prequalification statement from the District shall not be eligible for a Rebate.

   d. A minimum of 250 square-feet of Lawn shall be removed to qualify for a Rebate.

   e. Eligibility for any Lawn Removal Rebate shall be determined upon receipt of a complete application as described in Rule 141-E. The District will notify the Applicant by written prequalification documentation that the proposed Lawn removal and replacement proposal has been "prequalified."

8. Non-Residential Rebates

   a. Rebates for Dry Vacuum Pumps shall be available only when the Qualifying Device is replacing a water (liquid) ring pump.

   b. Rebates for retrofitting medical steam sterilizers with water tempering devices are limited to those sterilizers that use a continuous water flow to cool the steam discharge.

D. CONDITIONS OF APPROVAL

1. Applications for all Rebates with the exception of Lawn removal Rebates, shall be

submitted within 120 days of purchase of Qualifying Devices.

2. Applicant shall install the fixture and/or appliance at the property listed on the application form.

3. Applicant shall certify under the penalty of perjury that the information on the application is true and complete.

4. Rebates shall only be granted for Qualifying Devices that meet the definitions as provided in Rule 11.

5. Applicant agrees that the District may conduct an inspection of the Rebate Site to verify installation of Qualifying Devices.

6. Rebates for Weather Based Irrigation Controllers

   a. Rebates shall only be granted for Weather Based Irrigation Controllers that meet minimum quality and dependability requirements as determined by product testing conducted by the Irrigation Association.

   b. Irrigation System shall be a fully operational, and shall be efficiently designed, or modified if necessary, to include proper Distribution Uniformity, matched spray heads or emitters with similar precipitation rates, efficient Hydrozoning, and proper spacing.

   c. Site shall include at least 1,500 square-feet of automatically irrigated Landscaping.

7. Rebates for Lawn removal and replacement with low water use plants or permeable surfaces.

   a. Lawn removal and replacement at a Qualifying Property shall be subject to annual visual verification by the District.

   b. Determinations of eligibility for Lawn removal and replacement Rebates shall be at the discretion of the General Manager.

   c. Applications for Lawn removal Rebates shall require prequalification. The prequalification process is explained in Rule 141-F-2, Process.

d. Lawn must be replaced with low water use plants or permeable surfaces (e.g., mulch, decomposed granite, Synthetic Turf, permeable pavers). Concrete and grouted pavers do not qualify.

e. If converted area is irrigated, a Drip Irrigation System must be installed and maintained. Overhead irrigation shall not be installed.

f. Planted areas must be mulched to a minimum depth of three inches from the plant to the drip line of the plant.

g. Lawn shall not be relocated to another area on the Site. The total Lawn area shall be listed on the deed restriction that restricts the changed Landscaped Area.

h. Recipients of Rebates for Lawn removal shall agree to have a deed restriction recorded on the title of the property allowing public access to water use records prior to issuance of a Rebate. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded. Rejected notarizations shall void the date of completion until the document has been recorded.

i. Lawn removal Rebates shall require recordation of a deed restriction on the title of the property prior to release of Rebate funds that specifies that the property is restricted to the changed Landscaped Area. The deed restriction shall be rescinded upon repayment to the District of the full Rebate amount and any processing fee required pursuant to Regulation VI, Fees, and issuance of a Landscape Water Permit pursuant to Rule 142.1. The application shall not be deemed complete until the deed restriction document has been notarized and returned to the District and has been successfully recorded.

8. Graywater Irrigation System Rebates shall be granted when the following conditions have been met:

a. Applicant shall comply with the Monterey County Environmental Health Bureau Graywater Irrigation Systems Permitting Process and Design Criteria.

b. Any necessary building/plumbing permits have been completed and copies provided with the Rebate application.

c. MPWMD staff may verify Graywater Irrigation Systems by Site inspection or other means.

9. Multi-Family Dwelling Meter Split Rebates shall only be approved and processed after verification that a Water Meter has been installed by the Water Distribution System Operator.

10. Rebates for Smart Flowmeters. Qualifying Devices shall meet the following requirements:

a. Eligible Smart Flowmeters shall measure total water usage at least hourly and report water usage on a web portal or smartphone application.

b. Limit of one Smart Flowmeter Rebate per User on a Parcel.

c. An Applicant for a Smart Flowmeter shall obtain authorization from the Water Distribution System Operator when a flowmeter is attached to the Water Meter.

d. The Smart Flowmeter shall be designed for at least two years of continuous operation.

e. Property owner shall agree to keep the flowmeter installed and operational for a minimum of two years.

f. Applicant shall submit a photograph of the installed Smart Flowmeter with the Rebate application.

E. APPLICATION

1. A completed application for Rebate shall include the name and address of the Applicant, property owner's name, telephone numbers, address of property where the fixture and/or Qualifying Device is being installed, Assessor's Parcel Number, water company account number, date of retrofit, brand and model of Qualifying Device installed, name of installer and receipt for the purchase of the appliance. The application shall also request information about how the Applicant learned of

the Rebate program.

2. Lawn removal Rebate applications shall follow the process shown in Rule 141-F-2.

3. Applications for Rebate shall include either the original or a full copy of the receipt for purchase.

4. Written authorization of the current property owner or property manager shall be required for Applicants who are not the owners of the property for which a Rebate is requested. The authorization must indicate consent to the Applicant receiving a Rebate for installation of the Qualifying Devices. Applications submitted without approval will be denied.

F. PROCESS

1. Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the purchase of the Qualifying Device(s) by reviewing the purchase receipt(s).

2. Lawn removal Rebate application process.

   a. Prequalification: Applicants must complete and submit a Lawn Rebate application form that includes the following documents:

      (1) Water records (either copies of bills or a printout from the Water Distribution System) for the two most recent years;

      (2) A drawn Site plan showing a detailed description (including measured areas) of the Lawn replacement project, including square-footage of Lawn to be removed, names and numbers of plants or other surfaces to be installed, and the irrigation plan.

      (3) Two to three current photographs of the Lawn to be removed. A minimum of 250 square-feet of Lawn shall be removed to qualify for Rebate.

   b. The Lawn Rebate Application shall be reviewed for completeness. The Applicant may be contacted to arrange a Site inspection to verify the Lawn.

c. When a determination has been made that removal of Lawn will result in permanent and quantifiable water savings, and when present funding is available in an amount sufficient to fund a Rebate for the Lawn removal, the District shall issue a Lawn Rebate prequalification letter. The Applicant shall have 120 days from the date of the prequalification letter to complete the project and submit receipts, arrange for a final inspection by the District, and successfully record deed restrictions. Applications not completed within 120 days of the date of the prequalification letter shall be denied.

d. Rebates shall be subject to availability of funding.

3. The District shall search its records and shall verify compliance with previous retrofit requirements. If no violation is found, a Rebate shall be processed if funds are available in the Rebate Account.

4. Information contained on the application shall be added to the District's records for future use in assessing water savings achieved through the Rebate Program.

5. When funds are available in the Rebate Account, a Rebate check shall be processed and mailed to the Applicant.

Added by Ordinance No. 129 (8/20/2007); amended by Ordinance No. 139 (5/21/2009); Ordinance No. 140 (11/16/2009); Ordinance No. 144 ((8/16/2010); Ordinance No. 148 (4/18/2011); Ordinance No. 149 (9/19/2011); Ordinance No. 153 (6/19/2012); Ordinance No. 156 (11/18/2013); Ordinance No. 159 (4/21/2014); Ordinance No. 163 (3/16/2015); Ordinance No. 176 (1/25/2017); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018); Ordinance No. 182 (5/20/2019); Ordinance No. 189 (12/31/2021); Ordinance No. 201 (4/20/2026); Ordinance No. 203 (X/XX/XX)

RULE 142.1 - WATER EFFICIENT LANDSCAPE REQUIREMENTS

A. **Purpose.** The purpose of this Rule is to provide landscape standards that minimize water use, eliminate Water Waste, and reduce stormwater Runoff by requiring low water landscape plantings, design, and Irrigation methods. Pursuant to California Government Code Section 65595, this Rule is intended to be at least as effective in water conservation and efficiency as the State's Model Water Efficient Landscape Ordinance (MWELO).

B. **General Requirements**

1. Water Waste prohibitions remain in place according to MPWMD Rule 162, including prohibitions on Irrigation of Non-Functional Turf.

2. Recycled Water.

    a. All Recycled Water use is subject to applicable provisions of the California Code of Regulations (Cal. Code Regs.), Titles 17 and 22, the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15), and all applicable local and State laws.

    b. Landscape Areas using Recycled Water are considered Special Landscape Areas.

3. Graywater Irrigation Systems. All Graywater Irrigation Systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15) and any applicable local ordinance standards.

    a. Graywater Irrigation Systems promote the efficient use of water and are encouraged to assist in on-site landscape Irrigation.

    b. For projects using treated or untreated Graywater, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (Estimated Total Water Use or ETWU) entirely with Graywater is subject only to Rule 142.1-H-1-b.

4. Stormwater Management and Rainwater Retention.

a. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.

b. All Non-Potable rainwater catchment systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 16).

c. All Landscape Areas are required to have Friable soil to maximize water retention and infiltration. Refer to Rule 142.1-I-1.

d. For projects using rainwater captured on site, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (ETWU) entirely through stored rainwater captured on site is subject only to Rule 142.1-H-1-b.

e. It is strongly recommended that Landscape Areas be designed for capture and infiltration capacity that is sufficient to prevent Runoff from impervious surfaces (i.e., roof and paved areas) from either:

(1) the one inch, 24-hour rain event, or

(2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

f. It is recommended that landscape projects incorporate any of the following elements to improve on-site storm water and dry weather Runoff capture and use:

(1) Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

(2) Minimize the area of impervious surfaces such as paved areas, roofs, and concrete driveways.

(3) Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete)

that minimize Runoff.

(4) Direct Runoff from paved surfaces and roof areas into planting beds or Landscaped Areas to maximize site water capture and reuse.

(5) Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

(6) Incorporate infiltration beds, swales, basins, and drywells to capture storm water and dry weather Runoff and increase percolation into the soil.

(7) Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

g. Sites utilizing rainwater storage as a component in an Irrigation System.

(1) For all new Connections on Sites where rainwater storage is included as a source of water supply for an Irrigation System, the Estimated Total Water Use as determined by the landscaping plan shall be reduced by the available Rainwater Harvesting Capacity. Any modification ot the landscaping that results in an Intensification of Use shall require a Water Permit.

(2) Sites utilizing rainwater storage as a component of an Irrigation System shall have landscape water use restricted by a recorded deed restriction enforceable by the District. The recorded deed restriction shall provide notice to each subsequent owner that failure to maintain and utilize the rainwater storage component of the Irrigation System shall constitute an Intensification of Use which requires a Water Permit and may result in collection of additional Capacity Fees and a debit to a Jurisdiction's Allocation or Water Entitlement and/or other enforcement actions.

5. Fire Safe Landscaping.

   a. A Landscape Design Plan for development and construction in Local Responsibility Areas designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas are required to comply with the California Fire Code (Cal. Code Regs., Title 24, Part 9, Chapter 49) "Requirements for Wildland- Urban Interface Fire Areas."

   b. Public Resources Code section 4291(a) and (b) describes the requirements for a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to address fire safety and prevention by maintaining a defensible space or zone around a building or structure.

      (1) Avoid fire-prone plant materials and highly flammable Mulches.

   c. Local Fuel Modification Plan guidelines may prescribe additional requirements per Public Resources Code section 4291(a) and (b).

6. Plant Selection.

   a. Any plant may be selected for the landscape project provided that the requirements of the selected compliance option are met.

   b. Select trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area.

   c. The use of Invasive Plant Species, such as those listed by the California Invasive Plant Council, is strongly discouraged. Pursuant to Food and Agricultural Code section 52334, the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the Secretary of the California Department of Food and Agriculture.

7. The architectural guidelines of a Common Interest Development shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group (Civil Code sections 4100 and 4735).

8. Environmental Review. The Jurisdiction must comply with the California Environmental Quality Act (CEQA), as appropriate.

9. Public Education. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water is encouraged in the community.

10. Local agencies shall provide information to owners of permitted renovations and new Residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a Water Budget.

11. Model Homes. All model homes that are landscaped shall display signs that provide information demonstrating the principles of water efficient landscapes described in this Rule.

    a. Signs shall be used to identify the model home as an example of a water efficient landscape. Signage shall include:

        (1) Fundamental water efficient landscape elements such as Hydrozones, Irrigation equipment, native plants, Graywater systems, rainwater catchment systems, and other elements as applicable that contribute to the overall water efficient theme.

        (2) Information about the Site water use budget as designed per this Rule; specify who designed and installed the water efficient landscape.

    b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

C. Applicability

This Rule shall apply to all of the following landscape projects:

1. New construction (including demolition projects) with a new Landscape Area or Rehabilitated Landscape Area as defined equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;

2. Rehabilitated Landscape projects with a Landscape Area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

3. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken within one (1) year of completion of projects requiring a grading permit, building permit, or design review;

4. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken to repair unintended damage from a project requiring a grading permit, building permit, or design review;

5. Existing non-Rehabilitated Landscapes are limited to Rule 142.1-D; and

6. Any project with a Landscape Area of 2,500 square feet or less may comply with either the performance requirements described in Rule 142.1-I or conform to the prescriptive measures contained in Rule 142.1-H.

7. This rule does not apply to:

    a. registered local, state, or federal historical Sites;

    b. ecological restoration projects that do not require a permanent Irrigation System;

    c. existing plant collections, as part of botanical gardens and arboretums open to the public.

D. Requirements for Existing Non-Rehabilitated Landscapes

1. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, Irrigation water use analyses, Irrigation Surveys, and Irrigation Audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance (MAWA) for existing non-Rehabilitated Landscapes.

    a. The Maximum Applied Water Allowance for existing non-Rehabilitated Landscapes shall be calculated as: MAWA = (ETo) x (0.62) x (0.8 x RLA + 1.0 x SLA).

2. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that do not have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, Irrigation Surveys and Irrigation Audits to evaluate water use and provide recommendations as necessary in order to prevent Water Waste.

3. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor.

E. Requirements for New Construction or Rehabilitated Landscapes

There are two options for compliance with Rule 142.1:

1. Prescriptive compliance option as described in Rule 142.1-G-1, H, and J-1; or

2. Performance compliance option as described in Rule 142.1-G-2, H, and J-2.

3. An Applicant may comply with either the prescriptive or performance compliance option for any new construction project with a Landscape Area between 500 and 2,500 square feet.
4. An Applicant shall use the performance compliance option for any landscape project with a Landscape Area of 2,500 square feet, or greater.

F. Compliance Responsibilities

1. Designation of Responsibility. The District may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in Rule 142.1.

2. The District is responsible for the enforcement of Rule 142.1 in coordination with the local land use agency, including but not limited to, approval of a Landscape Water Permit, plan check, and/or design review of a project. Prior to construction, the District or its agent shall:

   a. provide the project Applicant with the rule and procedures for permits, plan checks, or design reviews;

   b. review the Landscape Documentation Package submitted by the project Applicant;

   c. approve or deny the Landscape Documentation Package;

   d. issue a Landscape Water Permit.

3. Project Applicant.

   a. Prior to construction, the project Applicant shall submit a Landscape Documentation Package to the District.

   b. Upon approval of the Landscape Documentation Package by the District, the project Applicant shall:

      (1) receive a Landscape Water Permit and record the date of the permit in the Certificate of Completion;

      (2) submit a copy of the approved Landscape Documentation Package along with the Record Drawings, and any other information to the property owner or their designee unless the property owner is the project Applicant.

G. Elements of the Landscape Documentation Package

1. **Prescriptive Compliance.** The Landscape Documentation Package shall include:

   a. A project information sheet with the following elements:

      (1) date the project information sheet is completed;

      (2) name of the project Applicant;

      (3) contact information for the project Applicant and property owner;

      (4) project address and Parcel number;

      (5) total Landscape Area (square feet);

      (6) project type (e.g., Institutional (i.e., public), private, cemetery, homeowner-installed);

      (7) water supply type (e.g., Potable, Recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well; and,

      (8) Applicant signature and date with statement: "*I agree to comply with the requirements of the prescriptive compliance option of the MPWMD Water Efficient Landscape Requirements.*"

   b. A Landscape Design Plan that includes:

      (1) Total Landscape Area (square feet); and

      (2) A breakdown of Turfgrass and plant material (e.g., plant legend).

      (3) Water Efficient Landscape Worksheet pursuant to Rule 142.1-I-5:

         (a) Maximum Applied Water Allowance (MAWA);

(b) Estimated Water Use (EWU);

(c) Estimated Total Water Use (ETWU).

2. **Performance Compliance.** The Landscape Documentation Package shall include the following six (6) elements:

a. A project information sheet with the following elements:

(1) date the project information sheet is completed;

(2) name of the project Applicant;

(3) contact information for the project Applicant and property owner;

(4) project address and Parcel number;

(5) total Landscape Area (square feet);

(6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);

(7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well;

(8) checklist of all documents in Landscape Documentation Package; and,

(9) Applicant signature and date with statement: "*I agree to comply with the requirements for the performance compliance option of the MPWMD Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package.*"

b. Soil Management Report pursuant to Rule 142.1-I-1;

c. Landscape Design Plan pursuant to Rule 142.1-I-2;

d. grading design plan pursuant to Rule 142.1-I-3;

e. Irrigation Design Plan pursuant to Rule 142.1-I-4; and

f. Water Efficient Landscape Worksheet pursuant to Rule 142.1-I-5:

(1) Maximum Applied Water Allowance (MAWA);

(2) Estimated Water Use (EWU); and

(3) Estimated Total Water Use (ETWU).

H. Prescriptive Compliance Option

This section contains prescriptive requirements, which may be used as a compliance option for new construction projects with a Landscape Area between 500 and 2,500 square feet. Compliance with the requirements of this section is mandatory and must be documented in the Landscape Documentation Package pursuant to Rule 142.1-G-1 to use the prescriptive compliance option.

1. Landscape project requirements.

a. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into Landscape Area (unless contra-indicated by a soil test). Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

b. Irrigation Systems shall comply with the following:

(1) For Non-Residential projects with Landscape Areas of 1,000 square feet or more, a dedicated Irrigation Water Meter or private submeter(s) to measure landscape water use shall be installed.

(2) Automatic Irrigation controllers are required and must use either evapotranspiration (weather-based) or soil moisture

(sensor- based) data and utilize a rain sensor.

(3) Irrigation controllers shall use non-volatile memory.

(4) Pressure Regulating Devices, which may include pressure boosters or reducers, shall be installed on the Irrigation System to ensure the dynamic pressure of the system is within the manufacturers' recommended pressure range.

(5) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be installed as close as possible to the point of connection to the water supply.

(6) All Irrigation emission devices must meet the requirements set by ANSI in the 2020 ASABE/ICC 802 Landscape Irrigation Sprinkler and Emitter Standard, which is herein incorporated by reference. All sprinkler heads installed in the landscape must document a low-quarter Distribution Uniformity of 0.65 or higher using the protocol defined in 2020 ASABE/ICC 802 Standard.

(7) Non-rotating spray sprinkler bodies are required to meet the standards described in the California Code of Regulations, Title 20, Division 4, Chapter 4, Section 1605.3(x).

(8) Landscape Areas less than 10 feet in width in any direction shall be irrigated with subsurface Irrigation or other means that produces no Water Waste, Runoff or Overspray.

c. Plant material shall comply with all of the following:

(1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(2) For Non-Residential landscapes, install climate adapted plants that require occasional, little, or no summer water

(average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(3) Turfgrass shall comply with all of the following:

(a) Turfgrass shall not exceed 20% or a maximum of 1,500 square feet of the Landscape Area, whichever is less;

(b) There shall be no Turfgrass in Non-Residential landscapes; and

(c) Turfgrass shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and,

(d) Turfgrass is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any Turfgrass in parkways must be irrigated by subsurface Irrigation or by other technology that creates no Water Waste, Overspray or Runoff.

d. A minimum three-inch (3″) layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.

2. The designer of record shall make plants identifiable to an inspector during final inspection. Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.

3. At the time of final inspection, the Landscape Water Permit Applicant must provide the owner of the property and the District with a Certificate of Completion Package pursuant to Rule 142.1-J-1.

I. Performance Compliance Option

The performance compliance requirements shall be used as the compliance option for any landscape project with greater than 2,500 square feet of area and documented in the Landscape Documentation Package, as described in Rule 1421.1-G-2, and the Certificate of Completion Package, as described in Rule 142.1-J-2.

1. **Soil Management Report**

   A Soil Management Report shall be completed by the project Applicant, or their designee, as follows:

   a. Submit soil samples to a laboratory for analysis and recommendations. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants. The soil analysis shall include:

      (1) soil texture;

      (2) infiltration rate determined by laboratory test or soil texture infiltration rate table;

      (3) pH;

      (4) total soluble salts;

      (5) sodium;

      (6) percent organic matter; and

      (7) recommendations.

   b. In landscape projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% of the total number of lots will satisfy this requirement.

      (1) Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

c. The project Applicant, or their designee, shall comply with one of the following:

(1) If significant mass grading is not planned, the report shall be submitted to the District as part of the Landscape Documentation Package; or

(2) If significant mass grading is planned, the Soil Management Report shall be submitted to the District as part of the Certificate of Completion Package.

(3) The Soil Management Report shall be made available, in a timely manner, to the professionals preparing the Landscape Design Plans and Irrigation Design Plans to make any necessary adjustments to the design plans.

(4) The project Applicant, or their designee, shall submit documentation verifying implementation of Soil Management Report recommendations to the District with the Certificate of Completion Package.

2. **Landscape Design Plan.**

a. The Landscape Design Plan, at a minimum, shall:

(1) delineate and label each Hydrozone by number, letter, or other method;

(2) identify the Plant Water Use Factor for each Hydrozone as very low, low, moderate, high, or mixed water use.

(a) Temporarily irrigated Landscape Areas shall use the low water use plant factor range in the water budget calculation specified in Rule 142.1-5-b-(1).

(3) identify Special Landscape Areas, including:

(a) Recreational Areas;

(b) areas permanently and solely dedicated to edible plants; and,

(c) areas irrigated with or water features using Recycled Water;

(4) identify type of Mulch and application depth;

(5) identify type and quantity of soil amendments;

(6) identify type and surface areas of water features;

(7) identify hardscapes (pervious and non-pervious);

(8) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the Landscape Design Plan and examples are provided in Rule 142.1-B-4 requirements;

(9) identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity, if applicable;

(10) identify any applicable Graywater discharge piping, system components, and area(s) of distribution;

(11) identify designated insect habitat;

(12) make plants identifiable to an inspector during final inspection:

(a) Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.

(13) contain the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them for the efficient use of water in the Landscape Design Plan.*"; and

(14) bear the signature of the designer of record as defined.

b. Plant Selection.

(1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(2) For Non-Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(3) The architectural guidelines of Common Interest Developments shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group.

(4) Each Hydrozone shall have plant materials with similar water use.

(a) Exceptions are allowed for Hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Rule 142.1-I-4-c-(7).

(5) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.

(6) Turfgrass is not allowed on slopes greater than 25% where the toe of the slope is adjacent to a non-pervious hardscape and where 25% means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).

