

**CALIFORNIA PUBLIC UTILITIES COMMISSION  
DIVISION OF WATER AND AUDITS**

**Advice Letter Cover Sheet**

**Utility Name:** California American Water

**Date Mailed to Service List:** July 29, 2022

**District:** Central Division

**CPUC Utility #:** U210W

**Protest Deadline (20<sup>th</sup> Day):** August 18, 2022

**Advice Letter #:** 1381

**Review Deadline (30<sup>th</sup> Day):** August 28, 2022

**Tier**     1     2     3     Compliance

**Requested Effective Date:** August 28, 2022

**Authorization**

**Rate Impact:** \$See AL  
See AL%

**Description:** Monterey Service Area Expansion  
Contiguous Parcels

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

**Utility Contact:** Angelica Morales

**Utility Contact:** Jonathan Morse

**Phone:**

**Phone:** 916-568-4237

**Email:** [Angelica.Morales@amwater.com](mailto:Angelica.Morales@amwater.com)

**Email:** [Jonathan.Morse@amwater.com](mailto:Jonathan.Morse@amwater.com)

**DWA Contact:** Tariff Unit

**Phone:** (415) 703-1133

**Email:** [Water.Division@cpuc.ca.gov](mailto:Water.Division@cpuc.ca.gov)

**DWA USE ONLY**

DATE

STAFF

COMMENTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPROVED

WITHDRAWN

REJECTED

**Signature:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

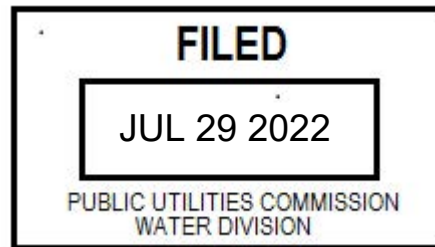
**Date:** \_\_\_\_\_

\_\_\_\_\_



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July 29, 2022

ADVICE LETTER NO. 1381

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California-American Water Company (U210W) (“California American Water”) submits this advice letter (“Advice Letter”) applicable to its Central Division water customers and Monterey Main service area.

**Purpose:**

This Advice Letter seeks approval under California Public Utilities Commission (“Commission”) General Order (“G.O.”) 96-B to expand California American Water’s Monterey service area to include two parcels adjacent to California American Water’s Monterey Service Area.

**Background:**

Moo Land Incorporated owns two parcels of land identified as Assessor Parcel Number (“APN”) 189-411-009-000 and APN 189-411-010-000 (the “Adjacent Parcels”). The Adjacent Parcels total approximately 48.18 acres, are undeveloped, lack their own current water supply provider, and border on at least one side California American Water’s Monterey Main System. A map of the Adjacent Parcels is included as “Attachment A” to this Advice Letter, and their legal description is included as “Attachment B.”

Moo Land Incorporated would like California American Water to serve the Adjacent Parcels. California American Water both has the physical ability to serve the Adjacent Parcels and wishes to serve them. California American Water intends to serve the Adjacent Parcels through meters installed in California American Water’s current Monterey Main service area. Back on August 3, 2020, California American Water filed Advice Letter 1306 to request a pressure requirement exception as specified under Commission General Order 103-A VII.6.D. for the limited area that includes those meters. On October 28, 2020, the Commission’s Water Division approved Advice Letter 1306. The Monterey Peninsula Water Management District (“MPWMD”), however, indicated its desire to have California American Water seek to expand the company’s service area to include the entirety of the two parcels before MPWMD would issue its necessary approvals.

On November 5, 2021, after California American Water agreed to file this Advice Letter to expand its service territory to include the Adjacent Parcels, MPWMD approved the amendment of California American Water’s System Permit for the Monterey System to allow for inclusion of the Adjacent Parcels. In connection with that approval, the MPWMD issued “Findings of Approval” for “Amend[ing] Main California-American Water Company Water

Distribution System Permit to Annex Assessor Parcel Numbers 189-411-009-000 and 189-411-010-000 to Enable Service of Malpas Water Company Water Use Permit No. 650” (“MPWMD Findings of Approval”). A copy of the MPWMD Findings of Approval is included as “Attachment C” to this Advice Letter. As the Findings of Approval confirmed, because the Adjacent Parcels would receive water from California American Water pursuant to a Malpas Water Company Water Use Permit, that water would not be subject to current restrictions on new connections in California American Water’s Monterey Main System. Included as “Attachment D” to this Advice Letter is the recorded “Notice and Deed Restriction Regarding Limitation on Use of a Water Distribution System.” “Attachment D” binds all future owners of the Adjacent Parcels to the water use limitations imposed by MPWMD under the authorization permit.

California American Water now submits this Advice Letter for Commission approval to expand California American Water’s Monterey service area to include the Adjacent Parcels. An updated portion of the service area map of California American Water’s Monterey Main system that shows the Adjacent Parcels added to the system is included as Attachment E and as a tariff for the Monterey Service Area.

### **Authority for Request:**

The relevant G.O. 96-B provisions:

#### **Water Industry Rule 4.2. Service Area Extension or Transfer of Ownership**

When filing an advice letter for service area extension or transfer of ownership, the Utility shall serve it on the Local Agency Formation Commission (“LAFCO”).

#### **Water Industry Rule 7, Section 7.3.2(8), Tier 2**

Service extension into contiguous area or within city in which the Utility already provides service (Water Supply and Certification Questionnaire required) (see Industry Rule 8.1.)

#### **Water Industry Rule 8.1, Service Extension into Contiguous or Other Area.**

A service area extension is into a contiguous area for purposes of this Industry Rule if (1) the distance between the existing service area and the new area does not exceed 2,000 feet at the point of closest proximity, or (2) service will be provided by the extension of line, plant, or system from the Utility’s existing service area. If entirely separate sources of supply and distribution are used in the new area and the separation is over 2,000 feet, the extension is not contiguous, and the Utility must seek authority by means of a formal application to serve the new area.

At least 30 days before (1) commencing service in an area within a city in which the Utility is already providing service, (2) extending service to a contiguous area or (3) taking ownership of a mutual or municipal water company, the Utility shall submit a service area map delineating the added area, and proof that the utility already has a water supply adequate to serve the areas or a plan to obtain such a supply. (See Standard Practices U-14-W and U-18-W).

