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The agenda is subject to change.



AGENDA  
**Water Supply Planning Committee  
of the Monterey Peninsula Water Management District**  
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Monday, November 4, 2024 at 3:00 p.m. [PST] | *Virtual Meeting*

Join the meeting at:

<https://mpwmd-net.zoom.us/j/86876434160?pwd=0hSMbO9RstrmaLN4aMjlq5iiL2Czql.1>

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**Water Supply Planning  
Committee Members:**

*Karen Paull, Chair*

*Marc Eisenhart*

*Ian Oglesby*

**Alternate:**

*Amy Anderson*

**Staff Contact**

*David J. Stoldt,*

*General Manager*

*Jon Lear, Water*

*Resources Manager*

*Maureen Hamilton,*

*District Engineer*

*Sara Reyes,*

*Board Clerk*

**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** (Online)

<https://www.mpwmd.net/who-we-are/mission-vision-goals/bod-goals/>

**Call to Order / Roll Call**

**Comments from Public** - *The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.*

**Action Items** - *Public comment will be received. Please limit your comments to three (3) minutes per item.*

1. Consider Adoption of the September 4, 2024 Committee Meeting Minutes

**Discussion Items** – *Public comment will be received. Please limit your comments to three (3) minutes per item.*

2. Marina Coast Water District Water Injection Concept
3. Update on Water Supply v Demand – CPUC and 2023-24 Water Allocation Process

**Suggest Items to be Placed on Future Agendas**

**Adjournment**

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### Provide Public Comment at the Meeting

**Attend via Zoom:** See below “Instructions for Connecting to the **Zoom Meeting**”

#### Submission of Public Comment via E-mail

Send comments to [comments@mpwmd.net](mailto:comments@mpwmd.net) with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or “PUBLIC COMMENT – ORAL COMMUNICATIONS.” Staff will forward correspondence received to the Committee. Correspondence is not read during public comment portion of the meeting. However, all written public comment received becomes part of the official record of the meeting and placed on the District’s website as part of the agenda packet for the meeting.

#### Submission of Written Public Comment

All documents submitted by the public must have no less than one copy to be received and distributed by the **Clerk** prior to the Meeting.

#### Document Distribution

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1. Use the “raise hand” function to join the queue to speak on the current agenda item when the Chair calls the item for Public Comment.

**COMPUTER / SMART DEVICE USERS:** You can find the raise hand option under your participant's name.

**TELEPHONE USERS:** The following commands can be entered using your phone's dial pad:

- \*6 – Toggle Mute / Unmute
  - \*9 – Raise Hand
2. Staff will call your name or the last four digits of your phone number when it is your time to speak.
  3. You may state your name at the beginning of your remarks for the meeting minutes.
  4. Speakers will have up to three (3) minutes to make their remarks. *The Chair may announce and limit time on public comment.*
  5. You may log off or hang up after making your comments.

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<https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

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## **WATER SUPPLY PLANNING COMMITTEE**

### **ITEM: ACTION ITEM**

#### **1. CONSIDER ADOPTION OF THE SEPTEMBER 4, 2024 COMMITTEE MEETING MINUTES**

**Meeting Date:** November 4, 2024

**From:** David J. Stoldt,  
General Manager

**Prepared By:** Sara Reyes

**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

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**SUMMARY:** Attached as **Exhibit 1-A** are draft meeting minutes for the September 4, 2024, committee meeting.

**RECOMMENDATION:** The Committee should adopt the minutes by motion.

#### **EXHIBIT**

**1-A** Draft Minutes of the September 4, 2024 Water Supply Planning Committee Meeting



## **EXHIBIT 1-A**

### **Draft Minutes Water Supply Planning Committee of the Monterey Peninsula Water Management District Wednesday, September 4, 2024**

**Call to Order:** Chair Paull called the meeting to order at 3:00 p.m.

**Committee Members Present:** Karen Paull, Chair  
Ian Oglesby  
Amy Anderson (Alternate)

**Staff Members Present:** David J. Stoldt, General Manager  
Sara Reyes, Executive Assistant/Board Clerk  
Jonathan Lear, Water Resources Manager

**District Counsel Present:** Michael Laredo, De Lay & Laredo  
Fran Farina, De Lay & Laredo

**Comments from the Public:** Chair Paull opened public comment; no comments were directed to the Committee.

**Corrections / Additions to the Agenda** None

#### **Action Items**

##### **1. Consider Adoption of the July 1, 2024 Committee Meeting Minutes**

Chair Paull introduced Item No. 1 and opened public comment; no comments were directed to the Committee.

