

RULE 21 - APPLICATIONS

A. APPLICATION FOR PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM

The Applicant for a Permit to Create/Establish a Water Distribution System or for a Confirmation of Exemption shall submit the following, based on guidance provided in the Implementation Guidelines:

1. A completed written Application Form signed by the system Owner, in the manner and form prescribed by the Implementation Guidelines. Based on the information provided in the Application, the General Manager shall determine: (a) whether the application qualifies for an exemption under Rule 20; (b) whether ministerial or discretionary action is needed by MPWMD; and (c) which type of Permit is applicable to the project as prescribed by Rule 22 and the Implementation Guidelines. Depending on the situation, the Application package may be required to include some or all of the remaining numbered elements of this Rule 21-A; and
2. Environmental information as required by the California Environmental Quality Act (CEQA); and
3. Zoning and land use designations for the property; identify land-use approvals which may be required for the proposed Project by the Municipal Unit in which the proposed system would be located (i.e., tentative map, use permit, etc.), or by other Governmental agencies, consistent with state and local regulations that require proof of available water supply; and
4. Identify type of water right claimed to exist with each Water-Gathering Facility and each Source of Supply for the system (e.g., riparian, pre-1914, appropriative, overlying or other). Provide written verification of legal water rights applicable to type of right claimed. The verification shall include, but shall not be limited to the following forms of documentation: (a) Condition of Title Report, prepared by a title company at the Applicant's expense, and any and all supporting documentation to indicate whether legal water rights have been subordinated or severed; this documentation may include a judicial declaration of right or a full title opinion prepared by an attorney with expertise in water law; (b) information that describes the legal basis or authority for diversion and extraction of water; (c) if Groundwater is being pumped from a Groundwater basin that has not been adjudicated, a statement to that effect in addition to a copy of the current deed to the property is sufficient documentation to satisfy this requirement; or (d) if the source of the water is subject to permit requirements under the State Water Resources Control Board, a copy of the SWRCB water rights permit or domestic registration must be included; and

5. A copy of: (a) an approved Water Well Construction Permit issued by the Monterey County Environmental Health Bureau, including the associated impact assessment conducted by the Monterey County Water Resources Agency (if applicable); (b) the State of California Well Completion Report submitted to the California Department of Water Resources (“well log”); and (c) Monterey County Environmental Health Bureau “*Source Water Quality and Quantity Analysis Certification Form*” or similar approval document from that agency (if applicable); and
6. The name and address of each Responsible Party; and
7. The results of Well Capacity (Aquifer Pumping) Tests as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant, and which may be observed by a District representative or agent; and
8. The results of water quality tests as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant; and
9. An evaluation of the hydrogeologic information in the manner and form required in the Implementation Guidelines. This evaluation shall be prepared by a qualified individual or firm as determined by the District. Qualified consultants shall include a certified hydrogeologist, a licensed professional geologist with a specialty in hydrogeology, a certified engineering geologist with a specialty in hydrogeology, or a registered civil engineer with a specialty in hydrology; these specialists shall be certified in, registered or licensed by the State of California. The costs of this evaluation shall be borne by the Applicant; and
10. Documentation regarding notification to Neighboring Well owners, if applicable. If required by the District, the Applicant shall provide notice to Neighboring Well owners regarding the opportunity to monitor Wells as specified in the Implementation Guidelines. Applicant shall provide documentation of notice to, and responses (if any) by, Neighboring Well owners to the District prior to the commencement of Well Capacity (Aquifer Pumping) Tests, as specified in the Implementation Guidelines.
11. For a Mobile Water Distribution System, documentation about the source of supply, quantity and intended uses, including written approval from the agency with regulatory authority over the source (if source is located outside of the MPWMD boundary); and
12. The applicable fees prescribed in Rule 60.

B. APPLICATION FOR PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

New Connections: Refer to Urgency Ordinance No. 173 - 2016 Water Permit Application Suspension Ordinance of the MPWMD.