**Basis for Request:**

California American Water requests extension of its current Monterey Main service area to cover the Adjacent Parcels. In compliance with G.O. 96-B, Water Industry Rule 4.2, the LAFCO for Monterey County was served with a copy of this Advice Letter. As is noted below, in compliance with G.O. 96-B, Water Industry Rule 7.3.2(8), California American Water's request is filed as a Tier 2 Advice Letter.

As is shown in maps included as "Attachments A" and "E" to this Advice Letter, the requested extension is into an area that is contiguous to California American Water's Monterey Main service area. Thus, pursuant to G.O. 96-B, Water Industry Rule 8.1, the extension is into a contiguous area because the distance between the existing service area and the new area does not exceed 2,000 feet at the point of closest proximity. In compliance with G.O. 96-B, Water Industry Rule 8.1, included as "Attachment E" to this Advice letter is a portion of the service area map that includes the Adjacent Parcels. This map is also included as a Monterey Service Area Map tariff sheet.

Finally, after conferring with Water Division staff, it appears a Water Supply and Certification Questionnaire is not necessary in this instance. There is already an existing water supply for service. There is also authority to serve the Adjacent Parcels both pursuant to the recently issued MPWMD authorization and pursuant to a Malpas Water Company Water Use Permit. A copy of that use permit is included as "Attachment F" to this Advice Letter. The Water Use Permit "evidences the dedication of 0.55 Acre-Foot of water from Malpas Water Company Water Entitlement to the" Adjacent Parcels.

Thus, the Commission should approve expansion of California American Water's Monterey Main service area to include the Adjacent Parcels.

**Tier Designation:**

This advice letter is submitted pursuant to General Order ("G.O.") No. 96-B and is designated as a Tier 2 filing in accordance with G.O. 96-B, Water Industry Rule 7, Section 7.3.2(8).

**Effective Date:**

California American Water requests an effective date of August 28, 2022.

**Service List:**

Service Lists – In accordance with General Rules 4.3 and 7.2, and Water Industry Rule 4.1, of General Order (GO) 96-B, Cal-Am served copies of this Advice Letter to adjacent utilities and other parties requesting such notification. Please note that, consistent with the Commission's guidelines for service during the COVID-19 pandemic, this advice letter is only being distributed electronically.

**RESPONSE OR PROTEST**<sup>1</sup>

Anyone may submit a response or protest for this AL. When submitting a response or protest, **please include the utility name and advice letter number in the subject line.**

A **response** supports the filing and may contain information that proves useful to the Commission in evaluating the AL. A **protest** objects to the AL in whole or in part and must set forth the specific grounds on which it is based. These grounds<sup>2</sup> are:

- (1) The utility did not properly serve or give notice of the AL;
- (2) The relief requested in the AL would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
- (3) The analysis, calculations, or data in the AL contain material error or omissions;
- (4) The relief requested in the AL is pending before the Commission in a formal proceeding; or
- (5) The relief requested in the AL requires consideration in a formal hearing, or is otherwise inappropriate for the AL process; or
- (6) The relief requested in the AL is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require relitigating a prior order of the Commission.

A protest may not rely on policy objections to an AL where the relief requested in the AL follows rules or directions established by statute or Commission order applicable to the utility. A protest shall provide citations or proofs where available to allow staff to properly consider the protest.

Water Division must receive a response or protest via email (**or** postal mail) within 20 days of the date the AL is filed. When submitting a response or protest, **please include the utility name and advice letter number in the subject line.**

The addresses for submitting a response or protest are:

**Email Address:**

[Water.Division@cpuc.ca.gov](mailto:Water.Division@cpuc.ca.gov)

**Mailing Address:**

CA Public Utilities Commission  
Division of Water and Audits  
505 Van Ness Avenue  
San Francisco, CA 94102

On the same day the response or protest is submitted to Water Division, the respondent or protestant shall send a copy of the protest to California American Water at:

**Email Address:**

[sarah.leeper@amwater.com](mailto:sarah.leeper@amwater.com)

**Mailing Address:**

555 Montgomery Street, Suite 816  
San Francisco, CA 94111

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<sup>1</sup> G.O. 96-B, General Rule 7.4.1

<sup>2</sup> G.O. 96-B, General Rule 7.4.2

[angelica.morales@amwater.com](mailto:angelica.morales@amwater.com) 520 Capitol Mall, Suite 630  
Sacramento, CA 95814

[nicholas.subias@amwater.com](mailto:nicholas.subias@amwater.com) 555 Montgomery Street, Suite 816  
San Francisco, CA 94111

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform Water Division, within the 20-day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

### **REPLIES**<sup>3</sup>

The utility shall reply to each protest and may reply to any response. Any reply must be received by Water Division within five business days after the end of the protest period, and shall be served on the same day on each person who filed the protest or response to the AL.

The actions requested in this advice letter are not now the subject of any formal filings with the California Public Utilities Commission, including a formal complaint, nor action in any court of law.

This filing will not cause the withdrawal of service, nor conflict with other schedules or rules.

If you have not received a reply to your protest within 10 business days, please contact Angelica Morales at (916) 568-4237.

CALIFORNIA-AMERICAN WATER COMPANY

      /s/ Angelica Morales      

Angelica Morales  
Business Support Specialist

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<sup>3</sup> G.O. 96-B, General Rule 7.4.3

**Cal P.U.C.  
Sheet No.      Title of Sheet**

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**Cancelling  
Cal P.U.C.  
Sheet No.**

XXXXX-W      Monterey County Service Area Map  
Sheet 13

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Monterey County Service Area Map

Sheet 13

(See Attached- Monterey County District Tariff Area)

(N)

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(TO BE INSERTED BY UTILITY)