A motion was offered by Director Oglesby with a second by Director Anderson to accept the July 1, 2024 Committee Meeting minutes. The motion passed with 3-Ayes (Paull, Anderson and Oglesby), and 0-Noes.

#### **Discussion Items**

##### **2. Recent Developments with Seaside Groundwater Basin**

David Stoldt, General Manager, provided a brief update on the areas of the Seaside Groundwater Basin and Future Issues to consider. Jonathan Lear, Water Resources Manager, provided information on the Seaside Boundary Conditions Sensitivity Study -- Effects of a Flow Divide on a Groundwater Basin Boundary.

Chair Paull opened public comment; no comments were directed to the Committee.

**3. Update on CPUC Proceeding A.21-11-024 (Phase 2 – Supply and Demand)**

General Manager Stoldt provided a brief overview of this item and answered questions from the committee. Fran Farina, De Lay & Laredo, reported on new information received by their office.

Chair Paull opened public comment; no comments were directed to the Committee.

**4. Update on Pure Water Monterey Expansion Project**

General Manager Stoldt stated all is going well and no new information to report on. Jon Lear reported that staff completed a pump test on the first of the two new injection wells for the Pure Water Monterey expansion and it has the most production they have seen in the Seaside Basin.

Chair Paull opened public comment; no comments were directed to the Committee.

**Suggest Items to be Placed on Future Agendas**

The committee discussed these future topics of interest:

- Seaside Groundwater Basin Recovery
- Marina Coast Water District Joint 5th ASR Injection

**Adjournment**

There being no further business, Chair Paull adjourned the meeting at 3:51 PM.

/s/ Sara Reyes

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Sara Reyes, Committee Clerk to the  
*MPWMD Water Supply Planning Committee*

Reviewed and Approved by the MPWMD Water Supply Planning Committee on \_\_\_\_\_, 2024.  
Received by the MPWMD Board of Directors on \_\_\_\_\_, 2024.

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## **WATER SUPPLY PLANNING COMMITTEE**

### **ITEM: DISCUSSION ITEM**

#### **2. MARINA COAST WATER DISTRICT INJECTION CONCEPT**

**Meeting Date:** November 4, 2024                      **Budgeted:** N/A

**From:** David J. Stoldt                      **Program/**  
General Manager                      **Line Item No.:** N/A

**Prepared By:** David J. Stoldt                      **Cost Estimate:** N/A

**General Counsel Approval:** 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.

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**SUMMARY:** On October 7, 2024 the Marina Coast Water District (MCWD) General Manager made a presentation to the Seaside Groundwater Basin Watermaster's Replenishment Ad Hoc Committee on the potential to provide replenishment water to the basin. Previously, the District General Manager and MCWD general manager met to discuss the storage of MCWD supplies utilizing District infrastructure built for its Aquifer Storage and Recovery (ASR) program.

Injection and storage concepts include the following:

Injection for recovery – MCWD would pay the cost of injection and recovery. Recovery of water for use by MCWD would have to occur at a recovery well to be built or contracted for by MCWD. Recovery of water to be delivered into the Cal-Am service territory could occur at Cal-Am wells with a District-approved wheeling agreement.

Injection for replenishment – The Watermaster would have to develop a funding source in order to pay for replenishment supplies.

Injection options include:

MCWD municipal supply – Whether from its wells or from its rehabilitated desalination facility, MCWD could deliver water to the District's ASR well # 1 or well #2 for injection in the non-ASR season and possibly during the ASR injection season during dry years.