(7) Methods to achieve water efficiency shall include one or more of the following:

(a) protection and preservation of native species and natural vegetation;

(b) selection of plants based on local climate suitability, disease, and pest resistance;

(c) selection of water-conserving plant, tree, and Turfgrass species, especially local native plants;

(d) selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;

(e) selection of plants from local and regional landscape program recommended plant lists; and

(f) selection of plants from local Fuel Modification Plan Guidelines.

(8) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

(a) use the Sunset Western Climate Zone System, 2007, which is herein incorporated by reference, which

takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

(b) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and

(c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

c. Water Features.

(1) Recirculating water systems shall be used for water features.

(2) Where available, Recycled Water shall be used for decorative water features.

(3) Surface area of a water feature shall use the high water use Hydrozone plant factor in the water budget calculation.

(4) Pool and spa covers are highly recommended pursuant to subdivision (d) of Section 115921 of the Health and Safety Code.

d. Soil Preparation, Mulch, and Amendments.

(1) Prior to the planting of any materials, compacted soils shall be transformed to a Friable condition. On engineered slopes, only amended planting holes need to meet this requirement.

(2) Soil amendments shall be incorporated according to recommendations of the Soil Management Report and what is appropriate for the plants selected (see Rule 142.1-I-1).

(3) For landscape installations, compost at a rate of a minimum

of four cubic yards per 1,000 square feet of pervious area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

(4) A minimum three-inch (3″) layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.

(a) To provide habitat for beneficial insects and other wildlife, up to 5% of the Landscape Area may be left without Mulch and identified in the Landscape Design Plan (see Rule 142.1-I-2-a-(11)).

(5) The mulching portion of the seed/Mulch slurry in hydro-seeded applications shall meet the mulching requirement in Rule 142.1-I-d-(4).

(6) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(7) Organic Mulch made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

(a) Organic Mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances. (Public Resources Code section 4291).

3. **Grading Design Plan.**

a. Grading of a project site shall be designed to minimize soil erosion, Runoff, and Water Waste. A grading plan shall be submitted by the project Applicant as part of the Landscape Documentation Package. A comprehensive grading plan approved by the Jurisdiction for other Jurisdictional permits satisfies this

requirement.

(1) A landscape grading plan that indicates finished configurations and elevations of the Landscape Area, including:

(a) height of graded slopes;

(b) drainage patterns;

(c) pad elevations;

(d) finish grade; and

(e) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and Runoff, it is highly recommended that project Applicant(s):

(a) grade so that all Irrigation and normal rainfall remains within property lines and does not drain on to non-pervious hardscapes;

(b) avoid disruption of natural drainage patterns and undisturbed soil; and

(c) avoid soil compaction in Landscape Areas.

(3) The grading design plan shall contain the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan.*" and shall bear the signature of a licensed professional as authorized by law.

4. **Irrigation Design Plan.**

a. This section applies to Landscaped Areas requiring permanent

Irrigation, not areas that require temporary Irrigation solely for the plant establishment period of three years or less. For the efficient use of water, an Irrigation System shall meet all the requirements listed in this section and the manufacturers' recommendations. The Irrigation System and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An Irrigation Design Plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

b. Irrigation System Efficiency.

(1) The Irrigation System must be designed and installed to meet, at a minimum, the Irrigation Efficiency criteria described in Rule 142.1-I-5 regarding the MAWA.

(2) For the purpose of determining ETWU, average Irrigation Efficiency is assumed to be:

(a) 0.75 for overhead Irrigation Systems; and

(b) 0.81 for Drip Irrigation.

(3) Sprinkler head spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Head-to-head coverage is recommended.

c. The Irrigation Design Plan, at a minimum, shall contain the following:

(1) location and size of separate water meters and submeters;

(2) location, type, and size of all components of the Irrigation System, including Controllers, main and lateral lines, Valves, emission devices, moisture sensing devices, Rain Sensors, quick couplers, Pressure Regulating Devices, and Backflow Prevention Devices;

(3) static water pressure at the point of connection to the public water supply;

(4) Flow Rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for the emission devices controlled by each station;

(5) identification of Special Landscape Areas irrigated with and water features using Recycled Water as specified in Rule 142.1-B-2;

(6) identification of any applicable Graywater discharge piping, system components, and Landscape Areas where Graywater is distributed;

(7) identification of Hydrozone areas shall be designated by number, letter, or other designation as identified on the Landscape Design Plan. Designate the areas irrigated by each Valve and assign a number to each Valve using the Water Efficient Landscape Worksheet (see Appendix A). This table can also assist with the Irrigation Audit and programming the Controller.

(a) Each Valve shall irrigate a Hydrozone, or part of a Hydrozone, with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(8) the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the Irrigation Design Plan.*"; and

(9) the signature of the designer of record. (See Division 3, Chapter 3.5, Article 3 of the Business and Professions Code).

d. General Design Criteria.

(1) Backflow Prevention Devices shall be required to protect the water supply from contamination by the Irrigation System as specified in the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 6).

(2) The design of the Irrigation System shall conform to the Hydrozones of the Landscape Design Plan.

(3) Emission devices shall be selected based on what is appropriate for the plant type within that Hydrozone.

(4) Where feasible, trees shall be placed on separate stations from Hydrozones that include shrubs, groundcovers, and Turfgrass to facilitate the appropriate Irrigation of trees. The mature size and extent of the root zone shall be considered when designing Irrigation for the tree.

(5) In Mulched planting areas, the use of low-pressure and low volume Irrigation Systems is required to maximize water infiltration into the root zone.

(6) Areas less than 10 feet in width in any direction shall be irrigated with subsurface Irrigation or other means that produces no Water Waste, Runoff, or Overspray.

(7) Individual Hydrozones that use a mix of plants with low and moderate plant factors, or moderate and high plant factors, may be allowed if the plant factor used in the calculation of the EWU is either:

(a) plant factor calculation is based on the proportions of the respective plant factors; or

(b) the highest plant factor is used.

(8) Individual Hydrozones that use a mix of plants with high and low plant factors shall not be permitted.

(9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing Irrigation Systems.

(10) Overhead Irrigation shall not be permitted within 24 inches of any non-pervious surface. Allowable Irrigation within the setback from non-permeable surfaces may include Drip Irrigation, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be Mulch, gravel, or other porous material. These restrictions may be modified if:

(a) no Runoff occurs; or

(b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping; or

(c) the Irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the prevention of Water Waste. Prevention of Overspray and Runoff must be confirmed during the Irrigation Audit.

(11) Restrictions regarding Overspray and Runoff in any Irrigation System may be modified if:

(a) the Landscape Area is adjacent to pervious surfaces and no Runoff occurs; or

(b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to the landscaping.

(12) Slopes greater than 25% shall not be irrigated with an Irrigation System using an application rate exceeding 0.75 inches per hour.

(a) This restriction may be modified if the landscape designer specifies an alternative design or

technology, as part of the Landscape Documentation Package, and clearly demonstrates no Runoff or erosion will occur. Prevention of Runoff and erosion must be confirmed during the Irrigation Audit.

(13) It is highly recommended that the project Applicant inquire with the local water purveyor about water restrictions that may impact the effectiveness of the Irrigation System.

e. Irrigation System Components.

(1) Meters.

(a) Pursuant to California Water Code section 535, a water purveyor with 15 or more service Connections shall install a dedicated Irrigation Water Meter(s) for new retail water service to a property with more than 5,000 square feet of irrigated landscape, excluding Single-Family Residential Connections and Connections for the commercial production of agricultural crops or livestock.

(b) For the purposes of this rule, a submeter or dedicated Irrigation Meter shall be installed and may be used to assist with leak detection and water management for:

(i) Non-Residential landscapes with an irrigated landscape of 1,000 square feet but not more than 5,000 square feet.

(ii) Residential landscapes with an irrigated landscape of 5,000 square feet or more.

(2) Water Pressure.

(a) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These

pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(b) If the static pressure is above or below the required dynamic pressure of the Irrigation System, Pressure Regulating Devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the Irrigation System.

(c) If the water pressure is below or exceeds the recommended pressure range of the specified emission devices, the installation of a Pressure-Regulating Device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(3) Water Waste Prevention Equipment.

(a) The Irrigation System shall be designed to prevent Water Waste.

(b) Master shut-off Valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(c) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a break in the pressurized pipeline that delivers water from the water source to the Valve or outlet) or routine repair.

(d) Check Valves or anti-drain Valves are required on all sprinkler heads where low point drainage could occur.

(e) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of Turfgrass.

(f) Flow Sensors that detect high flow conditions created by system damage or malfunction are required for all Non-Residential and Residential landscapes of 5,000 square feet or larger.

(4) Emission Devices.

(a) Emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(b) All Irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2020 "Landscape Irrigation Sprinkler and Emitter Standard," which is incorporated herein by reference.

(i) All overhead Irrigation Systems installed in the landscape must document a low quarter distribution uniformity of 0.65 or higher using the protocol defined in ASABE/ICC 802-2020.

(c) Non-rotating spray sprinkler bodies are required to meet standards described in California Code of Regulations, Title 20, Division 2, Chapter 4, Section 1605.3(x).

(5) System Controls.

(a) Automatic Irrigation Controllers utilizing either Evapotranspiration or Soil Moisture Sensing Device data utilizing non-volatile memory shall be required for scheduling Irrigation events.

(b) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter Irrigation operation during unfavorable weather conditions shall be required on all Irrigation Systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

5. **Water Efficient Landscape Worksheet.**

a. A project Applicant shall complete the Water Efficient Landscape Worksheet in Appendix A, which compares the landscape project's ETWU with the MAWA. ETWU must be equal to or below the MAWA.

(1) The MAWA is calculated based on the maximum ETAF allowed for the landscape project and is expressed as annual gallons allowed. The maximum ETAF allowed is:

(a) 0.55 for Residential Regular Landscape Areas,

(b) 0.45 for Non-Residential Regular Landscape Areas,

(c) 1.0 for new and existing (non-rehabilitated) Special Landscape Areas.

(2) ETWU is the sum of EWU for each Hydrozone. The evapotranspiration adjustment factor (ETAF) for each Hydrozone is based on the Plant Water Use Factor and the average Irrigation System Efficiency. EWU is calculated using the ETAF, Regular Landscape Areas, and the Special

Landscape Areas.

(3) In calculating the MAWA and ETWU, a project Applicant shall use the ETo values from the Reference Evapotranspiration Table (Table 142.1-1).

b. Water budget calculations shall adhere to the following requirements:

(1) The Plant Water Use Factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges are:

(a) less than 0.1 for very Low Water Use Plants,

(b) 0.1 to 0.3 for Low Water Use Plants,

(c) 0.4 to 0.6 for moderate water use plants,

(d) 0.7 to 1.0 for high water use plants.

(2) All Water Features shall use the high water use plant factor in the Water Budget calculations.

(3) Temporarily irrigated areas shall use the Low Water Use Plant factor in the Water Budget calculations.

(4) All Special Landscape Areas (SLA) shall be identified in the Landscape Design Plan (Rule 142.1-2) and the Irrigation Design Plan (Rule 142.1-4) and their water use calculated as shown in Rule 142.1-L.

(5) Effective Precipitation (Eppt) (25% of annual precipitation) may be considered in tracking water use and may use the following equation to calculate MAWA:

(a) Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.55 x RLA + 1.0 x SLA].

(b) Non-Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.45 x RLA + 1.0 x SLA].

6. **Irrigation Scheduling.**

a. All Irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health and prevent Water Waste. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic Irrigation Controllers.

(2) Parameters used to set the automatic Irrigation Controller shall be developed and submitted with the Certificate of Completion for each of the following:

(a) the plant establishment period;

(b) the established landscape; and

(c) temporarily irrigated areas.

(3) Each Irrigation schedule shall consider for each station all of the following parameters that apply:

(a) Irrigation interval (days between Irrigation events);

(b) Irrigation run times (hours or minutes per Irrigation event to avoid Runoff and prevent Water Waste);

(c) number of cycle starts required for each Irrigation event to avoid Runoff and prevent Water Waste;

(d) amount of applied water scheduled to be applied on a monthly basis;

(e) application rate setting;

(f) root depth setting;

(g) plant type setting;

(h) soil type;

(i) slope factor setting;

(j) shade factor setting; and

(k) Distribution Uniformity or Irrigation efficiency setting.

(4) Irrigation Systems shall be scheduled between 5:00 p.m. and 9:00 a.m. on Saturdays and Wednesdays only, unless weather conditions prevent it, except for Irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.

(5) Total annual applied water shall be less than or equal to MAWA.

(a) Actual Irrigation schedules shall be regulated by automatic Irrigation Controllers using current Reference Evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(b) For implementation of the Irrigation schedule, carefully consider the Irrigation run times, emission device, flow rate, and current Reference

Evapotranspiration, so that applied water does not exceed the ETWU.

7. **Landscape and Irrigation Maintenance Schedule.**

a. Landscapes shall be maintained to ensure water use efficiency. A regular Landscape and Irrigation Maintenance Schedule shall be submitted with the Certificate of Completion Package.

b. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment, and repair of the Irrigation System and its components; aerating and dethatching Turfgrass areas; topdressing with compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

(1) Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.

c. Repair of all Irrigation equipment shall be done with replacement parts for the originally installed components or their equivalents, or with components that improve the average Irrigation Efficiency.

d. A project Applicant is encouraged to implement established landscape industry sustainable Best Management Practices for all landscape maintenance activities.

8. **Irrigation Audit.**

a. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor. Landscape Irrigation Audits shall not be conducted by the person who designed the landscape or installed the landscape.

b. In large landscape projects or landscape projects with multiple landscape installations (i.e., production home developments) an auditing rate of 1 in 7 individual lots or approximately 15% of the total number of individual lots will satisfy this requirement.

c. For new construction and Rehabilitated Landscape projects installed after December 1, 2015, as described in Rule 142.1-I:

(1) the project Applicant shall submit an Irrigation Audit report with the Certificate of Completion Package to MPWMD that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, and reporting Overspray or Runoff that causes overland flow; and

(2) MPWMD shall administer programs that may include, but not be limited to, Irrigation Water Use Analysis, Irrigation Audits, and Irrigation Surveys for compliance with the MAWA.

J. Certificate of Completion Package

The Certificate of Completion Package is completed by the project Applicant or their designee to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements.

1. Prescriptive Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include a Certificate of Completion limited to:

a. Project Information Sheet (Rule 142.1-M – Element 1);

b. according to the Landscape Documentation Package (Rule 142.1-M – Element 2);

c. addressing applicable parameters as described in Rule 142.1-I-6-a-(3) (Rule 142.1-M – Element 4); and

d. Landscape and Irrigation Maintenance Schedule (Rule 142.1-M – Element 5).

2. Performance Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include the project

information sheet that contains the following elements:

a. date the project information sheet is completed;

b. project name;

c. project Applicant name, telephone, and mailing and email address;

d. project address and location; and

e. property owner name, telephone, and mailing and email address.

f. certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package (see Rule 142.1-G):

(1) Where there have been significant changes made in the field during construction, the As-Built Drawings or Record Drawings shall be included with the certification.

(2) A diagram of the Irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management purposes.

g. Soil Management Report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Rule 142.1-I-1);

h. Irrigation scheduling parameters used to set the Automatic Irrigation Controller (see Rule 142.1-I-6);

i. Landscape and Irrigation Maintenance Schedule (see Rule 142.1-I-7);

j. Irrigation Audit report (see Rule 142.1-I-8); and

3. The project Applicant shall:

a. submit the signed Certificate of Completion Package to the District for review; and

b. ensure that copies of the approved Certificate of Completion Package are submitted to the District and the property owner or their designee, unless the property owner is the project Applicant.

4. The District shall:

a. receive the signed Certificate of Completion Package from the project Applicant; and

b. approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the District shall provide information to the project Applicant regarding reapplication, appeal, or other assistance.

K. Reporting

The District or its agent shall submit annual reports to the Department of Water Resources by January 31st for the previous calendar year (January 1 to December 31) using the WUEdata portal for submission.

L. Sample Water Efficient Landscape Worksheet

Rule 142.1-L
Sample Water Efficient Landscape Worksheet

When the performance compliance option is selected, this worksheet is to be filled out by the project applicant or their designee and is required to be submitted with the Landscape Documentation Package. Additional rows or multiple sheets should be used if there are more than 10 Hydrozones. The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

Project Applicant: _____ **Phone Number:** _____
Email Address: _____ **Date:** _____
Project address: _____ **APN:** _____ **(ETo a)** (in./year):
_____

Maximum Applied Water Allowance (MAWA):
MAWA = ETo a x 0.62 x [ETAF x RLA + 1.0 x SLA] = (Annual Gallons Allowed) The maximum ETAF allowed in the MAWA equation must be equal to or below:
0.55 -- for Residential Regular Landscape Areas (RLA)
0.45 -- for Non-Residential Regular Landscape Areas (RLA)
1.0 -- for Special Landscape Areas (SLA)

Estimated Total Water Use (ETWU) Table: (see instructions)

A	***B***	***C***	***D***	***E***	***F***
Hydrozone (Number, letter, or other designation)	***Plant Factor [b] "PF"***	***Irrigation Efficiency[c] "IE"***	***Evapotranspiration Adjustment Factor ETAF = PF / IE***	***Hydrozone Area (sq. ft.)***	***Estimated Water Use "EWU" = D x E x ETo[a] x 0.62 (gallons/ year)***
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		
ETWU Total	NA	NA	NA	NA	
MAWA	NA	NA	NA	NA	

[a] Annual ETo for the nearest City	[b] Plant Factor (PF) from WUCOLS:	[c] Average Irrigation System
from Table 142.1-1	Very Low = less than 0.1	Efficiency (IE):
	Low = 0.1 - 0.3	Overhead Irrigation = 0.75
	Moderate = 0.4 - 0.6	Drip Irrigation = 0.81
	High = 0.7 - 1.0	

WATER EFFICIENT LANDSCAPE WORKSHEET INSTRUCTIONS

1. Reference Evapotranspiration

a. Look up the Annual ETo[a] value for the nearest City using the Reference Evapotranspiration (ETo) Table provided in Table 142.1-1 and use this value in the EWU and MAWA calculations.

2. Calculate the Maximum Applied Water Allowance (MAWA).

a. RLA is the total regular Landscape Area in square feet.

b. SLA is the total Special Landscape Area in square feet.

c. MAWA is calculated based on the maximum ETAF allowed for the type of Landscape Areas for the landscape project and is expressed as annual gallons allowed.

d. Effective Precipitation. The following equation may be used to calculate MAWA:

3. Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.55 x RLA + 1.0 x SLA]

4. Non-Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.45 x RLA + 1.0 x SLA]

5. Calculate the Estimated Total Water Use (ETWU).

a. Column A – List each Hydrozone using the label corresponding to the Landscape Design Plan.

b. Columns B and C – Complete the ETWU table for each Hydrozone based on the Plant Water Use Factor (PF) and the average Irrigation Efficiency (IE). The PF is found in Water Use Classification of Landscape Species (WUCOLS).

c. Column D – calculate the ETAF for each Hydrozone by dividing the PF (Column B) by the IE (column C); write the result in column D.

d. Column E – for each Hydrozone measure and report:

i. Regular Landscape Area (RLA) as defined in MPWMD Rule 11.

ii. Special Landscape Areas (SLA), as defined in MPWMD Rule 11, are not included in RLA measurements.

e. Column F – calculate the Estimated Water Use (EWU) for each Hydrozone by multiplying columns D, E, ETo a and 0.62 (conversion factor) and write the result in column F.

f. ETWU – is the sum of EWU for each Hydrozone and is expressed as gallons per year.

6. Compare ETWU with MAWA.

The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with WELO.

M. Sample Certificate of Completion Package

Rule 142.1-M
Sample Certificate of Completion Package

This certificate is filled out by the project Applicant to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

(a) Prescriptive Compliance Option is limited to elements 1, 2, and 4.
(b) Performance Compliance Option shall include all six (6) elements.

ELEMENT 1. PROJECT INFORMATION SHEET
Applicant Information:

Name of Project Applicant (or designee if applicable):	Project Name:
Name of Property Owner (if different):	Title:
Street Address:	Water Supply Type (Circle One):
City:	Potable / Recycled / Well / Other (specify)
Email:	Water Purveyor:
Company:	Phone No.:

Project Address and Location:

Street Address:	Parcel Number:
City:	Meter number(s) (if available):
Zip Code:	

ELEMENT 2. CERTIFICTION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

Certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package per Rule 142.1-G and the applicable documents:

(A) Where there have been significant changes made in the field during construction, these As-Built Drawings or Record Drawings shall be included.
(B) A diagram of the Irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management processes.

"I/we certify that based upon periodic site observations, the work has been completed in accordance with MPWMD Water Efficient Landscape Requirements and that the landscape planting and Irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Primary Designer of Record Signature		Date
Secondary Designer of Record Signature		Date

ELEMENT 3. SOIL MANAGEMENT REPORT

Attach Soil Management Report, if not previously submitted with the Landscape Documentation Package per MPWMD Rule 142.1-I-1.

Attach documentation verifying implementation of recommendations from the soil analysis management report.

ELEMENT 4. IRRIGATION SCHEDULING PARAMETERS

Attach irrigation scheduling parameters used to set the Automatic Irrigation Controller per MPWMD Rule 142.1-I-6.

ELEMENT 5. LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

Attach landscape and Irrigation maintenance schedule per MPWMD Rule 142.1-I-7.

ELEMENT 6. IRRIGATION AUDIT REPORT

Attach Irrigation Audit report per MPWMD Rule 142.1-I-8.

PROJECT APPLICANT SIGNATURE:

"I/we certify that I/we have received copies of all the documents within the Certificate of Completion Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Project Applicant (or designee) Signature		Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency:

2. Date the Landscape Documentation Package was approved by the local agency:

3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to MPWMD:

N. Table 142.1 Reference Evapotranspiration

Table 142.1-1. Monterey County Reference Evapotranspiration (ETo) Table[1]
(All values shown in inches)

Monterey County[2]	***Jan***	***Feb***	***Mar***	***April***	***May***	***Jun***	***July***	***Aug***	***Sept***	***Oct***	***Nov***	***Dec***	***Annual ETo***
Bradley	1.7	2.3	3.7	4.8	6.3	7.1	7.5	6.8	5.5	3.9	2.3	1.6	53.6
Carmel Valley Village	1.7	2.0	3.0	3.7	4.4	4.9	4.9	4.6	3.9	3.1	2.0	1.4	39.7
Carmel-by-the-Sea	1.7	2.0	2.9	3.5	3.9	4.0	3.9	3.7	3.4	2.9	2.0	1.5	35.4
Castroville	1.6	2.0	3.1	3.9	4.6	5.0	4.8	4.5	4.0	3.1	1.9	1.4	39.8
King City	1.7	2.2	3.5	4.7	6.0	6.7	6.9	6.3	5.2	3.8	2.3	1.5	50.9
Marina	1.6	2.0	3.1	3.8	4.4	4.7	4.5	4.3	3.8	3.1	2.0	1.4	38.7
Monterey	1.7	2.0	2.9	3.6	4.0	4.3	4.2	4.0	3.6	3.0	2.0	1.4	36.7
Moss Landing	1.6	2.0	3.1	3.9	4.6	4.8	4.6	4.3	3.9	3.1	1.9	1.4	39.1
Pacific Grove	1.7	1.9	2.9	3.5	3.9	4.1	3.8	3.6	3.4	2.9	1.9	1.4	35.1
Salinas	1.6	2.0	3.2	4.1	4.9	5.4	5.5	5.1	4.3	3.3	2.0	1.4	42.8
Seaside	1.7	2.0	3.0	3.7	4.3	4.6	4.5	4.2	3.8	3.1	2.0	1.4	38.2
Soledad	1.6	2.1	3.4	4.4	5.6	6.3	6.4	5.9	4.9	3.6	2.2	1.5	47.8

[1] The defined boundaries of each city and place are from the California Open Data website. The shapefiles and description can be found at (https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18).