Advice 1381  
Decision

ISSUED BY

J. T. LINAM  
DIRECTOR - Rates & Regulatory

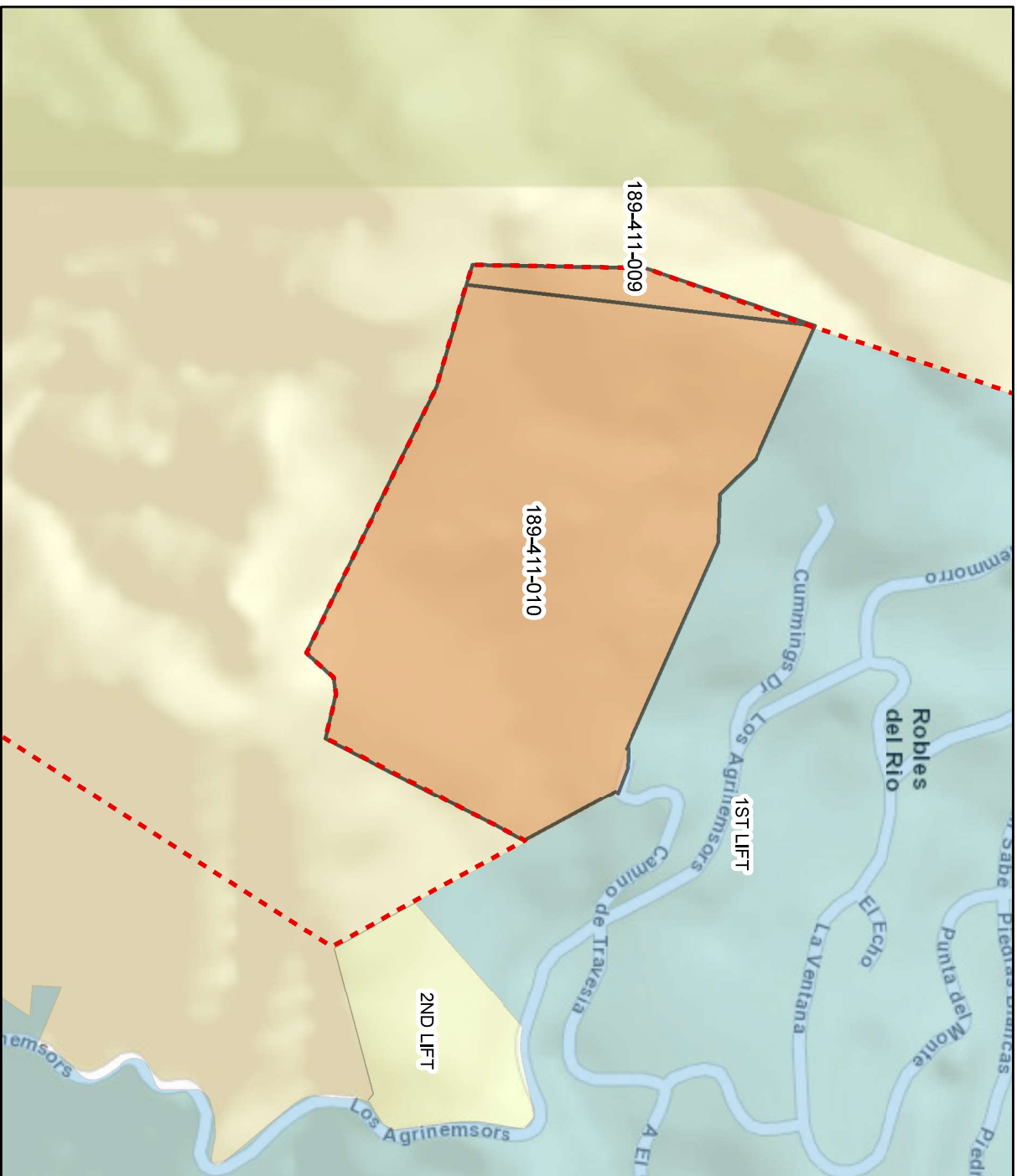
(TO BE INSERTED BY C.P.U.C.)

Date Filed \_\_\_\_\_  
Effective \_\_\_\_\_  
Resolution \_\_\_\_\_



# Monterey Main

## Moo Properties in Carmel Valley

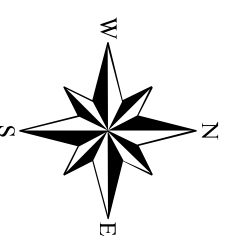


### Legend

Service Area Boundary for Monterey Main

### Pressure Zones

- 1ST LIFT
- 2ND LIFT
- GRAVITY
- Parcels - Low Pressure



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

**MONTEREY COUNTY DISTRICT SERVICE LIST**  
**CALIFORNIA-AMERICAN WATER COMPANY**

**BY MAIL:**

Alco Water Service  
249 Williams Road  
Salinas, CA 93901

Yazdan Emrani, P.E.  
Deputy Pub Works Director – Operations  
Monterey County DPW  
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Salinas, CA 93901-2680

Ann Camel  
City Clerk  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901

Karen Crouch  
City Clerk,  
Carmel-By-The-Sea  
PO Box CC  
Carmel-by-the-Sea, CA 93921

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Pebble Beach, CA 93953-3011

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California Public Utilities Commission  
320 West 4th Street, Suite 500  
Los Angeles, CA 90013

Monterey Regional Water Pollution  
Control Agency (MRWPCA)  
5 Harris Court Road. Bldg D.  
Monterey, CA 93940

City of Pacific Grove  
c/o Community Development Department  
Attention: Sarah Hardgrave  
300 Forest Ave., 2nd floor  
Pacific Grove, CA 93950

City of Sand City  
City Hall  
California & Sylvan Avenues  
Sand City, CA 93955  
Attn: City Clerk

Darryl D. Kenyon  
Monterey Commercial Property Owners  
Association  
P.O. Box 1953  
Monterey, CA 93942

Vibeke Norgaard  
City Attorney of Sand City  
P.O. Box 183  
Carmel, CA 93921

Monterey Peninsula Water Mgmt Dist.  
Chief Financial Officer  
P.O. Box 85  
Monterey, CA 93942

City of Pacific Grove  
City Attorney/City Hall  
300 Forest Ave 2nd floor  
Pacific Grove, CA 93950

Deborah Mall, City Attorney  
City of Monterey  
512 Pierce Street  
Monterey, CA 93940

Irvin L. Grant  
Deputy County Counsel  
County of Monterey  
168 W. Alisal Street, 3rd floor  
Salinas, CA 93901-2680

Joe Lucido  
25417 Boots Road  
Monterey, CA 93940

**BY E-MAIL:**

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California Public Utilities Commission  
DRA - Water Branch, Rm 4209  
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Office of Ratepayer Advocates  
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California Public Utilities Commission  
[dra\\_water\\_al@cpuc.ca.gov](mailto:dra_water_al@cpuc.ca.gov)

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Executive Division, Rm 5303  
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**MONTEREY COUNTY DISTRICT SERVICE LIST**  
**CALIFORNIA-AMERICAN WATER COMPANY**