MCWD recycled water – MCWD is a participant in the Pure Water Monterey (PWM) base project. It is conceivable that MCWD could negotiate with Monterey One Water for use of surplus injection well capacity of the PWM project. However, consideration must be given to the injection permits with the Regional Water Quality Control Board, as well as effects on travel times to potable water production wells as regulated by the State Division of Drinking Water.

MCWD future recycled water – MCWD has additional rights to its own wastewater that exceed what is being treated in PWM. However, recycling the additional rights will likely require MCWD to build auxiliary advanced water purification facilities of its own, similar to PWM. It is presently unknown if it is feasible to transport and inject such future supplies.

The Ad Hoc Committee also discussed two concepts that are problematic:

Using the groundwater basin as “temporal basin” and let injected water slowly “flow” to the Salinas Valley 180- and 400-foot aquifers for recovery there. Unfortunately, our water resource experts have concluded, based on modeling work done by the Watermaster’s own consultants, that there is no contiguous flow between the Seaside Basin Santa Margarita aquifer – where most of the injection occurs – and the 180- and 400-foot sub-aquifers. There is no “leakage” from the Seaside Basin.

The Ad Hoc Committee also asked about a “leave behind” for environmental purposes. Other examples of leave behind mentioned during the meeting may have been misconstrued by the Ad Hoc Committee. In many Central Valley water banks, the leave behind requirements were the result of clever negotiating by the agricultural interests in order to provide more water they could pump for crops – a cost of doing business the Southern California urban water interests were willing to pay. A leave behind in the case of the Seaside Basin has not been demonstrated to be required for environmental needs (e.g. no “leakage” and no known seawater intrusion), and was not envisioned in Storage and Recovery Agreements under the adjudication.

Regarding a Storage and Recovery Agreement for purposes of MCWD water, they do not actually have storage rights under the adjudication. However, the District retains its statutory right to store water for the benefit of the District in the Basin. The Court found that this right is preserved and does not conflict with the Physical Solution or the appointment of a Watermaster. The power of the Watermaster to enjoin unauthorized storage is limited to storage by Producers, and does not extend to storage by the District. The District should advise the Watermaster as to the nature and scope of its storage activities, but does not need to submit an application to do so. Nevertheless, the District would prefer to engage the Watermaster in a Storage and Recovery Agreement if it elects to act as conduit for MCWD storage and recovery of water.

The Court did not expressly authorize a non-party to store water in the Basin, but the Decision suggests that a non-party public entity may submit an application to do so in order to maximize the Basin's resources, as long as there is no material harm to any other Party to the adjudication.

The overall concept has not been fully developed. There is no agreement in place between the District and MCWD.

A discussion and presentation will occur at the Committee meeting.

## **EXHIBITS**

None.



## **WATER SUPPLY PLANNING COMMITTEE**

### **ITEM: DISCUSSION ITEM**

#### **3. UPDATE ON WATER SUPPLY V DEMAND – CPUC AND 2023-24 WATER ALLOCATION PROCESS**

**Meeting Date:** November 4, 2024                      **Budgeted:** N/A

**From:** David J. Stoldt                      **Program/**  
General Manager                      **Line Item No.:** N/A

**Prepared By:** David J. Stoldt                      **Cost Estimate:** N/A

**General Counsel Approval:** 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.

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**SUMMARY:** The California Public Utilities Commission (CPUC) should issue a proposed decision in their “Phase 2” of the proceeding in Application 21-11-024 to “Update Supply and Demand Estimates for the Monterey Peninsula Water Supply Project.” On April 30<sup>th</sup>, the District and Cal-Am submitted opening briefs. Also submitting briefs were Marina Coast Water District, the City of Marina, Public Water Now, and the CPUC Public Advocates Office. Reply briefs were filed May 28<sup>th</sup>. The District is hopeful that a proposed decision will reach conclusions helpful in its effort to lift the Cease and Desist Order and the moratorium on setting new meters. However, there is a large disparity between the conclusions of the District (and the other intervenors), and Cal-Am regarding water supply available in the future.

Because available water supply in the future is the starting point for the 2024-25 Water Allocation Process it is important for the District to be confident in its assumptions (see **Exhibit 3-A**, attached.)

