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## Watermaster board to oversee aquifer

Seaside: Judge sets new rules

By VIRGINIA HENNESSEY  
Herald Staff Writer

A judge put California American Water and the Peninsula water district on notice Tuesday: They have three years to develop supplemental water supplies before they will be required to drastically reduce pumping from the Seaside Basin aquifer.

After the three years, Cal Am will be required to reduce pumping on the aquifer, its only current alternative to the restricted Carmel River, by 10 percent. An additional 10-percent reduction will be required three years later.

In a tentative ruling that will become final in 10 days, visiting Judge Roger Randall also concluded that the Monterey Peninsula Water Management District could not adequately manage the basin on its own. Instead, Randall established a regional watermaster board on which Cal Am and the cities of Seaside, Monterey, Sand City and Del Rey Oaks will hold eight of 13 votes.

The water district and the Monterey County Water Resources Agency will each hold two votes on that board. Representatives of landowners in the coastal and Laguna Seca portions of the basin each carry half a vote.

Cal Am will hold three votes and Seaside two because they are the largest pumpers in the basin and hold the greatest financial responsibility.

Underscoring the urgency in addressing what all involved agree is an overpumped aquifer, Randall gave the board 15 days after his final ruling to meet.

"While no one can predict with precision when it will occur, all parties agree that continued indefinite production of the Basin Groundwater in excess of the Natural Safe Yield will ultimately result in seawater intrusion with deleterious effects on the basin," Randall wrote. "The evidence demonstrates that the stage is set for such an occurrence in the foreseeable future."

Cal Am and the Peninsula water district have conducted studies showing the basin is being overpumped thousands of acre-feet beyond its safe yield each year.

The watermaster board will not be independent. Randall, or his successor, will continue to monitor the board's management of the basin and will hear any appeals from minority voters on the board.

The ruling also establishes set amounts each of several private property owners can pump from the aquifer that sits under their land. Included in that list are the Laguna Seca Golf Course, Pasadera Country Club and Graniterock Co.

The judge's ruling concludes litigation initiated in 2003 by Cal Am, which sued Seaside, the other cities that sit above the aquifer and all private pumpers. The lawsuit asked for a determination of who has rights to water and

storage space in basin. The water district and resources agency intervened in the suit, in part asking the court to determine how much water could safely be pumped from the basin. A trial concluded in December.

All parties except the two water agencies signed on to a proposed settlement of the case that would have established a water board with a slightly different voting structure and would have allowed pumping of 6,266 acre-feet of water annually from the basin.

Randall, a retired judge from Bakersfield, reduced that amount to 5,600 acre-feet annually -- 4,611 acre-feet from the coastal portion and 989 acre-feet from the Laguna Seca portion. It also increased the voting power of the water agencies from one vote each to two.

Attorneys for the Peninsula water district argued that the state Legislature invested basin-management powers to the district when it was created in 1978 and that a watermaster board would violate the separation of powers doctrine.

However, Randall noted, the district was also asking the court to determine a physical solution, thus conceding that the court possessed the power to regulate the basin. And he pulled no punches in addressing the district's success in managing the resource.

"Furthermore," he wrote, "the undisputed evidence in this case has shown that, although the district is empowered to adopt a groundwater management plan, it has never done so."

All of the parties said they were pleased with the ruling. Water district General Manager David Berger said he saw it as a compromise which includes much of what the district asked for and keeps intact its legislative authority.

"I think what (Randall is) saying is the court has the authority to set its own basin management plan, given that it is now in overdraft, and the district has a major role in that," he said.

Cal Am representatives said the company was happy with the ruling and relieved that it would not require immediate reductions in pumping. While the order allows less pumping than was asked for, they said, the company had asked for more than its historic take as a "contingency."

"I'd say we did pretty good," said Stuart Somach, the company's attorney. "The fear was it would call for a significant reduction in the amount that we could pump, which could result in a reduction of supply, and I don't think that's going to occur."

Company spokeswoman Catherine Bowie said the ruling will force the Peninsula water district and Cal Am to forge full speed ahead with aquifer storage and recovery. That project, which is in its testing stage, takes excess winter runs from the Carmel River and injects them into the Seaside Basin for later extraction during dry months.

The program can also help to stem salt water intrusion and is a key element in Cal Am's Coastal Water Project, which also includes a proposed desalination plant in Moss Landing. Aquifer storage and recovery could serve as a stopgap while Cal Am develops that project.

Cal Am and the district are in negotiations for a long-term partnership to operate the project.

Steve Leonard, Cal Am's general manager, called Randall's ruling a "victory for the basin, for the people of the Monterey Peninsula and for the future of our water supply."

Seaside Mayor Ralph Rubio said he was "elated" his city's rights to groundwater were fully recognized.

"The city looks forward to working with the court and other groundwater users to ensure that the Seaside Basin is protected as a reliable local water supply in perpetuity," he said.

For an update on the sale of American Water, go to

[http://www.watertechonline.com/News.asp?mode=4&N\\_ID=59328](http://www.watertechonline.com/News.asp?mode=4&N_ID=59328)

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*Ruling at a glance Sets safe pumping level of 5,600 acre-feet per year -- 500 acre-feet less than the maximum pumped in recent years -- and establishes a regional watermaster board. Its members and their respective votes: • California American Water: 3 • Seaside: 2 • Monterey Peninsula Water Management District: 2 • Monterey County Water Resources Agency: 2 • Monterey: 1 • Sand City: 1 • Del Rey Oaks: 1 • Coastal landowners: 0.5 • Laguna Seca landowners: 0.5 Go to: [montereyherald.com](http://montereyherald.com) for an update on the sale of American Water.*

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*Virginia Hennessey can be reached at 646-4355 or [vhennessey@montereyherald.com](mailto:vhennessey@montereyherald.com)*

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