City of Del Rey Oaks, City Hall  
650 Canyon Del Rey Road  
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Attn: City Clerk  
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[kminami@delreyoaks.org](mailto:kminami@delreyoaks.org)

City of Seaside, City Hall  
Attn: City Clerk  
Seaside, CA 93955  
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Monterey, CA 93940  
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[connolly@ci.monterey.ca.us](mailto:connolly@ci.monterey.ca.us)

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CALIFORNIA-AMERICAN WATER COMPANY  
SUPPORTING DOCUMENTATION FOR STAFF

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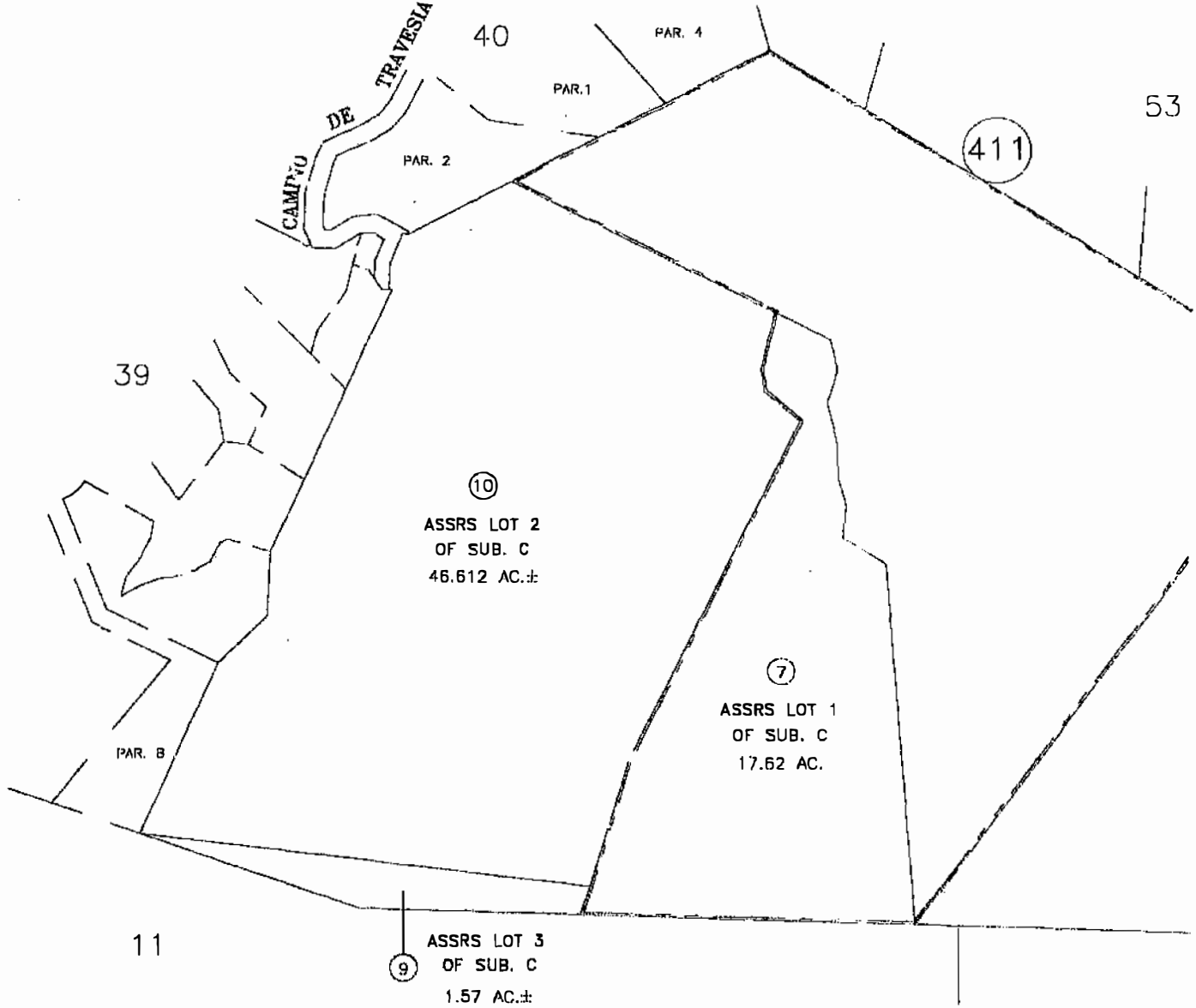
	<u>Page</u>
Map of the Adjacent Parcels .....	Attachment A
Legal description of map of adjacent parcels .....	Attachment B
Copy of the MPWMD Findings of Approval .....	Attachment C
Notice and Deed Restriction Regarding Limitation on Use .....	Attachment D
Adjacent Parcels service area map .....	Attachment E
Copy of water use permit .....	Attachment F

"ATTACHMENT A"

# Parcel Map



SCALE: 1 IN.=300 FT.



"ATTACHMENT B"

### LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

**PARCEL 1:**

CERTAIN REAL PROPERTY SITUATE IN RANCHO LOS LAURELES AND FRACTIONAL SECTION 10, TOWNSHIP 17 SOUTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF MONTEREY, STATE OF CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL DESCRIBED AS "PARCEL 4" IN DEED TO GENEVIEVE DE DAMPIERRE RECORDED 24 OCTOBER 1979 IN REEL 1367 AT PAGE 880, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL, SAID BOUNDARY ALSO BEING THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL DESCRIBED AS "PARCEL 1" IN SAID DEED