[2] The Eto values are monthly averages of Special California Irrigation Management Information System (CIMIS) for the 2004 to 2021 period. The Annual Eto is the sum of the monthly averages. Eto is expressed in inches.

O. Definitions Used In Regulation XIV

The following Rule 11 Definitions are used in Regulation XIV:

APPLICANT – "Applicant" shall mean the Person or Persons responsible for completing the requirements of an application. The "Applicant" is usually the property or business owner.

AS-BUILT DRAWINGS – "As-Built Drawings" shall mean landscape drawings prepared by the contractor that show, in red ink, on-site changes to the original landscape construction documents.

AUTOMATIC IRRIGATION CONTROLLER – "Automatic Irrigation Controller" shall mean a timing device used to remotely control valves that operate an Irrigation System. Automatic Irrigation Controllers are able to self-adjust and schedule Irrigation events using either Evapotranspiration (weather-based) or soil moisture data.

BACKFLOW PREVENTION DEVICE – "Backflow Prevention Device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.

BEST MANAGEMENT PRACTICES – "Best Management Practices (BMP)" or "BMP" shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

CERTIFICATE OF COMPLETION – "Certificate of Completion" shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFICATE OF COMPLETION PACKAGE – "Certificate of Completion Package" shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR – "Certified Landscape Irrigation Auditor" shall mean a Person certified to perform landscape Irrigation Audits by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency's WaterSense Irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

COMMON INTEREST DEVELOPMENT (CID) – "Common Interest Development" shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Article 2. Definitions [4075 - 4190] (Article 2

added by Stats. 2012, Ch. 180, Sec. 2.).

CONTROLLER – "Controller" shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to Irrigation schedules. A self-adjusting Irrigation Controller is a Controller that uses sensor data (e.g., soil moisture) to adjust Irrigation schedules.

DISTRIBUTION UNIFORMITY (DU) – "Distribution Uniformity (DU)" shall mean the measure of the uniformity of Irrigation water over a defined area.

DRIP IRRIGATION – "Drip Irrigation" shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term "Drip Irrigation" shall have the same meaning as "Micro Irrigation" and "Trickle Irrigation."

EFFECTIVE PRECIPITATION (EPPT) – "Effective Precipitation" ("Eppt") shall mean the portion of total precipitation which becomes available for plant growth. Effective Precipitation is also known as "useable rainfall."

ESTIMATED TOTAL WATER USE (ETWU) – "Estimated Total Water Use" ("ETWU") shall mean the total water used for the landscape based on the plants used in the landscape design.

ESTIMATED WATER USE (EWU) – "Estimated Water Use" (EWU) is the calculated water used for each Hydrozone as described in Rule 142.1-L. Estimated Water Use equals the Evapotranspiration Adjustment Factor times the Hydrozone area in square-feet times the appropriate Evapotranspiration Adjustment Factor x 0.62.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR – "Evapotranspiration Adjustment Factor" or "ET Adjustment Factor" ("ETAF") shall mean, except for Special Landscape Areas, a factor of 0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency.

FLOW RATE – "Flow Rate" shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

FRIABLE – "Friable" shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root

structure of newly planted material will be allowed to spread unimpeded.

GRAYWATER – "Graywater" shall mean untreated waste water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to; waste water from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste water from Kitchen Sinks and Dishwashers Health and Safety Code Section 17922.12. "Graywater" shall have the same meaning as "Greywater."

GREENBELT – "Greenbelt" means cemeteries, Golf Courses, parks, highway Landscaping and shall include other broad expanses of Landscape area including housing and other Projects with common Landscape uses.

HYDROZONE – "Hydrozone" shall mean a portion of the Landscape Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.

INVASIVE PLANT SPECIES – "Invasive Plant Species" shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant Species in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.

IRRIGATION – "Irrigation" means the application of water to landscape areas through irrigation systems, manual watering, or other means.

IRRIGATION AUDIT – "Irrigation Audit" shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to: inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an Irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency "WaterSense" labeled auditing program.

IRRIGATION DESIGN PLAN – "Irrigation Design Plan" "IE" shall mean an Irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to

design an Irrigation System (see Sections 5615, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

IRRIGATION EFFICIENCY – "Irrigation Efficiency" shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.

IRRIGATION SURVEY – "Irrigation Survey" shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.

IRRIGATION SYSTEM – "Irrigation System" shall mean a device or combination of devices having a hose, pipe or other type of conduit installed in the Landscape which transmits water, and through which device or combination of devices, water is drawn and applied to Residential, industrial or commercial lawns, Landscapes or green space.

IRRIGATION WATER USE ANALYSIS – "Irrigation Water Use Analysis" shall mean an analysis of water use data based on meter readings and billing data.

JURISDICTION – "Jurisdiction" shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense.

LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE – "Landscape and Irrigation Maintenance Schedule" shall mean a document provided to the property owner and submitted with the Certificate of Completion for landscape installation that provides information about routine inspection; auditing, adjustment and repair of the Irrigation System and its components; aerating and dethatching Turf areas; topdressing with Compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

LANDSCAPE AREA – "Landscape Area" shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other Pervious or non-Pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., Open Spaces and existing Native Vegetation).

LANDSCAPE DESIGN PLAN – "Landscape Design Plan" shall mean a plan (and drawings) that: (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7) identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-Pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Permitted Practices in California prepared by the Landscape Architects Technical Committee (LATC), the licensing and regulatory agency for the practice of landscape architecture in California. "Landscape Design Plan" shall also be known as a "Planting Plan."

LANDSCAPE DOCUMENTATION PACKAGE – "Landscape Documentation Package" means the documents required per the compliance option chosen by the applicant, as described in Rule 142.1-G.

LANDSCAPE WATER PERMIT – "Landscape Water Permit" shall mean a permit issued by the District for landscape projects subject to Rule 142.1.

LOW WATER USE PLANT – "Low Water Use Plant" shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species ("WUCOLS") guide.

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) – "Maximum Applied Water Allowance" shall mean the upper limit of annual Applied Water for the established Landscape Area. It is based upon the area's Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) – "Model Water Efficient Landscape Ordinance" shall refer to the California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

MULCH – "Mulch" shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil

erosion.

NEW CONSTRUCTION – "New Construction" means any construction of a previously nonexistent structure or additions to a structure requiring a discretionary or ministerial permit. "New Construction" shall include additions, modifications, or structural improvements which add square footage to floor space of Existing Structures.

NON-FUNCTIONAL TURF – "Non-Functional Turf" shall mean turf grass that is not regularly used for sports, play, recreation, or other activities that require a functional turf surface, as defined by applicable California law. Non-Functional Turf includes turf located within street rights-of-way and parking lots.

NON-POTABLE – "Non-Potable Water" shall mean water which is not fit for human consumption.

NON-RESIDENTIAL – "Non-Residential" shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

OVERSPRAY – "Overspray" shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-Landscaped Areas.

PARCEL – "Parcel" shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, a Public School District Site, or Community Hospital Site. The term "Parcel" shall be given the same meaning as the term "Site".

PLANT WATER USE FACTOR – "Plant Water Use Factor" shall mean a value, when multiplied by "Reference Evapotranspiration," that estimates the amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived from the publication "Water Use Classification of Landscape Species." Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

POTABLE – "Potable" shall mean water that is suitable for drinking.

PRESSURE REGULATING DEVICE – "Pressure Regulating Device" shall mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.

RAIN SENSOR – "Rain Sensor" shall mean a component of an Irrigation System which automatically suspends Irrigation when it rains. The term "Rain Sensor" shall have the same meaning as the term "Rain Sensing Shutoff Device."

RECORD DRAWINGS – "Record Drawings" shall mean landscape documents prepared by the Landscape Architect that reflects on-site changes the contractor noted in the As-Built Drawings. They are often compiled as a set of on-site changes made for the owner per the owner-architect contract.

RECYCLED WATER – "Recycled Water" shall mean treated or recycled waste water of a quality suitable for Non-Potable uses such as landscape Irrigation and Water Features. This water is not intended for human consumption.

REFERENCE EVAPOTRANSPIRATION – "Reference Evapotranspiration" shall mean a standard measurement of environmental parameters which affects the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

REGULAR LANDSCAPE AREA – "Regular Landscape Area" (RLA) is the portion of the irrigated Landscape Area that is not a Special Landscape Area. RLA = LA - SLA.

REHABILITATED LANDSCAPE – "Rehabilitated Landscape" shall mean any relandscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.

RESIDENTIAL – "Residential" shall mean water used for household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single and Multi-Family Dwellings.

RUNOFF – "Runoff" shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.

SOIL MANAGEMENT REPORT – "Soil Management Report" shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.

SOIL MOISTURE SENSING DEVICE – – "Soil Moisture Sensing Device" shall mean a device that measures the amount of water in the soil. The device may also suspend or initiate an Irrigation event.

SPECIAL LANDSCAPE AREA (SLA) – "Special Landscape Area" or "SLA" shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled Water, and areas dedicated to active play such as parks, sports fi elds, golf courses, and where Turf provides a playing surface.

TURF or TURFGRASS – "Turf" or "Turfgrass" shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual Bluegrass, Kentucky Bluegrass, Perennial Ryegrass, Red Fescue, and Tall Fescue are cool-season grasses and Bermuda Grass, Kikuyu Grass, Seashore Paspalum, St. Augustine Grass, Zoysia Grass, and Buffalo Grass are warm-season grasses.

VALVE – "Valve" shall mean a device used to control the flow of water in the Irrigation System.

WATER BUDGET – "Water Budget" shall mean a maximum annual water allowance in gallons per year that takes into consideration the types of plants, Evapotranspiration Rates and Irrigation System.

WATER DISTRIBUTION SYSTEM OPERATOR – "Water Distribution System Operator" shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

WATER EFFICIENT LANDSCAPE WORKSHEET – "Water Efficient Landscape Worksheet" shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.

WATER FEATURE – "Water Feature" shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for Site waste water treatment or Storm Water Control Measures that are not irrigated and used solely for

water treatment or storm water retention are not considered Water Features.

WATER METER – "Water Meter" means any measuring device intended to measure water usage. The term "Water Meter" shall have the same meaning as the term "Water Measuring Device."

WATER PERMIT – "Water Permit" shall mean a document issued by the MPWMD that authorizes a specific amount and type of water use on a Site.

WATER WASTE – "Water Waste" shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water as defined in Rule 162.

WELL – "Well" means any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

WUCOLS – "WUCOLS" shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

Rule added by Ordinance No. 199 (11/17/2025); amended by Ordinance No. 203 (X/XX/XX)

RULE 142.1 - WATER EFFICIENT LANDSCAPE REQUIREMENTS

A. **Purpose.** The purpose of this Rule is to provide landscape standards that minimize water use, eliminate Water Waste, and reduce stormwater Runoff by requiring low water landscape plantings, design, and Irrigation methods. Pursuant to California Government Code Section 65595, this Rule is intended to be at least as effective in water conservation and efficiency as the State's Model Water Efficient Landscape Ordinance (MWELO).

B. **General Requirements**

1. Water Waste prohibitions remain in place according to MPWMD Rule 162, including prohibitions on Irrigation of Non-Functional Turf.

2. Recycled Water.

    a. All Recycled Water use is subject to applicable provisions of the California Code of Regulations (Cal. Code Regs.), Titles 17 and 22, the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15), and all applicable local and State laws.

    b. Landscape Areas using Recycled Water are considered Special Landscape Areas.

3. Graywater Irrigation Systems. All Graywater Irrigation Systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 15) and any applicable local ordinance standards.

    a. Graywater Irrigation Systems promote the efficient use of water and are encouraged to assist in on-site landscape Irrigation.

    b. For projects using treated or untreated Graywater, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (Estimated Total Water Use or ETWU) entirely with Graywater is subject only to Rule 142.1-H-1-b.

4. Stormwater Management and Rainwater Retention.

a. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.

b. All Non-Potable rainwater catchment systems are required to conform to the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 16).

c. All Landscape Areas are required to have Friable soil to maximize water retention and infiltration. Refer to Rule 142.1-I-1.

d. For projects using rainwater captured on site, any Parcel within the project that has less than 2,500 square-feet of Landscape Area and meets the Parcel's landscape water requirement (ETWU) entirely through stored rainwater captured on site is subject only to Rule 142.1-H-1-b.

e. It is strongly recommended that Landscape Areas be designed for capture and infiltration capacity that is sufficient to prevent Runoff from impervious surfaces (i.e., roof and paved areas) from either:

(1) the one inch, 24-hour rain event, or

(2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

f. It is recommended that landscape projects incorporate any of the following elements to improve on-site storm water and dry weather Runoff capture and use:

(1) Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

(2) Minimize the area of impervious surfaces such as paved areas, roofs, and concrete driveways.

(3) Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete)

that minimize Runoff.

(4) Direct Runoff from paved surfaces and roof areas into planting beds or Landscaped Areas to maximize site water capture and reuse.

(5) Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

(6) Incorporate infiltration beds, swales, basins, and drywells to capture storm water and dry weather Runoff and increase percolation into the soil.

(7) Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

g. Sites utilizing rainwater storage as a component in an Irrigation System.

(1) For all new Connections on Sites where rainwater storage is included as a source of water supply for an Irrigation System, the Estimated Total Water Use as determined by the landscaping plan shall be reduced by the available Rainwater Harvesting Capacity. Any modification ot the landscaping that results in an Intensification of Use shall require a Water Permit.

(2) Sites utilizing rainwater storage as a component of an Irrigation System shall have landscape water use restricted by a recorded deed restriction enforceable by the District. The recorded deed restriction shall provide notice to each subsequent owner that failure to maintain and utilize the rainwater storage component of the Irrigation System shall constitute an Intensification of Use which requires a Water Permit and may result in collection of additional Capacity Fees and a debit to a Jurisdiction's Allocation or Water Entitlement and/or other enforcement actions.

5. Fire Safe Landscaping.

   a. A Landscape Design Plan for development and construction in Local Responsibility Areas designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas are required to comply with the California Fire Code (Cal. Code Regs., Title 24, Part 9, Chapter 49) "Requirements for Wildland- Urban Interface Fire Areas."

   b. Public Resources Code section 4291(a) and (b) describes the requirements for a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to address fire safety and prevention by maintaining a defensible space or zone around a building or structure.

      (1) Avoid fire-prone plant materials and highly flammable Mulches.

   c. Local Fuel Modification Plan guidelines may prescribe additional requirements per Public Resources Code section 4291(a) and (b).

6. Plant Selection.

   a. Any plant may be selected for the landscape project provided that the requirements of the selected compliance option are met.

   b. Select trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area.

   c. The use of Invasive Plant Species, such as those listed by the California Invasive Plant Council, is strongly discouraged. Pursuant to Food and Agricultural Code section 52334, the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the Secretary of the California Department of Food and Agriculture.

7. The architectural guidelines of a Common Interest Development shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group (Civil Code sections 4100 and 4735).

8. Environmental Review. The Jurisdiction must comply with the California Environmental Quality Act (CEQA), as appropriate.

9. Public Education. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water is encouraged in the community.

10. Local agencies shall provide information to owners of permitted renovations and new Residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a Water Budget.

11. Model Homes. All model homes that are landscaped shall display signs that provide information demonstrating the principles of water efficient landscapes described in this Rule.

    a. Signs shall be used to identify the model home as an example of a water efficient landscape. Signage shall include:

        (1) Fundamental water efficient landscape elements such as Hydrozones, Irrigation equipment, native plants, Graywater systems, rainwater catchment systems, and other elements as applicable that contribute to the overall water efficient theme.

        (2) Information about the Site water use budget as designed per this Rule; specify who designed and installed the water efficient landscape.

    b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

C. Applicability

This Rule shall apply to all of the following landscape projects:

1. New construction (including demolition projects) with a new Landscape Area or Rehabilitated Landscape Area as defined equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;

2. Rehabilitated Landscape projects with a Landscape Area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

3. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken within one (1) year of completion of projects requiring a grading permit, building permit, or design review;

4. Landscape projects with a new Landscape Area equal to or greater than 500 square feet or a Rehabilitated Landscape Area equal to or greater than 2,500 square feet undertaken to repair unintended damage from a project requiring a grading permit, building permit, or design review;

5. Existing non-Rehabilitated Landscapes are limited to Rule 142.1-D; and

6. Any project with a Landscape Area of 2,500 square feet or less may comply with either the performance requirements described in Rule 142.1-I or conform to the prescriptive measures contained in Rule 142.1-H.

7. This rule does not apply to:

    a. registered local, state, or federal historical Sites;

    b. ecological restoration projects that do not require a permanent Irrigation System;

    c. existing plant collections, as part of botanical gardens and arboretums open to the public.

D. Requirements for Existing Non-Rehabilitated Landscapes

1. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, Irrigation water use analyses, Irrigation Surveys, and Irrigation Audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance (MAWA) for existing non-Rehabilitated Landscapes.

    a. The Maximum Applied Water Allowance for existing non-Rehabilitated Landscapes shall be calculated as: MAWA = (ETo) x (0.62) x (0.8 x RLA + 1.0 x SLA).

2. For all existing non-Rehabilitated Landscapes installed before December 1, 2015, that do not have a Water Meter, the District and the Water Distribution System Operator shall administer programs that may include, but not be limited to, Irrigation Surveys and Irrigation Audits to evaluate water use and provide recommendations as necessary in order to prevent Water Waste.

3. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor.

E. Requirements for New Construction or Rehabilitated Landscapes

There are two options for compliance with Rule 142.1:

1. Prescriptive compliance option as described in Rule 142.1-G-1, H, and J-1; or

2. Performance compliance option as described in Rule 142.1-G-2, H, and J-2.

3. An Applicant may comply with either the prescriptive or performance compliance option for any new construction project with a Landscape Area between 500 and 2,500 square feet.

4. An Applicant shall use the performance compliance option for any landscape project with a Landscape Area of 2,500 square feet, or greater.

F. Compliance Responsibilities

1. Designation of Responsibility. The District may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in Rule 142.1.

2. The District is responsible for the enforcement of Rule 142.1 in coordination with the local land use agency, including but not limited to, approval of a Landscape Water Permit, plan check, and/or design review of a project. Prior to construction, the District or its agent shall:

   a. provide the project Applicant with the rule and procedures for permits, plan checks, or design reviews;

   b. review the Landscape Documentation Package submitted by the project Applicant;

   c. approve or deny the Landscape Documentation Package;

   d. issue a Landscape Water Permit.

3. Project Applicant.

   a. Prior to construction, the project Applicant shall submit a Landscape Documentation Package to the District.

   b. Upon approval of the Landscape Documentation Package by the District, the project Applicant shall:

      (1) receive a Landscape Water Permit and record the date of the permit in the Certificate of Completion;

      (2) submit a copy of the approved Landscape Documentation Package along with the Record Drawings, and any other information to the property owner or their designee unless the property owner is the project Applicant.

G. Elements of the Landscape Documentation Package

1. **Prescriptive Compliance.** The Landscape Documentation Package shall include:

   a. A project information sheet with the following elements:

      (1) date the project information sheet is completed;

      (2) name of the project Applicant;

      (3) contact information for the project Applicant and property owner;

      (4) project address and Parcel number;

      (5) total Landscape Area (square feet);

      (6) project type (e.g., Institutional (i.e., public), private, cemetery, homeowner-installed);

      (7) water supply type (e.g., Potable, Recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well; and,

      (8) Applicant signature and date with statement: "*I agree to comply with the requirements of the prescriptive compliance option of the MPWMD Water Efficient Landscape Requirements.*"

   b. A Landscape Design Plan that includes:

      (1) Total Landscape Area (square feet); and

      (2) A breakdown of Turfgrass and plant material (e.g., plant legend).

      (3) Water Efficient Landscape Worksheet pursuant to Rule

142.1-I-5:

(a) Maximum Applied Water Allowance (MAWA);

(b) Estimated Water Use (EWU);

(c) Estimated Total Water Use (ETWU).

2. **Performance Compliance.** The Landscape Documentation Package shall include the following six (6) elements:

a. A project information sheet with the following elements:

(1) date the project information sheet is completed;

(2) name of the project Applicant;

(3) contact information for the project Applicant and property owner;

(4) project address and Parcel number;

(5) total Landscape Area (square feet);

(6) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);

(7) water supply type (e.g., Potable, recycled, Well) and identify the local retail water purveyor if the Applicant is not served by a private Well;

(8) checklist of all documents in Landscape Documentation Package; and,

(9) Applicant signature and date with statement: "*I agree to comply with the requirements for the performance compliance option of the MPWMD Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package.*"

b. Soil Management Report pursuant to Rule 142.1-I-1;

c. Landscape Design Plan pursuant to Rule 142.1-I-2;

d. grading design plan pursuant to Rule 142.1-I-3;

e. Irrigation Design Plan pursuant to Rule 142.1-I-4; and

f. Water Efficient Landscape Worksheet pursuant to Rule 142.1-I-5:

(1) Maximum Applied Water Allowance (MAWA);

(2) Estimated Water Use (EWU); and

(3) Estimated Total Water Use (ETWU).

H. Prescriptive Compliance Option

This section contains prescriptive requirements, which may be used as a compliance option for new construction projects with a Landscape Area between 500 and 2,500 square feet. Compliance with the requirements of this section is mandatory and must be documented in the Landscape Documentation Package pursuant to Rule 142.1-G-1 to use the prescriptive compliance option.

1. Landscape project requirements.

a. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into Landscape Area (unless contra-indicated by a soil test). Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

b. Irrigation Systems shall comply with the following:

(1) For Non-Residential projects with Landscape Areas of 1,000 square feet or more, a dedicated Irrigation Water Meter or private submeter(s) to measure landscape water use shall be installed.

(2) Automatic Irrigation controllers are required and must use either evapotranspiration (weather-based) or soil moisture (sensor- based) data and utilize a rain sensor.

(3) Irrigation controllers shall use non-volatile memory.

(4) Pressure Regulating Devices, which may include pressure boosters or reducers, shall be installed on the Irrigation System to ensure the dynamic pressure of the system is within the manufacturers' recommended pressure range.

(5) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be installed as close as possible to the point of connection to the water supply.

(6) All Irrigation emission devices must meet the requirements set by ANSI in the 2020 ASABE/ICC 802 Landscape Irrigation Sprinkler and Emitter Standard, which is herein incorporated by reference. All sprinkler heads installed in the landscape must document a low-quarter Distribution Uniformity of 0.65 or higher using the protocol defined in 2020 ASABE/ICC 802 Standard.

(7) Non-rotating spray sprinkler bodies are required to meet the standards described in the California Code of Regulations, Title 20, Division 4, Chapter 4, Section 1605.3(x).

