

Buckman, Michael@Waterboards

From: Masuda, Roger@CALWATERLAW
Sent: Wednesday, July 17, 2013 7:05 PM
To: Unit, Wr_Hearing@Waterboards
Subject: FW: MCWRA Proposed Revocation Hearing
Attachments: 7-17-13 Marina Coast WD Comments on Proposed Permit 11043 Settlement Agreement.pdf

Ms. McCue -- In reviewing all of the email addresses below, I see that none of them are the email address specified for the filing of comments.

Attached are Marina Coast Water District's comments.

-----Original Message-----

From: Roger Masuda [<mailto:rmasuda@calwaterlaw.com>]

Sent: Wednesday, July 17, 2013 7:00 PM

To: 'Buckman, Michael@Waterboards'; 'O'Brien, Kevin'; 'daladjem@downeybrand.com'; 'Rose, David@Waterboards'; 'pjmlaw@pacbell.net'; 'Nancy Isakson (nisakson@mbay.net)'; 'Norm Groot (norm@montereycfb.com)'; 'Kevin Piearcy (Pumph20101@hotmail.com)'

Cc: 'Nikkel, Meredith (mnikkel@DowneyBrand.com)'; 'McCue, Jean@Waterboards'; 'Groody, Kathleen@Waterboards'; 'Olson, Samantha@Waterboards'; 'Riddle, Diane@Waterboards'; 'Grober, Les@Waterboards'; 'Evoy, Barbara@Waterboards'; 'Fox, Maria@Waterboards'; 'Douglas, Lisa@Waterboards'; 'Bourgeois, Deborah@Waterboards'; 'Kostyrko, George@Waterboards'; 'Moran, Timothy@Waterboards'; 'Howard, Tom@Waterboards'; 'Trgovcich, Caren@Waterboards'; 'Sawyer, Andy@Waterboards'

Subject: MCWRA Proposed Revocation Hearing

Please find attached comments submitted on behalf of the Marina Coast Water District in the above matter.

Roger K. Masuda
Legal Counsel, Marina Coast WD

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W. Coburn Cook, 1892-1953
Lin H. Griffith, retired

Roger K. Masuda
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*Celebrating Our
93rd Anniversary*

July 17, 2013

Via email to wrhearing@waterboards.ca.gov

Division of Water Rights
State Water Resources Control Board
Attention: Jean McCue
Joe Serna, Jr. Cal/EPA Building
1001 "I" Street, 2nd Floor
Sacramento, CA 95814

Subject: MCWRA Proposed Revocation Hearing

Dear Ms. McCue:

Thank you for the opportunity to comment on the proposed settlement agreement between the Monterey County Water Resources Agency ("MCWRA") and the Division's Prosecution Team. We are Legal Counsel to the Marina Coast Water District ("MCWD").

MCWD was formed in 1960. Today MCWD serves municipal and industrial water from groundwater wells to the City of Marina, the Fort Ord Community, and adjoining areas. MCWD currently does not have any surface water source of supply. MCWD's service area is located entirely within the Pressure Area of the Salinas Valley Water Project's ("SVWP") Zone 2C. MCWD was annexed into Zones 2/2A in 1996. See attached map of Salinas Valley Hydrologic Subareas dated August 27, 2012, prepared by MCWRA. The Pressure Area is that area that is directly impacted by seawater intrusion and the area has the highest SVWP Proposition 218 assessment rate.

MCWD generally supports the proposed settlement agreement because it will preserve most of the benefits of Permit 11043 for Monterey County. MCWD notes that the proposed settlement agreement is not accompanied or supported by any hydrologic or scientific evidence to support the reduction in the authorized annual diversion amount to 135,000 acre-feet or the proposed Bypass Flows. In addition, there is no specific description of the proposed Phase II of the SVWP although it presumably is the updated version of the "Eastside Canal Intake" project, concepts of which have been generally disclosed to the public.

MCWD's understanding of the updated Eastside Canal Intake Project concept elements are to divert Salinas River via a new diversion dam and pumping plant located southeast of the City of Soledad at the major bend in the river (upstream of the confluence with the Arroyo Seco River) into a new Eastside Canal that would be built along the foothills and terminate in the vicinity of the intersection of Williams Road and Old Stage Road, east of the City of Salinas. The canal would be some 25 to 30 miles long. Percolation ponds would be located (a) east of Chualar along the canal and (b) near the end of the canal. MCWD does not know the annual amount of water currently proposed to be diverted for the project but a December 8, 2008 Technical Memorandum, subject: "Water Supply and Management Alternatives," prepared by RMC Water and Environment ("2008 RMC TM") filed with the Division of Water Rights re Permit 11043 on December 5, 2008, proposed allocating 25,000 acre-feet per year for the Eastside Canal project. MCWD would note that the 2008 RMC TM also proposed allocating Salinas River water under Permit 11043 for use within MCWD and the Fort Ord Community.

The proposed Eastside Canal Intake Project would benefit primarily and directly that portion of the overdrafted groundwater basin lying to the east and southeast of the City of Salinas, designated as the East Side Area and the Forebay Area on the enclosed map. The proposed project would only indirectly benefit MCWD and the Fort Ord Community. MCWD's service area will need additional water supplies to meet growing demands. Surface water under MCWRA's post-1914 licenses and permits should be allocated for use within MCWD and the Fort Ord Community. MCWRA's Amended Licenses 7543 (Application 16124) and 12624 (Application 16761) and Amended Permit 21089 (Application 30532) have been amended to include all of Zone 2C within their authorized place of use, but Permit 11043 has not been. Permit 11043 should be amended to include all of Zone 2C within its authorized place of use and to include a proposed project to use post-1914 water within the Pressure Area south of the Salinas River.

