

**Petitions for Change to Permits 7130B and 20808  
for  
Aquifer Storage and Recovery (ASR) Project Phase I  
Proposed Changes to Current Permit Conditions**

**Base Concept as Agreed to by Monterey Peninsula Water Management District, California American Water, National Marine Fisheries Service, and California Department of Fish and Game during protest dismissal:** It is anticipated that each permit will be split into two parts, one for the Phase 1 ASR Project and the second representing the remainder of the permit quantities, terms, and conditions. Conditions in the “remainder” permits would not be changed from their previous form. Conditions not referenced in either Section A or Section B below would be retained without change in both the Phase 1 ASR Project permits and the “remainder” permits.

**A. Changes Proposed as Resolution of CDFG and NMFS Protests**

**References: May 20, 2005 Memorandum from Robert W. Floerke, CDFG, to Victoria Whitney, SWRCB - Protest of MPWMD Petitions for Change to Permits 7130B and 20808**

**May 12, 2005 letter from Dick Butler, NMFS, to SWRCB Division of Water Rights, c/o Megan Sheely**

**Condition 1a**

*Condition 1a (a new, added condition) shall be as follows:*

“Permit 7130B [Permit 20808] shall be divided into two parts. The first part (Permit 7130B-1) [Permit 20808-1] is in support of the ‘Phase 1 Aquifer Storage and Recovery Project’ and shall be held in joint ownership by the Monterey Peninsula Water Management District (MPWMD) and California American Water (CAW). The second part (Permit 7130B-2 [Permit 20808-2]), shall contain the remainder of the storage and diversion quantities (the differences in amounts between the original Permit 7130B [Permit 20808] and Permit 7130B-1 [Permit 20808-1]) and shall continue to be held by MPWMD.”

**Condition 5**

*Condition 5 shall be as follows:*

“The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2,426 acre-feet per annum. The water diverted from the Carmel River shall be collected

from December 1 of each year through May 31 of the succeeding year and taken to groundwater storage in the Seaside Basin.”

**Condition 17**

*Condition 17 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 21**

*Condition 21 shall be retained as written.*

**Condition 30**

*Condition 30 shall be as follows:*

“MPWMD shall maintain in good working order all riparian irrigation systems owned or operated by MPWMD under its Water Allocation Program Environmental Impact Report, 5-Year Mitigation Program (November 1990) for use as needed during dry or critically dry water years. Water year types are defined in **Table C**, Carmel River Water Supply Index (attached), and may be amended from time to time to include the most recent available hydrologic data. For the purposes of amending water year types, Permittee shall submit to the Chief, Division of Water Rights, revised criteria to define normal or better, below normal, dry and critically dry year types. If Permittee receives no objection within 30 days of submittal, those criteria shall be deemed approved”

*Tables A, B, and C in the Amended Permits 7130B and 20808 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 32**

*Condition 32 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 33**

*Condition 33 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 34**

*Condition 34 shall be as follows:*

“Permittee shall not divert water from the Carmel River unless minimum instream flows are met as defined in **Tables A, B, and C (attached)**. ”

*Tables A, B, and C in the Amended Permits 7130B and 20808 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 35**

*Condition 35 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 36**

*Condition 36 shall be as follows:*

“Permittee shall operate or install and properly maintain continuous flow measurement devices, satisfactory to the State Water Resources Control Board, at the following locations in the Carmel River:

- a) Carmel River at the Highway 1 Bridge (River Mile [RM] 1.1) – (December 1 through May 31 of the succeeding year)
- b) USGS Near Carmel Gage (RM 3.2), if the USGS does not continue to operate and maintain this gage – (December 1 through May 31 of the succeeding year)
- c) Carmel River at Sleepy Hollow Weir (RM 17.6) – (December 1 through May 31 of the succeeding year)”

**Condition 37**

*Condition 37 shall be as follows:*

“Permittee shall submit annual reports to the State Water Resources Control Board, Chief, Division of Water Rights, California Department of Fish and Game, and National Marine Fisheries Service stating the mean daily flows from December 1 through May 31 of the succeeding year at the three monitoring locations specified in Condition 36.”