- 1) SOUTH 19° 17' 15" WEST, 636.0 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF RANCHO LOS LAURELES, DISTANT 3835.51 FEET, NORTH 79° 26' 30" WEST, (ALONG SAID SOUTHERLY BOUNDARY) FROM A TWIN LIVE OAK TREE STANDING AT THE SOUTHEAST CORNER OF SAID RANCHO LOS LAURELES, AS SHOWN ON THE "LICENSED SURVEYOR'S MAP OF LOS LAURELES RANCHO AND VICINITY", FILED IN VOLUME 3 OF SURVEYS, AT PAGE 115, RECORDS OF MONTEREY COUNTY, CALIFORNIA; THENCE CONTINUING ALONG SAID COMMON BOUNDARY BETWEEN SAID PARCELS 1 AND 4
- 2) SOUTH 1° 31' WEST, 1466.33 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, AS SAID CORNER ALSO BEING THE MOST WESTERLY CORNER OF THAT CERTAIN 41.098 ACRE PARCEL SHOWN AND SO DESIGNATED ON THAT CERTAIN RECORD OF SURVEY MAP FILED 23 SEPTEMBER 1977 IN VOLUME 11 OF SURVEYS AT PAGE 205, RECORDS OF MONTEREY COUNTY, CALIFORNIA; THENCE LEAVING SAID COMMON BOUNDARY AND RUNNING ALONG THE NORTHERLY BOUNDARY OF SAID 41.098 ACRE PARCEL
- 3) NORTH 85° 32' 34" EAST, 976.12 FEET; THENCE
- 4) NORTH 34° 01' 53" EAST, 104.28 FEET; THENCE
- 5) NORTH 24° 46' 51" EAST, 31.38 FEET; THENCE
- 6) SOUTH 84° 42' 47" EAST, 86.76 FEET; THENCE
- 7) NORTH 75° 54' 30" EAST, 74.56 FEET; THENCE
- 8) NORTH 86° 39' 53" EAST, 108.24 FEET; THENCE
- 9) NORTH 76° 44' 22" EAST, 105.38 FEET; THENCE
- 10) SOUTH 65° 47' 14" EAST, 41.48 FEET; THENCE
- 11) SOUTH 75° 53' 07" EAST, 50.91 FEET; THENCE
- 12) NORTH 79° 18' 41" EAST, 37.70 FEET; THENCE



13) NORTH 77° 26' 20" EAST, 46.24 FEET; THENCE

14) NORTH 27° 38' EAST, 949.94 FEET TO THE MOST NORTHERLY CORNER OF SAID 41.098 ACRE PARCEL, SAID CORNER ALSO BEING A POINT OF THE NORTHEASTERLY BOUNDARY OF SAID PARCEL 4; THENCE LEAVING SAID NORTHERLY BOUNDARY AND RUNNING ALONG SAID NORTHEASTERLY BOUNDARY

15) NORTH 27° 31' 45" WEST, 315.00 FEET; THENCE

16) NORTH 30° 30' EAST, 32.27 FEET; THENCE

17) NORTH 68° 50' WEST, 98.77 FEET; THENCE

18) NORTH 88° 00' EAST, 73.1 FEET; THENCE

19) SOUTH 2° 00' WEST, 28.55 FEET; THENCE

20) NORTH 65° 51' WEST, 1622.1 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF SAID PARCEL 4.

EXCEPTING THEREFROM THAT CERTAIN REAL PROPERTY SITUATED IN RANCHO LOS LAURELES AND BEING A PORTION OF THE LANDS DESCRIBED IN DEED TO GENEVIEVE DE DAMPIERE CASEY RECORDED IN VOLUME 2122 AT PAGE 409, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LANDS OF CASEY AT THE WESTERLY CORNER OF THE LANDS OF TOM AUGUSTITUS RECORDED IN REEL 910 AT PAGE 267 OFFICIAL RECORDS OF MONTEREY, CALIFORNIA AND AS SHOWN ON MAP RECORDED IN VOLUME 22 OF SURVEYS, PAGE 26 OF RECORDS OF MONTEREY COUNTY, CALIFORNIA; THENCE ALONG THE COMMON LINE BETWEEN SAID LANDS

1) SOUTH 65° 51' 00" EAST, 331.68 FEET TO THE MOST SOUTHERLY CORNER OF SAID LANDS OF AUGUSTITUS; THENCE LEAVING SAID COMMON LINE

2) NORTH 87° 15' 09" WEST, 178.13 FEET; THENCE

3) NORTH 44° 26' 49" WEST, 178.12 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT CERTAIN REAL PROPERTY SITUATED IN RANCHOS LOS LAURELES AND BEING A PORTION OF THE LANDS DESCRIBED IN DEED TO MERV GRIFFIN, TRUSTEE OF THE MERV GRIFFIN TRUST UTD JUNE 20, 1986 RECORDED IN REEL 2274 AT PAGE 881, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA.

PARCEL II:

A NON-EXCLUSIVE EASEMENT FOR A RIGHT OF WAY, 20 FEET WIDE AS GRANTED TO HENRY H. WEHRHANE BY INSTRUMENT RECORDED MARCH 14, 1935 IN VOLUME 426 OF OFFICIAL RECORDS AT PAGE 459.

APN: 189-411-009-000 and 189-411-010-000

"ATTACHMENT C"



## FINDINGS of APPROVAL

### AMEND MAIN CALIFORNIA-AMERICAN WATER COMPANY WATER DISTRIBUTION SYSTEM PERMIT TO ANNEX ASSESSOR PARCEL NUMBERS

**189-411-009-000 AND 189-411-010-000**

**TO ENABLE SERVICE OF MALPASO WATER COMPANY WATER USE PERMIT NO. 650**

**Permittee: California-American Water Company, a California Corporation**  
**Recipient Assessor Parcel Numbers: 189-411-009-000 and 189-411-010-000**  
**Application #WDS-20210622CAW, Permit #M21-02-L3**

**Adopted by MPWMD Staff Hearing Officer on November 5, 2021**

*Unless noted otherwise, all cited documents and materials are available for review on the MPWMD website <https://www.mpwmd.net/regulations/public-notices/> and will be available for 30 days following action on the application.*

It is hereby found and determined:

1. **FINDING:** Applicant California-American Water Company (CAW), a California Corporation, is the Owner of the Main CAW Water Distribution System (WDS), a regulated public utility. Co-Applicant Moo Land Incorporated, a California Corporation (Moo Land), is the Owner of Assessor Parcel Numbers (APN) 189-411-009-000 and 189-411-010-000 located on Camino De Travesia in Carmel Valley. The Moo Land Parcels are 48.18 acres combined and are currently undeveloped.  
  
**EVIDENCE:** Application #20210622CAW submitted June 22, 2021, including Site maps, lists of Parcels, County and State Permits, and other materials. Database of Monterey County Assessor Parcel Numbers and ownership.
2. **FINDING:** The two Subject Parcels (189-411-009-000 & 189-411-010-000) are adjacent to the Main CAW System Service Area boundary.  
  