Very truly yours,



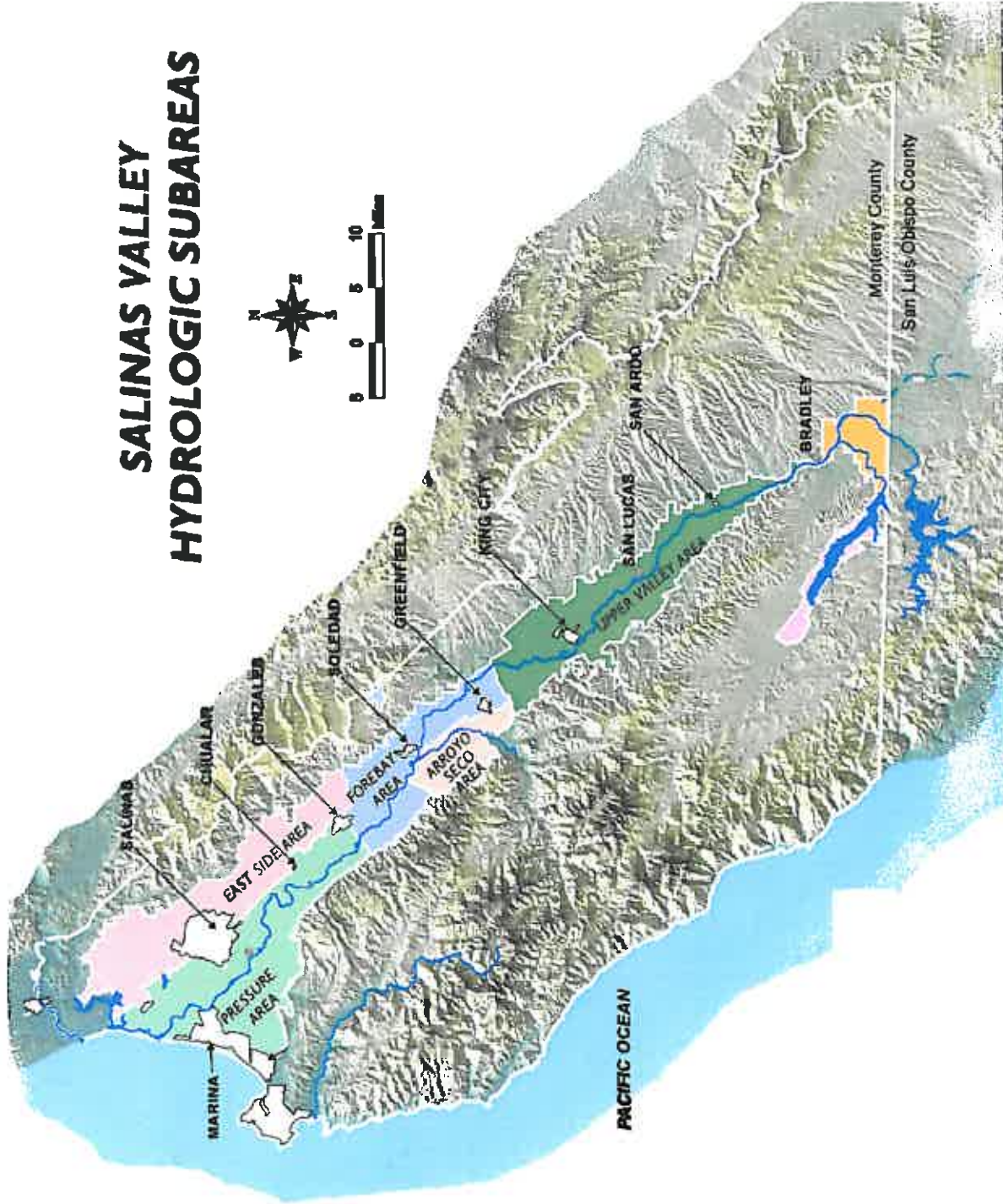
Roger K. Masuda
Legal Counsel
Marina Coast Water District

Enclosure - map

Service List attached – served via email



SALINAS VALLEY HYDROLOGIC SUBAREAS



**SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION:
MONTEREY COUNTY WATER RESOURCES AGENCY
PROPOSED REVOCATION HEARING**

**SERVICE LIST
(REVISED January 16, 2013)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

<p>MONTEREY COUNTY WATER RESOURCES AGENCY Kevin M. O'Brien 621 Capitol Mall, 18th Floor Sacramento, CA 95814 (916) 444-1000 kobrien@downeybrand.com daladiem@downeybrand.com</p>	<p>DIVISION OF WATER RIGHTS PROSECUTION TEAM David Rose State Water Resources Control Board 1001 I Street Sacramento, CA 95814 (916) 341-5196 DRose@waterboards.ca.gov</p>
<p>MARY ORRADRE, ET AL. Thomas Virsik Law Offices of Patrick Maloney 2425 Webb Avenue, Suite 100 Alameda, CA 94501 (510) 521-4575 pjmlaw@pacbell.net</p>	<p>MARINA COAST WATER DISTRICT Roger K. Masuda Griffith & Masuda, A Professional Law Corporation P.O. Box 510 Turlock, CA 95381 (209) 667-5501 rmasuda@calwaterlaw.com</p>
<p>SALINAS VALLEY WATER COALITION Nancy Isakson 3203 Playa Court Marina, CA 93933 (831) 224-2879 nisakson@mbay.net</p>	<p>MONTEREY COUNTY FARM BUREAU Norman C. Groot P.O. Box 1449 Salinas, CA 93902-1449 (831) 751-3100 norm@montereycfb.com</p>
<p>Kevin Piearcy P.O. Box 1355 Gonzales, CA 93926 (831) 679-2525 Pumph20101@hotmail.com</p>	

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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