The District’s testimony focused on what it, and the other intervenors, believe was a discounting of certain water supplies by Cal-Am. Two primary differences in the estimated future water supply available are Cal-Am’s assumptions about Pure Water Monterey Expansion and Aquifer Storage and Recovery (ASR). Each is discussed below.

#### **Pure Water Monterey Expansion:**

Cal-Am has stated the amount of water available from Pure Water Monterey Expansion during a drought would be between 0 and 1,100 acre-feet per year (AFY). Monterey One Water (M1W) testified that it is 1,905 to 2,250 AFY in drought years and 2,250 AFY in normal years.

Cal-Am does not own or operate any of the facilities that could potentially supply any of the 14 source water sources for PWM. The District believes that, as owner and operator of the facilities,

M1W is most likely to have the best and most current data on inflows, outflows, and available water sources.

Cal-Am witness Mr. David Pezzini's testimony says "a range of production from the PWM Expansion during drought years between 0 to 1,100 AFY remains reasonable."<sup>1</sup> He further stated that he based his conclusions on the prior Phase 2 Rebuttal Testimony of Ian C. Crooks, the prior Phase 2 Direct Testimony of Ian C. Crooks, and a technical analysis by Hazen & Sawyer, a consulting firm hired by Cal-Am.

Cal-Am come up with the possibility of zero (0) acre-feet available from the PWM Expansion during a drought from a faulty analysis by Hazen & Sawyer. Mr. Crooks Rebuttal Testimony says "Hazen's technical analysis of the PWM Expansion source waters demonstrated that during drought years there would be no source water to the PWM Expansion, which would result in the project producing no water."<sup>2</sup> The analysis can be found in Attachment R of the Phase 2 Direct Testimony of Mr. Ian C. Crooks and shows that it was prepared by Kevin Alexander; Hazen & Sawyer, September 10, 2020.

The Hazen & Sawyer memo states "The current Pure Water project requires 4,320 acre-feet of that wastewater to produce the 3,500 acre-feet of water for Cal-Am's customers, and 4,568 acre-feet of wastewater to produce 3,700 acre-feet when building a drought reserve." The statement incorrectly assumes that the base project relies solely on wastewater. Yet, in over four years of operations, the current project has never relied solely on wastewater. The majority of secondary effluent to the outfall – the wastewater – occurs in the winter months from November to February, yet the current PWM project produces water year-round, so the current PWM project gets most of its source water in the summer not from wastewater. Actual sources have included the Reclamation Ditch, the Blanco Drain, SRDF Backwash, Salinas Pond 3, Salinas Industrial Wastewater, Local Sumps, and others. Because Hazen & Sawyer incorrectly assumes that the current project is using wastewater that it actually is not, then there is more wastewater available for the PWM Expansion.

The Hazen & Sawyer memo also states "The Regional Urban Water Augmentation Project (RUWAP) must be supplied from wastewater effluent at 822 acre-feet; however, with backwash flows reintroduced, that flow is reduced to 741 acre-feet." However, in Mr. Crooks source water analysis he correctly notes that M1W had informed him that "it is accurate to state that the SVRP will no longer be able to utilize all of MCWD's and M1W's water rights when MCWD demands are on-line, which may result in less SVRP production without replacement supplies."<sup>3</sup> Also, Mr. Crooks recognized that Mr. Sciuto has testified that the 741 AFY for RUWAP "is almost exclusively a reduction from SVRP."<sup>4</sup> Yet the Hazen & Sawyer excerpt mistakenly assumes the RUWAP water comes from remaining available wastewater, not from a reduction in SVRP deliveries, which is recycled wastewater already accounted for – another error in the consultant's analysis.

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<sup>1</sup> Phase 2 Supplemental Rebuttal Testimony of David Pezzini, February 20, 2024, page 8, line 14.

<sup>2</sup> Phase 2 Rebuttal Testimony of Ian C. Crooks, September 19, 2022, page 79, line 20.

<sup>3</sup> *Id.*, page 52, footnote 146.

<sup>4</sup> *Id.*, page 51, line 19.

Thus, the production of zero (0) AFY in a dry year as the Hazen & Sawyer report asserts is based on incorrect fundamental assumptions.