Each application for a Water Permit shall follow the process set forth in Rule 23. A proper Applicant for a Water Permit may be the prospective User of the proposed or existing Connection as the real party in interest, the property owner, or any agent thereof. The application for a Water Permit to Connect to or modify a water use Connection shall be deemed complete when the Applicant submits all of the following:

1. A Water Release Form pertaining to the Site on which the water use shall occur shall be signed by the authorized official of the applicable Jurisdiction. 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 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. It shall be the responsibility of the Jurisdiction to complete any applicable Environmental Review on a Project prior to authorizing a Water Permit release via the Water Release Form.
2. Complete Construction Plans that reflect water use pursuant to Tables 1 or 2 of Rule 24, together with any amendment, addition, or modification of those plans which may be made prior to use or occupancy of the Project, and any plans which may be submitted to the Jurisdiction for land use or building approvals.
3. New development projects that include Landscape Areas of 500 sq. ft. or more and existing rehabilitated Landscape Areas over 2,500 square-feet that are associated with a Jurisdiction's building or landscape permit, plan check, or design review shall comply with the Model Water Efficient Landscape Ordinance. The Applicant shall submit a complete Landscape Documentation Package which shall include:
 - a. Project information including the date, project Applicant, total Landscape Area, water supply, water purveyor;
 - b. A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU) calculations with three copies of the Landscape plan;
 - c. Soil analysis and recommendations (from a soil laboratory);
 - d. Landscape design/project notes; plant legend; plant count;
 - e. Landscape design hydrozone water use;
 - f. Irrigation design/irrigation project notes;
 - g. Grading design plan from an Engineer;
4. A copy of the District-issued documentation of a Water Use Credit or documentation of an On-Site Water Credit when a credit is used to offset new

water fixtures or uses.

5. A copy of a District inspection report for the property, if required to process the Permit.
6. Payment of the applicable fees prescribed in Rule 60.
7. Payment of the Capacity Fee prescribed in Rule 24.

C. APPLICATION FOR AMENDMENT TO A WATER DISTRIBUTION SYSTEM PERMIT

The Applicant shall submit the following:

1. A completed written application in the manner and form prescribed by the General Manager. An amendment to a Water Distribution System Permit under Rule 22-E shall require the signature of the system owner. When the application involves the expansion or annexation to an existing Water Distribution System Service Area or expansion of the Water Distribution System beyond its prior authorized System Capacity (annual production) limit or its prior authorized Expansion Capacity (Connection) limit, the application shall be processed as an amendment of the Permit to Create/Establish a Water Distribution System.
2. The fee prescribed in Rule 60.

D. NAME CHANGES

An Applicant or permit holder's name or identifying information may be changed without charge, and in such circumstances a revised Permit may be issued.

E. APPLICATION FOR WATER USE PERMIT FOR BENEFITED PROPERTIES

1. Any person that has an Assignment Document may file an application for a Water Use Permit. The application for a Water Use Permit shall be deemed complete when the Applicant submits all of the following:
 - a. A completed Water Use Permit application;
 - b. A copy of the recorded Assignment Document;
 - c. Processing fees.
2. Upon completion of the process described in Rule 23.1, each holder of an Assignment Document shall be issued a Site-specific Water Use Permit for the quantity of water shown on the Assignment Document.
3. Each Water Use Permit issued pursuant to Rule 23.1 shall be appurtenant to the title of the Benefited Property and shall vest in the owner a property interest for

the use and benefit of the quantity of Potable water in Acre-Feet per year.

4. Upon issuance of a Water Use Permit to the owner of a Benefited Property, the General Manager shall simultaneously make a record of the quantity of Water Entitlement that was conveyed to the owner of the Benefited Property and a commensurate reduction in the remaining amount of the Water Entitlement, if any, that thereafter is still held by the Water Entitlement Holder.

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 8 (1/14/82); formerly Rule 203, renumbered by Ordinance No. 6 (5/11/81); Ordinance No. 26 (9/8/86); Ordinance No. 71 (12/20/93); amended and renumbered by Ordinance No. 96 (3/19/2001); Ordinance No. 118 (12/13/2004); Ordinance No. 122 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 132 (1/24/2008); Ordinance No. 150 (5/21/2012); Ordinance No. 157 (12/9/2013); Ordinance No. 160 (4/21/2014); Ordinance No. 165 (8/17/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 173 (8/15/2016)