**EVIDENCE:** Permit application materials. CAW Service Area map.
3. **FINDING:** The Co-Applicants applied for an amendment to the Main CAW WDS Permit to authorize annexation of APN 189-411-009-000 and 189-411-010-000) into the Main CAW System. No other changes are proposed.

EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit, #M21-02-L3, Conditions of Approval #1 through #4.

4. FINDING: The application for annexation of APN 189-411-009-000 and 189-411-010-000, along with supporting materials, is in accordance with District Rules 21 and 22.

EVIDENCE: Permit application materials specified in Finding #1; “Notice of Public Hearing” letter to Mark Blum, Esq. from MPWMD dated October 21, 2021; MPWMD Rules and Regulations.

**Required Findings (MPWMD Rule 22-B)**

5. FINDING: The approval of the Permit would not cause unnecessary duplication of Potable water service within any existing system. The proposed annexation would bring service to two Parcels which currently have no supply. [Rule 22-B-1]

EVIDENCE: Permit application materials. MPWMD Permit #M21-02-L3.

6. FINDING: The approval of the Permit would not result in water importation or exportation to or from the District, respectively. The Source of Supply is located wholly within the MPWMD and is in the Carmel Valley Alluvial Aquifer (CVAA). [Rule 22-B-2]

EVIDENCE: MPWMD District boundary location maps.

7. FINDING: Approval of the application would not result in significant adverse impacts to “Sensitive Environmental Receptors” (SER) as defined by MPWMD Rule 11, including the Carmel Valley Alluvial Aquifer (CVAA). [Rule 22-B-3]

EVIDENCE: Permit application materials specified in Finding #1. MPWMD Permit #M15-05-L3.

8. FINDING: MPWMD Permit #M15-05-L3 approved 85.6 AFY of sales to recipient properties as allowed by SWRCB License 13868A. Assessor Parcel Numbers 189-411-009-000 and 189-411-010-000 are Benefited Properties and have a specified portion of the Malpaso Water Company Water Entitlement as recognized by MPWMD under Water Use Permit 650 for 0.55 Acre-Feet Annually (AFA) from Malpaso Water Company, LLC (Malpaso). [Rule 22-B-4]

EVIDENCE: MPWMD files for the Subject Parcels. SWRCB License 13868A

## Malpaso Water Use Permit 650.

9. FINDING: The application demonstrates existence of a long-term reliable source of water supply for the proposed use of up to 0.55 AFY for domestic use. Water would be provided by CAW, a public utility certified by the State Department of Public Health, which has the physical ability to serve the Parcels. The 0.55 AFY Entitlement from Malpaso was recorded by MPWMD resulting in Water Use Permit 650. MPWMD Permit #M15-05-L3 approved 85.6 AFY of sales to recipient properties as allowed by SWRCB License 13868A. Therefore, there would not be an increase in water use from the total water use approved for the Main CAW System. [Rule 22-B-5]
- EVIDENCE: CAW service records and water quality evaluations on file at the State Department of Public Health, Monterey office, MPWMD Permit #M15-05-L3 and SWRCB License 13868A.
10. FINDING: CAW's primary source of water supply to serve lots in Carmel Valley is the CVAA. CAW's extraction from the CVAA is governed by SWRCB Order 95-10 and related Orders, SWRCB License 13868A as well as regulatory actions by federal and state resource agencies. As noted in Finding #8 and #9 MPWMD Permit #M15-05-L3 approved 85.6 AFY of sales to Malpaso's Benefited Properties. [Rule 22-B-6]
- EVIDENCE: Permit Application materials as specified in Finding #1, including SWRCB License 13868A, MPWMD Permit #M15-05-L3, MPWMD WUP 650. SWRCB Order 95-10 as amended by subsequent Orders.
11. FINDING: The Source of Supply is not shared by any other Water Distribution System as noted in Finding #9 above, no new water use above approved amounts is associated with this action. However, the cumulative effect of existing water extractions from the CVAA has resulted in significant adverse impacts to the CVAA and the species and habitats dependent on this Source of Supply. [Rule 22-B-7]
- EVIDENCE: CAW Service Area map.
12. FINDING: The Source of Supply for the Subject Parcels is derived from the Carmel Valley Alluvial Aquifer and the Monterey Peninsula Water Resource System because the source of water is the Main CAW distribution system. The Source of Supply is also within the jurisdiction of the SWRCB and has not been determined to be tributary to the Source of Supply for any other system. The Subject Parcels do not overlie the CVAA, but Malpaso water delivered by CAW is derived from the CVAA. [Rule 22-B-8]

- EVIDENCE: Map of CAW Service Area available at District office; MPWMD Permit #M15-05-L3. MPWMD Rules and Regulations.
13. FINDING: The Source of Supply derives from the Monterey Peninsula Water Resource System and is within the jurisdiction of the SWRCB. MPWMD Permit #M15-05-L3 does not allow a permanent intertie to any other Water Distribution System. The Subject Parcels will be connected to and served by the Main CAW System, including water for emergency fire protection. Temporary water service via trucked-in water pursuant to MPWMD Rule 173 could occur if the Main CAW System experienced a fire or other non-fire emergency. [Rule 22-B-9]
- EVIDENCE: Map of CAW Service Area available at District office; MPWMD Permit #M15-05-L3. MPWMD Rules and Regulations.
14. FINDING: A Backflow Protection Device to prevent contamination of the Main CAW System is not determined to be necessary as CAW is the supplier. [Rule 22-B-10]
- EVIDENCE: Map of CAW Service Area; MPWMD Permit #M15-05-L3, Condition of Approval #14.

**Minimum Standards for Granting a Permit (MPWMD Rule 22-C)**

15. FINDING: The application adequately identifies the Responsible Party as California-American Water Company, a California Corporation. [Rule 22-C-1]
- EVIDENCE: Permit application materials specified in Finding #1.
16. FINDING: The application meets the definition of a “Multiple-Parcel Connection System” and therefore must comply with California Title 22 water quality standards under the authority of the SWRCB Division of Drinking Water. [Rule 22-C-2]
- EVIDENCE: Permit application specified in Finding #1. MPWMD Permit #M15-05-L3.
17. FINDING: The application identifies the location of the Source of Supply as the Eastwood/Canada Well (APN 015-162-038) in the Carmel Valley Alluvial Aquifer (CVAA). [Rule 22-C-3]
- EVIDENCE: Permit application materials specified in Finding #1; MPWMD Permit

#M15-05-L3 and Condition of Approval #4.