Cal-Am's claim of the upper end of the range of 1,100 AFY for PWM Expansion during a drought also warrants scrutiny. Cal-Am has stated that the PWM base project will still deliver 3,500 AFY in a drought year.<sup>5</sup> That 3,500 AFY is consistent with Mr. Crooks Testimony, which states: "California American Water's "Minimum Allotment" or "Water Delivery Guarantee" under the Amended WPA is 2,800 AF until the Expansion is online, after which it increases to 4,600 AF. 4,600 AFY is the full production from the PWM Project (3,500 AFY) plus 1,100 AFY from the PWM Expansion. Accordingly, it is reasonable to assume that the PWM Expansion could produce 1,100 AFY based on the plain language of the Amended WPA."<sup>6</sup>

So, Mr. Crooks was saying that the "Minimum Allotment" minus the 3,500 AFY is the 1,100 AFY that can be expected from the PWM Expansion in a drought. However, the "Minimum Allotment" in the original Water Purchase Agreement for the current base PWM project is 2,800 AFY and that is where the 2,800 AF in the excerpt from Mr. Crooks testimony, above, came from. Based on the logic shown by Mr. Crooks in his Rebuttal Testimony the current PWM project should only produce 2,800 acre-feet in a drought, but Cal-Am has already testified in the Table 4 cited above that the current PWM project is expected to produce 3,500 acre-feet in a drought. How do we reconcile the two?

The "Minimum Allotment" in the Amended and Restated Water Purchase Agreement actually has a different explanation. In negotiating the original Water Purchase Agreement and the Amended and Restated Water Purchase Agreement, the Parties sought to establish a minimum annual amount that had to be produced and delivered from the PWM facility. It was set at 80% of the Company Allotment, which is 3,500 AFY prior to the Expansion and 5,750 AFY when the Expansion comes online.

80% of 3,500 acre-feet equals 2,800 acre-feet

80% of 5,750 acre-feet equals 4,600 acre-feet

The 4,600 AFY "Minimum Allotment" was created by formula to be consistent with the original agreement and has nothing to do with water available in a drought and therefore the upper limit of 1,100 AFY is an arbitrary fiction.

Section 16 of the Amended and Restated Water Purchase Agreement (WPA) states "In addition to any other right or remedy available pursuant to this Agreement, if an Event of Default should occur under Section 20(c)(5) or Section 20(c)(6) at any time after the Expansion Performance Start Date, then the District shall pay a District Shortfall Payment to the Company determined as the Replenishment Assessment Rate multiplied by the cumulative Company Water Shortfall for each

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<sup>5</sup> Phase 2 Supplemental Direct Testimony of Christopher Cook, December 21, 2023, page 6, Table 4.

<sup>6</sup> Phase 2 Rebuttal Testimony of Ian C. Crooks, September 19, 2022, page 79, line 26.

applicable Fiscal Year.” This statement shows that there are financial penalties if the District defaults under Section 20(c)(5) or Section 20(c)(6) of the Agreement.

The two events of default cited under the WPA are:

“(5) The failure of the Agency or the District to deliver Company Water to the Delivery Point in quantities at least equal to the Company Allotment in each of three consecutive Fiscal Years;

(6) The failure of the Agency or the District to meet the Water Delivery Guarantee in each of two consecutive Fiscal Years;”

If droughts are frequent and often last longer than two years, why would the District and M1W enter into an agreement where default with financial penalties is virtually guaranteed if Cal-Am’s view of the water available from the PWM Expansion were to be true? Because the 0 to 1,100 AFY in a drought is not supported by the data and is a false assumption. Instead, the parties that were involved in negotiating the WPA and are owner and operator of the facilities, and the seller of water, are most likely to have the best and most current data on inflows, outflows, and available water sources.

### **Aquifer Storage and Recovery:**

Cal-Am asserts that ASR will yield, on average, 470 acre-feet per year (AFY), with 90% confidence. The District strongly disagrees and asserts 1,210 AFY is a more appropriate number.