(8) Landscape Areas less than 10 feet in width in any direction shall be irrigated with subsurface Irrigation or other means that produces no Water Waste, Runoff or Overspray.

c. Plant material shall comply with all of the following:

(1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(2) For Non-Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(3) Turfgrass shall comply with all of the following:

(a) Turfgrass shall not exceed 20% or a maximum of 1,500 square feet of the Landscape Area, whichever is less;

(b) There shall be no Turfgrass in Non-Residential landscapes; and

(c) Turfgrass shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and,

(d) Turfgrass is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any Turfgrass in parkways must be irrigated by subsurface Irrigation or by other technology that creates no Water Waste, Overspray or Runoff.

d. A minimum three-inch (3″) layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.

2. The designer of record shall make plants identifiable to an inspector during final inspection. Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.

3. At the time of final inspection, the Landscape Water Permit Applicant must provide the owner of the property and the District with a Certificate of

Completion Package pursuant to Rule 142.1-J-1.

I. Performance Compliance Option

The performance compliance requirements shall be used as the compliance option for any landscape project with greater than 2,500 square feet of area and documented in the Landscape Documentation Package, as described in Rule 1421.1-G-2, and the Certificate of Completion Package, as described in Rule 142.1-J-2.

1. **Soil Management Report**

A Soil Management Report shall be completed by the project Applicant, or their designee, as follows:

a. Submit soil samples to a laboratory for analysis and recommendations. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants. The soil analysis shall include:

(1) soil texture;

(2) infiltration rate determined by laboratory test or soil texture infiltration rate table;

(3) pH;

(4) total soluble salts;

(5) sodium;

(6) percent organic matter; and

(7) recommendations.

b. In landscape projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% of the total number of lots will satisfy this requirement.

(1) Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

c. The project Applicant, or their designee, shall comply with one of the following:

(1) If significant mass grading is not planned, the report shall be submitted to the District as part of the Landscape Documentation Package; or

(2) If significant mass grading is planned, the Soil Management Report shall be submitted to the District as part of the Certificate of Completion Package.

(3) The Soil Management Report shall be made available, in a timely manner, to the professionals preparing the Landscape Design Plans and Irrigation Design Plans to make any necessary adjustments to the design plans.

(4) The project Applicant, or their designee, shall submit documentation verifying implementation of Soil Management Report recommendations to the District with the Certificate of Completion Package.

2. **Landscape Design Plan.**

a. The Landscape Design Plan, at a minimum, shall:

(1) delineate and label each Hydrozone by number, letter, or other method;

(2) identify the Plant Water Use Factor for each Hydrozone as very low, low, moderate, high, or mixed water use.

(a) Temporarily irrigated Landscape Areas shall use the low water use plant factor range in the water budget calculation specified in Rule 142.1-5-b-(1).

(3) identify Special Landscape Areas, including:

(a) Recreational Areas;

(b) areas permanently and solely dedicated to edible plants; and,

(c) areas irrigated with or water features using Recycled Water;

(4) identify type of Mulch and application depth;

(5) identify type and quantity of soil amendments;

(6) identify type and surface areas of water features;

(7) identify hardscapes (pervious and non-pervious);

(8) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project Applicants shall refer to the Jurisdiction or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the Landscape Design Plan and examples are provided in Rule 142.1-B-4 requirements;

(9) identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity, if applicable;

(10) identify any applicable Graywater discharge piping, system components, and area(s) of distribution;

(11) identify designated insect habitat;

(12) make plants identifiable to an inspector during final inspection:

(a) Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.

(13) contain the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them for the efficient use of water in the Landscape Design Plan.*"; and

(14) bear the signature of the designer of record as defined.

b. Plant Selection.

(1) For Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(2) For Non-Residential landscapes, install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 100% of the Landscape Area excluding areas permanently and solely dedicated to edible plants, and areas using Recycled Water;

(3) The architectural guidelines of Common Interest Developments shall not prohibit or include conditions that have the effect of prohibiting the use of Low Water Use Plants as a group.

(4) Each Hydrozone shall have plant materials with similar water use.

(a) Exceptions are allowed for Hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Rule

142.1-I-4-c-(7).

(5) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.

(6) Turfgrass is not allowed on slopes greater than 25% where the toe of the slope is adjacent to a non-pervious hardscape and where 25% means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).

(7) Methods to achieve water efficiency shall include one or more of the following:

(a) protection and preservation of native species and natural vegetation;

(b) selection of plants based on local climate suitability, disease, and pest resistance;

(c) selection of water-conserving plant, tree, and Turfgrass species, especially local native plants;

(d) selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;

(e) selection of plants from local and regional landscape program recommended plant lists; and

(f) selection of plants from local Fuel Modification Plan Guidelines.

(8) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

(a) use the Sunset Western Climate Zone System, 2007, which is herein incorporated by reference, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

(b) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and

(c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

c. Water Features.

(1) Recirculating water systems shall be used for water features.

(2) Where available, Recycled Water shall be used for decorative water features.

(3) Surface area of a water feature shall use the high water use Hydrozone plant factor in the water budget calculation.

(4) Pool and spa covers are highly recommended pursuant to subdivision (d) of Section 115921 of the Health and Safety Code.

d. Soil Preparation, Mulch, and Amendments.

(1) Prior to the planting of any materials, compacted soils shall be transformed to a Friable condition. On engineered slopes, only amended planting holes need to meet this requirement.

(2) Soil amendments shall be incorporated according to recommendations of the Soil Management Report and what is appropriate for the plants selected (see Rule 142.1-I-1).

(3) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of pervious area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

(4) A minimum three-inch (3″) layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.

(a) To provide habitat for beneficial insects and other wildlife, up to 5% of the Landscape Area may be left without Mulch and identified in the Landscape Design Plan (see Rule 142.1-I-2-a-(11)).

(5) The mulching portion of the seed/Mulch slurry in hydro-seeded applications shall meet the mulching requirement in Rule 142.1-I-d-(4).

(6) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(7) Organic Mulch made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

(a) Organic Mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances. (Public Resources Code section 4291).

3. **Grading Design Plan.**

a. Grading of a project site shall be designed to minimize soil erosion, Runoff, and Water Waste. A grading plan shall be submitted by the project Applicant as part of the Landscape

Documentation Package. A comprehensive grading plan approved by the Jurisdiction for other Jurisdictional permits satisfies this requirement.

(1) A landscape grading plan that indicates finished configurations and elevations of the Landscape Area, including:

(a) height of graded slopes;

(b) drainage patterns;

(c) pad elevations;

(d) finish grade; and

(e) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and Runoff, it is highly recommended that project Applicant(s):

(a) grade so that all Irrigation and normal rainfall remains within property lines and does not drain on to non-pervious hardscapes;

(b) avoid disruption of natural drainage patterns and undisturbed soil; and

(c) avoid soil compaction in Landscape Areas.

(3) The grading design plan shall contain the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan.*" and shall bear the signature of a licensed professional as authorized by law.

4. **Irrigation Design Plan.**

a. This section applies to Landscaped Areas requiring permanent Irrigation, not areas that require temporary Irrigation solely for the plant establishment period of three years or less. For the efficient use of water, an Irrigation System shall meet all the requirements listed in this section and the manufacturers' recommendations. The Irrigation System and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An Irrigation Design Plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

b. Irrigation System Efficiency.

(1) The Irrigation System must be designed and installed to meet, at a minimum, the Irrigation Efficiency criteria described in Rule 142.1-I-5 regarding the MAWA.

(2) For the purpose of determining ETWU, average Irrigation Efficiency is assumed to be:

(a) 0.75 for overhead Irrigation Systems; and

(b) 0.81 for Drip Irrigation.

(3) Sprinkler head spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Head-to-head coverage is recommended.

c. The Irrigation Design Plan, at a minimum, shall contain the following:

(1) location and size of separate water meters and submeters;

(2) location, type, and size of all components of the Irrigation System, including Controllers, main and lateral lines, Valves, emission devices, moisture sensing devices, Rain Sensors, quick couplers, Pressure Regulating Devices, and

Backflow Prevention Devices;

(3) static water pressure at the point of connection to the public water supply;

(4) Flow Rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for the emission devices controlled by each station;

(5) identification of Special Landscape Areas irrigated with and water features using Recycled Water as specified in Rule 142.1-B-2;

(6) identification of any applicable Graywater discharge piping, system components, and Landscape Areas where Graywater is distributed;

(7) identification of Hydrozone areas shall be designated by number, letter, or other designation as identified on the Landscape Design Plan. Designate the areas irrigated by each Valve and assign a number to each Valve using the Water Efficient Landscape Worksheet (see Appendix A). This table can also assist with the Irrigation Audit and programming the Controller.

(a) Each Valve shall irrigate a Hydrozone, or part of a Hydrozone, with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(8) the following statement: "*I have complied with the performance compliance option criteria of the MPWMD Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the Irrigation Design Plan.*"; and

(9) the signature of the designer of record. (See Division 3, Chapter 3.5, Article 3 of the Business and Professions Code).

d. General Design Criteria.

(1) Backflow Prevention Devices shall be required to protect the water supply from contamination by the Irrigation System as specified in the California Plumbing Code (Cal. Code Regs., Title 24, Part 5, Chapter 6).

(2) The design of the Irrigation System shall conform to the Hydrozones of the Landscape Design Plan.

(3) Emission devices shall be selected based on what is appropriate for the plant type within that Hydrozone.

(4) Where feasible, trees shall be placed on separate stations from Hydrozones that include shrubs, groundcovers, and Turfgrass to facilitate the appropriate Irrigation of trees. The mature size and extent of the root zone shall be considered when designing Irrigation for the tree.

(5) In Mulched planting areas, the use of low-pressure and low volume Irrigation Systems is required to maximize water infiltration into the root zone.

(6) Areas less than 10 feet in width in any direction shall be irrigated with subsurface Irrigation or other means that produces no Water Waste, Runoff, or Overspray.

(7) Individual Hydrozones that use a mix of plants with low and moderate plant factors, or moderate and high plant factors, may be allowed if the plant factor used in the calculation of the EWU is either:

(a) plant factor calculation is based on the proportions of the respective plant factors; or

(b) the highest plant factor is used.

(8) Individual Hydrozones that use a mix of plants with high

and low plant factors shall not be permitted.

(9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing Irrigation Systems.

(10) Overhead Irrigation shall not be permitted within 24 inches of any non-pervious surface. Allowable Irrigation within the setback from non-permeable surfaces may include Drip Irrigation, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be Mulch, gravel, or other porous material. These restrictions may be modified if:

(a) no Runoff occurs; or

(b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping; or

(c) the Irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the prevention of Water Waste. Prevention of Overspray and Runoff must be confirmed during the Irrigation Audit.

(11) Restrictions regarding Overspray and Runoff in any Irrigation System may be modified if:

(a) the Landscape Area is adjacent to pervious surfaces and no Runoff occurs; or

(b) the adjacent non-pervious surfaces are designed and constructed to drain entirely to the landscaping.

(12) Slopes greater than 25% shall not be irrigated with an Irrigation System using an application rate exceeding 0.75 inches per hour.

(a) This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no Runoff or erosion will occur. Prevention of Runoff and erosion must be confirmed during the Irrigation Audit.

(13) It is highly recommended that the project Applicant inquire with the local water purveyor about water restrictions that may impact the effectiveness of the Irrigation System.

e. Irrigation System Components.

(1) Meters.

(a) Pursuant to California Water Code section 535, a water purveyor with 15 or more service Connections shall install a dedicated Irrigation Water Meter(s) for new retail water service to a property with more than 5,000 square feet of irrigated landscape, excluding Single-Family Residential Connections and Connections for the commercial production of agricultural crops or livestock.

(b) For the purposes of this rule, a submeter or dedicated Irrigation Meter shall be installed and may be used to assist with leak detection and water management for:

(i) Non-Residential landscapes with an irrigated landscape of 1,000 square feet but not more than 5,000 square feet.

(ii) Residential landscapes with an irrigated landscape of 5,000 square feet or more.

(2) Water Pressure.

(a) Static water pressure, dynamic or operating

pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(b) If the static pressure is above or below the required dynamic pressure of the Irrigation System, Pressure Regulating Devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the Irrigation System.

(c) If the water pressure is below or exceeds the recommended pressure range of the specified emission devices, the installation of a Pressure-Regulating Device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(3) Water Waste Prevention Equipment.

(a) The Irrigation System shall be designed to prevent Water Waste.

(b) Master shut-off Valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(c) Manual shut-off Valves (such as a gate Valve, ball Valve, or butterfly Valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a break in the pressurized pipeline that delivers water from the water source to

the Valve or outlet) or routine repair.

(d) Check Valves or anti-drain Valves are required on all sprinkler heads where low point drainage could occur.

(e) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of Turfgrass.

(f) Flow Sensors that detect high flow conditions created by system damage or malfunction are required for all Non-Residential and Residential landscapes of 5,000 square feet or larger.

(4) Emission Devices.

(a) Emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(b) All Irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2020 "Landscape Irrigation Sprinkler and Emitter Standard," which is incorporated herein by reference.

(i) All overhead Irrigation Systems installed in the landscape must document a low quarter distribution uniformity of 0.65 or higher using the protocol defined in ASABE/ICC 802-2020.

(c) Non-rotating spray sprinkler bodies are required to meet standards described in California Code of

Regulations, Title 20, Division 2, Chapter 4, Section 1605.3(x).

(5) System Controls.

(a) Automatic Irrigation Controllers utilizing either Evapotranspiration or Soil Moisture Sensing Device data utilizing non-volatile memory shall be required for scheduling Irrigation events.

(b) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter Irrigation operation during unfavorable weather conditions shall be required on all Irrigation Systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

5. **Water Efficient Landscape Worksheet.**

a. A project Applicant shall complete the Water Efficient Landscape Worksheet in Appendix A, which compares the landscape project's ETWU with the MAWA. ETWU must be equal to or below the MAWA.

(1) The MAWA is calculated based on the maximum ETAF allowed for the landscape project and is expressed as annual gallons allowed. The maximum ETAF allowed is:

(a) 0.55 for Residential Regular Landscape Areas,

(b) 0.45 for Non-Residential Regular Landscape Areas,

(c) 1.0 for new and existing (non-rehabilitated) Special Landscape Areas.

(2) ETWU is the sum of EWU for each Hydrozone. The evapotranspiration adjustment factor (ETAF) for each Hydrozone is based on the Plant Water Use Factor and the

average Irrigation System Efficiency. EWU is calculated using the ETAF, Regular Landscape Areas, and the Special Landscape Areas.

(3) In calculating the MAWA and ETWU, a project Applicant shall use the ETo values from the Reference Evapotranspiration Table (Table 142.1-1).

b. Water budget calculations shall adhere to the following requirements:

(1) The Plant Water Use Factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges are:

(a) less than 0.1 for very Low Water Use Plants,

(b) 0.1 to 0.3 for Low Water Use Plants,

(c) 0.4 to 0.6 for moderate water use plants,

(d) 0.7 to 1.0 for high water use plants.

(2) All Water Features shall use the high water use plant factor in the Water Budget calculations.

(3) Temporarily irrigated areas shall use the Low Water Use Plant factor in the Water Budget calculations.

(4) All Special Landscape Areas (SLA) shall be identified in the Landscape Design Plan (Rule 142.1-2) and the Irrigation Design Plan (Rule 142.1-4) and their water use calculated as shown in Rule 142.1-L.

(5) Effective Precipitation (Eppt) (25% of annual precipitation) may be considered in tracking water use and may use the following equation to calculate MAWA:

(a) Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.55 x RLA + 1.0 x SLA].

(b) Non-Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.45 x RLA + 1.0 x SLA].

6. **Irrigation Scheduling.**

a. All Irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health and prevent Water Waste. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic Irrigation Controllers.

(2) Parameters used to set the automatic Irrigation Controller shall be developed and submitted with the Certificate of Completion for each of the following:

(a) the plant establishment period;

(b) the established landscape; and

(c) temporarily irrigated areas.

(3) Each Irrigation schedule shall consider for each station all of the following parameters that apply:

(a) Irrigation interval (days between Irrigation events);

(b) Irrigation run times (hours or minutes per Irrigation event to avoid Runoff and prevent Water Waste);

(c) number of cycle starts required for each Irrigation event to avoid Runoff and prevent Water Waste;

(d) amount of applied water scheduled to be applied on a monthly basis;

(e) application rate setting;

(f) root depth setting;

(g) plant type setting;

(h) soil type;

(i) slope factor setting;

(j) shade factor setting; and

(k) Distribution Uniformity or Irrigation efficiency setting.

(4) Irrigation Systems shall be scheduled between 5:00 p.m. and 9:00 a.m. on Saturdays and Wednesdays only, unless weather conditions prevent it, except for Irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.

(5) Total annual applied water shall be less than or equal to MAWA.

(a) Actual Irrigation schedules shall be regulated by automatic Irrigation Controllers using current Reference Evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(b) For implementation of the Irrigation schedule,

carefully consider the Irrigation run times, emission device, flow rate, and current Reference Evapotranspiration, so that applied water does not exceed the ETWU.

7. **Landscape and Irrigation Maintenance Schedule.**

a. Landscapes shall be maintained to ensure water use efficiency. A regular Landscape and Irrigation Maintenance Schedule shall be submitted with the Certificate of Completion Package.

b. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment, and repair of the Irrigation System and its components; aerating and dethatching Turfgrass areas; topdressing with compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

(1) Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.

c. Repair of all Irrigation equipment shall be done with replacement parts for the originally installed components or their equivalents, or with components that improve the average Irrigation Efficiency.

d. A project Applicant is encouraged to implement established landscape industry sustainable Best Management Practices for all landscape maintenance activities.

8. **Irrigation Audit.**

a. All landscape Irrigation Audits shall be conducted by a Certified Landscape Irrigation Auditor. Landscape Irrigation Audits shall not be conducted by the person who designed the landscape or installed the landscape.

b. In large landscape projects or landscape projects with multiple landscape installations (i.e., production home developments) an

auditing rate of 1 in 7 individual lots or approximately 15% of the total number of individual lots will satisfy this requirement.

c. For new construction and Rehabilitated Landscape projects installed after December 1, 2015, as described in Rule 142.1-I:

(1) the project Applicant shall submit an Irrigation Audit report with the Certificate of Completion Package to MPWMD that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, and reporting Overspray or Runoff that causes overland flow; and

(2) MPWMD shall administer programs that may include, but not be limited to, Irrigation Water Use Analysis, Irrigation Audits, and Irrigation Surveys for compliance with the MAWA.

J. Certificate of Completion Package

The Certificate of Completion Package is completed by the project Applicant or their designee to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements.

1. Prescriptive Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include a Certificate of Completion limited to:

a. Project Information Sheet (Rule 142.1-M – Element 1);

b. according to the Landscape Documentation Package (Rule 142.1-M – Element 2);

c. addressing applicable parameters as described in Rule 142.1-I-6-a-(3) (Rule 142.1-M – Element 4); and

d. Landscape and Irrigation Maintenance Schedule (Rule 142.1-M – Element 5).

2. Performance Compliance Option. The Certificate of Completion Package (see Rule 142.1-M for a sample certificate) shall include the project information sheet that contains the following elements:

   a. date the project information sheet is completed;

   b. project name;

   c. project Applicant name, telephone, and mailing and email address;

   d. project address and location; and

   e. property owner name, telephone, and mailing and email address.

   f. certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package (see Rule 142.1-G):

      (1) Where there have been significant changes made in the field during construction, the As-Built Drawings or Record Drawings shall be included with the certification.

      (2) A diagram of the Irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management purposes.

   g. Soil Management Report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Rule 142.1-I-1);

   h. Irrigation scheduling parameters used to set the Automatic Irrigation Controller (see Rule 142.1-I-6);

   i. Landscape and Irrigation Maintenance Schedule (see Rule 142.1-I-7);

   j. Irrigation Audit report (see Rule 142.1-I-8); and

3. The project Applicant shall:

   a. submit the signed Certificate of Completion Package to the District for review; and

   b. ensure that copies of the approved Certificate of Completion Package are submitted to the District and the property owner or their designee, unless the property owner is the project Applicant.

4. The District shall:

   a. receive the signed Certificate of Completion Package from the project Applicant; and

   b. approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the District shall provide information to the project Applicant regarding reapplication, appeal, or other assistance.

K. Reporting

The District or its agent shall submit annual reports to the Department of Water Resources by January 31st for the previous calendar year (January 1 to December 31) using the WUEdata portal for submission.

L. Sample Water Efficient Landscape Worksheet

Rule 142.1-L
Sample Water Efficient Landscape Worksheet

When the performance compliance option is selected, this worksheet is to be filled out by the project applicant or their designee and is required to be submitted with the Landscape Documentation Package. Additional rows or multiple sheets should be used if there are more than 10 Hydrozones. The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

Project Applicant: _____ **Phone Number:** _____

Email Address: _____ **Date:** _____

Project address: _____ **APN:** _____ **(ETo a)** (in./year):

_____

Maximum Applied Water Allowance (MAWA):
MAWA = ETo a x 0.62 x [ETAF x RLA + 1.0 x SLA] = (Annual Gallons Allowed) The maximum ETAF allowed in the MAWA equation must be equal to or below:
0.55 -- for Residential Regular Landscape Areas (RLA)
0.45 -- for Non-Residential Regular Landscape Areas (RLA)
1.0 -- for Special Landscape Areas (SLA)

Estimated Total Water Use (ETWU) Table: (see instructions)

A	***B***	***C***	***D***	***E***	***F***
Hydrozone (Number, letter, or other designation)	***Plant Factor [b] "PF"***	***Irrigation Efficiency[c] "IE"***	***Evapotranspiration Adjustment Factor ETAF = PF / IE***	***Hydrozone Area (sq. ft.)***	***Estimated Water Use "EWU" = D x E x ETo[a] x 0.62 (gallons/ year)***
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		
SLA -	NA	NA	1.0		
ETWU Total	NA	NA	NA	NA	
MAWA	NA	NA	NA	NA	

[a] Annual ETo for the nearest City	[b] Plant Factor (PF) from WUCOLS:	[c] Average Irrigation System
from Table 142.1-1	Very Low = less than 0.1	Efficiency (IE):
	Low = 0.1 - 0.3	Overhead Irrigation = 0.75
	Moderate = 0.4 - 0.6	Drip Irrigation = 0.81
	High = 0.7 - 1.0	

WATER EFFICIENT LANDSCAPE WORKSHEET INSTRUCTIONS

1. Reference Evapotranspiration

a. Look up the Annual ETo[a] value for the nearest City using the Reference Evapotranspiration (ETo) Table provided in Table 142.1-1 and use this value in the EWU and MAWA calculations.

2. Calculate the Maximum Applied Water Allowance (MAWA).

a. RLA is the total regular Landscape Area in square feet.

b. SLA is the total Special Landscape Area in square feet.

c. MAWA is calculated based on the maximum ETAF allowed for the type of Landscape Areas for the landscape project and is expressed as annual gallons allowed.

d. Effective Precipitation. The following equation may be used to calculate MAWA:

3. Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.55 x RLA + 1.0 x SLA]

4. Non-Residential landscapes:

MAWA = (ETo - Eppt) x (0.62) x [0.45 x RLA + 1.0 x SLA]

5. Calculate the Estimated Total Water Use (ETWU).

a. Column A – List each Hydrozone using the label corresponding to the Landscape Design Plan.

b. Columns B and C – Complete the ETWU table for each Hydrozone based on the Plant Water Use Factor (PF) and the average Irrigation Efficiency (IE). The PF is found in Water Use Classification of Landscape Species (WUCOLS).

c. Column D – calculate the ETAF for each Hydrozone by dividing the PF (Column B) by the IE (column C); write the result in column D.

d. Column E – for each Hydrozone measure and report:

i. Regular Landscape Area (RLA) as defined in MPWMD Rule 11.

ii. Special Landscape Areas (SLA), as defined in MPWMD Rule 11, are not included in RLA measurements.

e. Column F – calculate the Estimated Water Use (EWU) for each Hydrozone by multiplying columns D, E, ETo a and 0.62 (conversion factor) and write the result in column F.

f. ETWU – is the sum of EWU for each Hydrozone and is expressed as gallons per year.