**Compliance with California Environmental Quality Act (CEQA)**

18. FINDING: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, *et seq.* Specifically, the MPWMD as a lead agency under CEQA for the annexation of two Parcels, determined that a Class 1 Categorical Exemption is applicable due to minor alterations to existing facilities that involve “negligible expansion” of an existing use, as defined in CEQA Guidelines Section 15301(b). This decision is based on facts regarding current water use, and negligible changes expected in the future with the approval of the Subject application.

EVIDENCE: CEQA and CEQA Guidelines, Section 15301; CEQA Guidelines Section 15300.2. MPWMD Notice of Exemption for Amend Main California American Water System Permit to Annex Assessor Parcel Numbers 189-411-009-000 and 189-411-010-000 to Enable Service of Malpaso Water Company Water Use Permit No. 650 signed March 2, 2017. Staff agenda package prepared for MPWMD Staff Hearing Officer on November 1, 2021. Minutes of MPWMD Staff Hearing Officer (Item 1) conducted on November 5, 2021. MPWMD Permit #M21-02-L3, Conditions of Approval #1 through #5, and #13, and Special Conditions for Amend Main California American Water System Permit to Annex Assessor Parcel Numbers 189-411-009-000 and 189-411-010-000 to Enable Service of Malpaso Water Company Water Use Permit No. 650.

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"ATTACHMENT D"





**Stephen L. Vagnini**  
MontereyCounty Clerk-Recorder  
Recorded at the request of:  
MONTEREY PENINSULA WATER MAN

**2022003870**

01/26/2022 08:29:05  
Titles: 1 Pages: 4  
Fees: \$31.00  
Taxes: \$0.00  
AMT PAID: \$31.00

**Recording Requested by:**  
Monterey Peninsula Water Management District (P&E)

**And When Recorded Mail To:**  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

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**NOTICE AND DEED RESTRICTION  
REGARDING LIMITATION ON USE OF  
A WATER DISTRIBUTION SYSTEM**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District or "MPWMD"), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved a Water Distribution System (WDS) Permit for the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this document is situated in the **County of Monterey**:

**ASSRS MAP LOS LAURELES RANCHO ASSRS LOT 3 OF SUB C 1.57 AC  
ASSESSOR'S PARCEL NUMBER 189-411-009-000  
&  
ASSR'S MAP LOS LAURELES RANCHO ASSR'S LOT 2 OF SUB C EXC POR IN VOL 22  
SUR MAPS PG 26 46.612 AC APROX  
ASSESSOR'S PARCEL NUMBER 189-411-010-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **Moo Land Incorporated, a California Corporation**, hereinafter referred to as "Owner(s)," is the record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree that the terms of MPWMD WDS Permit #**M21-02-L3**, including all Conditions of Approval associated with that Permit, which are attached hereto and made a part hereof, are permanent requirements of the Subject Property. Owner(s) and Water Management District further agree that there is **no change** to the maximum allowed annual production of water from the Main System of the California American Water Distribution System, which serves the Subject Property; and a maximum of **two Connections** are permitted to the Parcels.

Owner(s) acknowledge that the Conditions of Approval for MPWMD WDS Permit #M21-02-L3, including the limitation on water use referenced above have been voluntarily accepted and are permanent and irrevocable, unless amended by the filing of a subsequent deed restriction associated with a new, amended Water Distribution System Permit.

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been voluntarily entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any successor or assignee of Owner(s).

**NOTICE IS FURTHER GIVEN** that present and/or future use of water at the Subject Property site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any intensification of water use on the Subject Property, as defined by Water Management District Rule 11, will require prior written authorization and permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future allocations of water may not be available to grant any permit to intensify water use at this site. If any request to intensify water use on Subject Property is approved, Connection charges and other administrative fees may be required as a condition of approval.

**NOTICE IS FURTHER GIVEN** that in the event intensification of water use on the Subject Property occurs without such an authorizing permit, any and all water use on this site may thereafter be revoked in accord with Water Management District Rules, which state, "Intensification of Water Use without a permit shall provide cause for revocation by the District of all water use by any person on that Site." Such revocation could cause the irrevocable extinction of any right or entitlement to the system capacity (water production limit) or expansion capacity (Connection limit) for the Subject Property.

**NOTICE IS FURTHER GIVEN** that intensification of water use on Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the responsible party to correct the violation shall be deemed to constitute a separate offense. All water users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 23, and 148.

The Owner(s) and Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elect and irrevocably covenant with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of MPWMD WDS Permit #M21-02-L3. But for the limitations and notices set forth herein, issuance of this water permit

would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a subsequent deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

The undersigned Owner(s) agree with and accept all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property. The Owner(s) further agree to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

**OWNER(S) agree to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accept the terms and conditions stated above.**

*(Owner(s) signatures must be notarized)*

**Moo Land Incorporated, a California Corporation**

By: *[Signature]* President Dated: 11/18/2021  
**Benjamin de Sugny, President**

ANGELICA DIAZ  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20214028635  
MY COMMISSION EXPIRES JULY 19, 2025

Attest:  
By: *[Signature]* Dated: 12/10/2021  
**Andrew de Sugny, Secretary**

By: *Stephanie Kister* Dated: 1/25/2022  
**Stephanie Kister Campbell, Conservation Analyst**  
**Monterey Peninsula Water Management District**

State of Colorado  
County of Pitkin  
The foregoing instrument was acknowledged before me on this 18 day of November, 2021 by Benjamin de Sugny who is personally known to me or has produced CO21 as identification  
*[Signature]*  
Notary's Signature

NANCY MENENDEZ  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20124038820  
My Commission Expires 7/19/2024

**COLORADO NOTARY ACKNOWLEDGEMENT  
(INDIVIDUAL)**

State of Colorado

County of Weld

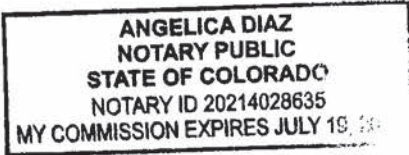
This record was acknowledged before me on December 10, 2021 (date) by Andrew DeSugny (name[s] of individual[s]).

