

**From:** Dave Stoldt [<mailto:dstoldt@mpwmd.net>]

**Sent:** Tuesday, January 03, 2017 11:42 AM

**To:** Mrowka, Kathy@Waterboards; O'Hagan, John@Waterboards; Aue, Marianna@waterboards; Grober, Les@Waterboards

**Cc:** Rich Svindland; Barbara Meister; John Narigi; Mike Zimmerman; Ron Meer; Stephanie Locke; Bill Kampe; 'Dave Laredo'; Brian LeNeve ([bjleneve@att.net](mailto:bjleneve@att.net)); [LarrySilver@earthlink.net](mailto:LarrySilver@earthlink.net); 'jficker@calstrat.com'; Minton, Jonas; 'David Beech ([dbeeche@comcast.net](mailto:dbeeche@comcast.net))'

**Subject:** RE: WR 2009-060 Condition 2 Meeting Yesterday

All,

At our December 13<sup>th</sup> meeting we agreed that we would revisit our proposed language for grappling with interpreting Condition 2 for existing service addresses. As we discussed during the meeting, our proposal is to use the already existing system of using residential fixture counts and commercial factors to determine the baseline of use, rather than actual billing records at some particular point in time. This is because actual billing records are fraught with problems: there may have been a vacancy at that time, a new owner may have chased out tenants in order to remodel, the business may have been failing, the home was a second home for the previous owner, there may be a prospective buyer who doesn't have access to billing records, enforcement against new versus existing uses is difficult, etc.

We fully grasp that this interpretation may be perceived as allowing a modest increase in actual use at a particular location relative to the use at a specific point in time, because our method recognizes capacity to use water at a site to include the documented fixtures or factors, plus investments in water savings (credits), and water that was allocated to the jurisdictions prior to Order 95-10 (debits), but in our discussion in Sacramento it was recognized that these amounts are small and the number of applications minor relative the whole. Recall that in April 2012 the Board said that *"The intent of Condition 2 is to limit an increase in water consumption from the Carmel River that may be caused by regional or local zoning and land use changes to the conditions that existed at the time of the Order."* Yet a variety of programs initiated since the 2009 CDO took effect have reduced pumping from the Carmel River by 3,000 AF. In effect, we are saying that we need to regulate the entire service area to the "macro" – the Effective Diversion Limit – while buildings and properties should use District rules to count water, especially since District rules were designed to ensure no new water be allotted until the needs of Order 95-10 and the CDO are met.

We will continue to work with our jurisdictions to attempt to identify or quantify projects on the "wait list" that are basically "on hold" as a result of the CDO and moratorium, in order to show that Condition 2 prohibition on new service connections has a meaningful effect. We will be working on [that](#) and report back to you soon.

Best regards,

Dave

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