6. Compare ETWU with MAWA.

The ETWU (gallons per year) must be equal to or less than the MAWA (annual gallons allowed) to comply with WELO.

M. Sample Certificate of Completion Package

Rule 142.1-M
Sample Certificate of Completion Package

This certificate is filled out by the project Applicant to certify that the landscape project has been installed in accordance with the MPWMD Water Efficient Landscape Requirements (Rule 142.1).

(a) Prescriptive Compliance Option is limited to elements 1, 2, and 4.

(b) Performance Compliance Option shall include all six (6) elements.

ELEMENT 1. PROJECT INFORMATION SHEET

Applicant Information:

Name of Project Applicant (or designee if applicable):	Project Name:
Name of Property Owner (if different):	Title:
Street Address:	Water Supply Type (Circle One):
City:	Potable / Recycled / Well / Other (specify)
Email:	Water Purveyor:
Company:	Phone No.:

Project Address and Location:

Street Address:	Parcel Number:
City:	Meter number(s) (if available):
Zip Code:	

ELEMENT 2. CERTIFICTION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

Certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package per Rule 142.1-G and the applicable documents:

(A) Where there have been significant changes made in the field during construction, these As-Built Drawings or Record Drawings shall be included.

(B) A diagram of the Irrigation plan showing Hydrozones shall be kept with the Automatic Irrigation Controller for subsequent management processes.

"I/we certify that based upon periodic site observations, the work has been completed in accordance with MPWMD Water Efficient Landscape Requirements and that the landscape planting and Irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Primary Designer of Record Signature		Date
Secondary Designer of Record Signature		Date

ELEMENT 3. SOIL MANAGEMENT REPORT

Attach Soil Management Report, if not previously submitted with the Landscape Documentation Package per MPWMD Rule 142.1-I-1.

Attach documentation verifying implementation of recommendations from the soil analysis management report.

ELEMENT 4. IRRIGATION SCHEDULING PARAMETERS

Attach irrigation scheduling parameters used to set the Automatic Irrigation Controller per MPWMD Rule 142.1-I-6.

ELEMENT 5. LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

Attach landscape and Irrigation maintenance schedule per MPWMD Rule 142.1-I-7.

ELEMENT 6. IRRIGATION AUDIT REPORT

Attach Irrigation Audit report per MPWMD Rule 142.1-I-8.

PROJECT APPLICANT SIGNATURE:

"I/we certify that I/we have received copies of all the documents within the Certificate of Completion Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Project Applicant (or designee) Signature		Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency:

2. Date the Landscape Documentation Package was approved by the local agency:

3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to MPWMD:

N. Table 142.1 Reference Evapotranspiration

Table 142.1-1. Monterey County Reference Evapotranspiration (ETo) Table[1]
(All values shown in inches)

Monterey County[2]	***Jan***	***Feb***	***Mar***	***April***	***May***	***Jun***	***July***	***Aug***	***Sept***	***Oct***	***Nov***	***Dec***	***Annual***
													ETo
Bradley	1.7	2.3	3.7	4.8	6.3	7.1	7.5	6.8	5.5	3.9	2.3	1.6	53.6
Carmel Valley Village	1.7	2.0	3.0	3.7	4.4	4.9	4.9	4.6	3.9	3.1	2.0	1.4	39.7
Carmel-by-the-Sea	1.7	2.0	2.9	3.5	3.9	4.0	3.9	3.7	3.4	2.9	2.0	1.5	35.4
Castroville	1.6	2.0	3.1	3.9	4.6	5.0	4.8	4.5	4.0	3.1	1.9	1.4	39.8
King City	1.7	2.2	3.5	4.7	6.0	6.7	6.9	6.3	5.2	3.8	2.3	1.5	50.9
Marina	1.6	2.0	3.1	3.8	4.4	4.7	4.5	4.3	3.8	3.1	2.0	1.4	38.7
Monterey	1.7	2.0	2.9	3.6	4.0	4.3	4.2	4.0	3.6	3.0	2.0	1.4	36.7
Moss Landing	1.6	2.0	3.1	3.9	4.6	4.8	4.6	4.3	3.9	3.1	1.9	1.4	39.1
Pacific Grove	1.7	1.9	2.9	3.5	3.9	4.1	3.8	3.6	3.4	2.9	1.9	1.4	35.1
Salinas	1.6	2.0	3.2	4.1	4.9	5.4	5.5	5.1	4.3	3.3	2.0	1.4	42.8
Seaside	1.7	2.0	3.0	3.7	4.3	4.6	4.5	4.2	3.8	3.1	2.0	1.4	38.2
Soledad	1.6	2.1	3.4	4.4	5.6	6.3	6.4	5.9	4.9	3.6	2.2	1.5	47.8

[1] The defined boundaries of each city and place are from the California Open Data website. The shapefiles and description can be found at (https://data.ca.gov/dataset/ca-geographic-boundaries/resource/436fc714-831c-4070-b44b-b06dcde6bf18).

[2] The Eto values are monthly averages of Special California Irrigation Management Information System (CIMIS) for the 2004 to 2021 period. The Annual Eto is the sum of the monthly averages. Eto is expressed in inches.

O. Definitions Used In Regulation XIV

The following Rule 11 Definitions are used in Regulation XIV:

APPLICANT – "Applicant" shall mean the Person or Persons responsible for completing the requirements of an application. The "Applicant" is usually the property or business owner.

AS-BUILT DRAWINGS – "As-Built Drawings" shall mean landscape drawings prepared by the contractor that show, in red ink, on-site changes to the original landscape construction documents.

AUTOMATIC IRRIGATION CONTROLLER – "Automatic Irrigation Controller" shall mean a timing device used to remotely control valves that operate an Irrigation System. Automatic Irrigation Controllers are able to self-adjust and schedule Irrigation events using either Evapotranspiration (weather-based) or soil moisture data.

BACKFLOW PREVENTION DEVICE – "Backflow Prevention Device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.

BEST MANAGEMENT PRACTICES – "Best Management Practices (BMP)" or "BMP" shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

CERTIFICATE OF COMPLETION – "Certificate of Completion" shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFICATE OF COMPLETION PACKAGE – "Certificate of Completion Package" shall mean the document with the required elements pursuant to Rule 142.1-J.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR – "Certified Landscape Irrigation Auditor" shall mean a Person certified to perform landscape Irrigation Audits by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency's WaterSense Irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

COMMON INTEREST DEVELOPMENT (CID) – "Common Interest Development" shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Article 2. Definitions [4075 - 4190] (Article 2

added by Stats. 2012, Ch. 180, Sec. 2.).

CONTROLLER – "Controller" shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to Irrigation schedules. A self-adjusting Irrigation Controller is a Controller that uses sensor data (e.g., soil moisture) to adjust Irrigation schedules.

DISTRIBUTION UNIFORMITY (DU) – "Distribution Uniformity (DU)" shall mean the measure of the uniformity of Irrigation water over a defined area.

DRIP IRRIGATION – "Drip Irrigation" shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term "Drip Irrigation" shall have the same meaning as "Micro Irrigation" and "Trickle Irrigation."

EFFECTIVE PRECIPITATION (EPPT) – "Effective Precipitation" ("Eppt") shall mean the portion of total precipitation which becomes available for plant growth. Effective Precipitation is also known as "useable rainfall."

ESTIMATED TOTAL WATER USE (ETWU) – "Estimated Total Water Use" ("ETWU") shall mean the total water used for the landscape based on the plants used in the landscape design.

ESTIMATED WATER USE (EWU) – "Estimated Water Use" (EWU) is the calculated water used for each Hydrozone as described in Rule 142.1-L. Estimated Water Use equals the Evapotranspiration Adjustment Factor times the Hydrozone area in square-feet times the appropriate Evapotranspiration Adjustment Factor x 0.62.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR – "Evapotranspiration Adjustment Factor" or "ET Adjustment Factor" ("ETAF") shall mean, except for Special Landscape Areas, a factor of 0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency.

FLOW RATE – "Flow Rate" shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

FRIABLE – "Friable" shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root

structure of newly planted material will be allowed to spread unimpeded.

GRAYWATER – "Graywater" shall mean untreated waste water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to; waste water from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste water from Kitchen Sinks and Dishwashers Health and Safety Code Section 17922.12. "Graywater" shall have the same meaning as "Greywater."

GREENBELT – "Greenbelt" means cemeteries, Golf Courses, parks, highway Landscaping and shall include other broad expanses of Landscape area including housing and other Projects with common Landscape uses.

HYDROZONE – "Hydrozone" shall mean a portion of the Landscape Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.

INVASIVE PLANT SPECIES – "Invasive Plant Species" shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant Species in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.

IRRIGATION – "Irrigation" means the application of water to landscape areas through irrigation systems, manual watering, or other means.

IRRIGATION AUDIT – "Irrigation Audit" shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to: inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an Irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency "WaterSense" labeled auditing program.

IRRIGATION DESIGN PLAN – "Irrigation Design Plan" "IE" shall mean an Irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to

design an Irrigation System (see Sections 5615, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

IRRIGATION EFFICIENCY – "Irrigation Efficiency" shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.

IRRIGATION SURVEY – "Irrigation Survey" shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.

IRRIGATION SYSTEM – "Irrigation System" shall mean a device or combination of devices having a hose, pipe or other type of conduit installed in the Landscape which transmits water, and through which device or combination of devices, water is drawn and applied to Residential, industrial or commercial lawns, Landscapes or green space.

IRRIGATION WATER USE ANALYSIS – "Irrigation Water Use Analysis" shall mean an analysis of water use data based on meter readings and billing data.

JURISDICTION – "Jurisdiction" shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense.

LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE – "Landscape and Irrigation Maintenance Schedule" shall mean a document provided to the property owner and submitted with the Certificate of Completion for landscape installation that provides information about routine inspection; auditing, adjustment and repair of the Irrigation System and its components; aerating and dethatching Turf areas; topdressing with Compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas; and removing obstructions to emission devices.

LANDSCAPE AREA – "Landscape Area" shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other Pervious or non-Pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., Open Spaces and existing Native Vegetation).

LANDSCAPE DESIGN PLAN – "Landscape Design Plan" shall mean a plan (and drawings) that: (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7) identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-Pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other Person authorized to design an Irrigation System (see Permitted Practices in California prepared by the Landscape Architects Technical Committee (LATC), the licensing and regulatory agency for the practice of landscape architecture in California. "Landscape Design Plan" shall also be known as a "Planting Plan."

LANDSCAPE DOCUMENTATION PACKAGE – "Landscape Documentation Package" means the documents required per the compliance option chosen by the applicant, as described in Rule 142.1-G.

LANDSCAPE WATER PERMIT – "Landscape Water Permit" shall mean a permit issued by the District for landscape projects subject to Rule 142.1.

LOW WATER USE PLANT – "Low Water Use Plant" shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species ("WUCOLS") guide.

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) – "Maximum Applied Water Allowance" shall mean the upper limit of annual Applied Water for the established Landscape Area. It is based upon the area's Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) – "Model Water Efficient Landscape Ordinance" shall refer to the California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

MULCH – "Mulch" shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil

erosion.

NEW CONSTRUCTION – "New Construction" means any construction of a previously nonexistent structure or additions to a structure requiring a discretionary or ministerial permit. "New Construction" shall include additions, modifications, or structural improvements which add square footage to floor space of Existing Structures.

NON-FUNCTIONAL TURF – "Non-Functional Turf" shall mean turf grass that is not regularly used for sports, play, recreation, or other activities that require a functional turf surface, as defined by applicable California law. Non-Functional Turf includes turf located within street rights-of-way and parking lots.

NON-POTABLE – "Non-Potable Water" shall mean water which is not fit for human consumption.

NON-RESIDENTIAL – "Non-Residential" shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

OVERSPRAY – "Overspray" shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-Landscaped Areas.

PARCEL – "Parcel" shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, a Public School District Site, or Community Hospital Site. The term "Parcel" shall be given the same meaning as the term "Site".

PLANT WATER USE FACTOR – "Plant Water Use Factor" shall mean a value, when multiplied by "Reference Evapotranspiration," that estimates the amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived from the publication "Water Use Classification of Landscape Species." Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

POTABLE – "Potable" shall mean water that is suitable for drinking.

PRESSURE REGULATING DEVICE – "Pressure Regulating Device" shall mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.

RAIN SENSOR – "Rain Sensor" shall mean a component of an Irrigation System which automatically suspends Irrigation when it rains. The term "Rain Sensor" shall have the same meaning as the term "Rain Sensing Shutoff Device."

RECORD DRAWINGS – "Record Drawings" shall mean landscape documents prepared by the Landscape Architect that reflects on-site changes the contractor noted in the As-Built Drawings. They are often compiled as a set of on-site changes made for the owner per the owner-architect contract.

RECYCLED WATER – "Recycled Water" shall mean treated or recycled waste water of a quality suitable for Non-Potable uses such as landscape Irrigation and Water Features. This water is not intended for human consumption.

REFERENCE EVAPOTRANSPIRATION – "Reference Evapotranspiration" shall mean a standard measurement of environmental parameters which affects the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

REGULAR LANDSCAPE AREA – "Regular Landscape Area" (RLA) is the portion of the irrigated Landscape Area that is not a Special Landscape Area. RLA = LA - SLA.

REHABILITATED LANDSCAPE – "Rehabilitated Landscape" shall mean any relandscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.

RESIDENTIAL – "Residential" shall mean water used for household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single and Multi-Family Dwellings.

RUNOFF – "Runoff" shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.

SOIL MANAGEMENT REPORT – "Soil Management Report" shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.

SOIL MOISTURE SENSING DEVICE – – "Soil Moisture Sensing Device" shall mean a device that measures the amount of water in the soil. The device may also suspend or initiate an Irrigation event.

SPECIAL LANDSCAPE AREA (SLA) – "Special Landscape Area" or "SLA" shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled Water, and areas dedicated to active play such as parks, sports fi elds, golf courses, and where Turf provides a playing surface.

TURF or TURFGRASS – "Turf" or "Turfgrass" shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual Bluegrass, Kentucky Bluegrass, Perennial Ryegrass, Red Fescue, and Tall Fescue are cool-season grasses and Bermuda Grass, Kikuyu Grass, Seashore Paspalum, St. Augustine Grass, Zoysia Grass, and Buffalo Grass are warm-season grasses.

VALVE – "Valve" shall mean a device used to control the flow of water in the Irrigation System.

WATER BUDGET – "Water Budget" shall mean a maximum annual water allowance in gallons per year that takes into consideration the types of plants, Evapotranspiration Rates and Irrigation System.

WATER DISTRIBUTION SYSTEM OPERATOR – "Water Distribution System Operator" shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

WATER EFFICIENT LANDSCAPE WORKSHEET – "Water Efficient Landscape Worksheet" shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.

WATER FEATURE – "Water Feature" shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for Site waste water treatment or Storm Water Control Measures that are not irrigated and used solely for

water treatment or storm water retention are not considered Water Features.

WATER METER – "Water Meter" means any measuring device intended to measure water usage. The term "Water Meter" shall have the same meaning as the term "Water Measuring Device."

WATER PERMIT – "Water Permit" shall mean a document issued by the MPWMD that authorizes a specific amount and type of water use on a Site.

WATER WASTE – "Water Waste" shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water as defined in Rule 162.

WELL – "Well" means any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

WUCOLS – "WUCOLS" shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

Rule added by Ordinance No. 199 (11/17/2025); amended by Ordinance No. 203 (X/XX/XX)

ITEM: ACTION ITEM

10. CONSIDER AMENDMENT TO THE TECHNICAL ADVISORY COMMITTEE (TAC) CHARGE IN THE MPWMD MEETING RULES

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**MPWMD Meeting Rules**
Prepared By:	**Mollie Wooden**	**Cost Estimate:**	**N/A**

General Counsel Review: Yes
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The Board will consider amending the Technical Advisory Committee (TAC) charge to reduce the quorum from five members to four. The proposed amendment would allow the TAC to conduct business when a simple majority of members are present.

RECOMMENDATION: Staff recommends that the Board amend Section 3(b) of Attachment 2 to the District's Meeting Rules to establish a quorum of four TAC members and retain the requirement for approval by a majority of members present.

BACKGROUND: The Board adopted the TAC charge on January 24, 2008. The TAC provides technical advice and recommendations to the Board and District staff and advises the Policy Advisory Committee. The charge provides for representation from each land use jurisdiction and requires five members to conduct an official meeting. Currently, TAC comprises of seven (7) members: the cities of Carmel, Monterey, Pacific Grove, Sand City, and Seaside, the County of Monterey and Monterey Regional Airport District. Due to persistent difficulties in securing a five-member attendance, Staff proposes lowering the quorum requirement to four (4) members. This change maintains compliance with the Brown Act while facilitating more efficient organizational governance. TAC meetings will continue to be publicly noticed and open in accordance with the Brown Act.

EXHIBITS
10-A Proposed Amendment to the Technical Advisory Committee Charge

Attachment 2

CHARGE TO THE MPWMD TECHNICAL ADVISORY COMMITTEE (TAC)

Adopted by the MPWMD Board on _____, 2026
*Note: Proposed changes to the charge are shown in **bold italics**; deleted text is shown in ~~strikethrough~~*

1. Primary Function

The Technical Advisory Committee (TAC) considers topics referred by the Board related to water use and consumption within the Monterey Peninsula Water Management District and reviews policies under development to ensure that they reflect the interests of the land use jurisdictions located within the District's boundaries. The TAC provides technical advice and recommendations to the District's Board of Directors and staff and serves as technical advisors to the Policy Advisory Committee (PAC).

2. Process

The TAC meets as needed to provide a forum for in-depth deliberation and discussion and to provide recommendations and direction to staff on issues related to water demand management and water conservation. The TAC meets the definition of a "legislative body" as defined by the Brown Act; therefore, all meetings shall be noticed and open to the public in compliance with the Brown Act.

3. Composition and Structure

a) The TAC is comprised of a member representing each land use jurisdiction (i.e. the Monterey Peninsula Airport District, County of Monterey, and each city located within the boundaries of the MPWMD).

b) A quorum of ~~five (5)~~ ***four (4)*** TAC members shall be required for an official meeting to be conducted. Action may be taken by majority vote of those TAC members present**.**

c) The chair and vice chair of the committee shall be elected by the members of the TAC annually, or biennially at the first meeting conducted in the calendar year.

d) The General Manager or other designated staff member(s) of the District shall provide support as appropriate.

4. Responsibilities of the TAC

a) To meet as required on the call of the committee chair or a majority of committee members.

b) To provide timely advice to the MPWMD staff and recommendations to the District Board of Directors on technical matters related to water demand management and conservation as it affects their jurisdictions.

c) To undertake other tasks as designated by the Board.

ITEM: ACTION ITEM

11. RECEIVE FISCAL YEAR 2025-2026 ANNUAL COMPREHENSIVE FINANCIAL REPORT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: A draft copy of the District's Annual Comprehensive Financial Report (ACFR) for Fiscal Year (FY) 2025-26 is provided for review. Draft copies of the Independent Auditors' Report and Board Communication Letter (required communication letter from the Auditors to the Board) for the fiscal year ending June 30, 2026, have been received from the District's auditors, The Pun Group LLP. The final audit will be posted on the District's website after it has been accepted by the Board and submitted to the Government Finance Officers Association.

This is the twelfth year that the District has prepared an ACFR. An ACFR is a set of government financial statements comprising the financial report of a governmental agency that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB). GASB provides standards for the content of an ACFR in its annually updated publication. The District's ACFR is audited by an external certified accounting firm utilizing GASB requirements. An ACFR is composed of three sections:

Introductory section – Includes the transmittal letter.
Financial section – Includes the independent auditor's report and contains management's discussion and analysis, government-wide financial statements, fund financial statements, notes to the financial statements, required supplementary information, combining financial statements, and schedules.
Statistical section – Includes additional financial, economic, and demographic information.

The auditors have issued an "unmodified opinion" on the District's ACFR for Fiscal Year 2025-26. An unmodified opinion is the opinion in which the auditor expresses that the financial statements are fairly presented, in all material respects, in accordance with the generally accepted accounting principles in the United States. The audit did not identify any deficiencies in the internal control that the auditors consider to be material weaknesses. Representatives from The Pun Group LLP will be available at the Board meeting to review the Board Disclosure Letter (AU-260 Communication at Conclusion).

A Management Letter may be issued in conjunction with the Report to offer suggestions for improvements on matters that came to the auditors' attention in connection with the audit; however, such a letter was not deemed necessary by The Pun Group LLP, in connection with the audit for this fiscal year.

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the District for its ACFR for the fiscal year ended June 30, 2025. This was the eleventh year that the District has achieved this prestigious award. In order to be awarded a Certificate of Achievement, the District had to publish an easily readable and efficiently organized ACFR that satisfied both generally accepted accounting principles and applicable program requirements. A Certificate of Achievement for Excellence in Financial Reporting is valid for a period of one year only. We believe that our current ACFR continues to meet the Certificate of Achievement for Excellence in Financial Reporting Program's requirements, and we will be submitting it to the GFOA to determine its eligibility for another certificate.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board review and receive the Annual Comprehensive Financial Report (ACFR) for the year ending June 30, 2026. A final version of the ACFR will be submitted to the GFOA and posted on the District's website. The final version may include minor, non-substantive revisions to the introductory section.

EXHIBITS

11-A Annual Comprehensive Financial Report for FY 2025-2026 (Distributed separately to the Board and will be posted on the Board Meeting web page)

11-B Communication at Conclusion Letter for FY 2025-2026

[NEED DATE], 2026

Board of Directors
Monterey Peninsula Water Management District
Monterey, California

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of the Monterey Peninsula Water Management District (the "District") for the year ended June 30, 2026. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 1, 2026. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the District are described in Note 1 to the financial statements.

DRAFT 11.02.2026

New Accounting Standards

GASB Statement No. 103 – In April 2024, GASB Issued Statement No. 103, *Financial Reporting Improvements*. The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government's accountability. Implementation did not affect beginning net position or fund balance, but it did change the presentation of the financial statements and required supplementary information, as follows:

- Management's discussion and analysis has been revised to follow the content requirements of the Statement.
- The budgetary comparison schedules for the Water Supply Fund and the major special revenue funds now present variances between the original and final budgets, in addition to variances between the final budget and actual results. Explanations of significant variations are included in the notes to the required supplementary information.
- Proprietary fund revenues and expenses are classified as operating or nonoperating using the Statement's revised definitions.