AD  
Signature of Notarial Officer

(Seal)

FNBO  
Title of Office

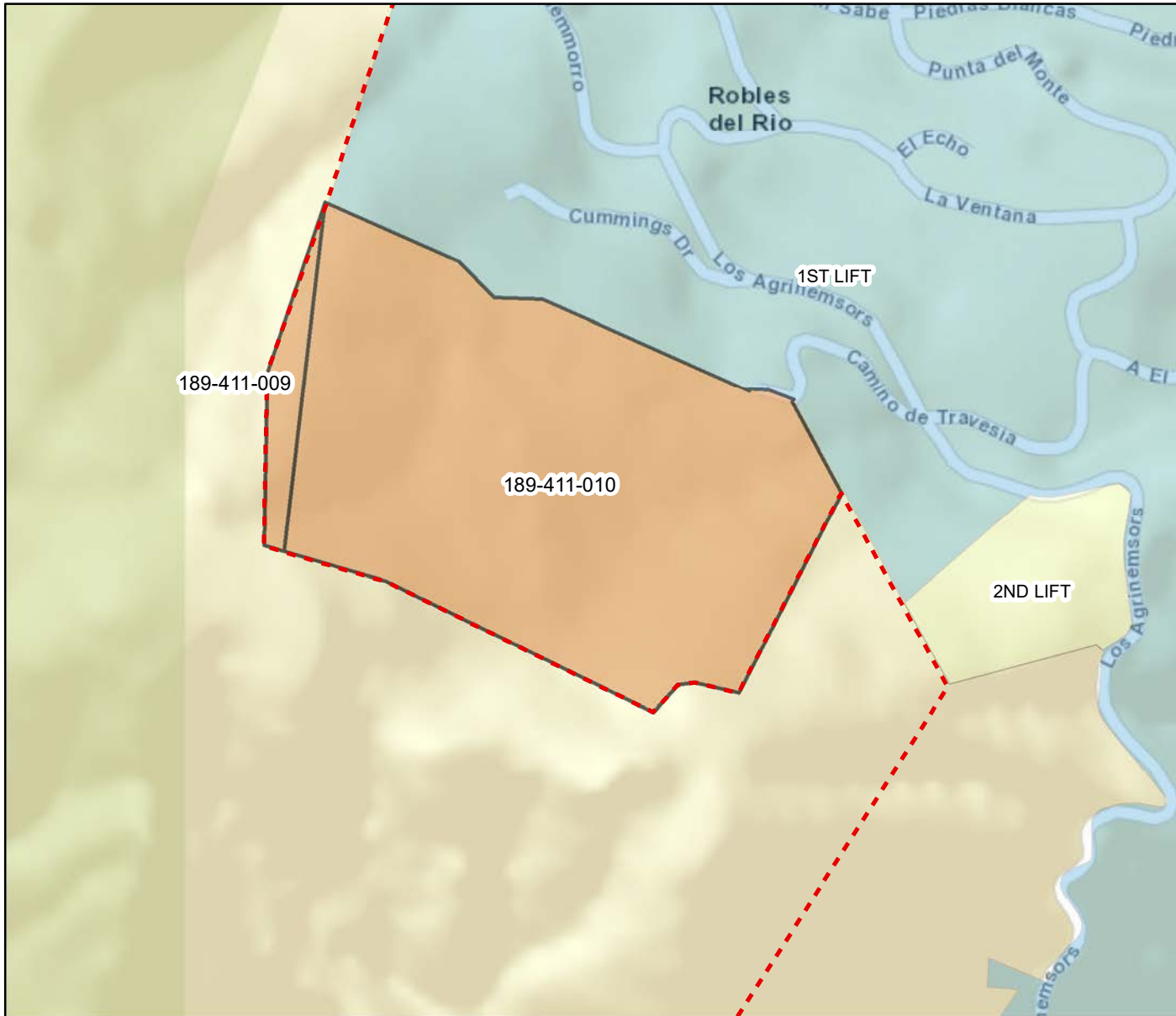
My Commission Expires: July 19, 2025



"ATTACHMENT E"

# Monterey Main





## Moo Properties in Carmel Valley

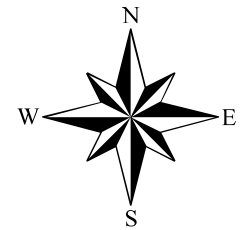


### Legend

 Service Area Boundary for Monterey Main

### Pressure Zones

-  1ST LIFT
-  2ND LIFT
-  GRAVITY
-  Parcels - Low Pressure



340 170 0 340 Meters

"ATTACHMENT F"

EXHIBIT B

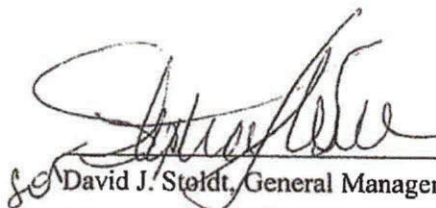


**MALPASO WATER COMPANY**  
**WATER USE PERMIT**  
(ISSUED PURSUANT TO MPWMD RULE 23.1 AND RULE 23.7)  
PERMIT NUMBER 650

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1. This Water Use Permit is issued by the Monterey Peninsula Water Management District (Water Management District or MPWMD) to **Moo Land Incorporated**, ("Owner") for the Benefited Property identified as Assessor's Parcel Number **189-411-009 & 189-411-010** ("Site"), a real property consisting of one or more legal lots of record as of March 4, 2014.
2. This Water Use Permit is issued pursuant to Water Management District Rule 23.1, Action on Application for a Water Use Permit on a Benefited Property, and Water Management District Rule 23.7, Malpaso Water Company Water Entitlement. These Rules contain information relevant to the conditions and limitations of this Water Use Permit. Capitalized words and phrases used in this Water Use Permit are defined in Rule 11 of the Water Management District Rules and Regulations.
3. This Water Use Permit evidences the dedication of **0.55** Acre-Foot of water from the Malpaso Water Company Water Entitlement to the Site as authorized on the Assignment Document issued by Malpaso Water Company on **January 30, 2017**.
4. The Water Use Permit shall be presented to the Water Management District upon application for a Water Permit to connect to or to modify an existing Connection to the California American Water Company Water Distribution System.

Issued this 2<sup>nd</sup> day of March 2017.

  
\_\_\_\_\_  
David J. Stoldt, General Manager  
Monterey Peninsula Water Management District

U:\demand\Water Use Permits\MalpasoWaterCo\189411010\_MooLandInc\_Malpaso Water\_Use\_Permit\_650.docx