**Condition 38**

*Condition 38 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 43**

*Condition 43 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

## **B. Proposed Changes to Permit Conditions Not Addressed by CDFG and NMFS Protests**

**References:** Revised Petitions for Change to Permits 7130B and 20808, transmitted to SWRCB by letters dated September 15, 2003, Attachment 3 to each petition: “Proposed Amendments to Permit Conditions”

The Petitions for Change to Permits 7130B and 20808 for the Aquifer Storage and Recovery Project propose changes to or removal of several other conditions in the existing permits that are not addressed by CDFG or NMFS in their protests. These conditions would be revised or removed from the permits for the Phase 1 ASR Project and retained as currently written for the “remainder permits.”

Permit conditions not addressed by CDFG and NMFS in their protests that are proposed to be changed or removed are as follows:

### **Condition 2**

*Condition 2 shall be changed by adding San Clemente Dam as a point of diversion.*

### **Condition 7**

*Condition 7 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

### **Condition 8**

*Condition 8 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

### **Condition 18**

*Condition 18 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

### **Condition 20**

*Condition 20 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

### **Condition 22**

*Condition 22 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 23**

*Condition 23 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 24**

*Condition 24 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 25**

*Condition 25 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 26**

*Condition 26 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 27**

*Condition 27 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 28**

*Condition 28 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 29**

*Condition 29 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 41**

*Condition 41 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 42**

*Condition 42 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 45**

*Condition 45 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 48**

*Condition 48 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 49**

*Condition 49 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 50**

*Condition 50 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 51**

*Condition 51 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 52**

*Condition 52 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**Condition 53**

*Condition 53 shall be removed from the permits for the Phase 1 ASR Project and retained for the “remainder permits.”*

**TABLE A**

**MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS (see Condition 34)**

Fall December 1-December 15	Winter December 16-April 15	Spring April 16-May 31
<p><u>All Water Year Types</u><sup>1</sup></p> <p>May divert with minimum bypass of 40 cfs at the Highway 1 gage</p>	<p><u>Normal or Better and Below Normal Water Years</u><sup>1</sup></p> <p><b>For Normal or Better and Below Normal Water Years, an Attraction Day is defined as:</b> Estimated unimpaired flow<sup>2</sup> at the Highway 1 gage of 200 cfs or greater.</p> <p><b>Prior to First Attraction Day:</b> Continue December 1-15 bypass flows.</p> <p><b>During Attraction Day(s):</b> Bypass sufficient flow to maintain 200 cfs at the Highway 1 gage.</p> <p><b>Following Attraction Day(s):</b> Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass 90 cfs between the Sleepy Hollow Weir gage and the USGS Near Carmel gage, and 60 cfs between the USGS Near Carmel gage and the Highway 1 gage.</p> <p>Cumulative maximum average daily diversion from the Carmel River downstream of River Mile 17.6 shall not exceed 80 cfs.</p>	<p><u>All Water Year Types</u><sup>1</sup></p> <p>Bypass 80 cfs between the Sleepy Hollow Weir gage and the Highway 1 gage.</p> <p>Cumulative maximum average daily diversion from the Carmel River downstream of River Mile 17.6 shall not exceed 80 cfs.</p>
	<p><u>Dry and Critically Dry Water Years</u><sup>1</sup></p> <p><b>For Dry and Critically Dry Water Years, an Attraction Day is defined as:</b> Estimated unimpaired flow<sup>2</sup> at the Highway 1 gage of 200 cfs or greater in January, 100 cfs or greater in February, and 75 cfs or greater in March.</p> <p><b>Prior to First Attraction Day:</b> Continue December 1-15 bypass flows.</p> <p><b>During Attraction Day(s):</b> Bypass sufficient flow to maintain 150 cfs at the Highway 1 gage.</p> <p><b>Following Attraction Day(s):</b> Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass the same as for wet, normal, and below normal water years.</p> <p>Cumulative maximum average daily diversion from the Carmel River downstream of River Mile 17.6 shall not exceed 80 cfs.</p>	

<sup>1</sup> Water Year types are as specified in Table C.

<sup>2</sup> For purposes of this Table A, "estimated unimpaired flow" shall be defined as the measured mean daily flow at the specified gage plus the mean daily diversion by California American Water from the Carmel River and underlying alluvial aquifer upstream of that gage during the preceding five days.