GASB Statement No. 104 – In September 2024, GASB issued Statement No. 104, *Disclosure of Certain Capital Assets*. This Statement requires certain types of capital assets to be disclosed separately in the capital assets note disclosures required by Statement 34. Lease assets recognized in accordance with Statement No. 87, Leases, and intangible right-to-use assets recognized in accordance with Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, should be disclosed separately by major class of underlying asset in the capital assets note disclosures. Subscription assets recognized in accordance with Statement 96, *Subscription-Based Information Technology Arrangements*, also should be separately disclosed. In addition, this Statement requires intangible assets other than those three types to be disclosed separately by major class. The District implemented this Statement for the fiscal year ended June 30, 2026. Application of this statement did not have a significant effect on the District's financial reporting for the fiscal year ended June 30, 2026.

We noted no other new accounting policies were adopted and the application of existing policies was not changed during 2026. We noted no transactions entered into by the District during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The most sensitive estimate(s) affecting the District's financial statements were:

- Management's estimate of the investment fair market value is based on information provided by the State of California for its investment in the Local Agency Investment Fund and by U.S. Bank, the trustee for the District's investments in municipal bonds and U.S. Government Sponsored Enterprise Securities. We evaluated the methods, assumptions, and data used to develop the investment fair market value in determining that it is reasonable in relation to the financial statements taken as a whole.

- Management's estimate of the depreciation on capital assets is based on the industry standard and past experience on actual useful life of the asset groups. We evaluated methods, assumptions, and data used to develop the depreciation on capital assets in determining that it is reasonable in relation to the financial statements taken as a whole.

- Management's estimate for the "more likely than not" amount of sick leave to be accrued in the compensated absences liability is based on historical "days used" data determined by taking a sample of historic sick leave usage patterns.

- Management's estimate of the net pension liability is based on the actuarial valuation on total pension liability and based on audited financial statements on fiduciary net position for CalPERS plans. We evaluated methods, assumptions, and data used to develop the net pension liability in determining that it is reasonable in relation to the financial statements taken as a whole.

- Management's estimate of the net OPEB liability is based on the actuarial accounting valuation. We evaluated the methods, assumptions, and data used to develop the net OPEB liability in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure(s) affecting the financial statements were:

- Note 1 – Summary of Significant Accounting Policies
- Note 6 – Transactions with Related Organizations
- Note 10 – Other Postemployment Benefits
- Note 11 – Pension Plan
- Note 12 – Commitments and Other Contingencies
- Note 14 – Contingent Liabilities
- Note 15 – Change in Fund Balance Classification

The financial statement disclosures are neutral, consistent, and clear.

DRAFT 11.02.2026

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated [NEED DATE], 2026.

DRAFT 11.02.2026

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the District's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the District's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the Management's Discussion and Analysis, Budgetary Comparison Schedules, Schedule of Changes in the Total OPEB Liability and Related Ratios, Schedule of Proportionate Share of the Net Pension Liability, the Schedule of Contributions – Pension, as listed in the table of contents, which are Required Supplementary Information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the Introductory and Statistical Sections, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the information and use of the Board of Directors and management of the Monterey Peninsula Water Management District and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

San Diego, California

DRAFT 11.02.2026

ITEM: ACTION ITEM

12. CONSIDER ADOPTION OF AGREEMENT WITH DE LAY & LAREDO FOR LEGAL SERVICES

Meeting Date:	**November 16, 2026**	**Budgeted:**	**Yes**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**David J. Stoldt**	**Cost Estimate:**	**See Exhibit**

General Counsel Review: Yes
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: At its July 15, 2024, meeting the District Board adopted an Amended and Restated Agreement for Legal Services after the performance review process for the firm De Lay & Laredo. That Agreement is set to expire December 31, 2026. The firm has sent a letter to request renewal attached as **Exhibit 12-A**. At this time, the General Manager recommends extending the agreement with De Lay & Laredo for 2027 in the form attached as **Exhibit 12-B**.

RECOMMENDATION: It is recommended that the Board approve the proposed contract for legal services with De Lay & Laredo.

EXHIBITS
12-A Letter from De Lay & Laredo dated October 23, 2026
12-B Proposed Agreement for Legal Services

De LAY & LAREDO

Attorneys at Law

Michael D. Laredo
David C. Laredo
Frances M. Farina

Telephone (831) 646-1502
Facsimile (831) 646-0377

EXHIBIT 12-A

October 23, 2026

David Stoldt
General Manager
Monterey Peninsula Water Management District
P. O. Box 85
Monterey, California 93942

Re: General Counsel Legal Services

Dear Mr. Stoldt:

I forward the proposal of De Lay & Laredo to renew the existing Monterey Peninsula Water Management District legal services agreement. Unless amended, the current agreement is to end on December 31, 2026.

Our office has been privileged to represent the Water Management District in the capacity of General Counsel continuously since March 1979. Michael D. Laredo succeeded David C. Laredo as lead counsel under this legal services agreement, supported by David Laredo and Fran Farina. David Laredo has continued to be assigned as lead counsel on select matters of active litigation, including oversight of eminent domain proceedings pertaining to acquisition of properties owned by California American Water Company, and contested matters pending before the California Public Utilities Commission or the State Water Resources Control Board.

Throughout our engagement as general counsel, our firm has maintained close and frank working relationships with the Board of Directors, appointed officials, and staff. I look forward to continuation of this relationship.

We offer to renew the current agreement for a three-year term or for such alternate term the District may select. We note the contract enables early termination, without cause, at any time during its term.

As you are aware, our firm continues to specialize in the representation of public agencies. We presently serve as General Counsel to Monterey County Regional Taxi Authority, Monterey Salinas Transit District, MST Corporation, Pebble Beach Community Services District, and Sunnyslope County Water District. We also provide legal counsel to several local fire districts, including Aromas Tri-County Fire Protection District, Carmel Highlands Fire Protection District, Cypress Fire Protection District, and South Monterey County Fire District. Further, we regularly provide training to public agency officials on topics ranging from Brown Act compliance, Ethical Conduct in Public Service, California Environmental Quality Act issues and Sexual Harassment prevention.

We propose charging services at three hundred forty dollars ($340) per hour. Service rates will adjust each calendar year beginning January 1, 2028, adjusted to the nearest five-dollar increment at the amount of 4.0% or the local CPI calculated by the US Dept. of Labor, whichever is greater. No other changes are proposed in terms of the prior agreement.

Mr. Stoldt, I am proud of our firm's long-standing association with the Water Management District, and am pleased for this renewed opportunity to serve your Board, staff, and you as General Manager. I look forward to maintaining and enhancing each of these relationships.

If you have any question, comment, or concern, do not hesitate to contact me.

Sincerely,

De LAY & LAREDO



Michael D. Laredo

EXHIBIT 12 -B

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT of the parties dated January 1, 2027, with a term ending December 31, 2027.

This Agreement for Legal Services (hereinafter referred to as "Agreement") by and between the Monterey Peninsula Water Management District (hereinafter referred to as "District" or "MPWMD") and De Lay & Laredo, Attorneys at Law (hereinafter referred to as "General Counsel"). The term "General Manager" as used herein shall refer to the incumbent Executive Officer of the District.

WHEREAS, the District requires legal services including representation, advice, and consultation as to its powers and duties and as to the rights and obligations of those with whom it deals and/or regulates; and

WHEREAS, General Counsel has civil law experience, regularly represents local public agencies, and maintains a civil law office in Pacific Grove, California with personnel who are familiar with legal principles applicable to the District;

NOW, THEREFORE, the parties do hereby agree as follows:

1. General Counsel will provide to, or on behalf of the District, general counsel services including day-to-day advice, written opinions, legal document review, appearances at all Board meetings, and appearances at committees or subcommittee meetings at the District upon request. Michael D. Laredo is designated as lead attorney; service may also be provided by other De Lay & Laredo counsel or staff. Service by non-firm counsel shall be subject to District approval. District agrees to pay General Counsel for general counsel services on a monthly basis upon invoice from General Counsel, in accord with paragraph 4, below.

2. In addition to general counsel services, De Lay & Laredo attorneys shall also provide special legal services, upon request and subject to direction from the District Board of Directors or its General Manager, such as appearances at non-District meetings or proceedings, oversight of special counsel, litigation advice or services, services subject to reimbursement by third parties, and bond, audit or financial services. David C. Laredo shall be assigned to provide lead counsel on matters of active litigation, including but not limited to oversight of eminent domain proceedings pertaining to acquisition of properties owned by California American Water Company, contested matters pending before the California Public Utilities Commission or the State Water Resources Control Board. The District shall pay De Lay & Laredo for these legal services upon invoice from General Counsel, in accord with paragraph 4, below.

3. General Counsel's engagement with respect to matters relating to conflicts of interest, Fair Political Practice Act issues, or Government Code Section 1090 issues shall be provided only as to specific matters for which General Counsel has been formally consulted and for which General Counsel has agreed to accept. General Counsel's engagement shall not impose a duty upon De Lay & Laredo or any attorney of that firm, to undertake an independent review or special investigation of District files, transactions, contractual arrangements, or other affairs for the purpose of issues referenced above, except in response to a specific question or consultation. This

EXHIBIT 12 -B

engagement also does not require a separate inquiry or review of any statement of economic interest (or any inquiry as to the accuracy of such statement), nor does this engagement require an independent assessment as to conflict or self-dealing issues absent a specific written consultation or written question thereon.

4. Upon the effective date of this Agreement, General Counsel shall be paid special legal services, upon invoice, as follows:

- Efforts by firm attorneys - $340 per hour,
- Efforts by firm paralegal staff - $155 per hour.

Rates set forth above shall each increase by 4% (adjusted to the nearest five-dollar increment) on the following dates: January 1, 2028.

5. The District agrees to reimburse General Counsel for all expenses and reasonable costs incurred by General Counsel relating to the District, including registration and expenses (in accord with District per diem rates and policies) for one conference sponsored by ACWA or other comparable organization each calendar year. The District shall reimburse General Counsel all costs incurred on behalf of the District including specialty counsel, appraisers, filing fees, witness fees, transcripts, reporter fees, hearing officer costs, photocopying costs, long-distance telephone costs, travel and lodging costs, legal process fees, discovery costs, and jury fees. Out-of-district travel shall be billed at 50% of the applicable service rate. Costs shall be billed at actual cost (no overhead additions). No cost charge shall be made for communications or deliveries to or from other firm counsel.

6. This legal services agreement shall end on December 31, 2027, provided however, that this Agreement may be terminated at any time during its term, without cause, by the affirmative vote of a majority of the Board. In the absence of a written renewal, this contract shall continue on a monthly basis beginning on January 1, 2028, provided however, that the District or General Counsel shall provide thirty (30) days advance notice of any amendment.

7. De Lay & Laredo shall maintain a policy of professional errors and omissions insurance with a minimum of$1,000,000/$1,000,000 limits during the term of this agreement.

IN WITNESS WHEREOF, Monterey Peninsula Water Management District and General Counsel have executed this Agreement as of the day and year set forth below.

_____	_____
Dated	David J. Stoldt for MPMWD
_____	_____
Dated	Michael D. Laredo for De Lay & Laredo

ITEM: DISCUSSION ITEM

14. UPDATE THE BOARD ON MPWMD'S RESPONSE TO THE CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD'S (RWQCB) DRAFT ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT (MPWSP)

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**Mike McCullough** **Assistant General Manager**	**Program/** **Line Item:**	**N/A**
Prepared By:	**Maureen Hamilton**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: This item was verbally discussed at the November 2, 2026, Water Supply Planning Committee meeting.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: On October 16, 2026, the Central Coast Regional Water Quality Control Board (RWQCB) released a notice stating it had prepared a Draft Addendum to the Final Environmental Impact Report for the Monterey Peninsula Water Supply Project (Draft Addendum), **Exhibit 14-A**. The written comment period closed on November 6, 2026.

MPWMD provided comments regarding cumulative growth inducing impacts, discharge to the tidal zone, and additional brine pond impact on terrestrial resources. Additionally, MPWMD requested a ground disturbance area clarification. After MPWMD legal counsel review, the comment letter was emailed to the RWQCB, **Exhibit 14-B**.

RECOMMENDATION: The Board receive an update on MPWMD's response to the RWQCB's Draft Addendum.

BACKGROUND:
The RWQCB is a responsible agency under the California Environmental Quality Act (CEQA) and prepared the Draft Addendum to evaluate whether changes to the proposed Monterey One Water outfall pipeline and diffuser modifications, necessary to accommodate the future desalination brine discharge from the Monterey Peninsula Water Supply Project (MPWSP) desalination facility, would result in new or substantially more severe significant environmental impacts or otherwise require a subsequent or supplemental EIR.

The Draft Addendum evaluates the environmental effects of the proposed outfall pipeline and diffuser modifications, which relate to the discharge regulated under Monterey One Water's National Pollutant Discharge Elimination System (NPDES) Permit. The RWQCB determined, based on substantial evidence and considering the whole record, that no subsequent or

supplemental EIR is necessary, and consistent with CEQA Guidelines section 15164, an Addendum is the appropriate CEQA document to evaluate the potential effects associated with the proposed modifications.

Although CEQA Guidelines state that an addendum need not be circulated for public review, the RWQCB voluntarily provided an opportunity for public review and written comment on the Draft Addendum. The public hearing to adopt the Draft Addendum will be held on December 10-11, 2026. Additional hearing information will be available in the RWQCB meeting agenda at: https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2026/2026_agendas.html.

MPWMD believes the Draft Addendum did not address threatened increase in the severity of previously identified effects related to discharge in the tidal zone and addition of a second brine pond. Additionally, MPWMD believes the Draft Addendum did not address new information of substantial importance related to the construction of Pure Water Monterey Expansion project and the associated Amended and Restated Water Purchase Agreement execution.

EXHIBITS

14-A Draft Addendum to the Final Environmental Impact Report for the Monterey Peninsula Water Supply Project (link provided due to size): https://www.waterboards.ca.gov/rwqcb3/public_notices/docs/2026/mpwsp-ceqa-draft-addendum.pdf

14-B MPWMD letter to the RWQCB submitted on November 3, 2026

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

VIA EMAIL rb3-npdes@waterboards.ca.gov

November 03, 2026

NPDES Unit
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Subject: Comment Letter – MPWSP CEQA Addendum

Dear Members of the Central Coast Board and Staff:

On behalf of the Monterey Peninsula Water Management District (MPWMD), we appreciate the opportunity to submit comments on the Draft Addendum to Final Environmental Impact Report Monterey Peninsula Water Supply Project dated October 2026 (Addendum).

We write because the proposed modifications may involve new, unmitigated, or substantially more severe environmental impacts that require a Subsequent or Supplemental EIR under Public Resources Code § 21166.

Cumulative Growth-Inducing Impact

The Monterey Peninsula Water Supply Project Final Environmental Impact Report/Environmental Impact Statement dated March 2018 (MPWSP EIR/EIS), SCH No. 2006101004, evaluated growth-inducing impacts based on assumptions regarding project operations and regional water supplies that differ materially from current conditions.

After the MPWSP EIR/EIS certification by the California Public Utilities Commission (CPUC) in Decision D.18-09-017, a new and significant major water supply project, Pure Water Monterey Expansion[1] (PWME), was constructed. The PWME project has become operational and now provides approximately 2 million gallons per day (MGD), of potable water supply. Neither the PWME nor the Monterey Peninsula Water Supply Project (MPWSP) environmental documents analyzed long-term concurrent operation of both projects. The Final Supplemental Environmental Impact Report for the Proposed

[1] Also referred to as Groundwater Replenishment or GWR project in older citations.

Modifications to the Pure Water Monterey Groundwater Replenishment Project dated April 2020 (PWME SEIR), SCH 2013051094, stated that PWME would cease operation upon implementation of MPWSP and therefore did not evaluate cumulative impacts associated with long-term operation of both projects[2]. However, following the April 26, 2021 certification of the PWME SEIR, California American Water, Monterey One Water, and MPWMD executed the Amended and Restated Water Purchase Agreement dated March 31, 2023 (Water Purchase Agreement) requiring production and purchase of PWME water for a thirty-year period. As a result, the factual circumstances underlying the prior environmental analyses have materially changed. The long-term concurrent operation of PWME and MPWSP appears to be the operating scenario that prior environmental review documents did not evaluate, making it important for the Addendum to explain why that previously unexamined condition does not affect the validity of the certified growth-inducing impact conclusions.

The Addendum does not evaluate whether the long-term concurrent operation of PWME and MPWSP alters the growth-inducing impact conclusions reached in the certified MPWSP EIR/EIS, nor does it provide an analysis demonstrating that cumulative growth-related effects remain unchanged considering the new water supply project now committed to the region. Because the prior environmental documents did not evaluate impacts under the scenario that now exists, the Addendum should identify substantial evidence supporting the conclusion that the prior growth-inducing impact findings remain valid under current conditions.

Furthermore, the supply and demand assumptions that informed the cumulative analysis in the MPWSP EIR/EIS were subsequently revised through CPUC Phase 2 Decision Approving Demand and Supply Estimates for the Monterey Peninsula Water Supply Project D.25-08-006, amendment issued October 9, 2025. The Addendum does not discuss whether these updated assumptions affect the continued validity of the growth-inducing impact analysis, nor does it explain why the conclusions of the certified MPWSP EIR/EIS continue to apply under current planning conditions.

CEQA Guidelines section 15164 permits reliance on an addendum only when none of the conditions identified in section 15162 are present. The existence of an operational PWME facility, the subsequent execution of a thirty-year Water Purchase Agreement requiring continued PWME operation, and updated regional water supply and demand assumptions

[2] Notably, California American Water previously recognized the importance of evaluating MPWSP and PWME together as cumulative projects. In its January 30, 2020 comment letter to Monterey One Water on the PWME SEIR, California American Water stated that analysis was needed to evaluate the environmental effects that could occur if the PWME project and MPWSP proceed together and recommended consideration of MPWSP as a cumulative project within the environmental review.

represent changed circumstances that were not collectively evaluated in the certified EIR/EIS growth-inducing impact analysis. The Addendum does not provide a reasoned explanation, supported by substantial evidence, demonstrating that these changed circumstances do not involve new significant environmental effects, a substantial increase in the severity of previously identified effects, or new information of substantial importance relevant to the prior growth-inducing impact analysis. Consequently, it is not clear from the Addendum what evidence or analysis supports the conclusion that the certified EIR/EIS growth-inducing impact findings remain valid despite the materially changed water-supply conditions now under consideration.

WEKO Seals Replacement Discharge to Tidal Zone

Section 1.4.2 of the Addendum states that construction of the WEKO seal replacement project would require implementation of a bypass pumping system and that bypass pumping effluent would be discharged into beach sand within the tidal zone. The description also references an open fabricated accessway intended to allow controlled releases of emergency high effluent flows associated with treatment plant process upsets. The Addendum relies on analysis contained in the certified MPWSP EIR/EIS; however, it is not clear from the EIR/EIS or the Addendum where the environmental effects associated with discharge of bypass pumping effluent to the tidal zone were specifically evaluated.

Section 4.13.5.3 of the MPWSP EIR/EIS characterizes water quality impacts associated with Mitigation Measure 4.13-5a as less than significant based on compliance with the NPDES Construction General Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP). However, the EIR discussion appears to rely primarily on compliance with NPDES Construction General Permit requirements and implementation of a SWPPP, neither of which is clearly identified as analysis of the environmental effects associated with intentional discharge of bypass pumping effluent to beach sand within the active tidal zone. The EIR does not appear to discuss discharge characteristics, anticipated discharge volumes or duration, fate and transport within the beach aquifer, potential migration to receiving waters, or potential effects on beneficial uses. The Addendum does not provide a reasoned analysis explaining whether discharge of bypass effluent to a tidal beach environment was evaluated separately from stormwater management measures, nor does it identify the basis for concluding that potential impacts to receiving waters and beneficial uses would remain less than significant. The Addendum appears to assume that discharge of bypass pumping effluent falls within the impact envelope evaluated in the certified EIR/EIS; however, the document does not identify where that discharge activity was specifically analyzed or explain why no additional resource-area evaluation is required.

In addition, while the EIR provides analysis of aesthetics, recreation, air quality, and terrestrial biological resources associated with the work, it is not clear whether the EIR/EIS or Addendum evaluated the following issues associated with intentional discharge of bypass effluent into beach sand within the active tidal zone:

- Potential effects on receiving-water quality;
- Potential impacts to intertidal, nearshore marine, or aquatic biological resources;
- The basis for concluding that discharge to the tidal zone would not result in environmental impacts beyond those previously disclosed;
- The applicability of existing mitigation measures and permit requirements to intentional discharge activities occurring within the tidal zone.

The EIR specifically evaluated temporary effects on beach access associated with WEKO seal replacement activities. However, it is not clear whether the EIR/EIS or Addendum evaluated whether discharge activities, emergency releases, temporary piping, discharge monitoring requirements, or other discharge-related work within the tidal zone could affect public access, recreation, or public health and safety. Additionally, the Addendum does not appear to evaluate several resource areas that could be affected by grouting in the coastal zone required for mitigation Measure 4.13-5b discussed in EIR section 4.13.5.4.

Additional explanation would be helpful regarding where the environmental effects of bypass pumping effluent discharge to the tidal zone were evaluated, what evidence supports the conclusion that those activities would remain within the scope of impacts previously analyzed, and the basis for determining that no new or more severe impacts to receiving waters, beneficial uses, or aquatic resources would occur.

Brine Pond Terrestrial Biological Resources

The EIR analyzed one 1.5-acre pond. The Addendum now proposes either a second 1.5-acre pond or substantially modified storage infrastructure. The Addendum concludes impacts remain unchanged.

The Addendum does not explain why the operational assumptions underlying the original avian-impact analysis remain valid despite increasing the total open brine surface area from approximately 1.5 acres to approximately 3 acres. The EIR does not explain whether the observed mortality rates reported in the cited studies were normalized by surface area, bird use, salinity, recovery process, recovery duration, or other relevant factors. The Addendum states that increasing pond area would not proportionally increase bird exposure; however, it does not identify monitoring data, scientific literature, or other substantial evidence supporting that conclusion.

Because the EIR relied in part on salinity-related effects as the mechanism by which birds could be harmed, it is not clear whether the Addendum evaluated how salinity concentrations within the proposed storage ponds could vary over time due to evaporation, operational conditions, or concentration of dissolved solids.

Without additional explanation, it is difficult to assess the basis for the Addendum's conclusion that doubling the open brine pond surface area would not increase the potential for avian exposure or otherwise alter the effectiveness of Mitigation Measure 4.6-6.

Outfall Lining Land Disturbance

The description of slip-liner construction on pages 1-29 and 1-30 does not clearly disclose the total amount of temporary disturbance associated with the proposed access pits and grouting pits.

The Addendum states that installation would require fourteen access pits and eleven grouting pits. It further states that each access pit would include approximately 5,000 square feet of surrounding work area and each grouting pit would include approximately 2,500 square feet of surrounding work area. However, the subsequent discussion refers to "5,000 sf of temporary ground disturbance" associated with access pits and "2,500 sf of temporary disturbance" associated with grouting pits without clearly stating whether those figures represent disturbance at each individual pit location, total project disturbance, or maximum concurrent disturbance.

As written, the description could create uncertainty regarding the overall area affected by construction activities.

In Conclusion, MPWMD respectfully requests that the Regional Board ensure its revised environmental assessment sets forth substantial evidence and reasoned analyses to support its conclusions. MPWMD does not believe the proposed Addendum presently identifies substantial evidence to support its conclusion that the proposed modifications would not result in new significant environmental effects. We believe the proposed Addendum also fails to address threatened increase in the severity of previously identified effects. It is apparent that new information of substantial importance has not been addressed as required by CEQA Guidelines section 15162.

