

SEASIDE GROUNDWATER BASIN WATERMASTER

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August 25, 2009

VIA ELECTRONIC MAIL TO:

commentletters@waterboards.ca.gov

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Cal-Am CDO Hearing Workshop
Subject: Seaside Groundwater Basin Watermaster's Comment Letter

Dear Ms. Townsend:

I am the Chairman of the Seaside Basin Watermaster ("Watermaster). The Watermaster concurs with the comments submitted by the City of Seaside, the Monterey Peninsula Water Management District, and the Monterey County Mayors Association, and joins in the requested modifications to the State Water Resources Control Board's ("Board") Draft Cease and Desist Order ("Draft CDO") requested by each of these entities.

The Watermaster further requests that the Board modify the Draft CDO with respect to the provisions set forth at page 55, which provide that any community seeking to develop a new source of supply must first apply the new water to reduce its share of the water being illegally diverted by Cal-Am. Watermaster is concerned that this provision could be interpreted to prohibit a holder of adjudicated groundwater rights within the Seaside Basin from exchanging Seaside groundwater rights for water service from Cal-Am, or from wheeling pumped groundwater through Cal-Am's water service infrastructure. The Watermaster therefore requests that the Board modify this provision of the Draft CDO to ensure that it is not interpreted to apply to such circumstances.

The court judgment that adjudicated groundwater rights within the Seaside Groundwater Basin allows for transfers of adjudicated rights between parcels overlying the Seaside Basin. However, it may be far more convenient for the parties, and in the best interest of the Basin, that groundwater rights be exchanged with and pumped by Cal-Am to serve a specific parcel or parcels rather than being pumped by the water rights holder. An apt example is a parcel adjacent to the coast that enjoys adjudicated groundwater rights. By exchanging the adjudicated rights with Cal-Am for water service, the groundwater rights can be pumped from Cal-Am's inland wells rather than from coastal wells that may increase the potential for seawater intrusion into the Basin. Likewise, circumstances may arise in which the convenience of the parties, and the desire to avoid construction of duplicative infrastructure, warrant the wheeling of pumped groundwater through Cal-Am's infrastructure.

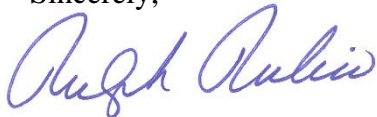
Allowing these types of common water distribution arrangements would not add any additional burden upon the Carmel River since Cal-Am's delivery obligation would be limited to the water that it has either already pumped pursuant to an exchange agreement or received pursuant to a wheeling agreement. Allowing these types of arrangements will, however, afford needed flexibility within the current constrained water supply environment, and assist Watermaster in properly managing the use of the adjudicated groundwater rights in the most efficient and prudent manner possible.

For the above-stated reasons, the Watermaster respectfully requests that the Board add the following text to the end of Section 19.2 of the CDO:

The provisions of this Section 19.2 shall not be interpreted to prohibit any entity possessing adjudicated groundwater rights within the Seaside Groundwater Basin from either: (1) exchanging such adjudicated groundwater rights with Cal-Am for water service from Cal-Am pursuant to an exchange agreement, provided that Cal-Am commits to not exchange water in excess of the quantity that it produces from the Seaside Groundwater Basin in advance of such exchange; or (2) wheeling water produced pursuant to such adjudicated rights through Cal-Am's infrastructure pursuant to a wheeling agreement, provided that that Cal-Am commits to not wheel water in excess of the quantity that it receives in advance.

The Watermaster appreciates the opportunity to make this request and thanks the Board for its consideration.

Sincerely,



Ralph Rubio
Seaside Basin Watermaster Chairman

RR:bc

c: Dewey Evans, Seaside Basin Watermaster Executive Director