

## McCue, Jean@Waterboards

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**From:** KEVIN PIEARCY <pumph20101@hotmail.com>  
**Sent:** Wednesday, July 17, 2013 11:28 AM  
**To:** Unit, Wr\_Hearing@Waterboards  
**Cc:** Scott Anthony; Vic Lanini; Alden Broome; Bardin Bengard; Bill Hammond; Grant Cremers; Greg & Kathy DeCarli; John Broome; John Broome, Jr. (office); John Piearcy; Ray Francioni; Ross Jensen; Scott Wilkenson; Susan Amaral; Wayne Gularte  
**Subject:** MCWRA Proposed Revocation Hearing

July 17,2013

State Water Resources Control Board  
Division of Water Rights  
Attention: Jean McCue  
P.O. Box 2000  
Sacramento, Ca. 95812-2000

VIA: Email to [wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)

### **RE: MCWRA Proposed Revocation Hearing**

Dear Ms. McCue:

I am writing in regards to the recent notification by your department of a Settlement Agreement ("Agreement") in regards to Permit 11043. As a member of the County of Monterey's Regional Advisory Committee ("RAC") and an East Side Property owner, I find it quite surprising that no mention of a settlement process has ever been mentioned until your notice.

In reviewing the Agreement, I as well as others, have questions about the intent of this Agreement as it appears to have changed the original permit with the proposed amendments to Permit 11043. The original permit allowed for 168,538 acre feet of diverted water. Under your proposed agreement that amount has been reduced to 135,000 acre feet, with no explanation as to how 33,538 acre feet was lost. Your agreement calls for winter flow diversions only and only under certain conditions. The original plan, according to "Investigation of an East Side Canal Project ("Project") Salinas Valley by Monterey County Flood Control & Water Conservation District May 1968, "The primary sources of water for a canal project would be the flow of the Salinas River near the canal head. This flow would consist of natural runoff and controlled releases from the Nacimiento and San Antonio Dams." The agreement only allows for winter flows and is not consistent with the original permits design and/or intent. I find these and other changes to be a real challenge to an acceptable plan to finally deliver water to the East Side Water Project. This project is a project our East Side properties have been waiting for, for over many decades.

As an intervener in this proceeding and an East Side Property Owner I would have to request that the agreement not be signed. I believe that we should be allowed to proceed with developing this project within the scope of its original intent/plan. I look forward to finally starting the process of developing and constructing this project that we have waited so long to see. Our need for this project has not diminished, it has accelerated.

Sincerely,

Kevin Pearcy  
East Side Property Owner