

From: Luke Coletti [<mailto:ljc@grokn.net>]

Sent: Monday, December 19, 2016 1:02 PM

To: O'Hagan, John@Waterboards; Aue, Marianna@waterboards; Mrowka, Kathy@Waterboards; Grober, Les@Waterboards

Subject: Re: MPWMD Deed Restrictions Provide Public Access to Water Use Data

/* Mr O'Hagan - Apologies, I provided incorrect links. I've fixed this mistake in the message below. Please discard previous message */

Mr O'Hagan,

At the recent Condition 2 meeting the MPWMD made the point that Cal-Am billing records are exclusively private information. However, MPWMD staff may have failed to mention MPWMD Rule 23-B-1-e which states:

All Water Permits shall include a Notice and Deed Restriction titled "Provide Public Access to Water Use Data." There shall be no additional charge for this deed restriction.

<http://www.mpwmd.net/rules/Rule23.pdf>

In December 2001, the Board of Directors adopted specific Deed Restriction Implementation Guidelines. Amended guidelines were subsequently reviewed and approved by the Rules and Regulations Committee and the Board in 2005. The District's current deed restriction guidelines were adopted by the board in December 2013 (see link below).

<http://www.mpwmd.net/asd/board/boardpacket/2013/20131209/05/item5.htm>

A more detailed staff report was given at the April 12, 2012 Water Demand Committee meeting which describes this type of deed restriction (see text and link below):

The second type of deed restriction, the "Notice and Deed Restriction to Provide Public Access to Water Use Data," provides owner authorization to retrieve, collect, compile and report water use data for a specific property. Obtaining this authorization releases the District from the restrictions of the Non-Disclosure Agreement between the District and California-American Water Company (Cal-Am). Use of this form enables the District to have access to consumption information which is used to assess the success of various programs

<http://www.mpwmd.net/asd/board/committees/waterdemandcommittee/2012/20120412/02/item2.htm>

I recognize not all parcels within the District have a deed restriction attached to them. However, there's no reason a potential seller could not record such an instrument to allow any interested party, via the District, an opportunity to acquire such data. I simply want to make SWRCB staff aware of the District's long held practice of using deed restrictions to obtain Cal-Am water demand data. Further, this might be a good time to review any "Non-Disclosure Agreement" between the District and California-American Water Company. It seems to me that if the District could acquire site specific Cal-Am demand data during the CDO's enforcement period (2016-

2021), the District's argument at the Condition 2 meeting would be moot.

Finally, I would also like to point out that the American Tin Cannery site, the location of the proposed 225 room Project Bella hotel, which recently underwent a required change in zoning to permit hotel use, has a deed restriction of this type (see attached PDF).

Thank you for your consideration,

Luke Coletti
Pacific Grove