Importantly the District believes the unresolved issues identified above cannot be adequately addressed via an Addendum. The proper document and process to identify the substantial evidence and reasoned analyses to support the Regional Board’s conclusions require a Subsequent or Supplemental EIR under Public Resources Code § 21166. The more robust environmental assessment (as compared to the proposed Addendum) is

required because the proposed modifications involve new, unmitigated, and substantially more severe environmental impacts than those identified in the previous environmental assessment.

Thank you for the opportunity to provide these comments. MPWMD respectfully request this letter be included in the administrative record for the project.

Sincerely,



David J. Stoldt
General Manager
Monterey Peninsula Water Management District

ITEM: INFORMATIONAL ITEM/STAFF REPORT

15. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER $25,000

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review as **Exhibit 15-A** is a monthly status report on contracts over $25,000 for the period September 2026. Contracts associated with District grants are provided in a separate section for reference. This status report is provided for information only, no action is required.

EXHIBIT
15-A Status on District Open Contracts (over $25k)

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EXHIBIT 15-A

Monterey Peninsula Water Management District
Status on District Open Contracts and Grants
For The Period September 2026

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending*	Total Expended To Date	Current Period Acitivity	P.O. Number
1	Albert A. Webb Associates	Consultant for Public's Acquisition of Monterey Water System (Cal-Am)	11/18/2024	$ 1,200,000.00	$ 117,465.00	$ 493.75	$ 117,958.75	Current Period Billing	PO03880
2	Close and Associates	Utility consultant for Public's Acquisition of Monterey Water System	11/18/2024	$ 965,000.00	$ 131,346.33	$ -	$ 131,346.33		PO03876
3	Colantuono, Highsmith, & Whatley, PC	MTA Legal services for appeal to Water Supply Charge	9/15/2021	$ 100,000.00	$ 97,348.22	$ -	$ 97,348.22		PO03715
4	CSC	Recording Fees FY 26-27	4/20/2026	$ 65,000.00	$ 20,000.00	$ -	$ 20,000.00		PO04162
5	Deveera Inc	IT Managed Services & Subscriptions FY 26-27	4/20/2026	$ 94,851.68	$ 15,658.98	$ 7,829.12	$ 23,488.10	Current Period Billing	PO04179
6	GSI Environmental Inc.	Upgrade CRBHM	4/20/2026	$ 68,000.00	$ 5,868.62	$ 16,080.00	$ 21,948.62	Current Period Billing	PO04189
7	IGM Holdings	Budget Suite software	12/2/2025	$ 52,704.00	$ 23,000.00	$ -	$ 23,000.00		PO04067
8	JEA and Associates	State Advocacy Services FY 26-27	5/18/2026	$ 72,000.00	$ 12,000.00	$ 7,000.00	$ 19,000.00	Current Period Billing	PO04159
9	John K. Cohan dba Telemetrix	Consultant Services for Sleepy Hollow Facility 25-26	7/1/2025	$ 35,408.00	$ 34,487.12	$ -	$ 34,487.12		PO04141
10	Kennedy/Jenks Consultants, Inc.	Urban Water Management Plan Services	7/1/2025	$ 134,860.00	$ 74,761.52	$ -	$ 74,761.52		PO04025
11	Kevin Robert Knapp/ Tierra Plan LLC	Surface Water Data Portal	11/14/2022	$ 27,730.00	$ 27,400.81	$ -	$ 27,400.81		PO03302
12	Lynx Technologies, Inc	GIS Consultant Contract for FY 26-27	6/22/2026	$ 35,000.00	$ 7,500.00	$ 2,875.00	$ 10,375.00	Current Period Billing	PO04202
13	Maggiora Bros. Drilling, Inc	ASR Support from Maggiora Bros for Well Work	6/20/2023	$ 50,000.00	$ -	$ -	$ -		PO03407
14	Montgomery & Associates	Groundwater Modeling Montgomery Contract	6/27/2024	$ 55,000.00	$ -	$ -	$ -		PO03750
15	Montgomery & Associates	Tularcitos ASR Feasibility Study	3/20/2023	$ 119,200.00	$ 112,419.50	$ -	$ 112,419.50		PO03368
16	Montgomery & Associates	Annual Groundwater Modeling Support	6/20/2022	$ 50,000.00	$ 37,929.00	$ -	$ 37,929.00		PO03193
17	Montgomery & Associates	Annual Groundwater Modeling Support	6/22/2026	$ 55,000.00	$ -	$ -	$ -		PO04148
18	Pueblo Water Resources, Inc.	ASR Operations Support	6/20/2023	$ 25,000.00	$ 1,997.50	$ -	$ 1,997.50		PO03406
19	Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	$ 68,679.00	$ 57,168.85	$ -	$ 57,168.85		PO01628
20	Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	$ 94,437.70	$ 47,282.61	$ -	$ 47,282.61		PO01510
21	Raftelis Financial Consultants	Measure J/Rule 19.8 Appraisal/Rate Study Phase 4	8/21/2023	$ 200,000.00	$ 39,395.00	$ -	$ 39,395.00		PO03491
22	Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase IV	2/24/2023	$ 450,000.00	$ 436,113.86	$ -	$ 436,113.86		PO03639
23	Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase IV	8/17/2026	$ 360,000.00	$ 23,333.20	$ -	$ 23,333.20		PO04211
24	RWG Law	California Coastal Commission and Cal-Am Case	3/16/2026	$ 40,000.00	$ 64,285.57	$ -	$ 64,285.57		PO04117
25	Schaaf & Wheeler	Drawing Support Services	4/23/2023	$ 30,000.00	$ 29,425.00	$ -	$ 29,425.00		PO03474
26	Shute, Mihaly & Weinberger LLP	LAFCO Litigation	3/17/2025	$ 355,000.00	$ 351,648.66	$ -	$ 351,648.66		PO03882

Monterey Peninsula Water Management District
Status on District Open Contracts and Grants
For The Period September 2026

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending*	Total Expended To Date	Current Period Acitivity	P.O. Number
27	Shute, Mihaly & Weinberger LLP	Measure J/Rule 19.8 LAFCO Litigation	8/17/2026	$ 360,000.00	$ 66,497.51	$ 91,001.41	$ 157,498.92	Current Period Billing	PO04212
28	The Ferguson Group	TFG Advocacy Services FY 26-27	5/18/2026	$ 79,380.00	$ 13,230.00	$ 6,615.00	$ 19,845.00	Current Period Billing	PO04158
29	The Pun Group	Audit Services for FY 26/27	4/21/2025	$ 81,900.00	$ 39,375.00	$ -	$ 39,375.00		PO04178
30	TJC and Associates	Perform a review of our electrical system, capacity, and provide overall support for the ASR project	6/27/2024	$ 45,000.00	$ 8,682.00	$ -	$ 8,682.00		PO03829
31	TM Process & Controls	ASR Well Turbidity Control	8/19/2024	$ 57,749.00	$ 54,390.49	$ -	$ 54,390.49		PO03852
32	WellmanAD	Public Outreach Consultant FY 26-27	4/20/2026	$ 97,344.00	$ 21,017.98	$ 9,410.13	$ 30,428.11	Current Period Billing	PO04160

Contracts related to District Grants									
1	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	$ 114,960.00	$ 75,257.50	$ 2,751.25	$ 78,008.75	FY Q2 Billling	PO02847
2	DUDEK	IRWM IR2 Grant Administration	10/1/2022	$ 90,510.00	$ 22,522.50	$ 1,732.50	$ 24,255.00	FY Q2 Billling	PO03718
3	City of Sand City	IRWM Round 1 Grant Reimbursement	3/28/2022	$ 1,084,322.50	$ 84,288.75	$ -	$ 84,288.75		PO03093
4	County of Monterey	IRWM Grant Round 2 Reimbursement	5/19/2023	$ 898,451.00	$ -	$ -	$ -		PO03879
5	City of Monterey	IRWM Grant Round 2 Reimbursement	5/19/2023	$ 500,000.00	$ 141,799.04	$ -	$ 141,799.04		PO03878

ITEM: INFORMATIONAL ITEM/STAFF REPORT

16. STATUS REPORT ON EXPENDITURES – PUBLIC'S OWNERSHIP OF MONTEREY WATER SYSTEM

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Nishil Bali**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Finance and Administration Committee reviewed this item on November 9, 2026.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review as **Exhibit 16-A** is a monthly status report on spending – Public's Ownership of Monterey Water System for the period September 2026. This status report is provided for information only; no action is required.

EXHIBIT
16-A Status Report on Spending – Public's Ownership of Monterey Water System

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EXHIBIT 16-A

Monterey Peninsula Water Management District
Status on Public's Ownership of Monterey Water System - Phase IV
Eminent Domain Proceedings through Bench Trial
Through September 2026

	Contract	Last Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel (Rutan)	8/17/2026	$ 810,000.00	$ 459,447.00		$ 459,447.00	$ 350,553.00	PA00009-01
2	Eminent Domain Legal Counsel (SMW)*	8/17/2026	$ 715,000.00	$ 443,682.13	$ 91,001.41	$ 534,683.54	$ 180,316.46	PA00009-02
3	Financial Services (Raftelis)	8/21/2023	$ 200,000.00	$ 39,394.50		$ 39,394.50	$ 160,605.50	PA00009-03
4	Utility Consultant (Close & Associates)	12/16/2024	$ 965,000.00	$ 131,346.33		$ 131,346.33	$ 833,653.67	PA00009-07
5	Consulting Civil Engineer (Webb Associates)	11/18/2024	$ 1,200,000.00	$ 117,465.00	$ 493.75	$ 117,958.75	$ 1,082,041.25	PA00009-07
	Total		**$ 3,890,000.00**	**$ 1,191,334.96**	**$ 91,495.16**	**$ 1,282,830.12**	**$ 2,607,169.88**	

	District Legal Counsel			$ 136,475.11		$ 136,475.11		PA00009-05

Status on Public's Ownership of Monterey Water System - Phase III
Appraisal through Resolution of Necessity
Through October 2023

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	$ 200,000.00	$ 98,283.28		$ 98,283.28	$ 101,716.72	PA00007-01
2	Appraisal Services	4/17/2023	$ 220,000.00	$ 220,000.75		$ 220,000.75	$ (0.75)	PA00007-03
3	District Legal Counsel	12/16/2019	$ 100,000.00	$ 63,065.50		$ 63,065.50	$ 36,934.50	PA00007-05
4	Real Estate Appraiser	8/15/2022	$ 80,000.00	$ 53,309.64		$ 53,309.64	$ 26,690.36	PA00007-06
6	Water Rights Appraisal	8/15/2022	$ 75,000.00	$ 45,490.46		$ 45,490.46	$ 29,509.54	PA00007-10
7	Contingency/Miscellaneous	12/16/2019	$ -	$ -		$ -	$ -	PA00007-20
	Total		**$ 675,000.00**	**$ 480,149.63**	**$ -**	**$ 480,149.63**	**$ 194,850.37**	

Status on Public's Ownership of Monterey Water System - Phase II

EIR & LAFCO Application

Through September 2022

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	9/20/2021	$ 345,000.00	$ 168,265.94		$ 168,265.94	$ 176,734.06	PA00005-01
2	CEQA Work	12/16/2019	$ 134,928.00	$ 134,779.54		$ 134,779.54	$ 148.46	PA00005-02
3	Appraisal Services	9/20/2021	$ 430,000.00	$ 188,683.75		$ 188,683.75	$ 241,316.25	PA00005-03
4	Operations Plan	12/16/2019	$ 145,000.00	$ 94,860.00		$ 94,860.00	$ 50,140.00	PA00005-04
5	District Legal Counsel	12/16/2019	$ 40,000.00	$ 162,254.16		$ 162,254.16	$ (122,254.16)	PA00005-05
6	MAI Appraiser	6/15/2020	$ 170,000.00	$ 76,032.00		$ 76,032.00	$ 93,968.00	PA00005-06
7	Jacobs Engineering	12/16/2019	$ 87,000.00	$ 86,977.36		$ 86,977.36	$ 22.64	PA00005-07
8	LAFCO Process	11/15/2021	$ 240,000.00	$ 217,784.62		$ 217,784.62	$ 22,215.38	PA00005-08
9	PSOMAS	9/20/2021	$ 28,000.00	$ 25,900.00		$ 25,900.00	$ 2,100.00	PA00005-09
10	Contingency/Miscellaneous/Uncommitted	12/16/2019	$ 289,072.00	$ 38,707.08		$ 38,707.08	$ 250,364.92	PA00005-20
	Total		**$ 1,909,000.00**	**$ 1,194,244.45**	**$ -**	**$ 1,194,244.45**	**$ 714,755.55**	
1	Measure J CEQA Litigation Legal Services*	12/23/2020	$ 200,000.00	$ 140,303.06		$ 140,303.06	$ 59,696.94	PA00005-15
1	Measure J LAFCO Litigation Legal Services*	1/1/2022	$ 400,000.00	$ 398,750.20		$ 398,750.20	$ 1,249.80	PA00005-16

Status on Public's Ownership of Monterey Water System - Phase I

Financial Feasibility

Through November 2019

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	$ 100,000.00	$ 160,998.16		$ 160,998.16	$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	$ 30,000.00	$ 27,000.00		$ 27,000.00	$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consultant	2/21/2019	$ 355,000.00	$ 286,965.17		$ 286,965.17	$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	$ 100,000.00	$ 84,221.69		$ 84,221.69	$ 15,778.31	PA00002-04
5	District Legal Counsel		$ 35,000.00	$ 41,897.59		$ 41,897.59	$ (6,897.59)	PA00002-05
6	Contingency/Miscellaneous		$ 30,000.00	$ 45,495.95		$ 45,495.95	$ (15,495.95)	PA00002-10
	Total		**$ 650,000.00**	**$ 646,578.56**	**$ -**	**$ 646,578.56**	**$ 3,421.44**	

ITEM: INFORMATIONAL ITEM/STAFF REPORT

17. LETTERS RECEIVED AND SENT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Sara Reyes**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

The District has not received any letters sent by or addressed to the Board Chair or General Manager since the October 19, 2026, Board meeting.

Although no new correspondence has been received, previously received letters included in the meeting packet are provided to inform the Board and the public. Copies are available for review at the District office; reproduction fees may apply.

Digital versions of the letters are also available on the District's website at www.mpwmd.net.

Author	Addressee	Date	Topic
N/A			

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

18. COMMITTEE REPORTS

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Sara Reyes**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

The final minutes of the committee meetings listed below are submitted for review.

EXHIBITS

18-A MPWMD Public Outreach Committee Meeting of August 31, 2026
18-B MPWMD Water Supply Planning Committee Meeting of September 8, 2026
18-C MPWMD Finance and Administration Committee Meeting of October 12, 2026

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 18-A

Minutes
Public Outreach Committee Meeting
Monday, August 31, 2026, at 2:00 p.m.
Meeting Location: Zoom

Call to Order / Roll Call
Director Gawain served as the Chair and called the meeting to order at 2:00 p.m.

Committee Members Present
Marianne Gawain
Alvin Edwards

Committee Members Absent
Rebecca Lindor, Chair

District Staff Members Present
Dave Stoldt, General Manager
Mike McCullough, Assistant General Manager
Mollie Wooden, Water Demand Manager
Sara Reyes, Board Clerk

District Counsel Present
Michael Laredo, De Lay & Laredo

Additions and Corrections to the Agenda
None

Comments from the Public
Chair Gawain opened the public comment period. No comments were received.

Action Items
Chair Gawain introduced the action items.

1. **Consider Adoption of Committee Meeting Minutes from June 29, 2026**
   On a motion by Edwards, seconded by Gawain, the minutes of the June 29, 2026, committee meeting were approved by the following roll call vote: 2 Ayes (Gawain and Edwards), 0 Noes, and 1 Absent (Lindor).

Discussion Items
Chair Gawain introduced the discussion item.

2. **Status of Public Outreach Projects**
   Phil Wellman, Public Outreach Consultant with WellmanAd, presented a slide deck titled *MPWMD Public Outreach Report (June 29 to August 31)*. The presentation is available on the District's website.

   Mr. Wellman reported provided the following updates:
   - KAZU radio advertising running through October, including a 15-second ad airing 56 times per month plus 66 bonus ads, reaching about 72,500 weekly listeners across Monterey, Salinas Valley, and Santa Cruz.

- Strong participation in the Summer Splash program. Beginning July 15, a new tracking feature allowed participants to identify how they learned about the program, resulting in 75 referrals from the Monterey County Weekly and Carmel Pine.
- The weekly newsletter ad generated the strongest response, producing 130 entry referrals during the tracking period.
- A boosted Facebook ad ran during the final six days of the Summer Splash contest and generated 51 entries.
- A half-page Car Week ad featuring the message "Don't Let Your Faucet Idle" ran in the *Monterey County Weekly* and *Carmel Pine Cone*.
- An August 11 newsletter informed recipients how to submit public comments directly to the State Water Resources Control Board regarding proposed modifications to the Cease and Desist Order. Of the 19,792 notices distributed, 8,008 were opened, representing a record open rate of 40.5 percent.
- Work continued on the five-phase *Pure Water Monterey* documentary project. Phase 1, Carmel River filming, was completed.
- Phase 2 research and development was underway and expected to be completed in late September or early October. Current work included developing timelines, organizing and verifying research, selecting interview subjects and materials, finalizing the documentary's narrative and visual treatment, and preparing the filming schedule and project budget.
- Phase 3 filming was planned for October at the Pure Water Monterey facility and would include interviews, footage of the injection site, and aerial drone footage.

3. Citizens' Water Panel Update

Mike McCullough, Assistant General Manager, reported that the Citizens' Water Panel held its first meeting on August 7. Eleven of the 12 members attended. Staff provided departmental overviews and answered questions. Participants responded positively, and the next meeting is scheduled for November 6.

4. MCPOA Event Update

Dave Stoldt, General Manager, reported that District representatives attended the Monterey Commercial Property Owners Association event on July 30. The well-attended event provided an opportunity to engage with local business and City of Monterey representatives and increase the District's visibility.

5. Measure J Update

Mr. Stoldt reported that the Measure J/Cal-Am buyout webpage was updated to include recent legal filings and the pending October 19 mini-bench trial. Future developments will be posted as available, along with a link providing public access to testimony submitted in the related State Water Board proceeding.

Suggest Items to Be Placed on a Future Agenda

No items were received.

Adjournment

There being no further business, Chair Gawain adjourned the meeting at 2:32 p.m.

/s/ Sara Reyes

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Sara Reyes, Board Clerk to the
MPWMD Public Outreach Committee

Approved by the MPWMD Public Outreach Committee on October 26, 2026.
Received by the MPWMD Board of Directors on November 16, 2026.

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 18-B

Final Minutes
Water Supply Planning Committee Meeting
Tuesday, September 8, 2026, at 2:00 p.m.
Meeting Location: Zoom

Call to Order / Roll Call
Director Paull called the meeting to order at 2:00 p.m. and served as Chair.

Committee Members Present
Karen Paull, Chair
Alvin Edwards
Rebecca Lindor (arrived at 2:06 p.m.)

Committee Members Absent
None

District Staff Members Present
David Stoldt, General Manager
Jonathan Lear, Water Resources Manager
Maureen Hamilton, District Engineer
Sara Reyes, Board Clerk

District Staff Members Absent
Mike McCullough, Assistant General Manager

District Counsel Present
Michael Laredo, De Lay & Laredo
Fran Farina, De Lay & Laredo

Additions and Corrections to the Agenda
None

Comments from the Public
Chair Paull opened the public comment period. No comments were received.

Action Items
Chair Paull introduced the action item.

1. **Consider Adoption of Committee Meeting Minutes from May 4, 2026**
   On a motion by Edwards, seconded by Paull, the minutes of the May 4, 2026, committee meeting were approved by the following roll call vote: 2 Ayes (Paull and Edwards), 0 Noes, and 1 Absent (Lindor).

2. **Consider Approval of Cost Sharing Agreement for Recalibration and Updating Groundwater Models for the Seaside Groundwater Basin**
   On a motion by Paull, seconded by Edwards, the committee recommended that the Board approve a not-to-exceed amount of $31,250 from the FY 2026-27 budget for the District's share of recalibrating and updating the Basin Model, and that the MOA be revised, as recommended by District Counsel, to acknowledge the District's access to and use of the updated model and model runs. The motion was

adopted by a roll call vote of 3 Ayes (Paull, Edwards, and Lindor) and 0 Noes.

Discussion Items
Chair Paull introduced the discussion items.

3. **Receive Update on the District's Seaside Groundwater Activities**
   Jonathan Lear, Water Resources Manager, reported that the District is partnering with the Watermaster and State Parks to maintain and expand the Seaside Basin monitoring network. Rising conductivity at Sentinel Well No. 4 prompted plans for a targeted monitoring well to assess potential seawater intrusion. He also outlined efforts to rehabilitate the Fort Ord Monitoring Well Network by replacing aging wells and adding monitoring locations, with the District providing technical and construction management support. Staff are advancing environmental review, permitting, property access agreements, and coordination for the phased program.

4. **Receive Update on District's Comment Letter to Regional Board**
   General Manager David Stoldt reported limited updates, noting increased stakeholder interest in the conditions imposed by the Coastal Commission. He stated that Monterey One Water's coastal permit application was deemed incomplete, delaying its review, and that the NPDES permit hearing was also postponed. Staff continue to monitor both matters and seek updates from the regulatory agencies.

   Chair Paull opened the public comment period. The following comment was received:

   1) Susan Schiavone raised legal, regulatory, and pipeline-access concerns regarding Cal-Am's proposed desalination project and urged the District to monitor the matter.

5. **Receive Update on the Bureau of Reclamation Applied Science Grant**
   General Manager David Stoldt reported that the item will be deferred to the next Water Supply Planning Committee meeting so Assistant General Manager Mike McCullough, who was absent, can provide the update.

Suggest Items to Be Placed on a Future Agenda
No items were presented.

Adjournment
There being no further business, Chair Paull adjourned the meeting at 3:01 p.m.

/s/ Sara Reyes

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Sara Reyes, Board Clerk to the
MPWMD Water Supply Planning Committee

Approved by the MPWMD Water Supply Planning Committee on November 2, 2026.
Received by the MPWMD Board of Directors on November 16, 2026.

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 18-C

FINAL MINUTES
Finance and Administration Committee
October 12, 2026, at 2:00 p.m.

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G., Monterey, CA 93940
(*Hybrid: Meeting Held In-Person and via Zoom – Teleconferencing means)*

Call to Order
Chair Riley called the meeting to order a 2:00 p.m.

Committee Members Present
George Riley, Chair
Karen Paull *(Arrived 2:03 p.m.)*
Rebecca Lindor

Committee Members Absent
None

District Staff Members Present
Mike McCullough, Assistant General Manager
Nishil Bali, Chief Finance/Administration Manager
Mollie Wooden, Water Demand Manager
Sara Reyes, Executive Assistant/Board Clerk
Sandra Alonso, Office Specialist II

District Counsel Present
Michael Laredo, De Lay & Laredo

Additions / Corrections to Agenda
None

Comments from the Public
None

Action Items
Chair Riley introduced the item.

1. **Consider Adoption of August 10, 2026, Committee Meeting Minutes**
   On a motion by Riley, seconded by Lindor, the minutes of the August 10, 2026, committee meeting were approved 2-0 with Director Paull absent.