Mr. Paul Findley, a Cal-Am expert witness, stated that the purpose of his testimony “is to provide a realistic assessment of the capabilities of existing and proposed facilities to capture excess Carmel River water for injection into the ASR wells.”<sup>7</sup> His testimony included a Technical Memorandum which included as Table 3, “Simulated ASR Injection for Water Years 1963 to 2021” representing the Carmel River flow records and how much ASR injection could have occurred for the 59-year period.

In his February 20, 2024 Supplemental Rebuttal Testimony he stated that his “analysis was a day-by-day analysis of Carmel River flow records over a 59-year period to determine how much ASR injection could have occurred if today’s facilities and permits were in place at that time.”<sup>8</sup> In some years one can inject more than the average, and in some years less than the average. The table shows that the 59-year period the average “Total ASR Injection” is 1,210 AF per year. In other words, Cal-Am’s own yearly data shows that **on average** one should be able to expect 1,210 AF of Total ASR Injection in a year.

The table also shows the amount available to inject in a year exceeds the average in 31 of the 59 years. In years when water available exceeds the average, that water can be stored. And in years

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<sup>7</sup> Phase 2 Direct Testimony of Paul Findley, 7-20-22, A4, p.2

<sup>8</sup> Phase 2 Supplemental Rebuttal Testimony of Paul Findley, 2-20-24, A4, p.2

where water available is less than the average – including zero – water could be taken from storage. Storage can contribute to water available each year such that the average yield of 1,210 AF can be produced every year.

In his Rebuttal Testimony Findley stated that the purpose of the Technical Memorandum “was to identify the reliable amount of ASR injection that CAW could expect. ASR extraction in the following summer, and **carry-over storage to the following year, is not addressed** and was not needed for the purposes of the ASRTM (Technical Memorandum) (emphasis added)”<sup>9</sup> That means that Findley focused on what could be injected, not what could be made available as a supply source – including storage – in any given year. Injection is not the same as supply production.

In his February 20, 2024 Supplemental Rebuttal Testimony Findley stated “Although the ASRTM (Technical Memorandum) did not specifically address extracting the injected water from seasonal storage or carry-over storage, I assume that California American Water will continue to use the information provided by the ASRTM (Technical Memorandum) to formulate an operational strategy for ASR extraction and operational storage.”<sup>10</sup> His memo did not formulate an operational strategy for ASR extraction and operational storage. If storage was included and analyzed, annual supply available from ASR would be greater than the 470 acre-feet per year and the long-term average of 1,210 AF per year could be achieved.

A discussion and presentation will occur at the Committee meeting.

## **EXHIBIT**

### **3-A Excerpts of the 2024-25 Water Allocation Process Presentation**

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<sup>9</sup> Phase 2 Rebuttal Testimony of Paul Findley, A12, p.8

<sup>10</sup> Phase 2 Supplemental Rebuttal Testimony of Paul Findley, A5, p.3

# How Much Water is There?

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Source of Supply	Amount Available
Carmel River	3,376 AF
Seaside Basin	1,474 AF
Pure Water Monterey (Base)	3,500 AF
Pure Water Monterey Expansion	2,250 AF
Aquifer Storage & Recovery (ASR)	1,210 AF
Sand City Desal	200 AF
Seaside Basin Wheeled from Others	20 AF
<u>Malpaso LLC</u>	<u>86 AF</u>
Total	12,116 AF

# How Much Supply is Needed to Meet Current Demand?

Look to recent historical supply to meet customer demand

Supply to Meet Customer Demand	Amount
Last 3-Years	9,440 AF
Last 5-Years	9,557 AF
Last 10-Years	9,819 AF

# How Much Supply is “Excess” Today?

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Factors affecting available supplies:

- Cal-Am in-lieu storage program for Seaside Groundwater Basin could require 700 AFY
- In dry years, PWM Expansion could be 345 AFY less, Sand City desal 40 AFY less, and ASR must rely on storage
- Demand can fluctuate based on weather & economy
- Losses
- Initially, leave a “factor of safety” of 1,000 AFY

	Amount
Total Supplies Available	12,116 AF
Minus Current Demand	(9,557 AF)
Available	2,559 AF
Less Initial “Factor of Safety”	(1,000 AF)
Net Available	1,559 AF