This table is based on Table 9 in *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, National Marine Fisheries Service, Southwest Region – Santa Rosa Field Office, June 3, 2002, page 32.

**TABLE B****Carmel River Bypass Flows - "Ramp-Down" Flows**

**Minimum Mean Daily Instream Flows Following an Attraction Day or Days  
(All Values in Cubic Feet Per Second)**

<b>Day</b>	<b>Between MPWMD Sleepy Hollow Gage and USGS Near Carmel Gage</b>		<b>Between USGS Near Carmel Gage and MPWMD Highway 1 Gage</b>	
	<b>Normal or Better and Below Normal Water Years</b>	<b>Dry and Critically Dry Water Years</b>	<b>Normal or Better and Below Normal Water Years</b>	<b>Dry and Critically Dry Water Years</b>
0	200	150	200	150
1	175	125	175	125
2	150	100	150	100
3	125	90	125	80
4	90	90	100	60
5	90	90	80	60
6	90	90	60	60

Source: *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, National Marine Fisheries Service, Southwest Region - Santa Rosa Field Office, June 3, 2002, page 15.

Note: "Day 0" refers to an Attraction Day or Days. "Day 1" refers to the first day after an

Attraction Day or Days. See Table A for the definition of an Attraction Day.

**TABLE C****Carmel River Water Supply Index****Cumulative Unimpaired Carmel River Flow  
at the Sleepy Hollow Weir Site in Acre-Feet**

<b>Period</b>	<b>Water Year Type</b>			
	<b>Normal or Better</b>	<b>Below Normal</b>	<b>Dry</b>	<b>Critically-Dry</b>
Oct	> 300	300 - 100	99 - 1	0
Oct - Nov	> 1,000	1,000 - 500	499 - 300	< 300
Oct - Dec	> 4,000	4,000 - 1,700	1,699 - 1,200	< 1,200
Oct - Jan	> 11,700	11,700 - 5,700	5,699 - 3,200	< 3,200
Oct - Feb	> 28,800	28,800 - 11,800	11,799 - 7,300	< 7,300
Oct - Mar	> 40,600	40,600 - 21,300	21,299 - 10,700	< 10,700
Oct - Apr	> 47,600	47,600 - 24,300	24,299 - 13,200	< 13,200
Oct - May	> 49,500	49,500 - 26,000	25,999 - 13,900	< 13,900
Oct - Jun	> 49,900	49,900 - 26,800	26,799 - 14,600	< 14,600
Oct - Jul	> 50,000	50,000 - 27,200	27,199 - 14,700	< 14,700
Oct - Aug	> 50,300	50,300 - 27,300	27,299 - 14,800	< 14,800
Oct - Sep	> 50,700	50,700 - 27,400	27,399 - 14,900	< 14,900

**Expected Unimpaired Carmel River Flow  
at the Sleepy Hollow Weir Site in Acre-Feet Assuming 75% Reliability**

<b>Period</b>	<b>Water Year Type</b>			
	<b>Normal or Better</b>	<b>Below Normal</b>	<b>Dry</b>	<b>Critically-Dry</b>
Nov - Sep	50,400	34,000	25,000	21,000
Dec - Sep	43,000	27,000	17,500	14,900
Jan - Sep	36,000	22,300	12,200	10,000
Feb - Sep	29,000	17,300	9,000	7,000
Mar - Sep	21,500	11,275	6,000	3,400
Apr - Sep	13,000	5,850	3,250	1,575
May - Sep	5,000	2,500	1,425	800
Jun - Sep	2,000	900	625	400
Jul - Sep	600	300	300	300
Aug - Sep	200	200	200	200
Sep	100	100	100	100

## Notes:

1. "Cumulative" and "Expected" water year types are derived from the daily unimpaired flow record at the Sleepy Hollow Weir site simulated by the Monterey Peninsula Water Management District for Water Years 1902 through 1996.
2. Water Year types are based on selected exceedence frequencies. "Normal or Better" refers to flows that are equaled or exceeded 50% of the time. "Below Normal" refers to flows that are exceeded between 50% and 75% of the time. "Dry" refers to flows that are exceeded between 75% and 87.5% of the time. "Critically-Dry" refers to flows that are exceeded 87.5% of the

time.

3. The Water Supply Index shall incorporate a daily timestep so that it can be updated on a daily basis.