2. **Consider Adoption of Resolution No. 2026-11 – Establish a Time-Limited Multi-Family Residential Sites Common Laundry Room Amnesty and Rebate Program**
   On a motion by Paull, seconded by Lindor, the Finance and Administration Committee recommended that the Board approve the time-limited Multi-Family Residential Sites Common Laundry Room Amnesty and Rebate Program and accompanying Resolution No. 2026-11. The motion passed unanimously 3-0.

3. **Consider Adoption of Treasurer's Report for August 2026**

On a motion by Paull, seconded by Riley, the Finance and Administration Committee recommended that the Board adopt the August 2026 Treasurer's Report and Statement of Revenues and Expenditures and ratify the disbursements made during the month. The motion passed unanimously 2-0, with Director Lindor absent for the vote.

4. **Receive Government Accounting Standards Board (GASB) Statement No. 68 – Financial Reporting for Pensions**
   On a motion by Riley, seconded by Lindor, the Finance and Administration Committee recommended that the Board receive the GASB 68 Accounting Valuation Report. The motion passed unanimously, 3-0.

5. **Receive Government Accounting Standard Board (GASB) Statement No. 75 – Financial Reporting for Post-Employment Benefits Other than Pensions**
   On a motion by Riley, seconded by Paull, the Finance and Administration Committee recommended that the Board receive the GASB 75 OPEB valuation report. The motion passed unanimously, 3-0.

6. **Consider Updates to Surplus Property Disposal Policy and Declaration of Surplus Items**
   On a motion by Lindor, seconded by Paull, the Finance and Administration Committee recommended that the Board, 1) Rescind and replace the District's July 21, 2003, Policy Regarding Disposal of Surplus Property with the updated Surplus Property Disposal Policy; 2) Approve an amendment to Chapter 7 of the District's Purchasing Policy to provide that surplus-property dispositions shall be governed by the updated Surplus Property Disposal Policy; and 3) Declare the items listed as surplus assets to be disposed of via public action in accordance with the new policy. The motion passed unanimously, 3-0.

7. **Consider Approval of Additional Contract Spending for Legal Services with Richards Watson Gershon (RWG Law)**
   On a motion by Paull, seconded by Lindor, the Finance and Administration Committee recommended that the Board approve an additional contract spending of $55,000 on legal services with RWG Law. The motion passed unanimously, 3-0.

Informational Items
Chair Riley introduced the item.

8. **Report on Activity/Progress on Contracts Over $25,000**
   This item was presented as information to the committee. No action was required or taken by the committee.

9. **Status Report on Spending Expenditures – Public's Ownership of Monterey Water System**
   This item was presented as information to the committee. No action was required or taken by the committee.

Discussion Items
Chair Riley introduced the item.

10. **Review Draft October 19, 2026, Regular Board Meeting Agenda**

Assistant General Manager Mike McCullough reviewed the draft agenda with the Committee. The Committee had no changes.

Adjournment
There being no further business, Chair Riley adjourned the meeting at 3:11 p.m.

/s/ Sara Reyes

_____

Sara Reyes, Committee Clerk to the
MPWMD Finance and Administration Committee

Reviewed and Approved by the MPWMD Finance and Administration Committee November 9, 2026.
Received by the MPWMD Board of Directors on November 16, 2026.

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

19. MONTHLY ALLOCATION REPORT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program:** **Line Item No.:**	**N/A**
Prepared By:	**Kyle Smith**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: On March 1, 2025, the District released the first Allocation of water from Pure Water Monterey ("Pure Water") via Ordinance No. 197. **Exhibit 19-A** shows the amount of water allocated to each Jurisdiction from Pure Water, the balance of water available by Jurisdiction from the Paralta Well Allocation and Pre-Paralta credits, the amount of "Public Water Credit" remaining, and the quantities of water permitted by Jurisdiction in August 2026 ("changes"), and the balances remaining. The table includes balances for Quail Meadows and Water West, which were specific amounts dedicated to properties located in specific areas of Monterey County.

Exhibit 19-B is the Monthly Entitlement Report which shows water available to Water Entitlement Holders. Entitlements were established by the following ordinances: The Pebble Beach Company (Ordinance Nos. 39 and 109), Hester Hyde Griffin Trust (Ordinance No. 39), J. Lohr Properties Inc. (Ordinance No. 39), the City of Sand City (Ordinance No. 132), Cypress Pacific Investors LLC (Water Distribution System Permit approved September 15, 2014), Malpaso Water Company LLC (Ordinance No. 165), D.B.O. Development No. 30, a California Limited Liability Company (Ordinance No. 166), the City of Pacific Grove (Ordinance No. 168), and the City of Seaside (Ordinance No. 194).

BACKGROUND: The District's Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 19-C**.

EXHIBITS
19-A Monthly Allocation Report
19-B Monthly Entitlement Report
19-C District's Water Allocation Program Ordinances

EXHIBIT 19-A
MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of October 2026

Jurisdiction	Pure Water Monterey Allocation Available 3/1/2025	Changes During Period	Balance Remaining	Paralta & Pre-Paralta Water Balance 3/1/2025	Changes During Period	Balance Remaining	Public Credits Balance 3/1/2025	Changes During Period	Balance Remaining	Total Available
Airport District	44.000	0.256	39.517	5.197	0.000	5.197	0.000	0.000	0.000	**44.714**
Carmel-by-the-Sea	14.000	0.107	12.327	2.479	0.000	2.479	0.182	0.000	0.182	**14.988**
Del Rey Oaks	6.000	0.000	5.428	0.030	0.000	0.030	0.000	0.000	0.000	**5.458**
Dept of Defense	27.000	0.000	27.000	0.000	0.000	0.000	0.000	0.000	0.000	**27.000**
Monterey	141.000	0.000	140.354	0.533	0.000	0.533	3.627	0.000	3.627	**144.514**
Monterey County	72.000	0.440	71.311	11.016	0.000	11.016	1.181	0.000	1.181	**83.508**
Pacific Grove	32.000	0.000	31.949	0.019	0.000	0.019	0.002	0.000	0.002	**31.970**
Sand City	14.000	0.000	13.857	0.029	0.000	0.029	23.163	0.000	23.163	**37.049**
Seaside	21.000	0.046	20.593	28.184	0.043	28.141	1.144	0.000	1.144	**49.878**
District Reserve	2094.440*	0.000	2,089.464							**2,089.464**

Allocation Holder	Water Available	Changes During Period	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.096	10.228	2.532

*District Reserve is Pure Water Allocation and Existing Allocation as of 3/1/25

EXHIBIT 19-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of October 2026

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. *	182.009	1.236	34.032	152.078
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	182.991	1.158	91.068	87.822
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	**380.000**	**2.394**	**138.771**	**241.229**

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	21.831	184.169
Malpaso Water Company	80.000	0.858	27.610	52.390
D.B.O. Development No. 30	13.950	0.000	3.913	10.037
City of Pacific Grove	38.390	0.013	21.274	17.116
Cypress Pacific	3.170	0.000	3.170	0.000
City of Seaside	10.817	0.000	10.817	0.000

* Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 19-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and established an entitlement of 18.6 acre-feet of water to the Quail Meadows subdivision in Carmel Valley for permanently reducing annual water production from the Carmel Valley Alluvial Aquifer at the Quail Lodge golf course.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpaso Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

Ordinance No. 194 was adopted on February 12, 2024, established a Water Entitlement for the City of Seaside.

Resolution 2024-13 was adopted October 21, 2024, to authorize use of the District Reserve Allocation to permit unpermitted water fixtures found on final inspections during a one-year "amnesty" period used to close certain older "open" Water Permits.

Ordinance No. 197 was adopted January 27, 2025, to allocate water from Pure Water Monterey.

ITEM: INFORMATIONAL ITEM/STAFF REPORT

20. WATER EFFICIENCY PROGRAM REPORT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.**	**N/A**
Prepared By:	**Tricia Nguyen**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

The following information reflects activities undertaken by the Water Demand Division during the month of ***September 2026****.*

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership[1] or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm Kitchen Sink, Utility Sink, and Bar Sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC) and a self-certification form. A Site inspection is occasionally conducted to verify compliance. Properties that do not require an inspection are issued a Conservation Certification.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is compared against the properties that have submitted WCCs.

- **54** property transfers occurred and added to the database.

B. Verification

33 Site verifications were completed by District staff for Rule 144 (Retrofit Upon Change of Ownership or Use).

- **32** properties required Site visits where **26 (81%)** passed.
- **1** property verified compliance by submitting certification forms and/or receipts.

[1] Capitalized terms are defined in MPWMD Rule 11, Definitions.

C. Non-Residential Compliance with Water Efficiency Standards

By January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses.
9 verification inspections were performed by District inspectors.

As part of the Non-Residential compliance effort, MPWMD notifies California American Water (Cal-Am) of properties with landscaping. Cal-Am staff then schedule an outdoor audit to verify compliance with the Rate Best Management Practices (BMPs). (Compliance with MPWMD's Rule 143 achieves Rate BMP compliance for indoor water uses.) Properties with landscaping must comply with Cal-Am's outdoor Rate BMPs to avoid rates in Division 4 (customers that are not in compliance with Rate BMPs). Rate BMPs are used to determine the appropriate Non-Residential rate division for each customer (there are four different rates based on the amount of irrigated area and compliance/noncompliance with the Rate BMPs).

8 properties were referred to Cal-Am by District staff for verification of outdoor Rate BMPs.

D. Water Waste Enforcement

The District notes Water Waste through reports from the Water Waste Hotline, an online form, or a report through www.mpwmd.net or www.montereywaterinfo.org.
2 Water Waste responses were reported during the past month.

- No incidents resulted in a fine.

E. Multi-Family Dwelling Water Efficiency Compliance

By January 1, 2019, all Multi-Family Dwellings (MFD) of four or more units were required to meet Rule 142 retro fit requirements. Property owners had the opportunity certify that their property complied by that deadline. This year District staff began the process of inspecting all MFDs of four or more units to ensure compliance. Property owners and agents acquired conservation devices from the District to assist with meeting compliance with Rule 142.

66 inspections were conducted.

- **30** of those inspections passed
- **20** inspections failed because the common laundry clothes washer was not a High Efficiency model.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels.
52 Water Permits were processed and issued by District Staff, including:

- **4** permits using Water Entitlements (e.g., Pebble Beach Company, Malpaso Water, Sand City). **No** Public Water Credit accounts were debited.

- **13** permits using Pure Water Allocation.
- **No** permits using District Reserve.
- **4** permits using the District Rule 24-3-A, which allows the addition of a second bathroom to an existing single-bathroom dwelling.
- **No** Landscape Permits were issued.
- Other permits issued, include:
    - **4** meter enlargement permits
    - **5** hydrant meter permits.

B. Permit Compliance

92 inspections were conducted for permit compliance this month:

- **10** pre-inspections for proposed permits
- **36** inspections passed on the first visit
- **19** inspections required a second visit or other action to pass
- **27** inspections failed, which include the following findings:
    - **11** inspections failed due to unpermitted fixtures
    - **5** inspections failed for the installation of incorrect toilets
    - **1** inspection failed due to the lack of a submeter
    - **8** inspections failed due to the lack of High Efficiency appliances
    - **2** inspections failed due to the lack of Instant Access Hot Water

8 site inspections were conducted for Landscape Water Permit compliance:

- **8** inspections passed.

C. Notary Services

32 customers used District staff to provide Notary services.

D. Rebates

The District processes rebate applications to ensure that only voluntary replacement of higher efficiency devices receive rebates. The comprehensive list of available rebates can be found in Rule 141. Monthly statistics are included.

EXHIBIT 20-A

REBATE PROGRAM SUMMARY		October-2026				2026 YDT		1997 - Present	
I. Application Summary									
A.	Applications Received	44				490		33,388	
B.	Applications Approved	35				393		26,284	
C.	Single Family Applications	40				426		29,205	
D.	Multi-Family Applications	3				9		1,645	
E.	Non-Residential Applications	1				3		366	
II. Type of Devices Rebated		Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF	
A.	High Efficiency Toilet (HET)			0.000000	0	32	$2,475.00	0.16000	
B.	Ultra HET			0.000000	0	28	$3,150.00	0.28000	
C.	Toilet Flapper			0.000000	0	0	$0.00	0.00000	
D.	High Efficiency Dishwasher	6	$750.00	0.018000	5,865	49	$6,150.00	0.14700	
E.	High Efficiency Clothes Washer - Res	15	$7,500.00	0.241500	78,693	150	$75,000.00	2.41500	
F.	High Efficiency Clothes Washer - MFD	4	$3,000.00	0.360000	117,306	4	$3,000.00	0.36000	
G.	Instant-Access Hot Water System			0.000000	0	6	$1,200.00	0.03000	
H.	Zero Use Urinals			0.000000	0	0	$0.00	0.00000	
I.	Pint Urinals			0.000000	0	0	$0.00	0.00000	
J.	Cisterns			0.000000	0	4	$539.97	0.00000	
K.	Smart Controllers	1	$140.00	0.000000	0	10	$1,006.32	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	0	$0.00	0.00000	
N.	Lawn Removal & Replacement			0.000000	0	0	$0.00	0.00000	
O.	Graywater			0.000000	0	0	$0.00	0.00000	
P.	Smart Flowmeters	11	$2,800.00	0.000000	0	139	$30,346.97	0.00000	
Q.	Smart Toilet Leak Detectors			0.000000	0	0	$0.00	0.00000	
III. TOTALS		**37**	**$14,190.00**	0.619500	201,865	422	$122,868.26	3.39200	

IV. TOTALS Since 1997 — Paid Since 1997: $ 6,447,860 — 251.5 Acre-Feet Per Year Saved Since 1997

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS

21. CARMEL RIVER FISHERY REPORT FOR OCTOBER 2026

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Cory Hamilton**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

AQUATIC HABITAT AND FLOW CONDITIONS: During October, 0.81 inches of rainfall was observed at the San Clemente rainfall gage, which is above average for this month. Flows released from Los Padres Reservoir generally kept the river flow stable all the way down to the Narrows, conditions in the lower river remained stable with a few sections of intermittent stretches re-wetting throughout the month. The lagoon mouth remained closed naturally for the entire month (see attached graphic). Los Padres Reservoir stopped spilling on July 10, 2026 and we began using storage to meet flow requirements. The water surface elevation at the end of the month was 1011.82 feet, Flow out of the reservoir at the end of the month was 6.7 cfs, while the incoming flow into the reservoir was 3.7 cfs.

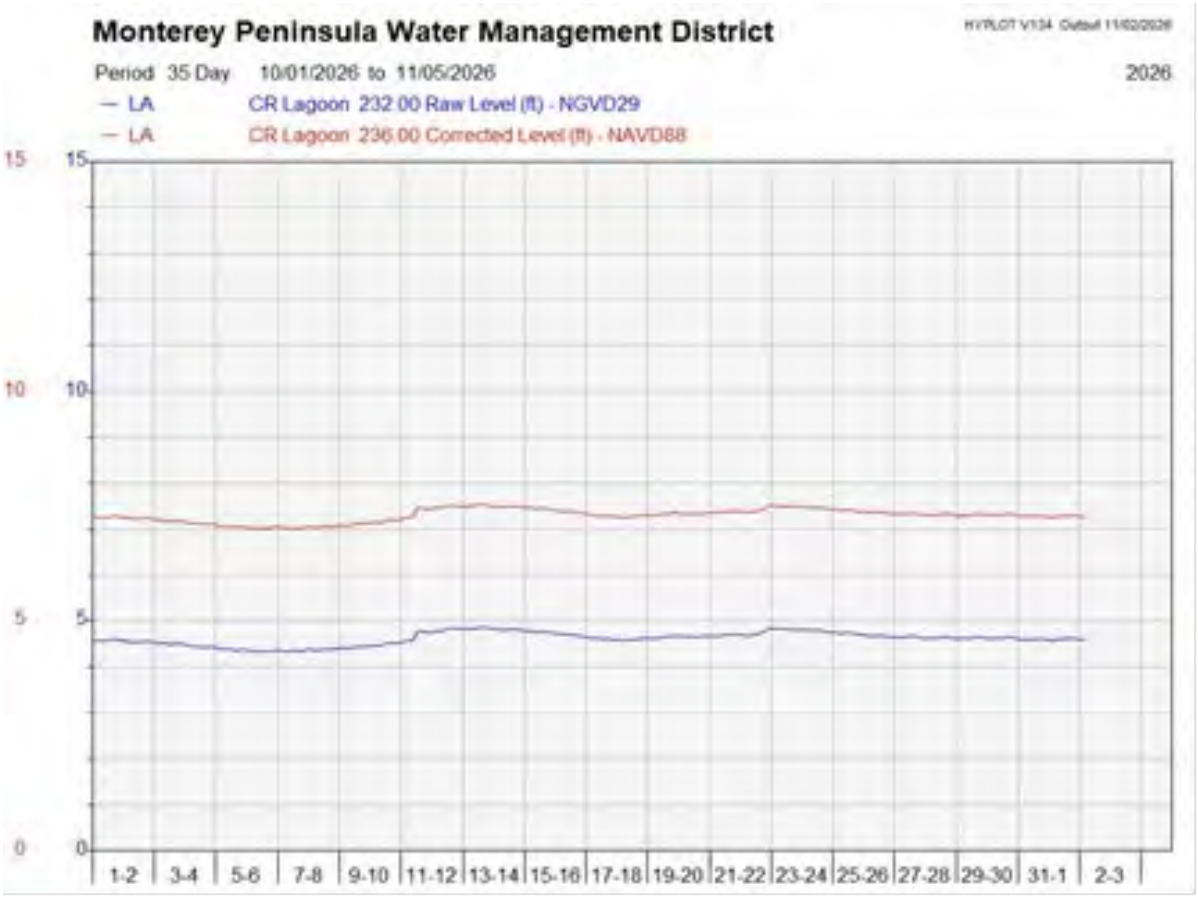
October's mean daily streamflow at the Sleepy Hollow Weir gaging station ranged from 6.7 to 9.6 cfs (mean 7.66 cfs), while flows at the Highway 1 gage ranged from 0.17 to 0.29 cfs (mean 0.24 cfs).

There was 0.81 inches of measurable rainfall in October as recorded at the San Clemente gauge. The total rainfall for Water Year (WY) 2027 (which started October 1, 2026) is 0.81 inches, which is 108% of normal to date.

FISH RESCUE: Staff started fish rescues in select tributaries starting May 11, 2026, and in the mainstem Carmel River on July 8, 2026. Rescue operations occurred in Robinson Canyon Creek, Hitchcock Creek, Garzas Creek, Cachagua Creek and the mainstem Carmel River. As of the end of October, a total of 8,931 fish were rescued from drying reaches. Fish are being relocated to the lagoon area, perennial waters, and Sleepy Hollow Steelhead Rearing Facility. Staff continue to monitor the river for dry-back conditions and rescue fish as needed.

JUVENILE STEELHEAD POPULATION SURVEYS: Staff began its annual juvenile steelhead population surveys on October 2nd and finished the last one on October 25th. A total of nine sites from the lower river up to just below Los Padres reservoir were sampled. Average fish density this season was measured at 0.83 fish per foot and is above the overall 37-year average of 0.74 fish per foot. This year's results represent an increase in juvenile density over the past 3 years.

CARMEL RIVER LAGOON: In October, the lagoon's Water Surface Elevation (WSE) ranged from approximately 7.0 to 7.56 feet (NGVD 1988) (see graph below). Water quality depth-profiles were conducted at five sites on October 12, 2026, while the lagoon mouth was closed, water surface elevation was 7.56 feet at the time of sampling, and river inflow was approximately 0.22 cfs. The lagoon was stratified at approximately 1.0 meter depth throughout. Salinity levels ranged from 1.8- 9.6 parts per thousand (ppt), throughout the lagoon. Water temperatures ranged from 61.7-67.8 degrees Fahrenheit, and dissolved oxygen (DO) levels ranged from 3.15-8.73 mg/l.



ITEM: INFORMATIONAL ITEM/STAFF REPORT

22. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT

Meeting Date:	**November 16, 2026**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Jonathan Lear**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 22-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **November 1, 2026**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 22-A** is for Water Year (WY) 2027 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **October** 2026 totaled 0.81 **inches** and brings the cumulative rainfall total for WY 2027 to **0.81 inches,** which is **109%** of the long-term average through **October**. Estimated unimpaired runoff through **October** totaled **170 acre-feet (AF)** and brings the cumulative runoff total for WY 2027 to **170 AF,** which is **43%** of the long-term average through **October**. Usable storage for the MRWPRS was **29,470 acre-feet**, which is **106%** of average through **October,** and equates to **89**% of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 3,376 AF of water from the Carmel River in WY 2027. Through **October**, using the CDO accounting method, Cal-Am has produced **320 AF** from the Carmel River (excluding **0 AF** of Table 13 and **0 AF** of Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,466 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2027. Through **October**, Cal-Am has produced **783 AF** from the Seaside Groundwater Basin. Through **September**, **102 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **0 AF** have been diverted under Table 13 water rights, and **418 AF** of Pure Water Monterey recovered. Cal-Am has produced **871 AF** for customer use from all sources through **October**. **Exhibit 22-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values.

EXHIBITS
22-A Water Supply Status: **November 1, 2026**
22-B Monthly Cal-Am production by source: WY 2027

EXHIBIT 22-A

Monterey Peninsula Water Management District
Water Supply Status
November 1, 2026

Factor	Oct 2026	Average To Date	Percent of Average	Oct 2025
Rainfall (Inches)	0.81	0.75	109%	1.11
Runoff (Acre-Feet)	170	399	43%	335
Storage [5] (Acre-Feet)	29,470	27,540	106%	29,260

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2024 and 1902-2024 periods respectively.

2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.

3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2025 period. The storage estimates are end-of-month values for the dates referenced in the table.

4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

EXHIBIT 22-B

Production vs. CDO and Adjudication to Date: WY 2027

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				
	Carmel River Basin [2, 6]	Seaside Groundwater Basin			**MPWRS Total**					Water Projects and Rights Total
		Coastal	Laguna Seca	Ajudication Compliance		ASR Recovery	PWM Recovery	Table 13 [7]	Sand City [3]	
Target	320	183	0	183	**503**	0	330	0	25	**355**
Actual [4]	317	92	10	102	**419**	0	418	0	28	**446**
Difference	3	91	-10	81	**85**	0	-88	0	-3	**-91**
WY 2026 Actual	232	115	9	124	**357**	0	413	0	14	**427**

1. This table is current through the date of this report
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Boar
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources project
4. To date, 0 AF and 0 AF have been produced from the River for ASR and Table 13 respectively
5. All values are rounded to the nearest Acre-Foot
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO trackin

Monthly Production from all Sources for Customer Service: WY 2027

(All values in Acre-Feet)

	Carmel River Basin	Table 13	Mal Paso	Seaside Basin	ASR Recovery	PWM Recovery	Sand City	Total
Oct-26	317	0	6	102	0	418	28	871
Nov-26								
Dec-26								
Jan-27								
Feb-27								
Mar-27								
Apr-27								
May-27								
Jun-27								
Jul-27								
Aug-27								
Sep-27								
Total	**317**	**0**	**6**	**102**	**0**	**418**	**28**	**871**
WY 2026	**232**	**0**	**0**	**124**	**0**	**413**	**14**	**784**

1. This table is produced as a proxy for customer demand
2. Numbers are provisional and are subject to update